The Dilemma Of The Manipulation Of Women bodies: Between the politicization and secularization of religion

Case Studies: Iran and France

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Preface

“Merve out, ayatollahs to Iran”, “Turkey is secular, will remain secular” were the words that were pronounced against Merve Kavakci when she entered the Turkish Parliament in order to take the oath. On the 2nd of May 1999, a young fashionable, modern and well-educated veiled lady entered the national assembly’s hall, where the opening session of the parliament was held. Merve was elected on behalf of the “Fazilet Partisi”, which was regarded as an Islamic Party. Kavakci’s presence with the veil caused massive outrage among other members of the parliament. The veil was regarded as a “Trompe l’oeil”, which refers to things that abuse the eye. This political incident became a matter of public opinion; various women-led secular organizations completely condemned such an incident, and regarded it as an endeavor to inculcate the ideology of “Islamic fundamentalism” into the Turkish secular forum. Merve was regarded as an “agent provocateur” in the media. She was accused of having relations with extremists as Hamas, and the Iranian ayatollahs (Gole, 2011, p. 220-221).

Although this seems to be a, prima facie, political incident that is confined to the Turkish political sphere, an in depth investigation of the incident reveals its multi-dimensional and convoluted nature. This is the same rationale that was presented by Michelangelo Antonioni in his 1966 movie “Blow Up”. In this movie, Michelangelo presents the story of a photographer who took a picture that seemed to be lacking coherence, and thus, it was utterly incomprehensible. Nevertheless, when he focused on each detail of the photo, he started to comprehend the whole and entire picture (Gole: 2011, p.221). Accordingly, we need to “blow up” and focus on such a critical incident so as to be able to understand wider issues. The problem does not exist in Kavakci’s appearance with the veil; indeed, it
goes beyond that physical appearance and symbol. This incident points out to the resurgence of religion in the public sphere, despite vigorous endeavors to privatize it. It also asserts the retreat of the expectations that avowed the demise of religion as a concomitant culmination of the rise of secularism. This incident shows us how religion remains an intrinsic and integral element in the public sphere; accordingly, the assumptions about the disappearance of religion from the public space are just a myth. Additionally, such an incident reveals the persistent tensions between religion and secularism. Both of them do not endeavor to search for common grounds or mutual co-existence; instead, each of them struggles for domination, and expulsion of the other.

This paper will argue that women’s bodies are subject to manipulation and control by their political authorities in the cases of both: the politicization and secularization of religion. It will show the impact of the politicization of religion on Iranian women in the post-1979 revolution. It will show how politicized Islam encroaches upon the rights of women, including the right to have sovereignty over the body. This paper will also examine the case of the secularization of religion in France; in this part, it will examine how the French laicite deprives Muslim women from their right to wear the veil, which is regarded as the anti-thesis of modernity and secularism. Accordingly, this paper will demonstrate the inability of both politicized and secularized religions to guarantee women’s rights. It will endeavor to bridge the gap between those two forms of religion, via the investigation of the term “public religion”. This form of religion supports the presence of a secular state, and a public space that is open to all religious discourses. The role of the secular state is to set the rules of the democratic game, which are resembled in: public discussions and democratic procedures, including the participation of citizens in
the public discourses. The secular state also has to monitor the performance of the civil society, and ensure that the outcome from such public discourses, involving public religion, are widely acceptable and not exclusivist for certain societal sects. This paper will look at the case of women in Australia, where the latter is tolerant to the presence of religion and religious values in the public sphere.

**Introduction:**

**The demise of religion in the post-Enlightenment era: An illusion?**

*“The twenty-first century will almost certainly be regarded by future historians as a century in which religion replaced ideology as the prime animating and destructive force, guiding attitudes to political liberty and obligation, concepts of nationhood, and, of course, conflicts and wars”*

(Philip Jenkins cited in Hackett, 2005, p.659-660)

The resurgence of religion poses an immense challenge to the post-Enlightenment assumption that religion is on the route of decline. Religion was and still is regarded as the world’s bête noire that should be combated. Religion is no more a private issue. Hefner (2011, P. 161-162) argued that the world is now witnessing the resurgence of religion in the public space; this resurgence is embodied in several religious movements, such as: the Christian coalition that exists in the US, the radical Islamic movements in the Muslim world and militant Buddhism in Sir Lanka. The resurgence of religion posits challenges to the secular speculations that were premised on the demise of religion in the post-Enlightenment era, and its privatization. Such post-Enlightenment assumptions proved to be reductionist, as they overlooked the pre-Enlightenment circumstances that were
prevalent and peculiar to Europe during that time. Accordingly, the privatization of religion should not be regarded as a concomitant outcome of a developmental path that has been undertaken by the world.

In his examination of the resurgence of religion in the public order, Talal Asad referred to the invalidity of the term “universality of religion”. Asad’s genealogy of religion has enabled him to analyze this term. From an anthropological point of view, religion is a historical variable that is subject to persistent redefinition and reorientation. This is because it is seen as an ensemble of patterns that are shaped by changeable geographical and historical milieux. Religion, albeit it has a changeable nature, continues to be an immensely important element in the edifice of states. Accordingly, the aspiration of the secularization process should not be the elimination of religion from the public space; instead, it should embark on the redefinition and re-orientation of the role of religion in the public order (Gokariksel, 2009, p.658-659).

It is exceedingly pivotal to comprehend the impetuses that led to the renewal and restoration of religion in the public space. It should be axiomatic that the upsurge of religion in the public arena has social, economic and political dimensions, besides the “religiosity” dimension. According to Razavi & Jenichen (2012, p.833-834), the failure of the neo-liberal economic model that was introduced in the 1970s, as part of the structural adjustment scheme culminated in the revival of religion. In respect of the social dimension, the slogans of democracy and respect of human rights have been confined to the theoretical level; this means that they had never been turned into policies that aimed at the achievement of social justice. Hence, citizens continued to suffer from the exacerbation of poverty. Thus, there was and still is a persistent search for bona fide and
prosperous discourses of power that would be an alternative to the Western secular model. The political dimension, according to Haynes (2009, p.1042), was resembled in certain political incidents, such as: the 1979 Iranian revolution. This rebellion played an immensely crucial role in the resurgence of religion, as a political actor, in the entire region of the Middle East. It is pivotal to note that the revitalization of religion was not confined to the Muslim world; for it occurred in the Christian world, as well. This is seen in the role of the Roman Catholic Church in endorsing the democratization process in Africa, Latin America, East Asia, and Eastern and Central Europe. This asserts the political role of religion, which became an important source of legitimacy and political representations.

**Secularism: A terra incognita**

Secularism remains a “terra incognita”; this means that it is still regarded as an ambivalent term. The contextualization of this term is extremely significant, as part of its investigation. According to An-Naim (2005, p.62), secularism is a term that is regarded with suspicion, especially in the Muslim world; this terminology is associated with the colonial and neo-colonial discourses; it is also viewed as a Christian and European notion. An-Naim asserted the need to understand that this term is dynamic and should be subject to contextualization; this is because when secularism, first, appeared in Europe, it embarked on the confiscation of the lands that were owned by the church; then, it started to refer to the removal of the religious factor from politics, art, and other aspects. Thus,
during that time, secularism was more responsive to certain circumstances that were quite peculiar to the European circumstances.

According to Dallmayr (1999, p.716), Europe has experienced severe historical tensions and struggles that aspired to liberate the social, political and economic aspects of society from the religious tutelage. The emancipation from the religious tutelage has, sometimes, been interpreted by secularists as the absolute elimination of religion from the public order; religion, in this case, is regarded as an anti-modernism thesis, and an impediment to modernity. This is the case with the French secularism or laicite, which emerged as a result of the historical struggles between the Church and the poor who had been manipulated by religion. The French laicite focuses mainly on “what should not be determined in the structure and functioning of an institution”, such as the institution of the modern and developed state. Accordingly, laicite, in the French case, is a negative and reductionist notion. However, secularism should be regarded as a constructivist concept that endeavors to specify the elements that are needed in order to permeate and enrich the performance of the modern and developed state. The latter approach to secularism reveals its tolerant side that is not pejorative of religion; for it is tolerant of a wide spectrum of religious doctrines (Dallmayr: 1999, p. 721).

Additionally, in the contemporary era, not all secular countries have the same approach to secularism. For instance, the form of secularism that exists in the US is different from that of Mexico, Ireland and the Muslim World. Secularism in the US would mean a wall of separation between the church and the state, and not between the church and the public sphere. In Mexico, secularism is hugely intolerant to the extent that priests are not granted the right to vote. The case of Ireland would witness the concentration of many
political powers in the hands of the Catholic Church, which has a rigid stance on abortion that is believed to be violating the doctrine of the church. In the Muslim world, secularism will not succeed if it is based on the Western criteria. This is because religion will always remain an important factor in the Muslim societies (An-Naim: 2005, p.62).

It is crucial to scrutinize the etymological origin of this word. Secularism is driven from the Latin word “Saeculum” that means a “great span of time”. Afterwards, secularism came to mean “of this world”; thus, secularism was used to refer to the “temporal”, and religion was used to refer to the “spiritual” (An-Naim: 2005, p. 61). This part shows us extremely important aspects. First, the initial and original definition of secularism does not embody any tenuous relation to religion. In other words, such definition of the Latin word “Saeculum” did not refer to the “should-be” relation between religion and secularism. Thus, saeculum did not refer to the necessity to set a wall of separation between religion and the public order/space. This has been asserted by Fred Dallmayr (1999, p.720) who stated that the word “Saeculum”, which is the origin of secularism, did not refer to the denunciation of religion; it, simply, means “temporal or chronological” change. The latter expression refers to the necessity to adjust and regulate religion to be compatible with the exigencies and changing circumstances of the modern world.

An-Naim (2005, p.62) examined other “Western-oriented” definitions of secularism, which state that: secularism is the “indifference to or rejection or exclusion of religion or religious considerations”. The analysis of the first definition reveals the diverse types of secularisms; there is one type that is just indifferent to the presence of religion in the public order. It does not, therefore, have a hostile attitude towards religion, and it is the most tolerant form in its relation to the religious considerations. The second type rejects
religion; but this does not mean that the state has used its legal or political machinery to curtail the presence of religious considerations in the public space. The third type excludes religion, and this form is the most belligerent one towards religion. In this kind of secularism, the state could rely on its legal and political frameworks so as to expel religion from the public space. Another definition of secularism is “the doctrine that morality should be based solely on regard to the well-being of mankind in the present life, to the exclusion of all considerations drawn from belief in God or in a future state”. This definition of secularism, as presented by An-Naim (2005 p.62), shows the intolerant face of secularism when it regards the exclusion of religion from the public sphere as the only route towards human development and well-being. This exclusivist approach is, utterly, against democracy; it is even a menace to the democratic configuration of the secular state. This is the case when secularism is in, itself, a threat and not a guardian of democracy.

Tensions between religion and secularism: A persistent conflict?

The previous parts have examined the resurgence of religion in the public space and political order, and the resistance of secularism to accept that religious revitalization. The outcome of such relation between secularism and religion is immense tensions between both of them. Dallmayr (1999, p. 727) displayed the tense relationship between religion and secularism. Raimon Panikkar examined the meaning of secularism in the light of the revitalization of religion in the public order, and argued that the Western world has always been dominated by two competing and contradicting paradigms, which
are: the theocratic/ Caesaropapism model, and the secularist model. It is imperative to note that the prevalence of such two paradigms in the Western literature about the relationship between secularism and religion reveals the persistent tensions between both aspects. Nevertheless, the separation between religion and secularism is not, ipso facto, a solution to this convoluted situation. This is because the implementation of the first model would culminate in the emergence of a totalitarian regime that is premised upon “religious opportunism”. In respect of the second model, it would degenerate the political process by reducing it to a mere “application of techniques”. Panikkar has, thus, elucidated how the polarity between both religion and secularism impoverishes the public order. Accordingly, he called for the termination of the religious-secular dichotomy as the most adequate route to the resolution of such tensions. The rapprochement between both aspects is, finally, important for the good of the society as a whole.

The Conventional wisdom: Women’s bodies in the midst of the conflict between religion and secularism

The perpetuation of the tensions between religion, and secularism has its negative impact not only on the political level, but also on the societal level. Such tensions escalate into conflicts over the body representations, especially those of women; this, accordingly, deprives women from having sovereignty over their bodies. Gokariksel (2009, p.659-660) stated that, on the basis of Talal Asad’s argument regarding “Subjectivity and the body”, the body representations are critical for both secularism and religion; this is because the practices and representations of the body assert its secular or
religious orientation. Thus, clothing is a significant corporeal and physical sign of secularity or religiosity; this, accordingly, leads to the imposition of certain forms of clothing, which turn to control women’s sexuality and bodies. For instance, in the case of Muslim countries that resist secularism, the veil is sometimes imposed on women as a form of social control, discipline and modesty. This turns the veil to be viewed as a tool of women’s repression and subjugation. Nonetheless, this is a hugely reductionist approach that overlooks the context, in which the veil has emerged; this overlooks the reasons and impetuses behind the re-emergence of the veil. Moreover, this view, utterly, ignores women’s agency; this means that women should be regarded as independent agents and human beings who have sovereignty over their bodies, and thus, the veil should be regarded as a matter of women’s choice. Additionally, this is part of the orientalist view of the Middle East, as a backward and uncivilized region, which oppresses women via the imposition of the veil.

It is crucial to note that it is not only religion that focuses on women’s body representations, as an indication of religiosity and resistance to secularism; nonetheless, secularism is also concerned with such corporeal representations. Gokariksel (2009, p.660-661) argued that the Western secular societies are reluctant to accept the veil, since they regard it as an impediment to women’s public visibility, and a hurdle to their freedom. This is a “Euro-centric” view of the veil, which underestimates the value and the meaning of the veil in order to justify the prevalence of the secular discourse over the religious one.

There is another discourse that regards body representations as an explicit manifestation of “identity politics”. According to Ismail (2011, p.16), identity politics is a way of
displaying distinct lifestyles, modes of representations and tastes in the public space. Based on this definition, secular states regard the veil as a sort of identity politics and body representation that represents a different lifestyle that can neither be accommodated nor tolerated by the Western/ secular public sphere, such as: the case of France and its stance on the Islamic veil. In this case, religion, via the corporeal representations, endeavors to play a considerable role in the public space of the civil society. This secularist interpretation of the veil is a, hugely, politicized one that encourages the confrontation between religion and secularism, and which engages women in such a conflict. This view also presents religion and secularism as two incongruous and irreconcilable dichotomies, in which the survival would be for only one of them. This analytical perspective is perilous to the stability of the society; it embroils the society in an inexorable conflict between religion and secularism.

Ismail (2011, p.16) displayed another secularist view of the veil; the latter is, sometimes, regarded as a way of the objectification of women’s secular or religious identity. The objectification, as a process of the production and reproduction of identity, becomes the focus of both religion and secularism. The problem is that objectification is, always, a matter of “subjective developments”; moreover, it is contingent on the changing “self-perceptions” of a certain group. The process of objectification is, sometimes, associated with the post modern pattern of commercialization and commodification. Some secularists regard the veil as a symbol and form of fashion that combines between both consumerism and identity formation. Here, the veil reveals the struggle between traditionalism, under the tenet of religion and modernism, under the tenet of secularism.
The fact that the tensions between religion and secularism become narrowed down to the corporeal representations of women turn them into politicized actors, whose bodies turn to be a battleground for the differentiation between what is secular, and what is religious. Thus, some secular states, based on that view of women, issue legislations that oblige women to abide by a certain dress code. According to Gokariksel (2012, p.6), women’s bodies should be subject to the regulatory nature of secularism that should not only regulate the institutional sphere, but also the gendered space that is controlled by women’s bodies. This was done, in Turkey, via issuing legislations that imposed a certain dress code over women. During the 1980s, after the second military coup in Turkey, the state issued a legislation that banned the head scarf from various institutions, including the university and other state institutions; this was an endeavor to de-politicize such institutions. There was, even, modern clothing that appeared so as to supplant the newly emerging fashionable “pinned” veils. The politicization of women’s bodies deprives them from one of their basic rights, and which is: to have sovereignty over their bodies. This view oppresses women, and does not give them the freedom to wear whatever they want. Reilly (2011, p.6) elucidated this point via Sara Silvestri’s quote:

“Forbidding by law a ‘symbol’ of perceived oppression does not equate with solving the oppression problem [where one exists]. It might even produce another form of oppression, of coercion of conscience on the part of the state which will go well beyond reasonable concerns and security priorities”. (Silvestri, 2010)

In this part, the author contemplates that the imposition of a certain dress code over women and banning the veil, as a tool of women’s oppression, does not end women’s oppression; nonetheless, this generates another form of oppression by the state, since it
would control the conscience of women and their self-determination. This is, accordingly, another form of oppression and bigotry on behalf of the state.

The examination of the literature on the approach of both religion, and secularism towards women reveals their narrow scope; both aspects focused on women’s bodies as indicators of the state’s religious or secular orientations; this is a degradation of the role of women in society. It is pivotal to understand that it is not secularism or religion per se that are oppressive; instead, it is the politicization of religion, and the secularization of religion that turn both religion and secularism into tools of chauvinism, bigotry and coercion. The former leads to the imposition of the veil on women; additionally, it puts numerous restrictions over the rights of women, such as: the case of the Iranian theocracy. The Islamic republic of Iran integrates the Islamic Shar’ia in the state’s political, economic and social system; this leads, chiefly, to the subjugation of women, since they are regarded as the insignia of religiosity or liberal secularism.

In respect of the secularization of religion, it also posits restraints over women’s rights, such as: banning the Islamic voile, and the presentation of a specific version of freedoms that does not encompass the right to wear the veil. This is an obvious restriction over the freedoms of Muslim women. These two paradigms are the outcome of a persistent and ostensibly irreconcilable relationship between religion, and secularism.

The above literature has overlooked the possibility of reconciliation between both religion and secularism, as it has concentrated on the nominally obdurate relationship between religion and secularism that becomes reduced to the body of women. Such an attitude, accordingly, overlooks the good aspects of religion and secularism; it also
ignores the immensely positive repercussions that result from the potential amalgamation of both religion and secularism; in addition to that, this view presents both religion and secularism as two diametrically opposed and irreconcilable dichotomies. Such a view of the relationship between religion and secularism has a negative impact on women’s rights. The exit from this dilemma is to have a secular state that adopts the so-called “public religion”.

Public religion is the version of religion that shares common values with other religions, such as human dignity, justice and other humane values that are widely endorsed by all democracies. Public religion fortifies certain democratic practices, such as the participation of all citizens in the public sphere; this is besides opening channels of communication and dialogue among citizens of different backgrounds. These values are immensely imperative to strengthen any democratic system. Furthermore, such values would be rendered ineffective under absolute secularism, since they would be limited and manipulated to serve certain discourses that are compatible with secularism. For instance, discourses that involve religious issues would be excluded if the secular state was to function without a tolerant and inclusive public space. Thus, public religion should not be regarded as a menace to secularism; nonetheless, it should be regarded as a significant factor that is, massively, important in order to empower secularism and help it preserve its democratic values. In respect of the State, it should be secular, and it should eschew integrating religion into politics. Furthermore, the state should ensure that public religion is operating within the rules of the democratic game, which are resembled in the presence of public discourses and dialogues so as to persuade the public with its cases. This would reduce the state’s fears from the presence of public religion in the public space, since it is
the state that would control the rules of the game (An-Naim, 2008). This view assists in regarding secularism and religion not as contradictory elements, but as complementary ones. Jose Casanova has put emphasis on the significance of public religion in the public spheres of civil societies, without infringing or contravening the state’s secular configuration. This means that religious actors are allowed to engage in public discourses on various public issues and concerns, without being prohibited due to their adherence to the religious camp; this is immensely pivotal in order to bolster democracy in secular states.

The exclusion of religion from the public space is regarded as a breach of democracy, since it will, concomitantly, lead to the expulsion of religious individuals from the public space. It is crucial to note that both religion and the secular state can co-exist if they are respecting and abiding by the rule of law and the rules of the democratic game; this is what Alfred Stepan called the “Twin Toleration”. Neither religion nor the secular state would, independently or exclusively, respond to the citizens’ needs or protect the rights of individuals; both of them need to co-exist, with explicit respect for the rules of the democratic game (Razavi & Jenichen:2012, p.835).

Public religion has been endorsed by the German sociologist Jurgen Habermas. He supported the presence of public religion in the public space, as a way to enrich the state’s democratic configuration; the acceptance of public religion in the public sphere will lead to the inclusion of all citizens without the exclusion of any sector of the society. The public space should be open for both religious and non-religious arguments, which should be part of any public discourse. According to Habermas, such arguments should not be regarded as a menace to the secular state, since it should, deliberately, choose the
publicly accepted and justifiable arguments. It is pivotal to note that public religion should function in a democratic public sphere that is premised on democratic procedures, such as: open dialogues, in which all citizens participate. The role of the secular state is to ensure that the civil society is abiding by the rules of the democratic game, and to ensure that the final arguments are accepted by the whole society, and not by a certain sector only (Chambers, 2010, p.17).

**The division of the Chapters:**

The dissertation will be divided into three chapters that will follow the introductory chapter. The first chapter will examine the position of women in Iran. The rise of the Islamic republic in Iran, after the Islamic revolution in 1979, culminated in the Islamization of the society. Accordingly, women were among the societal sectors whose rights have, greatly, deteriorated. The sovereignty over one’s body is an immensely significant right that was confiscated and sequestered from the Iranian women; the latter have been obliged to wear the veil and to cover their bodies. An investigation of the pre-revolutionary status of the Iranian women will reveal the hugely significant role, which they had played in the Iranian society. It is crucial to note that the Iranian women were among the classes that the Shah has chosen to supplant the traditional Ulama class. They were called “Public Women”. Accordingly, it is not only women sexuality that was a threat to the Ulama, but also their political significance on the public level. Women’s bodies were also manipulated by the Shah who banned the veil as part of his Westernization project. Accordingly, women represented both a political and cultural
challenge for the Islamists. The placement of restrictions over the rights of women was an endeavor to curtail their political power, which they had enjoyed during the time of the shah. In respect of the veil, it was an important symbol that showed the Islamists’ confrontation with the west; the Islamists wanted to assert the prevalence of the Islamic ideology over the Western secular and liberal ideologies. Hence, the exclusion of religion from the Shah’s secular state have culminated in the rise of a theocratic regime in Iran that is, exceedingly, hostile to any secular project by the West; this is, exactly, as Iran was hugely antagonistic towards religion during the time of the Shah. These extremes involve the discrimination against women. One of the streams that, contemporarily, endeavor to grant women their confiscated rights is “Islamic Feminism”. The chapter will also tackle the inability of this trend to enhance the rights of women, even though there has been some slight improvement.

The second chapter will discuss the extreme opposite and contrary of theocracy, and which is secularism. The most rigid form of secularism is applied in France, under the name of “laicité”. This is an extreme form of secularism, which hugely alienates religion not only from politics, but also from the public space. The conflict between religion and secularism is largely evident in the case of the “Foulard” or “le voile” or the “Veil”. The veil has raised huge controversy in the French public space and opinion. It is regarded as being contradictory to the secular configuration of the French public space. There seems to be no possible reconciliation between the presence of religious symbols in the public space and the concept of secularism. The tensions between both of them result in discrimination against women by depriving them from wearing the veil. This is a sort of depriving women from having sovereignty over their bodies. Women are regarded as the
bearers of the menacing religious symbols; the latter are regarded as a bête noire to the secular principals of the French republic. The veil is not viewed as part of the individual’s freedom that sustains and fortifies the tenets of “laicite”; however, it is regarded as a threat that has to be curbed.

The third chapter will discuss the ideas of Jurgen Habermas on public religion, as an immensely imperative element in democratic states. Habermas’ ideas will assert the possible reconciliation between religion and secularism. This chapter will examine a possible solution to that problematic, and which is the presence of a secular state in concomitance with a public space that is supportive for the “public religion” or the “civil religion”. The latter is the kind of religion that would exist in the public space in a way that does not contradict the secular state, which embraces that form of religion. Public religion tolerates the diversity of religious and cultural beliefs. It should enable such diverse beliefs to co-exist, without any sort of conflict or tensions. Public religion has to operate within the democratic procedures of the secular states; it should represent its ideas through the so-called “public discourse”, which would enable the audience to accept such ideas or reject them. The democratic procedures would enable the viable ideas to prevail, and expel the intolerant ideas. The secular state should put the rules of the game, and ensure that the advocates of public religion are abiding by the democratic procedures that are safeguarded by the state. There will be a brief examination of the plight of Muslim women in Australia. This will show how the Australian laws allow the existence of public religion in the public space, without any sort of tensions between secularism and religion. Accordingly, Muslim women have the right and the ability to
wear the veil. Although Australian Muslim women are still facing discrimination, they are legally permitted to wear the veil.

**Methodology:**

This paper will rely on primary. The primary sources are online newspapers, such as: Global Post, Huffington Post, CNN and Digital Journal. These primary sources would be used in the first chapter. There are also Iranian blogs that would be useful for information about the rights of women in post-revolutionary Iran, such as: Shahrzad. This paper would also use French online newspapers, such as: Le Monde. Other online newspapers would be used, such as: The Independent, Karamah and Greek Reporter.
Chapter One

The resurgence of the veil in Iran: From a tool of political resistance to Westoxification to a state obligation

The Female Body has always been a contested sphere of power and domination. Moreover, it is regarded as a canvas that is expected to fulfill certain political, economic, cultural, social and political expectations (Marshall, 2010); thus, there have always been numerous endeavors to control women’s sexuality, and subordinate them to the patriarchal configuration of their societies. The Female body was, and still is regarded as the bearer of the social, cultural and political aspects of the nation. Hence, women’s bodies have to be subject to the disciplinary practices of the state. King (n.d., p. 30) stated that both women and men are subordinate to the same disciplinary practices of the society; nevertheless, the dilemma is that such disciplinary practices produce a feminine-based “modality of embodiment”. This means that women’s bodies are always subject to persistent scrutiny by the state authorities, so as to make sure that women are complying with the state’s social, cultural and political configuration. King (n.d., p.30) states that women’s bodies have always been an “over-determined” site of control and domination; moreover, their bodies are always inscribed with particular cultural, social and historical practices. They have always been subjugated to political and economic forces. This culminated in the development of the so-called “Body Politic”, which is concerned with the ideologization and politicization of the body. Based on this perspective, the female body is regarded as a “politically-inscribed entity”. As a result, this led to the development of sexist and gendered perceptions, regarding women’s roles in their societies (King, n.d., p.31). It is quite obvious how women’s bodies are manipulated by
political authorities, in a manner that deprives women from having sovereignty over their bodies. This culminates in the encroachment over women’s agency, since they are regarded as inferior and sex objects who should always be controlled by their societies. Thus, women are in constant struggle with their political authorities over their right to have sovereignty over their own bodies, instead of being subject to the political and economic forces that shape their roles in society. This confirms Simone de Beauvoir’s conclusion that: “One is not born, but rather becomes, a woman” (cited by King, n.d., p.32). In this phrase, De Beauvoir refers to the fact that it is not only biological determinism that identifies women, but also there are social, cultural, economic and political factors that specify their roles in their societies. This is apparent in how the state authorities use social and cultural discourses to identify women with their bodies, and focus on the objectification of the female body. This, accordingly, derogates women’s role in society and culminates in the development of measures of control and domination over their bodies (King, n.d., p.33). The real problem is apparent in the development of institutionalized apparatuses of control, which are reflected in governmental laws; this turns the state to become extremely oppressive towards women (Body Politics-Feminism And, Radical, n.d.).

One of the ways to control the female body is to impose a certain dress code over women. This leads to their gradual and incremental expulsion from certain activities and occupations. De Beauvoir discussed the role of female dress codes and feminine styles in preventing women from having access to certain activities. Simone used examples such as: the bound feet that disable Chinese women from walking. This is besides the high heels, panniers and corsets that tend to objectify the female body and turn women into
sex objects (King, n.d., p.34). The power of clothing is examined by Ayuttacorn (2012, p.5) in his investigation of Finkelstein’s study of the dress and body. Ayuttacorn states that dress codes aspire to, persistently, produce different bodies; the latter expression refers to the process of transformation that dress codes make when natural bodies are transformed into aesthetic ones, which could be called the “public body”. Thus, dress codes have an indirect influence over assigning women certain roles in their societies. In respect of Western dress codes, they tend to present women as attractive ladies, who should always preserve their weight and accentuate their beauty. This hugely sexualizes women, and turns them into sex objects. Thus, women should not engage in occupations that would de-feminize or de-sexualize them. Thus, women working as prime ministers, presidents or occupying any important posts in their societies tend to be viewed as more masculine rather than feminine. This view of Western women is asserted by Ayuttacorn (2012, p.9) who stated that women’s bodies are subject to rigid objectification, since they have to be viewed as: glamorous and beautiful. This is via subordinating the body to a number of sculpting practices, such as: dieting, regimes of beauty manifestation and cosmetic surgery. All those practices transform the body into a sexualized commodity. A woman becomes valueless in her society if she is not a beautiful commodity. Dress codes are not only manipulated in the West, but in the Eastern and Muslim Societies, as well; the veil turns women to be, primarily, viewed as pious mothers and wives whose roles should be confined to the household. This is the case when the veil is imposed on women, as part of the politicization of religion.

The veil, as a compulsory dress code for women, is another form of the ideologization, politicization and theologization of the female body. This entails the sexualization of the
female hair, so as to give valid reason for covering it. Iranian women are obliged to wear the veil; this is part of challenging their role in the public space after the 1979 Islamic revolution. Zahedi (2007, p.76) stated that Iranian women’s bodies have been, constantly, politicized and manipulated by political regimes; this is apparent in the patterns of unveiling and re-veiling, which Iranian women experienced. Such processes aspired to construct the female body in a way that corresponds to the political ideologies of the ruling regimes. Thus, both the Pahlavi regime and the Islamic Republic of Iran used coercive measures so as to present a certain image of Iranian women. It is clear how female bodies are manipulated by political regimes via the usage of the veil, or its abandonment. This deprives the veil of its religious value, and turns it into an instrument of oppression and seclusion of women and their confinement to the private sphere. Balasescu (2005, p. 739-741) stated that body visibility is an extremely sensitive issue in Iran, since body representations reflect the country’s political, social and cultural inclinations. Thus, the Islamized nature of the public sphere should always be maintained via controlling women’s bodily representations. This led to the development of gendered views, regarding the private and public spaces. The former is associated with femininity and the latter is associated with masculinity. Based on this view, women should be kept in the private sphere, and if they accessed the masculine public sphere, they should wear the veil. The latter turns the body into being invisible and since the public space is based on the rationale of “visibility”, women become politically and socially meaningless. Thus, the veil, as a result of its politicization, becomes a tool of excluding women from the public space; and thus, eliminating their public roles. It is quite important to note that the masculine feature attributed to the public space and the feminine characteristic
attributed to the private sphere are socially constructed and endorsed by the ruling political authorities; this is in order to discourage women from having access to the public space, such as in the Islamic Republic of Iran (IRI). It is crucial to state that it is not only Islamic Iran that attributes certain features to the public space, but also Pahlavi Iran did the same. The latter used to regard the public space as a secular sphere that should be accessed by unveiled women only. This clearly reveals the manipulating power of political regimes and their control over women in diverse manners.

The processes of mandatory unveiling and compulsory re-veiling turns the veil into a political instrument that is characterized by ambiguity and contradiction. Khalil (2004, p.1-4) argued that the politicization of the veil turned this religious emblem into a symbol of contradiction. The veil should be a sign of women’s agency and freedom of choice; nonetheless, its politicization turned it into a tool of oppression and women’s deprivation from having sovereignty over their bodies. Moreover, it overburdens women and their comportment with the duty of the “moral defense” of the IRI. It is clear how this function of the veil derogates the value of both the veil and Muslim women; they become viewed as a political tool and its agent, respectively. Furthermore, such a view of the veil reflects the role women are supposed to play: a primarily and merely moral one.

This chapter will argue that the politicization of religion deprives women from having sovereignty over their bodies, which is one of the basic human rights. It will take Iranian women as a case study. It will show how women’s bodies were manipulated by both the Pahlavi regime and the clerics’ regime in the post-revolutionary period. The Pahlavi regime endeavored to control women’s bodies via the practice of “compulsory unveiling” that was part of the regime’s modernization project. This mandatory process aspired,
principally, to undermine and destroy the power of the Iranian Ulama who were, fiercely, against the modernization of the Iranian society; and especially, the westernization of Iranian women, since they had extremely conventional views of women as mothers and wives. Accordingly, women’s bodies became a contested terrain that placed the Ulama and the regime on opposition sides. It is crucial to note that unveiling disadvantaged many women who were secluded since they refused to take off the veil.

This chapter will also argue that the manipulation of women’s bodies did not end with the overthrow of the Shah; nonetheless, it continued to exist in the clerics’ regime, despite women’s obvious role in the Islamic revolution. The manipulation of women’s bodies, in the post-revolutionary era, was apparent in the compulsory imposition of the veil. This aimed at disempowering women and confining them to the private sphere, so as not to challenge the Ulama, as was the case in the Pahlavi regime. This was fortified and endorsed with the deterioration of other women’s rights in Iran, which they used to have under the Pahlavi regime.

The development of this argument requires the examination of six issues. First, it will explain the meaning of the head hair, and its sexualization in a manner that enable rulers to ban the veil, and others to impose it. Second, there will be an investigation of the history of the veil. There will also be a brief examination of the history of the veil in Iran. Third, this chapter will discuss the banning of the veil during the time of Reza Shah, in which this step was part of his Westernization project. In respect of Mohammed Reza Pahlavi, he continued his father’s modernization scheme; however, he removed the ban over the veil. This ended the legal discrimination against veiled women, but it did not end the societal intolerance of those veiled women. After the Iranian revolution of 1979,
Khomeini imposed the veil as part of the Islamization project that he embraced. The process of veiling and unveiling shows that the dilemma does not exist with the veil; nevertheless, the bona fide stalemate lies in the regimes’ control over women’s bodies, and depriving them from having sovereignty over their bodies. Fourth, this chapter will also discuss how the way women’s bodies are being envisaged could explain their manipulation by their regimes. Fifth, this chapter will show how the compulsory imposition of the veil was the beginning of the restrictions placed over women. This shows that the Islamic theocracy of Iran is targeting women’s role at the public space. Sixth, there will an examination of the paradigms of women’s resistance to the imposition of the veil in Iran.

**The sexualization of the female hair:**

**Is it a valid reason to impose/abandon the veil?**

The politicization and objectification of women’s bodies entails the sexualization of the female head hair, which becomes an impetus to its manipulation by the political regimes. Zahedi (2007, p. 76) states that the head hair, in its physical appearance, is utterly sexless. Nevertheless, it has been gendered and sexualized, as a result of the objectification and politicization of the female body. It became an emblem of sexuality that is assigned certain gendered messages and identities. These encompass the supremacy of the female over the male; it is sometimes regarded as a source of female empowerment over the male.
Female hair has not only been sexualized, but it has been theologized as well. This enabled many political authorities, which manipulate religion, to justify and validate the need to conceal the head hair and impose the veil. It is imperative and crucial to note that the imposition of the veil did not, entirely, de-sexualize the female body, or keep them in the private sphere. For many veiled women use colorful and stylish head gears, which intensify their beauty and accentuate their attractiveness. It is quite obvious that political authorities, in order to disempower women and confine them to the private sphere, associate certain meanings to specific symbols, such as the case with the female head hair; the latter is associated with socially and politically constructed meanings, where it is regarded as a source of the male gaze, female empowerment over the male and challenging the male supremacy.

Such socially constructed meanings are fortified, when they are transformed into laws by the political authorities. The real problem for those political authorities is when women use the tools that target their individuality, independence and agency to empower themselves. This will be discussed later in the success of Iranian women to challenge many of the taboos, which are placed over them in the post-revolutionary period; many veiled women are now resisting the veil via showing part of their hair; they seem to be wearing a bandana instead of a hijab.
An investigation of the history of the veil:

From a symbol of social prestige to an emblem of women’s subordination

The veil has been widely associated with Islam. Some views envisage it as a symbol of modesty and piety, whereas others regard it as a symbol of women’s oppression and subordination. The way the veil is envisaged is based on the social, cultural and political context, in which it emerged.

It is crucial to note that the veil emerged long before the emergence of Islam. Thus, it used to have social, cultural and political connotations, along with the recent religious ones. Zahedi (2007, p.77) argued that despite the veil is associated with Islam, it dates long before the emergence of Islam. It emerged in the Assyrian, Byzantine and Persian empires; it was a tool of social prestige. Only wealthy women who could afford living a luxurious life, without working, could wear the veil. Thus, it was associated with seclusion. In respect of poor women, they were prohibited from wearing the veil; thus, the veil is regarded as a tool of “class distinction”. This turned the veil to be a tool of differentiation between women; this was part of the political strategy of drawing distinction between classes, via the manipulation of the veil and its association with prestige. Hence, the veil was used to divide women via highlighting their different class affiliations. Zalipour, Hashim, MM, Yusof (2011, p. 412) stated that the veil was politically manipulated as a tool of stratification between classes. Women who used to wear the veil were regarded as prestigious and reputable women from the wealthy class, whereas those who did not wear it were regarded as ones who belong to the working
class, or slaves. Thus, the veil has always been a political tool that targets the social role and status of women of a certain class, or of the entire sex.

The veil was not only a symbol of prestige, but it also signified piety and modesty. Zahedi (2007, p.77-78) stated that the veil used to signify piety in both Judaism and Christianity. There are certain religious texts in both religions, especially in Judaism, which ask women to conceal their hair so as to be pious and modest. In respect of the veil in Islam, its adoption was brought about by the exposure to other cultures. The first women to wear the veil were the wives of the Prophet to protect them from any sexual assaults.

There is consistent debate over the interpretation of the verses on the veil; there are some opinions that say that the veil, which refers to concealing the head hair was confined to the wives of the Prophet, and that is not required from all Muslim women to cover their hair; however, there are other opinions that argue that the veil is a religious obligation that should be adopted by all Muslim women (Zahedi, 2007, p.79). It is crucial to note that the conflict over whether the veil is a religious requirement or not does not allow religious authorities to manipulate it and enforce its imposition. Thus, its enforced imposition is part of a political agenda that is endorsed by the ruling authority to weaken women.

Iran, as part of the Muslim World, witnessed the practice of the veil; in earlier centuries, it was confined to women of the upper class. The idea of the mandatory veil over all women was an immensely new idea for the Iranian society. Under the tenure of the Safavids in the sixteenth and seventeenth centuries, the veil started to be imposed over all
women, without a class-based distinction; this step took place in parallel to the growing and expanding power of the Ulama and religious authorities (Zahedi, 2007, p.80).

The investigation of the history of the veil is of immense significance, since it clearly reveals that the veil had cultural origins other than religious ones; it also shows that even the religious significance of the veil is, primarily, the culmination of the exposure to other non-Arabian cultures. Regarding the place of the veil in the Qur’an, there are numerous debates on whether the word “Hijab” in the Qur’an meant just modesty or concealing the hair. Moreover, there are constant debates over whether the veil was only imposed over the wives of the Prophet or all Muslim women; such debates evolve around the rationale of the “contextualization” of the Qur’anic verses. For instance, the interpretation of the following verse (Sura 33: 33, Medina Revelation) could refer to the veil as something, which was special for the wives of the prophet:

[Sura 33:33] You shall settle down in your homes, and do not mingle with the people excessively, like you used to do in the old days of ignorance. You shall observe the Contact Prayers (Salat), and give the obligatory charity (Zakat), and obey ALLAH and His messenger. ALLAH wishes to remove all unholiness from you, O you who live around the Sacred Shrine, and to purify you completely.

Cited in Sura-30 The Romans (n.d.)

In the previous verse, the Qur’an refers to modesty unlike the time of “Jahiliyya”; there is nothing that refers to the veil, in the sense of concealing the hair. Thus, despite the Qur’an is referring to modesty in women’s clothes when they appear in the public, there is no reference to a peculiar dress code for Muslim women (Amer, n.d.).
[Sura 24:30] Tell the believing men to reduce [some] of their vision and guard their private parts. That is purer for them. Indeed, Allah is Acquainted with what they do.

[Sura 24:31] And tell the believing women to reduce [some] of their vision and guard their private parts and not expose their adornment except that which [necessarily] appears thereof and to wrap [a portion of] their headcovers over their chests and not expose their adornment except to their husbands, their fathers, their husbands' fathers, their sons, their husbands' sons, their brothers, their brothers' sons, their sisters' sons, their women, that which their right hands possess, or those male attendants having no physical desire, or children who are not yet aware of the private aspects of women. And let them not stamp their feet to make known what they conceal of their adornment. And turn to Allah in repentance, all of you, O believers, that you might succeed.

Cited in Surat An-Nūr (The Light) (n.d.)

In this verse, God is asking both men and women to cast down their gazes. This means that the Qur’an is not only asking women to conceal their bodies and hair. Moreover, it is not only focusing on the physical appearance of women, as if women are the source of moral decadence. Instead one might argue that the Qur’an is taking both women and men to a higher level of morality, which is casting down their gazes, regardless of what any person is wearing. Nevertheless, there is controversy over the verse, in which God is asking women to wear burqa; this is because, according to Amer (n.d.), this verse was directed only to the wives of Prophet Mohammed, and not to all women. This is because when this verse was revealed, Prophet Mohammed married a new bride and he wanted to
consummate his marriage but this was disrupted by the guests who were visiting him. Thus, the Prophet set a sort of veil to separate between the room of the guests and the chamber of his wife. A close examination of the term “veil” in this case refers to a physical thing/wall, which would preserve the privacy of the Prophet and his wives. Thus, the veil in this case does not refer to any standardized form of dress code for Muslim women. On the other hand, a literal interpretation of these Qur’anic verses would mean that God orders women to conceal their bodies and hair. Moreover, a politicized interpretation of the Qur’an would mean that the whole blame of moral decadence and promiscuity would be placed on women, and thus, the solution would be to cover women’s bodies and hair, endorse their seclusion, put emphasis on the need to segregate between sexes and endorse the reduction of women’s role in the public sphere. This was the case with Khomeini who had put the blame on women, regarding corruption and moral licentiousness and profligacy that existed in the era of both Reza Shah and his son, Mohammed Reza Shah. This will be discussed later in this chapter.

Thus, the rationale of the contextualization and re-interpretation of the Qur’an is an immensely controversial one, since it revolutionizes the approaches adopted in the interpretation of the Qur’an. This means that the conventional approaches should be replaced by more progressive ones, which are open to change and persistent debate. The fact that most of the Muslim societies tend to focus more on the religious identification of the veil more than the cultural one is an endeavor by their political regimes to give religious legitimacy to their politicized approach towards the Qur’an; this turns the veil into a political tool, which is open to manipulation by the political regimes;
the latter, accordingly, base their approach to the Qur’an on literal basis, instead of the logic of “contextualization”. Such approach to the Qur’an enables them to manipulate other verses in the Qur’an, in a way that would humiliate women, and control their individuality and independence.

In the case of Iran, especially in the post-revolutionary period, women’s bodies have been controlled via the manipulation of the Qur’anic verses on the veil. Zalipour, Hashim, MM and Yusof (2011, p. 412) asserted that women’s bodies have been hugely manipulated, both in the Pahlavi and the clerics regimes, via the manipulation of the veil, which had different semantics that changed according to the political, social and cultural context. During the Pahlavi regime, there were inclinations towards the modernization and liberalization of the Iranian society; women were regarded as an extremely significant component in this process of modernization. Accordingly, women’s dress codes should reflect such Western tendencies of the Pahlavi regime. Thus, the regime embarked on the act of forced unveiling, which was associated with a number of other reforms that enhanced women’s status in Pahlavi Iran, such as: women’s enfranchisement. In this case, the veil was associated with backwardness and deprivation of women from many of their rights. The veil was also a tool to draw distinction between classes, since women from the wealthy class used to appear completely Westernized whereas poor women used to regard the veil as a sort of propriety. After the Islamic revolution in Iran (1979), Khomeini issued a law that obliged women to wear the veil; he used the argument that when all women wear the Chador, this will work to remove any sign of class distinction. Thus, both regimes regarded women’s bodies and physical appearance as important
“représentantes du régime”. It is clear how women’s bodies became the vehicle of change in Iranian regimes.

Unveiling Iranian Women:

“Barbie Dolls” as agents of “Gharbzadegi/ Westoxification”

“Arusak-e-farangi” or “European dolls”, these were the terms used to describe women who appeared in the public space unveiled in Iran during the 19th century. Such women used to be attacked verbally, or even executed. This was the case with Tahereh Qorrat Ol-Ayn, a poet and a prominent member of the Baha’i movement in Iran, who appeared unveiled in the public space, and was, subsequently, executed in 1852. This was an endeavor by Tahereh and her movement to present a different image of the Iranian woman. The Baha’i movement was among the reformist movements in Iran who regarded the veil, women’s seclusion, lack of education among women and gendered laws as the source of women’s derogated status in the Iranian society (Zahedi, 2007, p.80). This incident took place before Reza Shah issued a law that imposed compulsory unveiling on Iranian women in 1936. This Baha’I movement regarded unveiling as a condicio sine qua non for the development of the Iranian society; it associated the improved status of women with the abandonment of the veil. There are two opposing observations regarding this incident; the first one is related to the reaction of the state to the removal of the veil by Tahereh, and which was a severe re-action: execution. This, clearly, shows the intolerant attitude towards women, and the insistence of the state of depriving them of having sovereignty over their bodies. The other observation is related
to the correlation between the surrender of the veil and the improvement in the status of women, as envisaged by the Baha’I movement. Again, women had to adopt a certain look, or dress code so as to reflect a certain image. This turns women’s bodies into a contested terrain, in which conflicts over political rights take place.

The issue of unveiling remained an immensely critical and controversial issue in Iran during the 1920s and 1930s; despite many women’s independent organizations and magazines were calling for the enhancement of women’s rights in Iran, there was lack of unanimity and consensus regarding the veil. Zahedi (2007, p.81-82) argued that many Iranian women, especially from the middle and upper classes, were calling for the improvement of women’s conditions in Iran. Some of them regarded the veil as a crucial part of Iranian women’s *modus Vivendi*, and thus, it should not be challenged; they believed that the veil does not hinder the improvement of women’s conditions. On the other hand, others called for unveiling as part of women’s liberation.

The latter found support from Reza Shah who adopted a Westernized view of the Iranian society; women were part of the Shah’s modernization project; thus, he was concerned with their public attire. This culminated in the politicization of the “Civic Body”/“Abstract Body” to reflect a specific image of the Pahlavi regime. Therefore, Reza Shah, on the 7th of January 1936, outlawed the veil/chador; this incident was known as “Kashfe hejab”/ “unveiling”. This incident antagonized many Iranian women, from both the secular and the religious camps; this is because of the undemocratic and compulsory nature of this process of unveiling, which deprived women from the element of “choice” and from having sovereignty over their bodies. It is crucial to add that the Shah used physical force to unveil women, where the police used to remove, coercively, the veil.
from women’s heads. Furthermore, restaurants, hotels and theaters were ordered not to allow veiled women to enter. The outcome of the process of unveiling was the seclusion of veiled women, since they refused to take off the veil. Additionally, many veiled women stayed at home, and did not receive education because of the forced unveiling. In addition, many women were dismissed from their jobs as they refused to take off the veil. Thus, the Shah’s decision to unveil women so as to modernize the state ended up in manipulating women’s bodies, and depriving them from one of their fundamental rights: the right of choice. Thus, unveiling disadvantaged women more than benefited them. This is besides that it did not end women’s seclusion; instead, it sustained their isolation, as those who refused to take off the veil kept to their homes. Thus, there was no genuine improvement in the status of women.

The unveiling of Iranian women, during the reign of Reza Shah, was not only part of the modernization project of the Shah, but it was also a strategy by the Shah to undermine the power of the Ulama; this was via putting both unveiled public women and the clerics in a confrontational position. This would engage the clerics in relentless conflict over the “un-Islamic” nature of women’s role in the public space, especially that they were unveiled and Europeanized. Blasescua (2005, p.742-743) stated that after Reza Shah came to power, he aspired to consolidate his legislative power vis-à-vis the Ulama and the religious authorities. Thus, he embarked upon mandatory unveiling so as to prove that the Ulama had little and limited control over the public. Before the Shah issued the law of compulsory unveiling in 1936, his wife emerged in public unveiled when she visited the religious shrines in Qom. The reaction to this incident was as following:
“One Ayatollah Bafqi, present at the shrine, sent a message to the Queen: ‘If you are not Muslim why did you come to the shrine? If you are then why are you not veiled?’ When his message was ignored, Reza Shah personally went to Qom, entered the shrine in his boots, horsewhipped Bafqi and had him arrested” (Cited in Balasescu, 2005, p.743).

This incident shows the overt confrontation between the Ulama and the Shah, which was displayed via the conflict over the physical appearance and the dress codes. It is pivotal to note that not only did the queen appear unveiled, but the Shah horsewhipped Bafqi and desecrated upon the holiness of the shrine via entering with his shoes (Balasescu, 2005, p.743). The inability of the clerics and the religious authorities to take a rigid action against the Shah, and the humiliation of Bafqi, show how the dress code was used by the Shah not only to westernize the society, but also to reduce the autonomy and legislative power of the Ulama. Later in 1936, Reza Shah outlawed the veil.

It is imperative to note that Reza Shah did not only rely on women’s bodies to challenge the power of Ulama, but he also had other strategies to reduce their public role; these included the expansion of the public education so as to reduce the role of the clerics in the sector of education; this is besides the Shah’s reliance on funds from the land endowments that used to generate money, and which have been under the control of the Ulama since the era of the Safavids; and in 1936, the Shah made some amendments in the legal system that wrenched and challenged the ultimate hegemony of the Iranian clerics over the legal system. Among these laws that were the ones related to dress code; the Shah ordered men to dress in Western attire, and women were ordered to unveil (Iran Through the Looking Glass: History, Reform, and Revolution, 2008).
Despite men’s Islamic dress codes were supplanted with European ones, it is very rare to find literature review showing the conflict between the religious authorities and the Shah over men’s dress codes. However, most the literature is on the confrontation between the Shah and the Ulama over the unveiling of the Iranian women; the conflict seems to be, from outside, evolving around women’s bodies, and their physical appearance. Nonetheless, an in depth analysis of the confrontational relation between both camps would show that the dilemma has to do with the social, political and cultural connotations that are associated with the unveiling process. The latter process is not merely confined to the issue of “dress codes”, but the matter goes beyond physical appearance. The threat in the process of unveiling is in women’s access to the public space, and the modification of many aspects of the family code, which the clerics regarded as contradictory to Shari’a law. Yeganeh (1993, p.6) stated that unveiling women was not the only dimension in the modernization project; for, there have been changes in the family laws that further empowered women, and fortified their role in the public space. For instance, the 1967 and 1975 Family Protection Laws diminished the excessive male supremacy in the family via the establishment of the so-called “Family Protection Court”. Moreover, issues as custody of children and divorce were brought under the jurisdiction of these courts. In respect of polygany, both the consent of the first wife and a permission from the Family Protection Court were required; this is besides that the age of marriage increased, so that women had to reach the age of 18 and men had to reach the age of twenty. Furthermore, women had access to abortion under certain circumstances. Thus, all these amendments in the family laws intensified women’s presence in the public sphere.
These amendments were met with much hostility from the side of the Ulama, who regarded such changes as a genuine menace that would destroy the society’s social and religious fabric (Nashat, 1980, p. p.1969). Zahedi (2007, p.82) asserted the Ulama’s rejection of the process of unveiling. The latter regarded this act of “kashef hejab” as a radical action that would transform conventional gender roles in the society, bringing women into public space. This was regarded as a direct assault on their public role; as it would be challenged by “Public Women”. Furthermore, they regarded women’s appearance in the public space as a challenge to the Islamic culture of Iran. Thus, the reaction of the clerics to the forced unveiling was that they demonstrated in 1935 in Mashhad in Gowharshad shrine, where they were massacred by the regime’s imperial troops (Davary, 2009, p.54).

Mohammed Reza Shah (1941-1979), Reza Shah’s son, continued the modernization project that his father embarked upon in the 1920s and 1930s. His scheme of Westernization was more profound than his father’s, who focused mainly on the dress code. The younger Shah removed the ban on the veil, which was placed by his father. The veil became a matter of “Choice”, but still there were social and cultural meanings attached to the veil. The latter was still regarded as a sign of backwardness and lack of education. Therefore, despite women had the choice to appear veiled or unveiled in the public space, it was unveiled women who had political and social presence.

There are important remarks that should be made, regarding the issue of the veil during the era of Reza Shah, and Mohammed Reza Shah. First, it is crucial to refer to the significance of the dress code, as part of the modernization project. Nevertheless, such significance should not be attached to the dress code per se, but to the political, social and
cultural connotations that lie beyond the veil; these revolve around women’s increased role in the public space, so as to reflect the Westernized tendencies of the regime. Second, women’s bodies have been manipulated by the two Shahs so as to increase their legislative power over that of the Ulama. Thus, the conflict between both the regime and the clerics was narrowed down to women’s bodies. Third, despite the endeavors of the Pahlavi regime to bring women to the public space and increase their public role, the society remained extremely patriarchal and women’s seclusion persisted. Farhi, Kian, Pesaran and Rivetti, (2012, p.62) asserted that the patriarchal nature of the Iranian society persisted, during the Pahlavi regime, since there were still inequalities in gender relations; this is besides the income inequalities and job disparities that persisted between men and women. Fourth, it is not accurate to deal with women as a whole, homogeneous and undivided bloc. This was not the case; for, there was huge differentiation between upper- and middle class women, and lower class women. The former benefited, relatively, from the Pahlavi regime and they were able to have access to prominent state occupations. In respect of the latter, these were the veiled women, who were secluded due to their refusal to take off the veil, and they were living in poverty (Farhi, Kian, Pesaran and Rivetti, 2012, p.62). Fifth, the division among Iranian women was, further, buttressed by the so-called “femocracy”, or “state-led feminism”, which improved some of women’s conditions within the context of patriarchy (Farhi, Kian, Pesaran and Rivetti, 2012, p.63).
Re-veiling:

from a strategy of resistance to Westoxification to an emblem of women’s oppression

“I was going back home after I got the groceries I needed; the weather was very hot and I was struggling to hold the groceries and maintain my chador; however, my chador fell from over my head, part of my hair appeared. I was arrested, and put in prison. I received eighty lashes”. This incident took place with an Iranian woman in the post-revolutionary era. Despite women played an immensely pivotal role in the Islamic revolution in Iran in 1979, their conditions deteriorated heavily. Among the rights that women were denied after the revolution is the right to have sovereignty over their bodies. If women did not wear their “proper” veil, they would be imprisoned and lashed (Graves, 1996, p.57-58).

Women’s physical appearance was of immense significance in the post-revolutionary period; for Khomeini to prove the success of the Islamic revolution, the Islamic dress code was to be imposed over women. Since women were an important façade for the Westernized Pahlavi regime, they should be the same for Islamic Iran. Graves (1996, p. 77) argued that among the first things that Khomeini did after the triumph of the Islamic revolution was the imposition of the veil on Iranian women. It is crucial to note that the imposition of the veil was not confined to controlling the physical appearance of women per se; as, the veil was associated with a number of restrictions placed over women’s role in the public space. This could explain why many “already-veiled” women protested against the imposition of the veil. Graves (1996, p.77-80) explained how the imposition
of the veil was the start of other constraints, which were placed over women. Women faced expulsion from many occupations, such as judiciary. In addition, unveiled women were fired from their jobs, because of their reluctance to wear the veil. Also there was the annulment of the Family Protection Law, and the family courts. This culminated in the reduction in the age of marriage for women to ten instead of twenty. Moreover, the restrictions that were placed over divorce and polygamy, via the Family Protection Law, were loosened. In addition, women were prohibited from having access to certain fields of study, and certain occupations. This came in concomitance with Khomeini’s tradition view of the role of Muslim women, as housewives whose role was to bring up children and care for their families. This conventional view of women could justify the laws of imposed veiling and women’s seclusion. Thus, the veil was Khomeini’s way to exclude women from the public space, and reduce their public role; this is in order to buttress the patriarchal configuration of the public sphere. It is obvious how Khomeini associated the veil with the private sphere, and women’s seclusion; and was a reflection of his via Khomeini’s regressive policies towards women.

Women’s role in public space was not only reduced via the imposition of the veil, and their view as wives and mothers, but also via their depiction as sex objects. This was via the politicization of Islam, and the manipulation of the Qur’anic verses. Khomeini allowed men to have sexual intercourse with their wives, even during the time of menstruation, which is prohibited by Islam. This is besides that Khomeini legalized mut’a or temporary marriage, in order to satisfy the sexual pleasures of men, where women are treated as sex objects who should satisfy men’s sexual needs, and afterwards, they could
be discarded. This temporary marriage could come along with the permanent marriage whose aim is to establish a family.

It is crucial to note that women were not only regarded as sex objects, but they were viewed as inferior and irresponsible creatures, who should always be under the auspices of men. Women should never disobey their men, under any circumstances. Moreover, if a woman wants to make “Nazr” (something that you give in the name of God, when your prayer is accepted), she should get the explicit permission of her husband; according to Khomeini, only sane people can make “Nazr”, and women are immature creatures whose “Nazr” must be made via their husbands. In addition, a woman’s testimony was regarded, by Khomeini, as valueless and worthless in cases of murders (Graves, 1996, p.80-81). It is crucial to note that Khomeini, in his attempts to attack women’s public role via their depiction as sex objects and immature creatures, manipulated the Qur’an; this, accordingly, created a loophole between the conventional interpretation of the Qur’an and his own “politicized” interpretation of the same Qur’anic verses. This is evident in his allowance of sexual intercourse during the time of menstruation, which is forbidden by Qur’an; moreover, he allowed mut’a marriage, which is also forbidden by Islam. In addition, Khomeini stated that women should obey their men under all circumstances; this is not the case in the Qur’an, since women could disobey their men if they violated any of the Islamic regulations. Finally, the Qur’an believes that a woman’s testimony is half that of men, and not entirely worthless as Khomeini believed (Graves, 1996, p.80-81). It is imperative to note that this loophole is the culmination of the politicized interpretation of Qur’an, and the manipulation of Islam so as to control women’s bodies.
The aim of reducing women’s role to being sex objects and immature beings, women are distrusted to play any active role in the public space; moreover, women are regarded as seductive creatures who should be kept in the private sphere, so as to protect them from male gaze and protect men from them as well. It is also clear that the veil was hugely manipulated so as to control women’s bodies, and their role in the public space. Again, this is evident in the argument presented by some clerics, regarding the veil. Nashat (1980, p.180) stated that some clerics persuade women to wear the veil via the sexualization and feminization of the veil; the latter is presented as a tool that would enable women to achieve their goal: catch husbands. A woman could be more alluring and seductive to a man when she is not utterly visible and accessible. This, accordingly, allures men and induces them to imagine the pleasures that await them when they marry those veiled women. So men think of veiled women more than unveiled ones. In this case, psychological reasoning is used so as to make the veil appeal to women. There are two basic observations here; first, there is immense reduction and underestimation of the goals of women in life, since it is limited to “catching husbands”. The second observation is the immense underestimation of the value of the veil, since it is regarded as a “husband-catching” tool. This, clearly, shows that the veil in Iran is a political tool to manipulate women’s bodies, and reduce their public presence.

It is not only the way women were depicted, as sex objects and immature creatures, and the imposition of the veil that reduced their role in the public space, but also their confinement to certain fields of study and work. After the revolution, women were denied the right to have access to certain fields of study at the university. Women were allowed to study carpet weaving, hygiene and dress making, whereas boys were allowed to study
subjects about technology, trade and artisan crafts. Moreover, women were not allowed to study engineering and technical sciences. Even the fields of medical, human and environmental sciences, there were certain quotas for women (20% to 50%) to put limits on the number of women who would join these fields (Usman, 2002, p. 1700). The development of “gender-oriented” fields of studies was among the strategies of the Islamic Republic of Iran to disempower women and restrict their role in the public space. It is clear that the fields of study, which women were allowed to access, were not sophisticated enough to make women financially independent, or influential in the public sphere.

Women’s resistance to the imposition of the veil:

The imposition of the veil by the clerics’ regime was understood as a huge infringement on women’s right to have sovereignty over their bodies, and an endeavor to confine them to the private space. Hence, on the 8th of March, 1979, Iranian women protested against the enforced imposition of the veil. Their slogans evolved around “freedom of choice of their clothes”. It is interesting to find “already- veiled” women among those who were protesting. The response of the regime to those protests was that it accused those women of their allegiance to the Shah’s westernized regime. This is besides that the Iranian television did not cover those protests (Zahedi, 2007, p.88). It is crucial to note that it was not only unveiled women that protested against the imposition of the veil, but also veiled women. This shows that women’s struggle in Iran was and still is not against the veil; the struggle is against depriving women from having sovereignty over their bodies, and from
the freedom of choice. On the other hand, the regime is presenting the dilemma as a struggle against the veil, modesty and Islam. It is crucial to note that the presence of “veiled” women among those protests shows the transformation of the veil from a symbol of resistance to the Shah’s regressive regime to an oppressive emblem for women, which is manipulated to control women’s bodies. After women, deliberately, used the veil as a symbol of resistance, they are obliged to wear it.

There are some arguments that the clerics use to show that the veil is not a tool of women’s oppression, or controlling their access to the public space. Nashat (1980, p.181) stated that clerics in Iran argue that the veil does not prevent women from having access to the public space, and from making public activities, such as: shopping, or attending meetings with men. These public activities are allowed for women to become engaged in, as long as women are wearing the veil, and they have fulfilled their duty in their homes; then, they could leave their homes, but only with the permission of their husbands. A deep investigation of this counterargument, there are obvious limitations over women’s mobility in the public sphere; for those clerics, women’s role in the public space would be resembled in shopping. In addition, they specify certain pre-requisites that women should fulfill, such as: wearing the veil, and fulfilling their duties at home; and even if they fulfilled such requirements, they still need the permission of their husbands who have the religious right, according to the clerics, to keep their women at home as one of their religious duties is to guide their women. Thus, it is clear how women’s access to the public space in Iran is extremely difficult.
Women in Iran are, thus, subjected to several impediments that hinder their emancipation; among those hurdles is their inability to have sovereignty over their bodies. However, Iranian women have showed resistance to their country’s policies, regarding the veil, and which deprive women from having sovereignty over their bodies. Brumfield and Bozorgmehr (2012) referred to an incident that took place in Iran as a sign of women’s reluctance to accept the state’s control over their bodies, and which culminated in two girls clobbering and beating a cleric who rebuked one of them, asking her to completely cover herself. The girls’ response was that she asked the cleric to cover his eyes, instead of telling her what to wear. When the girl did not do what he ordered her, he attacked her verbally; thus, she hit him to the ground. In her blog “Shahrzad”, Shahrzad (2007) is asserting on the fact that women are resisting the state’s manipulation of their bodies; many Iranian girls are becoming less conservative, regarding the veil. An appropriate veil, which fully covers the hair, is becoming a rare and weird phenomenon. Many Iranian women are getting to wear a hair bandana, instead of a chador. Moreover, it is becoming popular that Iranian women are the most immodest and less conservative foreigners when they leave their country, and visit foreign countries. Shahrzad (2007) is stating that the root cause of this problem of “improper hejab” is its enforced imposition over Iranian women; she states that “freedom of wearing” is one of the basic human rights. She avows that the solution lies in the hands of Iranian leaders who should make this dress code optional, instead of being obligatory. The manipulation of women’s bodies via dress codes proved to be a failure in Iran.
These are photos of Iranian women, who are showing resistance to the imposition of the veil over them, via revealing a huge part of their hair; this is the phenomenon of “bad hejabi”.
Iranian women have also used internet social networks, such as: Facebook, so as to support their cause. Phelan (2012) stated that Iranian women have established a Facebook page, under the name RFE, and whose slogan is “No To Mandatory Hijab”. They are also encouraging people to send their photos, wearing whatever they want, to support “Women’s Right To Unveil”. The page has more than 27,600 likes and more than 1000 photos. Fashion, in Iran, is regarded as an extremely important tool of resistance to the regimes oppressive policies towards women. Magee (2010) argued that Iranian women use fashion to express their rejection of the state’s manipulation of their bodies. Despite the state presents the image of veiled women as that of pious and modest mothers and wives, Iranian women tend to wear sandals, short pants and bandanas that show most of the hair. Moreover, they tend to appear in the public smoking. In order to show solidarity with Iranian women, many Iranian men appeared “veiled” on Facebook. It is crucial to note that the politicization of the veil made Iranian women regard it as a tool of suppression; thus, many Iranian women take off the veil when they go on vacation. Mouri (2012) is asserting that using fashion to defy the regime’s reductionist policies, regarding women, was never an “agreed-upon” modus operandi by women; nonetheless, this is a normal political and social re-action to the state’s encroachment upon women’s sovereignty over their bodies.

There are, definitely, extreme forms of defiance to the imposed Islamic dress code by the Iranian authorities; among those extreme forms of resistance was the nakedness of the Iranian actress “Goshifteh Farahani”. She appeared naked in the French movie “Corps et Ames” (Body and Soul). In this movie, appearing naked was to deliver a message that revolves around emancipation from all political, social and cultural constraints that are
placed over the body. Farahani wanted to resist the so-called “censorship over women’s bodies”. This was once regarded as a tool of modernization during the time of the Shah, and after the revolution, it was regarded as an emblem of anti-imperialism and Islamic authenticity. In contemporary Iran, there is the phenomenon of “bad-hejabi”, which is a form of female disobedience and resistance to the manipulation of their bodies (Women’s bodies Are Still the Subject of Dispute, 2012). Despite women’s several endeavors to resist the imposition of the veil, they are still unable to remove the veil; women’s real emancipation from that compulsory process would come with the state’s respect of their right to have sovereignty over their bodies. The state must abandon its reliance on the politicization of religion; it should be secular, but it should also allow public religion and religious arguments to take place in the society. The state should pick the most suitable, and widely accepted arguments. This will be discussed further in chapter three.

The dilemma is to be summarized in the following quote:

“The Iranian woman was forced to unveil to fit Reza Shah’s delusions of grandeur and forced to re-veil to fit Ayatollah Khomeini’s visions of true religion. She was told that by donning the veil, she fends off the assault of Western culture. She was also told that by sending her son to martyrdom, she would help save the Islamic Republic of Iran and support the defense of Islam. Ten years after the war with Iraq, she was told that by not veiling according to the guidelines of the clergy, she would cause the downfall of the Islamic Republic. In Iranian politics, the veil has proved to be the most effective weapon of rulers, secular and clerical”

Shirazi, cited in Voss (2011)
It is, thus, extremely ironic to find that the Iranian regime’s existence and the survival of Islam are closely entwined with the issue of the veil, and women’s bodies. If this is the role of women, then, what could be the role of the state itself?

Women’s bodies have been an extremely contested topic in both Western and Eastern societies; their bodies have been politicized by their political authorities. In the West, women have to be feminine, beautiful and attractive; they should not become engaged in occupations that would de-feminize them. Western women who work in important posts in their countries are regarded as more masculine than feminine.

Eastern and Muslim societies manipulate women’s bodies, as well, via the enforced imposition of the veil. In Muslim societies, women’s bodies are regarded as crucial representatives of the regime, and they must reflect its Islamic authenticity. In Iran, the imposition of the veil was not the only form of the manipulation of women’s bodies; nonetheless, they lost control over their bodies during the time of the Pahlavi regime. Reza Shah was concerned with the modernization of the Iranian society, and women were part of this project; their westernization demanded their unveiling. After the triumph of the revolution, women’s bodies continued to be manipulated by the political authority; this was via the enforced imposition of the veil. The regime is endeavoring to prevent women from challenging the Ulama’s public role. It is imperative to refer to the process of the sexualization of female hair, as an important impetus for embarking upon unveiling and re-veiling. Female hair is regarded as a source of female empowerment over the male; this was used as a justification for the process of re-veiling. The impingement upon women’s bodies’ sovereignty was met with resistance during the Pahlavi and Clerics regimes; during the Pahlavi regime, women used to wear the veil so as to show resistance
to the regime; during the clerics’ regime, women are wearing hair bandanas that show most of the hair, short pants and sandals to show resistance to the regime’s regressive policies towards women. Thus, both regimes used dress codes to manipulate women’s bodies for political reasons.
Chapter 2
The stalemate of the veil in France:
Women’s bodies between secularism and religious identity

“The adolescents do not have to become the object of an issue that goes beyond them, and the school of the Republic does not have to be subjugated to religious pressures by fathers and brothers”. These words were said by the State’s Secretary for women’s rights, Michele Andre’. Yvette Roudy, the Women’s Rights National Secretary in the Socialist Party, added to Andre’s words by saying: “The headscarf is a sign of subjugation, consented upon or imposed, in fundamentalist Muslim societies…Accepting to wear the veil would mean agreeing with women’s inequality in the Muslim French society” (Ardizzoni, 2004, p. 640).

The previous words by Andre and Roudy reveal the defensive attitude and negative stance that the French political and public figures have on the issue of the veil, and which began to be embedded in the public attitude towards the hijab; they are reluctant to accept a symbol, which they associate with oppression, subjugation and fundamentalism. The veil is depicted in the French media as an oppressive emblem that buttresses gender inequality. It seems that there is no genuine or balanced investigation for the issue of the veil in the West in general, and France in specific, since this view of the veil is constructed in a way which supports the claims of the French state that the veil is a tool of women’s oppression. This rejectionist stance on the veil empowers the state, and turns it into an absolutist power that encroaches upon the rights of a certain sect of its citizens; in this case, those are the veiled Muslim women; the latter are deprived from the right of
choice, and the right to have sovereignty over their bodies. The latter right was defended, as proceeded by Ardizzoni (2004, p.640), by Madame Daniele Mitterrand, the president’s wife, who supported Muslim women’s right to wear the veil. It is clear that Madame Mitterrand is defending the concept of the right to have control over one’s body. She is, implicitly, rejecting the manipulation of the female body; this is, sometimes, the culmination of lack of knowledge and misunderstanding of the “other’s” culture. Ardizzoni (2004, p.640) argued that part of the rejection of the Islamic foulard emanates from lack of understanding of the Muslim culture and religion. According to many Muslim women, the veil is the tool of their emancipation, and their empowerment to access the public space. On the other hand, the West regards the veil as an oppressive tool for women. This discourse is, immensely, influenced by the orientalist narrative of the French colonizers in Algeria, which entailed a phallic and patriarchal perspective, in regards to Algerian women. The latter used the veil to smuggle bombs to the French locations during the Algerian war; thus, the veil was regarded as an amorphous piece of cloth. The same uncertainty that used to surround the veil, during the French colonialism of Algeria, was re-adopted by the French media in its coverage of the issue of the veil in France. Based on the orientalist and uncertain view of the female body, especially if this was an “ostentatiously” Muslim female body, this turns the French state into a rigid supporter of unveiling to reduce uncertainty (Ardizzoni, 2004, p. 646-647). This part, obviously, shows how the manipulation of the female body is not only part of the Muslim societies, but also of the Western ones; the former embark on the manipulation of the female body via compulsory veiling, whereas the latter control women’s bodies via compulsory unveiling. Both sides tend to justify their stances without putting into
consideration women’s desires, or aspirations to veil or unveil. In the French case, the state tended to associate the veil with uncertainty, and ambiguity; it did not embark on investigating other dimensions and impetuses behind the wearing of the veil. Furthermore, the state’s final decision, the ban of the veil, was also taken without any examination for other non-repressive connotations of the veil.

The conflict over the veil in France is part of a greater conflict that evolves around the separation between religion, and law; this is in order to preserve the secularist configuration of the French political system, which is regarded as the cornerstone for the prevalence of the notion of human rights. Bennoune (2007, p.374) argued that the French political system is in constant struggle to separate between law and religion; this is regarded as a pre-requisite for the recognition of the values of human rights. Bennoune added that there must be limitations on “religious expressions” so as to protect and foster women’s rights. This argument, which is adopted by the French state, seems to have numerous limitations. First, there is ambiguity regarding the so-called “separation between religion and law”. The author did not explain what kind of separation he means: is it symbolic separation, which is related to symbols? Or is it institutional separation? Or should this separation encompass the public sphere? Or is there interrelation between the three forms of separation? Second, the author seemed to be biased when he stated that there must be limitations on religion so as to protect human rights, and especially women’s rights; the author is regarding religion as the source of women’s oppression, and subjugation; thus, when he says that there must be separation between religion and law, via the tool of secularism, he is referring to the protection of law from the tyranny and oppression of religion. It is crucial to note that secularism, as well as religion, has
repressive tendencies when it is endorsed by the state as the sole legitimate doctrine of ruling; this, accordingly, does not leave room for other doctrines, such as religion, to become present in the public space. The bona fide problem in secularism is that, because of its fear of religion, it tends to draw a specific picture for the society, and place certain criteria for its citizens to become socially accepted. Hence, the society does not become an inclusive one; nonetheless, it starts to repel and exclude citizens who are not abiding by the criteria that the secularist state placed. This creates differences between the citizens, which the state becomes unable to tolerate.

This is the case with the veil in France; the latter claims that secularism is defending Muslim women’s rights via banning the veil, which is regarded as the tool of women’s oppression. In this case, secularism seems to be encroaching upon the rights of veiled Muslim women, via claiming that their unveiling is the source of their emancipation. Those veiled women become deprived from the right of choice. Third, the French state’s fear from “religious expression” seems to be unjustified. How could symbols threaten French laicite? It is pivotal to note that fundamentalism is embedded in ideas, and not symbols; hence, putting limitations on “religious expressions” to protect secularism and women’s rights would never reduce or curtail fundamentalism. On the other hand, education, and integration in the French society are the things needed to reduce fundamentalism. The problem is that the French state is giving the wrong predicament for the problem of fundamentalism; this, accordingly, culminates into the deprivation of certain sect of the society from their basic rights, and which are religious expression and the right of choice. It is essential to understand that religious expression is a right, and not
the source of a menace to secularism. On the other hand, secularism should protect religious freedom, and create the milieu that would encourage the practice of such right.

This chapter will argue that it is not only theocratic states, such as the Islamic Republic of Iran, that manipulate women’s bodies, but secular states, such as France, tend to control women’s bodies. France uses secularism as a tool to justify its manipulation of women’s bodies via the process of compulsory unveiling. Women’s bodies become the ground upon which the struggle between the French state and religion/religious symbols take place. First, this paper will discuss how the dilemma of the veil emerged in France. Second, it will discuss the role of the dress code in the public space, and how it could be an impediment to citizens’ integration in the society. Third, the essay will reveal the “exclusionary” tendencies of the French laicite. Fourth, there will be an investigation of the features of the Western liberal and secular public sphere, and its emphasis on the significance of the dress code. Fifth, there will be an examination on how the French state settled the issue of the veil via the initiation of the 2003 Stasi commission, and the subsequent ban of the veil in 2004.

The stalemate of the “Affair du Foulard”:

Can a piece of cloth be a threat to secularism?

In a country that encompasses 5 million Muslims, there is mounting presence for Islam in the French public sphere. This became quite evident in the obviously increasing visibility of the veil in the public space; this turned the veil to become a menace to the secularist configuration of the French political system, which is premised on the concept
of “laicite”; the latter refers to the exclusion of religion from the civic affairs of the country and from its public educational institutions. According to Habti (2004, p.1), France encompasses the largest portion of the Muslim population in Western Europe, which amounts to more than 5 million Muslims. This, accordingly, turned the French state to become more attentive to the exacerbating visibility of Islam in the public space. Thus, in order to protect laicite, the state issued a law in 2004 that banned the veil from public institutions. It is crucial to note that part of the state’s justifications for the banning of the veil in public institutions is premised upon the political and oppressive assumptions and connotations of the veil. The latter is regarded as an obvious sign for the growing emergence of Islamic fundamentalism in the West, and especially in France; it is also viewed as a tool of women’s oppression and subjugation to men. Lucas (n.d., p.55) asserted that the veil, before being regarded as a menace to laicite in France, is viewed a priori as a tool of women’s repression. Lucas referred to the Western orientalist approach to the Muslim world, and in specific, Muslim women. The latter are regarded as victims of the backward and oppressive Muslim culture, and religion. Thus, these women need liberation and emancipation, and which will come at the hands of the Westerners. Based on such assumptions, along with the endeavor to protect French laicite, the French state banned the veil in the public space. It is quite obvious that the state did not put into consideration the possibility that the veil could be the deliberate choice of Muslim women, who are wearing it. This reveals that the French state underestimates Muslim women’s agency, regarding the issue of the veil. It also seems that the orientalist views of the Muslim world, and Muslim women are, strongly, prevalent in the French state’s
decisions. This, accordingly, deprives Muslim women from the freedom of choosing what to wear and from having sovereignty over their bodies.

The problem, surrounding the issue of the veil in France, started in 1989 under the name “Affair Du Foulard”; this incident took place when three Muslim girls went to their school wearing the veil, and they were dismissed until they take it off. The latter problem was depicted in the French media as a stalemate that is creating dichotomies and binaries, which are resembled in “Islam vs. Laicite”, “West vs. East” and “Them vs. us”. This appeared to be a huge threat to the state’s principle of “l'etat est une et indivisible”, which means that the state is one and indivisible; nonetheless, such binaries threatened to place the state in a dichotomous situation that would render the French state feeble and divisible. The French state placed a huge responsibility on the significance and role of the dress code in threatening the unity and indivisibility of the French nation. The Islamic dress code/ the veil is regarded as an orientalist emblem that would jeopardize the cultural integrity of the French nation (Ardizzoni, 2004, p.629). It is quite obvious how the entire issue of the veil was narrowed down to the female body and the dress code. It is immensely ironic to find the French state accusing the veil of being a threat to the integrity of the French society. It seems that the state is adopting an orientalist view towards the veil in specific, and Muslims in general, so as to show how the veil buttresses and fosters the “otherness” of the women, who wear it. This culminates in the depiction of the veil as a tool that buttresses the differences between women, since it strengthens the Muslim identity over its French counterpart. Thus, in order to fortify the unity and indivisibility of the French society, the veil must be banned. It is crucial to note that the state is not trying to preserve the indivisibility of the French society; nonetheless, it is
endeavoring to preserve the homogeneity of the society. This reveals the reluctance of the French state to accept differences; the latter, not the veil, are regarded as the *bona fide* and genuine threat to the French state. The dilemma is that the whole issue of the veil becomes narrowed down to women’s bodies, and this, accordingly, encroaches upon the sovereignty of their bodies.

**How Could the dress code be a “Default d’assimilation”?**

In the early years of the eighteenth century, in the thirtieth letter among *Montesquieu Persian Letters*, Rico wrote to Ibben about the problems that he was encountering in Paris because of his dress codes; this problem seemed to be the reason for Rico being subject to persistent scrutiny by Parisians. As a result, Rico decided to abandon his Persian dress code, and wear Europeanized adornments. He discovered that: “Free of all foreign adornments,…all at once I fell into a terrible state of non-existence” (Najmabadi, 2006, p.239). Rico’s case is extremely important for investigation since it, revealed the persistent significance of dress code in the Western public space. Moreover, this part, obviously, manifests the exclusionary nature of the European and Western public sphere since the eighteenth century; a non-western dress code used to and is still seen as a “Default d’assimilation” in the Western public space. What is also crucial to note is that the surrender of the indigenous dress code, as in the case of Rico, was equated with the status of non-existence. This shows how dress codes are associated with identity formation, and how their continued use could be an impediment for the integration in the society.
The previous debate is not confined to the eighteenth century; nonetheless, it has been revived in the twenty first century with the appearance of the veil in the French public space, and its banning in 2004 after its discussion by the Stasi commission. This issue, as argued by Najmabadi (2006, p.239), raised several controversial questions, such as: can a veiled woman be Muslim and French? On what basis are some signs regarded secular and others Islamic? Who has the power to ban a certain visible symbol? It seems that the French state lies at the center of all the answers to those questions; the state is the political entity that is responsible for the integration of its citizens in the society; moreover, it is the one who is responsible for the reconciliation of the differences between its citizens, and which could appear to be recalcitrant and conflicting. The state should also present those differences as elements that enrich the society, and challenge it. Based on such state responsibilities, a woman could be both French and Muslim; both identities should be seen as ones that complement each other, instead of challenging one another. Based on this perspective, it is the state that would divide signs into Islamic and secular ones, and it is the state that could present them as compatible or incompatible ones.

The dilemma is that the French state does not regard the veil as a symbol that could be compatible with French secularism; on the other hand, the veil is regarded as a menace to French laicite. Najmabadi (2006, p.252-253) argued that the French state regards the Islamic foulard as an eminent threat to the secular configuration of the French society. A veiled woman who would stay in the “cloistered” private sphere would not be regarded as a menace to the society; nevertheless, the real threat comes from those veiled women who insist on their presence in the French public space. Those women are seen as
strange, as Rico of the eighteenth century, and accordingly, they are asked to abandon the
veil to be able to assimilate to the French society. It is quite obvious that the French state
places the whole process of integration in the French society on its citizens; it seems that
the citizens are the ones who would ease their integration in the French society, or make
it hard. This is instead of having the state assisting its citizens to integrate in the society
via accepting the symbols they wear, and regarding this as part of their French identity.
Therefore, it is in the hands of the state to move beyond the physical differences that are
highlighted by different dress codes, and assist its citizens to integrate in the society.
Ardizzoni (2004, p. 641-642) stated examined the role of the dress codes in the
construction of identity and the embodiment of physical differences. This is the case with
the veil, whose rejection in the public sphere, tends to deny its wearers the right of
expressing their Muslim identity that is a complementary to their French identity. The
problem is that the French do not attempt to accept that form of identity binarism; this
means that the state does not want to accept the presence of a Muslim identity, along with
the French one. The French state needs to move beyond the political stigma that it is
attaching to the veil, and regard it as a complex sign of hybridity and diversity. Thus, the
persistent rejection of the veil, by the French state, is an indication of the state’s
reluctance to accept hybridity as an essential part of the French national identity.
French laicité: a tool of preserving unity or excluding non-alike citizens?

“For a century, thanks to laicité, the French republic has worked like a very efficient integrationist machine, able to digest migrations and mutations”

Le point, as cited by Ardizzoni (2004, p.636).

French secularism is regarded as the linchpin of the French republic; it is not only envisaged in the configuration of the French political system, but it is integrated and embedded in the citizens’ practices in the public space. This means that it is responsible for the organization of the societal practices in the public sphere, and ensuring that such practices are conforming to laicité. However, secularism is an immensely controversial political terminology that seems to be carrying within it the seeds of controversy and contradiction. Selby (2011, p.442) stated that secularism refers, primarily, to the separation between religion and politics. The author also added that secularism could refer to the neutrality of the state vis-à-vis religion and religious beliefs. It could also mean keeping religion out of the political and public spheres. Secularism is also regarded as the basis for democratization and modernization. As any other political theory and ideology, there is gap between the theory and practice. A focus on the definition of secularism as the state’s neutrality vis-à-vis religion would seem to be contradictory to the other definition that entails the removal of religion from the political and public spheres; this is because the former definition means that both religion and secularism could co-exist without interference in each other’s affairs, whilst the latter definition would refer to the presence of one element and the exclusion of the other.
The French approach towards the Islamic foulard seems to be influenced by the latter definition of secularism, in which the veil is not supported in the secular public sphere, and is regarded as a *bête noire* that threatens secularism; therefore, it should be banned from the public sphere. It is quite obvious that the dilemma does not lie in secularism; nevertheless, it lies in “politicized” interpretation and investigation of secularism. Accordingly, this version of secularism becomes hostile to citizens who tend to express their religious affiliations. Thus, those citizens become deprived from the right of religious freedom and expression, under the justification that secularism would protect them from the tyranny of religion; the latter rationale is used to justify the ban of the veil.

It is crucial to note that the ambiguity that evolves around the term secularism was the culmination of several developments in the history of post-revolutionary France. Selby (2011, p.442) argued that at first, secularism was not rigid in its relation to religion. This means that it did not adopt a “zero-sum” approach, in relation to religion, in which one would lose its public presence and the other would become buttressed. Nevertheless, at the beginning, French secularism tended to be neutral to religious affairs; this did not negate co-existence with religion. However, the extreme shift in French secularism started with the concordat that was signed by both Napoleon Bonaparte and Pope Puis VII in 1801, and which made Catholicism lose its social resonance. Moreover, the emergence of tensions between *les deux France*, the one that supported ultramontanist Catholicism and the other that supported humanism of the Renaissance, attributed negative features to the public presence of religion in the public sphere. As a result, the French republic embarked on the entire separation between the church and the state; this was embedded in the 1905 law, which is known as “*loi du 9 Decembre 1905*”
concernant la separation des Eglises et de l’Etat” (The law of 9th of December 1905 which stresses on the separation between the church and the state). This meant that the state would no longer fund religious education.

In the Twenty First Century, Selby (2011, p.443) added, Islam began to replace Catholicism; in the sense that the struggle between Catholicism and the secularism was replaced with the conflict between secularism and Islam. Tensions started when three girls wore the veil at school in October 1989, and they were expelled from their school till they take it off. The stalemate exacerbated with issuing the 2004 law that banned conspicuous religious symbols from appearing in the public. What was so obvious in the incident of the headscarf was the way it was presented and covered in the French media. For the first time, secularism was associated with the defense of women’s rights and their emancipation from the tutelage of their religion. The veil was emphasized as a patriarchal and phallic tool that oppresses Muslim women in the public space. Furthermore, it was viewed as an obvious form of externalized resistance and defiance to secularism, which annihilates and magnifies differences between citizens. It is pivotal to note that it is not the veil that exacerbates differences between the citizens of the nation, but the exclusivist version of French secularism. For the latter tends to regard differences as hard to assimilate to the host culture; this is in order to maximize the danger of the veil. Ardizzoni (2004, p.636) emphasized the exclusivist nature of laicite when he said: “Laicite preserves unity, but it results in the exclusion of those who do not conform”. It is quite obvious that the argument of secularism against Islam is figured out in the frame of women’s rights; secularism is presented as the guardian of the rights of Muslim women against the tyranny and inequality of their religion. It is clear that French secularism is
manipulating women’s rights (Muslim women’s rights) so as to justify the ban of the veil in 2004; this is supported by the ambivalence that characterizes French laicite, and which was asserted by Eaton (2010, p.304) when he said that secularism “remains one of those ‘essentially contested concepts’ that is politically useful precisely because it has no agreed-on definition”.

The Western Liberal Public Sphere:

The significance of “symbols/signs” from the era of the colonial encounter with their Muslim colonies to the problem of the veil in the contemporary French society

The persistent debates and conflicts over the veil, as a religious symbol, in the public sphere need to be examined in the light of the secular configuration of the Western public space. Ismail (2008, p.25) stated that the examination of the issue of Muslims in Europe and the place of Islam in the Western societies should be in the light of the liberal and secular configuration of the Western public sphere. Ismail argued that the latter, according to Nilufer Gole, is problematic because of its “unspoken, implicit borders and the stigmatized exclusionary power structure of that secular public sphere”. This exclusionary nature of the Western public space contradicts with Habermas’ understanding of the public sphere, where he regarded the public space as an arena of debate and deliberation that encompasses rational human beings; it should be premised upon equality between all citizens and neutrality towards all people (Chambers, 2010, p.16-17). However, in the Western public space, those who will participate in the debates and deliberations must be secularized. This clearly shows that the Western public sphere
is not inclusive for all citizens, and thus, it is not neutral towards all people; nonetheless, it places certain criteria for citizens who would access the public sphere. Accordingly, citizens who would not abide by the state-imposed criteria on the public space would be excluded. This is the case with the public practices of Muslim self-presentation. Ismail (2008, p.26) argued that Muslim Public self-presentations are regarded as ones that infringe upon the secularity of the Western public sphere. Thus, they tend to be excluded and repelled. It is imperative to note that the intolerant nature of the secular Western public space is hidden in the Western societies’ argument that such Muslim self-presentations are regarded as menace to the public sphere; thus, the Western societies are endeavoring to argue that it is not that they intolerant, but they are concerned with the preservation of the public space. This is justified on the basis that, as proceeded by Ismail (2008, p.26), the public space is not only an arena of deliberation, but also a milieu where identities are formed; hence, based on this argument, there is immense interlink between public self-presentations and identity formation.

It is pivotal to understand the link between the concurrent struggle between Muslim self-presentations and the Western public sphere and the colonial legacy of the West in the Muslim Middle East. Ismail (2008, p.26) argued that the contemporary entanglements and contentions that are surrounding the issue of Muslim public self-representations should be assessed in the light of the colonial encounter with their colonies in the Muslim world. This period of colonialism witnessed colonial encounter with the vagueness of genuine boundaries between what is public and private; thus, the colonial powers embarked on drawing clear boundaries between the public and the private spheres. The colonial powers, additionally, embarked on the secularization of the public sphere, as part
of the modernization project; this entailed the abolition of the religious signs from the public space and the institutionalization of secular reason. It is crucial to note that Muslim women were an indispensible part of the modernization of the colonies of North Africa and the Middle East; they were regarded as bearers of Islamic symbols, the veil, and thus, they should surrender such symbols to be modernized. Hence, for colonizers, women’s unveiling and education were essential for their involvement in the modernization process. This turned women into mere symbols and signs in that construct the public space. Hence, the colonizers started to depict the veil a mere symbol of oppression and backwardness. The dilemma and the contention between Muslim public self-representations and the secular public sphere could be analyzed in the light of the way the West regards the public sphere; the quagmire did not start with the distinction between the public and the private; nonetheless, the stalemate emanates from the Western association of modernization with “symbols” in the public space. It seems that the whole process of modernization is narrowed down and confined to mere symbols. Moreover, the social meanings attributed to symbols, for instance: the veil as a source of oppression, are socially constructed by the colonial powers. Thus, unveiling, as the route to women’s liberation, was also a socially constructed rationale. It is also crucial to ask on what basis are some symbols regarded as anti-modernism. Accordingly, any state, which is adopting such rationale, started to have an absolutist power and undeniable right to abolish symbols that contradict modernity; this, thus, encroaches upon the rights of citizens who wear certain symbols, which the state does not accept in the public sphere. Moreover, this entails ignorance for the citizens’ understandings of such symbols. For instance, the state’s view of the veil as a political and oppressive symbol contradicts with many
Muslim women’s view of the veil as an emancipation sign. Hence, there are both ignorance of the various interpretations of symbols and interference in the intentions of the wearers of the symbols.

The secular state, in its rejection of certain symbols, tends to attribute other socially constructed meanings to those symbols, other than their infringement upon secularism. This is the posture of the French state in its rejection of the Islamic symbol of the veil. Ismail (2008, p.26-27) argued, on the basis of Talal Asad’s words, that the French state, in its rejection of the veil, tends to associate its denunciation of the visibility of the Islamic signs with gendered assumptions. These are resembled in the depiction of the veil as a tool of women’s oppression, and subjugation to men. Moreover, it is associated with backwardness. Thus, veiled Muslim women are viewed as victims, who need salvation. It is obvious that the French state embarked on the development of gendered assumptions, regarding the veil, so as to buttress its rejectionist stance on the veil. This approach was also made clear in the justification presented by the Stasi commission on the ban of the veil in 2004. The Stasi commission stated that the decision of banning the veil was taken on the basis of its disruption of the neutrality of the educational process and setting in the French society; this is besides that the veil is a discriminatory symbol that deprives women, who wear it, from the development of critical consciousness. Thus, state intervention, in the form of banning the veil, is for the “higher good” of women, which is their emancipation. Accordingly, the state embarks on the formation of the “secular Muslim woman” that runs against the conventional “Muslim identity”. Ismail (2008, p.28) argued that the Stasi commission, in the words of Talal Asad, seemed to focus more on the issue of French laicite than on inclusion, tolerance and respect of
women’s choice of what to wear. The “gendered” approach that the state utilizes to foster its anti-veil posture shows how the French state negates women’s agency and autonomy. This view presents women as incapable human beings whose decisions are not based on freedom of choice, but on subjugation and submission to their male-dominated culture. This, also, shows how the state interferes with the intention and the will of the veil-wearers.

The Stasi commission and the ban of the veil in 2004:

The manipulation of women’s bodies

The entire dilemma of the veil in France, according to the French authorities, emanates from the state’s perception that its power is derived from the public space. The latter is regarded as what constructs the state, and since the veil is regarded as a menace to the public space, then it is a direct threat to the state’s power and existence. As a result, the state had to initiate the Stasi commission in 2003, whose investigation of the issue of the veil culminated in the ban of the veil in 2004 (Asad, 2011, p.210-211). The law that banned and proscribed the veil in 2004 required the relinquishment of all religious symbols from the public space; these encompassed the Islamic foulard, large crosses, Jewish signs and Sikhs. This law, which is the outcome of the Stasi commission, is primarily targeted at the Muslim population in France (Eaton, 2010, p.302). The way the issue of the veil was resolved by the state reveals the politicization of secularism in a manner that enabled the state to prove its prevalence over religious symbols. This
politicization of secularism is apparent in the “political agenda” of the Stasi commission, and which is evident in the way the commission approached the dilemma of the veil.

According to Asad (2011, p.210), the problem of the veil in France could not be seen in the light of tolerance of Muslim, or acceptance of differences in religiously diverse milieu; it could also be analyzed in the light of the struggle to enforce a strict and rigid separation between the state and religion. On the other hand, the stalemate could be analyzed in the sense of who will have control over the citizens, and their bodies: religion “via religious symbols” or the state “via secularism” ?. It seems that the French state extracts its power from defining what constructs individual liberty; this could, sometimes, clash with certain individual practices that the person might regard as part of his/her individual freedom, but the state could view as a religious practice that threatens the state’s secular inviolability. In this case, Asad (2011, p.210) proceeds, the state would trump and encroach upon all individual rights, if its secular inviolability was threatened. Thus, it seems that the entire conflict over the veil is embedded in the conflict between religion and the state over the subordination of citizens, and controlling their bodies. It is crucial to note that this politicized approach towards the veil was embedded in the resolution, which was via the initiation of the Stasi commission in 2003. It is also pivotal to note that the latter’s justification of the ban of the veil was, utterly, politicized. This firstly was apparent, as explained by Asad (2011, p.210-212), in the religious and political stigma that was attached to the veil, without the investigation of other dimensions of the veil that could entail cultural and tradition aspects; especially, that there are various disagreements, among Muslims, regarding the religious nature of the veil. However, the insistence of the commission on attaching religious stigma to the veil
is a form of “short cut” to the ban of the veil, since it would be argued that it infringes upon laicite. Secondly, the commission’s argument was moved to another sphere, along with the religious nature of the veil, which is its oppressive nature towards women. The commission wanted to buttress its rejectionist stance on the veil; thus, it was concerned with figuring its anti-veil argument in the name of women’s rights, and their protection from oppression and patriarchy. However, an in-depth analysis of the previous argument reveals the state’s encroachment upon Muslim women’s rights, regarding the freedom to choose what to wear and the right to have sovereignty over the body. This was resembled, according to Asad (2011, p. 212-213), in the commission’s argument that the veil goes against the “desire” of its wearers, and that those who wear it are intending and “willing” to display it to dominate the public space. The question here is: how could the state base its rejection of the veil on the “desire” and “will” of its wearers? It is clear that the state is manipulating women’s consciousness, along with the manipulation of women’s bodies. Moreover, if the state is assuming that veiled women do not have the desire to veil and that they are coerced, then it should also assume that many unveiled women could be having the desire to veil, but they are afraid from the societal reaction. It is also pivotal to note that when some Muslim women, explicitly, stated in the French media that wearing the veil was their desire, they were regarded as more dangerous than those who wore against their will (Asad, 2011, p. 215). The commission is getting certain “private” concerns into “public” investigation and scrutiny. Even, in the coverage of the incident of the ban of the veil, very few Muslim voices were heard. Ardizzoni (2004, p.634) stated that in the analysis of their coverage of the ban of the veil in the total of 29 articles, Le Point, Le Mode and L’express interviewed only one woman “Daniele
Mitterrand” to know her opinion about the veil. Most of the voices heard were those of politicians, religious men, and school principals. In respect of veiled Muslim women, they were briefly quoted. Thirdly, the commission’s theoretical understanding of secularism tends to contradict its practical implementation on the real grounds. According to Asad (2011, p. 212), this is evident in the commission’s words on secularism:

“Secularism does not insist on religion’s being confined within the privacy of conscience, on its being denied public expression. On the contrary, it says that the free expression of religious signs is an integral part of the liberty of the individual. As such, it is not only legitimate but essential to the conduct of public debate in a secular democracy—so as long as the representatives of different religious opinions do not attempt to dominate”

It is clear how there is obvious and huge gap between the theory and practice. In theory, the commission is accepting and legitimizing the public nature of religion, and its presence in the public sphere, as long as its representatives do not aspire to dominate the public space; and Muslims, as a minority in the French society, can never dominate the public sphere. In practice, Muslim women are denied the right of religious expression. This is a clear example of how the state uses secularism as a tool to manipulate women’s bodies, and their right of choice. Secularism, therefore, is torn in a relentless conflict that is resembled in the state’s withdrawal from all religious matters, including defining religious signs, and the state’s insistence to construct secular citizens(Asad, 2011, p.212-213).

The French secular state, in regards to its stance on the veil, seems to be conforming to the principle of “cuius region eius religio”, which means that the religion of the ruler is
the religion of the subjects. In the case of France, secularism is its religion, and believed doctrine; and since religion tends to direct people to non-worldly concerns, the state has the right, in the name of secularism, to buttress its power via directing the attention of its citizens to worldly and non-religious concerns. Exactly as religion fosters certain beliefs and inculcate them in the minds and conscience of its citizens, the state is also concerned with the installation of certain secular ideas that create an “absolutist” political entity from the state. This is the French case with the veil, where the state is dealing with the issue as a matter over which there is no compromise; this is because that is related to the state’s power and existence (Asad, 2006, p.94). This is an exclusionary form of political rule; it is crucial to note that secularism, as religion, is subject to manipulation by the state, and that is the case of French secularism; the latter is politicized in order to buttress the state’s power and absolute sovereignty, and the dilemma is that it is translated into encroachment upon the sovereignty of women’s body.

This version of secularism could be replaced by a more inclusive version, which is recommended by Abdullahi An-Na’im. Bennoune (2007, p.408) stated that Abdullahi An-Na’im advocated a more inclusive version of secularism, rather than the one that is adopted by France. This is done when secularism becomes regarded as a tool of organizing the relation between the state and religion, and not excluding religion. In this case, secularism becomes a tool that advocates and endorses pluralism. The aspiration of secularism should be to give credence to the temporal and worldly affairs to be contestable and competing with the religious affairs; this is pivotal so as to leave more room for the development of human rights (including women’s rights), such that they no longer become sacrificed, or debilitated under the name of religious primacy or
prevalence. This is an inclusive version of secularism, in which a person can be both religious and a supporter of secularism.

It is crucial to look at Muslim women’s responses to the ban of the veil in France in 2004. Costa-Kostritsky (2012) argued that after the 2004 ban of the veil in public spaces in France, some girls had to leave their schools, since they were reluctant to take off the veil. Aurelie, a nineteen-years-old girl, was seen by her school headmistress outside school, wearing the veil and a long skirt. The school headmistress told Aurelie that she should dress in proper dress code, which is a top and jeans, or else, she had to leave the school. Aurelie states that she was well aware that there were no legal bases, upon which the school would expel her; this is because it was only the veil, which was regarded as a “conspicuous religious symbol”, and not long skirts; and Aurelie did not use to wear the veil at school. However, the reason that Aurelie left school was that she felt that the atmosphere did not tolerate any sort of differences; it was not also acceptable for someone who would aspire to preserve his/her Muslim and French identity. Aurelie commented on that by saying: “Why could I not be free to practice my religion and go to school? she believed that the veil was “a woman’s choice” and part of “her agency”, apart from its connotations, rather than a “Conspicuous religious sign”. It is clear how the ban over the veil had negative repercussions on veiled Muslim girls; many of the latter insisted on their right to wear the veil, and thus, they stopped going to their schools as they would be dismissed. Even those veiled girls who decided to take off the veil felt that both the French state and society were depriving them of one of their basic rights, which is the right to have sovereignty over their bodies that is part of the right of choice.
Dhumieres (2013) added that part of Muslim women’s response to the ban of the veil in France in 2004 was that they used the internet social networks to respond to Femen’s “Topless Jihad day” campaign. This was an anti-veil campaign by Femen, which is a French feminist group. Muslim women’s response, via social networks, was that they stated that they did not need saving, and that it was a woman’s choice to veil or unveil.

Muslim women, around the world, sympathized with French Muslim women who were denied the right of choice to veil or unveil. Thus, there were numerous protests and demonstrations, following the ban of the veil in France in 2004; this was evident in the demonstrations of Muslim women in front of the French Embassy in London. It is imperative to note that the matter was criticized on the level of some Islamic organizations, who also organized protests, such as: The Islamic Human Rights Commission (IHRC) and International Islamic Women’s Organization (IIWO). Both organizations expressed their refusal of such discriminatory law by organizing protests outside the Embassy of France in London (Protest French Hijab Ban, n.d.)
In these two pictures, Muslim women in the UK were supporting their sisters in France after the veil was banned in 2004 (Protest French Hijab Ban, n.d.)

It is important to note that there are some French Muslim women who act in defiance to the 2004 law; this has, recently, been the case of “Baby Loup”. According to Liogier (2013), *l’affair du “Baby Loup”* is about a Muslim woman, in France, who was fired from her job because of her appearance with the veil (“apparence avec le voile”). Liogier (2013) refers to this incident as the “all-the-time” case in France, when the state defends secularism in the face of the freedom of religious expression. This, clearly, shows how the state prioritizes the defense of secularism over the right of freedom of religious expression; such that the victim, in the end, is the female body, which becomes deprived from its agency and the right of choice. Therefore, it is clear how Muslim women’s response to the ban of the veil ranged from demonstrating against such an action to defiance and insistence on the right to wear the veil. This is besides that other Muslim women tend to leave their education, or jobs due to their refusal to take off the veil; thus, in its assumption that the ban of the veil would liberate Muslim women, the state ends up oppressing veiled women who become obliged to take off the veil, or leave their schools and jobs.

The manipulation of women’s bodies is not only the culmination of the politicization of religion, as in the case of Iran; nonetheless, women’s bodies are subject to manipulation in the case of the secularization of religion; this is the case of France, where the secularization of religion deprives women from their right to wear the veil. This means that women are deprived from having sovereignty over their bodies, and from the right of choice of the dress code.
The dilemma of the veil started in France in 1989, under the name “Affair Du Foulard”, when three Muslim girls went to their school with the veil; these girls were dismissed until they took off the Islamic foulard. The school undertook this decision, since it regarded the veil as an “ostentatious” religious symbol that violates and threatens the French Laïcité. The veil, since that time, started to be depicted in the French media as a symbol that creates dichotomies and binaries that are resembled in: “Islam Vs. Laïcité”, “Them Vs. Us” and “The East Vs. The West”. It is clear how the French media depicted the veil as a kind of dress code that threatens the French Laïcité.

The veil is, also, regarded as a “default d’assimilation” as it asserts the prevalence of the Muslim identity over the French one; this reveals the reluctance of the French state to accept the idea of “identity binarism”, in which a person could be a French Muslim citizen. The French republic regards this as a kind of contradiction. The attitude of the French state, also, reveals its reluctance to accept the idea of “cultural hybridity”. As a result, citizens who wear religious symbols, which are regarded as a menace to secularism, become excluded from the public space.

The French state endeavored to solve the dilemma over the veil, via setting the Stasi commission in 2003. The commission issued a report that culminated in banning the veil in 2004. As a result, many Muslim women, all around the world, protested against this law, since they regarded it as an encroachment upon the sovereignty of their bodies. The issue of the Islamic foulard in France reveals a huge dilemma in most of the Western societies, which is the state’s endeavor to secularize the society and the citizens. This culminates, in the case of the veil, in depriving Muslim women from having sovereignty over their bodies.
Chapter 3

Public Religion and the possible re-conciliation between religion and secularism:

Examining the enriching role of public religion in the public space

Religion is one of the most crucial elements that are not, easily, separable from the public sphere; there had been many endeavors, especially by Western Europe, to confine religion to the private sphere and separate it from politics; however, the separation occurred at the institutional level only, in the sense that there had been, and still is to some extent, separation between the church and the state in the realm of functions. The elimination of religion and religious symbols from the public space did not happen. Moreover, the separation was not rigid, where the church was sometimes involved in the provision of some of the state’s functions, such as: education and health. Religion has always been central to certain political issues. This institutional separation was explained by Modood (2012) when he examined the term of “political secularism”, which refers to the institutional separation between religion and politics; this means that both the religious and political authorities should function in an autonomous manner. The terminology of “political secularism”, clearly, asserts the political and institutional nature of secularism. It is crucial to note that secularism per se is not hostile to religion; nonetheless, the presence of absolutist states, which do not tolerate religions and their presence in the public space, is what creates belligerency between religion and secularism. However, in his discussion of the institutional separation between the religious and political institutions, Modood seemed to be ambiguous, regarding the public role of religion. Does this institutional separation, necessarily, mean that religion is
allowed to play a public role in the public space? Or does it refer only to setting walls of separation, such that neither religion nor politics should interfere in each others’ affairs? Is it religion and politics that should be separated, or religion and the state? It seems that the genuine menace is not when religion and politics become intertwines; the authentic *bona fide* is when religion and the state institutions are not separated.

Chambers (2010, p.16-17) argued, in her investigation of the relationship between religion and secularism, that secularism should not be regarded as a monolithic terminology; Chambers stated that there are numerous forms of secularism, such as: open, militant and restrictive secularism. These various forms have, entirely, distinct stances on the role of religion in the public space. In respect of open secularism, it advocates the presence of religion in the public space, and its contribution to the public discourses that are held in the civil society. At the same time, open secularism advocates the presence of a secular state. On the other hand, militant secularism is both distrustful of religion and supportive of its disappearance from the private and public spheres; it is, thus, associated with atheism. In respect of restrictive secularism, it does not have an anti-religious stance, but it believes that religion should not be part of the processes of deliberation or public reason that determine the public policy of the state. After the investigation of the various forms of secularism, it is clear that both religion and secularism could co-exist; it is also obvious that religion could play a critical role in the public discourses in the civil society.

Despite the numerous Western endeavors in setting walls of separation between religion and politics, religion is sturdily returning back to the public sphere in an immensely obvious manner. According to Casanova (2008), the Western European states staunchly
believed that the post-Enlightenment era would be characterized by the process of the “privatization” of religion; this refers to the confinement of religion to the private sphere, and prohibiting it from playing any role in the public space. However, in the last decade, religion started to be, an exceedingly, contentious and controversial topic in the Western European societies; this is because the last decade witnessed the obvious resurgence of religion in the European public space. This resurgence is apparent in the form of the excessive visibility of religious symbols, especially the veil, in the Western public space; moreover, the revival of religion could be also measured in its involvement, or persistent endeavor to get involved, in the debates of the public space. Casanova (2008) referred to this phenomenon of the resurgence of religion in the public space as the “de-privatization” of religion, and the departure from the “European Zeitgeist”.

Casanova (2008) illustrated how the Western states are, hugely, reluctant to accept the phenomenon of the “de-privatization” of religion; they are, constantly, resisting any public presence for religion; the impetus behind this rejectionist attitude of religion’s public presence and role, on the side of the Western states, could be explained in the light of the West’s monolithic and extremist view of religion; the majority of the Western voices equate religion with fundamentalism, especially when it comes to Islam and Islamic symbols. As a result, many Western governments are paying attention to the rise of religion in the public space, and this is apparent in the conferences that are held on religion; this is besides the research centers that tackle issues as “religion and politics”, “religion and violence” and “religion and immigration” (Casanova, 2008). It is quite obvious how religion started to be one of the most important researched topics in Europe; this is not the culmination of Europe’s interest in religion, or the realization that religion
is an essential and enriching element in public debates and discourses, regarding the *res republica* (the common good and the state’s public affairs); however, this is the culmination of Europe’s fear from the resurgence of religion in the public space. It is crucial to note that Casanova referred to an important point, and which is the monolithic view of religion by the Western European states; the latter, generally, view religion as being militant and fundamentalist. This view impedes any form of reconciliation between religion and secularism; this is besides that the relationship between both religion and secularism becomes one of competition, where each of them struggles to control the public space. It is also imperative to note that this fundamentalist view of religion, especially Islam, is associated with certain events, such as: the 9/11 attacks. These attacks associated Islam with fundamentalism and terrorism. This unfolds an important point, which is the association of religion with certain events. This is not only a misleading approach towards religion, but also one that is paving the way for the “Clash of both the religious and secular discourses”. Despite Casanova attempted to cover several important points on the issue of the resurgence of secularism, his approach was characterized by “Western-centrism”. Casanova did not investigate how the Muslim world approaches secularism. This is an immensely critical issue, since secularism in the Muslim world is, mostly, related to the legacy of Western colonialism; many Muslims believe that both religion and secularism are incompatible; but the fact is that such incompatibility is “historically-constructed”. This means that this incongruity between both sides is the result of certain historical events that developed hostility and belligerency between both religion and secularism.
Despite the presence of numerous voices that kept on overlooking the important role of religion in the public space, many Western scholars alarmed the European world about the resurgence of religion in the Public sphere. According to Hackett (2005, p.659), there were several European scholars who had, consistently, referred to the anticipated resurgence of religion. Samuel Huntington’s famous piece, “The Clash of Civilizations”, argued that the world’s forthcoming conflicts would be centered on civilizations; the latter are resembled in the Western, Hindu, Confucian, Japanese, Latin-American, Slavic-Orthodox, African and Islamic civilizations. Huntington argued that the next greatest conflict in the world’s history would take place between both the Islamic and Western civilizations. Despite Huntington’s sturdy tone in “The Clash of Civilizations”, his anticipation of the clash between the Islamic and Western cultures, in specific, evolves around religion. It seems that Huntington believed that this clash would be motivated by the incompatibility between the West’s secular values and the Islamic religious values of the Islamic civilization. The problem in Huntington’s analysis of the revival of religion is that he formulated his analysis in terms of an “inevitable conflict and clash” between civilizations.

There are other studies, along with the Clash of Civilizations, such as: “Religion, The Missing Dimension of Statecraft” that tackled the revival of religion. Hackett (2005, p.662) stated that the latter study questioned the absence of religion from the examination of many of the international conflicts. Hackett also investigated the book of Jose Casanova, under the name of “Public Religions in The Modern World”. In this book, Casanova argued that religions are no longer confined to the private sphere; however, their departure from traditionalism and conventionalism, and their incremental approach
towards modernity would make them penetrate the public space. Hackett (2005, p.663) examined the resurgence of religion in the public sphere from another perspective, which is the emergence of religious movements in different parts of the world. The development of these movements is the result of both the information technology revolution and the restructuring of the global economy on capitalist lines. The social, political and economic backwardness of some countries, especially in the Middle East that resulted from the capitalistic orientation of the global economic order, led to the rise of fundamentalist religious movements; these movements’ agendas are based on the development of “defensive identities”, which tend to be based on authentic and orthodox religious doctrines. The role of such religious movements was crystallized in the 9/11 attacks, which were committed by El Qaeda terrorist group. Philip Jenkins, in his analysis of the 9/11 attacks, stated the following words:

“The twenty-first century will almost certainly be regarded by future historians as a century in which religion replaced ideology as the prime animating and destructive force in human affairs, guiding attitudes to political liberty and obligation, concepts of nationhood, and, of course, conflicts and wars”

In the previous part, there has been an-in depth investigation of the forms of religion’s revival; nonetheless, most of the scholars, whose writings were investigated by Hackett, focused on the militant and fundamentalist nature of religion, except for Casanova. Furthermore, most of the scholars depicted the phenomenon of the revival of religion as an aggressive and defensive one. It was only Jose Casanova who examined another dimension of religion, which is not militant or fundamentalist; one that is civilized, modernized and enriching for the public space. Casanova referred to this form of religion
as “Public Religion”. The significance of public religion lies in the fact that it provides an example on the possible reconciliation between religion and secularism; furthermore, it proves that both religion and secularism are complementary and not contradictory elements.

This paper would argue that public religion is an, immensely, crucial element that should contribute with its values in the public discourses of the public space. These discourses should be based on public reason and deliberation. At the same time, the state should be a secular entity that stands on equal distance from all its citizens; moreover, a state is secular, because a political entity cannot adhere to a certain religious doctrine. This secular state would be selective of the arguments that were developed in the public space; this would ensure that those exclusionist arguments, or the ones that are developed to satisfy a certain sect of the population at the expense of the others would be rejected by the state. The latter has the right to accept, modify or reject the arguments that are presented by the several religious, secular and other voices in the public space. By time, religious voices would learn to develop their arguments on the basis of general humane values, such as: justice, equality and tolerance, in order to become inclusive for all citizens. This paper would also argue that accepting the role of public religions in the public space would, concomitantly, culminate in tolerating the presence of the religious symbols in the public sphere.

This paper will, firstly, discuss the enriching role of public religion for the discourses of the public space. It will examine the emergence of public religion in the public space, and how it could enrich the public discourses with its contributions. Second, it will discuss Habermas’ ideas on public religion, which is the theoretical framework of the paper.
Finally, there will be a brief examination of the Australian case, its stance on the veil and how this could be associated with public religion.

**Public religion:**

**A new paradigm for the presence of religion in the public space**

“Those who point to and even celebrate public religion, however, argue that religion will inevitably find outlets and will make institutions in the public realm, and that it is better to recognize this and make such religion a subject of citizen observation and debate than to keep it covert and leave it unacknowledged.“


Public religions are setting a new paradigm for the role of religion in the public space. The traditional view for the presence of religion in the public sphere had always been one that is associated with religious symbols; the latter are regarded as a menace that is threatening the European identity, and trying to replace it with an Islamic one. Public religion is defined, by Casanova (n.d.), as the kind of religion that is seeking a public role. Examining the issue of public religion and its role in the public space presents another, non-militant, dimension for religion; one that is neither doctrinal/theological, nor ideological. Nonetheless, this new dimension of religion is one that aspires to enrich the public discourses, via its contribution to the public discourses; this would be on the basis of public reason and deliberation. According to Chambers (2010, p.16), religion finds its ways to the public space via many routes; this ranges from religious symbols to religious statements that are written on currencies. But the focus, in
this part, would be on religions’ possible contribution to the public discourses in the public space. There are different postures on that issue; some voices believe that religion is a destructive force that should be confined to the private sphere. On the other hand, there are secular voices that believe that religion can be a positive and enriching element in the public space.

In his examination of public religions, Casanova (2008) argued that the world is shifting from the secular to the post-secular age. This means moving from the confinement of religion to the private space to its involvement in the public space. It is crucial to note that the prevalent democratic configuration of the Western European societies should be supportive for, or at least not threatened by, the presence of religion in the public space. This is because democracy is associated with public reason and freedom of expression; Public religion, via freedom of expression, would function in a free manner, to the extent that it could express some ideas that are exclusionary for certain sects of the society; nonetheless, the element of public reason would place limitations on Public religion. Public reason would lead to the process of selectivity, in which only reasonable and inclusive arguments and discourses would be accepted. Casanova (2008) added that it is not only public reason that would place limitations on the discourses of public religion, but also the secular configuration of the state; here, secularism would not abide by the principle and notion of “Cuius regio eius religio”, in the sense that having a secular state does not necessarily mean that the public space, or the citizens should adhere to secularism. In respect of the state, it should be secular as a state can never be religious. A secular state is expected to be on an equal distance from all its citizens, and it should be selective of the ideas and arguments that are formulated in inclusive terms.
Casanova’s view of public religion is complemented by Alfred Stepan’s model of “Twin Tolerations”. According to Casanova (2008), Stepan’s model is described as setting “the minimal boundaries of freedom of action that must somehow be crafted for political institutions vis-à-vis religious authorities, and for religious individuals and groups vis-à-vis political institutions”. Therefore, religious authorities should tolerate the governments that are, democratically, elected; this means that religious authorities should accept the fact that such democratic governments have the upper hand to mandate, or reject a specific public policy. At the same time, the democratically-elected political institutions need to tolerate and accept the right of religious groups and religious people to participate in the public discourses, and express their values in the public space. Stepan’s ideas are complementary for Casanova’s thoughts on public religion; despite Stepan highlighted the importance of mutual tolerance between both the religious and political sides and the right of the religious people to contribute with their values and ideas to the public discourses in the civil society, he gave the upper hand to the elected governments to accept the outcome of the public discourses and turn it into public policy, or to mandate it, or to entirely reject it. This would ensure that there will be no public policy that is exclusionist for any sect in the society. This would also induce religious groups and people to develop their arguments on the basis of globally-shared values; values that are shared between religion and humanity, such as: justice, tolerance, equality and other humane values that would help enrich the public discourses, and develop inclusive public policies.

It is not only Western scholars who tackled the issue of public religion, but there are also Muslim and Arab scholars who paid attention to the growing importance of public
religion in the public space. Among those scholars is: Abdullahi An-Naim who started his argument by stating that a state always has to be a secular political entity; this is because a state can never abide by a specific religious dogma/doctrine. It is not that a state “should not” be religious; but it is that a state “cannot” be a religious one. This means that a state may not be secular enough, but it can never have a certain religion. An-Naim argued that the presence of a secular state does not mean the exclusion of religion from the public space; this is the case with “weak secularism”, which An-Naim advocates. This term refers to the kind of secularism that does not exclude religion from the public space, but it refuses any sort of connectedness between the state and religion. The presence of public religion in the public sphere means that religion can become integrated, with its constructive values, in the public debates. This would lead to the development of a number of competing claims that would, further, enrich the public space (An-Naim, 2008, p.2-4).

An-Naim, in his investigation of public religion and the necessity of having a secular state, offered a distinctive approach to secularism. An-Naim (2008, p.4) believed that secularism is a mediatory power between religion and politics/public affairs. Secularism, according to that view, aspires to make the relationship between religion and the public and political affairs complementary, rather than contradictory. It would enable public religion to contribute with its values in those public affairs, in a comprehensive manner, and to persistently seek moderation to embrace all citizens. The dilemma, according to An-Naim, is not when religion is interconnected with politics and public affairs, but the quandary lies when both religion and the state are connected. An-Naim’s contribution to the issue of public religion seems to be, hugely, enriching and distinctive from many
pieces on that issue, since he tackled the difference between the interconnectedness of religion and political/public affairs, and the interconnectedness between religion and the state. This is an essential topic to investigate, since this would make people more understanding for the importance of religion in the public discourses. An-Naim (2008, p.4) distinguished between politics and the state. The former refers to every day-governance; on the other hand, the state refers to the institutions, under which people’s sovereignty should be represented. Those institutions should be neutral, and free from any influence by religion. On the other hand, the government, which is involved in everyday governance, should be responsive to people’s political choices that are the culmination of the processes of public debates and deliberation. An-Naim illustrated his point by using an example, which is that of the Attorney-General in the United States of America under the Bush administration (Junior Bush). It happened that the Attorney-General dismissed a number of prosecutors because they refused to prosecute some cases, which the Republican Party aspired to prosecute. This created deep confusion between the mandate and authorization of the Attorney-General and the integrity and autonomy of the Ministry of Justice (as a political institution). In this case, the Attorney-general was attempting to use his power to achieve a certain political end for his party, and in doing that, he was undermining and debilitating the autonomy of the entire institution. It is crucial to note that, in other parts of the world, such political ends could be religious ends. Whether the state is a Christian Western or a Muslim Middle Eastern entity, it must be secular; secular does not only refer to a state that is not religious, but also a state that stands on equal foot towards all of its citizens. An-Naim (2008, p.5) added that despite public religion is allowed to play its role in the public space, it should be functioning in
the realm of “public and civic reason”; the latter enables all citizens, apart from their religious, political or ideological affiliations, to reach consensus and unanimity over the public policy, without being influenced by their religious dogma. This would keep the government responsive to the arguments of the public space, since they would be filtered and modified from any religious affiliations, in a way that would keep the state neutral and non-interventionist in the discourses of the public sphere.

The importance of the issue of public religion is not only because of its contribution to the public discourses of the public space, but also because of its impact on citizens. When religion is politicized/ideologized, the citizens who abide by that religion become discriminated against. This is besides that when those citizens wear religious symbols, they are regarded as a menace to the host country’s public space. On the other hand, if religion is allowed to play a crucial role in the public space, and to contribute in the public discourses, then there will be less discrimination against religious citizens, and those who wear religious symbols. Hackett (2005, p.680) argued that the rise of religion, Islam in specific, in the Western public sphere that is not acceptant of such a phenomenon culminated in huge reluctance to accept the religious (mainly Islamic) symbols. Such symbols are believed to be signs of a religious identity, which is irreconcilable with the Western European identity. Women are the ones who are, always, found to be at the center of conflicts between the voices that advocate the manifestation of the religious symbols in the public sphere and those Western voices that refuse such expression of religious identity in the public space. If the Western societies started to accept public religion and its role in the public space, discrimination against those who wear religious symbols would be reduced. This is because public religion would be
regarded as an enriching element for the public discourses of the public space; here, religious citizens and religious symbols would not be regarded as a menace to the Western societies; on the other hand, they would be regarded as part of the society’s hybridity that enrich its public debates and deliberation. The tolerance of the religious symbols would, on the long run, lead to the acceptance of religion’s participation in the public discourses of the public space.

Theoretical Framework:

Jurgen Habermas and public religion:
A Firewall against religious voices at the doors of legislation?

Habermas is one of the most prominent scholars who discussed the issue of public religion; Habermas regarded the public space, with its debates and deliberations, as one of the most important pre-requisites of democracy. Chambers (2010, p.17) stated that, according to Habermas, public policies should be the culmination of the pluralistic and numerous “Babel of Voices”. This means that all voices are allowed to participate in the public debates of the public sphere. Moreover, Habermas believed that public religion should be among the voices that participate in the public space; without this role, the public sphere would be, exceedingly, impoverished. According to Chambers (2010, p.17), Habermas advocates a strong and obvious role for public religion in the public space, since it enriches the public debates and discourses. Habermas also believed that Public religion could offer new dimensions and perspectives on public affairs; it could also offer innovative solutions, which had never been thought of by other non-religious citizens. However, there are certain criteria that public arguments, which are developed on religious or secular lines, should not overlook. Among these criteria are the inclusion
of all citizens, respect of others’ opinion, reasonableness, civility and openness to diverse opinions. Habermas added that parliaments should be having the upper hand to accept, or reject the arguments, which are developed in the public space. Moreover, parliaments should silence any religious arguments, and expunge them from the final transcript. Habermas could be criticized for encouraging public religion to participate in the public debates and discourses, and then saying that parliaments should be empowered to obliterate religious arguments. It is imperative to illustrate Habermas’ point; Habermas, in endorsing the role of public religion in the public sphere, does not mean that he is a supportive of religious arguments. Public religion, according to Habermas, should develop its arguments on the basis of public reason and deliberation, which would assist in developing arguments that are inclusive for all citizens. Public religion should base its arguments on religious values that are shared by all people, such as: justice, equality and tolerance, and not on doctrinal or theological basis. In case, public religion developed its arguments on theological lines, then parliaments would expunge them. Thus, a firewall is built against religious arguments that are, theologically-oriented, and not against religion itself. Moreover, expunging arguments that are not comprehensive for all citizens is part of the democratic process, since it is the function of parliamentary representatives to achieve the common good, and “make the Babel coherent” and make the final outcome embraced by all citizens.
Public religion and the veil in Australia:

Between the paradox of state legality and social discrimination

Australia is regarded among the most successful paradigms for multiculturalism. Australia has a large number of Muslims, who are living there as Australian and Muslim citizens, and they are not prohibited from wearing any religious symbols. Ouazzif (2009, p.25) stated that religious symbols are becoming, immensely, obvious in the Australian public space; veiled women are seen with large numbers in Sydney, which is regarded as one of the most multicultural cities around the world. Moreover, veiled women are allowed to work at schools, hospitals, universities and other places in the public space. However, despite the state allows the veil, as a religious symbol, to exist in the public space, there is still societal discrimination against veiled women. Ouazzif (2009, p.25) stated that despite the hijab is not prohibited in the public sphere, it is notoriously represented in the Australian media; many of the views, which are against the veil, are shaped by the media. The latter started to focus on Muslims and the veil after the 9/11 attacks, where Muslims in all European countries came under scrutiny. The media’s role in developing a negative view of the veil has also been exacerbated; the media keeps on associating the veil with women’s submission, subordination and lack of agency.

Prejudice against the veil in specific, and Muslims in general, has also been expressed by some Australian public figures who viewed the veil as a menace to the Australian cultural configuration. Samani and Marinova (n.d.) argued that Muslims are discriminated against by some public figures in Australia; this was evident in the action that was taken by the Australian Minister of Defense Peter Reith, after the 9/11 attacks, when he refused to give asylum to Muslim refugees, describing them as terrorists. Regarding the prejudice
against the veil, Browyn Bishop, an Australian feminist and member of the Australian parliament, called for issuing a law that bans the veil; she regarded the veil as an impediment to women’s agency and independence. Bishop’s view was supported by Fred Nile, a conservative Christian member of parliament, who called for outlawing the chador in 2002 as it could be used in hiding bombs, as was the case in the “Moscow theatre siege”. Nile’s view was, staunchly, attacked by the Minister of Foreign Affairs Alexander Downer who argued that raincoats could also be used in bombings (Abraham, 2006, p.183-184). Downer said:

“I like Fred, and I don’t always agree with him but, you know, Fred speaks for the views of a lot of people. On the other hand, I feel it’s very important at the moment that Islamic people don’t feel they’re being singled out”


Downer’s words, clearly, show that even if Fred’s stance on the veil and the Chador represents the view of a certain sect in the Australian society, the Australian state is not willing to single out or exclude its Muslim population by banning the veil or the chador. This is an immensely important point as when the state is at equal distance from all its citizens, religious symbols are allowed to exist in the public space. It is also vital to note that even when there are anti-Islamic voices, they are countered with the state’s insistence on the non-exclusion of Muslims and defending women’s right to choose what to wear. Moreover, the presence of some Australian feminists who oppose the veil is countered by other Australian feminists who regard the veil as an empowering symbol, which transcends suppression and subordination. Germain Greer, an Australian feminist,
spearheaded and organized a campaign that asked women, Muslims and non-Muslims, to wear the hijab to protest against the war on Iraq and the attack on Veiled women after the 9/11 attacks. Greer wanted to present a new image of the veil as a symbol of national resistance and women’s empowerment. Dimea (2011) added that other Australian public figures, as the Multicultural Affairs Minister, declared his support for multiculturalism and regarded the veil as a personal issue, from which the state should keep apart.

It is clear that Australian state is not accepting the idea of the prohibition of the veil; this is because it does not want to discriminate against the Muslim population who is living in Australia. This also reveals how the Australian state does not see any contradiction between the Muslim and Australian identities. The state’s stance on the veil might not be, necessarily, reflected among all the sects of the society; there are supporters and opponents of the veil on the societal and political levels, and that is how democracy functions. Moreover, disagreements over different issues in the public space are, immensely, crucial to develop strong arguments in the public debates. Despite public religion does not play a direct role in the Australian public space, since public religion is about religion’s contribution in the public sphere, the state is tolerant of religion’s presence in the public space; this would, incrementally, push public religion to play its role in the long run in the public debates of the Australian public sphere.

The resurgence of religion, especially Islam, is one of the most important phenomena of the twenty first century. It is, sometimes, associated with terrorism, religious movements that endeavor to revive authentic Islam and establish an Islamic rule. However, there are other forms of religion that could reconcile between religion and secularism, among them is: public religion. The latter refers to the kind of religion that
attempts to play a public role in the public space. It is regarded by many scholars, including Habermas, as an enriching element for the public sphere. Public religion is encouraged, by many scholars, to contribute with its values in the public discourses of the public space, along with other non-religious voices. It is crucial to note that the public discourses should function in the realm of: public and civic reason, openness, civility, respect and tolerance of others’ opinions and deliberation. This is besides that such discourses become filtered by the state/ state institutions, which should be secular, such that only inclusive arguments would be accepted. The state has the upper hand to modify or reject any argument.

In the discussion of the Australian case, it might not be accurate to say that public religion plays a direct role in the Australian public space; but at least, the state is not prohibiting religion and religious symbols from appearing in the public sphere. However, there are still several voices that are calling for outlawing the veil, which is regarded as a tool of women’s oppression. The Australian case should remain a role model for all the Western European political systems in its tolerance of the presence of religious symbols in the public space; this would pave the way, incrementally, for public religion to play a direct role in the public discourses of the public space.
Conclusion

The female body has been subject to various forms of manipulation by the diverse Western and Eastern political authorities; manipulation of women’s bodies was premised on the rationale that the female body is the bearer of the cultural, social and political configuration of the state. Thus, their bodies must be controlled in order to ensure that the ruling regime or the state’s ideology is prevalent and maintained. Dress code has been the tool that was used by various political regimes, in order to control women’s bodies.

In Iran, both the Pahlavi and the Theocratic regimes of Iran embarked on the manipulation of women’s dress codes, in order to control the female body. During the Pahlavi regime, the Shah, Mohamed Reza Shah, focused on the modernization of the Iranian state; women were part of this modernization scheme, and thus, their dress code had to reflect the Westernized tendencies of the regime. Accordingly, mandatory unveiling was the cornerstone of women’s engagement in this scheme of modernization; this was associated with other tools to empower women, and enable them to access the public space; these encompassed the “Family Protection Law” that empowered women in the aspects of divorce, custody of children and polygamy. Reza Shah wanted to empower women, so as to be able to access the public sphere, and challenge the role of the Iranian Ulama. The Shah called Iranian women “Public women”. In respect of Reza Shah, the son of Mohammed Reza Shah, he ended the obligatory nature of unveiling, but still veiled women were deprived from many of their rights, and unveiled women were the ones who used to occupy the most prominent posts in the state. It is crucial to note that the politicized role of the veil started earlier before the Islamic Republic was established; this was the case when the veil was used as an emblem of resistance to the modernization
and Westernization scheme of Reza Shah. It was not only the Pahlavi regime that manipulated women’s bodies, but the theocratic regime as well. After the eruption of the Islamic revolution in 1979, Khomeini imposed compulsory veiling on women; this is besides the annulment of the Family Protection Law, and the confinement of women to the private sphere, so as not to challenge the role of the Ulama; the Iranian case reflects how the politicization of religion culminated in the manipulation of women’s bodies, and their deprivation from having sovereignty over their bodies.

It is crucial to note that not only Muslim societies that control women’s bodies, but also Western ones; this is resembled in the case of France. The French authorities decided to ban the veil in the state’s public spaces in 2004; this was justified in the sense that the state is endeavoring to protect laicite, which is about eliminating the presence of religion from the public space; nonetheless, laicite is, fundamentally, concerned with the “institutionalized” separation between religion and politics, which is known as the “separation between the Church and the State”. By banning the veil, Muslim women lose sovereignty over their bodies, and they become deprived from the right to chose. It is obvious, in the French case, that there is conflict between both the state and religion, regarding which one of them will control the public space; this would happen via controlling the public self-presentations of citizens, and mostly women whose dress codes tend to reflect the state’s political and cultural affiliations.

The two cases of Iran and France reflect a wider conflict between religion and secularism; both of them seem unable to find a venue of accommodation and co-existence. Secularism seems to regard religion as a competing element, and not a complementary one. The emergence of secularism in the post-Enlightenment era made
Westerners anticipate the eternal demise of religion, and its perpetual confinement to the private space. However, this proved not to be the case with the rise of Islamic terrorism, and religious fundamentalism; the resurgence and revival of religion in the public space was also exemplified in the emergence of religious signs in the public space. This asserts that religion is, always, striving to get a public role, rather than a theological role only. This relentless struggle between religion and secularism tend to be narrowed down to women’s bodies, who become the victims of the aspiration to dominate the public space by both the religious and secular trends.

Such relentless and persistent struggle between religion and secularism need to be solved; this will be done via the accommodation between religion and secularism. This will also be done when the state becomes secular, in the sense that there must be separation between religion and the state institutions and the state should stand on equal distance from all its citizens; however, this institutional separation between religion and the state institutions does mean the abolition of religion from the public space. According to Habermas, public religion, the name assigned to religion when it appears in the public space, enriches the public discourses, and without it such discourses would be impoverished. However, public religion needs to be subject to a number of criteria; these encompass public debates, deliberations, civility and respect between citizens. These discourses also need to be guided by civic reason that is premised on justifications and arguments, unlike the case of religious reason. The latter tends to be presented in absolute terms, and it is not open to criticism.

In the brief examination of the Australian case, it seems that public religion does not play a direct role in the Australian public space, in the sense that the diverse religions that
exist in the Australian societies are not participating with their values in the public
discourses. However, it is imperative to note that the Australian public sphere is, hugely,
tolerant of religions’ presence in the public space. The veil exists in the Australian public
space, such as in: the workplace, educational and other state institutions. It is also vital to
note that despite the veil is, legally, accepted by the Australian state to exist in the public
space, there are still societal discrimination against the veil; the latter is, still, regarded by
some Australians as a tool for women’s oppression and subordination. In general, the
Australian model is, so far, among the most successful multicultural paradigms in its
approach towards the religious symbols. This would pave the way, on the long term, for
the participation of public religions in the public discourses.
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