

The Burqa Affair across Europe: Between Public and Private Space

*Alessandro Ferrari and Sabrina Pastorelli, eds.
Burlington, VT: Ashgate, 2013. 268 pages.*

This edited collection provides a comprehensive analysis of the legal contexts within which the “burqa affair” is located across Europe. It was published following the December 2012 “Secularism and Religious Diversity in Europe: Opportunities and Perspectives” conference organized under the auspices of the RELIGARE project (Religious Diversity and Secular Models in Europe). Its aims are ambitious and commendable: to analyze the socio-legal situation of face-veil wearers in eight Western European countries where regulations range from outright bans (disguised under the tagline of banning full or partial face coverings to avoid reasonable allegations of religious discrimination directed at the already besieged European Muslim populations) to the simultaneous lack of general prohibitions but specific rulings against full-face veils.

Despite the baffling personal interpolations made by some contributors to express their personal dislike of this practice (e.g., p. 5), they nevertheless recommend in their collective conclusion that legislators should not introduce general prohibitions into the common space (i.e., “the physical territory that people must necessarily enter to meet their basic needs,” p. 53), for doing so would unjustly criminalize those who exercise their personal rights, be they religious or human. However, they do allow for restrictions based on a case-by-case approach.

The contributions are significant in that they display the frequent tension that exists between the local anti-burqa movements’ introduction and enactment of local and regional anti-face-veil legislation and the various national legal systems, European law, and human rights frameworks. Many of the cases presented illuminate the issues under discussion in national contexts. For example, Lisbet Christofersson’s “A Quest for Open Helmets: On the Danish Burqa Affair” and Jorn Thielmann and Kathrin Vorholzer’s “Burqa in Ger-

many – Not Really an Issue: A Short Note” effectively combine legal and sociological analyses with the historical background that condition their nations’ collective imaginaries of the face-veil. Ralph Grillo and Prakash Shah’s excellent “The Anti-Burqa Movement in Western Europe” identifies common themes running through national case studies and provides a historically and culturally sensitive analysis of them in a wider perspective. It also offers a useful timeline of the events leading to the criminalization of this attire in various European countries. The extensive index is of significant benefit.

That said, the book at times is not very accessible to readers from disciplinary backgrounds other than legal studies. Unfortunately, its numerous cosmetic and substantive weaknesses are also problematic. Proofing problems are noticeable in several chapters, but especially in Alessandro Ferrari and Sabrina Pastorelli’s “Introduction,” the purpose of which is to convince the reader to read the rest of the book. Furthermore, some of the words are inexplicably italicized, even though the context in which they are used does not appear to justify such treatment. Moreover, the spelling of key words is inconsistent across the collection: *burqa* and *burka*, *niqab* and *niqāb*, *hijab* and *hiġāb*. All of this gives an impression of editorial untidiness.

These problems could be discounted if other issues did not emerge. My first substantive criticism is related to the use of *burqa* in the title. While common in the mass media, it is factually inaccurate in the context of wearing the face veil in Europe. As Grillo and Shah note (p. 198), this Afghan-style garment that covers the entire face is very uncommon in Europe. However, it is strongly embedded in the Continent’s common imaginary because the Taliban enforced it in Afghanistan during their rule and thereby transformed it into a symbol of religious, patriarchal oppression. These associations have infused the reporting on face-veil wearers in Europe, potentially giving rise to misconceptions about coercion that contradict the narratives of its wearers.¹ Hence, the terminology used is largely misleading despite some of the contributors’ efforts to define various types of Islamic dress. But these efforts only create unnecessary repetition and an impression that the chapters are discrete writings rather than parts of one collection. It might have been a good idea to present, perhaps in a separate section at the beginning of the book, either a list of appropriate definitions or a brief note on terminology.

The second problem, which affects some contributions, is the largely legal analyses that try – but fail – to incorporate sociological or cultural studies perspectives. Mark Hill’s “Legal and Social Issues Concerning the Wearing of the Burqa and Other Head Coverings in the United Kingdom,” not uniquely, includes sweeping assumptions, a lack of awareness of existing research in these fields, and a lack of theoretical criticism. For example, he states in just

one paragraph that, among other things, “the burqa tends to be worn by radicals” (without defining that term); “[burqa wearers] tend to be Arab Muslims, rather than Asian Muslims, and particularly Afghans” (p. 80; he provides no evidence to support these points and discounts the recent increase in wearing face veils specifically by Muslims of Asian background both in London and northern England); and “wealthy Arab women, often Saudi, can be seen visiting Harrods” (p. 80; unrelated to the rest of the paragraph). None of these remarks facilitate understanding; rather, they only muddle it up.

Further in this vein, Agustin Motilla’s “The Burqa Affair in Spain: Legal Perspectives” states that the “burqa ... is linked to particular ethnicities and nationalities and not to religion” (p. 140). It is unclear what ethnicities or nationalities have an intrinsic preference for this article of clothing, but in my view it is impossible to dismiss so easily the relationship between it and Islam. This is simply because the interviewed women who do wear it state, in no uncertain terms, that doing so is a religious act.² This fact ought to override all of the confusion caused by prescriptive theological debates among both Muslims and non-Muslims concerning its status. Such an approach would acknowledge Max Weber’s holistic approach to studying and defining religion as well as the feminist tenet of actively listening to and not silencing women whose existence may be heavily impacted by these debates.

These reservations notwithstanding, this book will appeal to scholars with an interest in Islam and human rights. Its thorough legal discussion of this controversy in Europe enables the reader to gain a wider perspective than would be afforded by a monograph about a specific national context. On the other hand, it could also be effectively used as a reference text by sociologists hoping to situate their own case-study analyses within a legal framework.

Endnotes

1. Naima Bouteldja, *Unveiling the Truth: Why 32 Muslim Women Wear the Full-face Veil in France* (New York: Open Society Foundations, 2011). Available at: <http://www.refworld.org/pdfid/4dabda402.pdf> (accessed 1 March 1, 2015); Eva Brems, *The Experiences of Face Veil Wearers in Europe and the Law* (Cambridge: Cambridge University Press, 2014).
2. Bouteldja, *Unveiling the Truth*; Brems, *The Experiences of Face Veil Wearers*; Lynda Clarke, *Women in Niqab Speak: A Study of the Niqab in Canada* (Ontario: Canadian Council of Muslim Women, 2013). Available at: http://ccmw.com/wp-content/uploads/2013/10/WEB_EN_WiNiqab_FINAL.pdf (accessed 1 March 1, 2015).

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