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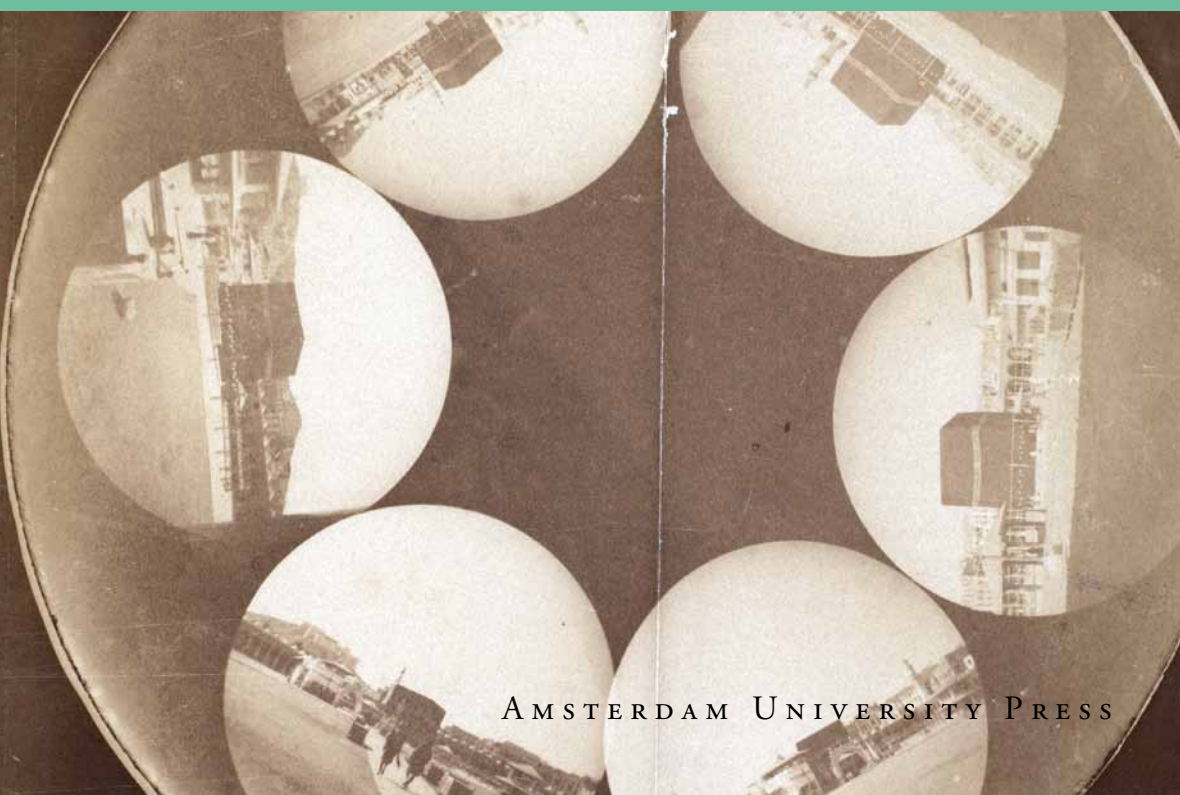
Colonial and Post-Colonial Governance of Islam

Continuities and Ruptures

MARCEL MAUSSEN, VEIT BADER
& ANNELIES MOORS (EDS.)



Amsterdam University Press

Colonial and Post-Colonial Governance of Islam

Continuities and Ruptures

edited by Marcel Maussen, Veit Bader and Annelies Moors

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The cover image of the Kaaba in Mecca was taken in c. 1884 by Dutch Arabist and Islam expert Christiaan Snouck Hurgronje. The picture was taken surreptitiously by a camera hidden in the button-hole of his coat, using a 'revolver method' whereby six images were taken successively (*NRC Handelsblad* 28 April 2011). Such a view of one of Islam's most significant spots – coming from one of the most important advisors on Dutch colonial policy towards Islam in the East Indies – nicely adds to the perspectives on Islam in colonial and post-colonial periods covered in this book.

Cover design: Studio Jan de Boer BNO, Amsterdam
Cover image: Photo of the Kaaba in Mecca by Christiaan Snouck Hurgronje, c. 1884, Universiteitsbibliotheek Leiden, the Netherlands
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Chapter 7
Colonial traces? Islamic dress, gender and the public presence of Islam[1]

Annelies Moors

Controversies about Islamic dress have become commonplace in Europe since the late 1980s, with state regulations targeting both the Islamic headscarf and, later, the face veil. Such present-day attempts to regulate Islamic head coverings resonate with how Muslim women's dress has been the focus of state intervention in colonial times. In both cases, they are considered a sign, symbol or instrument of Muslim women's gender oppression and are associated with undesirable forms of Islam.

Above, I purposely employ the word 'resonates', an evocative rather than analytical term, because references to 'the colonial' are often made in this modality. In this contribution, I intend to unpack the multiple ways in which references to 'the colonial' may work and analyse at which moments they are helpful and when they go awry. As it turns out, tracing the genealogy of state regulation of Islamic head coverings takes us beyond colonial administrators' discourse on women's dress to the ways in which empires and emerging nation-states regulated men's dress. The first part of this chapter traces the shift in state governance from men's dress to women's dress, looking beyond direct colonial links and conditions in order to understand how such debates have emerged and were transformed in the context of colonial settings. In the second part, I briefly address contemporary discourses in Europe that focus on women's Islamic head coverings, concluding with an attempt to trace the genealogies of such contemporary concerns.

7.1 Men's bodies: Representing the state

When tracing the genealogies of present-day debates about Islamic head coverings in Europe, we need to move beyond colonial governance in a narrow sense. In the course of the nineteenth century, the modernising empires in the Middle East started to propagate dress regulations as a means to fashion new citizen-subjects, starting with male dress. It is true that sumptuary laws have a longer history in the Ottoman Empire. Often focusing on the shapes and forms of the male turban, they served to create and maintain differences among the population, be it in rank, occupational position or religious affiliation (Norton 1997: 149-150). Nonetheless,

the dress reforms that Sultan Mahmud II imposed on his subjects in the early nineteenth century were very different. His main aim was to create a modern homogeneous nation by doing away with visible distinctions between various categories of the population, including religious ones (Quataert 1997: 403, 412). Starting in 1826 with the prescription of new European-style uniforms for the army, he first introduced the fez to replace the turban. While some resisted the demise of the turban on religious grounds, such protests were rapidly overcome when the chief mufti and grand vizier found the fez acceptable. This paved the way for the 1829 clothing reform laws that ordered the male civilian population to replace their robes and turbans with trousers, a frock coat, the fez and black boots. In this way, a Western aesthetic was imposed on urban men that highlighted the contours of the body, which was very different from the wide gowns Ottoman men used to wear. Such new styles of dress – new not simply by change in colour or material used, but in the shape of dress itself – were also to affect the wearers' bodily movements and lifestyle (Jirousek 2000: 234; Norton 1997: 153-154).[2]

Roughly one century later, when the establishment of the Turkish Republic in 1923 entailed a move from a multiethnic Islamic Empire to a secularist Turkish nation-state, the fez itself became the target of state regulations. Mustapha Kemal Ataturk, the hero of the war of independence, intended to combine Western civilisation with a Turkish national culture that was grounded in the nationalism of the growing bureaucratic middle class. He attempted not only to undermine the power of the religious establishment by making Islamic institutions subservient to the state or by abolishing them outright, but also set out to fundamentally transform the lifestyle of the population. In 1925, he banned the fez and started to promote the wearing of hats. Whereas almost a century earlier, the fez had replaced the turban to homogenise the population and to do away with visible religious differences, Ataturk considered the fez not only a symbol of Islamic allegiance (despite the fact that non-Muslims wore it as well), but also the emblem of ignorance, negligence and fanaticism. In his eyes, wearing a hat – 'the headgear of the whole civilised world' – would demonstrate that the Turkish nation did not diverge from civilised life (Norton 1997: 159-162).

Similarly, in nineteenth-century Qajar Iran, modernisation programmes were accompanied by dress regulations, but they remained more limited than those of the Ottoman Empire. After Reza Shah came to power, however, he modelled his reform projects of the 1920s and 1930s on those of Kemalist Turkey. As in Turkey, modernisation was accompanied by state-imposed dress regulations that at first targeted men. According to the Uniform Dress Law issued in 1928, a man's wardrobe should consist of 'a Western coat, a jacket, trousers with a leather belt and leather shoes in European styling' with a 'Pahlavi hat' for head-gear, adopted from

a French form (Baker 1997: 181). The Shah's main intention was to enhance national morale. Wearing European dress would erase differences among the population, turn the different communities into a single nation and show that Iranians were not different from or inferior to their European counterparts (Baker 1997: 180). Despite protests from religious authorities, the Qashaq'i and the Kurdish tribes, and the population at large, which was fearful of economic hardship, Reza Shah continued on the path of imposed modernisation. In response to protests that erupted after he prescribed the brimmed hat (fedora) during his visit to Turkey in 1938, Reza Shah argued that the new hat had nothing to do with religion but with nationality: 'We do not want others to think they are superior to us because of a minor difference in head covering' (Wilber 1975 in Baker 1997: 183).

As the arguments for developing dress regulations indicate, these modernising rulers worked with a particular theory about the relations between sartorial practices, the individual body and the body politic. Items of dress were not used to express a particular pre-existing interior state of being, but were employed to homogenise the nation and to actively produce a sense of national belonging. There was a strong belief in the transformative powers of dress; wearing particular styles of dress would produce particular collective identities and notions of the self. Such dress regulations then employed an aesthetic that was both experiential, in the sense of referring to embodied feelings, and representational, foregrounding the visual perception by others.[3] It was through dressing in a Western style – the aesthetic of the more powerful – that the countries of the East would be able to stand on equal footing with the West. Under Ataturk and Reza Shah, these ideas gained further currency; a major impetus for replacing the fez with the hat in Turkey and for the Uniform Dress Code in Iran was to be part of the civilised world. In other words, state governance considered dress both an instrument to homogenise and civilise the nation and its people and a means of presenting and representing the nation as such to the world at large.

7.2 Regulating women's dress: Embodying the nation

If the turn towards a Western aesthetic entailed a major rupture in dressing regulations for urban men in the modernising Ottoman Empire of the nineteenth century, state regulations concerning women's dress initially continued to underline the need for covered dress, prescribing the length of skirts and the thickness of the veil. While men were to represent the state to the outside world, women were discouraged from taking up a Western aesthetic.[4] Such a perspective was, however, soon contested.

Over the course of the nineteenth century, during the Tanzimat Re-

forms (1839-1876) and especially during the Second Constitution (1908-1919), women's dressing styles became central to debates in the Ottoman Empire. As Göle (1996: 38ff) has argued, roughly three positions can be discerned. The radical Westernists who argued for the universality of Western civilisation saw the practice of veiling as the cause of the backwardness of Ottoman Turks. They considered abandoning the veil as a prerequisite for the emancipation of women and hence for social progress and a civilised way of life. The Islamists, in contrast, strongly condemned such imitations of Western manners. Considering the modesty of women as crucial for the moral integrity of the empire, with veiling as one of the most important Islamic rules to be maintained, they objected to women's increased public visibility and their new styles of dress. The Turkist movement emphasised the importance of a Turkish rather than Islamic identity. Its adherents underlined the negative impact of Arab and Iranian culture on Islam, while claiming that pre-Islamic Turkish traditions had given women an equal status to men and did not require them to be veiled. Critical of the cosmopolitanism of upper-class Ottoman women who only wanted freedom for pleasure and to indulge in fashion, rather than to work with men for the benefit of the nation, their perspective was strongly nationalist and populist (Göle 1996: 54).

While after Turkey's independence Ataturk had taken decisive measures with respect to male head-gear, he did not ban the veil outright. Still, state policies and regulations strongly discouraged women from wearing Islamic covered dress and, in specific settings, such as state institutions, women were forbidden to wear a veil (Göle 1996: 60). The arguments used were very similar to those legitimating the banning of the fez for men: non-Western dress was considered uncivilised and women wearing the veil would expose the nation to ridicule. This shift from 'covering women's bodies' to 'revealing them in public' needs to be seen within the framework of the new state project that aimed to do away with gender segregation, pushing men and women to socialise together, and to make women's bodies visible in public (Göle 1996: 73). In this way, 'the new woman of the Kemalist era became an explicit symbol of the break with the past' (Kandiyoti 1991: 41).

In Iran, Reza Shah intended to go further with respect to regulating women's dress, but was less successful than Ataturk. When rumours started to circulate about the banning of the chador in 1934, huge demonstrations erupted in Mashad, to which the regime responded with great force, resulting in the death of four to five hundred people. Still, Reza Shah's dress reform programme was extended to include unveiling. Female teachers and students at medical and law schools were an early target for these policies; first they were allowed to attend classes unveiled, and then were ordered to remove their veils. Such directives rapidly included other areas of life: no diplomas were awarded to veiled women and

no identity cards were issued to them, while, simultaneously, photographs of women athletes and girl scouts were used in anti-veiling campaigns (Baker 1997: 185). After the Queen and two princesses appeared unveiled in public in 1936, the banning of the chador and *pecheh* (face veil) was officially announced; women were no longer allowed to appear on the streets wearing the chador or any other kind of head covering except a European hat (Hoodfar 1993: 10). In Iran, these dress regulations were also part and parcel of a reform programme that aimed at desegregating and de-Islamising the public sphere. Circulars were published about the new social etiquette for men and women, explaining when to wear and when to take off one's hat and exhorting women to put their handkerchiefs and cigarette cases in their handbags rather than in their bosom or up their sleeves (Baker 1997: 186). Only after the forced abdication of Reza Shah in 1941 was the ban on veiling lifted.

7.3 Contextualising women's dress regulations in Turkey and Iran

To better understand the meaning of these forms of governance, we need to briefly consider how liberal political theory has linked the emergence of the modern nation-state to new notions of sovereignty and citizenship.[5] Whereas the lives of pre-modern subjects were thought to be determined by ascribed statuses of family, tribe or religion, the modern secular citizen is conceptualised as a person entering into voluntary, contractual relations with others (Kandiyoti 1991: 4). Nevertheless, as feminist critics have pointed out, the relations between emerging nation-states and their citizens were strongly gendered; as women were dependent on men, only men – and not women – were supposedly capable to enter into such contracts.[6]

Dress regulations in emerging nation-states were part and parcel of a wider reform programme that also included greater access to education for women, attempts to transform gender and family relations and moves towards legal reform, the desegregation and de-Islamisation of the public sphere, and the demise of alternative homosocial semi-public spheres for women. As Kandiyoti (1998) pointed out, the local modernity discourse did not only develop in relation to the West, but also in response to local configurations of power, with reformist elites developing notions of the modern family that were different from those held by the old elites or the lower classes. In Ottoman Turkey, the link between the new family and the new nation was a central issue in public debate. The Young Turks, the protagonists of Turkish nationalism in the period 1908-1918, argued for the need for a new or national family, a monogamous, nuclear and companionate family that was to replace the older patriarchal family, based on

polygyny and arranged marriages of young girls to older men. This included a new discourse on masculinity and femininity, suitable to a new domestic intimacy involving companionship between the spouses and a child-centeredness (Kandiyoti 1998: 279-82). Legal reform tallied with such concerns. The Ottoman Empire saw the first codification of Islamic family law in 1917 (the Ottoman Law of Family Rights). After the establishment of the Turkish Republic and Ataturk's radical shift in policy towards the religious establishment, this law was replaced in 1926 by a secular civil code based on that of Switzerland.

Whereas such projects of 'remaking the family' present themselves often within the liberal discourse of greater individual autonomy and freedom, some scholars have highlighted their disciplinary effects. Najmabadi (1993) takes issue with the notion that modernity transformed early twentieth-century women in Tehran from being absent from the public sphere into active participants in the public sphere. Her analysis turns this transformation from absence to presence into something far more complicated. Rather than conceptualising women entering the public sphere as free and autonomous agents, she points out how modernity simultaneously entailed a particular style of disciplining women's words, bodies and minds. In order to be deemed fit to enter the modern public sphere, pre-modern women – in hindsight seen as ignorant, uncivilised and restricted to an all-female world – had to be turned into women who were well-behaved, polite and quiet, who were good mothers, suitable partners for their husbands and who were committed supporters of the nation. Only after being so transformed could they claim a space in the public sphere without threatening the social order.[7] Modern schools, for instance, installed particular forms of discipline and were instrumental in the development of new moral behaviours. They produced women who had learned the new, modern ways of household, child and husband management, and who would be able to participate in a male public sphere without being too much of a disturbing factor. In other words, the physical movement of unveiled women into the public sphere was conditioned upon women developing a particular form of desexualised body language, one that required new forms of self-discipline.

Moreover, women's entry into the modern public sphere simultaneously entailed the devaluation and demise of a homosocial women's world (Najmabadi 1993; see also Abu-Lughod 1998). In many settings with a tradition of gender segregation, women have been and, to some extent, still are engaged in well-organised and more or less formalised all-female visiting circles that work as forums for discussions of matters of general interest and the common good, varying from marital politics to national politics.[8] Such women-only settings may be considered subaltern publics that, depending on the content and the style of their interactions and their positioning in relation to the general public, function as sub-publics or

counter-publics. Yet, with the development of a modern heterosocial public sphere, such female homosocial semi-public spheres have become devalued, turned into something 'merely private', or simply disappeared.

7.4 Gendered forms of governance in colonial settings

As we have seen, colonialised populations were not the sole objects of the civilisation discourses of European powers; the leaders of emerging nation-states also felt the need to respond to the discourses that divided the world in modern, civilised nations and those that had not yet attained such a status. The colonial context did, however, make a difference in that it politicised women's appearance in the public in a specific way. As I will argue, this went beyond the fact that the rulers of emerging nation-states could promulgate dress regulations from above (even if resisted), whereas the local reformers in colonialised settings did not have such power, in part because they were members of the subject population.

Whereas others, also in this volume, have pointed out that the governance of Islam (and its effects) depended on length, depth and the general nature of colonial involvement, on the ways in which colonisers and colonised populations engaged with religion and on the particular historical moment, the focus here is on how it was conditioned by the particular field of contestation, in this case being sartorial practices linked to Islam. Colonial administrators generally claimed non-interference with the 'customs' of the local population, which seemed to include more or less everything involving women, be it their access to education, the system of family law or their appearance in or absence from public. Yet, as many have argued, such forms of non-interference were in fact highly political, selectively freezing, as it were, the status quo in particular fields.[9] Moreover, ideas about the substance of such 'customs' were often based on stereotypical ideas about gender hierarchies that were common among colonial administrators. So rather than maintaining the status quo, their attempts at conservation may well have been constitutive of such social facts. In Egypt and Palestine, for instance, colonial administrators used the argument of culture to neglect girls' education despite the fact that local associations asked for governmental support for girls' schools (Ahmed 1992; Tibawi 1956: 230). In Aden, Yemen, the British administration employed British judges and Indian barristers to transform Islamic law into a specific legal discourse that contributed to the endurance of the 'traditional' roles ascribed to men and women, the way the British understood these roles (Dahlgren 2004).[10] Therefore, it is important to recognise that the categories and meanings of Islam and gender were not simply already there to be applied, but rather were produced in the course of contestations between colonisers and colonised.

Two examples, Egypt and Algeria, indicate how Islamic head covering was politicised under colonial conditions.[11] The first major pubic debate on veiling in the Arab press, the publication of Qasim Amin's *The Liberation of Women* in 1899, took place in Egypt, at the time under British rule. This book was not so much controversial because it discussed women's liberation – it was neither the first to do so nor was it particularly radical – but rather because a prominent Muslim, an Egyptian judge, argued for abolishing the veil within the framework of a broader cultural transformation (Ahmed 1992: 144ff). The ensuing debate indicates how the colonial presence complicated the modernising, reformist projects of Egyptian intellectuals.

It is important to note that the protagonists of unveiling in Egypt framed their writings within the context of an Islamic tradition of reform, and that their target was not head coverings, but the face veil. As Amin stated in the introduction to his chapter on veiling, had the face veil been obligatory in Islam, he would not even have touched the subject. But this still raises the question as to how he argued the case for *un*veiling. His main line of argumentation was that veiling was not simply 'a great hindrance to a woman's progress, but indeed to a country's progress' (Ahmed 1992: 47ff). In Amin's view, veiling entails seclusion and, as a result, stunts a woman's development. In order to benefit from formal education, girls need to be able to interact with people outside of their own narrow circle and to experience the world firsthand (Ahmed 1992: 48). Only then will their abilities and emotions develop and will they become suitable wives for their educated husbands and, even more important, the right kind of mothers to educate the future citizens of the nation (Ahmed 1992: 71). Moreover, education is also crucial for the acquisition of a particular disposition. In Amin's view, a well-educated woman would not need a physical veil as 'her state of mind will itself become an impenetrable veil and fortress protecting a woman from all forms of corruption at each stage of her liberation' Ahmed 1992: 56). The notions of domesticity that Amin propagated, with women preoccupied with the care and management of their husband and children in the context of a nuclear family, were substantially different from existing patterns, where women were also substantially involved in wider kin relations and spent a large part of their time in homosocial women's circles.

The above indicates that Amin's ideas about unveiling were to some extent similar to those expressed in Turkey and Iran at the time, yet the colonial context had its particular effects. The position of liberal nationalists such as Amin, who considered unveiling as necessary to catch up with a more advanced West, was similar to that of the colonial administrators and with the Western discourse on Muslim women, in general. His critics, often disadvantaged by the British presence in Egypt, labelled veiling (and women's seclusion) as a central element of the

authentic Islamic cultural heritage of the Egyptian nation, as well as a symbol of resistance to foreign rule (Ahmed 1992: 162).[12] Some early Egyptian feminists, such as Huda Sha'rawi, agreed with Amin insofar as she also evaluated Western civilisation positively (Ahmed 1992: 178). There is, however, a general difference in the ways in which male and female intellectuals argued the case for women's right to unveil. Amin (1992: 32, 51, 71) not only drew a highly negative picture of Egyptian women, but men generally tended to address women's issues in a more abstract and symbolic manner; women were far more aware of women's everyday problems and approached these issues from a more practical point of view (Baron 1989: 371; 381). In fact, the male participants in these debates – both those arguing against and those in favour of the face veil – often seemed uninterested in women's points of view on the matter. It is also worth noting that upper-class women activists, such as Huda Sharawi, retained the veil; in their eyes, society was not yet ready for unveiling, and it would simply be a matter of time until the face veil disappeared (Badran 1995: 22).[13]

French colonialism in Algeria was in some respects very different because Algeria was considered an integral part of France. This resulted in strong tensions between an assimilationist stance, which theoretically implied that Algerians could become French, and a form of settler colonialism that produced strong, racialised hierarchies of the Algerian population with Muslim Arabs at the bottom end. Although secularising measures were already taken in the early years of the Third Republic (from the 1870s on) and Jewish Algerians were given citizenship, Muslims remained excluded because of their presumed backwardness; only those Algerian Arabs who were willing to give up Islamic law could be naturalised (Scott 2007). Governing Islam in Algeria was not so different from other colonial settings in which the colonial state also supported those they considered their allies in keeping religion far removed from politics. Moreover, with respect to veiling, the French discourse was part and parcel of the general Western discourse, with Algerian women stereotyped as both sexually available prostitutes and oppressed women (see Clancy-Smith 1998). It was, however, during the Algerian War (1954-1962) that the veil acquired tremendous political significance, becoming associated with militancy for the first time (Scott 2007: 61). Whereas the French establishment became increasingly convinced of the futility of attempts to assimilate Algerians, those who wanted to keep Algeria French increasingly turned to Algerian women, attempting to win their loyalty to the French cause by liberating them from oppression. One event stood out in the politics of unveiling. In May 1958, rebellious French generals organised demonstrations to show their determination to keep Algeria French; at one of these, a small number of Algerian women were publicly unveiled by French women. Interpretations of this event vary, but

one thing was clear. While women had already used veiling as a strategic device in the war, and the active participation of unveiled women had been used by the National Liberation Front (FLN) to gain popularity in Europe, now unveiled women were turned into symbols of support of the French, politicising women's bodies in a new manner (Lazreg 1994: 135; Seferdjeli 2004: 47). As a result, retaining the veil became a means of national defence for Algerians, and many women who had earlier unveiled started to wear the veil again (Badran 1995: 23).

In other words, there certainly are differences in the gendered governance of Islam in colonised and non-colonised settings. In the emerging nation-states, authoritarian secularism entailed a strong top-down governance of the population, with attempts to de-Islamise and desegregate the public sphere by requiring the public presence of women's bodies. In colonial settings, however, local reformers aiming at similar transformations of the public were faced with colonial administrators who argued against interfering in 'local customs and traditions'.

Still, both the leaders of the emergent nation-state as well as the nationalist reformers in the colonies were confronted with a long-standing Western discourse on Oriental/Muslim women that defined them at once as sexually enticing, morally inferior, downtrodden and oppressed by their own men and culture (Yegenoglu 1998). Their preference for the aesthetics of the powerful is not simply a means of accommodation to the status quo, but dressing like the powerful can simultaneously be considered a form of asserting a position of equality (see also Ross 2006: 141ff). Yet, especially in cases where colonial administrators used the discourse of Muslim women's oppression to underline their own superiority, supporters of unveiling were placed in an awkward position because their opponents could question their claims to authenticity and their loyalty to the nation.[14]

7.5 Post-colonial times: Discourses on Islamic head coverings in Western Europe

Turning to contemporary Europe, we see how controversies about Islamic head coverings emerged when girls wearing headscarves started to appear in public schools in the mid-1980s, and when they went to work as civil servants and in the private sector about a decade later. Starting in the 1980s, the tensions inherent in a notion such as the nation-state (as an effect of homogeneous nations claiming sovereignty over particular territories) became increasingly visible in Europe. By then, many countries came to realise that the labour migrants recruited some decades earlier had come to stay as new citizens of Europe. Labelled first as temporary guest workers, they soon came to be addressed as ethnic minorities.

Moreover, former migrants, colonial subjects and asylum seekers from the Muslim world were increasingly interpolated as Muslims, with some of them also identifying themselves as such. Islam, however, was not a neutral category. Whereas large parts of Western Europe had been experiencing a process of de-confessionalisation, at least from the 1960s on, the Muslim world, in contrast, witnessed the emergence of Islamic revivalism and the establishment of the Islamic Republic of Iran in 1979. After the fall of the Berlin Wall in 1989 and the Rushdie Affair in the same year, it was no longer the red (i.e. communist) danger, but the green (i.e. Islamic) danger that came to be seen as the enemy. European national identities were increasingly defined in opposition to Islam, be it in terms of strong secularism, a Judaeo-Christian heritage or a mixture of both. In combination with a growing neo-nationalism, visible in a turn to populist anti-Islam politics, this has engendered a broad shift towards the 'culturalisation' of citizenship and more assimilationist policies from the mid-1990s on and even more so after 9/11.[15] As a result, Muslims are increasingly pressured to prove their loyalty to European nation-states and their central values not simply by refraining from violating the law, but through their everyday behaviour, with women's corporeal performances carrying a particular weight.

If we consider secularism a mode of governing individuals and collectives, the paradox we are confronted with is that the modern secular state claims the separation of state and religion, yet simultaneously defines how state and religion should relate to each other and, in doing so, defines and regulates religion. References are often made to neutrality of the state vis-à-vis religion, but even if we only focus on one particular field of contestation – that of wearing Islamic head coverings – interpretations of what such neutrality entails vary widely. Differences do not only occur between nation-states with different secular regimes, but also within nation-states in different fields of governance (e.g. the political and the legal; see Joppke 2007: 314). They also pertain to specific actors (e.g. students or teachers) at particular locations (e.g. public schools) and are temporally affected by both external and internal political events.

An analysis of attempts to regulate wearing headscarves in public schools in France indicates that interpretations of *laïcité* (French for 'secularism') have changed substantially in the last two decades.[16] In its 1990 ruling, the Conseil d'État (Council of State) argued that wearing a headscarf in itself was not necessarily in conflict with *laïcité*, nor did it need to be viewed as a sign of proselytising. In order to judge whether such would be the case, the behaviour of the concerned students needs to be taken into account, something best done by local schools themselves. In 1994, when the Minister of Education argued that certain signs (such as the headscarf) are in themselves acts of proselytising and decided to ban all ostentatious signs of religious affiliation from public schools, the

Conseil d'État rejected this and appointed a Muslim woman as official mediator for problems concerning headscarves in schools. A decade later, interpretations of *laïcité* had changed considerably. In 2003, a bill was presented to outlaw all religious signs in public schools, and a commission chaired by national ombudsman Bernard Stasi was appointed to explore its feasibility. On the basis of the commission's report, a new law was passed in 2004 that prohibited the wearing of conspicuous signs of religious affiliation in public schools, including 'veils'. With the wearing of head coverings prohibited in public schools, the freedom of religion had become redefined as 'freedom from religion' (Scott 2005: 113).

In Germany, by contrast, there is no strong separation of church and state, and the neutrality of the state has not been taken to refer to restricting religion to the private sphere.[17] Nonetheless, German state regulations with respect to headscarves also indicate a partial shift in the interpretation of state neutrality, which includes ideas about which forms of religion are acceptable and which are not.[18] In Germany, the focus in headscarf debates was not on students, but on teachers in state schools, with the argument that the latter, as representatives of the state, need to be 'neutral'. Intense debate erupted in 1997 when an elementary state school in Baden-Württemberg refused to hire Fereshta Ludin, a teacher of Afghan background, because she did not want to take off her headscarf. In the course of the ensuing debates, some participants raised the issue of the 'Christian-occidental' cultural heritage of German society. When the federal court in Baden-Württemberg decided to ban the headscarf for teachers in public schools in 2003, it was evident that the court did not interpret neutrality of the Constitution in terms of a neutral position towards religious affiliations.[19] Rather, it underlined the need to protect students against exposure to the influence of an 'alien religion' (Bruck 2008: 56). Whereas in France the notion of secularism had been interpreted in terms of a sharp rupture with its Catholic past, in Germany it was seen as entailing a continuity of the Christian tradition, with the separation of religion and politics viewed as an exclusive characteristic of Christianity (Amir-Moazami 2005: 271).

In the Netherlands, freedom of religion was and still is the very grounds for allowing students as well as teachers to wear headscarves in public schools. In the Dutch context, the historical weight of the 'pillarisation' system has enabled Muslims to make rights' claims on the basis of freedom of religion. This system allows for the equal treatment of different religions in public and the right to publicly practise one's religion.[20] Still, Muslim women's appearance in public has become the topic of heated debate, albeit in the Dutch case focus has been on the face veil. Whereas in 2005 a parliamentary majority voted to prohibit wearing a face veil in all public space, such a general prohibition turned out to be unconstitutional. Instead, specific prohibitions have been implemented

for civil servants and in schools. Carefully avoiding any references to Islam, these prohibitions are formulated in terms of any face covering that impedes communication and poses problems for identification and security (Moors 2009a: 396ff).

Although there are obvious differences in national regimes of secularism and state governance of Islam, a broader trend towards a more assimilationist stance is discernable, with Muslims being expected to prove their loyalty to the state. Muslim women are targeted in a particular way as they are required to demonstrate their national belonging by refraining from covering their heads in particular settings. Although there are divergences in how specific nation-states regulate wearing Islamic headscarves or face coverings, two lines of argumentation stand out when referring to gender relations and undesirable forms of Islam.

First, Islamic head coverings are considered a sign, symbol or instrument of women's oppression (at the hands of the men in their families or the wider ethnic-religious community). In the French context, this discourse is explicitly present in the report of the Stasi Commission, which argues that headscarves in themselves are objectively a sign of women's alienation and that women wearing Islamic head coverings were pressured into doing so by their communities (Bowen 2007: 208ff; Scott 2007: 151ff). The commission failed to consider that at least some women wear a headscarf as a religious practice or obligation rather than as a symbol of something else; it also never entertained the possibility that there might be girls who want to wear a headscarf but are prohibited from doing so (as argued by Asad 2006: 501). Although such a discourse was particularly strong in France, with its emphasis on the value of *mixité* (i.e. gender mixing) and the public visibility of women's sexuality, some participants in the debates in Germany used similar lines of argumentation, defining headscarves as forced signs imposed on women (Amir-Moazami 2005: 273). In the Netherlands, the link with women's gender oppression was explicitly made during parliamentary deliberations about the need to prohibit face veiling (Moors 2009a: 401).

Secondly, and related to the previous point, Islamic head coverings and face veils are also considered a sign of adherence to undesirable forms of Islam. This is not simply an Islam that is visibly present in the public sphere through particular sartorial practices, but rather a political, fundamentalist, orthodox or segregating form of Islam, constructed in opposition to a positively valued liberal, secular or moderate Islam (Bowen 2007: 182ff; Fernando 2009). In France, Islamic head coverings were designated as a conspicuous sign, regardless of the intentions of the people wearing them; they were considered a sign of adherence to political Islam. Since wearing a headscarf brings one's private religious convictions into the public eye and highlights differences between citizens, it is seen as strengthening communalism; as such, it is a threat to the republic (Bowen

2007: 155). In Germany, although to a lesser extent, some also considered the Islamic headscarf a political and missionary statement and a sign of cultural segregation, contributing to the development of parallel societies (Amir-Moazami 2005: 272). In the Dutch public debate, similar arguments were presented about women wearing face veils. It is important to note that this was less common in parliamentary deliberations, as arguing with reference to political Islam could easily be considered an infringement on the freedom of expression (Moors 2009a: 403). Women wearing headscarves (in France) or face veils (in the Netherlands) are then seen as part of an international Islamist network that has no place in Europe, with their styles of covering viewed as an indication of their disloyalty to the nation-state and as a refusal to integrate into mainstream society. How and to what extent can we find traces of the colonial governance of Islam in these post-colonial discourses and practices?

7.6 Regulating Islamic coverings: Traces of a colonial past?

In the first part of this chapter, I raised the question of how present-day post-colonial governance of Islamic head coverings in Europe resonates with colonial forms of governance. Associations of Islamic coverings with women's gender subjugation and undesirable forms of Islam have a long history. Nevertheless, it is evident that the authoritarian leaders of emerging nation-states such as Turkey and Iran were more active in imposing dress regulations on their subject-citizens than colonial administrators. These modernising rulers promoted secular forms of governance that shaped the presence of Islam within the confines of the nation-state. Banning recognisably Islamic forms of dress from the public sphere was an attempt on the part of the new leaders to strengthen their position internally vis-à-vis the religious establishment and externally vis-à-vis increasingly powerful European nations ('the West'). Dress regulations that employed a Western aesthetic and removed signs of religion from public were a means to present the nation as modern and civilised. What mattered was the generally increasing inequalities between European powers and the Middle East, with the ruling elites of the latter searching for means to regain their position, rather than direct colonial forms of governance.

Colonial administrators were far less interested in regulating the appearance of their non-citizen subject populations. The aim of the colonial project was not the assimilation of the local population, but rather the maintenance of the status quo. When arguments were made in colonial settings to restrict particular styles of Islamic dress, liberal Muslim reformers were the ones who made these propositions. It is true that colonial administrators were influenced by the trope of Muslim women's oppression, which they avidly employed to legitimate the colonial project as a

civilising mission, but their concern largely remained at the level of rhetoric. In the field of politics and economics, however, the situation was different. When the public presence of religion was considered a real or potential threat to colonial rule and Islamic sartorial practices became linked with such forms of political struggle, non-intervention was not an option.

A comparison with the post-colonial governance of Islamic dress indicates that states following a more interventionist policy are working in a way that is more similar to that of the rulers of newly emerging nation-states than to colonial forms of governance. At the same time, however, traces of colonial discourses are present in contemporary debates, in particular, the frequent references to Muslim women's gender subjugation and the ways in which this is employed to underline Islam's difference from and inferiority to Western culture. This also explains why the Islamic veil worn by women is considered more problematic than the Islamic beard worn by men. Whereas unveiling can be seen as a generous act of liberating Muslim women, prohibiting beards does not do the same work.

If the discourse of Muslim women's subordination has a great stability, the contemporary European context is, however, different. Whereas in colonial times Muslim women's emancipation was defined in terms of access to education and the restructuring of family and kinship relations, with their public presence conditioned on self-discipline and a desexualised body-language, present-day notions of women's emancipation in Europe tend to underline sexual freedom and, in particular, the public visibility of women's sexuality.[21] The ways in which Islamic coverings are linked to undesirable forms of Islam has also shifted. In colonial times, the rulers of emergent nation-states, colonial administrators and local reformers saw such forms of dress as a sign of backwardness. In contemporary Europe, politicians and policymakers more often regard veiling as a political act, one that points to strongly disliked forms of Islam with fundamentalist or segregating agendas. Muslim women who wear head coverings may also consider themselves political actors, but in a very different sense. As citizens or residents of liberal nation-states, they claim rights of freedom of religion and of expression, which includes the right to wear headscarves. The tension between being defined as subordinate and defining oneself as a political actor is largely a contemporary phenomenon.

Notes

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2 To what extent this actually affected local practice is a question that cannot be addressed here.
3 Shusterman (1997) elaborates on the distinction between experiential and representational aesthetics, while also pointing to their interrelations.
4 As Quataert points out, the first laws against immodest public display were issued in the 1720s because women were imitating Christians in clothing styles, nearly bankrupting their husbands, as well as hurting artisans and second-hand cloth buyers. As a result, a decree was issued to specify the widths and measurements of items for outer coats and head-gear (Quataert 1997: 409). In a similar vein, during the reign of Sultan Abdulhamid II (1876-1909), women were required to wear a thick black veil and gloves (Norton 1997: 157). This was also in response to Western styles of dress that were spreading among Ottoman women.
5 This section builds on Moors (2005).
6 Criticising liberal political theory, Pateman (1988) has defined this as a shift from paternal to fraternal patriarchy, a move towards the rule of men as men rather than of men as fathers.
7 For similar lines of argumentation, see also the various contributions to Abu-Lughod (1998).
8 For examples from urban Yemen, see Meneley (1996) and Bruck (1997). In settings where gender segregation is less central to social organisation, such as in the West Bank city of Nablus, forms of a semi-autonomous female public sphere still operated in the 1980s through the monthly *istiqbâl* ('reception'), a formalised visiting circle with each participant having one fixed date a month set aside to receive the others at her home.
9 See for, instance, Jeppie in this volume.
10 This followed Anglo-Mohammadan court practices quite similar to those they used to deal with Islamic law in India.
11 Whereas Egypt was only briefly under formal British colonial rule, from 1882 to 1922, the dependence of Egypt on Britain both preceded and succeeded that period. The French ruled Algeria from 1830 to 1962.
12 In the latter case, Amin's (1992: 55) criticism of lower-class culture most likely played a role as well. One reason he was critical of seclusion was that 'traditional' upper-class women socialised with lower-class women and with less respectable and chaste women.
13 Only after independence, when the new rulers refused to grant women the right to vote, did some of them turn unveiling into a political issue. Returning from an international women's congress in Rome, Huda Sha'rawi and her protégée, Saiza Nabarawi, uncovered their faces at the Cairo railway station as a public oppositional act and distributed photographs to newspapers (Badran 1995: 93).
14 See for, instance, the position taken by British High Commissioner for Egypt Lord Cromer, as stated by Ahmed (1992).
15 The term 'neo-nationalism' is taken from Gingrich (2006), who points to the emergence of a turn to nationalism in Europe that constructs the nation both against larger/higher units (such as the European Union) and against smaller/lower groups (such as immigrants).
16 For these debates, see Asad (2006), Bowen (2007) and Scott (2007).

17 Germany has often been seen as a strong contrast case to France because of the different notions of citizenship, defined in terms of ethnicity (jus sanguinis) rather than as a contract of the territorial state with its citizens (jus solis). In the course of the last five years, however, rules about citizenship have also moved in a similar direction.
18 See Amir-Moazami (2005) for the German case.
19 In Germany, state governments operate relatively autonomously, especially with respect to the field of education. This has resulted in different rulings in different *Länder*.
20 'Pillarisation' refers to the segregation of society along confessional and ideological lines ('pillars'), with the elites from each pillar cooperating in political administration (Lijphart 1968). Although this system started to disintegrate from the 1960s onwards, and Muslims have not succeeded in developing their own pillar, pillarisation has engendered a certain willingness to accommodate religious difference in the public sphere.
21 This emphasis on sexual visibility not only produces a particular tension with head covering styles, but the general public also has a more positive view of Muslim women who combine headscarves with fashionable, colourful and tighter styles of dress than of those who wear less fashionable, darker and loose-fitting styles of dress (Moors 2009b).

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