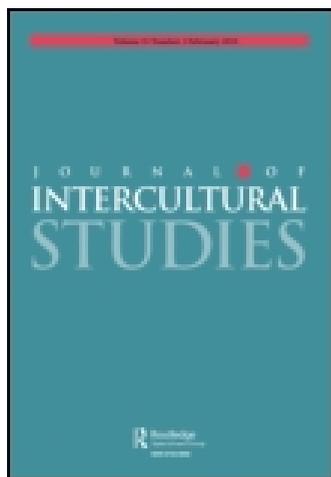


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Journal of Intercultural Studies

Publication details, including instructions for authors and subscription information:

<http://www.tandfonline.com/loi/cjis20>

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Published online: 21 Feb 2013.

To cite this article: Luara Ferracioli (2013) Challenging the Burqa Ban, Journal of Intercultural Studies, 34:1, 89-101, DOI: [10.1080/07256868.2013.751904](https://doi.org/10.1080/07256868.2013.751904)

To link to this article: <http://dx.doi.org/10.1080/07256868.2013.751904>

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DISCUSSION PIECE

Challenging the Burqa Ban

Luara Ferracioli

Following the successful campaign to have the burqa and niqab banned from public use in France, and the continuing advocacy to have these garments banned in other Western liberal societies, I examine whether the two strongest challenges to the burqa and niqab succeed in justifying a ban on these forms of veil. Although I argue that they both fail in supporting a ban, the fact that some Muslim women may be coerced into full veiling gives liberal states a moral duty to interfere. In the light of this, I propose a comprehensive approach, which is better suited to ensure that the necessary conditions are in place for Muslim women to be the authors of their own lives.

Keywords: Burqa Ban; Coercion; Autonomy; Liberal States; Muslim Women; Religious Freedom; Gender Equality

The Western debate on the veiling of women under Islam has tended to be dismissive of Muslim women's voices and experiences, so perhaps it is not surprising that a *burqa/niqab*¹ ban has been advocated mainly by non-Muslims in a number of Western liberal democracies.² The ban has been articulated and defended on the grounds that it, as a patriarchal tool, *oppresses* and *silences* Muslim women.³ And yet, the advocates of the ban have been unable to explain how exactly it is that the *burqa* oppresses and silences them. They have also failed to elaborate on why a ban is the best approach to deal with the alleged harm generated from this form of veiling.

A failure to provide a lucid account on this matter is, of course, not surprising given that debates on minority cultural practices are commonly dominated by two flawed positions. The first argues that morality is relative to one's cultural environment and that the best political strategy in a liberal society is to let minority groups flourish on their own terms. The obvious problem with this position is that by leaving cultural groups alone, less powerful individuals within the group, such as children and women, will likely bear the costs of harmful practices. The second

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position, on the other hand, mistakenly assumes that vulnerable members in minority groups are less capable of exercising autonomy and are therefore bound to live unfulfilled lives unless the state dictates what constitutes appropriate behaviour. For the proponents of this view, it is not enough for the state to provide members of minority groups with anti-discrimination laws and community education so that they can participate as equal members of society; the state also has a duty to prevent them from engaging in what it deems to be inappropriate behaviour.

In this paper, I hope to avoid these two extremes, as neither succeeds in taking the interests of Muslim women seriously. I also want to be generous, however, to the proponents of a *burqa* ban, and assume that they are genuinely committed to the liberal ideal of gender equality. The likely possibility that they are actually motivated by an anti-immigration agenda (based on covert Orientalist assumptions) will not be examined.⁴ Here the intention is to take their word at face value and examine whether their solution to the problem *as they have presented it* is justifiable.

I will start this paper by examining two arguments commonly employed to accuse the *burqa* of being harmful to women and therefore morally impermissible in Western-style liberal democracies. I will argue that they both fail to make a compelling case against the *burqa* when voluntarily used. I will then consider the cases in which women are actually coerced to wear the *burqa* and examine whether this provides the liberal state with a strong reason to ban it. I conclude this paper by arguing that the ban does not in itself protect women's autonomy, and that if we are indeed committed to safeguarding Muslim women's interests in Western-style liberal democracies, there are a number of more fruitful avenues that would enable women to maintain agency over their own lives.

Are the Burqa and Niqab Really Morally Problematic?

Before I begin, I want to raise two important preliminary notes. First, while engaging with this topic, I will assume that full veiling is not a religious requirement. There are two reasons for this: first, there is no passage in the Koran that prescribes the *burqa* (or any other type of veiling for that matter) and, second, the majority of Muslim women worldwide do not fully cover.⁵ I will therefore treat this issue as a cultural practice among members of some Muslim communities. Note that the intention here is simply to adopt a more nuanced view of Islam and its associated gendered practices, rather than (implicitly) support the claim that the state is less justified in interfering with those practices that are prescribed by holy texts and/or religious leaders.⁶ Under the sort of liberalism I espouse, it does not matter morally whether practices are culturally, philosophically or religiously motivated, but whether they are at all harmful to non-consenting parties.

Second, the argument of this paper is situated within broader normative discussions around the role of the liberal state in securing a shared political arena in which citizens and immigrants alike can participate as equal members of society (Barry 2001, Scheffler 2007, Adamson *et al.* 2011). It is important to add here that

such task on the part of the liberal state requires not only the protection of individual liberties – such as freedom of conscience, speech and association – but also addressing the systematic power relations that often place less powerful members of society at the mercy (effectively if not legally) of the religious and cultural beliefs of the more powerful. With these preliminary points in mind, let us now turn to two arguments that are commonly evoked against the *burqa* in contemporary liberal societies.

Oppression

According to some interpretations of gender relations within Muslim communities, practices such as veiling and gender segregation are a consequence of women being primarily seen as sources of disruptive ‘sexual force’ by community members. For Moroccan feminist Fatima Mernissi, the tension between the religious social order that Muslim men are willing to uphold and the sexual desire that leads them astray is what prompts the isolation and covering of women in many Muslim communities (Mernissi 1987). According to this reading of gender dynamics under Islam, widespread religious norms that prescribe piety, chastity and modesty (and the clothes associated with these values) actually follow from the deep-rooted belief that women are, as it were, a threat to the Islamic social fabric.

The larger question of whether Muslim men are more likely to overly sexualise women is, however, an issue that I do not intend to pursue in this essay. Not least because engaging with this question risks ignoring the different types of masculinities that are commonplace in Muslim societies,⁷ but also because this would require a more empirically focused project. In this section we are merely exploring one plausible explanation for why the *burqa* is worn and then assessing whether it has any normative implications.

Assuming that Mernissi’s interpretation of Islamic gender relations is correct, the question is then whether women who wear the *burqa* are being complacent with men who overly sexualise them, and if a ban could be justified on the grounds that a liberal society should not accept women having to dress in certain ways simply because men are incapable of controlling their sexual urges. In fact, if women do dress to suit the needs of men and not in accordance with what allows them to express themselves as free members of a liberal society, then they have partially submitted to the will of others, even if there is no coercion involved. It would be much more appropriate to require men to change how they view and engage with women, regardless of the social norms at work. Does it then follow that the *burqa* should be banned?

Although we should resist any practice that condones the objectification of women, the *burqa* is unfortunately not the only tool used, as part of problematic gender relations, to impose burdens upon women.⁸ A number of normalised activities carried out in liberal societies are also connected to the way women are perceived by sexist members of society. Pornography – as the ‘graphic sexually explicit subordination of women in pictures or words’ (Langton 1993: 294) – is obviously

the best example, since women are ‘undressed’ and objectified to conform to patriarchal expectations.⁹ Prostitution, even if not coerced, also has its origins in similar relations. In both cases, the interests of men are paramount and the experiences of women are undervalued, or their desires and aspirations come second (and note that this is the case even if each woman experiences this oppression differently). Thus, the real issue is not whether women dress in certain ways, but rather whether their dressing has anything to do with oppressive patriarchal relations (Haslanger 2000: 38–39).

The challenge, however, is to find strategies that address all practices which subordinate women without being unfair to members of minority groups. If we recognise that patriarchy is operating in all sectors of a liberal society – that is, all (cultural and religious) groups have been shown to impose heavier burdens on women through problematic gendered practices – then government policies need to show a coherent degree of commitment, regardless of whether the practices are carried out by minority or majority groups. If, for instance, we ban the *burqa* but turn a blind eye to pay inequity, we are inadvertently lending support to a system that expects liberated women in the workforce to challenge current pay biases, while assuming that Muslim women are incapable of defying social norms that they deem problematic. By only taking drastic measures to address the submission of women in Muslim communities, we risk endorsing a false dichotomy of oppressive minority cultural groups and egalitarian majority culture (Song 2005: 486). This, in turn, contributes to an environment in which women from minority groups are seen as passive, while Western women are conceived as fully autonomous. This weakens the ability of *all women* to accurately appreciate the level of oppression they are subjected to. Moreover, it reinforces the structural barriers that prevent women and ethnic minorities from participating as equals in liberal democratic societies.

I am by no means claiming that all cultural and religious practices that oppress women do so to a similar degree. Different practices of this sort require different political strategies since they impact on women’s lives in dissimilar ways. These strategies, however, cannot be motivated by the *unfamiliarity* or *visibility* of some cultural practices, but by how they actually impact on the lives of women. Laws that aim to ban the *burqa* out of the alleged submission that this practice entails ought to be rejected not only because they completely disregard the genuine choice of so many Muslim women on this matter, but also because they treat Muslims as a group incapable of moral development in the absence of paternalistic state interference. The burden is then on those advocating a ban to show why the *burqa* cannot be challenged through more tolerant and respectful avenues, such as community education and women’s empowerment.

Identity and Identification

According to the former French president Nicolas Sarkozy, the *burqa* (whether used voluntarily or not) deprives Muslim women of a public identity, which puts them

behind a 'mesh' of public interaction (Chrisafis 2009). Furthermore, there is a compelling public interest in the disclosure of one's face for identity recognition. I will address the identity issue first, as it is a stronger objection to the *burqa*. The identification objection will be assessed subsequently.

The first question to ask in relation to the identity objection is: should people enjoy full privacy over their faces? Or do they have a duty to others to display their expressions, given that we say so much with our faces? Although there might be good reasons to defend the disclosure of one's face for social interaction, there are two responses to this argument that I want to highlight here. The first is that such a view is highly counter-intuitive. If we have no qualms (apart from perhaps aesthetic concerns) with people who wear sunglasses, face masks, have facial tattoos, numerous facial piercings and other facial accessories, it may be relevant to ask why we should have qualms about the *burqa*? If objections are purely aesthetic or culturally biased, they should not be applied to ethical judgements.

Second, even if the *burqa* deprives women of a part of their identity, the reality is that some Muslim women will feel great embarrassment if *forced* to abandon the veil in public. An analogous case can be made for some middle-aged and older women who might feel 'exposed' if forced to forgo the types of cosmetic surgeries (i.e. Botox injections, face lifts, chemical peels, etc.) that allow them to look younger for longer. Although it is certainly problematic when women desperately attempt to hide signs of ageing, the act of banning cosmetic surgeries and procedures might only make them feel more vulnerable, as well as negatively affect their sense of self-respect. Ideally, women need to be psychologically empowered to resist patriarchal expectations of eternal youth. Moreover, they need to be capable of accessing the same economic and social opportunities that they would, had they complied with patriarchal social norms (i.e. obtain employment in their chosen industry even if they resist undergoing cosmetic procedures).

Thus, until women actually understand the reasons behind social expectations around cosmetic surgery, and are indeed capable of resisting those expectations, we can do little to help them. Given that banning cosmetic surgeries will do nothing to address the fact that women's social worth decreases with age in contemporary Western societies, we should resist public policies that will decrease women's ability to make the best of their circumstances (Wilson 2002). The same can be said of the *burqa*.

The second objection to the *burqa* relates to institutional requirements of face identification and suggests that although unfortunate for women who fully veil, institutions have installed procedures and processes that require the disclosure of their faces. The claim is that in order to take advantage of the institutional arrangements in liberal societies, Muslim women must comply by not wearing the *burqa* in public.

I do accept the claim that when veiled women take a photo for an identification document, they ought to disclose their faces. Also, when they are asked by an authority to disclose both their face and an identification document, they should

comply (as long as they are not disproportionately targeted by authorities). The *rationale* here is simply that they themselves benefit from roads, airports, policing, welfare payments, medical insurance and so forth, and thus it is reasonable that they are asked to comply with these very institutions and arrangements. This is, however, completely different from claiming that it is impermissible for them to wear the *burqa* on a day-to-day basis. Hence, although this latter argument fails to support a general ban on the *burqa*, I believe it provides a reasonable argument for fully veiled women to comply with unveiling for the more narrow purpose of identification.¹⁰

Equality and Autonomy

The two arguments presented above fail to make a compelling case for prohibiting the *burqa*. There are still, however, two lines of argument that could be pursued by the advocates of the ban. The first relates to the right of women to be perceived as equal agents to men, and the second to women's autonomy to live life under their own conception of the good.

Let us go back to the brief discussion on pornography. Here one could make the following argument: if women choose to participate in pornography, there is nothing problematic about it. The issue comes about if, and only if, there is coercion involved. Those familiar with the feminist literature would be aware that although not always forced upon female participants, pornography may harm women as a social group (MacKinnon and Dworkin 1988).

According to Rae Langton and Caroline West (1999), pornography is a form of speech that communicates a number of assumptions about women *qua* social group; they say no but they actually mean yes, which in turn renders them speechless and unable to voice their own views on sex and violence. They enjoy being raped, abused, harmed, humiliated, objectified, but most importantly, their core social role in society is to please men; their own desires and needs are irrelevant or unimportant. Thus, in pornography, women are not moral agents but simply instruments for the satisfaction of men.

In addition, pornography is particularly powerful in communicating demeaning messages about women because of its authority in the sexual arena (Langton 1993). Note that there is a difference between the pornography industry and an average individual who claims that women enjoy being raped. The former has far more influence. Furthermore, communication in pornographic material is highly persuasive because the position of women as *dehumanised bodies* is introduced to the viewer or reader as a presupposition, which may be more difficult to challenge than something that is openly stated (Langton and West 1999: 309). And since pornographers not only portray women as inferior but empirical data *indicate* also that consumers of pornography 'become more likely to view women as inferior', the practice becomes morally problematic (Langton and West 1999: 306). Indeed, if pornography subordinates women, which in turn, contributes to women facing 'lower pay at work, insult and injury at home, battery and rape on the streets'

(Langton 1993: 294), then the state may legitimately interfere, as long as the intervention does not create greater social costs or unduly interfere with protected forms of speech and conduct. Note that here I am only claiming that *harm to women as a group* can be a weighty reason for the state to diminish an individual's liberty in relation to pornography. I am not prescribing such interference, or indicating what form it might take.

Similarly, women who fully veil might contribute to a harm that is being committed to the group as a whole. For example, what if the *burqa* communicates in Western liberal societies that Muslim women are socially invisible, uninterested in the public life and devoid of agency, and this is then made with authority in a manner that is hard to challenge? Would this contribute to the inferior status of Muslim women in society? I believe it could.¹¹

Unfortunately, the question of the *burqa* qua form of speech has not yet been explored in the empirical literature. For this reason, it is hard to know to which extent the *burqa* communicates demeaning messages about Muslim women. At any rate, the point here is a more general one, namely that the lack of coercion when women voluntarily veil does not necessarily mean that the practice is unproblematic. It may be that moral hazards do follow from the autonomous choice of some women in this matter, and if that is the case, the state may have a reason to interfere with their choices.

But what about cases in which women *do not* voluntarily veil. That is, what if a woman does not actually choose to wear the *burqa*? In other words, what if someone in her family or a spouse forces that dress code upon her? Here coercion becomes vital and it creates a strong duty on the state to act. Could a ban on the *burqa* be such an action? I believe not.

Note that the same can be said of women who are coerced into wearing any type of clothing: long skirts, lingerie, high heels, etc. Should we also seek to ban these garments? And how about coercion to perform house chores? Should we ban vacuum cleaners and detergents too? As it becomes clear, the issue relates not to the *burqa* or *niqab* specifically, or the high heels and lingerie, for that matter. The issue is coercion; A coerces B into dressing in X. Thus, while coercion is always the submission of a person's will to that of another, X can be any garment. And if B is an autonomous adult, she would have a claim on the state to stop A from coercing her. Thus, to ban the *burqa* or *niqab* will not address the issue of B being coerced into dressing in a certain way by A, as A can still coerce B into wearing something else.

Thus, to summarise that which has been argued so far, two key positions advanced in support of a ban (oppression and identification/identity) fail. At the same time, however, two additional points are worth considering:

- (1) The *burqa*, even when autonomously worn, might harm Muslim women as a social group. This argument can be particularly strong if we have empirical data showing that Muslim women as a social group are indeed perceived as inferior social members as a consequence of some of them wearing the *burqa* in public.

In order to legitimately curtail women's choice on this matter, however, a *harm-based proposal* needs to show that the *burqa* succeeds in communicating a view of women that society has a compelling interest in rejecting.

- (2) The *burqa* or *niqab* are not the real issue here. What is actually at stake is the coercion exercised on those women who do not autonomously choose to wear the *burqa* (or any other piece of clothing).

The concept of autonomy, as employed here, is of course partly idealised. It does not follow that all choices that appear autonomous (that is, choices that lack coercion) are in fact *fully* autonomous. I accept that women in general are constantly pressured by the media, their families and society at large to dress, behave and act in certain ways. But pressure by others cannot be a reason to reject women's autonomy altogether.¹² In fact, societal pressure can be alleviated by educating women about their rights and by providing them with the resources to make choices that primarily take their own interests into account. Public spending on training and education can be very effective in empowering women to resist patriarchal expectations built into social, cultural and religious norms (Longwe 1998: 19–26).

But if, instead of being pressured, they are actually being *coerced*, then women unequivocally lack autonomy, since, if they fail to comply, they will be subjected to violence or penalties on the part of a spouse, family or community member. Note that such an understanding of coercion is deliberately meant to exclude the 'unreflective' choice of following a cultural costume and the cultural and religious pressure exercised by the group. It is not the case that these factors do not impact on women's choices, but only that they do not warrant the state's interference to the same degree that coercion by another party does. In fact, calling the process of enculturation coercive is to overstretch the concept of coercion and thereby render it meaningless (Wingo 2003: 58).

To be sure, there are high social and economic costs associated in defying cultural arrangements, which, in turn, negatively impact on women's ability to choose. But, if *all* the social conditions are in place, Muslim women are just as capable of being autonomous as women from other religious and cultural groups. As Anne Phillips (2007: 14) has pointed out, it is a 'patronizing denial of human agency and responsibility to represent individuals from minority ethnic groups as compelled by their culture to behave in certain ways'. Hence, autonomy can be and *is* exercised within the framework of values imposed by one's cultural arrangement, and although the costs associated with acting autonomously can at times be high, when Muslim women are empowered and financially independent, they too can resist oppressive social and cultural norms.

So where do considerations of coercion and the potential harm to Muslim women leave us? As I have already stated, the claim that Muslim women as a group are harmed by the sartorial choices of some members requires further empirical support before we can derive any public policy prescriptions from it. I believe that if it were shown that Muslim women are indeed harmed by the autonomous choice of some

individual women on this matter, then this would count in favour of a ban. The same holds for other autonomous practices that affect social groups; if the group is harmed to a *significant degree*, then in order to protect their members, society may restrict or criminalise these practices, as long as doing so will not itself bring higher social costs.

The coercion-based argument, on the other hand, fails to support a ban. As it was argued earlier, the coercion of A on B to dress in X is still present when the *burqa* is taken out of the picture: X becomes something else (a different garment) or B is coerced to remain in the house and not enter the public realm. Thus, what we need is legislation and policies that tackle coercion. In addition, we need to accept that A and B need not be Muslims. Women in any cultural group are vulnerable to ‘sartorial’ coercion. If, however, we follow the liberal ideal that women should stand in a position of equality with men, it seems that a potential justification of this type of coercion is morally unacceptable. Women and men should be free and capable of pursuing life as they see fit and although the family is not necessarily a public institution, it is still a social arrangement that ought to support the development of human freedom. The same should be said of cultural and religious communities.

Respectful Approaches in Liberal Societies

If taking the *burqa* out of the equation will not by itself restore the autonomy of women who are forced to wear the *burqa*, what else can the state do to protect Muslim women? I believe that, instead of a ban on the *burqa*, we need programmes and legislation that protect vulnerable women from coercion and support them in leaving oppressive domestic arrangements.

Coercion within the household – as with domestic violence at large – takes place in all cultural communities in liberal societies and although not confined to minorities, these groups do need special attention when public policies are designed (Menjívar and Salcido 2002). For instance, community awareness needs to be specifically targeted at groups where fluency in the official language is lacking, and where women are less likely to know their rights and entitlements (communities where women are more likely to be uneducated and unemployed).¹³ In regard to the issue we are pursuing here, it is important that all official messages are clear about what constitutes coercion and which public services are available if they are being forced into wearing the *burqa* or feel that their autonomous choice to unveil will not be supported by their family and/or community members.¹⁴

Another important policy is the provision of both government housing and welfare payments for women on low income who escape living arrangements where they are being in fact coerced into full veiling. In some countries, women who flee domestic violence are entitled to a number of assistance measures such as crisis payments, special benefits and provision of government housing and emergency accommodation. It is paramount that protection against coercion into wearing the *burqa* is incorporated into these measures. Women should have the resources and conditions in place to exit harmful domestic or communal arrangements, irrespective of their

level of income. Furthermore, public policies should be designed in ways that are sensitive to the structural barriers that minority women face when seeking employment and housing.

Apart from making 'exit' possible and enacting legislation that criminalises various forms of violence and coercion within the family, liberal governments should support grassroots alliances that are formed by women who want to stay in their communities and challenge specific cultural/religious practices *from within*. Only then would both staying and leaving become genuine options for women in minority groups. In contrast to the policies suggested above, a ban would only work to further disempower those women who choose to wear the *burqa* (therefore, reducing the quantum of autonomy they can exercise in their lives), without actually addressing the vulnerability of those who are actually coerced into wearing it.¹⁵

Conclusion

Given the debate on the potential ban of the *burqa* in liberal states, I have attempted to investigate whether banning the *burqa* is indeed the best way to support Muslim women in standing in a position of equality with men. I have examined the key arguments in defence of a ban and have concluded that they fail to provide a convincing account against the *burqa* or *niqab per se*. Nonetheless, I have pointed out that the critics could still claim that, similar to other gendered practices, the use of the *burqa* could potentially harm Muslim women by portraying them in a submissive light. Yet, this can only inform public policy after conclusive and compelling empirical data are available.

Moreover, while this potential harm to Muslim women as a social group remains only a possibility, we ought to support the autonomous choices of women in this matter. Consequently, even if we believe that not to veil is a more appropriate act, we should nevertheless treat women as autonomous beings who should be free to give special consideration to cultural and/or religious conceptions of the good. As Andreas Follesdal argues '(t)he main concern is not to ensure that we can choose life plans completely unencumbered, but to ensure that no one is subject to the arbitrary and unconstrained will of others' (2005: 413).

But when women do not actually choose to wear the *burqa*, we then enter into a discussion that, as I have argued above, is actually similar to the discussion over domestic violence, which creates a strong duty on the part of the state to interfere. Such interference should not take the form of a ban on specific garments, but should instead deal with the actual coercion. This can be done through legislation that interprets this case as it would any case in which B (an autonomous adult) is coerced by A to do X.

Finally, I have proposed some practical public policies that can provide the right conditions for women (Muslim and non-Muslim alike) to either challenge cultural practices from within or disengage from households or communities where they are

not perceived as free agents and are coerced into dressing as to adapt to someone else's conception of the human good.

Notes

- [1] Although both veils conceal women's faces, they are of different styles and used in different parts of the world. During the essay I will use the word *burqa* to refer to both the *burqa* and the *niqab*. Veiling here will only refer to the garments that fully conceal women's faces. Hence, the *hijab* (or headscarf) will not be examined.
- [2] I write from the perspective of liberal states, and so will focus solely on whether these states have a moral case for banning the *burqa*. Illiberal states are outside this discussion not because their policies on women's clothing are morally irrelevant, but because at this stage the decision to have the *burqa* banned in France (and the possibility of similar restrictions in other European countries) strike me as being in direct conflict with the expected aims of the liberal state: to protect one's autonomy to profess their metaphysical commitments as they see fit. To question the illiberal state's ability to impose a dress code on its citizens is to question its very legitimacy, something which is outside the scope of this paper.
- [3] In this paper I refer to Muslims as those citizens of a liberal state who adhere to Islam. By focusing on their religious commitments, I do not mean to deny that they differ a great deal in other aspects of their lives, such as in their ethnicity, profession, level of income and so on.
- [4] In the quest for gender equality, some have endorsed Orientalism when engaging with non-Western women. This can be seen in the discourses around the *hijab*, polygamy, female circumcision and other non-Western cultural practices. Rather than understating the motivations behind those practices, some have adopted a discourse that assumes a moral inferiority on the part of non-Western men. For a discussion on gender and Orientalism, see Abu-Lughod (2002: 783–790) and Hoodfar (1992: 5–18).
- [5] It is well known that the Koran prescribes modesty, but not the actual *burqa* or *niqab*; see also Ruitenberga (2008).
- [6] This point is important because debates on practices that negatively affect women often get diverted into empirical inquiries on whether a practice is prescribed by a specific religious narrative. The problem with this strategy is that it rests on the false assumption that a normative case against a religiously motivated practice is somewhat less legitimate.
- [7] I wish to thank the editor for calling my attention to this point.
- [8] Here I follow Haslanger in defining gender in terms of 'women's subordinate position in systems of male dominance' and oppression as a 'structural phenomenon that positions certain groups as disadvantaged and others as advantaged or privileged in relation to them' (2000: 38–39). It is important to add that although women in general experience oppression in virtue of their gender, this system of male domination affects women differently depending on other relevant features of their identities (i.e. nationality, migration status, disability status, sexuality, marital status, HIV-AIDS status, profession and most notably race).
- [9] Important to note here is a distinction between erotica and pornography. While the latter involves the subordination of women, the former involves explicit and arousing sexual material where both men and women are portrayed as equally deserving of moral respect.
- [10] It seems plausible to argue that unveiling for the purposes of identification is a burden that society can reasonably place on women who wear the *burqa*. This is not because the needs of the citizenry outweigh the interests of Muslim women, but rather because everybody, including Muslim women, has an interest in the institutional apparatus of the state. Hence, while it would be certainly wrong for the state to (say) arbitrarily arrest Muslim women in order to provide security to the general public, it is not wrong to ask them to comply, just

like everybody else, with the identification mechanisms in place. This is because one's choice of clothing for religious, cultural or aesthetic reasons can at times be overridden by a more pressing social concern. For instance, a general law that makes it obligatory that motorcycle riders wear a helmet imposes a greater burden on Sikhs than it does to non-Sikhs, but it does not treat Sikhs as pure means to the ends of others – it treats them with respect because they too have an interest in road safety.

- [11] The effectiveness of this sort of negative communication in a liberal society is, of course, contingent on the intercultural relations in place. If other members of society have a more accurate understanding of Islam, then this communication would arguably be less persuasive.
- [12] Choices often involve costs; all social actors have to negotiate their place in the world by making choices that are burdensome. Coercion, however, involves a type of cost that is unacceptable, which is either to do something against one's will or to be punished. Now, none of this is to say that Muslim women incur no costs when 'choosing' to veil. Quite the opposite, gendered practices inevitably impose costs on women, regardless of what they ultimately choose. This is why one of the most important tasks of the feminist movement is to ensure that the world in which we live does not impose arbitrary costs on women, simply by virtue of their gender. But to argue that Muslim women are not autonomous because they bear costs either way is to confuse actual coercion with costs we bear by choosing certain things in life. Autonomy is about having the freedom to choose (even though there are costs to be born). To talk about autonomy only when costs are non-existent is to talk about a *status quo* that will never be realised, since it is part of human condition to negotiate competing interests, demands and societal/cultural pressures as we go about life.
- [13] The question of whether young girls have similar claims on the liberal state when they are forced by their parents into wearing the *burqa* is more complex, since young girls lack the cognitive capacity to make autonomous choices in such cultural and religious matters. This question is therefore outside the remit of this article.
- [14] Like with broader issues relating to domestic violence, the state must create the appropriate procedures to verify claims of coercion. I do not mean to deny that there are technical difficulties in establishing whether women are being coerced or not, but they are by no means insurmountable, and if the state is indeed serious about protecting women, it should do what it can to protect them from cultural coercion in particular and domestic violence at large.
- [15] Ability to choose is necessary but not sufficient for gender equality. For a society to truly empower women, we need them to be equally responsible for the civil liberties, social resources and public institutions that allow for choice to be made. And here we find an important caveat to this discussion; we need women's political participation to increase so that women's choices are made in a context that truly takes their needs and interests into account.

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