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## **Fashion, Feminism or Freedom: Dissecting France's Ban on Burkini**

*By Paul Hedges*

### **Synopsis**

*The recent ban and legal rulings on the burkini (Islamic swimsuit) in a number of French towns raises questions about the aims of the policy, as well as the way women's bodies are used as the ideological battlefield between cultures.*

### **Commentary**

THE FRENCH town of Cannes and about 30 others recently banned the wearing of a full body swimsuit termed the burkini. It was a controversial move that was first upheld in the courts but now overturned by France's highest court. However, many French politicians seem ready to defy the legal rulings. The legislation was placed within the context of France's current state of emergency following a number of terrorist attacks upon the country. In particular, the issue of public order has been raised as one concern, while it has also been termed a costume of "Islamic extremism". It has also been called an "enslavement of women" opposed to French values of gender equality.

Within France a number of factors need to be considered. One is France's strict vision of secularism, known as *laïcité*, where religion is removed from the public sphere. This provides the context in which the full face veil is banned in France, the only European country apart from Belgium with such a ban. Notably, though, the burkini does not cover the face. Another is the political rise of right wing groups, often promoting anti-Muslim rhetoric. With elections coming up, politicians need to appeal to the kind of constituency such parties reach out to.

### **Muslim Sentiments**

On a pragmatic basis, though, the move seems problematic. Given that many Muslims understand that veiling and covering the body, except the hands and feet, to be a religious obligation, this French move on the burkini is likely to provoke quite a strong reaction. Commentators have already noted that one reason why France has been particularly prone to terrorism endorsed in the name of Islam is because many Muslims there feel that their tradition is unfairly discriminated against and singled out. This ban which specifically targets Muslims is likely to feed strongly into such sentiments and as such only stoke the fires of ill-will and social enmity.

Within this context we should address a number of issues that are related to this ban.

### ***Human Rights and Feminism(s):***

As noted, one reason for banning the burkini is that it is seen as a sign of oppression of women and against French values. Certainly, for many in France, the ban seems to be considered consistent with their notions of equality and feminism. However, questions are raised in relation to international Human Rights legislation and standards about the right not simply to believe freely but also to manifest religion. That is to say, to be able to freely and openly follow the teachings of the religion.

In this respect, the ban seems a violation of these standards. Furthermore, feminism and women's rights does not simply sit on the French side. Increasingly it is recognised that we live in a world, which despite decades of women's rights improvements, is still dominated by men and patriarchal values. One aspect of this is the commoditisation of the female body for the male gaze.

For many women, not simply Muslims, refusing to be part of a system that hypersexualises the (female) body and suggests that women should be on parade for judgement and public display is a key feminist principle. As such, the burkini may be seen as feminist. The arguments on this are then far more complicated than either side typically portrays.

### ***Veiling across Religions:***

Today, many Muslims understand veiling and in particular full body covering to be a religious value. It has become more visible of late as increasing numbers of Muslim women wear the hijab as an expression of their religiosity. The Qur'anic injunctions involved enjoin both men and women to dress modestly, cast down their glances and guard their private parts. Read in parallel with hadith and traditions, many Muslims understand that the Qur'an commands them to cover their heads and let their headgear extend onto their bosoms, which scholars have interpreted to cover their ears, neck and chest.

Whichever interpretation is followed, it has become a general sign of Islamic orthodoxy; the desire to return to the true teachings of the religion is not, however, synonymous with becoming more extreme or insular. As such the suggestion of some French politicians that this is aimed at "extremist" Islam is called into question. Many "Moderate" Muslims also see veiling as a religious requirement.

Moreover, in the European context, while the veiling of Muslim women is an issue, the fact that the vast majority of Christian nuns also wear a head covering is not generally called into question. There certainly seems to be unequal treatment in this context. Will French nuns be arrested if they go onto a beach wearing the garb of their religious order, or wearing a burkini? Veiling is therefore not simply, and never has been, just an Islamic concept.

### **Women's Bodies as the Battlefield of Ideology**

It is clear that in the contemporary French ban we see a continuation of battles of ideology being fought by men on and over women's bodies. This has long characterised patriarchal societies. Whether this is a question about social status or religious belief, very often the notion that women need protecting or saving (either by veiling or unveiling – each can be seen either way) becomes a pawn in wider power games.

Whether the burkini ban is a religious issue, a secular policy issue, or a counter extremism issue the fact that the battlefield is the female body should not surprise us. The question of women's rights, while foregrounded, certainly needs more careful consideration.

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