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Banning Face Veiling The Boundaries of Liberal Education

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What constitutes liberal education and what are its boundaries? Such questions are perhaps best addressed in moments of tension, when liberal education is perceived as being under threat. The appearance of a small number of students wearing the face-veil or *niqab* at the American University in Cairo (AUC) a foreign private university located in Egypt, and Leiden University (LU) a state university in the Netherlands, has emerged as just such a threat. Despite significant differences in their institutional histories and in the national and legal contexts in which they operate, face covering was banned at AUC and LU. These bans were justified on remarkably similar grounds, at the core of which were arguments that face covering is inherently incompatible with principles and practices of liberal education. Yet the bans speak to issues far larger than pedagogy in liberal educational settings; they get to the core of critical issues relating to integration, liberalism, and the possibly uneasy place of Islam in it all.

Comparative cases

During the fall term of 2000 a single Egyptian undergraduate student at AUC majoring in psychology arrived to campus wearing a *niqab*. In the course of 2002-3 two undergraduate students of Moroccan origin in the Department of Arabic, Persian and Turkish Languages and Cultures (TCIMO) at LU did the same. In both cases the appearance of a *niqab* wearer(s), or *munaqqaba(t)* resulted in bans on face veiling. The justifications for the bans were forceful and uncannily similar in both contexts. In the case of AUC senior members of the administration reasoned that the presence of a *munaqqaba* 'disturbed' classes, 'distracted' from group discussions, caused others 'uneasiness' and 'scared' staff and students. In January 2001 AUC issued a formal statement banning face veiling on the dual grounds that it presented security and identification problems and was inimical to liberal arts education since it inhibited 'dialogue and intellectual interaction with colleagues and with other members of the University community.' AUC further justified its ban by invoking a 1994 Ministry of Education order upheld by the Supreme Constitutional Court in 1996 that forbids the *niqab* at national Egyptian educational institutions. AUC's policy forbidding the *niqab* was subsequently included in applications for admission and in its formal regulations regarding student conduct.

At Leiden University a small number of senior faculty members objected to the presence of two *munaqqabat* in their classes on the familiar grounds that face covering 'impeded interactive communication in the classroom' and caused staff and other students to be 'uncomfortable.' They brought the matter to the Dean of the Faculty asking that the University take an official stand on face veiling. The Board of the University decided to officially ban face covering just days before the beginning of the academic year 2003-4. The decision came on the heels of a decision by the Equal Treatment Commission (case no. 2003-40) that ruled that an institution for vocational training and adult education in Amsterdam was entitled to prohibit wearing the *niqab* on the school's grounds.¹

The appearance of a small number of students wearing the face-veil or *niqab* at two unrelated universities, The American University in Cairo and Leiden University, led to official bans on face covering. The bans were justified on remarkably similar grounds, at the core of which were arguments that face covering is inherently incompatible with principles and practices of liberal education. Yet the prohibition of face veiling speaks to issues far larger than pedagogy in liberal educational settings; it gets to the core of critical issues relating to integration, liberalism and the possibly uneasy place of Islam in it all.

The subsequent LU ban was inserted in the highest level of university legislation and states, in short, that it is prohibited to wear clothing or attributes that cover the face in educational settings within the university and during examinations. The ban is justified on grounds that 'communication between student and teacher and amongst students (or teachers) is indispensable,' that 'facial expressions are essential in communication,' and that at examinations 'the identity of the person taking the exam needs to be beyond doubt'. The Leiden decision was followed by a preemptive face-

covering ban at Utrecht University, since no students to date have worn the *niqab* there. After some struggle, and given the late date of the ban, the two *munaqqabat* students at LU were permitted to finish out the academic year, however they are not allowed to remain at the university until their anticipated graduation in two years time if they continue to wear the *niqab*.

Contrasting legal and political contexts

While the processes leading to face-covering bans at both AUC and LU were remarkably similar, the legal and political contexts in which the bans came about differed in some fundamental ways. In Egypt the legality of the ban was called into question and led to a spate of court cases in which two major questions were addressed: is the *niqab* a requirement in Islam?; and does the *niqab* pose risks to national security? The latter issue relates to regime concerns dating to the 1970s when intensive militant Islamic activities at national universities became widespread. Unlike AUC, a small, private liberal arts university for the elite, Egypt's national universities have been considered a potential security threat and subsequently been under heavy state security surveillance. The *niqab*, due to the fact that it conceals the wearer's identity, obstructs mechanisms of surveillance. In 1996 the Supreme Constitutional Court of Egypt overturned several lower courts rulings and upheld the *niqab* ban on the grounds that, as stated in Article II of the ruling, 'The *niqab* is not stipulated for under the preemptory provisions of the sharia. And it is in the interest of the society that individuals are identified, in order to control their conduct.'

Despite the court ruling, enforcing the *niqab* ban has proved exceedingly difficult. Scores of students in Egypt's national universities wear the *niqab*. At AUC the number of *munaqqabat* students has actually increased from one to five students since the ban took effect. Technically, the AUC students argue that they're complying with university regulations since they've removed the cloth face cover that makes up the *niqab*, however they replaced it with a piece of blank paper. When that was forbidden, they walked about campus covering their faces with their hands. Last spring the Vice-President for Student Affairs declared in exasperation, 'You are not allowed to put clothes, papers, hands, not even your finger on your face!' ² Implementing the ban in an environment where even upper class AUC students are increasingly involved in, or sympathetic to, the tenets of the growing pietistic movement remains a challenge.

In the Netherlands legal argumentations around face veiling bans avoid specifically Islamic references, for this would be considered a case of direct discrimination on the basis of religion.³ Hence, the term 'face coverings' is employed rather than '*niqab*'. Still, in the above mentioned Amsterdam case the Equal Treatment Commission has acknowledged that this phrasing constitutes a case of 'indirect discrimination,' as it disproportionately affects those who adhere to a particular religious conviction (interestingly, the Commission didn't raise the point that the ban can represent a form of gender discrimination as it disproportionately affects female students). Indirect discrimination is, however, allowed if there is an 'objective justification' which makes a ruling necessary. The Commission accepted the school's arguments that face covering impedes communication, that the whole school should be seen as a pedagogical setting (it should be noted that the girls agreed to remove the face cover in classroom settings), that it hinders identification which also poses a security risk and that it strongly diminishes the girls' chances for internships and future employment. This decision was exactly what the Board of Leiden University had been waiting for. However, whereas the Board had wanted to apply the Amsterdam order in its entirety, due to the intervention of student representatives at the University Council, the ban was modified to apply to classroom settings and exams only, rather than to all university buildings and grounds.

Integration and the face

The emphasis on open facial communication as a central value of liberal education, including the importance of student participation, needs some closer scrutiny. One central element in interactive liberal education is precisely that students are to be evaluated on the basis of their ability to partake in rational debate and on the basis of the quality of their arguments. It is then remarkable that students wearing the *niqab*—presumably just as potentially able as others to bring forward their arguments—are a priori disqualified by the sheer fact that their facial features are not visible. Such a perspective goes against the grain of Habermasian notions of the modern public sphere where only the force of arguments is supposed to count; it is rather grounded in long standing assumptions commonly employed in such fields as physiognomy that external appearance, including facial expressions, are a direct reflection of inner states of being. Simultaneously, a highly idealized notion of the workings of the educational regime is employed. Education is not only about the exchange of ideas and the communication of knowledge, it is also about producing certain notions of self and normative behaviors. It is precisely for these reasons that it was deemed necessary in both cases to ban the *niqab*.

The sense of unease and feelings of discomfort some staff members and university administrators at LU expressed when discussing the *niqab* does not, however, only refer to (anticipated) problems of communication. Something else seems to be at stake. They also referred to the idea that by wearing the *niqab* these girls 'set themselves apart' or more explicitly 'show that they do not accept *our* central values.' In other words, wearing *niqab* is not only seen as a challenge to the normative structure of liberal education, but simultaneously as a refusal to integrate in Dutch society.

We need then to place these discussions about the *niqab* within the framework of major shifts in the political landscape, the fall-out of 11 September 2001, of the right-wing anti-Muslim populism of Pim Fortuyn, and of a political climate in which derogatory statements about Arabs and Muslims appear increasingly to be more acceptable. These factors came to the fore very strongly in the public reactions to the Amsterdam case. Prominent politicians belonging to a variety of political parties all made statements against wearing the *niqab*; one even went so far as to argue that if the girls would succeed in their appeal, national legislation ought to be drafted that would forbid wearing *niqab* in all public spaces (in a phone-in radio programme, over 90% of the callers supported this proposal).

That the ban of the *niqab* needs to be seen within the framework of a changed political climate is strongly supported when comparing the ruling of the Equal Treatment Commission on the Amsterdam case in 2003 with a very similar case in 2000, also about regulations prohibiting face coverings at an educational institution. In the latter case (no. 2000-63) the Commission argued that there was no objective justification for indirect discrimination and explicitly stated in its ruling that



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wearing the *niqab* 'leaves sufficient possibilities for communication' (also non-verbal) and that the school should take into consideration that 'in a multicultural society as the Netherlands not all groups in society show their feelings through facial expression.' This is a very different position from that taken up in the abovementioned ruling of 2003. That wearing the *niqab* is seen as a refusal to adapt to Dutch norms and values is further compounded by the way in which the *niqab* is linked to a particular strand of Islam. It appears that the problem is not so much that these students bring a religious symbol into the classroom, for the *hijab*, or headscarf has become more acceptable, but that the *niqab* is linked to radical Islam. Such informally expressed concerns cannot factor into official argumentation in the Dutch political-legal setting, as banning *niqab* for political reasons would constitute direct discrimination. Indeed the Equal Treatment Commission has made it explicit that schools are not allowed to ban dressing styles on the grounds that they express particular political points of view (such as bomber jackets which can represent radical right sympathies), as this would infringe on the principle of freedom of expression.

In the Egyptian context a compelling set of political and security concerns accompanied the policy of banning face veiling at national universities. In the case of the private, foreign AUC, however, security concerns were overridden by arguments about the role of the university in reproducing a particular type of liberal culture and accompanying normative behaviors. The practice of covering the face has been seen to fundamentally contravene the university's mission. Indeed as responses to the *niqab* in both the AUC and LU cases illustrate, the practice of face veiling has seriously tested the boundaries of who can and should participate in liberal educational institutions as well as in liberal societies writ large. The point here is not to make light of the unease and discomfort teachers may experience when confronted with students who cover their face. Rather, the question is whether feelings of discomfort are valid grounds to ban particular forms of dress and, subsequently, specific categories of students from the university? Should the wearing of the *niqab* be understood implicitly or explicitly as a refusal to integrate into the values of liberal universities, and, by extension, liberal societies? Is banning the most suitable way of responding to difference, or might the university be better served by embarking on an opened complex process involving debate, inquiry and dissent in a manner that could lead to the expansion, rather than narrowing, of the boundaries of liberal education?

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Lecture Hall, Leiden University. Is the *niqab* compatible with liberal pedagogy?

Notes

1. The Equal Treatment Commission monitors compliance with the Dutch Equal Treatment Act which prohibits discrimination in education and employment on grounds such as religion, sex, race, and political orientation.
2. The interview was with Mohamed Farouq Al-Hitami and cited in the AUC student newspaper *The Caravan*, Issue no. 17, Vol. 83, March 9, 2003.
3. The Commission does not discuss whether wearing *niqab* is an Islamic requirement. It considers it sufficient that a category of persons believes it to be such.