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WEARING BURQA WILL NOW BE A CRIME?

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Now a draft bill is under consideration of French Parliament imposing a fine of Euro 700 on any woman wearing burqa covering her whole body in any public place and her husband twice as much if he forces her to wear burqa. This is for the first time that women would be penalized for wearing burqa. Earlier France had banned Muslim girls wearing hijab in schools. It argued that these religious symbols interfere with its commitment to secularism and its secular culture.

In fact nothing happens without political ideology being behind it. This measure is being championed by rightwing politicians who are exploiting anti-Islam feelings in France among a section of people under the cover of secularism. However the socialists are opposed to any ban on burqa though they are also not in favour of women wearing burqa. They feel women should be discouraged rather than banning burqa (which includes covering face).

The Socialist spokesman Benoit Hamon announced that wearing burqa is not desirable but is not favourable to legal ban which would amount to an inconsistent ad hoc ban. Mr. Hamon said on RTL Radio "We are totally opposed to the burqa. The burqa is a prison for women and has no place in the French Republic", he said. "But an adhoc law would not have the anticipated effect".

The stand taken by Socialists appears to be quite logical. One cannot stop women from wearing burqa through a legal ban. It is quite undemocratic to punish one for wearing certain type of dress. It is anti-democratic and anti-secular for a multi-cultural society. Let it be very clear that to cover entire body including the face is not necessarily an Islamic way.

The ulama hold different views on the subject. Majority of them hold that covering face and hands is not prescribed by Qur'an or Sunnah. Only very few theologians and jurists want women to be fully covered. To compel women to so cover their bodies and face is indeed against women's rights and dignity. And a woman should be a free agent to decide for herself what to wear within decent limits and cultural ethos.

However, this freedom also includes right of women to cover their face, if they so desire and if they think it is requirement of their religion. When I was lecturing in Bukhara University among a class of women students all of whom were wearing skirts and their heads were uncovered, two women came fully covered including their faces. All other women demanded that these two burqa clad women should be thrown out.

I said imagine burqa clad women were in majority and two women had come wearing skirt and uncovered head and majority of burqa clad women had demanded those two women being thrown out, what would you feel. I, therefore, argued that let us not get violent because someone dresses unlike us. We should dialogue with them and persuade them, if we can, not to wear such dress fully covering themselves.

There could be number of reasons why one prefers to wear certain kind of dress. May be there is coercion by parents or husband which is undesirable. Or may be one thinks it is religious requirement and one tries to assert ones right. Or may be one is trying to fight cultural alienation. Certain dresses also become identity markers. Many Muslims who migrate from Asia and Africa experience cultural shock when they see French or other European women wearing scanty dresses, even wearing bikinis. Thus they feel all the more compelled to wear their traditional dress.

Also, in France and several other European countries migrants are marginalized and have feeling of alienation which pushes them into practicing their own cultural norms. And then it is also to be remembered all Muslim women in France do not wear such dress covering themselves fully. In fact many Muslim women have integrated themselves into French society by taking to western dress.

Thus legal ban will only build up resistance among traditional Muslim women and they would try to defy the law resulting in social tensions. It would be far better to resort to persuasive ways to discourage traditional Muslim women not to wear all covering burqa. And persuasion alone will not work unless backed by other measures economic as well as social to fight alienation of religious and cultural minorities.

Thus one needs multi-pronged measures to contain this problem. Muslim Ulama and intellectuals living in France also have to adopt creative ways to reinterpret Islamic traditional sources to suit new conditions. It is quite necessary to revisit traditional sources rooted in medieval feudal culture.

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