

Human Rights and Religion: The Islamic Headscarf Debate in Europe



DOMINIC McGOLDRICK

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HUMAN RIGHTS AND RELIGION—THE ISLAMIC HEADSCARF DEBATE IN EUROPE

The debate on multiculturalism and human rights in Europe was reignited in 2004 by the Islamic headscarf ban in France. The legal and political tensions thrown up by this debate are now being witnessed in many European states. The place of religion in schools in general, and wearing of religious dress in state schools in particular, has become an issue across Europe. Supporters of the right to wear the Islamic headscarf argue that the ban and similar prohibitions infringe a number of human rights. This book examines the issues by considering questions of language, meaning and symbolism. In doing so it identifies the debates behind the debates. Detailed consideration is given to the headscarf debate in France. Comparative practice in a number of European states—Germany, Switzerland, Spain, Italy, Belgium, the Netherlands, the United Kingdom and Turkey—is examined. Brief consideration is also given to a number of non-European states. The book also outlines the role and function of an international human rights law approach to the Islamic headscarf. It concludes with some wider reflections on the broader political and cultural struggles that lie behind the Islamic headscarf debate. This wider frame of analysis reveals the deeper significance of the Islamic headscarf bans.

*This book is dedicated to Agnes, April, Jessica,
Christina and Isabella*

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I started writing this book because I thought that the Islamic headscarf-*hijab* issue in Europe presented fascinating legal, political and intellectual challenges. Having finished it, I am even more certain of this. It is an issue of widespread interest and one which generates considerable passion.

The book generally takes account of information available to me as of 1 April 2006. It has occasionally been possible to take account of later developments. Responsibility for the views expressed, and any errors or omissions, is mine alone.

Dominic McGoldrick
Liverpool
April, 2006

Table of Cases

Canada

<i>Multani v Commission scolaire Marguerite-Bourgeoys</i> [2006] SCC 6	200, 236
---	----------

Cayman Islands

<i>Grant & Aynor (as guardians ad litem of Sheikh Grant, a minor) v The Principal, John A Cumber Primary School and Others</i> [2001] Cayman Islands Law Reports 78	95
--	----

Committee on the Elimination of Discrimination Against Women

<i>Rahime Kayhan v Turkey</i> Communication No 8/2005 < http://www.un.org >	262–3
--	-------

European Commission on Human Rights and the European Court of Human Rights

Application No 1753/63 <i>v Austria</i> , Decision, 15 February 1965, 16 Collected Decisions of the European Commission of Human Rights	20
<i>Abdulaziz, Cabales and Balkandali v UK</i> [1985] 7 EHRR 471	264
<i>Ahmad v United Kingdom</i> (1981) 4 EHRR 126	188, 193, 195
<i>Ahmed and Others v United Kingdom</i> (2000) 29 EHRR I	283
<i>Brown, Jaggard and Laskey v United Kingdom</i> (1997) 24 EHRR 39	250
<i>Bulut v Turkey</i> Application No 18371/91	140
(<i>Jewish Liturgical Association</i>) <i>Cha'are Shalom Ve Tsedek v France</i>	28, 75, 165, 166

<i>Dahlab v Switzerland</i> ECHR 2001V	29, 113, 121–2, 129–31, 141, 151, 152, 198, 240, 263–4, 276, 282, 284, 293, 294
<i>Fazilet Partisi and Kutan v Turkey</i> Application No1444/02	169–71
<i>Goodwin v United Kingdom</i> (2002) 35 EHRR 18.....	243
<i>Gunduz v Turkey</i> , (2005) 41 EHRR 5	275
<i>Ilicak v Turkey</i> Application No 15394/02	169–71
<i>Kalaç v Turkey</i> (1997) 27 EHRR 552.....	197, 283
<i>Karaduman v Turkey</i> 74 <i>Decisions and Reports of the European Commission on Human Rights</i> 93.....	137–40, 151, 194, 196, 239
<i>Kavakçı v Turkey</i> Application No 71907/01.....	169
<i>Kokkinakis v Greece</i> [1994] 17 EHRR 397.....	69
<i>Kontinnen v Finland</i> (1996) 87 <i>Decisions and Reports of the European Commission on Human Rights</i> 68	195
<i>Leyla fiahin v Turkey</i> , Chamber, Fourth Section, (2005) EHRR 8, [2004] ELR 520.....	10–11, 12, 28, 134, 140 et seq, 201, 214, 240, 248, 252
<i>Leyla fiahin v Turkey</i> , Grand Chamber, 19 B.H.R.C. 590 [2006] E.L.R. 73	28, 94, 104, 134–7, 139, 140 et seq, 182, 197, 200, 201, 203, 206, 211, 214–5, 240, 243, 247–9, 250, 251, 253, 264, 276, 277, 289, 291, 292, 293, 294, 304
<i>Metropolitan Church of Bessarabia and Others v Moldova</i> ECHR 2001–XII	8
<i>Murphy v Ireland</i> (2004) 38 EHRR 13	167, 251, 301
<i>Otto-Preminger Institute v Austria</i> (1995) 19 EHRR 34	167, 250
<i>Phull v France</i> Application No. 35753/03 (11 January 2005).....	94
<i>Pretty v United Kingdom</i> (2002) 35 EHRR 1	243
<i>Refah Partisi (the Welfare Party) and Others v Turkey</i> ECHR 2003–II, (2003) 37 EHRR 1	131, 140, 168, 170, 251
<i>Sılay v Turkey</i> Application No 8691/02.....	169–71
<i>Sorenson v Denmark, Rasmussen v Denmark</i> , Application Nos 52562/99 and 52620/99, (11 January 2006).....	244
<i>Stedman v UK</i> (1997) 23 EHRR CD 168.....	188, 195, 283
<i>Thlimmenos v Greece</i> ECHR 2000–IV, (2001) 31 EHRR 411	147
<i>Valsamis v Greece</i> (1997) 24 EHRR 294.....	139
<i>Wingrove v United Kingdom</i> Reports 1996–V, 1958, (1997) 24 EHRR 1	250
<i>Yankov v Bulgaria</i> (2005) 40 EHRR 36.	

European Court of Justice

<i>Mangold v Helm</i> , Case C-144/04, [2006] All ER (EC) 383	30
<i>Prais v Council</i> , Case 130/5, [1976] ECR 1589	30
<i>R (on the application of Bidar) v Ealing LBC</i> , Case C-209/03, [2005] 2 CMLR 3	278

France

<i>Aoukili</i> , Conseil d'Etat, 10 March 1995, No 159.981	71
<i>Fonds de défense des musulmans en justice</i> , Conseil d'Etat, 27 July 2001, No 216903	75
<i>Kehrouaa et al</i> , Conseil d'Etat, 2 November 1992, No 130.394	71
<i>Melle Marteaux</i> , Conseil d'Etat, 3 May 2000, No 217.017	73
<i>Melle Nadjet Ben Abdallah</i> , No 03LY01392, <i>Dalloz</i> , 2004, IR	32
<i>Moussaoui et al</i> , Conseil d'Etat, 27 November 1996, No 170.207	71
<i>Yilmaz</i> , Conseil d'Etat, 14 March 1994, No 145.656	71
<i>Universite de Lille II</i> , Conseil d'Etat, 26 July 1996, No 170.106	89

Germany

<i>Crucifix Decision</i> , BVerfG 93	113
<i>Ludin</i> BVerfG, 2 BvR 1436/02 (24 September 2003)	111–14, 250, 284–6, 293, 294

Human Rights Committee

<i>Ballantyne v Canada</i> , Communication No 359/89, UN Doc CCPR/C/47/359/1989	276
<i>Bhinder v Canada</i> , Communication No 208/1996, UN Doc A/45/40, Vol II, 50.	
<i>Boodoo v Trinidad and Tobago</i> Communication Number 721/ 1996 (2 August 2002), UN Doc CCPR/C/74/D/721/1996	95
<i>Hudoyberganova v Uzbekistan</i> Communication No 931/2000, UN Doc CCPR/C/82/D/931/2000 (18 January 2005)	27, 169, 226–30, 241
<i>MAB, WAT and J-AYT v Canada</i> Communication No 570/1993, UN Doc CCPR/C/50/D/570/1993 (25 April 1994)	10

<i>Waldman v Canada</i> Communication No 694/1996, UN Doc CCPR/C/67/D/694/1996 (5 November 1999)	292
---	-----

India

<i>Mohammed Ahmed Khan v Shah Bano Begum</i> 1985 AIR SC 945	9
--	---

South Africa

<i>Christian Education South Africa v Minister of Education</i> [2001] 1 Law Reports of the Commonwealth 441	193
<i>Prince v President of the Law Society of Cape Good Hope</i> (2002) 12 Butterworths Human Rights Cases 1	9–10, 95

Switzerland

<i>Dahlab v Switzerland</i> Federal Court	122–29
---	--------

Trinidad and Tobago

<i>Ansarie Mohammed v The Commissioner of Prisons</i> , High Court of Trinidad and Tobago, HCA No S-2089/03	95
<i>Summayah Mohammed (a minor) v Lucia Moraine & Another</i> [1996] 3 LRC 475 (Trinidad and Tobago); (1994) 45 WIR 392	231

United Kingdom

<i>A v Headteacher and Governors of Lord Grey School</i> [2004] EWCA Civ 382, [2004] QB 1231, [2004] ELR 169, Court of Appeal	189
<i>Abdul Hakim Ali v Head Teacher and Governors of Lord Grey School</i> [2006] UKHL 14 [2006] 2 All ER 457, [2006] ELR 223	203
<i>Associated Provincial Picture Houses Ltd v Wednesbury Corporation</i> [1948] 1 KB 223	232

<i>Aston Cantlow and Wilmcote with Billesley Parochial Church Council v Wallbank and Another</i> [2003] UKHL 37, [2003] UKHRR 974.....	190
<i>Campbell v MGN</i> [2004] UKHL 22, [2004] 2 AC 457	243
<i>Chief Metropolitan Magistrate ex parte Choudhury</i> [1991] 1 QB 429	67
<i>Choudhury v UK 12 Human Rights Law Journal</i> (1991) 172	67
<i>Copsey v WWB Devon Clays Ltd</i> 2005 EWCA Civ 932, [2005] ICR 1789.....	188, 194, 196, 283
<i>Douglas v Hello (No 1)</i> [2001] UKHRR 223, Court of Appeal.....	243
<i>Khanum v IBC Vehicles</i> Employment Appeal Tribunal, IT No 1200058/97, 15 September 1989 < http://www.eoc-law.org.uk >	270
<i>Mandla v Dowell Lee</i> [1983] 2 AC 548.....	30, 179
<i>R v Andrews (Rueben Phillip)</i> [2004] EWCA Crim 947; 2004 WL 741779 (5 March 2004)	
<i>R v DPP ex parte Kebilene, R v DPP ex parte Rechachi</i> [2000] 2 AC 326	287
<i>R (on the application of Douglas) v North Tyneside MBC</i> [2003] EWCA Civ 1847, [2004] 1 All ER 709.....	277
<i>R (on the application of Begum (Shabina)) v The Headteacher and Governors of Denbigh High School</i> [2004] EWHC 1389 (Admin), (High Court) [2004] ELR 374	180–4
<i>R (SB) v Headteacher and Governors of Denbigh High School</i> [2005] EWCA Civ 199, [2005] ELR 198, Court of Appeal.....	140, 184–90, 231, 277
<i>R (Shabina Begum) v Headteacher and Governors of Denbigh High School</i> [2006] UKHL 15, [2006] 2 All ER 487, [2006] ELR 273, House of Lords.....	190–204
<i>R v Secretary of State for Education and Employment and Others ex parte Williamson</i> [2005] UKHL 15; [2005] UKHRR 339, Court of Appeal	9
<i>R (Williamson) v Secretary of State for Education and Employment</i> [2002] EWCA Civ 1926; [2003] UKHRR 800, House of Lords	9, 139, 193
<i>Spiers v Warrington Corporation</i> [1953] 2 All ER 1052	185

United States

<i>City of Boerne v Flores</i> 521 US 145 (1997)	223
--	-----

<i>Cooper v Eugene Schools District No 4J</i> , 723 P 2d 298 (1986) (Oregon)	222
<i>Cutter v Wilkinson</i> 544 US __ (2005)	221
<i>Elk Grove Unified School District v Newdow</i> 292 F3d 597, 612 (9th Cir 2002)	221
<i>Elk Grove Unified School District v Newdow</i> 542 US 1 (2004)	221–2
<i>Employment Division v Smith</i> 494 US 872 (1990)	223
<i>Gonzales, Attorney-General, Et Al, v. O Centro Espirita Beneficente Uniao Do Vegetal Et Al</i> , 546 US 00 (2006)	221
<i>Lemon v Kurtzman</i> 403 US 602 (1971)	221
<i>McCreary County, Kentucky et al v ACLU of Kentucky</i> 545 US __ (2005)	222
<i>Thomas v Review Board of the Indiana Employment Security Division</i> 67 L Ed 2d 624	
<i>United States v Board of Education for the School District of Philadelphia</i> 911 F 2d 882 (3rd Cir) (1990)	223
<i>United States v Lee</i> , 71 L Ed 2d 127	
<i>Van Orden v Perry et al</i> 545 US __ (2005)	222
<i>West Virginia State Board v Barnette</i> 319 US 624 (1943)	222
<i>Zelman v Simmons-Harris</i> 536 US 639 (2002)	221

Contents

<i>Acknowledgments</i>	vii
<i>Table of Cases</i>	xv
<i>Introduction</i>	i
I Human Rights and Religion: the Challenge of the Islamic Headscarf-Hijab	4
<i>Introduction</i>	4
<i>The Headscarf-Hijab: Language, Meaning and Significance</i>	4
<i>The Headscarf-Hijab as a Religious Obligation?</i>	8
<i>The Real Debates Behind the Debates on the Headscarf-Hijab</i>	12
<i>The Headscarf-Hijab as an Instrument of Oppression of Women</i>	13
<i>The Headscarf-Hijab and Religious Extremism</i>	15
<i>The Headscarf-Hijab as a Political Symbol</i>	17
<i>The Headscarf-Hijab as Evidence of the Failed Integration of Immigrants</i>	17
<i>The Headscarf-Hijab and Terrorism</i>	20
<i>Human Rights Perspectives on the Headscarf-Hijab</i>	22
<i>Religion and Human Rights</i>	24
<i>The Human Right to Freedom of Religion</i>	25
<i>Article 18 of the International Covenant on Civil and Political Rights</i>	26
<i>Article 9 of the European Convention on Human Rights</i>	27
<i>The National Assessment and the Margin of Appreciation</i>	28
<i>Parents and Children</i>	29
<i>European Union Standards</i>	30
<i>The Role of Human Rights Thinking</i>	31
2 The Islamic Headscarf Debate in France	34
<i>Introduction</i>	34
<i>The Church and State in France</i>	34
<i>The Law of 1905</i>	36
<i>Laïcité and Secularism</i>	38

<i>The French Approach to Rights</i>	41
<i>Assimilation and Integration</i>	44
<i>France and International Human Rights Law</i>	46
<i>How France views Muslims</i>	47
<i>Muslims in France</i>	52
<i>The Wearing of the Headscarf-Hijab in France</i>	61
<i>The Headscarf-Hijab Debate in France: l’Affaire du Foulard</i>	64
<i>The 1989 Opinion of the Conseil d’Etat</i>	68
<i>Cases in the Conseil d’Etat</i>	70
<i>The Neutrality of Civil Servants and Teachers</i>	73
<i>The School Context</i>	76
<i>The Headscarf-Hijab in the Private Sector</i>	80
<i>President Chirac’s Speech of 16 December 2003</i>	81
<i>The Stasi Commission</i>	83
<i>The French Law on Headscarves-Hijab of 2004</i>	90
<i>The Application of the New Law</i>	91
<i>Reactions to the Ban on the Headscarf-Hijab</i>	96
<i>The Law of 2004—Two Years On</i>	100
<i>Concluding Comments</i>	101
 3 Comparative State Practice: Germany	 107
<i>Introduction</i>	107
<i>The Church and State in Germany</i>	107
<i>The Muslim Community in Germany</i>	109
<i>The Headscarf-Hijab Debate in Germany</i>	110
<i>The Ludin Case</i>	111
<i>The Minority Judgment in Ludin</i>	114
<i>Responses to the Ludin Case</i>	115
<i>Concluding Comments</i>	118
 4 Comparative State Practice: Switzerland	 120
<i>Church and State in Switzerland</i>	120
<i>Muslims in Switzerland</i>	120
<i>The Dahlab Case</i>	121
<i>The Dahlab Case in the Swiss Federal Court</i>	122
<i>The European Court of Human Rights in Dahlab</i>	129
<i>Concluding Comments</i>	131

5 Comparative State Practice: Turkey	132
<i>Introduction</i>	132
<i>State and Religion in Turkey</i>	132
<i>The Headscarf-Hijab Debate in Turkey</i>	133
<i>Turkish Cases Before the European Commission on Human Rights</i>	137
<i>Leyla Şahin v Turkey: the Judgment of the European Court of Human Rights</i>	140
<i>The Assessment of the Grand Chamber on Article 9 European Convention on Human Rights: Freedom of Religion</i>	150
<i>The Assessment of the Grand Chamber on Article 2 of Protocol 1: the Right to Education</i>	157
<i>The Assessment of the Grand Chamber on Articles 8 (privacy), 10 (expression) and 14 (non-discrimination)</i>	159
<i>The Dissent of Judge Tulkens' in the Grand Chamber</i>	159
<i>The Significance of the Decision in Leyla Şahin v Turkey</i>	167
<i>The Advocacy of Islamic Headscarves-Hijab in Turkish Politics</i>	169
<i>Concluding Comments</i>	171
 6 Comparative State Practice: United Kingdom	 173
<i>Introduction</i>	173
<i>State and Church in the United Kingdom</i>	173
<i>Muslims in the United Kingdom</i>	174
<i>Muslims and School Uniforms in England and Wales</i>	176
<i>The Begum Case in the High Court</i>	180
<i>The Begum Case in the Court of Appeal</i>	184
<i>The Begum Case in the House of Lords</i>	190
<i>Concluding Comments</i>	203
 7 Comparative State Practice: Spain, Italy, Belgium, the Netherlands, and Other European States	 205
<i>Spain</i>	205
<i>Italy</i>	206
<i>Belgium</i>	210
<i>The Netherlands</i>	212
<i>Other European States</i>	214
<i>Concluding Comments</i>	218

8 Comparative State Practice: Non-European States	220
<i>Introduction</i>	220
<i>The United States</i>	220
<i>Uzbekistan</i>	225
<i>Trinidad</i>	230
<i>Afghanistan</i>	232
<i>Singapore</i>	233
<i>Saudi Arabia</i>	233
<i>Iran</i>	234
<i>Concluding Comments</i>	236
 9 Applying International Human Rights Standards to the Headscarf-Hijab	237
<i>Introduction</i>	237
<i>Individual Applications to National Courts and International Human Rights Bodies</i>	237
<i>Individual and Group Identities and Rights</i>	241
<i>Negative and Positive Aspects of a Human Right</i>	244
<i>The Right to Freedom of Religion</i>	246
<i>The Human Rights Context of Church-State Relations under the ECHR</i>	247
<i>Limitations on religious freedoms on the basis of the 'protection of public order' and the 'protection of the rights and freedoms of others'</i>	250
<i>Religious Discrimination and Islamophobia</i>	252
<i>Religious Discrimination and the European Union</i>	257
<i>Racial Discrimination</i>	259
<i>Gender Discrimination and Feminist Perspectives</i>	261
<i>Autonomy and Consent</i>	270
<i>Minority Rights and Cultural Rights</i>	275
<i>Children's Rights and Parents' Rights</i>	276
<i>Teachers' Rights and Children's Rights</i>	282
<i>Concluding Comments</i>	286
 10 Wider Perspectives on the Headscarf-Hijab	288
<i>Introduction</i>	288
<i>National Identity</i>	288
<i>National Identity and International Human Rights Law</i>	289

CONTENTS

xiii

<i>Changing National Identity</i>	294
<i>Multiculturalism and Islamophobia</i>	298
<i>Secularism Versus Religion</i>	301
<i>Secularism and International Human Rights Law</i>	303
<i>Secularism and Neutrality</i>	304
<i>Liberalism and Religious Education</i>	305
<i>Liberalism and Religious Fundamentalism</i>	306
<i>Concluding Comments</i>	308
 <i>Author Index</i>	 311
<i>Index</i>	317