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The Burqa Ban's Dark Side. Uncovering Face Covering Bans

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*At times in the evenings a face
Looks at us out of the depths of a mirror
Art should be like that mirror
Which reveals to us our own face.*

Jorge Louis Borges

Introduction

The presence of the so-called Islamic headscarf in the European public sphere epitomizes probably one of the most interesting contemporary conflicts in the human rights universe. The appearance of visibly veiled women in public places in Europe has been greeted with hostility. In the European public space, we find different ways of accommodating the presence of the veil, they do vary amongst different member states and such differences to a large extent reflect their constitutional and political traditions. There is the laïcist solution in France banning (all) religious symbols, at the other end of this axis, we find Britain, which allows the presence of religious symbols in the public sphere without significant restrictions. The symbolic and political stakes of the legislation that has been passed on the account of the presence of the veil in the European public sphere are undoubtedly high. The presence of the veil and the responding laws adopted in many European states raise fundamental questions about European identity, the concept of secularism, gender as well as touching upon the legacy of colonialism. In a nutshell, it provides a space for critical reflections about the politics of ethnicity, gender and religion in Europe. It has gradually become an arena of strident debates and passionate clashes. Wearing the veil has predominantly been interpreted as an expression of anti-Western and anti-modern attitudes. The veil tends to be framed as a threat to public order and to the secular order of liberal democracies.

Unfortunately the discussion about the multitude of cultures in Europe, about the European project and its identity and the place of emerging cultures and (their) values is often reduced to simplistic debates such as “hijab: to ban or not to ban?” or “the construction of Minarets: to ban or not to ban?” The reductive tone of these debates, which

run along simplified trajectories laid down by the still dominant liberal discourse signified by the popular assumption about the qualities of the liberal public sphere and the values which form it, is received as an affirmation of the dominance of the traditional norms and values which govern the use of public reason. In the following pages, I put forward, against this received paradigm, arguments showing that the ensuing liberal theory of minority rights, which goes hand in hand with the afore-mentioned understanding of the public sphere, in fact not only reduces the issues that emerge with the presence of the “other”, as represented i.e. by the veil, but that it, hand in hand with the liberal rights discourse, tends to remove certain considerations from the debates we lead in Europe, a tendency, most visibly represented by disputes over religious symbolism. What the language and structure of universal human rights (i.e. represented by the European Convention on Human Rights), through which these issues are problematized, achieves is to put aside the “*unspoken, implicit borders and the stigmatizing exclusionary power structure of the secular public sphere.*”¹ What are the questions that should be posed and what the social costs and shortcomings at stake are here, is the main focus of this paper.

Boundaries and Bodies

46

The way in which the on-going discourses which touch upon the issue of the veil, have evolved, reflects the quite recent pronouncements by governmental leaders in Germany, Britain, and France, which state that the adopted policies of multiculturalism have “failed”, in the famous words of Angela Merkel “*This [multicultural] approach has failed, utterly failed.*” With the recent developments we can detect a market shift, in the public, political and judicial discourse in the perception of the veil, which has gone from a religious symbol to a political metaphor *par excellence* for the refusal of the newly emerging minorities to embrace European values as well as their determination to assert the visible presence of Islam in Europe. The dynamic that we witness almost everyday in the mass media fit quite well with what Claude Levi-Strauss describes as “hot moments”. These moments do not automatically emerge as objective realities, but instead “*result from the individuals and groups whose discourses assign meanings and social significance to events regarded as benchmark moments or historically notable occasions*”.² In other words they illustrate significant instants in the narration through which different groups in the social order, be it the nation as a whole or different dominant cultural, political or religious groups, re-invent and assert their own positions. This effort is propelled by the inherent propensity of such domineering groups, operating at different levels of the social strata

¹ GÖLE, N., “Islam in Public: New Visibilities and New Imaginaries,” *Public Culture* 14 (2002), pp. 173-190.

² LEVI-STRAUSS, C., *The Savage Mind*, Chicago: University of Chicago Press, 1966, p. 259.

and across the social order in place, to re-appropriate the dominant ideological conceptualization of the public sphere. In this way, the collective body as well as every individual subject part-taking in the process of observing the presented “moments”, contribute significantly to the formation and representation of the meaning ascribed to the hijab and its position *vis-à-vis* the imagined European community.

Anthony Giddens writes about a people’s identity as “a narrative about themselves”. Identity is a story one tells to one-self and as well as to others. Notice the double bind Giddens is presenting us with. Narratives not only serve to create an image, that is an idea about the storyteller in the eyes of the spectator, but also help the storyteller to assume her own identity as well. That story is partly objective and real, partly imagined and subjective. Identity is indeed a narrative, but in order to be credible to others, it often refers to content, which reflects the existing and available particles we find in the public discourse. Therefore, regardless of whether it reflects truth or expresses it, identities as constructs refer to the array of underlying structure available in the fabric of the society and as such clearly indicate the purpose to establish a pattern, a structure, which is accepted by those who they share the public sphere with. Just as personal identities both reveal and conceal the depths of human subjectivity and serve as a way to connect to the existing grid of the larger framework of available identities (heterosexual, European, queer etc.) that make up the polis, so do these identities we turn towards, reveal and conceal our intentions, needs and histories. And if narratives both reside within individuals and emerge at the same time from their subjectivity in larger framework of the polis, they too exert their dominance across many aspects of our lives, by imposing external boundaries, particularly by re-inscribing our singular actions into larger narratives and signifiers.

Another aspect of the role and function of identity to be mentioned before we can move on is the *performative* aspects of identity.³ The public sphere represent a primary forum, where identities are formed as well as dispersed, through performances of subjectivities and their visual displays as well as through validation and authorization by the audience. But, Muslims emerging in the European public sphere perform new forms of subjectivity with reference to different collective memory and identity; immigrants are culturally distinct from traditional European cultures, values and perceptions.⁴ Discursively constructed boundaries retain significance which goes beyond the traditional confines of nation states and in a sense go much deeper, connecting to the very fabric of European identity. What becomes more crucial than policing boundaries of states or even communities and their rights, is the struggle for what we could call “discursive power”, the

³ BUTLER, J., *Bodies that Matter: On the Discursive Limits of “Sex”*, Routledge, 1993, p. 12.

⁴ SAINT BLANCHAT, Ch., „Islam in Diaspora: Between Reterritorialization and Extraterritoriality“, *International Journal of Urban and Regional Research*, Vol. 26, No. 1 (2002), p. 138-151.

power to decide, who defines the meaning and extent of rights of a given 'community', how is such a community constructed, which narratives become foundational and why certain other narratives are left out. The power relations that are inscribed in the relationship between audience and narrator create not only the content of particular identities but also their position in the wider scale of liberal society. Boundaries of this kind make, of course, some things visible and other invisible. Rancière explains, "*Politics revolves around what is seen and what can be said about it, around who has the ability to see and the talent to speak, around the properties of spaces and the possibilities of time.*"⁵ This brings us back to the question of authority and to the question of who has the authority to interpret meanings. In this sense, the public spaces themselves become constitutive features of the manner in which identities are defined, both the (successful or unsuccessful) reproduction of social values or norms and the emergence of new ways of seeing and thinking through patterns of identity formation.⁶ On this reading, politics is first of all the configuration of a given space as political and polemical, which has the capacity to frame a specific sphere of experience as well as the positioning of identities, stories and modes of argumentation as "common" as well as of the subjects who are recognized as having the capacity to discuss them.⁷

Western Orientalist discourse, in times of colonization, rendered Muslim women, who were veiled, as exotic and installed the veiled faces as a centre of exoticism. In *Orientalism*⁸ Said shows both i) how Orientalism as an institutionalized discourse was created to provide knowledge about the Orient and the Oriental in order to have power over this 'Other' and ii) how the knowledge of the Other was created out of an ideological construction combining fear towards the 'Other' with an imperialistic outlook of the Oriental domain. The veil thus became a space within which the Western Orientalist narratives could be played out and through which the meaning of the veil as well as the emerging (other) identities could be looked at, seen and its meaning could be occupied with supposedly universal validity.⁹

The conceptualization of the so called *l'affaire du foulard* has, over the years, passed through an evolution of arguments, ranging from the questions of the separation of the church from the state to the respect and equality for women. It was only later, given the recent geo-political development in the world that the *la question du foulard islamique* has been interpolated as a 'negative identity'; Muslim women's bodies and their attire now bear the brunt of a more generalised anxiety about fundamentalism, somehow, in the popular imaginary, the veils and terrorist acts have become inseparable from one another

⁵ RANCIÈRE, J. *Politics of Aesthetics*: New York: Continuum, 2006, p. 8.

⁶ Ibidem, p. 12 -20.

⁷ RANCIÈRE, J. *On the Shores of Politics*, London/New York: Verso, 2007, p. 54.

⁸ SAID, E., *Orientalism*. New York: Pantheon, 1978.

⁹ VIVIAN, B., "The veil and the visible", *Western Journal of Communications* 63 (2): 115- 139. p. 122.

- the laws forbidding the niqab and burka in public places, are a culmination of the gradual hardening of public and political attitudes towards veil dressing in general. An examination of the veil bans serves to map the terrain of European politics, and the veil a site of bio-political control in the construction of public space, formulated as a wish to preserve the existing dominant narratives in place.

The Conditions of Human Rights Law

If societies communicate their meanings through the formation of social imaginings, than these are also shaped in relation to other significant modes of communication. Such interactions take place within a more generalized and collective history, in which particular memories are privileged and preserved, while others are cast away and forgotten. Those, which gain wide acceptance, become widely available for the meaning making of the present discourse. As Lewis says: "*this 'pre-existing library of meanings' that are held within culture might equally be understood as the invisible 'boundary' which shapes, and is shaped by, the individual and collective consciousness of a given social group.*" Lewis also uses Bourdieu and how he highlighted the ability of the dominant social groups to read their values and meanings into the particular practices of the wider public sphere.¹⁰ Thus identities which are the product of collective imagination, never come to be as neutral entities, they are always laden with meaning and reinforce the distinctions that are implied in the process of producing meaning, images and signs and as such take over the imaginative faculties of the polis. Meaning thus created and their audience, are engaged in complex processes of social and political exchange, at the end of which, one meaning which is representative of a certain narrative, emerges as one which becomes privileged over others. Public sphere and its inventions as well identities we found there, different communities and their foundational values, they all result from the interrelations with and between others – other identities, other communities and other values – and as such the identities and elements we find floating in the public space are co-constitutive of the wider framework as well as the dominant meanings.¹¹

This note can perhaps capture some of the importance of the 'visual claim' made by the presence of Islamic artefacts in the public space, sometimes called Islamization, which represents temporary conjunctions of the previously unrelated elements.¹² Bourdieu notes and this is an important point to be made here, that different groups have greater and lesser access to the properties of construction and dissemination of such images, a point to which we return later in the text. Therefore, that which is habitually called,

¹⁰ LEWIS, J., *Cultural Studies. The Basics*, Los Angeles/London: Sage, 2008, p. 5.

¹¹ MASSEY, D. *For Space*, London: Sage (2005), pp. 9-10.

¹² Ibid, p. 141.

“Islamization” of European public sphere is perhaps better described as a process of ‘(re-)inscription’ of ‘old’ space with ‘new’ (Islamic) meanings¹³ While it is certainly the case that not all veil wearers have political intentions, they do, by their very presence in the public space, challenge the normative “regime of visibility,” as Rancière puts it. The veil is not necessarily a visible object; rather, it is rendered visible through a particular one way of seeing.¹⁴

The citizens of the polis create and define their polis through deliberative debate and creative performance in the present, but the city invariably testifies to the presence of the past by its contemporary form. The manner in which and how these traces of other times and different spaces become relevant, depends mostly on how the spaces of debate get constructed and what constitutes them. The foundational myths of (political) communities are forged from common stories, memories and grounds on which the polis can build their self-perception and self-description as well as the classification of the newly emerging narratives and identities. Those meanings cannot be observed directly as they are located in people's heads and get actively created in the social interactions and relationships which are formed and expressed by various forms of (symbolic) modes of expression.

Various interpretations are available for framing the matter as cultural, religious, racial and/or gendered. One of the most natural methods and languages for addressing *l'affaire du foulard* is the language of European Convention on Human Rights (“ECHR” or “Convention”), more specifically its article 9. As a space for both the production of meaning and social interaction, human rights form an important terrain in which various modes of agency, identity, and values are subject to negotiation and struggle, and open for creating new democratic transformations. The language of human rights through which contemporary cultural diversity is often described, has, however, become increasingly problematic as a dominant tool in addressing these issues, particularly because migrant minorities tend to be variously incorporated, licensed, excluded, or assimilated within the existing symbolic boundaries of the polis, using the very same language which is said to be the major tool of recognition. Therefore, we need to search for vocabulary capable of capturing the changing cartography of the multicultural polis.

However, translating social issues into legal claims has an own dynamics. Translating social issues into legal cases may modify them in more or less profound way. Law can only process a social issue it is presented with if it is translated on law's own terms and conditions - that is in legal terms and with reference to the dominant narratives effective within the legal discourse. The law typically never contests the givens of the

¹³ MCLOUGHLIN, S. “Mosques and the public space: conflict and cooperation in Bradford”, *Journal of Ethnic and Migration Studies*, 31(6): 1045-1066: p. 1045.

¹⁴ VIVIAN, B., *The veil and the visible*, p. 130.

situation, or what Rancière calls the “partition of the sensible”. What the law can provide is mostly a debate on how certain rights should be implemented.

Interpretation of the law is powered by its interaction with the existing system of beliefs and underlying scheme of intelligibility.¹⁵ There are diverse means through which individuals and groups can engage actively in the contestation and remaking of the dominant order of the polis. In that way, the presence of different narratives contests the routine models of government in place and as such disturb the existing distribution of the weight, which is assigned to different narratives found in the public sphere. Rancière calls that particular distribution the ‘police’. The police provides an institutionalization and distribution of systems of language, systems of behaviour, and systems of hierarchy as constantly self-legitimizing entities. The police order is more than the uniformed officers of the state: it includes everything from the media and social mores, to theological values and cultural practices. Indeed, the “*essence of the police ... is not repression but rather a certain distribution of the sensible...*”¹⁶ What is important here is that the police order is dependent upon the pre-defined and pre-existent forms.¹⁷ The police order is based on stability, which effectively restricts our perception to legitimated ways of thinking, ways of speaking, ways of seeing, and ways of being. Every society is constructed upon a “*system of self-evident facts of sense perception that simultaneously discloses the existence of something in common and the delimitations that define the respective parts and positions within it*”¹⁸.

Narrated bodies and veiling

The veil is an instant problematization of the body, because it presents the (covered) body to the world as a predicament. The hijab does not tuck the woman away completely and absolutely – it displays her body, while at the same time keeping her under wraps, covered. This traumatizes the viewer with its unapproachability, in which the experience of interaction is marked by the absence of a (present) face, for the face has been historically considered the repository of identity and selfhood. The face does not simply stand for the assortment of features that organize our faces (and more importantly lend them their unique difference) but is rather a signifying space, which acts as an anchorage for the intersubjective relations it enters into.¹⁹ A nun’s habit does not arouse the same

¹⁵ DAVIDSON, D., *Belief and the Basis of Meaning, in Inquiries into Truth and Interpretation*. Oxford: Clarendon Press, 1984, pp. 141-54, pp. 183-98, pp. 245-64.

¹⁶ RANCIÈRE, J., *The Politics of Aesthetics*, p. 89.

¹⁷ “*There are those who play the game of forms (the vindication of rights, the battle for representation, etc.) and those who direct the actions designed to eradicate this play of forms.*” RANCIÈRE, J., *Disagreement: Politics and Philosophy*, Minneapolis: University of Minnesota Press (1999), p. 87.

¹⁸ RANCIÈRE, J., *The Politics of Aesthetics*, p. 12.

¹⁹ ŽIŽEK, S., *The Plague of Fantasies*, London: Verso (2008), pp. 86 -127.

kind of anxiety because it has the one meaning which is accessible to our imaginary horizons, its meaning has been settled. Roland Barthes explains that, "*the wearing of an item of clothing is fundamentally an act of meaning that goes beyond modesty, ornamentation and protection. It is an act of signification and therefore a profoundly social act right at the very dialectic of society*".²⁰ Dress and fashion are considered the ultimate expression of modern freedom and yet this particular piece of dress – the veil – is forbidden, "*it is precisely the normative connections that are, in the final instance, the vehicle of meaning. Dress is essentially part of the axiological order*"²¹ The notion of signification is quite central to any social/religious/cultural interpretation of hijab. Gail Lewis argues that in the European context, the immigrant woman symbolizes the archetypal non-European subjectivity that threatens the imaginary of Europe and its compactness.²² This is an important factor in the reception of the presence of the veil, particularly against the backdrop of the recent development in Europe in which the presence of visibly non-European woman (non-white/non-Western/non-Judeo-Christian) imposes itself upon the prevalent symbolic imaginary and thus disrupting the existing order of things.²³

Humans make personal and social meanings and identities by constructing stories that allow for the plurality of elements to gain some form.²⁴ And as such, the nature and content of such story making is not arbitrary. Rather, it relies on the structures of narrative (in place) to which individuals are exposed and the way in which individuals make meaning of the social and political through the construction of such stories. "*Self-understanding is an interpretation; interpretation of the self, in turn, finds in the narrative, among other signs and symbols, a privileged form of mediation; the latter borrows from history as well as from fiction, making a life story a fictional history or, if one prefers, a historical fiction, interweaving the historiographic style of biographies with the novelistic style of autobiographies.*"²⁵ Identity forged, established and expressed via narratives thus occupies a middle ground between neutral description and ethical prescription.²⁶ The complaining veiled woman is not merely the one who tells the story, or merely the one about whom the story is told, but she "*appears both as a reader and the writer*" of her life.²⁷ Thus, the individual is the interpreter and the interpreted, as well as the recipient of the relevant interpretations. Human rights are also always a politics of fantasy – like religion,

²⁰ BARTHES, R., *The Language of Fashion*. Translated by Andy Stafford. Edited by Andy Stafford and Michael Carter. Berg/Power Publications, 2006, p. 97.

²¹ *Ibidem* p. 7.

²² LEWIS, G., Imaginaries of Europe, Technologies of Gender, Economies of Power, *European Journal of Women's Studies*, 13(2), Spring (2006), pp. 87-102.

²³ *Ibidem*.

²⁴ BRUNER, J., *Making Stories: Law, Literature, Life*, Harvard University Press 1990.

²⁵ RICOEUR, P., *Oneself as Another*, The University of Chicago Press: Chicago 1992, p. 114.

²⁶ *Ibidem*, pp. 114-115, pp. 152-168.

²⁷ RICOEUR, P., *Time and Narrative III*. The University of Chicago Press: Chicago 1987, p. 246.

'the assumptions that determine our political regulations [are] illusions'.²⁸ So human rights also and always dwell in the realm of fantasy, of the imaginary. The next question concerns the precise role of narratives (such as human rights) vis-à-vis audience. Is the role of human rights to interpret the problems societies face and facilitate a ready-made recipe? Or is the concept of human rights, rather, an incentive, something that activizes the polis and is therefore promoting concrete social change?

Normalising Fictions

Social life is storied; stories or narratives are crucial to that process. The networks through which social life is storied are constituted through stories and action in relation to times, the selves and the settings. Some narratives of course carry more weight than others; Butler²⁹ refers to these dominant narratives as 'normalising fictions'. Such stories actively shape (and are in turn shaped by) particular understandings of the world, which are prevalent in the polis and as such are prioritised over other stories, when it comes to the creation of self-identity. Thus privileging of certain perspectives defines realities for some people, constructs identities and affects the way people enter the public sphere and are perceived by others³⁰.

There is a marked tendency in the discussions about the role of the veil, the emerging identities and narratives to fetishize the law, as the ultimate answer to the received predicament. All kinds of public figures and academics love these 'cases' and those 'rights' since they lend structure, meaning and sense of identity. The result of this enthusiasm is that we tend to discuss the 'cases' rather than the totality of the issue at hand. The great advantage of the law and human rights law in particular reduce the complex social issues into a human rights dispute in which the right to X is discussed. Human rights and the Strasbourg system represent a widely accepted narrative about Europe and its values. Such reference to values which are predominantly accepted as universally valid, even though they represent only a particular historical experience and normative discourse nonetheless allow for the ambivalent, shifting, contextual reality of contemporary Europe to take shape which fits within the dominant narrative. Human rights law instantly invokes (human) 'rights', which are treated as a consistent representation of universally valid rights, rather than as a set of contested norms, which to a large extent represent the than dominant narrative. Human rights cases bring with them the tendency to reduce the multitude of the case into a seemingly clear statement of a (moral) issue, with a tendency to ignore the complexities - since the law has a tendency to

²⁸ FREUD, S., *The Future of An Illusion* (1927), Volume xxi, p. 34.

²⁹ BUTLER, J., *Gender trouble*. New York: Routledge, 1990.

³⁰ WARNER, M., *Publics and Counterpublics*, New York: Zone Books, 2002, pp. 121-22.

subsume the world within its limited remit and not vice versa. Paradoxically, human rights allow for justifying the status quo in Europe against the backdrop of interests, positions, needs, all grounded in a plurality of legitimate perspectives, because they are commonly perceived as universally valid and transcending precisely these particular elements – they express important part of our identity.

To give an example, the 'case', which is subject to a court decision, is not the same as the topic of the minaret prohibition in the Swiss constitutional amendment referendum. To understand such disputes we need to understand the specific political, regulatory, or judicial procedures, the politics therein, the regulatory schemes around it, the actors involved, the discourses and the governance arrangements. Human rights law thus reduces the presence of the veil in the public domain to an abstract narrative of “key facts” and “the law” applicable thereto. The facts of the case are already the filtered version, which lawyers and judges construct. Suddenly there is only the case of the one particular veil, translated into the language of the liberal paradigm of human rights as mostly negative entitlements, saturated by Euro-centric identity which privileges certain expression of subjectivity over others. Conflicts in human or fundamental constitutional rights are always also sites of struggle, not just a statement of conflicting principles or rights.

54

The relationship between the visible presence of the veil and the dominant narratives in the public sphere is necessarily concerned with what Rancière calls the *distribution of the sensible* and is defined by the “*delimitation of ... the visible and the invisible ...*”³¹ The word “sensible” relates to what is seen but also to what is enabled; it refers to the actions or expressions a society finds acceptable – it encompasses a wide array of modes of operation. It effectively distributes “*ways of being and ways of doing, ways of feeling and ways of thinking, with nothing left over*”³² “*by performing an imitation of politics in negating it.*”³³

Rancière reminds the reader, that the dynamics that propel the workings of democracy necessarily “*revolves around what is seen*”.³⁴ The act of veiling is for all to see – it disorders sedimented appearances and makes some things appear different from the way they appeared before. Whereas Rancière's police defines the polis as unified and whole, the emergence of the veil and the symbolic message it carries, contests the very notion of the prevalent definition of the community. These emerging narratives than in turn engage the paradigm in place and engage it on many different levels - thinking, speaking, and acting. And it is precisely their difference, presented in the public sphere,

³¹ RANCIÈRE, J., *Disagreement: Politics And Philosophy*, p. 13.

³² *Ibidem*, p. 68.

³³ *Ibidem*, p. 65.

³⁴ *Ibidem*, p. 13.

which verifies them as equal subjects and helps to reconfigure the existing social coordinates.³⁵

The visible presence of the veil can than be, with Rancière, captured as a process of subjectification: when those occluded from the political community constitute themselves as equal subjects and in turn disarticulate and reconfigure the dominant narrative.³⁶ To better understand this, it is perhaps a good idea to step back a little and consult one the most influential intellectual aspiration of Rancière - Arendt's notion of plurality and its correspondence with action. Arendt explains, "*Plurality is the condition of human action because we are all the same, that is, human, in such a way that nobody is ever the same as anyone else who ever lived, lives, or will live.*"³⁷ And further, Arendt says: "*Human plurality, the basic condition of both action and speech, has the twofold character of equality and distinction.*"³⁸ We are all equal but distinct as well. Arendt shows that the need for speech and action to be understood and communicated with others as one of the basic foundational elements of the "human condition".

Conclusion: Unexpected Meaning

Doctrinal answers to conflicts around the issue of the Islamic veil differ less on the level of the law and more on the level of whether and what kind of socio-cultural aspects are employed in the concrete legal decision. Much of the controversy surrounding the veil is the result of how the image of the veil gets interpreted in the public domain. The veil, as a polysemic sign, often elicits strong reactions for a variety of reasons, largely depending on the individual or group doing the interpretation. Jacques Lacan, in his famous essay, "*The Agency of the Letter in the Unconscious or Reason since Freud*,"³⁹ demonstrates how symbols with conventional meaning can be transformed, in order to further precisely the societal consequences it has come to signify in the first place. To demonstrate this, Lacan shows how public (Western) bathrooms always have two doors, one with a silhouette of a woman, and the other with that of a man. The original denotative significance of the male and female shapes was originally designed to designate which sex should use which toilet. However, Lacan expounds on the meaning of these signs to show how they have over time been expanded to include a larger societal meaning. Effectively, these signs become larger

³⁵ "politics exists because those who have no right to be counted as speaking beings make themselves of some account, setting up a community by the fact of placing in common a wrong that is nothing more than this confrontation, the contradiction of two worlds in a single world: the world where they are and the world where they are not" in *Disagreement: Politics and Philosophy*, p. 27.

³⁶ RANCIÈRE, J., *Hatred of Democracy*, London: Verso, 2006, p. 13.

³⁷ ARENDT, H., *The Human Condition*. Chicago: University of Chicago Press, 1958, p. 8.

³⁸ *Ibidem*, p. 175.

³⁹ LACAN, J., *The Agency of the Letter in the Unconscious or Reason since Freud*, in: LACAN, J., *Ecrits: A Selection*, W.W. Norton & Co., New York 1977, p. 150.

than their original denotative meaning, which (only) assigned each sex different public restroom. Such “foundational” gesture later evolved to include the representativeness of culture and gender.⁴⁰

Regulation of veiling thus plays an important symbolic role in defining dominant identities. In a number of rulings on the issue of the veil, the European Court of Human Rights has allowed that their appearance and visibility might legitimately be restricted by member states. What is distinctive is that out of so many of the fundamental elements which enter the question of the presence of the veil in public (discourse) the process of adjudication revolved primarily around the topic of the regulation of women, gender, sexuality and the family. Women and their bodies have become the crucial symbolic moment in constructing group identity not only of the so called immigrant minorities but also of the dominant modes of perception and (self-) identification which can use this in order to further the dominance of their values.⁴¹ This in turn invites a defensive response to the increasing pressures of assimilation and secularization, leading the communities of newcomers to define their collective identity in uncompromising terms that portray any “unorthodox” interpretation of the tradition threatening the very survival of the identity of such group. Under such conditions, the veil becomes a contribution in communicating and establishing a group’s “culture” and a symbol of group’s integrity. It is crucial to understand this dynamic in order to better comprehend the pressures that are imposed on women within such minority cultures. Images of gender, sexuality, and the family frequently become symbols of such groups’ “authentic” cultural identity.

The Woman has once again become the paramount symbol articulating the social and political tensions. Women legal status figures as a pivotal concern, serving as a political axe to execute competing power rivalries. The bans are one example among many of the struggles between social and political forces seeking to transform (or preserve) the balance (or imbalance) of power. Interestingly, the construction of “us” and “them”, the struggle over identity, is in these cases linked to the struggle over gender identity.⁴² Suddenly gender roles demarcate the line between “them” and “us” – and the veil: The dominant narrative constructs the modern, gender-egalitarian “us” against the pre-modern, sexist and patriarchal “them”. On the other hand, the Muslim minority cultures in Western Europe construct the “us” using the veil against the “decadent” “them”. From this perspective how the national courts as well as the European Court of Human rights were not deciding primarily about the empowerment of women and securing gender equality. It seems that the decisions were designed to make a clear distinction in the dispute about

⁴⁰ Ibid., p. 151.

⁴¹ SHACHAR, A., *Multicultural Jurisdictions: Cultural Differences and Women’s Rights*, Cambridge University Press (2001), pp. 45-62

⁴² BENHABIB, S., “Borders, Boundaries, and Citizenship”, *Political Science and Politics*, Vol. 38, No. 4 (Oct., 2005), pp. 673-677.

competing worldviews and political, institutional, ideological, cultural, and religious power contest.

All humans are natural storytellers. We have been telling stories since the beginning of time as a way of passing down beliefs, traditions and history to future generations. However, narratives are not just vehicles for informing about how events transpired in the past, it is also a vehicle for constituting reality and of conferring meaning on experience. Paul Ricoeur, reflecting on Walter Benjamin's essay "*The Storyteller*" writes: "*The art of storytelling is the art of exchanging experiences; by experiences, [Benjamin] means not scientific observations but the popular exercise of practical wisdom. This wisdom never fails to include estimations, evaluations that fall under the teleological and deontological categories...in the exchange of experiences which the narrative performs, actions are always subject to approval or disapproval and agents to praise or blame.*"⁴³ Writing and sharing stories is an exercise of discursive power. In creating narratives we transfer and create a new judgments of actions and characters of others, of those who play part in our stories. As such, telling a story has two dimensions - it is descriptive and normative. Since the stories through which we form our symbolic world are linked to other people, we become frightfully dependent on the decisions and desires of others who tell their stories.

Let's close this paper with the introductory words of Hannah Arendt to her book *The Human Condition*: "*What I propose in the following is a reconsideration of the human condition from the vantage point of our newest experiences and our most recent fears. This, obviously, is a matter of thought, and thoughtlessness – the heedless recklessness or hopeless confusion or complacent repetition of "truths" which have become trivial and empty – seems to me among the outstanding characteristics of our time. What I propose, therefore, is very simple: it is nothing more than to think what we are doing.*"

⁴³ RICOEUR, *Oneself as Another*, p. 164.