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Landscapes with Burqa

By Pierre Donadieu

Should a State refuse access of women wearing burqa or *niqam* in public space? There are several ways to answer this question from the perspective of the concept of landscape. The public space of the street for example, is a landscape according to the European Convention of Florence, 2000. There would be then two possible moral attributes to decide, in Europe, the rules to be applied to decide what it is permitted to show and therefore to see under the rules of public order.

Whether it is a space for public expression of individuals, and in this case the wearing of burqa, which does not infringe the freedom of others, and which is (or should fall) - in general - under the freedom of choice of the wearer - must be authorized by national law.

Either the burqa or all veil of that nature is perceived in public space as a threat to public order, and in these cases, should be banned.

The French government relies, in the current debate (spring 2010), on the Republican national concern about dignity of women, and consideration and respect they are due. With the exception of women to which it is imposed (by a husband, family, group or some states), many women express their free choice of clothing. Some, who think they escape the threatening looks of men, feel more secure and hidden. Others express voluntarily in this way in public spaces, their affiliation to the Muslim community. Besides those who make a point of attraction to find a husband¹. None of the women who agreed to testify in France complain of lack of respect. This does not prejudge the views of those who do not speak. It is above all the interpretation of this garment which is discussed by others.

A law prohibiting the wearing of burqa in public place, if applied, would make the national public space, a space even more selective than now. Just read the prohibiting rules displayed in public parks to realize that public places are less and less opportunity of freedom and social integration. But for the moment, no law in France forbids in the streets the Buddhist monks to wear their robes, the Sikhs their turbans, the Maghreb jellabah etc., on behalf of public disorder or the dignity of these people.

Maybe, we can see in the various forms of veil, in a Western perspective, and from the women in particular, an indignity, an obvious and shocking violation of equal rights between the sexes but also a risk of denominational communitisation. But can we easily refute the values of a facet of Arab-Islamic culture that still makes the public space, a place where the women attributes of seduction should not be visible? And where some accept even seek not to be seen. The only reason that would motivate a French law banning burqa, chador and niqqam, is perhaps the fear of attacks linked to persons hidden by a veil.

The ban only concerned about 2000 women in France. But, this contestation of this fundamental freedom (the right to choose a type of garment and wear it in the street) is to be balanced with that to protect ourselves from real or imaginary threats from a religious minority.

Still seeing in France public landscapes with burqa, manifest the tolerance of government and the nation regarding identity symbols of different cultures. This means that the fundamental attribute of public space: to be the place of cultural diversity, public expression and social diversity would be maintained under the laws of countries which govern public order.

Not being able to see them mean the exclusion of signs of women indignity for some or terrorist threats for others. In all cases, the rejection of a minority may be the prelude to other ethnic or religious discrimination.

Where the hijab (which does not hide the hair) has been made commonplace, without public debate, there is no reason, that more covering veils might be perceived as ordinary, to the extent they are accepted by those who wear them and those who perceive them.

¹ Kaouthar Semroudi, « Algérie. Quand le voile se déchire ». *Courrier international*, n° 1020, 2010, p. 33.

However, in any street in the world, it is easy to imagine a hooded man walking quietly. Because (apart from religious or secular holidays) he will be perceived as scary and threatening, even if he does not disturb public order. It is probably for this reason that, at least in France, it is unlikely that landscapes with hooded figures (including burqa) will be seen for a long time.
