

## Full Veils and Belgian Bans

Jean-Marie Faux SJ

Last month, the lower house of the Belgian parliament voted to ban the wearing of the full Islamic veil in public, and with the French government set to follow suit, questions are being raised about the need and justification for such legislation. Jean-Marie Faux SJ of the Jesuit social justice centre, Centre AVEC in Brussels, argues that the ban goes against the cultural pluralism that Belgium is seeking and will compound the discrimination already faced by Belgian Muslims.

It was at the last session before its dissolution on Thursday 29 April 2010 (the Government having resigned and new elections having been called), that the Belgian *Chambre des députés* voted to ban the wearing of the 'full veil'. The wording of the Act is neutral. It has in its sights 'anyone who enters a public space with their face fully or partially covered or dissimulated by clothing in such a way as no longer to be recognisable.' Such persons are liable for a fine of 15 to 25 Euros or for a prison sentence of up to a week. The proposal was submitted by the five parties of the coalition which has resigned in the meantime, and adopted unanimously with just two abstentions. This unanimity raises certain questions, as does the apparent need to legislate on an issue which can only affect a few hundred women up and down the country.

Obviously, there is a symbolic aspect to what happened. The supporters of the measure think of it as a victory for democracy and civilisation. One liberal politician, a Mr Ducarne, states: 'The image of our country abroad is getting harder and harder to understand but at least this unanimity on the vote to outlaw the *burka* and the *niqab* in our country restores an element of pride to being Belgian.' By contrast, Isabelle Praille, the vice-president of the Muslim Executive, the body which regulates the Islamic religion in Belgium, denounces 'an utterly disproportionate and ideological step' in which it detects 'a determination



on the part of politicians to attack the fundamental rights of Muslims who make up a minority in Belgium.' Other voices, such as that of the *Centre for Equality of Opportunity and the Struggle Against Racism* and the *Human Rights League*, regret the speed at which the law was drafted and passed, judging that its contents could end up before various national and international tribunals. The haste is doubtless explained by the fact that the measure represents a

minimal compromise between the diehard opponents of Muslim visibility in Belgian society and those who are prepared to accept it but fear being accused of weakness. The bigger picture will explain what is going on.

Given the lack of reference to religious affiliation in official statistics, it is only possible to give a rough estimate of the size of the Muslim population. It is likely to amount to some 450,000 people. This figure includes people from overwhelmingly Muslim countries, especially Morocco and Turkey, whether they are still nationals of those countries or have acquired Belgian nationality (in the case of Morocco, those figures are respectively 79,465 and 179,298). To this must be added their children who have been Belgian nationals since birth and an indefinite number (estimates vary from three to fifteen thousand) of native Belgians who have converted to Islam. The bulk of this population stems from the immigration of

workers in the 60s and 70s and is spread very unevenly across the country. The Brussels region contains more than half the Moroccan community which is, moreover, concentrated in just a few boroughs and quarters.

The Belgian constitution recognises freedom of worship. It provides for state funding for those religions recognised by law, a system that dates back to the compromise on which an independent Belgium was founded in 1830, between traditional Catholics and liberals who were smitten with modernity. Currently, the State recognises the Catholic, Protestant, Anglican, Jewish, Orthodox and Muslim religions as well as what is known as 'organised secularism'. Muslim worship has been recognised since 1974 and Islamic religious education has been included in the official curriculum since 1975. It was only in 1999, however, that the Executive of Belgian Muslims was set up, responsible for the administration of the temporal affairs of the religion, in particular the appointment of religious teachers and moral advisers in prisons and hospitals. Recognition of the local communities (mosques, imams) and its funding is still pending. Both the Executive's competence and its representativity are limited; it is far from reflecting the full diversity of the Muslim community and its authority does not extend to properly religious or moral questions where opinion can be very divided.

The Muslim community is very diverse. Most mosques are organised on ethnic or national lines. At the religious level there are several tendencies: the first generations adhered to a traditional Islam, albeit to different degrees of fervour and practice. Today there is evidence that a literalist current has taken root. A considerable number of Muslims have abandoned all practice but still retain a strong sense of belonging. In spite of its diversity, the whole Muslim population manifests a powerful awareness of its identity thanks in part to, and in any case bolstered by, their feeling of being stigmatised by Belgian society.

The vast majority of Muslims in Belgium are Belgian citizens descended from immigrant workers who arrived in the 60s and 70s. They have the same rights as any other citizens. The fact that they vote has banished a certain form of political xenophobia. Whereas, back in the 80s, xenophobic rhetoric at election time was rife among almost all the parties,

today there are candidates of immigrant origins on all the party lists and many are elected to various assemblies and councils. So yes, they are Belgians but are still discriminated against and aware of the fact. In spite of there being many routes to economic and social upward mobility, Moroccans and Turks still tend to belong to the lower classes. The percentage of people living beneath the poverty threshold (namely less than half the average income) is five times higher among people of Moroccan and Turkish origin than among ethnic Belgians. They still live in impoverished parts of the city alongside today's migrant influx from all corners of the globe; their children go to failing schools and find themselves at a disadvantage in the job market. The unemployment rate of the Brussels Region is the highest in the country yet thousands of commuters from Wallonia and Flanders still travel in to work there every day.

To this fundamentally precarious situation must be added the particular forms of discrimination to which Belgian Muslims are subject, whether it be in access to employment, accommodation, public places or even in the way they are treated by law enforcement agencies. It does not matter that they have a Belgian identity card; their name and physical appearance is enough to earn them stigma. Discrimination like this may be illegal but it is nevertheless widespread, more or less latently, and is hard to detect and to denounce.

In this context, relying on Islam both as religion and as culture takes on a great importance. The first generations to arrive found in it a great solace but they practised discreetly, all their energies focused on integrating themselves into society. Their children, however, are civilly integrated into society, and happily so, but want to retain something of their own identity. So they are demanding recognition of their cultural diversity. This is where the question of Islam's visibility in the public square arises, so often focused on the question of the wearing of the veil. Qualified people in search of employment do not hesitate to add this difficulty to the other forms of discrimination from which they already suffer by virtue of their name. Young Muslims are no longer prepared to keep their heads down to blend into a society which is going to marginalise them whatever they do. To dramatise the opposed opinions involved, to the Belgian 'in the street' who says: 'they are in our country, so they ought to live like us', the Belgian

Muslims answer: 'We are in *our* country; allow us to be ourselves.'

To give the full picture, mention should be made of the international context. 9/11 undeniably affected public opinion in the country. It certainly contributed to the evolution of what has come to be known as Islamophobia. In everyday language, if, prior to that, we used to talk about 'Moroccans', now the expression used is 'Arabo-Muslims'. Belgian Muslims are very sensitive to what they call Islamophobia, an umbrella term which includes the various forms of discrimination of which they are direct victims, the past and present humiliations undergone by Muslim populations around the world and, where relevant, the criticisms of which Islam, in the proper sense, can be the object (as in the case of the cartoon of Mohammed). This sensitivity explains, among other things, the heated reaction of the Muslim Executive to the vote on the full veil.

The visibility of Islam and the demand by Belgian Muslims for some sort of recognition of their cultural diversity arouse fierce opposition in the country. This is no longer confined to the populism of the far Right, which has always been hostile to foreigners, or to those sections of the Right beholden to patriotism and cultural homogeneity. It has also reached, perhaps even more so, those groups of free thinkers and philosophical secularists who have traditionally been anti-racist and now, in the name of the universality of human rights and the liberation of women, are on the warpath against any manifestation of Islam, especially the wearing of the veil. The anti-racist movement today is deeply divided over this question. It also divides the political parties which, don't forget, count people from the Muslim community among their members and elected representatives. After the regional elections of 2009, one victorious candidate of Turkish extraction caused a sensation when she took her seat in the Parliament of the Brussels Region wearing a veil. If Parliament voted almost unanimously for the ban on the full veil, that cannot conceal the deep division – and the awkward situation – of the political classes with regard to the wearing of the veil in public office or in schools.

It was in an effort to take account of this complex reality and to try and find a settlement acceptable to everyone that, in September 2009, the Government

which has just resigned decided to organise what were to be called '*Assises de l'Interculturalité*'. These would involve a series of debates, conferences, research projects and polls, contracted out to a large number of organisations, which would take place over the course of a year, at the end of which solutions to various problems posed by the stable presence in our country of 'non-European populations' would be outlined. According to the terms of the final report of a 'Commission for Intercultural Dialogue' from which the present initiative draws its inspiration, 'Belgium has to meet a challenge: to make cultural pluralism a reality, to turn the cultural diversity which results from waves of immigration into an active plurality, to invent an institutional framework, to inaugurate a social climate to let those whose original culture is often non-European live their citizenship fully but also to allow Belgians of European origin to understand and accept them as such.' Unfortunately, these *Assises*, and the work of the Steering Committee which is supposed to pull it all together, have been overwhelmed by various political initiatives and media controversies which have inflamed the debate.

In this context, the vote of the *Chambre des députés* to ban the full veil, beneath its neutral, largely administrative veneer, is neither a sign nor even a guarantee of a real consensus. Many will undoubtedly have voted as a concession, as political commentator, Henri Goldman writes, 'to clear themselves of the charge of weakness in a rotten climate where Islam and Muslims are the objects of a suspicion which is becoming truly oppressive.' It is not a good message. Even if it only concerns a ludicrously small number of extreme cases, it confirms the Muslim community in its feeling of being misunderstood and rejected. Hopefully, the necessary pause caused by the fall of the government and the new elections will allow people to think more deeply before the Act is ratified and implemented. Above all, we must hope that the crisis which Belgium is going through does not postpone indefinitely the effort begun by the '*Assises de l'Interculturalité*' to bring about a true cultural pluralism.

*Jean Marie Faux SJ is Project Manager at the Centre AVEC in Brussels.*

*Translated by Damian Howard SJ.*