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Article Review 4

“Visible through the Veil: The Regulation of Islam in American Law”

<http://www.jstor.org.jproxy.lib.ecu.edu/stable/20453162?pq-origsite=summon&seq=1#page_scan_tab_contents>

Under the government of former President Jacques Chirac, there was a ban on the veil in public schools as he wanted to further a message of secularism and felt the veil was a symbol of aggression (Moore 2007:237). Chirac views secularism as the reason for unity and peace in France which continues to set up a clash between religion and secularism (Moore 2007:237). Other regions have also addressed this issue such as in Trinidad & Tobago where an eleven year old student was not allowed to wear the veil in a Catholic school (Moore 2007:238). Moore writes that Muslims took the Catholic school to court in which the court protected the right of religious freedom of the eleven year old (2007:238). According to Moore, the debates on the veil speak volumes on tolerance and the status of women across different cultures (2007:238). The impact of 9/11 is evident as scholars note that religious faith is more important to Americans as it constructs an identity of an individual (Moore 2007:239). Moore writes, “identity construction involves image management, religious dress, serve as an important individual marker or visual cue that helps to promote personal conceptions of self-identification as it simultaneously preserves group cohesion” (Moore 2007:239). Moore notes that the meeting place in which identity is promoted is in the mosques and from the mosques outreach to the outside American community begins as an organized activity (2007:240). The secularism and religion debate in America was taken to court in 1971 in Lemon vs. Kurtzman which resulted in the ban of favoring of one religion over the other or following a particular religion (Moore 2007:242). At the same time there is freedom of religion in America as in the case of Lubna Hussein who in Nebraska was told she had to take her veil off if she wanted to wait for children’s swimming sessions (Moore 2007:243). Lubna was not allowed to enter with her veil unless she wore a swimsuit despite the fact that others were dressed in normal street clothes and were not in swimsuits (Moore 2007:243). The ACLU eventually got involved and defended Lubna as she was allowed entry with her veil (Moore 2007:243). Another case is that of Nashala Hearn who is a sixth grade student who was suspended twice while wearing the veil because of the school’s rule of banning head covers such as hats or bandanas (Moore 2007:244). Nashala’s case was taken to court and her ruling was overturned under religious freedom with the help of a Christian law firm (Moore 2007:244).

Since 9/11, the Equal Employment Opportunity Commission (EEOC) documents about nine months after the terrorist attacks about 500 acts of discrimination which a lot were related to the veil (Moore 2007:245). Prior to 9/11, in the year preceding there were only 193 acts of discrimination (Moore 2007:245). Moore said, “The practice of hijab places women in the forefront of an effort to make Islam more visible, promoting a public Islam in a concrete and visible way via the circulation of Islamic symbols” (Moore 2007:248).

The ban on the veil in France in schools shows the promotion of secularist principles in the society. With this being said, the court case in 1971 of Lemon vs. Kurtzman also established that religion is not to be promoted as it also promotes secular values. Yet there is a difference in rules that are established in schools on the ban on the veil, could this be due to presidential effects? The former president of France Chirac publicly spoke against the veil yet there hasn’t been an American president to publicly speak and this could carry over to the general public’s attitude towards religion.

Reference:

Moore, Kathleen M. 2007. “Visible through the Veil: The Regulation of Islam in American

Law.” *Sociology of Religion* 68 (3): 237-251.