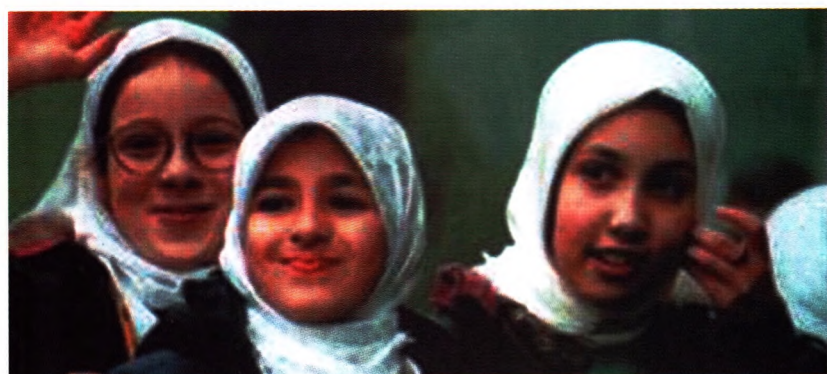




One Ban and Many Headscarves: Islamist Women and Democracy in Turkey

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ABSTRACT: This paper relates to the headscarf debate in Turkey. There is a ban on wearing headscarves for those women who attend universities. The paper discusses the arguments both in favor of the ban (which the European Human Rights Commission legitimized when it rejected a case for the headscarves) and against it. An attempt is made to go beyond the formal arguments given on both sides. Interviews with those who cover their heads are used to locate the meaning and the implications of the headscarves in the historically specific Turkish context necessary to evaluate the impact of the ban on democracy. It is argued that the ban homogenizes all who wear the headscarf and essentializes Islam. This author proposes that the ban should be lifted, even though some of those who cover their heads propagate illiberal values and threaten the secular state. Those who wish to cover their heads can be accommodated in a secular context with many others who want to be part of a secular, democratic community.

Over the past two decades, the debate over multiculturalism has challenged the justice of neutral, 'difference blind' rules in liberal democracies. Allegedly neutral institutions were revealed as implicitly biased towards the priorities, experiences or interests of the dominant groups in the society. Arguments for special rights to protect minorities, women, or ethno-cultural groups gained legitimacy (Jones 1990; Young, 1990; Phillips 1991; Taylor 1994; Kymlicka, 1995; Kymlicka and Norman, 2000).

Yet tensions remained. To what extent were these special rights given to certain groups or minorities reconcilable with the dictates of liberal democratic states? Where would the limits on special rights redeeming injustice be drawn in the context of liberal democracies which were built on principles of neutrality? Would these special rights merely promote protection or turn into privileges given to certain groups but not to others? The problems were confounding and led to serious debate when these special rights were given to illiberal groups or minorities that did not protect the individual civil rights of their members (Cohen et al (eds.) 1999).

In this paper, I would like to examine the question of special rights and liberal democratic dictates in the context of the headscarf controversy in Turkey.

The Republic of Turkey faced one of the most serious challenges to its democratic aspirations with its contemporary Islamist opposition. As the Islamists increased their power and challenged the establishment, through the 1980s and to this day, the most tangible, emotional and prolonged confrontation between the state and the Islamist groups took place in regard to the headscarf issue: Islamist women insisted on attending universities with their heads covered which, they argued, Islam dictated despite various bans on headcovering.

The headscarf issue is an important one not only because there has been a long lasting (almost two decades) heated political debate in favor of and against it, but also because it has serious implications on democracy in the country. Those in favor of the headscarf, Islamists, a minority of liberals and some feminists, claimed that this was a dictate of civil rights. Denying the right to wear headscarves in the universities was anti-democratic, authoritarian and unjust. Those against the headscarf maintained the contrary. Allowing headscarves, both an Islamic symbol and also one of opposition to the secular Republic, in the universities could not be reconciled with the secular identity of the Republic. The secular state could not allow Islamic dictates to determine the dress code of its university students. Allowing for headcovering would allow religion to encroach upon the secular and democratic public space of the Republic.

Despite the ramifications of the debate on liberal democracy in Turkey and in the broader context of the multicultural democracy, it has not been studied closely. Theorists who have worked on problems of multiculturalism and minority rights have not focused on the headscarf issue in a secular context. In France, there was much public debate and divided public opinion when a number of Muslim girls were expelled from high school because they insisted on wearing their headscarves as a dictate of their religion, despite the school regulations to the contrary (Ewing, 2000: 41-42). Yet, the Turkish context, with its predominantly Muslim population, secular state, an Islamist party and a large number of Islamists in favor of the headscarf, is different from the French. The sharp tension between two seemingly irreconcilable comprehensive worldviews, namely between secularism and Islam, both of which have deep roots in the society, need to be reconciled in the context of the headscarf debate in Turkey. The debate has meaning only in its historically specific context and must be studied as such.

In this paper I would like to elaborate on this debate and assess the arguments on each side from a liberal, democratic perspective. I shall also propose what I see as a liberal solution to the problem. My main contention is that the ban on headscarves imposed by the state assumes and mistakenly identifies a homogenous group of women with Islamic headscarves, whereas there is no such homogenous group. Women with headscarves constitute a heterogeneous group, some of whom belong to an illiberal community and can be considered a threat to the state, while others do not. Among these 'others' are

women reconciled with individualistic liberal dictates as well as secularism. These women share the basic liberal assumptions of the state to the extent that the latter pays them formal homage. In practical terms, the ban on headscarves can radicalize the former and alienate the latter, or else it merely suppresses both and restricts democracy.

First I shall briefly discuss the theoretical setting in which the headscarf debate can be better appreciated. Then I shall turn to the Turkish context to sketch the evolving relationship between secularism and democracy where the democratic implications of the headscarf issue can be discussed. I shall draw upon secondary sources, official documents circulated in public universities, as well as the interviews I conducted in my previous research with women of the Islamist Welfare Party women's commissions. Because my aim is to evaluate the democratic implications of the ban on headscarves, I shall also develop not only empirical, but theoretical arguments on the controversy as well.

Group Differentiated Rights and the Headscarf Debate

The debate on multiculturalism and multicultural democracy has given legitimacy to the concept of group differentiated rights. Feminist theorists contributed to the debate by showing how seemingly neutral laws hide unequal treatment of women as citizens (Jones, 1990; Young, 1990; Phillips, 1991). Formal equality, they argued, ignored gross inequalities that were committed against women. Formal equality, in other words, did not mean substantive equality. Kymlicka powerfully argued that liberalism, with its formal laws of equality, was blind to the injustices between groups and the injustices at times prompted by those very laws of formal equality (Kymlicka, 1995, 1999). He developed the concept of 'external protections' to allow minority groups to guard themselves against the overbearing power of the dominant groups in society (Kymlicka, 1995: 35-43).

For Kymlicka, there were limits to how far protection or differential treatment of minority groups could be justified. He offered the concept of 'internal restrictions' to draw the boundaries within which group-differentiated rights could be recognized and legitimized. Internal restrictions referred to rights minorities exercised against their own members, "particularly to restrict individual choice in the name of cultural 'tradition' or 'cultural integrity'" (Kymlicka, 1999: 31). In short, the need for 'external protection' legitimized differential treatment of groups, and 'internal restrictions' defined the parameters within which they could be exercised. As a liberal, Kymlicka was ultimately concerned about the respect of individual freedoms and principles of equality.

The controversy around the headscarves can be re-conceptualized within the framework Kymlicka draws. The ban on headscarves asserts that dress codes of the secular universities apply to all equally. Under these conditions, are the Islamist women exposed to the overbearing power of the majority and do they

justifiably seek 'external protection' to practice their religion free of the constraints imposed by the latter? Or do the Islamist groups impose 'internal restrictions' on their members, particularly their women, not only to wear headscarves, but also to abide by certain traditional rules which, they claim, Islam prescribes? Are the women in Islamist groups thoroughly socialized, if not indoctrinated, to accept these internal restrictions rather than rebel against them as individuals? Do the concepts 'external protection' and 'internal restrictions' suffice in capturing the dilemma of liberal democracy if the minority, in this case Islam, has a comprehensive world view which it would like to replace with the secular ideology that the majority upholds? I shall respond to these questions within the local context of the headscarf debate in Turkey.

History of Secularism and Democracy in Turkey

The relationship between secularism and democracy has always been complicated, if not tense, in the Republic of Turkey. At times, secularism and democracy have been mutually exclusive rather than nurturing one another. After the foundation of the Republic in 1923, Mustafa Kemal and his circle of allies commenced on a project of modernization within an authoritarian, single-party regime. Secularism was perhaps the most important tenet of the project of modernity which involved the creation of a Westernized unitary nation-state in the context of a polity with a predominantly Muslim population. The Republican founding fathers adopted a series of secularizing measures which led them not merely to separate religion and the state, but also to control the former and confine the latter to the private realm (Berkes, 1964; Toprak, 1981; Davison, 1998). Secularism could thus be a tool of civilizational change. The new regime abolished the Caliphate and in its stead instituted the Directorate-General of Religious Affairs and the Directorate-General of Pious Foundations under the office of the Prime Minister. It annulled the religious, legal framework based on the Shariat and adopted the Swiss Civil code. The new institutional framework created by the Republic ensured training and control of all religious offices by the state. The new legal framework facilitated transformation of the Muslim social code and interpersonal relationships within private lives. The law on the Unity of Education which displaced all religious schools allowed the state to propagate its own views of the modernization project, including secularism. These reforms were introduced and institutionalized in the context of an exclusionary regime which restricted political participation as well as political liberalism.

Even though the founding fathers equated modernization with Westernization, they were not very concerned with political liberalism or freedom of choice for the individual. The reforms were communitarian in spirit. Secularism was in the interest of the community and would upheave the polity to the level of contemporary civilization. The individual was primarily expected to contribute to the welfare of the community as defined by the political leadership.

However, the authoritarian, single-party regime gradually gave way, first to an authoritarian two-party and later to a democratizing multi-party regime. When the Democratic Party rose to power and moved the regime to the two-party system, it perforated the Republican notion of secularism. The Democrats permitted the call to prayer to be read in Arabic and Quranic courses, Preacher Training and Prayer Leader schools were allowed to be opened. While these measures were hailed by many as signs of democratization, and a relaxation of the secularists' control over religion, staunch Kemalists, viewed them as a concession to secularism and anti-democratic outcomes of a majoritarian democracy, a tyranny of the majority over the minority.

In the 1960s, opportunities for public articulation of religious proclivities expanded. Islamist parties were founded by the 1970s. Tensions between secularism and democracy continued as the Islamist National Order Party was considered a threat to secularism and it folded immediately after it had been founded. The National Salvation Party followed and expanded the parameters of political space where Islamists were able to find a voice in the political spectrum of the Republic. This party played a key role in the coalition governments of the 1970s. After the 1980 military coup, the state and government, each with different considerations, collaborated to expand the scope of Islamic activism in the country. The new Constitution made religious education a required subject. The government passed laws which allowed Muslim financial institutions to operate at an advantage in the country. Societal dynamics such as intensive internal migrations from the peripheral regions to the central cities expanded opportunities for religious mobilization. As the society westernized, demands for political participation and political liberalization increased; ironically, demands for democratization also constituted a challenge to the instrumental role secularism played in precipitating the civilizational change in the country. The move from an exclusionary to a more inclusive political domain did not resolve the tension between democracy and secularism, rather it expanded its parameters.

The Headscarf Issue

Dress codes were important in the project of modernity. In 1925, a law was passed which required men to wear contemporary hats rather than the traditional fez. That same year, the statute (number 2413) regulating the civil servants' dress codes required they dress "like their partners in civilized nations of the world". Perhaps surprisingly, despite the crucial legal changes such as the Personal Status Code of 1926 and the Suffrage given in 1934, which resulted in important consequences for women's status in society and visibility in the public realm, no legal action was taken to regulate women's dress code per se. Women in modernized urban areas, including schools, workplaces and the civil bureaucracy, gradually adapted to Western styles of clothing. Women in

traditional settings, rural areas and towns, covered their heads with loose scarves tied under their chins.

As the parameters of public space expanded to include Islamist demands, women began coming to the universities with their heads covered. In July, 1981, the Council of Ministers approved a statute (number 8/3349) requiring female employees and students in public institutions and schools linked to the Ministry of National Education and other Ministries, to dress without their heads being covered. Following this decision, in 1982, the Council of Higher Education banned the use of headscarves in the universities. Against mounting pressure from Islamist groups and women with headscarves who protested the decision, in 1984, the Council of Higher Education allowed women to cover their hair with a "turban" which the authorities deemed to be more in line with contemporary dress codes as opposed to the larger headscarf (Özdalga, 1998: 41-43). The secular groups, with the initiative of the ex-Chief of Staff, President Kenan Evren, who wanted to ban the turban, reacted. In early 1987, the article allowing the wearing of turbans was withdrawn and students were expected to dress according to contemporary dress codes (*çağdaş kıyafet*). The decision was once again relaxed in the spring of the same year in a meeting of the university rectors. In 1989, the Council of Higher Education withdrew the article which prohibited the wearing of turbans indoors, in universities.

The statutes and rules regulating the covering of the head were not merely inconsistent administrative decisions of the Council of Higher Education. The politicians and the judiciary, with their own internal cleavages on the issue, entered the picture as well. The Turkish social democrats who claimed the heritage of Republican reforms, including that of secularism, were against headcovering. The center right parties were inclined to ignore the issue and let women dress as they would. In 1987, Prime Minister Turgut Özal of the center right Motherland Party tried to pass a law to relax the dress codes in the universities; President Evren vetoed the initiative. Meanwhile, the judiciary declared headcovering in the universities unlawful. Even though there were a number of decisions reached by lower courts favorable to those who were in favor of headcovering, the Higher Courts of the Council of State and the Constitutional Court rejected these verdicts. As early as 1984, the Council of State rejected an appeal to withdraw the 1982 statute of the Council of Higher Education which banned headcovering. In 1987, again the Council of State rejected a court case which aimed to have the particular article of the Council of Higher Education statute banning the turban repealed. Perhaps most critically, the Constitutional Court found the article which had allowed the wearing of turbans in the universities to be unconstitutional, and annulled it on March 3, 1989. In 1998, in the Constitutional court case reviewing the constitutionality of the Islamist Welfare Party, the ban on the turban was again reviewed and again found to be unconstitutional. On February 28, 1997, the National Security Council, with the initiative of the generals, declared that Islamic fundamentalism

was the biggest threat to the security of the country and initiated a process to contain fundamentalist Islam. Consequently, there has been a more strict implementation of the ban on headcovering.

The issue was taken to the European Human Rights Commission as well. When the university administration refused to prepare diplomas for two graduating students who had submitted pictures of themselves wearing turbans to be used in their diplomas, the students sued the university. They took their case to the European Human Rights Commission after it was rejected in the Council of State. The Commission rejected the case as well.

Despite these legal barriers, surveys show that about 15.7% of women in Turkey cover their heads with Islamic headscarves and 53.4% cover their heads in a more traditional style. Those who reply that they do not cover their heads represent only 27.3% (Çarkoğlu and Toprak, 2000: 22). What were the arguments on both sides of the headcovering dispute and what were their implications for liberal democracy in the country?

The Formal Legal Dispute

Women who demand to be admitted to the universities wearing their headscarves can argue that it is, or should be, their right to do so. They refer to the freedom of religious expression guaranteed in article 24 of the 1982 Constitution, and article 10, which prohibits discrimination before the law due to religious belief or differences in language, ethnicity, gender etc. They argue that the prohibition of headscarves obstructs their right to education which is protected in article 42 of the Constitution. Hence, they can claim that their demands are a dictate of political liberalism.

Women are particularly liable to discrimination; men who share the same beliefs with women and think that women's headcovering is a dictate of religion *are* admitted to universities because their heads are *not* covered. Consequently, women are treated unequally before the law, not only because they give expression to their religious beliefs or act accordingly, but also because they are women. Religious discrimination is confounded with gender discrimination.

Against these arguments the state has made its own case, both through the Council of State and the Constitutional Court. The Council of State has argued for the prohibition of headscarves because "rather than an innocent custom, it has become a symbol of a world view opposed to the fundamental principles of the Republic and opposed to women's liberation" ("Yükseköğretim kurumlarında kılık kıyafet ile ilgili mevzuat ve hukuki değerlendirmeler" 'YÖKKM', p. 3). Headcovering is thus judged to be against secularism and women's rights.

In its verdict against headcovering, the Constitutional Court has defended the original Republican concept of secularism. It has argued that "in a laicist order, religion is prevented from politicization, and becoming an

administrative device, and kept in its real respectable place in people's consciences" (ibid: 4). Accordingly, the state defines and controls what the meaning of religion is and where it belongs, namely, the private realm, even though some believers dispute this understanding. With this particular concept of secularism, the Court has decided that demands for the headscarf were against the principle of equal treatment before the law (Article 10 of the Constitution) as well as the principle of religious freedom (Article 24 of the Constitution). Allowing the headcover would not only be a privilege given to Islamist students, but it would allow for their unequal treatment by differentiating them from others. Principles of religious freedom, on the other hand, as stated in the Constitution explicitly precluded organizing the state's social, economic, political or legal order, even partially, according to religious dictates. Instituting the dress code according to religious dictates would be in contradiction to this requirement.

The decision of the European Human Rights Commission, on the other hand, supported the decision of the Constitutional Court to the extent that it maintained the right of a secular state to restrict religious practice in line with the citizens' right to equal treatment and religious freedoms. It was argued that the aim of this restriction was to

"allow students of different beliefs to coexist. Particularly in countries where the vast majority of the population belong to a particular religion, exhibition of the rituals and symbols of this religion without regard to any restrictions of place and form can pressure students who do not practice this religion or alternately, belong to a different religion" (ibid: 7-8; translation from the Turkish version by Y.A.).

It was further argued that being a student in a secular university involved, by nature, abiding by certain behavioral rules instituted to establish respect of others' rights and freedoms. The assumption in this reasoning was particularly relevant in Anatolian universities where the women who covered their heads were in the majority and those who did not were looked down upon and pressured to cover their heads if not intimidated by men who thought women should cover their heads. The reverse was true in urban universities such as Boğaziçi where the female students who covered their heads were in the minority; these women were marginalized and had to bear the unwelcome glances of the majority.

Given the particular legal structure of the Turkish Republic, could the Constitution or the laws in effect be interpreted differently to accommodate demands by Islamist women without breaching principles of religious freedom or equality before law? Would the Constitution itself have to change in order for a more accommodating consensus to be reached? While these political questions remain, we shall discuss what these decisions meant in practice.

The Substantive Dispute

At one level, women who covered their heads and stood up for their right to do so expanded the parameters of political participation in Turkey. They were women who had a different understanding of Islam than did the state. They believed that women had to be covered according to Islam, and when this belief conflicted with the statist view which, though not explicitly stated, assumed that Muslim women could be uncovered and still be good Muslims, they were ready to protest in defense of their own understanding of Islam. The statist definition of the common good, which excluded the presence or visibility of women with headscarves in the public domain (at least at the universities), was radically challenged as a consequence of this political engagement.

The process of protest in defense of one's beliefs also expanded the prospects for personal autonomy, for some but not all women. Islamist women, as well as a number of academicians, have documented how covering their heads and leading Islamic lives allowed the women to exercise autonomy, sometimes in opposition to their parents (who disapproved of their headscarves), at times against the state or under social pressure (Arat, 1991, 1999; Göle, 1996; Özdalga, 1998). These women's discovery of an alternative religious life allowed them to challenge established customs or parental expectations. They learned how to fight for their beliefs and how to express themselves in the face of societal pressure. As individuals, they were empowered.

However, this trend should neither be generalized nor exaggerated. While it is certain that believing in Islam in a way that prompts uncovered women to cover their heads does provide a strong sense of religious identity, the process need not automatically lead to empowerment or personal autonomy. Besides, many women who come from traditional families are expected to cover their heads, which does not allow them freedom of choice or autonomy. Furthermore, we know that there is much hierarchy and conformist pressure within the Islamist circles. Fundamentalist, even violent, Islamist groups have been instrumental in organizing some of the rallies against the ban on headcovering (*Milliyet*, May 9, 2000, p. 15). Even though most women who cover their heads and want to attend universities might not belong to these circles (and some might belong to others less radical, for we do know that Islamist groups, foundations or women and youth organizations provide support for those unable to finance their education), my own research on Women's Commissions of the Islamist Welfare Party showed how there was a strong glass ceiling within the party which kept women who were empowered and immensely satisfied with what they did and who had covered their heads in the university, out of the upper echelons. The glass ceiling was justified with references to Islamist respect for hierarchy and authority. Outside the party, the Islamist women's journals, for example, promote traditional gender roles for women and discourage them from working outside their homes (Acar, 1991; Arat, 1991; Demir, 1998). Important Islamist female opinion makers (i.e. those

who are visible or whose books are widely read) are openly intolerant and contemptuous of Western modes of life and women, let alone feminists, who adapt them (Aktaş, 1986; Demir, 1998). Important, male opinion makers are more blatant in their disapproval of women's freedom of choice and feminism (Demir, 1998). Even though there are groups that are more tolerant of dissent and have more liberal understandings of Islam, by and large, the Islamic community does not promote personal autonomy and individual freedoms. Islam has traditionally, in theory and practice, promoted more of a communitarian conception of self than an individualistic one.

Does the fact that the Islamic community does not promote individualism and restricts individualistic interpretations of Islam justify the ban on headcovering? Is the state falling into the trap of illiberalism itself in fighting what it perceives as illiberalism? To summarize, the court decisions have mainly focused on: 1. The headcovering as it restricts women's liberties; 2. The headcovering as a symbol of opposition to the fundamental principles of the Republic; 3. Unequal treatment before law; 4. Restriction of religious freedoms as a result of organizing the State according to the dictates of Islam. We have mentioned how the third point, concerning equality before law, may be interpreted in a different way for those who cover and those who do not in different contexts, depending whether they are in the majority.

The first argument concerning the meaning of "restricting women's liberties" needs to be elaborated on. Women who cover their heads do not share the individualistic perceptions of liberty that liberal women or men share. Their personal or individual perceptions of liberty are predicated upon the communitarian Islamic norms which, they argue, dictate that women cover their heads. They exercise their freedom of choice if they can cover their heads in universities. By banning headcovering, the state is authoritatively imposing its own understanding of women's liberties on a group who does not share that understanding.

The second and fourth points are basically the same. They view the headcover as a threat to secularism. Universities are a medium that lends itself to the spread of alternative readings of Islam which are irreconcilable with the separation of state and religion. Many women decide to cover their heads in universities and influence their friends to do so as well. To the extent that women want to wear headcovers as they are exposed to and influenced by, or come from families who have a particular understanding of Islam, there is a potential threat to secularism, understood as a separation of state and religion. Wearing the headscarf is not the same thing as wearing a cross or a silver ring which identifies one as a member of a group. Women wear headscarves because they believe that it is a dictate of Islamic law. They wear them because they want to be better Muslims and practice Islam correctly, as it should be practiced, not merely identify themselves as members of a group. Those readings of Islam which require women to cover their heads in public also require the personal

code to allow for polygamy and unilateral divorce, and unequal inheritance, etc. In short, it is difficult to disaggregate the belief concerning headcovering from that concerning Islamic law.

In my own work on welfare party commissions, women who had fought for their headcovers in universities before they joined the party felt there was nothing to be afraid of in Islamic law. They were careful to point out that this was so if the Islamic laws were implemented as a whole or as they were meant to be implemented, but basically their Islamic teachings which made them cover their heads also taught them Islamic law was fair and just. It is interesting that women who fight for the right to cover their heads do not come out in public and express their allegiance to the secular, legal framework, or ensure the authorities that headcovering does not mean they support an Islamic state. It is also interesting that the Directorate of Religious Affairs does not publicly declare that according to Islam, women need not cover themselves in universities or in public. It seems that there is one orthodox reading of Islam, but mutually exclusive implementations legitimized with reference to different sources of authority. In other words, it seems that Islam insists on headcovering as much as the other dictates of the Shariat. However, because the Directorate is under state control, it cannot acknowledge this. On the other hand, women protest the ban on headcovering, because it can be advocated on a liberal plane, but do not have the courage to advocate Sharia, since it is explicitly prohibited by secular law; or, they simply have not thought about the implications of their insistence on headcovering.

It seems as though many women with headcovers have not thought through the implications of Islamic law which dictate them to cover their heads. And if they have, it has been in very liberal terms. In my interviews with covered Islamist women, those who believed there was nothing wrong with Islamic law actually thought that when that law was implemented as it should be, polygamy would not be an issue, because it was a Herculean task to be fair to all wives as the Quran dictated; men would have the self discipline not to exercise unilateral divorce or more simply, women would be able to write into their marriage contracts their particular conditions and understandings of how Islamic law regarding their married life should be implemented. They were all for working outside their homes and reconciled this with their Islamic beliefs. Many were what the orthodox Islamists would call “apologists”, apologizing for Islamic laws inconsistent with Western notions of equality and reinterpreting them to be reconcilable with those notions.

Public opinion surveys also point to this contradiction of defending the Sharia at large and opposing its traditional readings regarding individual dictates. In a survey conducted in February 1999 with a representative sample of the Turkish electorate, 21.2% responded positively to a question that asked if they want a religious state based on the Sharia. Further probes showed that this understanding of Shariat was very liberal, if not idiosyncratic or Turkish. On the

issue of adultery, for example, only 1.4% thought that the guilty party should be punished according to Quranic dictates (Çarkoğlu and Toprak, 2000: 16-17). Ironically, even though the state and some, but not all, Islamist women might share the same values regarding individual rights and equality, they aspire to pursue them in different contexts. They are not led to question why it is difficult to pursue those rights within an Islamic state.

Conclusion

The headscarf debate, considered both from the perspective of those who defend it and of others who oppose it, reveals a complicated issue. In practice, there is no single, simple headscarf, no single Islamic law and no simple community of Islamists. Returning to the theoretical framework elaborated by Kymlicka, there are neither simple 'internal restrictions' within the Islamic community, nor a simple need for 'external protection' to be extended to the community. There are no simple internal restrictions, because wearing the headscarf does not necessarily restrict women's liberties. Many women wear the headscarves upon their own decision. Fighting for their right to wear the headscarf, they assert their autonomy. Yet, for others, it is not the case. The Islamic community, which dictates wearing the headscarf might, and at times does, persecute women who do not. After all, the Islamic community is not very liberal, it restricts women's (and men's) right to dissent and promotes communal, as opposed to liberal, norms.

Similarly, to what extent the Islamic community needs 'external protection' in the context of the larger secular/Muslim society is controversial. While it is true that the secular state imposes on the Islamic minority a particular understanding of Islam by which women are not expected to cover their heads, it is also true that many among those who subscribe to the particular understanding of Islam by which women are required to cover their heads, also prefer to adopt other dictates of Islam such as polygamy, unilateral divorce and unequal inheritance rights as part of the Islamic laws that are a threat to the civil liberties and principles of equality the secular majority shares. It is difficult to categorize all women who wear headscarves as a threat to the Republic, opposed to its fundamental principles. Yet, it is also true that headscarves can represent a worldview opposed to the fundamental principles of the Republic, signaling the desire to have Islamic law, as opposed to secular law, implemented in the polity. In short, it is difficult to generalize what the headscarves stand for and what opportunities and restrictions belonging to the Islamic community bring. There is heterogeneity, rather than homogeneity, regarding the meaning and significance of headscarves. The ban assumes that there is one headscarf and that its meaning is clear.

In this context of heterogeneity and flux, where even many who would like to see Islamic law implemented have internalized secular concepts of equality and liberalism, the ban itself can constitute a threat to the foundation of

liberal democracy. By assuming all those who are covered are the same and constitute a threat to secularism, the ban redefines reality and creates a contrived enemy of secularism and liberalism. The covered women are turned into Trojan horses infiltrating the secular Republic, while the state falls into the trap of authoritarianism alienating the liberals within the Islamic community and radicalizing the illiberal Islamists. At worst, it merely suppresses both.

The state's goal, which the ban obstructs, should be to integrate the liberals within the Islamic community. Thus, the monopolistic aspirations of Islamists can be contained within the institutions of liberal democracy. After all, those women who cover, for the most part do so willingly. Forcibly changing what they think is not a realistic prospect. Through negotiation and dialogue, those parameters of Islamic practice that, for example, might accommodate the headscarf but not other Islamic laws, can be redefined and publicly acknowledged. If not, the state can provide more attractive, secular education through which students can aspire to secular role models rather than Islamist ones, and learn that a political community that seeks legitimacy with reference to a sacred authority lends itself to authoritarian manipulation.

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