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Valorie K. Vojdik

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Masculinities, Feminism, and the Turkish Headscarf Ban: Revisiting *Şahin v. Turkey*

VALORIE K. VOJDIK

Throughout history, the Islamic veil or headscarf has been a highly contested and politicized symbol, both in Muslim societies and the global political arena. Western colonialists seized upon the Islamic headscarf to symbolize the subordination of women under Islam, justifying colonial occupation as necessary to liberate women from the barbaric oppression of Muslim men. Following the events of 9/11 and the resulting "war on terror," the United States has employed images of Afghani women in dark burqas and face veils to both signify and demonize political Islam. Several European nations, including France, have either banned or considered banning the headscarf in schools, condemning the practice as the symbolic subordination of women that is incompatible with Western notions of gender equality (Scott 2007, 2–4).

The politics of the headscarf have been hotly disputed in Turkey, a secular democracy in which 99 percent of citizens are Muslim. In 1982, Turkey banned women from wearing headscarves for religious purposes in government offices and all universities, both public and private. Leyla Şahin, a

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female medical student suspended from the Istanbul University for wearing a headscarf, challenged the ban in the European Court of Human Rights (EHCR), alleging that it violated her right to religious freedom and education guaranteed by the European Convention on Human Rights. In 2005, the Grand Chamber of the ECHR rejected her claims, holding that the ban was a necessary and reasonable response to the alleged threat posed by fundamentalist Islam to Turkey's secular democracy (*Şahin v. Turkey* 2007, 129). The ECHR ignored the gendered nature of the ban, which denies to practicing and covered Muslim women, but not Muslim men, access to a university education. Applying a wide margin of appreciation, the ECHR accepted Turkey's unsupported assertion that the headscarf is a proxy for radical, political Islam and a threat to its secular democracy. Although Leyla Şahin testified that she supported secularism and freely chose to wear the headscarf for religious reasons, the ECHR instead criticized the headscarf as a "powerful external symbol" that appeared to be imposed on women by Islam, a religion that subordinates women (*Şahin v. Turkey* 2007, 127). The ECHR assumed that Şahin and other covered female students were the passive pawns of radical Islam rather than autonomous or political actors.

Masculinities theory offers a critical lens through which to reconsider the headscarf debate in Turkey. Feminist theorists have argued that women's bodies historically have been used as symbolic sites for struggles over political, national, and other collective identities (Yuval-Davis 1997, 39–67). Masculinities theory provides a useful tool to examine the means through which power is negotiated by and between competing masculinities—at the local, national, and transnational levels (Connell 2005, 71–89). By focusing on the relationships between the headscarf and masculinized power, masculinities theory makes visible the role of the headscarf in constructing relations between men and women, Turkish secular elites and religious leaders, and the West and Islam.

As a regulatory practice, the Turkish headscarf ban employs women's bodies as the site to construct and contest not only local gender relations, but also competing nationalist and global masculinities. As this chapter argues, the headscarf in Turkey constructs boundaries of identity and difference—boundaries between men and women, between Turkish secular elites and political Islamic leaders, and between the global West and transnational Islam. Both secular and Islamist political parties have used the headscarf, and the regulation of women's bodies, to embody competing notions of the Turkish state and national identity (Çinar 2005, 74). As *Şahin* demonstrates, the struggle between local masculinities in Turkey intersects with the global geopolitical struggle between Western and Islamic masculinities. In

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upholding the headscarf ban, the ECHR reinvokes Western and Orientalist narratives, constructing the headscarf as a symbol of women's subordination under Islam. *Şahin* essentializes Islam, condemning Islamic gender relations as incompatible with European notions of gender equality. The discursive use of women's bodies in *Şahin*, therefore, illustrates the interaction between local struggles over competing masculinities, on the one hand, and global masculinities, on the other hand.

While the political leaders of secularism and Islamism in Turkey are male, women have played an active and constitutive role in the headscarf debate. As Turkish scholar Nilüfer Göle argues, in Turkey, "veiling is the most salient emblem and women the newest actors of contemporary Islamism" (1996, 1). Research suggests that a certain group of women—young, urban, and typically the daughters of migrants from the rural periphery—deliberately embraced the headscarf, challenging the secular elites as a political matter. Many of these women have framed their opposition to the ban within a human rights discourse that demands the individual right to religious expression within Turkey's secular democracy (Onar 2007). Their opposition to the ban disrupts the masculinist construction of the secular elites as the powerful and heroic saviors of women, while simultaneously undercutting the masculinist construction of Islamic political leaders as the protector of women's modesty and honor (Göle 1996, 22). Women's participation in the headscarf debate shifts the semiotics of veiling and challenges the masculinist construction of gender relations in Turkey, even as these Muslim women remain invisible in *Şahin* and much of the debate over veiling in the West.

Şahin v. Turkey: The Headscarf Ban in the ECHR

In Turkey, approximately 70 percent of Turkish Muslim women cover their heads, a percentage that varies widely depending on region and class. Sura XXIV, Verse 31 of the Qu'ran is read to require Muslim women to "lower their gaze and guard . . . their modesty," and not display or draw attention to "their beauty and ornaments," and "draw their veils over their bosoms and not display their beauty" except to their husbands, fathers, sons, and other specified relatives, slaves, and children (*The Holy Quran* 1987, 904–5). The Qu'ran, however, does not mandate any more specific types of dress. *Fikih,* the books of law, prescribe the manner of veiling, requiring that the hair, head, and neck be covered (called *hijab* in Arabic) and a long cloak or dress be worn loosely over clothes (*jilbab*) (Göle 1996, 93). Islamic scholars and feminists, however, debate whether women must cover their heads and, if so, the specific manner of covering.

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The practice of covering is not fixed or universal but varies across time, place, class, and religious interpretations. Veiling appears in different forms, in different places, at different times, and its meanings are both fluid and multiple. Post-9/11, Western media broadcast images of Afghan women in dark *burqas* that completely covered their bodies, face, and even eyes. This particular form of cover was mandated by the Taliban in Afghanistan and is not typical. In Turkey, Muslim women wear multiple forms of cover, ranging from simple headscarves in rural areas to "Islamic high couture" debuted on the catwalk at fashion shows in Istanbul. Only 3 percent of women wear the *carsaf*, a long cloak-type garment worn with a headscarf and a face veil (*niqab*) (Secor 2005, 207–8). Headscarves in Turkey are not typically black but more often brightly colored, in different patterns, designs, and fabrics. While some women also wear the *jilbab*, a loose garment that covers the body, many do not. Younger women in Istanbul can be seen wearing a brightly colored headscarf, stylishly tied close to the head and neck, with tight jeans and high heels or sneakers. In rural areas, many women wear very loose pants and tops with a headscarf tied simply under the chin.

State regulation of veiling also differs widely. While Iran, a Muslim-majority nation, mandates veiling, Turkey, a predominantly Muslim and secular democratic state, bans women from wearing the headscarf in educational institutions and government offices (Zahedi 2007, 88–89, 94–95; Human Rights Watch 2008). The United States generally protects a woman's choice to wear Islamic attire, while France recently banned girls in primary and secondary schools from wearing the headscarf. While the French ban prohibits "conspicuous religious symbols," it was intended primarily to prohibit the Islamic headscarf (Scott 2007, 1–2). Other European nations, including Belgium and Great Britain, recently have banned or considered banning the headscarf or face veil. Many of the state regulations shift over time. In Iran, for example, the Shah Reza in 1932 banned the headscarf as part of his campaign to Westernize the nation. Following the Iranian Revolution in 1979, the government reversed itself and distanced itself from the West, in part by making it a crime for women to appear in public without wearing *hijab* (El Guindi 1999, 174–76).

State regulation of veiling in Turkey similarly has changed over time. The Ottoman Empire, which incorporated Islamic law, issued various decrees requiring veiling and prohibiting certain forms of attire for women that were considered inconsistent with Islam. In 1923, Mustafa Kemal, known as "Atatürk," established the Turkish Republic as a secular democratic state. He instituted a number of reforms that sought to privatize Islam and replace it with Westernized culture. To Atatürk, veiling by Muslim women was "backward"

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and incompatible with a modern, Western society. While the new republic did not issue a national ban on veiling, Atatürk and his followers ("Kemalists") urged its removal, and many local authorities prohibited the practice (Göle 1996, 73; Çinar 2005, 59, 62–64).

Despite the state's efforts, the headscarf did not disappear, particularly in rural areas. Among rural women who covered, many wore the başörtüsü, a traditional headscarf tied at the neck that loosely covered the head, like many non-Muslim rural women in Greece and Eastern Europe. As rural Muslims began to migrate from the periphery to Istanbul and other urban areas, a growing working and middle class began to emerge in the urban center. Younger women began to appear in public spaces, such as universities, wearing a new form of Islamic cover, called the türban, which was a larger scarf, deliberately arranged to fully cover the hair, neck, and bosom, along with a long, loose-fitting overcoat (Çinar 2005, 78). At the same time, Islamic political parties in Turkey, Iran, and elsewhere were on the rise. Perceiving the türban as a symbol of radical political Islam, Turkey imposed a ban on the wearing of headscarves in universities and public offices in 1982 (ibid. 75, 78–83).

The headscarf ban immediately became a flashpoint for conflict during the mid-1980s between secularists and Islamists in Turkey, particularly in universities, which became the site for the confrontation between Islamists and secular elites. In the mid-1980s, female university students in Istanbul began challenging the ban, arguing that it violated their right to religious freedom. Emerging as new political actors, these young women participated in protests and demonstrations at universities and hunger strikes to persuade state officials to eliminate the ban. In response to the protests, the Higher Education Council twice removed restrictions on wearing the headscarf, in 1989 and 1991. The Turkish Constitutional Court, however, annulled both repeal attempts, holding on March 7, 1989, that secularism was an essential condition for democracy and that, "in a secular regime, religion is shielded from a political role" (Anayasa Mahkemesi 1989, 25). The Court described the act of wearing the headscarf as the "display of a pre-modern image" and a tool of segregation that violated the principles of secularism and threatened the Turkish Republic (Anayasa Mahkemesi 1989; Çinar 2005, 83).

Despite the decision, women and conservative Islamic political parties continued to agitate for repeal of the ban, fueling secular concern that student activism demonstrated the threat of political Islamic parties to Turkey's secular democracy. In 1998, Leyla Şahin, a female medical student, challenged the ban in the ECHR. Şahin was denied access to examinations because she wore a headscarf and later suspended for protesting the headscarf ban. Because

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she wore a headscarf, Şahin effectively was barred from attending medical school in Turkey. She left to pursue her medical education in Vienna, where she could wear her headscarf while attending medical school. Before the ECHR, Şahin alleged that the ban violated her right to religious freedom under Article 9 of the European Convention on Human Rights (the "Convention") which guarantees a person the freedom to manifest her "religion or belief, in worship, teaching, practice and observance" (Convention for the Protection of Human Rights and Fundamental Freedoms 1950, art. 9, sec. 1). She further argued that the ban violated the right to education guaranteed to all persons under Article 19 of the Convention (ibid., art. 19), as well as Article 8 and Article 2 of Protocol No. 1 to the Convention (Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms 1952, art. 2, art. 8).

In 2005, the Grand Chamber of the ECHR affirmed the earlier decision of the Chamber of the Court, holding that the Turkish ban on headscarves did not violate the European Convention on Human Rights (*Şahin v. Turkey* 2007, 138). The Grand Chamber conceded that the ban violated Şahin's right to religious expression, but held that the right of religious freedom under Article 9 is not absolute. Instead, Article 9 provides that states may impose "such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others" (Convention for the Protection of Human Rights and Fundamental Freedoms 1950, art. 9, sec. 2). The ECHR held that, under the limitations clause, a state may restrict the freedom to manifest one's religion or belief where necessary to ensure the protection of the religious beliefs of all citizens. The Grand Chamber also rejected Şahin's argument that the ban violated her right to education guaranteed by Article 2 of the Protocol. While the Court recognized the importance of the right to education, it held that this right is not absolute and is subject to regulation by the State. The Court reasoned that the restriction was foreseeable to those concerned and was enacted through the legitimate aims of protecting the rights and freedoms of others and maintaining public order.

In determining whether the headscarf ban in Turkey was a necessary limitation on the right to religious expression, the ECHR afforded a "margin of appreciation" to the Turkish Republic, deferring to the judgment of Turkish Constitutional Court and state officials as to the alleged threat the headscarf posed to its secular democracy (*Şahin v. Turkey* 2007, 130; see also 126–30). The margin of appreciation arises where questions concerning the relationship between State and religions are at stake under the Convention,

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on which opinion in a democratic society may reasonably differ widely. In these cases, the ECHR has held that the role of the national decision-making body must be given special importance. In *Şahin*, the ECHR surveyed the legal regulation of the Islamic headscarf in schools in Europe to determine whether there was a difference of opinion among the nations. No other European nation banned headscarves (or other religious symbols) from universities. The Court specifically noted that France in 2004 adopted legislation banning the Islamic headscarf in primary and secondary schools (ibid. 116). The Court, however, ignored that the French ban did not apply to universities and, as Şahin correctly argued, that no European nation had issued such a ban in higher education.

Rather than conclude that there was not a history of banning religious expression in universities, the ECHR shifted its focus to the broader issue of state regulation of religion. The Court stated that such rules will vary by country according to national traditions and the need to protect the rights and freedoms of others and to maintain public order. In upholding the ban as a necessary limitation on religious freedom, the ECHR emphasized the existence of "extremist political movements" in Turkey, which it described generally as Islamic political groups which "seek to impose their religious symbols and a conception of a society founded on religious precepts" (ibid. 128). Within this context, the Court held that it was understandable that Turkish authorities should ban the headscarf to preserve secularism and to protect the values of pluralism, respect for the rights of others who do not veil, and gender equality.

The ECHR in *Şahin* also focused on the supposed tension between the right to gender equality and secularism and the Islamic faith. According to the ECHR, the headscarf was an "external symbol" that "appeared to be imposed on women by a religious precept that was hard to reconcile with the principle of gender equality" (ibid. 127). In upholding the ban, the ECHR emphasized that the right of gender equality was a fundamental principle of the European Convention and also guaranteed by the Turkish Constitution. While claiming to advance the right of gender equality, the Grand Chamber ignored the gendered nature of the ban, which denies to practicing and covered Muslim women, but not Muslim men, access to a university education.

The Grand Chamber in *Şahin* defers to the opinions of the Turkish Constitutional Court and the Republic in conceptualizing Islamic attire as a radical threat to secular democracy. In so doing, the decision does not critically question Turkey's categorization of political Islam as a fundamentalist and radical movement aiming to destroy democracy. By conflating the veil with

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radical Islam, and assuming that women are political or religious pawns, the ECHR erased Islamic women as active agents and political participants from the debate. Despite the fact that Leyla Şahin supported secularism and wore the headscarf for religious reasons, the ECHR assumed that she and other covered female students were the passive pawns of radical Islam rather than autonomous or political actors. In her dissent to the Grand Chamber opinion, Judge Tulkens observed that the judgment ignored Şahin's argument that she covered "of her own free will" and there was not any evidence that she held fundamentalist views (ibid. 143). Judge Tulkens emphasized that not all women who wear the headscarf are fundamentalists.

Şahin did not end the headscarf debate. In Turkey, the ECHR decision was widely criticized as racist and anti-Muslim. In 2007, the Justice and Development Party ("AKP"), a moderate Islamist political party, won 47 percent of the popular vote in national elections. The AKP sought to challenge the headscarf ban, not as a matter of religion but as a violation of basic rights. With its support, in 2008 the Turkish parliament voted to amend the Turkish Constitution to repeal the ban on headscarves. These amendments were immediately challenged by the secularist party ("CHP"). The Turkish Constitutional Court subsequently voted 9–2 that the constitutional amendments ending the ban were unlawful on the grounds that they violated the constitutional principle of secularism.

Masculinities Theory: Shifting the Frame from Individual Rights to the Masculinities of Identity

Neither the *Şahin* decision nor the rights-based critique engages sufficiently with the history of the headscarf as a political symbol in Turkey or the role of women's bodies in the struggle for national identity. As feminists have explained, the bodies of women historically have been used as symbolic sites for struggles over ethnic, political, and national identity. Rather than conceptualize the headscarf debate as an issue of individual rights, masculinities theory offers a methodology to understand veiling as a gendered practice that constructs masculinity, the nation, and global relations of power. Seen through the lens of masculinity and feminist theory, the bodies of Turkish women have been symbolic sites for political struggles in Turkey and in the global community. The Turkish headscarf ban functions as a regulatory practice that employs women's bodies as the site to construct and contest competing nationalist masculinities—during the Ottoman Empire, the subsequent creation of the Turkish Republic, and the present struggle between secularists and Islamists.

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Like feminist theory, masculinities theory assumes that gender is a social practice constructed by and between men and women as well as within particular social institutions, including the workplace and the state. Men and masculinities are not fixed or unitary but rather multiple and fluid, "across time (history) and space (cultures), within societies, and through life courses and biographies" (Connell, Hearn, and Kimmel 2005, 3). Masculinities theorists have produced ethnographic studies of particular masculinities within specific sociohistorical places, providing a richly textured analysis of process through which gender is constructed (Connell 2005, 71). Theorists such as Connell and Kimmel have demonstrated that men and masculinities are not formed by gender alone but also through social structures including class, ethnicity, racialization, the nation, and globalization (Connell 1995, 75; Kimmel 2005, 414–15). This work reveals the dynamic relationship between masculinities, social institutions, and power.

Masculinities theory provides a critical tool for examining gender in relation to structures of power within the state, the nation, and the world order. According to social scientist R. W. Connell, gender is one means of structuring social practice that necessarily interacts with other social practices such as race, class, nationality, and position within the world order (1995, 75). Masculinities theory provides a complex understanding of the concrete ways in which power is negotiated in society, focusing on the construction of masculinity in particular times and spaces. Like feminist theories, masculinities theory has shifted the focus from individual gender differences to socially constructed gender relations (ibid. 67–76). The methodology has been primarily ethnographic, focusing on the particular processes of construction of masculinity in local sites (Connell 2005, 71).

Moving beyond ethnographic studies of the local, Kimmel and others have focused on the historical and cultural constructions of masculinity and gender within nations and larger societies. Masculinity theorists have asked critical questions about the gendered nature of political struggle between competing groups of men over national identity and state formation. Masculinities theorists have begun to focus on the relationship between local constructions of masculinity and the broader geopolitical order. Kimmel, for example, analyzes the impact of globalization on national and local masculinities (2005, 414). Connell examines the historical relationship between imperialism, colonialism, and globalization on the one hand, and local societies on the other (2005, 72).

The politics of the veil throughout history exemplifies this relationship between globalizing and local masculinities. Feminists have long recognized that gender, and women's bodies in particular, have been used to demarcate

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the boundaries of collective identities. The female body symbolizes and embodies the nation, serving as the symbolic border guard of national, ethnic, and state collectivities. Women's bodies become the visible marker of ethnic and national difference, and the symbol of national or collective honor. Throughout history, veiling has been used to control women's bodies as a means to construct competing national, ethnic, religious, and political identities. As feminist geographer Anna Secor writes, "veiling is an embodied spatial practice through which women are inserted into relations of power in society" (2005, 204).

Masculinities theory offers a helpful tool to analyze the use of veiling as a regulatory practice as a means to construct collective identities and power in particular social locations. Masculinity historically has been a powerful hegemonic force in constructing nationalism. Both the nation and the military are quintessential sites for the construction and performance of competing masculinities. As Caroline Nagel argues, the politics of the veil in Islamic societies, and the politicization of women's bodies, are examples of the assertion of masculinity and nationalism through the control of women's bodies (2005, 405).

The Ottoman Empire, relying on Islamic law, regulated women's veiling and attire, as well as their presence in the public sphere. Islamic clothing rules historically were based on the differentiation and segregation of the sexes. As Göle argues, "veiling represents femininity, which is hidden from view, while the beard represents a man's masculinity" (1996, 93–94). These rules in turn constructed and preserved the segregation of the sexes within the home and private world, or *mahrem*, as well as the public sphere. The Islamic social system exercises control over women's sexuality and segregation of the sexes, both of which are fundamental aspects of many Islamic masculinities. Within the Islamic social order, veiling maintained the boundaries of separation between the sexes and sought to preserve order in the community.

Western colonial and imperialist powers seized upon the veil as the most visible symbol that marked Islam societies and Muslims as inherently different, backward, and inferior. As Leila Ahmed explains, Islamic practices with respect to women evidenced the essential otherness and inferiority of Islam (1992). Colonialism constructed the narrative of the veil as a means of oppression and degradation of women, a practice that the West decried as symbolizing the barbarism and backwardness of Muslim societies. At the same time, colonial hegemonic masculinity constructed itself as the enlightened and heroic savior of Islamic women, the powerful rescuer of the female victims of the culturally and racially inferior Islamic men. Western and colonial masculinities thus justified the economic and political

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domination of Muslim societies through the veil, which symbolized the barbaric "Otherness" of Islam societies that must be conquered, both symbolically and literally.

Western colonial masculinities profoundly threatened the honor and power of local Muslim masculinities (Gerami 2005). In response, local Muslim leaders condemned Western criticism of veiling practices, reclaiming the headscarf as a symbol of community honor that required their protection. Women's honor no longer symbolized the honor of a particular clan or tribe; instead it became a symbol of national honor (ibid.). Women's bodies thus became the site for the battle between Western colonialists and Islamic communities and nation-states.

While Turkey was not a part of the colonial world, secularists and Islamists in Turkey have similarly used the female body and the headscarf to construct and embody competing national and political identities (Çinar 2005, 59). Mustafa Kemal Atatürk, called Atatürk, or "father of the nation," led the Turkish National Movement in the Turkish War of Independence, defeated the Allies, and founded the Turkish Republic in 1923. Atatürk came to power as the heroic military leader and renowned father of the Republic. Under his leadership, the new Turkish Republic immediately sought to distance itself from the Ottoman state, invoking the European colonialist argument that blamed Islam for the decline of the empire. As the new leader of the Republic, he sought to transform and Westernize Turkey, both politically and culturally, in order to eliminate stereotypes of Turks as "backward" and "uncivilized" (Onar 2007).

Atatürk adopted policies and laws to remove religion from the public sphere. He eliminated the Ottoman sultanate and the caliphate, placing control over religion in the state. He also replaced the Ottoman Empire's Shari'a law (*seriat* in Turkish) with the Swiss family code, which banned polygamy and gave women equal rights to divorce and custody. Women were granted political rights, which subverted the traditional Ottoman and Islamist gender order (ibid.).

As the father of the new Republic, Atatürk embodied a masculinity that was modern, Western, and secular. As leader of the new Turkish Republic, Atatürk sought to replace the face of Islam with that of the West, transforming Turkey into a modernized nation. Clothing regulations played a key role in his modernizing project. In 1925, Turkey adopted the Hat Law, which banned men from wearing the fez and required male bureaucrats and civil servants instead to wear the (European) hat. In announcing the Hat Law, Atatürk embodied European style, addressing the public wearing a Western suit, tie, and top hat. The abolition of the fez and its replacement with the hat,

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he explained, was necessary to demonstrate that Turkey was "civilized and advanced" (Çinar 2005, 68–69).

The uncovering of women through the elimination of the headscarf was a critical component of his campaign to create the new republic. As Göle succinctly observes, Atatürk sought to replace the face of Islam with the public faces of women who were modern and Western. Under his direction, the new Republic launched a public relations campaign to unveil women. Photographs of women lounging by the sea wearing Western bathing suits were circulated. Turkey conducted its first national beauty pageant in 1929, accompanied by calls from secularist elites for women to show that they met European standards of beauty. Women were urged to participate in pageants, showing off their bodies as part of their "national duty" so that Turkey could be represented at international competitions (Çinar 2005, 70–71). The movement to unveil women was part of the Kemalist campaign to create the "Ideal Woman," no longer oppressed by Ottoman-Islamic rule, but modern, emancipated, and fully visible in the public sphere as citizens (Göle 1996, 14).

The campaign included legal reforms adopted by Atatürk designed to replace Islamic traditional and hierarchal gender relations by adopting Western civil law. As Çinar argues, the unveiling of Muslim women "reset the boundaries of the public and the private, which in turn served the creation and institutionalization of a sense of secular, modern nationhood" (2005, 61). These reforms helped concretely improve the lives of urban elite women in the Turkish center, who not only began to adopt Westernized clothing but also have moved from the private realm of the *mahram* into the public work and political sphere (Göle 1996, 76; Onar 2007, 11).

In response to Atatürk's efforts, conservative Islamist political parties seized upon the headscarf to construct an identity of resistance. As the periphery began to migrate to urban areas, the conservative Islamist Refah Party also deployed women's bodies and the headscarf as the symbolic site of their nationalist project. The headscarf became the banner of the Refah Party and subsequently the symbol of political Islam in Turkey. As Göle observes, political Islam has made itself visible through the re-veiling of women, who serve as "the emblem of politicized Islam" (1996, 83). While the Refah Party ultimately was shut down by the Turkish Constitutional Court, debate over the symbolism of the headscarf continues. The AKP, while committed to secularism, has embraced the headscarf as a political issue, framing it within a human rights discourse that focuses on the rights of women to religious freedom. In response, secularists have continued to portray the headscarf as the embodiment of radical and political Islam, committed to the establishment of an Islamic state and the elimination of Turkish secularism.

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Turkish Women and Covering: Negotiating Competing Masculinities

Although masculinities theory has focused primarily on relationships among men, it is critical to consider the role of women within its analysis of the social practice of gender. While secular and Islamic masculinities and political parties have used the headscarf to construct competing claims for national identity and power, women also have been active participants in this debate. The headscarf issue has divided women feminists in Turkey, with "Islamist feminists" and some secular feminists arguing that women have the right to religious freedom and individual choice, and many (but not all) secular feminists arguing that the re-veiling of women is part of a strategy to replace civil law with Shari'a and to mandate veiling as a repudiation of liberal values (Onar 2007, 16).

Western media has largely interpreted Islamic veiling as a symbol of the forced subordination of women who have no meaningful choice but to cover. Post-9/11, the image of the Islamic veil or headscarf has become a symbol of Islamic fundamentalism and radical political Islamism. Islamic covering practices similarly have come to symbolize a system of gender relations that are not merely patriarchal but deviant and incompatible with Western notions of gender equality. Muslim women who cover are not seen as autonomous agents but as oppressed victims. This interpretation, shared by some feminists, recently has been deployed by the EHCR in *Şahin* and some European governments to justify various bans on veiling.

The assumption that women who veil lack free choice, however, is disputed by many feminists and scholars in Turkey and throughout the Middle East. Research by many Turkish feminist scholars and sociologists suggests that the decision of the young university women to cover reflects a deliberate choice—a choice to embrace political Islam, to express their religious identity, and/or to challenge the secularist ban of religion in the public sphere. Many of the young women who chose to wear the *türban* in the 1980s chose to cover even though their mothers or grandmothers did not. Like Leyla Şahin, these were largely young, urban women whose families had moved from the periphery into the Turkish center. The headscarves that these young women wore (the *türban*) were different from the traditional headscarves worn by their mothers or rural women (Secor 2005, 207; Göle 1996, 90–91).

In *The Forbidden Modern*, Göle discusses her interviews with a diverse range of young women who she concludes have chosen to cover. For many of the university women, the headscarf is a political statement. Many of these women have chosen to cover not because they are perpetuating rural

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traditions, but because they have consciously chosen to adopt a different form of Islam, one based on the formal study of the Islamic texts. These women have rejected the traditional Turkish understanding of Islam held by their parents. Many (though not all) of these women have embraced *tessetur* as a political symbol and a rejection of secularist political parties in Turkey. (*Tessetur* is a form of dress worn by Muslim women in Turkey.) These young women, Göle argues, are not marginalized members of society but university students, intellectuals, and professionals in urban areas and the political center of Turkey (Göle 1996, 96).

Turkish scholar Yeşim Arat observes that many of these young women were part of the Islamist movement and deliberately chose to cover their heads in universities, which ironically made them even more visible (1998). Disputing that these women were Refah pawns, Arat argues that their decision to confront the secular authorities was an autonomous act of individual political resistance:

> In a polity where religion had traditionally been controlled by the state in the name of secularism, they stood for a criticism of this secular order. Independent of what their private individual reasons for covering the head might have been, they had to assume the responsibility for what they meant in this particular situation. As such, even though they might have acted in solidarity with members of their religious community, they were engaged in an act of individuation and political resistance as they confronted the gaze of the uncovered women who thought of them as different. (Arat 1998, 123)

The politicization of young, educated, and outspoken Turkish women who challenge the regulation of their bodies in the body politic disrupts the dominant and secular masculinity of the Turkish Republic as well as local Islamic masculinities. While Turkish secular elites and many in the West interpret veiling as a means to subordinate and segregate women in the private realm, the emergence of covered women in the public sphere shatters that image. As Göle explains, "the new public visibility of Muslim women, who are outspoken, militant, and educated, brings about a shift in the semiotics of veiling, which has long evoked the traditional, subservient domestic roles of Muslim women" (1996, 21). Through their choice to cover, Leyla Şahin and other young, educated women rejected their role as passive victim of Islamic oppression that has been used to rationalize the compulsory unveiling of women by the secular state. Yet by mobilizing within the political sphere to wear the headscarf, these young women also challenged the

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Islamic masculinities that relegate women to a hidden and private *mahrem* (Göle 1996, 22).

Since the 1980s, a variety of styles of covering has emerged, featuring tighter, more form-fitting jackets and stylish raincoats that skim the body rather than hide it completely, smaller and beautifully colored headscarves, and fabrics in a range of beautiful colors, often stylishly coordinated so that the entire outfit matches. Contrary to Western media images of monotonously cloaked women, women who cover mingle freely with uncovered women, symbolizing the acceptance of choice with respect to covering. These newer, fashion-conscious styles of covering arguably do not conform to the requirements of classical Islam, which emphasizes that the purpose of the veil is to preserve modesty and to avoid drawing attention to the female body. As such, they do not represent a throwback to traditional Islam or resistance to modernity or even Westernization, as the Constitutional Court suggested. Instead, the new form of urban covering is decidedly modern—beautiful and self-consciously stylish, incorporating Western and international styles, and based on individual notions of fashion. The Internet is replete with videos of fashion shows from Turkey, Iran, and Saudi Arabia showing tall and lean women, headscarves fashionably tied close to their heads, in high heels and narrow overcoats and tunics walk down the catwalk to distinctively modern, synthesized Middle Eastern club music.

Islamic cover or hijab has become a profitable part of the fashion consumer market in Turkey and globally, marketed over the Internet and through global retail markets. This new version of *hijab* is popularly referred to as "Islamic haute couture" and is neither backward nor traditional. Many Islamic intellectuals have criticized this style of cover, arguing that it transforms the headscarf from a symbol of religious and political identity to a symbol of high fashion in upper-class society (Çinar 2005, 89–90). This internationalized and fashionable form of cover highlights the class and regional differences in covering practices in Turkey. Those women who adopt the more fashionable forms of cover distinguish themselves from the more traditional, rural, or low-income women who wear either the simple headscarf or the outdated long, light-colored raincoat.

Within this context, the act of covering becomes not merely a religious practice or duty, but an individuation of women, many of whom, as Göle argues, unveil and challenge traditional gender identities within Islam and the body politic. The new veiling by young, educated Turkish women appears to reflect the negotiation of their multiple identities as both Islamic and modern, political agents, religious women, and secular consumers in a

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globalized society. As Nora Onar argues, many of these women have framed the issue of the headscarf ban within Western human rights discourse, shifting the semiotics of the headscarf debate (2007, 4, 16–19; Arat 2001, 43). From a masculinities perspective, these young women can be seen to be actively participating in the construction of gender relations within Turkish society, rejecting the dichotomies between secularism and Islam, East and West, Turkish and cosmopolitan.

Revisiting *Şahin*: The Headscarf and Global Masculinities

The discursive use of women's bodies in *Şahin* exemplifies the relationship between local struggles among competing masculinities, and global geopolitical struggles between Islam and the West. The ECHR in *Şahin* reinvokes Orientalist narratives to justify the regulation of the bodies of Muslim women, limiting Leyla Şahin's right to religious expression to "emancipate" her from her supposed oppression under Islam. The Court frames the Turkish headscarf ban within the anti-Muslim discourse employed by colonialism to justify Western political domination of Islamic societies. In *Şahin*, the headscarf debate functions as a trope for the contemporary struggle between the West and Islam, between Western hegemonic masculinities and global Islamic masculinities.

The ECHR ignored the multiple meanings of the Islamic headscarf in Turkey, instead accepting Turkey's unsupported assertion that the headscarf symbolized radical political Islam and the subordination of women. While the Court found that the ban violated women's rights to religious expression, it did not require Turkey to prove that the presence of women in headscarves in university classrooms posed an actual or serious threat to its secular democracy. There was no evidence that Şahin's choice to cover caused any disruption or violence or forced any female student to wear the headscarf against her will. Rather than require Turkey to prove that the headscarf ban was necessary and reasonable, the ECHR chose to apply a wide margin of appreciation to the ban, even though no other European nation banned female university students from wearing the headscarf or engaging in other types of religious expression.

The ECHR decision essentializes both Islam and Muslim women like Leyla Şahin, resurrecting Western Orientalist narratives that construct Islam as the dangerous and uncivilized "Other" that oppresses Muslim women. The ECHR justifies the regulation of Muslim women's bodies as a means to emancipate them from Islam, which the ECHR criticized as incompatible with Western principles of gender equality. The Court's criticism of Islam,

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however, was unsupported by any evidence or analysis. Şahin testified that she freely chose to wear the headscarf because of her religious beliefs, which contradicts the Court's characterization of Islam as oppressing women. The ECHR ignored her uncontradicted testimony, concluding that the headscarf was a "powerful external symbol" that appeared to be imposed upon women by a religion "that was hard to reconcile with the principle of gender equality" (*Şahin v. Turkey* 2007, 127–29). The Court assumed, without evidence, that Şahin and the other university students who chose to wear headscarves were passive pawns of radical Islam, lacking the ability to reason or choose their beliefs.

The decision of the ECHR to defer to Turkey's secular elites effectively insulated the headscarf ban from meaningful review under the Convention, aligning the Turkish secular elites with the West against Islam. In upholding the headscarf ban under European human rights law, the ECHR reproduces colonialist narratives that construct Muslim women as passive victims, Muslim men as their barbaric oppressors, and European geopolitical powers as the heroic agents of women's emancipation. The debates in European nations that have adopted or considered adopting anti-headscarf legislation similarly have essentialized Islam and reinvoked colonialist narratives constructing the headscarf as a symbol of the subordination of women under Islam and the supposed threat posed by radical political Islam. The debates in Europe have occurred in the context of the post-9/11 world, which has been marked by growing anti-Muslim sentiment. While these local struggles are a part of the global struggle in the West over Islam, they also reflect the particular issues faced by nations dealing with an influx of Muslim immigrants at a time when globalization itself threatens to erode national identity.

Supporters of the 2004 ban on schoolgirls' wearing headscarves in France, for example, argued that the headscarf symbolized the subordination of women under Islam and conflicted with French notions of gender equality. In *The Politics of the Veil*, Joan Wallach Scott argues that the French headscarf debate has played out in the context of France's history of colonial domination of Algeria, as well as its difficulties dealing with an immigrant population, many of whom are Muslim and Algerian. The political debate over the Islamic veil reinvoked French colonialist narratives that depicted Islam and Muslims as a separate and inferior race, the barbaric "Other" that required civilization by force, if necessary. In this colonialist masculine narrative, French men are cast as the heroic warriors who rescue women from the oppression of Islam and Algerian Muslim men. Supporters of the ban, however, also include conservative and anti-immigration nationalists who

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have seized upon the headscarf as the symbolic site of the battle for French identity. As Scott argues, the Popular Front and others seek to preserve what they consider to be the "true" French identity against Muslims and North African immigrants (2007).

As in Turkey, the headscarf debate in France illustrates the dynamic relationship between local and global masculinities. In both nations, the headscarf and the bodies of Muslim women function as the site for the construction of highly contested local and global masculinities. Examining the headscarf debates through the lens of masculinity theory illuminates the reciprocal relationship between the construction of the state and gender relations. In both places, the headscarf constructs boundaries of identity and difference, through both local and global masculinities.

Conclusion

Masculinities theory enriches our understanding of veiling as a gendered practice that constructs masculinity, the nation, and global relations of power. The headscarf in Turkey constructs boundaries of identity and difference—between men and women, Turkish secular elites and political Islamic leaders, and the global West and transnational Islam. Atatürk sought to restructure Turkish gender relations to emancipate women and erase the boundaries between the public and private under Islam. The removal of the headscarf was critical to his goal of creating the Ideal Woman in the new Turkish Republic, one that was Western and modern. The bodies of women were fundamental to the establishment of a new national and Western identity. With the rise of Islamic political parties in the 1980s, male Islamic political leaders likewise used the headscarf as the site to mobilize political support for their political program.

The young Islamic university women who organized politically to challenge the headscarf ban—the Leyla Şahins of the 1980s and 1990s—refused to conform to the gendered expectations of either the secularists or the Islamists. Today, many young women continue to negotiate their religious beliefs with their sense of themselves as women in the public, and global, sphere. These women have participated in the construction of a rights-based discourse rooted in democratic and liberal notions of the individual, defining themselves as autonomous individuals and not merely members of the Islamic *umma*. Their political activism against the ban, and their use of an individual rights discourse, disrupt both secular and Islamic masculinities, and challenge the Orientalist assumptions reflected in the ECHR's analysis in *Şahin*.

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