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Justification of headscarf bans in Europe and Turkey: A comparative analysis

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ABSTRACT

This study aims to descriptively analyze public debates in Europe and Turkey on Muslim women's head coverings in the context of similarities and differences. The main question the study attempts to answer is: How are the headscarf bans in Europe and Turkey discursively constructed and justified after 9/11 in Europe and the 28 February 1997 era in Turkey and what differences and parallels can be observed? With this question in mind, I first summarize the practices regarding the headscarf in Europe and Turkey and the policies adopted by the states. I also examine how headscarf bans are justified in public discourses in European countries and in Turkey. What the study ultimately reveals is that despite their differences in cultural, religious, and socio-political backgrounds, the European countries and Turkey have developed comparable perspectives and procedures regarding the representation of Muslim women in the public sphere during the historical eras compared.

KEYWORDS Headscarf ban; Turban; Muslim women; Turkey; Europe

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Introduction

Europeans have had various encounters with Muslims throughout history, and their historical relationships and colonial pasts have shaped European consciousness. In the aftermath of the devastation of the Second World War, the labor that European states needed came mostly from their colonies with Muslim populations, and these people, initially seen as temporary workers, settled with their families in European cities. While the first generation of migrant workers was defined as temporary migration and represented by single men who were factory workers, the second generation was represented by young men "beur," who were associated with Arab culture (Göle, 2012, p. 141). Today, European Muslim immigrants are defined by the Muslim woman's headscarf. The feminization and Islamization

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of the immigrant population have thus been noted and also questioned. The highly visible headscarf points to religious differences and the covering of the body draws attention to immigrant women (Sauer, 2009).

The headscarf, which came to the fore with the debates in France in 1989, was initially welcomed in different ways in European countries. However, political discourses and policies against covering began to spread across Europe over time with visible consequences (Piatti-Crocker & Tasch, 2015). The anti-veiling discourses and practices spreading in Europe are interestingly similar to the arguments and practices that came to the fore in the postmodern coup era of 28 February 1997, which marked a turning point in Turkey's recent past.[1] The Turkish state has long resisted the public appearance of the headscarf, banning it in public spaces until the 2010s. Europe, on the other hand, put banning the Muslim headscarf on the agenda after 2000. Despite the difference in the timing of the introduction of the bans, the similarities between European countries and Turkey in terms of banning the headscarf in public spaces make for an interesting comparison. While Turkey ended its ban against the headscarf in the 2010s, European countries entered a period of ban in the aftermath of −9/11 trauma.

This study aims to analyze public debates on Muslim women's head coverings in Europe and Turkey in the context of similarities and differences. The main question that I will seek to answer in my study is: How are the headscarf bans in Europe and Turkey discursively constructed and justified in different periods, namely after 9/11 in Europe and the 28 February era in Turkey, and what differences and parallels can be observed? With this question in mind, I will first summarize the practices regarding the headscarf in Europe and Turkey and the policies adopted by the states. I will also examine how headscarf bans are justified in public discourses in European countries and in Turkey. In doing so I will trace how despite their culturally, religiously, and socio-politically different historical experiences, the European countries and Turkey have produced similar perspectives and policies regarding the representation of Muslim women in the public sphere.

Bans on head covering in Europe

When German President Christian Wulf said in 2010 that "Islam has now become a part of German history", his words provoked a huge reaction. As Özyürek (2015, p. 2) argued, Germans who embraced Islam were (and still are) accused of being traitors, internal enemies, and even potential terrorists. Particularly in the post-9/11 period, political discourse highly considers being European and being Muslim as two incompatible categories (Mustafa, 2020, p. 4). According to a study conducted in 2015, 57% of non-Muslims in Germany stated that they see Islam as a threat and 40% said that they do not feel at home in their homeland (Weichselbaumer, 2016, p. 2).

Furthermore, attitudes towards covered women are more negative than the general attitude towards Muslims. According to Helbling's 2014 study, those who are against Muslims make up only a quarter of the respondents in six European countries but almost 60% of the participants oppose the headscarf in public (Weichselbaumer, 2016, p. 3). Recent empirical studies also reveal that there are a measure of discrimination against the headscarf in Europe (Choi et al., 2021; Weichselbaumer, 2020).

Discussions about Muslim women's head coverings were heated by the banning of religious symbols in France in 2004. The colonial history of European countries and the issue of immigration play an important role in the headscarf debate. For Selby (2014, p. 704), the perception of the passive, submissive, exotically sexualized headscarf has evolved over time into meanings related to terrorism and was politicized after the end of Algerian colonialism, the Iranian revolution, the Gulf War, and 9/11. While the treatment of Muslims in Europe has been discussed in the context of Islamophobia as well as discrimination against them in the academia and civil society, the restrictive measures in legal processes and government policies against Muslims, especially Muslim women's clothing, has not received enough attention (Open Society Justice Initiative, 2018, p. 3). In the countries of the European Union, we can see that different types of bans have been introduced for different forms of coverings used by Muslim women and that these bans have become more prevalent in recent years. According to a report published by the Open Society Justice Initiative (2018, p. 4), the bans can be categorized into five different levels in terms of its scope: at the national level covering the whole country (a national general ban), at the particular national sector level such as the civil services (a national specific ban), at the local general level (a ban that applies to a region, city, or a district), at the local specific level (a ban that applies to particular sectors such as teaching jobs in particular cities), and at the private institution level such as in restaurants.

In Europe, bans on Islamic clothing were largely introduced after 9/11. France and Belgium are the EU countries with the most bans on Muslim women's clothing. Austria, Germany, Denmark, the Netherlands, Spain, Italy, and Bulgaria also have significant bans affecting Muslim women (Open Society Justice Initiative, 2018, pp. 5–6). As of 2018, France (2010), Belgium (2011), Bulgaria (2016), Austria (2017), and Denmark (2018) have banned face coverings at the national level, with penalties ranging from fines and prison sentences to compulsory civic education. The ban was also introduced in the Netherlands in 2016,[2] in Germany in 2017, and in Norway in 2018. The public debates that began in 1989 with the expulsion of three students wearing headscarves from their school in Creil, north of Paris, continued in 2004 with the ban on headscarves in French schools, in line with the decisions of the Stasi Commission that published a report on laicité. The debate that began in the education sector expanded, and by 2010,

face-covering, being considered incompatible with human dignity, gender equality, and freedom, was banned in France on the grounds of social harmony and public order (Letiinga & Saharso, 2012, p. 327). Moreover, the argument of political Islam was also used to justify the bans. For example, when the initiative to ban the body-covering "burkini" was discussed in 2016, Prime Minister Manuel Vals saw it as "an endorsement of political Islam in the public sphere" ("The Islamic veil across Europe," 2018). According to Scott (2007, p. 10), the growing opposition to the headscarf in France, with its assimilationist policies and an understanding of equality as sameness, points to the much deeper problems of racism, post-colonial guilt and fear, nationalist ideologies including republicanism, secularism, abstract individualism, and gender norms. She argues that Islamophobia was an important part of French colonialism and that while secularism is the outward justification, French racism is behind the opposition to the headscarf, which dates back to the Algerian occupation. The headscarf has thus been coded as one of the main points of disagreement between France and Islam, not only in religious but also in ethnic and cultural terms (Scott, 2007, p. 41).

Justification of headscarf bans in Europe

The way societies understand and see is shaped by discourses formed through power relations. Who/what is left out and who/what is included is determined by discourse. Foucault (1970; as cited in Young, 1981, pp. 52–53) expressed the exclusionary, restrictive role of discourses and claimed that " … discourse is not simply that which translates struggles or systems of domination but is the thing for which and by which there is struggle, discourse is the power which is to be seized." Accordingly, the discourse that legitimizes headscarf bans reflect power relations that exclude women with headscarves from the public sphere.

Bans on the Muslim head covering in the EU countries are presented to the public by politicians, judges, and other public figures with various justifications. Emphasis on the need for integration and assimilation, providing national security and preventing terrorism, ensuring equality between men and women, maintaining impartiality and secularism, and the desire for a homogeneous society stand out among the suggested justifications. (Open Society Justice Initiative, 2018, p. 7). The emphasis on integration points to Europe's retreat from its multicultural approach, and even in the Netherlands, which is an example in this respect, multicultural policies are no longer seen as a valid method of managing religious, cultural, and ethnic differences. In this context, covering the body is seen as a sign of unwillingness to integrate into democratic values of European society (Sauer, 2009, p. 77). However, it is argued that the headscarf bans enacted to integrate Muslims into European

society create a situation that prevents integration rather than fulfills this purpose (Scott, 2007, p. 179; Abdelgadir & Fouka, 2020).

The covered women who are the subject of today's discussion are, unlike their immigrant grandmothers, urbanized and educated European Muslim individuals who are citizens of the country in which they live and they wish to participate in public life. However, access to education, work, participation in the public sphere, and even access to public services has become problematic for the women covered. According to Göle (2012, p. 142), the main reason why the headscarf was not discussed in previous generations of immigrants was because it was far from the public eye and the covered women did not have concerns such as getting an education, being in the public sphere, or participating in urban life.

The growing discomfort with Muslims living in Europe in recent decades can actually be seen as a result of Muslims' desire to integrate into the society in which they live. As Göle (2015, p. 275) points out, the rising visibility of Muslims in society as they overcome the seclusion of their immigrant past creates discomfort in the European consciousness. Moreover, the juxtaposition of Islam with terrorism and violence after 9/11 reinforced the widespread belief among Europeans that European values and Islamic values are incompatible. Indeed, many professional Muslims living in Europe who are well-educated and fluent in the language of the society in which they live are still suspected of their integration into European societies and are under constant scrutiny and discrimination.

Moreover, the presence of Muslim women in the secular European public sphere was seen as disturbing for a secular Europe, which was why the headscarf became a determining factor in the secularism debate in France (Göle, 2015, p. 40). Interestingly, even in Germany who has adopted a model of harmony in terms of religion-state relations that is far from French secularism, a situation similar to that in France developed after 2000, and the public appearance of Islam began to be debated not within the framework of the freedom of religious beliefs, but based on neutrality and secularism (Göle, 2015, p. 90). According to a law enacted in 2021, the use of visible symbols by civil servants may be prohibited on the grounds of partiality. President F. W. Steinmeier stated that religious symbols could be restricted or banned if it is considered that they do not ensure impartiality (Dalaman, 2021). Thus, the principle of neutrality began to be used not for the state but for the citizens, and as Jean Bauberot, an expert in French secularism stated, the definition of secularism was distorted (Göle, 2015, p. 159).

In addition to the anti-Muslim stance of the European media, which plays a role in shaping European public opinion on Islam and the headscarf, negative discourses by political leaders such as N. Sarkozy (2007–2012), F. Holland (2012–2017) and E. Macron (2017-) in France, G. Wilders in the Netherlands, and B. Johnson (2019–2022) in Britain have also provided political support

for exclusionary attitudes and actions against Muslim women. Islamophobic attacks increased by 375% in the week following former British Prime Minister Boris Johnson's comments comparing women wearing burqas to letterboxes and bank robbers (Mustafa, 2020, p. 6). In addition, figures such as Ayan Hirsi Ali and Fadela Amara, who are from Muslim backgrounds but famous for their fierce criticism of Islam and Muslims in the European public sphere, particularly concerning gender issues, fueled the negative approach to the practice of head covering.

The frame of victimization of Muslim women in the headscarf debate has emerged in all European countries (Andreassen & Letinga, 2012, p. 18). Muslim women's body and head coverings are seen as in conflict with the idea of gender equality, and it is argued that the wearing of the headscarf or veil is a result of the internalization of gender discriminatory norms. Across Europe, many feminists stood out opposing the headscarf. Many French feminists viewed sexual exhibitionism in their society as derogatory until they entered into an ideological confrontation with Islam. During the headscarf debates, their concerns of reducing woman to a sexed body were set aside and equality and sexual liberation were seen as synonymous, and they equated this liberation with the visibility of the female body (Scott, 2007, p. 156). Feminist Elizabeth Badinter deliberately associated the veil with sexuality and objected to the comparison of veiled women with nuns. According to Badinter, veiling of the nuns was appropriate because they have no sexual function, but it was not appropriate to veil Muslim women because they are wives and mothers and thus sexually active. (Mancini, 2012, p. 421).

As Sara R. Farris (2017, p. 2) has pointed out, feminists, nationalists, and neoliberal advocates have all deployed anti-Islam narratives in the name of women's rights. Farris introduced the concept of "femonationalism," referring to both "the exploitation of feminist themes by nationalists and neoliberals in anti-Islam campaigns and to the participation of certain feminists and femocrats in the stigmatization of Muslim men under the banner of gender equality" (Farris, 2017, p. 4). She saw the rising ideological formation of femonationalism in European countries such as the Netherlands, France, and Italy.

After 9/11, Islam and Muslims were considered a security issue, which then turned the Muslim women's head covering into a security issue in public debates (Ati, 2019). In fact, it went beyond public debates and was adopted by the most important human rights judicial authorities, such as the European Court of Human Rights (Ati, 2019, p. 24). There is no common policy on the headscarf in all EU countries, and the European Court of Human Rights (ECHR) and the European Court of Justice (CJEU) have allowed freedom to states and private organizations in the matters of hijab policies. The European Court of Human Rights (ECHR) did not interpret

religious freedom unconditionally and assessed that the headscarf could be banned in cases where it was considered inconsistent with public freedoms and security (Selby, 2014, p. 702). In cases such as El Mursii v. France, and S.A.S. v. France, headscarves were considered to be a matter of public safety.

The rulings of the European Court of Human Rights (ECHR) that defined headscarves and veiled women as security issue have had several consequences. First, the security approach affected the decision-making processes of other supranational courts. Thus, the European Court of Justice has also ruled that the headscarf can be banned if necessary. For example, in the Achbita case, the European Court of Justice (CJEU) did not consider the dismissal of an employee who refused to uncover her head to be a discriminatory practice. In addition, on 15 July 2021, the European Court of Justice ruled, in the case of two women who had been banned from wearing headscarves by their employers in Germany, that employers can prohibit religious symbols of their employees in order to ensure impartiality towards customers (Rankin, 2021).

It is argued that the ECH's stance on the Muslim headscarf indicates that the Western European judiciary is neither neutral nor apolitical. What their decisions expose is that judicial human rights held up as morally superior to the nation-states have abandoned their role as neutral audience and have become subject to national security policies (Edmunds, 2020, p. 316). As a result, despite the fact that freedom of religion and conscience, as well as minority rights, are losing their meaning across Europe, the bans, couched in the discourses of integration and women's rights, force Muslim women in Europe to uncover their heads in the name of human rights.

All of this brings to mind the norms of public space in Europe and the question of who can enter public space and who cannot. In this case, can we say that this is a public space that represents differences, or is it a space that is open only to the homogeneous mass that comes together under one norm? How can we explain this exclusion of covered women from education, work, and other social spheres?

Headscarf bans in Turkey

The majority of women in Turkey wear some form of headscarf (Çarkoğlu & Toprak, 2006; Konda Barometresi, 2010; Nişancı, 2023). However, Turkey's relationship with religion and its symbols has a rather problematic past. The state's approach to religion and religious identity in the public sphere was based on the model of the French Third Republic, but Turkish elites have gone further than France in excluding and even criminalizing the appearance and symbols of Islam from social life for most of the twentieth century (Aktürk, 2016, p. 143). There is a deep divide between the people who make up the religious conservative majority in the country and the

modernist secularist elites who have been at the center for many years. Despite its Western and authoritarian political practices, Turkish society remains religious.[3]

After the establishment of the republic in 1923, a series of laws banning the public visibility of Islam were quickly implemented in Turkey. These included the closure of dervish lodges and zawiyas where Muslim mystic sects would gather, as well as the closing of tombs. Additionally, there was a shift to Latinization of the alphabet, replacing scales and calendars to meet Western standards, the Turkification of the azan from Arabic, the abolition of Islamic law, and the closure of madrasas that provided religious education since the era of the Ottoman Empire. Western dress was also one of the new developments that defined the secular republic. Thus, the wearing of clothing that indicated religious status was banned, and men were obliged to wear hats (which is still in force), while women were encouraged to dress in Western style.

Women's rights were considered one of the most important issues of the new regime. Turkish women were given a critical role in the construction of the modern Turkish identity that the founders sought to achieve. Although the headscarf was not banned by law, it was portrayed as a symbol of backwardness. Local administrations held ceremonies where educated women took off their headscarves to encourage other women, and women dancing in shorts and dresses at national parades were praised by the new regime (Akboğa, 2020, p. 85).

Laicism, which was adopted as a constitutional principle in 1937, was interpreted in an authoritarian way, not as the separation of religion and state affairs, but as the arbitrary intervention of the state in the religious sphere. In this way, religion was accepted as long as it remained in the private sphere, had no public visibility, and was under the control of the state. Religious practices and symbols in the public view were seen as anti-secularism and thus banned (Albayrak, 2019). So much so that the threat of reactionism and the protection of laicism were presented as the main reasons for all military coups, except for the coup attempt of 15 July 2016.

The headscarf seen as an element of underdevelopment, poverty, and past tradition was for many years considered as distinct from urban and modern values, and its presence in urban spaces was problematized. With the urbanization that began after the 1950s, families migrated from rural areas to the cities and their girl children benefited from educational opportunities. However, the secularist ruling elites saw young girls and women who continued to wear their headscarves in urban public spaces as a threat to the modernizing society.

The headscarf started to become a public issue in the 1960s. For example, Gülsen Ataseven who graduated with the highest degree in medicine in 1963 was not given the high achievement award she deserved because she was

wearing a headscarf (Akboğa, 2020). Thirty years later, in the environment of the 1997 post-modern coup d'état, the issue gained a new dimension with the banning of the headscarf based on the interpretation of the Constitutional Court, and the headscarf was completely excluded from public institutions.

The coup of 28 February 1997, known as the "post-modern" coup, was carried out with the support of the media, a group of significant academics, and secularist politicians (Yavuz, 2009). Some NGOs and notable businessmen also supported the coup to overthrow the government. The main justification for this coup was the danger of reactionism and the protection of secularism. In the period following the coup, many civil servants and employees known to be religious were dismissed from both state institutions and the private sectors. During this period, 418 lecturers were accused of being reactionary and 139 higher education staff were dismissed on the grounds of violating the dress code (Eğitimciler Birliği Sendikası, 2014). Between 1998 and 2002, 5,000 women wearing headscarves were dismissed on the same grounds and about 10,000 were forced to resign (Cindoğlu, 2011, p. 36). In addition, military officers whose spouses wore headscarves were expelled from the army. On the other hand, religious education, which was already inadequate due to the secularist policies of the government, was damaged during this period and Quranic education was banned for children under the age of 12. The secondary education of the Imam Hatip schools that offer both secular and religious education was closed and the Imam Hatip graduates of high school were prevented from entering the university. More importantly, the headscarf ban was implemented in all educational institutions, including high schools and universities both private and public. In 1998, around 3,000 female students were expelled from universities for not complying with the headscarf ban, and many students were given warnings and reprimands (Toruk, 2011, p. 487). Interestingly, in 2000, the ban was extended to include even the faculties teaching Islamic theology.

The scope of the ban was extended to other areas of the society with no differentiation between service recipients and service providers. Patients of and visitors to public hospitals, customers of restaurants, mothers sending their sons to military service, and parents attending graduation ceremonies were included in this extended scope of the headscarf ban. So much so that when Medine Bircan, a 71-year-old patient suffering from a severe case of cancer, went to the hospital, she was asked for a photo with her head uncovered, and she died the day her son brought the photoshopped photo with the uncovered head. Her son said: "Even though my mother said she didn't want a photograph like that, I had to photoshop it and add her hair because she had lost all her hair during chemotherapy" (Gökdemir et al., 2002).

Even if women did not cover their heads at work to avoid being pressured, they were still under scrutiny. For example, Aytaç Kılınç, a school principal, was dismissed even though she did not wear a headscarf at work because she was wearing it in her private time. The Council of State approved the dismissal of the teacher on the grounds that she would set a bad example for students even if she did not cover her head at school (Benli, 2008, p. 141). Erdoğan Teziç, one of the former heads of the Higher Education Institution (YÖK), defended the right to interfere in women's daily lives: "A judge cannot go to a market with a headscarf even though her head is uncovered on the podium. She cannot say this is my space of faith, my space of freedom. Teachers cannot go shopping with a headscarf as long as they are working as a schoolteacher" (Benli, 2008, p. 144).

All these bans were not based on any Turkish law but were maintained only within the framework of the Constitutional Court's interpretation of the legitimacy of the ban and the instructions given to the institutions by the administration. In fact, the Constitutional Court annulled a proposal made in 2008 to add a constitutional amendment that could lift the ban.[4] Instead they filed a closure case against the AK party (Justice and Development Party), the ruling political party that proposed the amendment. The freedom that came in the following years was not achieved through constitutional amendments, but through the AKP government's administrative actions, and the lifting of the headscarf ban in universities only became possible after 2011.

In the late 1990s, one of the most symbolic cases of the exclusion of covered women from public spaces took place in the parliament. Women in Turkey have had the right to vote and to be elected since the 1930s, but for many years the right to vote for Turkish women was only valid for women with a secular appearance approved by the secularist state. When two covered MPs were elected to parliament for the first time in the 1999 general election, a major political campaign was launched declaring that Turkish laicism was under threat. At the opening ceremony of the parliament, the new deputies took their oath of office and Nesrin Ünal from the nationalist party removed her headscarf and entered the parliament. On the other hand, Merve Kavakçı who attended the parliamentary session wearing a headscarf was expelled from the parliament to the shouts and protests of the deputies. They were responding to the call of the then Prime Minister Bülent Ecevit to "teach this woman a lesson" (Bek & Kara, 2022, p. 107). Later, Kavakçı's parliamentary status was revoked and she was stripped of her Turkish citizenship. After that, no woman wearing a headscarf could work in the public sector or sit in the parliament until the reforms were announced by the AKP government in 2013.[5] 121 of the 600 MPs elected in May 2023 elections were women. Some of them wear headscarves and

Mahinur Özdemir, the new Minister of Family and Social Services, is a woman who wears a headscarf.

Justification of headscarf bans in Turkey

Discourse determines our knowledge and understanding of the world and has implications for what we can and cannot do (Burr, 2012, p. 63). Knowledge and power are deeply interconnected. In Turkey, the representatives of the state and secular elites together have set rules about which practices are permissible and which are not resulting in exclusionary practices. In the climate of the 1990s coup era, women wearing headscarves were portrayed as symbolizing reactionism, opposition to modernization, and submission to the patriarchal order. The justifications made for banning the headscarf includes a threat to secularism, the problem of religious symbols in the public sphere, the use of the headscarf as a political symbol, the possibility of putting pressure on those who are uncovered, the lack of impartiality, and the incompatibility of the headscarf with contemporary clothing (Küçük, 2008). In addition, the claim that the headscarf reflects patriarchal oppression and that women cover under pressure have been circulating for a long time.

In applying the bans in Turkey, a distinction has been made between traditional and religious head covering and ideological and political headscarves. This transition from the headscarf to the *turban* has framed the headscarf of urban educated women as an ideological and political symbol and separated it from the traditional head covering. This semantic belt functioned as a legitimization to make the headscarf bans of the 28 February period reasonable.[6] Similar to the Turkish *turban* rhetoric that turns certain headscarves into a political symbol, Göle notes that in France after 2003, there has been a semantic transition from the headscarf (foulard) to the Islamic veil (voile islamique). Thus, the religious nature of the headscarf was further inflated to highlight its incompatibility with French secularism and French society was mobilized around laicite (Göle, 2015, p. 157).

One of the justifications for headscarf bans in public debates in Turkey was the argument that the headscarf was against Turkish laicism and against Atatürk's principles and reforms. Secularism was interpreted as the most important constitutional principle and aimed at institutionalizing the separation of religion and state in a Muslim majority country (Berghahn et al., 2012, p. 156). Moreover, although it is common to defend the headscarf ban with reference to Atatürk, it is a well-known fact that the founding leader of the new republic, Mustafa Kemal, did not enact a law banning the headscarf, although he supported Western-style clothing for women. Even in the first years of the republic, in some Anatolian cities (e.g., Trabzon, Giresun, etc.) neither provincial councils nor municipal committees could proceed with any legal

measures that bans the chador or the veil. During the Atatürk period, no bill against the headscarf that covers hair and neck, or veil that covers face was submitted to the parliament (Sarısaman, 1998).

As a political symbol, the headscarf was also seen as not conforming to the norms of the secular public sphere. The public sphere, contrary to Hannah Arendt's approach, became a space that erased individual differences and did not allow different voices to emerge. According to Arendt, however, the public sphere should be the space of emergence (Göle, 2015, p. 73). Those who have the courage to show their existence and particularity perform the act of citizenship and become citizens in the act of going public:

> Courage is the earliest of all political virtues, and even today it is still one of the few cardinal virtues of politics, because only by stepping out of our private existence and the familial relationships to which our lives are tied can we make our way into the common public world that is our truly political space (Arendt, 2005, p. 122).

Evaluating the concept of the public sphere in the context of political philosophy and sociology, Habermas also defined the public sphere as the domain of non-governmental opinions not restricted by the state, a sphere that can be accessed by all citizens and in which opinions can be expressed by all citizens. Seen from this perspective, we can conclude that the headscarf ban in Turkey represents the public sphere as a space where freedoms are restricted not exercised. The modernist public elites and bureaucracy have interpreted the public sphere in a way that excludes some women because of their headscarves and confines them to the private sphere (Erkilet, 2008, p. 78).

Furthermore, restrictions on the employment of women wearing headscarves during the period of 28 February and preventing them from holding public offices led to discussions on women's labor. Women wearing headscarves suffered a loss of welfare either by not being employed or by being forced to work in the private sector for low wages, even if they were skilled and qualified for better. As Özipek (2008, p. 16) noted, they experienced an inevitable decline in their social status. According to the results of a study carried out in 2010, when the headscarf ban was still in place, the proportion of women who stated that they faced serious problems in business life was 63% (Sencar et al., 2010). These women were excluded from the labor market and were employed in low-paid and unremarkable jobs (Cindoğlu, 2011, p. 9). Thus, the economic inequality that already existed to the detriment of women was exacerbated resulting in a deeper inequality for them.[7] Therefore, as Cindoğlu stated, the headscarf ban is an issue that should be considered in terms of women's representation in the labor market as well as in the context of women's human rights (Cindoğlu, 2011). Karahan and Tugsuz also exposed the headscarf ban in the Turkish

banking sector through their qualitative research on 30 professional women who were covered (Karahan & Tugsuz, 2021).[8]

The ban on headscarves in public spaces has also been framed in the context of impartiality. Based on the principle of the impartiality of the state, it has been widely claimed that the impartiality of the state could be affected if public servants wore headscarves. Similar to the context in France, the issue of impartiality in Turkey has been transformed into the impartiality of the individual rather than a characteristic of the state. Thus, the way the individuals dress becomes the marker for impartiality and not the democratic political process.

Another argument that stood out in the anti-headscarf discourse was that the headscarf was not a characteristic of Turkish society. Some claim that people who wear headscarves receive money from Saudi Arabia or Iran because headscarves are often associated with Sharia-ruled countries. Süleyman Demirel, the president of Turkey from 1993 to 2000, appeared on a television program in 2006 and said: "You can't enter the university with your head covered … It is not freedom, it is backwardness … Go to the places where you are taught with your head covered like Arabia, go there … " (Benli, 2011, p. 109).

The perceptions of women wearing headscarves as represented in the discourse suggest a homogeneous group of women. A homogeneous category of women is imagined, and individual differences are ignored (Özipek, 2008, p. 19). Also, by distinguishing between those who wear headscarves out of sincere faith and those who wear them for political reasons, women are discriminated against among themselves. The discourse that has taken root in secularist sections of society has led to frequent hate speech and discrimination against covered women. Although the bans have been officially lifted, discrimination against women wearing headscarves is still common.[9] The exclusionary and discriminatory statements against covered women made by public figures known for their secularist identity also make covered women fear that their rights may be violated again in the future.[10]

Discussion and conclusion

The VEIL project funded by the European Commission between 2006 and 2009 comparatively examined policies on the headscarf in eight European countries. The results of the project showed that the main factors determining regulations on the headscarf are the historical relations between religion and state and normative traditions, such as the highly valued individual rights in Denmark, the inclusive state-church relationship in Austria, and the principle of secularism in France and Turkey (Rosenberger & Sauer, 2012, p. 8). In the periods following this project, it can be observed that similar approaches and regulations on the headscarf are spreading across Europe.

When evaluating the debates on the headscarf in Europe and Turkey, many similarities and some differences stand out. First of all, for the majority of people in Turkey, the headscarf is not a threat but a religious and cultural expression. The main problem then is the secularist discourse of the elites and the limited segment of society that they influence. Even when the headscarf bans were intense and widespread, the overwhelming majority of the public was in favor of lifting the ban. In Europe, on the other hand, the headscarf has been constructed as a threat to national unity and antithetical to European identity, not only in the eyes of governments but also in the eyes of their constituents.

There are some unique differences in which the headscarf has been framed in public opinion in Europe and Turkey respectively. For example, when the headscarf is on the agenda in Europe, the issues of integration and security are among the most prominent arguments. In Turkey, on the other hand, integration has not been at the forefront of discussions, but the issue of security has been on the agenda, especially during the period of 28 February. Today, in Turkey, it is not very common for headscarves to be considered in the context of security, apart from the veil and face coverings. Unlike in Europe, the headscarf is more often associated with the discourse of anti-modernization, ignorance, reactionism, incompatibility with Atatürk's principles, and the fear of establishing an Islamic regime. Therefore, in Turkey, the issue has been treated as a problem of the lower classes and of the mass who resists modernization and secularization despite the long-standing secularist policies of the established political order.

There are, however, some striking similarities between Europe and Turkey in the justifications made for banning the headscarf and in the way it has been framed in public discourse. In Turkey, headscarves worn by rural women or headscarves worn by women cleaning or dishwashing in workplaces were not a problem except in the radical atmosphere of the 28 February period. The main problem was the headscarf worn in city centers, universities, parliament, holiday resorts, restaurants, business centers, and the military, in short, in modern public spaces. Similarly, in Europe, the visibility of the headscarves worn by urban women was a cause for concern. Europeans were suspicious of the headscarf brought by immigrants and were greatly affected by the rise of Islamophobia worldwide.

In addition, in both Turkey and Europe, the headscarf is portrayed as a symbol of radical Islam, an expression of Islam's misogyny, an obstacle to impartiality, and a violation of secularism and the secular public sphere. The fact that headscarves have been integrated into modern life and that the urban covered-women represent modernity other than secular Western modernity have been ignored. Moreover, in both Europe and Turkey, the headscarf was not seen as a personal preference of the woman wearing it

but as an inevitable expression of who they are. Covered women were invariably seen as lacking individual agency, as victims of the patriarchal religion.[11]

Furthermore, in both Europe and Turkey, the fact that covered women are found to be quite troubling and are subject to prohibitions in the public sphere even though their level of education and social status have increased points to an intersectional situation. European Muslim women are excluded because of their religious identity, ethnicity, culture, social class, and gender. On the other hand, covered women in Turkey experience discrimination based on gender, religious identity, and social class. In the case of Turkey, women who wear headscarves despite their rise in social status and public participation attract the reaction of Turkish secular elites and secular middle-upper-class groups who do not want to share their class privileges. Therefore, religious identity that cuts across class and gender identity is important to consider when analyzing the headscarf issue in Turkey.

In conclusion, as Entman (1993) points out, frames reveal some parts of reality and hide others, and these frames play an important role in the exercise of political power. Abu-Lughod (2013) also states that it is necessary to pay attention to how discourses built on the victimization of Muslim women and their representations in the political arena function both in politics and in practice, what they bring to our attention, and what they hide. Thus, what is highlighted and what is hidden, and what kind of power relations underlie the discourses on Muslim women's headscarves are the questions that need to be addressed in both cases of Turkey and Europe. These questions should be kept in mind in future analyses and studies.

Notes

1. On 28 February 1997, the National Security Council issued an ultimatum to the government. Instead of direct intervention by the Turkish army, the government was forced to resign by a coalition of the media, the judiciary, the academy, and the military. This is often referred to as the post-modern coup or the 28 February process.
2. When Geert Wilders introduced the face veil as a symbol of "radical Islam" in 2005, many parliamentarians agreed with Wilders on public order and security (Letiinga & Saharso, 2012, p. 324).
3. According to a study conducted in 2014, the rate of those who say they believe in Islam is 99.2%, the rate of those who do not doubt the existence of Allah is 98.7%, and the rate of those who believe that there is life after death is 96.2% (Diyanet İşleri Başkanlığı, 2014). This research also shows that the rate of those who define themselves as religious to varying degrees is around 87%. However, another study conducted in 2007 found different results. This study showed that 86% of the public believe in the existence of Allah, 85% of them pray and the rate of those who believe in life after death is 73% (MAK, 2017). One of the most recent studies on religiosity in Turkey found that more than half

of the participants (62%) describe themselves as religious or very religious (Nişancı, 2023).

4. Former leader of CHP (Republican People's Party) Kemal Kılıçdaroğlu was among the MPs who asked the Constitutional Court to annul the constitutional amendment that would allow the freedom to wear headscarves in public ("Anayasa Mahkemesine Türban Başvurusu," 2008).
5. The 2013 legal democratization reform lifted the headscarf ban in public services but excluded police officers, judges, and prosecutors. Freedom to wear headscarves was introduced for women in these professions in 2015.
6. The objections of covered women to this framing are evident in the field studies. One of the Turkish respondents Cindoğlu interviewed in her research thanked her for using the word "headscarf": "First of all, let me thank you for saying "headscarf" and avoiding *turban* when you began. Some people imposed the word *turban* upon us, and they just kept referring to it as such. What I wear is a headscarf, that's what I veil myself with" (Cindoğlu, 2011, p. 28).
7. As demonstrated in Weichselbaumer's (2016) empirical research, an experiment was conducted to examine discrimination against Muslim immigrant women. The study involved submitting to companies the CVs that were modified to conceal applicants' names and photos. The study found that Turkish immigrant women faced significant discrimination, especially if they wore a headscarf. It was found that all things being equal, a Turkish woman wearing a headscarf would need 4.5 times more applications to be called back than an applicant with a German name who did not wear a headscarf.
8. Covered women still face discriminatory treatment from the private sector, although they have been able to find jobs in state institutions because the bans have been lifted in the public sector. For example, according to a news report in the press in October 2020, a university student named Şeyma Bakan stated that she was not hired because she wore a headscarf in an automotive company where she applied for an internship in Bursa ("Son dakika!," 2020). According to another news, in May 2020, three young women were fired for wearing headscarves at a branch of a well-known supermarket chain in a shopping center in Beşiktaş, Istanbul ("Başörtülü oldukları için işten çıkarıldıkları iddiası," 2020).
9. On 22 July 2021, a minibus driver ran over a woman wearing a headscarf in Izmir. The driver who insulted the woman by saying "Do you think you are honored because you are covered!" was brought to court following the victim's complaint (CNN Türk, 2021). In July 2021, a woman passing by in Ortaköy insulted covered women waiting at a bus stop: "Slum women, scum. You are … " ("Beşiktaş'ta yaşlı kadından başörtülü kadınlara çirkin saldırı," 2021). In June 2021, a young academic wearing a headscarf, Neşe Nur Akkaya, was insulted and physically attacked by a man in the Nişantaşı district of Istanbul, who said, "What are you doing here, we don't want people like you here" ("Nişantaşı'nda başörtülü akademisyene saldırı," 2021). In July 2021, a woman wearing a headscarf was attacked by an uncovered woman in the Küçükçekmece district of Istanbul and had her headscarf removed ("Küçükçekmece'de başörtülü kadına saldırı kamerada," 2021). In November 2019, a young woman wearing a headscarf was attacked by a woman named Berrak Karaoğlu in Karaköy, Istanbul (https://www.aa.com.tr/tr/turkiye/besiktasta-basortulu-kadina-saldiri-davasi-basladi/1690067). In January 2019, a woman who attacked a female student wearing a headscarf in a minibus said, "If Atatürk were alive,

you wouldn't be able to go to school with a headscarf" and attacked her (Kinik & Aktürk, 2019). In March 2019, at Atatürk Airport, a person named Bülent Kökoğlu insulted a covered woman working at the airport with the words "blackbug ninja, the country's immoral people" and posted it on social media (Akbulut, 2019).

10. The well-known journalist Can Ataklı who is known for his prohibitionist rhetoric objected to the presence of teachers wearing headscarves on the TV channel that the Ministry of Education opened for students in 2020. He said, "It's wrong to present covered teachers as role models to millions of students. Don't tell me it's freedom or something … " and he framed the headscarf as a *turban* in the context of a political ideological symbol ("Son dakika haberi: Can Ataklı yine nefret kustu!," 2021). Fikri Sağlar, a former deputy of the Republican People's Party, framed the headscarf as a political symbol *turban* like Ataklı and said in December 2020, "I doubt that a judge wearing a headscarf will do justice." Covered women who want to exist in the public sphere working and making social contributions are sometimes subjected to severe insults. In fact, Özlem Zengin who is still a member of the Turkish parliament was attacked on social media by the lawyer Mert Yaşar. He posted on Twitter: "If the presidential cabinet was given the right to the first night, would Özlem Zengin close her beak?" ("Hukukçu Mert Yaşar'dan AK Partili Özlem Zengin'e ağır hakaret!," 2021).
11. Although veiling is seen as a lack of action, the Islamic head covering adopted by educated Muslim women can be interpreted on the one hand as an indicator of piety, and on the other hand as an indicator of educated urban intellectuality, a kind of modernity, in short, conscious activism (Abu-Lughod, 2013). So much so that many women in Turkey and Europe choose to cover their heads despite the objections of governments, men, and families, and this practice requires sacrifice and strength to resist which is not easy to afford. An Open Society Foundation study of 122 veiled women in the UK was published in 2015, and they found no evidence of parental pressure on women to cover their heads, and most of the pressure was to remove the veil: "There was no evidence that parents forced their daughters to wear the veil. In-depth testimonies have shown that when parents apply pressure, it is always to persuade their daughter to take off the veil" (Open Society Foundations, 2015).

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ABSTRACT IN TURKISH

Bu çalışma, Avrupa ve Türkiye'de Müslüman kadınların başörtüsüne dair kamusal tartışmaları benzerlikler ve farklılıklar bağlamında analiz etmeyi amaçlamaktadır. Çalışmada cevabı aranan temel soru şudur: "Avrupa ve Türkiye'de farklı zaman dilimlerinde (Avrupa'da 11 Eylül 2001 sonrası ve Türkiye'de 28 Şubat 1997 sonrası) uygulanan başörtüsü yasakları söylemsel olarak nasıl inşa edilmiş ve meşrulaştırılmıştır; bu bağlamda Türkiye ve Avrupa'da ne gibi farklılıklar ve paralellikler gözlemlenebilir?" Bu çerçevede, makalede öncelikle Avrupa ve Türkiye'de başörtüsü yasaklarına ilişkin uygulamalar ve devletlerin benimsediği politikalar özetlenmiştir. Ardından başörtüsü yasaklarının hem Avrupa'da hem de Türkiye'de kamusal söylemde nasıl meşrulaştırıldığına ışık tutulmuştur. Böylece, farklı kültürel, dini ve sosyo-politik arka planlarına rağmen, farklı tarihsel dönemlerde Müslüman kadınların kamusal alandaki temsiline ilişkin Türkiye'de ve Avrupa'da yapılan tartışmalar ve geliştirilen politikaların benzerlik ve farklılıkları ortaya konulmuştur.

KEYWORDS Başörtüsü Yasağı; türban; Müslüman kadın; Türkiye; Avrupa