

4. Banning religious garb

There has been a long history, across multiple countries, of banning religious garb in certain contexts in the name of secularism. For example, Pennsylvania's Religious Garb Act, which was originally passed in 1895 and renewed in 1949, prohibits public school teachers from wearing religious garb to class. ¹ At one point, 36 US states had such bans of religious garb, and some still remain on the books, despite not being enforced for many years.

In more recent years, France has both instituted and enforced bans on religious garb. In 2004, the French Assembly passed a law banning religious garb and display of religious symbols in public schools. Luc Ferry, the French minister of education at the time, said that the ban would "keep classrooms from being divided up into militant religious communities." ² Many in France support this ban, arguing that the display of religious garb and symbols is antithetical to instilling national civic values in students, and thus leads to both lack of assimilation and increased potential for radicalization.

In 2010, France passed a law banning all face coverings in public places, which, though not explicitly directed at religious garb, was widely seen as a ban targeting the niqab, a veil worn by some Muslim women. ³ Some argued in favor of the law on the basis that face-coverings prevent the clear identification of a person, which is both a security risk, and a social hindrance within a society which relies on facial recognition and expression in communication. However, many in France also argued explicitly that the niqab, and other such religious garb, must be banned because it prevents assimilation into French society.

Most recently, in 2016, a number of French towns have banned so-called burkinis, a type of full-body swimsuit, from French beaches. For example, Cannes passed a law according to which "access to beaches and for swimming is banned to anyone who does not have [bathing apparel] which respects good customs and secularism." ⁴ The French prime minister, Manuel Valls, has expressed support for such bans, arguing that the burkini is "not compatible with the values of the French Republic." ⁵

In the case of banning veils and full-body coverings, many have argued in favor of them on the grounds that they oppress women, as they are sometimes required of women, but never of men. Thus, they argue, whatever one thinks of banning religious garb in general, there are distinct reasons to ban veils and full-body coverings on the grounds that such garb promotes the oppression of women and is therefore incompatible with a secular, liberal society. Furthermore, they claim that Muslim women are often forced to wear religious garb by their families or spouses as a way of exerting control over them.

Opponents of such bans counter that most women who wear religious coverings such as the burqa, niqab, or burkini do so voluntarily, and, far from seeing themselves as oppressed, see themselves as free to assert their identity. Thus, opponents argue, banning such religious garb would actually serve to oppress women instead of liberating them. Furthermore, those who oppose all bans on religious garb argue that banning religious garb is incompatible with freedom of expression. Such debates raise interesting questions about when, if ever, and why, bans on religious garb are morally justified.

Study Questions

1. Are bans of veils and full-body coverings more morally justified than general bans?
2. Does wearing certain types of religious garb, such as the niqab, oppress women?
3. Are general bans on religious garb in places like public schools ever morally justified?

1. <http://www.washingtontimes.com/news/2014/dec/11/pennsylvania-teachers-cant-wear-religious-garb-to/>
2. <http://www.nytimes.com/2004/02/11/world/french-assembly-votes-to-ban-religious-symbols-in-schools.html? r=0>
3. <http://www.dailymail.co.uk/news/article-1312016/Frances-Senate-bans-women-wearing-burka-public.html>
4. <https://www.theguardian.com/world/2016/aug/11/cannes-mayor-bans-burkinis-beachwear-must-respect-secularism>
5. <https://www.theguardian.com/world/2016/aug/17/french-pm-supports-local-bans-burkinis>