

# The matter of face covering in the Netherlands

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## Five things you should know about the partial ban on face coverings



AVT19A21291558

Figure 1 Dutch government infographic

In 2018, the current government (a coalition of the VVD, the progressive liberal D66, the CDA and the orthodox Christian party - the Christian Union) defended a bill in the Senate introducing a ban on face covering. A few days later the Senate voted in favour of the Face Coverings (Partial Ban) Act which states:

“It is forbidden to wear clothing on public transport and in buildings and associated grounds of educational institutions, government institutions and healthcare institutions that completely covers the face or covers it in such a way that only the eyes are covered or renders the face unrecognisable.”

With some exceptions (residential healthcare facilities, health and safety regulations, professional or sporting activities, cultural activities), the offence is punishable with a fine of between €150 and €415. There is no prohibition on wearing such garments in the street.

The law came into effect on 1 August 2019. Although the text of the law itself appears to be neutral, the list of exceptions is not, as it leaves only three possible groups who could be targeted by the ban: masked robbers, people with helmets in health care and education and women wearing a face veil.

### The long debate

The ban on face-covering was the outcome of a protracted discussion in the Dutch Parliament. The subject itself was first raised in 2000, during a debate about integration policy, when the social-democrats (PvdA) argued against a ‘one-size fits all’ approach with regard to regulating the variety of value systems; they also said:

“...with respect to the constitutional rights which guarantee freedom of religion in our country and respecting the careful approach that serves a state in this area, on the basis of constitutional equality boundaries emerge with regard to the social consequences for groups and individuals, that arise from those other value systems. Examples are female circumcision and honour killings. It also begs the question as to whether a woman, whose face is largely invisible, can participate in our society. She cannot be identified by a third party, contrary to women with headscarves who are able to fully integrate in society and make a valuable contribution.”

Nothing was then heard for some time until, in 2005, the Freedom Party, led by Geert Wilders, and (separately) the conservative liberal party, the VVD, proposed a full ban. An attempt which failed. In 2011 the government (a coalition of the conservative liberal VVD and the Christian-Democrats CDA, supported by the Freedom Party), put forward a new proposal: a partial ban. After this government coalition collapsed, a new government (comprising the VVD and PvdA) was formed and, in 2013, a new proposal for a partial ban was submitted to Parliament. In 2018 the Senate (*Eerste Kamer*) agreed to a ban on face coverings in education, care facilities, public transport and government buildings. The current government (VVD, progressive liberal D66, CDA and orthodox Christian party Christian Union) defended the bill in the Senate.

### **Reconsidering the debate**

The main arguments in defence of the ban that were put forward in the political debates and in the wider public debate pertained to security, open communication, patriarchy and the oppression of women in culture, and Islam. It was argued that the ban does not discriminate, it applies to everyone and shows solidarity with women as it counteracts a practice that makes women invisible. Let us consider these arguments.

#### ***1) The niqab as a security problem***

The question then is how and for whom is this a matter of security? After all, as both police and public transport officers have indicated, hardly any security related incidents have come to light involving a Dutch woman with a face veil. There is, of course, the obligation to identify oneself, but this rarely or never leads to problems because almost everyone meets the requirement that the face must be shown. This is not to say that dress and behavioural codes based upon religion are never a security problem. However, refusing to vaccinate your children because of religious or philosophical beliefs seems to be a greater safety problem in the Netherlands (in view of the numbers), and a more serious one (in view of the possible consequences), and this has not proved reason enough for mandatory legislation. The face veil could be linked to so-called Salafism, but Salafism itself is not a security problem either, the face veil is not exclusively Salafist and not all women who try to follow the *salafi manhaj* wear a face veil! The face veil may well be related to feelings of insecurity, but to base legislation on such a feeling seems a bit strong. All the more so if those feelings of insecurity also stem from racist and sexist beliefs and ideologies.

What is particularly fascinating is a sub-argument put forward that these women ‘give Muslims and Islam a bad name’ and, in this way, contribute to Islamophobia. Yet, the legislative proposal and its implementation do not take into account any possible safety consequences for the women themselves. Indeed, the argument itself makes the objects of Islamophobic aggression responsible for negating that aggression.

**2) *We must be able to see each other's faces in public and certainly if we communicate with each other.***

You and I are living proof that this is clearly not the case. As you read this, I am communicating with you: I have written this piece and you are taking it in. You may say "yes, spot on" or "no, what a fool this man is," but that is probably about the text or the way I have written it, not about the fact that you can't see me at the moment!

So, we can communicate with one other without visual contact, just as we do on social media, on the phone or with blind people (or do you really want to claim that blind people cannot communicate?). Please feel free to contact me anonymously by leaving a comment.

**3) *The burqa is an expression of a patriarchal woman-suppressing culture or religion.***

Many women who wear the niqab are white Dutch women. So, to state that the Netherlands, as a whole, has a woman-suppressing patriarchal culture, seems far too general a claim to me. And to other cultures and religions as well. That does not mean that there are no patriarchal elements involved in the practice of wearing the face veil or that the face veil is not a product of a patriarchal system. It is, as are stiletto heels, suits, skirts and dresses and, in some religions, wigs! And there are no laws imposed on these. Admittedly, in the past, a ban on girls wearing navel piercings was proposed but this was only by schools themselves.

'But the women do not do this of their own volition: they are forced into it', is the counter argument. That could of course be possible, but this partial argument perhaps also makes clear how perverse the argument of women's oppression is: the niqab shows that women are oppressed and so we impose a fine on them. So we don't fine those who force the women to wear the niqab, but the victim herself. What's next? Fine a woman because domestic violence is forbidden?

Another partial argument that falls under this same category is that the women, by having to cover themselves up, are made responsible for the lustful looks and thoughts of men. Again, this may be the case, but with this ban they are also made responsible for the feelings of insecurity of others and for Islamophobia (See 1). Is that any better?

**4) *Solidarity with women who are fighting for self-determination.***

In countries such as Iran, women are campaigning to take off the headscarf and this ban would show solidarity with them. Nothing wrong with showing solidarity with these women, obviously, but as an argument in favour of the Dutch ban it is hardly valid. After all, the women in Iran are fighting for self-determination, among other things, and the way to do that is to remove the headscarf that is imposed on them from above. It is difficult to see how a Dutch ban could help women here and in Iran with their right to self-determination, unless you assume that none of the women here choose the niqab themselves, but based on existing research, that is simply incorrect.

**5) *We cannot see the women.***

I have always found one argument which is frequently put forward to be most peculiar: "Yes, but we cannot see women like that." The women are erased. But how? This very much depends on how you define women. What is not visible about these women? Their body shapes and face. And, for sure, wearing the niqab does mean that they are partially withdrawn from the social control exercised by other people and government surveillance. But there is no such thing as a given right to spy on the

other! At a time when the government is setting up face recognition projects, are these women wearing a face veil perhaps far ahead of their time?

In reality, a woman in a niqab is very noticeable: there are not that many in the Netherlands and no-one could describe their clothing style as common. In fact, these women are hyper-visible. Not in numbers, as they are few, but as a very small proportion of Dutch women who scarcely cause any demonstrable problems for whom an entire law and enforcement system must be set up.

#### ***6) The law applies to everyone, not just Muslim women.***

The last time I heard this argument was about five years ago. Mostly from the left who, most definitely, do not want to be accused of discriminating against Muslims! Indeed, at first glance, the wording of the law appears completely neutral. But let's be a little more critical. If you look at the history of the bill, the parliamentary debates, the request for advice and the advice given by the Council of State, then you can see it is all about one group: Muslim women and their religion. If we look at the exceptions made in the law, we can see that they are not neutral. Sinterklaas and Zwarte Piet [Santa Claus and his 'blacked up' assistant Peter] are exempt, as are the characters who dress up in the Carnival, for example. Along with this small group of Muslim women there are only two other characters who fall under this law: people wearing a helmet and people with a balaclava who walk into a bank, visit a doctor or school or board public transport. I can think of a whole range of reasons that these individuals might be fined! And then what comes next?? Is it about Japanese tourists who are no longer allowed to wear their masks? No, it's just about the headscarf.

#### **The law as a mainstream product**

Admittedly, not all of the counter-arguments I have presented against these six arguments for the burqa ban go directly against that ban: some have a high 'whataboutism' feel. That is not so surprising and indirectly points to another argument against the burqa ban: the ban is a solution to a problem that barely exists while, at the same time, bigger problems which diminish the quality of our lives in a real sense are not addressed!

This 'partial ban on covering the face' means that, because of the high visibility and fear of Islam, in addition to the social pressure, the indoctrination, and the severe social control that Muslim women have to endure, Dutch institutions are now also participating in the constant pressure put on them to adapt and conform. Let's face it, most Muslims want that too, fearful that they might have to deal with exclusion again (although their names and skin colour alone may be reason enough). And then we now also get the AD [a daily newspaper] with their 'explanation' of the law and the right to make civil arrests. The threat of physical violence is already present and there is real danger if you deviate from the ideal model of the Muslim citizen. No, this law is not about the position of the women in question, nor is it about safety or the motives or actions of the women that matter. It simply represents a perfect opportunity for the government to come across as being 'tough on Islam'; this is all that matters. Apparently, we do not need parties with rabid racist ideologies such as the PVV or FvD to introduce any racist and sexist laws.

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Originally published in Dutch on Martijn de Koning's blog [Closer](#) (August 2019)