
**The Headscarf Controversy**

Hilal Elver’s *The Headscarf Controversy* is a brave and informative account of Islamic headscarf debates in Turkey, Europe, and the United States. Through a detailed analysis of political and legal controversies involving Muslim women’s veiling, the book reveals the disturbingly anti-democratic turn that many secular democracies and their judicial institutions have taken in their attempts to prohibit the headscarf in various public domains. The result of such repressive legislation and general anti-Islam rhetoric has been the social and economic marginalization of hundreds of thousands of Muslims, including more than 60% of women in Turkey. As Elver points out the perspectives of pious women themselves who wear headscarves are conspicuously absent in all of the relevant political and legal debates. Of the Turkish case, especially, Elver argues that the national model of secularism is incompatible with religious freedom and minimum standards of liberal democracy.

In addition to presenting domestic policies, the book also examines the role of the European Court of Human Rights (ECHR) in failing to protect Muslim minorities by merely reinforcing domestic political fears of Islam. The ECHR and its shaping of European legal frameworks have been dramatically influenced by Turkish anti-headscarf policies despite the stark distinctiveness of Turkey’s religious-political dynamics and its own disempowerment vis-à-vis EU membership. Elver provides a fascinating analysis of the struggle between Turkey’s militantly secular bureaucracy & legal system and its religious society & elected representatives. This is essentially a struggle between new and old elites that is unique to Turkey’s history—and yet, its severe effects on Muslim women’s veiling have been deliberately carried over throughout Europe. Perhaps the book’s most valuable contribution lies in the nuances of this specific historical tension and its relationship to anti-headscarf policies upheld by European judges. Other significant contributions of the book include thoughtful counterarguments to domestic and European political anti-headscarf arguments and detailed presentations of judicial lack of evidence and politicization of the ECHR. More broadly, the book offers a solid overview of headscarf controversies and their harmful effects on many pious Muslim women.

The book is organized into two parts. Part I is devoted entirely to Turkey, “the only country where students who wear headscarves are not allowed to attend universities” (p. 15). Indeed, some students in headscarves have faced police barricades and found themselves in “persuasion rooms” aimed at overturning their religious practice, though remarkably, the majority of the Turkish public opposes headscarf prohibitions. Elver traces the origins of the repression and controversy to the country’s top-down cultural revolution and modernization project, based on emulating European culture as well as French republicanism and, crucially, “emancipating” Muslim women. In effort to stem the perceived Islamization of society,
government institutions continue to control religious education, going so far as issuing standardized sermons to local imams. Strict secularism, Elver argues, remains a “frozen concept” in the Turkish Constitution. Meanwhile, the military and the Constitutional Court have served as guardians of Kemalist ideology through a long history of takeovers and interventions. Despite this history, the country today seems headed toward a relaxation of headscarf policies, as the socially conservative (“pro-Islam”) ruling AKP finds itself tolerated by the military. Part I ends with an analysis of relevant court cases brought to the ECHR and the ways in which Turkish cases have been used as legal precedents to regulate headscarf practices.

Part II is somewhat weaker as it serves more as a broad overview of the controversy in France, Germany, and the U.S. rather than a detailed or comparative analysis. Its short thematic sections cover numerous questions but sacrifice depth. Elver describes the increasingly restrictive sense of citizenship in France and the fear of Islamic traditions which show the national headscarf ban and its aftermath to be about a “breakdown of multiculturalism” rather than a type of political struggle seen in Turkey. The chapter would have benefitted by explicitly engaging some of the arguments that have already been put forth about French laïcité, i.e. Can Islam be French? by John Bowen (2010) or a number of books by Jean Baubérot, rather than retelling the facts of the headscarf affairs. Following the chapter on France is a discussion of the debates in Germany, its federal system that has devolved authority onto individual states, its Christianized notion of neutrality, and the enormous consequences of local anti-headscarf policies for Muslim teachers and civil servants. Elver shows how legal and political arguments in various court cases merely concealed racist conceptions of Muslims. The final case is the United States, where the First Amendment and belief in parental rights have served as strong bases for the more open acceptance of religious minorities and the right to veil, whether among schoolgirls or employees. Although American courts have provided protection to Muslim women in headscarves, the state has deployed anti-terror and immigration laws to effectively monitor and harass many Muslims. At the same time employment discrimination against Muslims has dramatically increased since 2001. Elver analyzes several related legal cases toward an interesting speculation about how well headscarf-use will continue to be protected in light of the post-9/11 cultural shift against Muslim minorities. The book concludes by revisiting its major themes, including the vital role of courts in defining religious freedom and the limits of integrating Islam, as well as the tragic consequences for pious women whose own needs and desires become subordinate to the interests of the state.

The grand scope of the book leads to several lacunae in the central argument. Elver intermittently discusses the relevance of Turkey’s aspiration to join the European Union. But these intriguing nuggets throughout the book do not come together in an argument, thereby leaving it to the reader to decide how central Turkey’s EU ascension is to the overall headscarf controversy. Race, Islamophobia, gender, religion, and class are all called upon but are neither treated theoretically nor woven together. For example, the idea of Islam as a new racial category (leading to Islamophobia) is compelling but its analytic leverage and stakes remain