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Belgium's Headscarf Ban: Neutrality as the new Droit Divin

The European Court of Human Rights (ECHR) has upheld Belgium's ban on wearing headscarves in schools, a ruling that has reignited debates over religious freedom and secularism in Europe. The court found that the ban, intended to ensure 'neutrality' in public education, does not violate the European Convention on Human Rights. The case was initiated by a Muslim student who claimed the policy infringed on her rights to freedom of religion and education. However, the ECHR determined that the restriction was justified by the need to maintain 'neutrality', as expected.

This selective application of neutrality is hypocritical. While the headscarf, a symbol of a Muslima's identity, is banned in the name of neutrality, other religious symbols or practices do not face the same level of scrutiny or prohibition. For instance, Christian holidays and symbols may still be observed and displayed in various public contexts without similar restrictions. This disparity exposes that the policies are less about neutrality and more about targeting specific religious groups, Muslims, perpetuating a form of cultural bias and discrimination. The ban disproportionately affects Muslim women, limiting their educational opportunities and personal choices.

The headscarf holds deep significance for Muslim women, serving as a vital aspect of their identity and religious expression. Wearing it is an obligation by Allah (swt). Allah (swt) says in the Quran: ﴿وَقُل لِّلْمُؤْمِنَاتِ يَغْضُضْنَ مِنْ أَبْصَارِهِنَّ وَيَحْفَظْنَ فُرُوجَهُنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا وَلْيَضْرِبْنَ بِخُمُرِهِنَّ عَلَى جُيُوبِهِنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا لِبُعُولَتِهِنَّ...﴾ **"And say to the believing women that they should lower their gaze and guard their modesty; and that they should not display their beauty and ornaments except what must ordinarily appear thereof; that they should draw their veils over their bosoms and not display their beauty except to their husbands…"** [Al-Nur: 31]

It is no surprise that the ECHR rules against the headscarf and in favor of the ban. The hijab has been attacked for many years now, describing it as something backward and oppressive. France has even gone as far as to ban the abaya in the name of 'neutrality' in order to protect "laïcité", the separation of church and state. This principle called secularism has emerged as a reaction to the droit divin (divine right), the doctrine that refers to the idea that a monarch's authority to rule is granted directly by God, rather than being derived from the consent of the people or any secular legal system.

However, the fact that 'neutrality' is only discussed when it's about Islam and the visibility of Islam in public places shows that secularism has not only failed to eliminate the fundamental injustice of the divine right (droit divin) from the Middle Ages. Its proponents are now behaving exactly like the proponents of divine right in the past. In other words, exactly like the medievalists.

Because why is it that we only need to be neutral when it's about the hijab, abaya, prayers, Quran and everything else that has to do with Islam and our Islamic identity, but not when it's about Christian public holidays, the tolling of church bells, the presence of Catholic public schools and universities, the head coverings of Jewish women, and the kippah. The list goes on and on.

Ultimately, the attack on the hijab, and the Muslim woman in general, is a direct and intentional attack on her Islamic personality. It is an attack on Islam itself.

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