

Living Together with our Differences - A Story of Veils and Socialisation

The European Court of Human Rights has set a dangerous precedent that threatens religious freedom in Europe

Pinchas Goldschmidt must have raised some eyebrows recently when he attacked a decision of the European Court of Human Rights (ECHR) to uphold France's prohibition on wearing a burka or niqab in public. After all, it is not every day that a senior rabbi takes the side of Muslims in this way. Even still, the ruling was not just about Muslims anyway. As Rabbi Goldschmidt rightfully pointed out, the Court has set a dangerous precedent that threatens religious freedom in Europe.

What is remarkable about the decision is not so much the judgement itself as the path that the ECHR took to get there. One could make the case for prohibiting full-face coverings for the sake of public safety. This is the criminals-in-ski-masks argument. But instead, the Court accepted a highly disputable line of reasoning set forth by the French government.

The French claimed that the custom is degrading to women, endangers social cohesion and conflicts with the French notion of *laïcité*. The ECHR bought this argument and in so doing has undermined European values of pluralism, respect for diversity and the freedom of religion or belief. This ban should therefore not only concern Muslims or even religious people in general, who already face growing social hostility in many European countries. It should concern everyone who values the basic freedoms which constitute modern democratic societies.

Oddly, the Court evoked 'respect for the conditions of living together' as justification for supporting the French law. Apparently, 'living together' in France does not mean the same as it does for other Europeans, who seek to live respectfully in our increasingly diverse societies.

We should recall that it is for purposes of *living together* that the theocratic republic of Iran ruthlessly suppresses the country's religious minorities. It is for purposes of *living together* that the government of China actively represses any religious activity, claiming that it is a threat to national security. And it was in part for 'causing anxiety to the community' that a judge in Indonesia sentenced a man to two-and-a-half years in prison for questioning the existence of God on Facebook. *Living together* in any society implies an obligation to live with differences, including minority opinions, and to manage conflicts that inevitably arise.

Dr Aaron Rhodes, president of the Forum for Religious Freedom-Europe (FOREF), commented that with this ruling the ECHR has 'given priority to a vague social goal over the fundamental right to manifest one's religious beliefs and undermined the freedom of religion.'

It is doubtful that a small minority of veiled women have infringed on the right of others to 'live in a space of socialisation,' as the Court suggests, any more than pita bread has threatened the welfare of the baguette. Critiquing cultural and religious practices is ultimately not within the mandate of the ECHR. More important is protecting the democratic space in which the rights and freedoms of everyone are equally respected, even in their differences. Uniformity is the aim of dictators; respect for diversity is a hallmark of democracy.

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