

Article

The Use of Religious Signs in Schools in Germany, France, England and Spain: The Islamic Veil

Vicente Llorent-Bedmar [†], Lucía Torres-Zaragoza [†] and Encarnación Sánchez-Lissen ^{*,†}

Department of Theory and History of Education and Social Pedagogy, University of Sevilla, 41004 Sevilla, Spain

* Correspondence: eslissen@us.es

† These authors contributed equally to this work.

Abstract: The use of religious signs in schools, as in other areas of the public sphere, is a current topic, given that legislative changes are constantly taking place. In countries as close as Germany, France, England and Spain, the legislation governing the wearing of the Islamic veil differs considerably due to their different historical, cultural, social, economic and idiosyncratic contexts. Leaving aside the ethnocentric perspective, in this paper a comparative study of the situation was carried out in these four countries. The main results include a negative attitude towards the wearing of the Islamic veil in France as opposed to a more tolerant position in England and Spain. In the case of Germany, there is a greater diversity of positions due to the characteristic autonomy of each federal state. Given the different types of veils, the reasons for wearing them, the traditions of each society and regional idiosyncrasies, it is considered that, a priori, there should not be a fight against its use, although it is recommended to adopt a belligerent stance against its imposition.

Keywords: Islam; school; religion; women; veil



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1. Introduction

The European population is characterised by its linguistic and cultural heterogeneity, a situation that is further enhanced by the growing demographic diversity resulting from immigration from different regions of the world (Németh et al. 2020). In this new reality, the Muslim community takes an important place, since in numbers it is larger than the population of many European countries (Pew Research Center 2017). For this reason, and for a correct construction of Europe, it seems reasonable to ensure their social, cultural and educational inclusion (Piccione 2019).

The origin of Muslims arriving in the different countries of Europe is very varied, with Muslims in Spain coming mainly from Morocco (UCIDE 2020) and those in France come from the Maghreb (Institut National d'Études Démographiques [INED] 2009; Reitz et al. 2017), whereas the largest group of Muslims in Germany is made up of Turks (Pfündel et al. 2021) and in England, of Pakistanis (Office for National Statistics [ONS] 2013). It is necessary to take into account the differential peculiarities of European hosting societies and the societies of Muslim immigrant groups from other countries, where their customs, traditions and the practice of Islam itself have different features and characteristics, making it impossible to interpret Islam in a categorical way (Meer 2012).

The Muslim community brings a great cultural and religious diversity to European countries; however, their uses, traditions and religious practices are not well received by European societies, which are quite secularised (Scalvini 2016). Following the terrorist events of 9/11, as well as the ISIS terrorist attacks in some Western European countries, such as the United Kingdom, France, Germany and Spain, there has been a substantial increase in cases of Islamophobia and physical and verbal violence towards Muslims (Cervi 2020; Zempi 2019). In this regard, Muslim women wearing the veil have been the most affected group, as the veil is generally interpreted as a symbol of radicalisation and Islamic

fundamentalism (García-Yeste et al. 2020). As their religious differences become visible (Chakraborti and Zempi 2012), Muslim women become the target of both hate crimes and hate speech on the basis of their religion and gender, a phenomenon known as gender Islamophobia (Spini 2022).

An important issue for the Muslim community is the use of the Islamic veil. It is a very complex issue due to its relationship with religious freedom, gender equality, human rights, the culture of the Islamic world and, increasingly, the fear of political Islam (Parejo 2018; Stopler 2010). However, as well as being a complex issue, it is a matter with universal nuances and some trends can be noted. If respect for culture is encouraged, it is also influenced by other elements that have to do with family relations, tradition or peer pressure. Research studies have been conducted in the fields of anthropology, gender studies, historical and cultural identity research, as well as research of a strictly religious nature. All of them contribute a particular dimension to this topic, although nothing prevents us from thinking, as other studies show (Croucher 2008; Droogsma 2007), that the use of the veil is a way of showing a faith and visually creating community. In short, it is a clear example of non-verbal communication (Hochel 2013).

Although the European Union considers religious freedom and gender equality as fundamental rights, there is no regulated and final legislation on freedom (Boland 2021). In March 2017, the European Court of Justice in Luxembourg ruled on the wearing of the Islamic veil during working hours, concluding that employers can prohibit their employees from wearing visible religious symbols at work (CVRIA 2017).

The veil is used by many Muslim women primarily because of the interpretation of Surah 33, verse 59 of the Quran, which reads: “O Prophet, enjoin your wives and your daughters and the believing women, to draw a part of their outer coverings around them. It is likelier that they will be recognised and not molested” and from Surah 24, verse 31: “Tell the believing women to lower their gaze and guard their chastity, and not to reveal their adornments except what normally appears. Let them draw their veils over their chests, and not reveal their adornments except to their husbands, their fathers, their fathers-in-law, their sons, their stepsons, their brothers, their brothers’ sons or sisters’ sons, their fellow women, those “bondwomen” in their possession, male attendants with no desire, or children who are still unaware of women’s nakedness. Let them not stomp their feet, drawing attention to their hidden adornments. Turn to Allah in repentance all together, Oh believers, so that you may be successful”. The sacred texts of the Qur’an have various interpretations, among them are the interpretationist tendencies, developed by the Sufis, which refer to the veil as something immaterial. In turn, there is also a traditional and literal interpretation of the texts, including those concerning the wearing of the physical veil (Duderija 2015; Wekke 2018; Zainol et al. 2014). However, the use of the Islamic veil, to which numerous interpretations are attributed (Llorent-Bedmar 2009), still remains the focus of debate (Cerrina 2017).

It is essential to note the different types of veils and their uses in order to understand their diversity and the complexity of their regularisation in European public spaces (Araneda-Tapia 2019). First of all, it should be pointed out that its use is much older than the emergence of Islam. It was already mentioned as something common in the Assyrian Law attributed to Tiglath-Pileser (1116–1078 BC) and in the Bible. The traditional veils used in each region or village, the hijab, the integral veils such as the “niqab” or the “burqa”, which hide the identity of the person wearing it (Griera and Burchardt 2016), are some of the many types of veiling that exist. Sometimes, the veil has even acquired a different meaning for some Muslim women, becoming a fashion accessory, and a symbol of their own identity and modernity (Hassan and Ara 2021). If we add to this the fact that the same woman can give different meanings to the veil she wears depending on the reason why she wears it, we can understand that in Europe, too many opinions are often given without much knowledge of the subject.

Muslim women also wear the veil because of the positive connotations it has for them as a symbol of independence and liberation (Hasan 2018). Others claim to wear the veil for

reasons of spirituality and/or to maintain their identity, tradition and culture (Arar and Shapira 2016). In this sense, it is worth noting that some of them wear it in order to reaffirm their identity and fight against the strong stigmas and prejudices that exist about the veil (Najib and Hopkins 2019).

For a large part of Muslim women, the veil becomes a symbol of Islamic feminism, namely, of the struggle for Muslim women's empowerment and defiance of social and religious norms linked to the deeply rooted traditional Islamic patriarchal system (Althalathini et al. 2022). Islamic feminism, in turn, has been marginalised and poorly accepted by Western feminism, which establishes that Islam is incompatible with feminism (Durmus 2018).

The use of the Islamic veil is protected by the right to freedom of expression (Souto 2003; Loretti and Lozano 2019), by the right to one's own image and personal identity (Llamazares 2011; Aláez 2012) or by the right to respect for the cultural identity of the person (Castro-Jover 2002; Checa 2018). Notwithstanding, there are doubts, from the perspective of gender equality, specifically about its discriminatory nature (Rivas 2016), since in many cases it implies the subjugation and submission of the woman who wears it (Macías 2011), constituting in certain societies, regions and even families, a symbol of oppression that undermines the dignity of women (Holgado 2011; González-Urrego 2017).

Given the diversity of Islamic veils, it is difficult to establish a universal definition (Llorent-Bedmar 2009). In this research, it is necessary to define, first, the meaning given to the term veil, understood as "hijab", a headscarf that covers the head, hair, neck, ears and chest of women, which they wear in the presence of men outside their immediate family (Najib and Hopkins 2019). While the full Islamic veil refers to the garments that cover the face making facial recognition impossible, such as the "niqab" and "burqa", among others (Fillon 2011).

Despite the European Union's efforts to homogenise member countries' regulatory frameworks, the political, cultural and economic interests of each country make it difficult to standardise this legislation (Crettez and Deloche 2006). Hence, the present study aims to answer the question of what influence does the idiosyncrasy, history and culture of the study countries (Germany, England, France, and Spain) have on the regulatory framework regarding the use of the veil in both public and private spaces as well as in schools, considering that these elements can have either a positive, negative or even neutral influence on the regulatory framework of the use of the veil?

2. Methods

A cross-national and cross-cultural comparative study was conducted. A comparison was carried out between England, France, Germany and Spain. The comparison was developed considering the following aspects: the selection of the countries, the political system, the religious idiosyncrasy, the regulatory framework on the use of the veil in public and private spheres, the regulatory framework on the use of the veil in public and private schools, Islam teaching offer in public and private schools, and diachronic comparison of socio-historical events on the use of the veil from the end of the 20th century.

These units of data were collected through a literature study which combined a literature review and an integrative review of the data. It should be noted that empirical articles were also considered as part of the search in the systematic review. Data collection was complemented with grey literature, legislation, policies and socio-statistical data, among others (this selection and analysis of the data is further explained in the descriptive study section). Once the units of data were collected, they were compared by its juxtaposition. They were graphically displayed, which makes it possible to identify the differences and similarities of each of the dimensions analysed.

In order to conduct this research, a comparative study was carried out involving several European countries, specifically Germany, France, England and Spain. They were selected because they are the Western European countries with the highest number of Muslim immigrants, given that Muslims make up 8% of the population in France, 4.8% in

England, 8% in Spain, and between 6.4% and 6.7% in Germany (ONS 2012; Pfündel et al. 2021; The Pew Forum on Religion & Public Life 2009; UCIDE 2020).

Furthermore, these four countries were chosen because they have paradigmatic education systems, social structures and characteristics of and measures aimed at the inclusion of immigrants, which are clearly different from each other. England, despite having a national curriculum (*Education Act 2002* 2022, section 78), has a regionalised education system that provides a strong role for local education authorities, who are responsible for many aspects of education and have legislative authority on it (Cobano-Delgado et al. 2020; García-Garrido 2013; Office for Standards in Education 2001). It is also a constitutional monarchy, a confessional state and Anglicanism is the official religion (Sabau 2019). It stands out for its respect for immigrant groups and their links to their countries of origin, and the strong integration policies and strategies it implements (Ministry of Housing, Communities & Local Government 2019; Scott 2017).

The governance system of France is a semi-presidential republic (Lostao 2018). One of its characteristic features is highly centralised federal and educational system, with public educational institutions that have been secular for more than a century (Mabilon-Bonfils 2008; Maroy et al. 2016).

Germany has been selected because it is politically organised as a Parliamentary Federal Republic (Starck 2012) with a highly decentralised federal system, divided into 16 different states. Each federal state (land) legislates on and manages its own educational policy (Busemeyer and Seitzl 2017).

Finally, Spain was chosen because of the strong historical, social and cultural ties that have linked it for centuries with the country of origin of the vast majority of its Muslim immigrants, namely Morocco (Ouassini 2019; UCIDE 2020). Spain has a non-denominational constitutional monarchy (Varela 2018) in which municipalities, provinces and autonomous communities share policy-making powers and enjoy autonomy in management in many areas, including education (Souza 2021).

As we pointed out, these countries were selected because they have very different models of legislation, society and religious idiosyncrasy. We also justify this choice given the historical migrant background of the four countries (Migration Data Portal 2022). Although in the 20th century, Spain was a country of origin rather than a country of destination for migrants, at this point in the 21st century, Germany, France, England and Spain were characterised by being host countries with high immigrant population rates. This circumstance entails balancing the defence of the host country's own culture with the respect for the diversity of foreigners.

The comparative method in education was selected as the most appropriate one for this research, since it favours the interpretation of different societies, based on a historical and cultural analysis, making it possible to identify, learn from and even criticise the policies in different socio-cultural contexts (Broadfoot 2000; Watson 1998). It also provides a better understanding of the reality of countries with a longer tradition of migration, and a deeper knowledge of the models of interculturality embedded in their social and educational policies (Martínez-Usarralde 2006).

To this end, a comparative methodology was used, following the stages proposed by García-Garrido (1991). Our aim was not to establish standards but rather to understand the reality, and address its causes and reasons (Phillips and Schweisfurth 2014) and, to do so, we tried to distance ourselves from a potential ethnocentric position that could hamper our efforts to achieve an objective analysis of foreign cultures (Chankseliani 2017).

The stages of the method are made up of four well-defined steps, which are discussed below (García-Garrido 1991): 1. Identification of the problem; 2. Delimitation of the research; 3. Descriptive study (analytic stage); 4. Comparative study (synthetic stage).

2.1. Identification of the Problem

In this stage, the researcher focuses on locating the problem within the reality under study and decides to study it comparatively (Ruiz 2010).

This research raised the question of what effects does the idiosyncrasy, history and culture of the study countries (Germany, England, France, and Spain) have on the political measures regarding the use of the veil in both public and private spaces as well as in schools? In some countries, legislation is clearly tilted towards its prohibition, as is the case in France (Fraile 2005) or its limitation, in Germany (Fernández 2020; Ferrari and Pastorelli 2016). Other countries, such as England and Spain, do not implement policies for or against it, but give freedom of choice to schools and their autonomous communities respectively (EuropaPress 2019; Francis et al. 2017; Hispanidad 2019).

2.2. Delimitation of the Research

At this stage, the reality to be studied is defined in detail, keeping in mind that the broader the reality, the more complex the study will be. For this reason, it is necessary to clearly specify which areas and socio-cultural and educational aspects the researcher is going to focus on (García-Garrido 1991). In this research, the main interest is recognising the policies and legislations that control the use of the Islamic veil in schools.

Second, the reality of the study is framed, which refers to the historical, political, socio-cultural and educational evolution of the use of the veil from the end of the 20th century to the present in each of the countries studied (Germany, France, England and Spain).

To this end, the following research sub-questions were raised:

- What are the political, historical, socio-cultural and educational events from the end of the 20th century to the present that have influenced the regulatory framework of the use of the veil in Germany, France, England and Spain?
- What are the differences in the regulatory framework concerning the wearing of the veil in public and private spaces in Germany, France, England and Spain?
- What are the similarities and differences in the regulatory framework of the wearing of the veil in public and private schools in Germany, France, England and Spain?

It is worth defining the regulatory framework as the model adopted for each country for reforming and enacting regulations, laws and rules.

Objectives

Finally, we defined the general and specific objectives to be achieved. Specifically, the general objective was to analyse the policies and regulations of the use of the Islamic veil in Germany, France, England and Spain from a historical, political, socio-cultural and educational perspective.

In addition, the following specific objectives are proposed:

- Explaining the historical, political, social, and cultural events, from the end of the 20th century to the present, that have had an impact on the policies which regulate the use of the veil in Germany, France, England, and Spain.
- Identifying differences in the regulatory frameworks concerning the wearing of the Islamic headscarf in the countries under study.
- Comparing the policies controlling the wearing of the Islamic headscarf in public and private schools in Germany, France, England and Spain.

2.3. Descriptive Study

This stage includes the collection of data, which is analysed, examined and classified. In this section, a mere description of the data is presented, avoiding any personal or interpretative judgements (García-Garrido 1991; Llorent-Bedmar 2002). Hence, a systematic and integrative review is conducted to gather the information necessary for this descriptive stage. Firstly, a PRISMA methodology for systematic reviews is developed through four phases: identification, screening, eligibility, and inclusion (Page et al. 2021).

The scientific literature was obtained through a web search using Web of Science (WOS) and Scopus, due to being databases with the most relevant journals in Social Sciences. During the identification stage, the following keyword combination was used for both databases: Islam AND veil AND school; Islam AND veil AND policies; Islam AND

veil AND policies AND education; Islam AND veil AND Europe. A total of 186 articles were retrieved from this search.

The inclusion criteria established for this search was composed of articles as the only source type. The journal category selected for both Scopus and WOS was social sciences and arts and humanities. Language was another inclusion criteria, articles written in German, English, French and Spanish were included, due to being the study countries' language. Initially, articles from 1970 to present were selected as part of the inclusion criteria, since the historical description of the data starts from that date. Nevertheless, after searching the different keyword combinations, only published articles from 2000 to present were found. Therefore, articles from 2000 to January 2022 were included on the list.

In the screening phase, a total of 67 duplicates were removed from the list. The remaining articles were screened according to their title and abstract. The articles which did not focus either on Europe or the specific study countries, were also dismissed from the list. Additionally, those articles which did not deal with the use of the veil in educational contexts were excluded. Those related with health and environmental sciences as well as those in the field of economy, business and administration were rejected too. A total of 43 articles were removed from the list after this phase, leaving 76 articles in the sample.

In the last two phases, 24 articles were excluded from the literature review. Articles that focused on psychological effects and educational incomes related with the use of the veil were removed from the list. Those articles centred on the Muslim community or the religious education in schools but did not endeavour the use of the veil were also rejected. Finally, 52 full text articles were eligible for the systematic review based on the purpose of this research.

Integrative review methodologists claim that no database indexes all relevant literature, which leads to a limited depiction of studies and results. Hence, an integrative review entails a comprehensive search that includes a wide range of literature about the study issue, utilising different sources such as grey literature, which offers a broad-based approach that helps minimise bias and retrieve a wide range of relevant literature (Lawless and Foster 2020). To that end, in this study, a selection of books (Arlettaz 2015; Benhabib 2006; Ferrari and Pastorelli 2016; Galember 2004; Marabel 2016; Martí 2017; Martínez-Mas 2020; Motilla 2013; Sakaranaho 2015; Sharp 1987; Talpin 2018; Zeraoui and Marín 2006) were included on the integrative review. They were chosen following two different criteria: experts' recommendation and availability and complete access from the library's institution where the research was conducted. In the inclusion criteria of the books, the search was focused on books that worked on religious freedom, Islam, cultural diversity, and the use of the veil in educational settings in the countries under study. Books from 1970 to present and written in German, French, English and Spanish were considered as part of the inclusion criteria.

In addition to that, since statistical, sociological and migration data were necessary to cope with the objectives of this study, records from reputed organisations and foundations were also included in the integrative review (Amérigo and Pelayo 2013; Astor and Griera 2016; Astor 2017; EFE 2018, 2020; EuropaPress 2019; L'OBS 2014; Lemoyne 1991; Maier 2012; Migration Data Portal 2022; Roca 2012, 2013; Solé 2017; Thomassen 2017). The legislation and policies were specifically collected from the governmental data bases from the different countries of study including Government UK, Gouvernement France, Bundesministerium für Bildung und Forschung (Germany) and Ministerio de Educación y Formación Profesional (Spain). Allowing a review of the historical, socio-cultural and educational events associated to the use of the Islamic veil in private and public spheres and, more specifically, in schools.

2.4. Comparative Study

This is the last stage of the comparative method. Initially, a juxtaposition of the data, as proposed by Rosselló (1974), was carried out, in which the analytical data are collected graphically and compared with the descriptions of the previous phase. This juxtaposition must be global, consistent, clear and concise (Llorent-Bedmar 2002).

After this juxtaposition, an evaluative and/or prospective comparison was made, which is included in the discussion section, leading to the essential comparative conclusions and allows for an evaluation of the reality under study from a delimited and justified perspective (García-Garrido 1991). Since the comparative method provides an enhanced knowledge and understanding of actions in education in the different countries and the main trends in global education, it will enable a generation of better educational futures (Caballero et al. 2016).

3. Results of the Study

In keeping with the comparative nature of the research, this section shows the information on each of the countries, with a similar structure, and the attitudes of citizens in each country are described based on the cases mentioned.

3.1. Descriptive Study (Analytic Stage)

3.1.1. Germany

The Basic Law for the Federal Republic of Germany, in force since 1949, establishes the right to freedom of conscience and faith for all of Germany, prohibiting discrimination on the basis of race or religion and establishing religious neutrality (Jiménez-Blanco 2019). However, for decades, the concept of neutrality in the public space has generated a controversial model by combining, on the one hand, a non-denominational character and, on the other hand, aligning a model of cooperation for development (Maier 2012). For this reason, Elósegui (2019) maintains that the term religious neutrality can have up to three different nuances depending on the point of view. Firstly, he calls “positive neutrality” a position that defends a model of international cooperation that at the same time protects the Christian religion. Secondly, he argues that “strict neutrality” is part of a secularist model that distances itself from religious beliefs. Thirdly, it allows for a possible “friendly neutrality” that takes into account the separation of church and state and treats all religions equally regardless of their historical practice in Germany.

In 1998, an event took place in the state of Baden-Württemberg that determined a turning point in the interpretation of religious neutrality. The protagonist was a German teacher of Afghan origin named Fereshta Ludin, who was banned from teaching at a school in Stuttgart for wearing an Islamic veil (Zeraoui and Marín 2006). Arguments were raised against her on the basis that her dress harboured support for a certain religion, thus undermining religious neutrality. In turn, Ludin argued that the religious freedom upheld by the German Constitution allowed her to teach while wearing the veil and to hold public office regardless of her religious beliefs (Marabel 2016). Specifically, there was no specific legislation in this regard in this German state, so the Federal Constitutional Court decided the dispute in favour of the teacher. In her defence, she argued that there was no law preventing its use (Arlettaz 2015).

As a consequence, the Ludin case generated the need for a national regulation, serving as a precedent (Candia Troncoso and Barrera Cerecera 2018). In September 2003, the Constitutional Court in Karlsruhe ruled that the German Constitution allowed each federal state to enact its own legislation. The result of the immediate policy-making process was as follows: the states of Baden-Württemberg, Lower Saxony, Bavaria, Berlin, Brandenburg, Hesse and Saarland decided to ban the wearing of the Islamic veil by teachers, although they made exceptions for Christian religious symbols (Valdivielso 2018). Only Berlin enacted a law banning all religious symbols without exception, as it considered that such restriction should apply equally to all religions, and not apply only to Muslim symbols (Llorent-Bedmar 2009).

After several years of strict regulation in most states, in 2015, the Constitutional Court overturned the legislation prohibiting Muslim female teachers from wearing the hijab. It ruled that, unless it posed a danger to school order or undermined religious neutrality, Muslim female teachers may wear a veil (Elósegui 2019).

Subsequently, in 2016, the night school in Osnabrück banned a student from attending class wearing a niqab. The school claimed it could not guarantee her education as she could not be clearly identified. The student, who argued that the wearing of the veil was a Quranic requirement, proposed to show her face to a female employee at the beginning of each class. However, the German judiciary rejected her proposal, prioritising Article 7 of the constitution on training and education over Article 4 of the constitution on religious freedom (Ladeur 2016).

Likewise, Bianca Schöneich, the spokesperson for the school, stressed that both the burqa and the niqab limit non-verbal communication and body language, both of which are undoubtedly important in the relationships of the members of the educational community (Schöneich 2016). This argument was supported by the Administrative Court, which confirmed the legality of the ban on the basis of the need to show one's face in order to communicate at school (Chaves-Salas et al. 2017).

In April 2017, the German Bundestag (Lower House of the German Parliament) partially banned the wearing of full-face veils. This law refers to German civil servants, judges and military personnel while carrying out their work, considering that covering the face for religious reasons goes against the required neutrality (Astor 2017). This ban does not affect clothing that does not cover the face, such as the hijab. Thus, this measure does not go as far as limiting the use of the full-face veil in public spaces, which is what extreme right-wing parties are demanding (Planas 2017).

In February 2020, an event occurred in Hamburg that has reignited the debate. A Muslim schoolgirl attended her school wearing a niqab after being authorised to do so by the Higher Administrative Court of Hamburg (EFE 2020). According to the court, the student has the right to freely practise her religious dogma without any restrictions, as this is not specifically prohibited by the legislation on education of the state in question. In contrast, the Hamburg Minister of Education, Ties Rabe, publicly announced that he would amend the law if the court did not rectify the ruling in appeal, with the aim of banning the full-face veil in the Hamburg education system (Martínez-Mas 2020).

This confirms the underlying legal gap regarding the wearing of the full-face veil in German schools. Each state has different regulations that call into question the model of cooperation for development (Fernández 2020). Thus, almost half of the states prohibit the wearing of religious symbols by teachers in public schools. In private schools, however, there is no common regulation (Ferrari and Pastorelli 2016).

On the other hand, territorial differences concerning the typology of public schools must be taken into consideration. According to religious orientation, three types of schools can be found: denominational “bekenntnisschule”, common Christian “christliche Gemeinschaftsschule” and non-denominational “bekenntnisfreie Schule” (Roca 2013). The model of religion teaching in German public schools varies according to the law in force in each “Land” (González-Varas 2019). Focusing on the Muslim religion, there is a wide variety of situations: in Hamburg, for example, Islam is taught in German as long as the Protestant Church gives its consent; in Bremen, Islam is not present in the educational curriculum; however, Islam is taught in the classroom in the states of Berlin, Bavaria and North Rhine-Westphalia (Solé 2017).

Ultimately, no “Land” considers religion a private matter; on the contrary, it is present in public education (Roca 2013). Therefore, the need arises to create a legal precept that guarantees the coexistence and inclusion of all students in German public schools (Fournier 2013); and that, in turn, allows for identification and communication between members of the educational community, limiting the use of the so-called integral veil (Valero 2015).

3.1.2. France

France is a social and democratic state under the rule of law whose form of government is that of a semi-presidential republic (Lostao 2018). It is also one of the European countries where Islam is most widely practised, being the first to address the issue of the Islamic veil (Aláez 2012; Saiya and Manchanda 2019).

Problems with the use of the Islamic veil in schools date back to 1989 (Abdelaal 2017). Indeed, there was the case of the Gabriel-Havez school, attended by students of 25 different nationalities, with almost two thirds of the total number of students practising Islam (Benhabib 2006; Galember 2004). The headmaster provisionally banned three Maghrebi students who were wearing an Islamic veil from attending the school, claiming that they did not comply with the principle of secularism defended in the school's regulations. The news was published on 3 October 1989 in the *Courrier Picard*, sparking a strong public debate (Labaca 2008) that spread beyond the French borders.

As a consequence, a social debate arose among the French population that led to a demonstration in Paris in favour of the wearing of the veil (Briones 2009). Subsequently, the Minister of Education, Lionel Jospin, asked the Council of State to intervene to announce that the use of religious signs did not go against the principle of secularism, as it was considered an exercise of freedom of expression. However, the minister's disagreement with the Council's report led the school to prohibit its pupils from wearing religious symbols, in accordance with Article 13 of its internal regulations (Carvalho 2011; Lemoyne 1991).

In the circumstances, the parents of the pupils filed a lawsuit, which was eventually settled against them. Reference was made to the law on education which stated that: "in respect for the principles of equality, freedom and secularism, the State guarantees the exercise of the right to education and training of all pupils living on the national territory, whatever their social, cultural or geographical origin" (Faber 1989, p. 493). Thus, in some schools, this restriction was applied to both students and teachers (Ferhat 2017).

In relation to the representation of Islam, in 2003, the Ministry of the Interior promoted the creation of the "Conseil Français du Culte Musulman", and in 2005, of the "Fondation pour les Œuvres de l'islam de France", a private body that receives donations to finance the construction and renovation of places of worship (Andújar-Chevrollier 2006). Particularly significant was the French Law on Laicism (Chirac 2004; Revilla 2016), which came into force on 2 September 2004. Its main objective was to make the integration of Muslims in the country compatible with their secular identity. This law prohibited the wearing of religious signs in an ostensible manner, such as the Christian cross, the Jewish kippah, or the Muslim hand of Fatima (González-Urrego 2017).

Thus, teachers and students could not display religious symbols in public schools. This is stated in Article 1: "in public schools, colleges and high schools, it is forbidden to wear signs or garments by which students ostensibly manifest a religious affiliation" (Fraile 2005), including the Muslim hijab, the Jewish kippah, the Sikh turban and large Christian crosses. However, they did allow discreet symbols such as small crosses, Stars of David or Fatima hands. Thus, the law applied to public schools, colleges and high schools, exempting private schools, higher education institutions and universities (Croucher 2008; Syed 2013).

There were also reforms in this regard in the labour sphere. It was in 2007 that regulations were enacted for both public service workers and consumers, with the aim of achieving a neutral environment (Roca 2012). Along these lines, in 2009, the enactment of a national law prohibiting all inhabitants from wearing the full Islamic veil in public spaces began to be formally addressed in France (Zempi 2019).

The French Constitutional Council approved the prohibition of concealing the face everywhere, except in the home and in places of worship (Constitutional Council, judgment of 2010, 5th recital) (Khemilat 2021).

In July 2010, the French National Assembly and Senate approved a bill banning the wearing of the full-face veil. Thus, since 11 April 2011, the wearing of any garment that conceals the face and thus makes it impossible to identify a person is restricted. France has thus become the first European country to implement such a ban (Selby 2014).

On the other hand, controversial developments continue to take place concerning the wearing of the Islamic veil in school settings. For example, in 2012, French Minister Luc Chatel authorised school boards to veto the presence of veiled women during school trips (Talpin 2018), a fact that triggered some tension among members of the educational

community. Finally, the Administrative Court of Amiens ruled against the minister, putting an end to discrimination against veiled mothers in French public schools ([Saphir News 2016](#)). The Observatoire de Laïcité defended the court's position by adding that: "laicism is not a belief or opinion, but the framework that allows all opinions" ([L'OBS 2014](#)).

Subsequently, in September 2013, the Minister of Education, Vincent Peillon, presented a new Laicism Charter ([Ministère de l'Éducation Nationale 2013](#)). It included a poster to be displayed in elementary schools, colleges and secondary education schools, with the aim of reminding the rules of harmonious coexistence. The central part of the Charter states: "The Nation entrusts schools with the mission of sharing the values of the Republic with students" ([Ministère de l'Éducation Nationale 2013](#)).

It is worth noting that, in 2014, the European Court of Human Rights in Strasbourg upheld the legislative provision approved in France three years earlier on the full-face veil, considering that the face plays an important role in social interaction and that its concealment in public spaces could become a threat to harmonious coexistence ([Spina 2016](#)).

In addition, in May 2015, the so-called Education Citizens' Reserve (RC) was established in France with the aim of encouraging, organising and promoting the participation of citizens and teachers in conveying the values of the Republic in the French education system, both in public and associated schools ([Ministère de l'Éducation Nationale 2015](#)).

On the other hand, 2019 saw another controversial episode in the Burgundy-Franche-Comté Regional Assembly, when the far-right MP Odoul disagreed with the presence of a veiled Muslim mother accompanying her son on a visit organised by the school to the French chamber ([Val 2019](#)). Previously, this political group had unsuccessfully proposed reforming the law in order to ban the displaying of religious symbols by adults accompanying pupils on school trips ([Bassets 2019](#)). Moreover, Marine Le Pen openly stated that her intention was to completely restrict the Islamic veil in public spaces ([Quiñonero 2019](#)).

In response, the Minister of Education Jean-Michel Blanquer intervened, recalling that there is no provision in the 2004 law currently in force that prohibits the wearing of the veil by pupils' chaperones. Likewise, the current government spokesperson, Sibeth Ndiaye, stated in the following terms: "I see no objection to a Muslim woman wearing a veil taking part in school outings" ([RFI 2019](#)).

Building on all these cases, over the last 20 years, public policies and laws have been successively adopted that prevent women from accessing various public spaces while wearing the hijab ([Khemilat 2021](#)).

In conclusion, in France, wearing the "niqab" and "burqa", both considered full Islamic veils, in public spaces is currently forbidden ([Parvez 2011](#); [Spohn 2013](#)), but other types of veils that allow personal recognition are permitted to be worn. Moreover, such regulation applies in all regions in the country ([De Féo 2018](#)). As for religious education, it is excluded from public education, so that Islam is only taught in private Muslim schools ([Labaca 2008](#)).

3.1.3. England

England is part of the United Kingdom, which is considered a constitutional monarchy with its legislative power vested in a bicameral parliament. Notably, unlike France and Germany, it has an official state religion: the Church of England ([Sabau 2019](#)). Despite this, it is considered one of the most tolerant European nations when it comes to the wearing of the Islamic veil, as it strongly defends the inclusion of Muslims and religious pluralism ([Santos 2017](#)).

Given the traditional regionalisation of British education systems, each school is given the possibility to draw up its own regulations ([Francis et al. 2017](#)). These regulations can specify all matters relating to the uniforms of their students, which means that students must either comply with the regulations or choose another school ([Kid 2014](#); [Hewstone and Schmid 2014](#)).

One of the most controversial cases occurred in 1967 in a school in Leicester, when a pupil dressed in "shalwar kameez" (unisex clothing of oriental origin similar to a shirt and trousers) was forbidden to attend class ([Briones 2009](#)). The school argued that it did

not comply with school rules; however, the family publicly expressed their disagreement, which generated a great deal of social debate. As a result, the Education Commission ruled in favour of the pupil, thus admitting him to the school (Nisa 2018). Two years later, in the city of Walsall, the same scenario happened with five Muslim pupils, and ended up in the same way (Calonge-Cases 2017).

In 1983, the same scenario occurred, with a greater impact with a “Sikh” student in a private school. However, the House of Lords, on the basis of the *Race Relations Act* of 1976, removed the ban as it was considered to be racially discriminatory (Aláez 2012; Thomassen 2017).

Later, in 1990, a girls’ school, Altrincham Grammar School, refused access to class to two Muslim students wearing Islamic veils. After protests, the school’s Board of Governors approved the return of the students (Alvi 2004; Ferrari and Pastorelli 2016).

The social and cultural debate about dress code in British schools led the Department for Education and Skills to establish, in 1994, educational guides to inform families about the uniforms accepted in schools (Lehane 2016). Likewise, since the enactment of the *Race Relations (Amendment) Act* 2000, schools have been obliged to assess the impact of their policies on student uniforms, taking into account the needs of different cultures, races and religions, (Bueno 2018).

Similarly, one of the most controversial cases in England was that of Shabina Begum in 2002, when she was expelled from Denbigh High School in Luton for wearing the Islamic veil (Francis et al. 2019). According to the school’s regulations, the shalwar kameez was allowed, but the hijab was not. In response, Begum said that she felt excluded and filed a legal complaint (Modood 2019). It was not until 2004 that the High Court of Appeal ruled against this measure, arguing that it violated human rights and her right to education and to express her religious beliefs, all of which are guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms (Seglow 2017). However, the school appealed this decision and ultimately, the House of Lords found that there was no intrusion on the right to freedom of religion as she was able to choose from three schools that accepted her clothing (Wintemute 2014).

It is also worth highlighting the case of the Muslim teacher Aishah Azmi, who sued the West Yorkshire school where she worked for persecution, harassment and religious discrimination, claiming that she was forced to remove her niqab. In the end, the employment tribunal accepted the existence of persecution, but not of harassment and discrimination (Orenstein and Weismann 2016; Wainwright 2006). Again, in relation to the wearing of the niqab in schools, in February and March 2007, the High Court of Justice validated the lawfulness of banning a 12-year-old Muslim schoolgirl and a teacher from wearing the full-face veil during classes. Against this, the Court argued that each school had the autonomy to establish internal regulations on school uniforms that had to be complied with (Sai 2018).

Hence, in the same year, the British government regulated the use of clothing in classrooms, agreeing that the management of each school would have the power to decide whether the use of the Islamic veil would be an obstacle to the safety or academic education of students (Sakaranaho 2015). In line with former British Prime Minister David Cameron’s view that “in our country people should be free to wear what they like”, there is no law in the United Kingdom prohibiting the wearing of the Islamic veil on the grounds of religious freedom and the wearing of religious symbols (Dominiczak and Swinford 2016).

British educational legislation is based on the right to freedom of conscience (Prieto 2018). As far as public education is concerned, Muslim associations collaborate in the local plans with the local education authority (Avramidis et al. 2000; Sharp 1987). In particular, according to the education acts of 1944 and 1988, religion classes in public schools can be based on Islam in neighbourhoods where there is a majority of Muslim pupils, but without leaving other religions aside (Nisa 2018).

In 2018, the debate resurfaced again due to the sale by the retail chain Marks & Spencer of an Islamic veil as a school uniform for schoolgirls (EFE 2018). Smithers, the director of

the University of Buckingham's Centre for Education and Employment Research, said that the department store was responding to demand, but was surprised that such a garment was part of a school uniform. She added that: "the hijab tends to separate children" (Morley 2018). For their part, the stores defended that they made bespoke uniforms for more than 250 schools across England.

In the workplace, special mention should be made of the West Yorkshire Metropolitan Police, which as of 2018, has allowed its Muslim female officers to wear the Islamic veil during their working hours (Nieto 2018).

To conclude, the United Kingdom is one of the countries in Europe where Islam is growing faster (Mirza 2013) and, indeed, not only does it not prohibit the wearing of religious signs in the public sphere, but its policies of integration and religious pluralism are also highly relevant. Thus, there is no legal regulation limiting the wearing of the full-face veil (Hamzeh 2011; Keddie 2014). Prohibitions are partial and have been introduced in some contexts such as schools, where each school is free to establish internal regulations on the clothing worn by students and teachers (Francis et al. 2017). In any case, it is up to families to select schools that meet their needs in terms of school uniform (Hewstone and Schmid 2014).

3.1.4. Spain

Spain, like the United Kingdom, is a non-denominational constitutional monarchy, whose legislative power is vested in Parliament: House of Representatives and Senate (Varela 2018). In the 1931 constitution, it was stated that "education shall be secular" (art. 48), although the churches were recognised as having the right to teach their respective doctrines in their own schools under state inspection. However, during Franco's regime, the Catholic religion acquired a great power in education (Diego and González 2019).

The current constitution states that "no confession shall have a state character" (art. 16.3), and further states that "the public authorities shall take into account the religious beliefs of Spanish society and shall maintain cooperative relations with the Catholic Church and other denominations" (*Constitución Española de 1978* 1978). Thus, the Constitutional Court defends a system of positive secularism to manage ideological and cultural plurality, which is supported by the following rulings (Pérez 2011; García-Alonso 2018): Legal Grounds 1 of Constitutional Court Ruling 24/1982, of 13 May; LG 4 of CCR 340/1993, of 16 November; LG 3 of CCR 177/1996, of 11 November; LG 7 of CCR 41/2001, of 15 February; LG 2 of CCR 128/2001, of 4 June; LG 6 of CCR 154/2002, of 18 July, and LG 3 of CCR 101/2004, of 2 June.

This historical journey began in 1980, when an Organic Law was enacted developing the concept of religious freedom. Section 2 thereof establishes the right of all persons to "profess the religious beliefs they freely choose or not to profess any" (Organic Law 7/1980 (*Boletín Oficial del Estado* 1980), of 5 July 1980, on Religious Freedom). However, this law does not mention any regulation on the use of religious symbols in public spaces in Spain (Chiapusso 2018).

Law 26/1992 (*Boletín Oficial del Estado* 1992), of 10 November 1992, approving the "Cooperation Agreement between the State and the Islamic Commission of Spain" is noteworthy. It "guarantees Muslim pupils in pre-school, primary and secondary education who request it, the right to receive Islamic religious education in public and state-subsidised schools" (Law 26/1992 of 10 November 1992, approving the Cooperation Agreement between the State and the Islamic Commission of Spain).

However, there was still little debate in Spain about the use of religious signs in schools when, in January 2002, the case of Fatima Elidrisi caused a great stir (Llorent-Bedmar and Cobano-Delgado Palma 2010). Fatima was 13 years old, she had just arrived from Morocco and was granted a place at the Inmaculada Concepción state-subsidised secondary school in San Lorenzo de El Escorial. However, its headmistress refused to allow Fatima to attend classes because she was wearing a hijab. The Regional Ministry of Education of Madrid decided, together with her parents, to enrol her in a public school in the same city, the Juan

de Herrera secondary school, but again, the school management objected to her wearing the veil, considering it was discriminatory for women. The Community of Madrid finally authorised the student's enrolment in that school (Astor and Griera 2016).

The majority of political representatives at the time took a stand in favour of Fatima, claiming her right to go to school. This event evidenced the Spanish legal gap regarding the use of religious symbols, highlighting the difficulty of articulating the concept of laicism with that of religious freedom in public contexts (Fernández and Corral 2016).

Even so, the government ruled out the regulation of the use of religious symbols through legal regulations in Spanish schools (Motilla 2013). With the approval of Organic Law 10/2002 on the Quality of Education (LOCE), control and management of schools was attributed to their school councils (art. 81.1); who could draft their own rules on this matter. However, whenever their criteria did not coincide with those of their Regional Ministry of Education (regional level), their proposals would be overruled (Eguren 2017).

On the other hand, it is worth noting that after the attacks of 11 March 2004 in Madrid, the government considered it essential to actively promote the inclusion of the immigrant population, specifically Muslims (Astor and Griera 2016). Certainly, this event marked a turning point in terms of religious diversity (Luque de Haro and Luque 2016), which led to several initiatives, including the creation of the "Fundación Pluralismo y Convivencia (FPC)", an organisation dedicated to promoting the knowledge, organisation and integration of Muslims, Jews, Protestants and other religious denominations present in Spain. Later, in 2007, the debate on the prohibition of the burqa and niqab in public places arose for the first time in Spain, specifically in Catalonia, (Baños et al. 2019). The Popular Party in the City Council of Barcelona was the precursor of the proposal with the aim of approving a municipal regulation limiting the use of the full-face veil, with no success (Griera 2015). Along the same lines, in May 2010, the City Council of Lleida was the first to approve a municipal regulation on the matter, defending gender equality as well as safety and civic-mindedness. This led to the action filed by the "Watani Association for Freedom and Justice", which claimed before the High Court of Justice of Catalonia for the suppression of the approved regulation (Chiapusso 2018; Morondo 2014).

Subsequently, in 2013, the Supreme Court overturned the decision to ban the full Islamic veil in public places that had been imposed by some towns in Catalonia (Esteban-Guitart et al. 2013). In fact, according to legislation, in Spain, personal signs are considered part of the right to religious freedom (*Constitución Española de 1978* 1978, art. 16.1, developed by the Organic Law on Religious Freedom, art. 2.1). Therefore, as in Finland, Greece and Portugal, in Spain there is no prohibition on the wearing of the Islamic veil (Ruiz 2011).

That same year, the government approved a "Law for the Rationalisation and Sustainability of Local Administration" which included a provision on the opening of places of worship. It set forth that every religious community had to register in the Registry of Religious Entities (RER) in order to be able to establish a place of worship, thus avoiding regulations similar to the Catalan Law in other autonomous communities (Martí 2017).

As mentioned above, the wearing of the Islamic veil is not prohibited in Spain; however, there are exceptional situations in which public safety takes precedence. Organic Law 4/2015 (*Boletín Oficial del Estado* 2015), of 30 March, "for the protection of public safety" (art. 16.1), establishes that police officers will be able to carry out the necessary checks on public roads, including the identification of persons whose face is covered by clothing or other objects that cover it (Organic Law 4/2015 (*Boletín Oficial del Estado* 2015), of 30 March, for the protection of public safety).

Likewise, Royal Decree 1553/2005 (*Boletín Oficial del Estado* 2005) of 23 December "which regulates the issuance of the National Identification Document and its electronic signature certificates" (art. 5.1), establishes that for its issuance, "it is necessary to present a recent photograph (. . .) taken from the front with the head completely uncovered". So, indirectly, the use of the full-face veil in Spain does not conform to specific situations legitimised in the constitution, such as those mentioned above (Aláez 2017).

In the field of education, the right to freedom of religion and the right to education may collide. The latter can be invoked to prohibit teachers and students from wearing the Islamic veil (Amérigo and Pelayo 2013). To this end, some people allege the strong impact of relations between teachers and students in the educational process in order to invoke “education in the exercise of tolerance and freedom within the democratic principles of coexistence, as well as the prevention of conflicts and their peaceful resolution” (Organic Law 2/2006 on Education (Boletín Oficial del Estado 2006, art. 2)).

For their part, private schools can establish their own character, but must always make it known to the different sectors of the education community (Article 115 of Organic Law 2/2006 (Boletín Oficial del Estado 2006), so that pupils respect the school’s own character and, in turn, the school respects their pupils’ right to religious freedom. Therefore, wearing a veil or any other religious sign may not be prohibited as long as it does not directly violate the school’s ideology, and is only a manifestation of its religious freedom. This difficulty does not arise in public schools, as they do not have any ideology (Areces 2011).

Regarding the teaching of Islam in schools, a study by the UCIDE (2019) states that “95% of Muslim pupils have no religion classes”. Currently, the basic demand is only met in primary education in nine regions: Andalusia, La Rioja, Aragon, Canary Islands, Castile and Leon, Ceuta, Basque Country, Madrid and Melilla, despite the compulsory nature of the offer pursuant to Law 26/1992 of 10 November (Lastra 2019).

With regard to the Islamic veil in schools, in July 2019, the Regional Department of Education of Madrid announced that its schools could regulate clothing, and could force their students to have their heads uncovered. Faced with this premise, Riay Tatary, president of the Islamic Commission of Spain, disagreed and proposed reforming the regulations of the schools that prohibit the wearing of head coverings during school hours (EuropaPress 2019). In the same year in Asturias, the Regional Ministry of Education allowed Muslim girls in a secondary school to wear the hijab. This decision was made after consulting secondary school number 1 in Gijón, as the school’s internal regulations establish that it is compulsory to have the head uncovered inside the school for security and identification reasons. One of its Muslim students claimed religious reasons, and the Regional Ministry argued in her favour that: “students have the right to enjoy respect for their freedom of conscience, their religious convictions and their moral convictions, in accordance with the Constitution” (Hispanidad 2019).

In conclusion, in several Spanish contexts, the ambiguity of legal frameworks and the absence of tools to enact explicit laws generates some controversy. Currently, in public spaces, women can voluntarily cover themselves with a veil, freely exercising their right to decide (Baños et al. 2019). Therefore, there is no legal precept limiting the use of the Islamic veil (Eguren 2017). However, it would be appropriate to reform Organic Law 1/1992, of 21 February, on the protection of public safety, in order to prohibit the use of clothing, whatever its nature, preventing the identification of a person’s face (Zempi 2019).

3.2. Comparative Study (Synthetic Stage)

This section focuses on the juxtaposition of these countries (Rosselló 1974). The main data were collected in a global and summarised manner, and they are presented as comparative units (Llorent-Bedmar 2002). Table 1 provides a brief comparison of the political system, type of status, notable historical cases and the key elements in the regulatory framework on the wearing of the Islamic veil in Germany, France, England and Spain, which are explained below.

Table 1. Comparison of the regulatory framework on the wearing of the Islamic veil.

	Germany	France	England	Spain
Political system	Parliamentary Federal Republic	Semi-presidential Republic	Constitutional monarchy	Constitutional monarchy
Type of status	Non-denominational	Lay	Denominational Official: Church of England	Non-denominational
Regulatory framework	Basic Law for the Federal Republic of Germany (1949)	Law on Secularism (2004)	Education Act (1944 and 1988)	Constitution of 1978 Religious Freedom Act (1980)
Key concept	Religious neutrality	Principle of laicism	Religious pluralism	Ideological, religious and worship freedom
Notable historical cases	Fereshta Ludin School Osnabrück	Gabriel Havez School	Leicester School “Altrincham Grammar School Shabina Begum	Fatima Elidrisi Pluralism and Harmonious Coexistence Foundation

Source: Prepared by the author.

Table 2 summarises the policies on the wearing of Islamic veils in public and private spaces. It shows that Germany and France ban the wearing of full-face veils in public spaces, while England and Spain do not have laws against it.

Table 2. Wearing the Islamic veil in public and private spaces.

	Germany	France	England	Spain
Public spaces	Ban on full-face veils for civil servants, judges and military personnel during working hours	Wearing of full-face veils: “niqab” and “burqa” is prohibited.	No law prohibiting wearing the Islamic veil	No law prohibiting wearing the Islamic veil. Exception: between 2010 and 2013 some Catalanian towns banned the full-face veil.
Public schools	Prohibited for female teachers and civil servants. Allowed for Muslim female students	The wearing of ostentatious religious signs of any belief is forbidden for both teachers and pupils.	Each school is given the autonomy to draw up its own school uniform regulations.	It is the responsibility of each autonomous community. Each school decides in accordance with the regulations of its Department of Education.
Islam for Muslim students	Varies in each “Land”. E.g., in Bremen it is not included, in Berlin, Bavaria and North Rhine-Westphalia it is included.	Religious instruction is excluded from public schools. Islam is taught in Muslim state-subsidised schools	Religious education in public schools can be based on Islam in Muslim-majority neighbourhoods, not excluding other religions.	Varies in each Autonomous Community. Yes in: Andalusia, Aragon, La Rioja, Castile and Leon, Canary Islands, Ceuta, Melilla, Basque Country and Madrid.
Private schools	Each school has its own rules of procedure	Each school has its own rules of procedure Proliferation of Muslim state-subsidised schools.	Each school has its own rules of procedure.	Each school has its own rules of procedure.

Source: Prepared by the author.

Teaching religion in school may be compatible with banning the wearing of the veil. In any case, the autonomy given to schools to deal with this issue and, where appropriate, to solve conflicts arising from it, prevails in all cases when managing controversial situations in all the countries in the study. It can be seen that France bans any type of religious

education (Labaca 2008), Germany and Spain either allow Islam teaching or not, depending on the regional legislation (Roca 2013; Souza 2021), and in England, public schools can offer Islam teaching in Muslim-majority neighbourhoods (Nisa 2018).

This comparison aims to establish a new *tertium comparationis*, as well as to compare from an evaluative and prospective perspective the policies on the use of the veil in both public and private spaces, and more specifically in schools. This in-depth study will generate new global educational trends that would improve the regulatory framework regarding the use of the veil, not to mention that it will foster Muslim women's inclusion in the school setting. Through this comparison, the objectives set at the beginning of the investigation are met: identifying differences in the regulatory frameworks concerning the wearing of the Islamic headscarf in the countries under study; and comparing the policies controlling the wearing of the Islamic headscarf in public and private schools in Germany, France, England and Spain.

Tables 1 and 2 show that some historical and socio-cultural events in educational contexts not only raised a social debate about the use of the veil in schools and social spheres, but also shaped the regulatory framework about this matter. In fact, these regulations evolved differently as a consequence of the idiosyncrasy and social structure of each country. That is the case of Germany, characterised by its religious neutrality established in the Basic Law for the Federal Republic of Germany since 1949. However, when Fereshta Ludin was banned in 1998 from a school in Stuttgart for wearing an Islamic veil (Zeraoui and Marín 2006), it was then clear that there was no specific national regulation on the use of the veil (Arlettaz 2015). Consequently, in 2003, the German Constitution was modified in order to give each federal state autonomy to enact their own legislation. This resulted in an immediate policy-making process where the wearing of the veil was banned in schools in most of the states (Valdivielso 2018). After several years of strict regulation, in 2015, the legislation leaned towards its limitation rather than its prohibition, allowing the wearing of the veil, unless it was dangerous to the school order or undermined religious neutrality (Elósegui 2019).

In France, there have been conflicts related to the use of the Islamic veil in schools since the second half of the 20th century (Abdelaal 2017). It is worth highlighting the case of Gabriel Harvez which stem from several arguments for its use, as an exercise of freedom of expression (Benhabib 2006). Nevertheless, the arguments against this case carried more weight, since the use of the veil did not comply with the principles of equality, freedom and secularism of the French society. Ideals that were later on ratified in the French Law on Laicism in 2004 (Chirac 2004; Revilla 2016). Hence, its legislation is oriented towards the prohibition of the use of the veil in schools.

Contrary to Germany and France, there is no law prohibiting the wearing of the Islamic veil in England, based on the principles of religious freedom (Dominiczak and Swinford 2016). However, some controversial cases had occurred before, such as the school in Leicester in 1967, where a pupil could not attend class with clothing of oriental origin and in 1969 in Walsall, with the Islamic veil (Briones 2009; Calonge-Cases 2017). These realities led to the implementation of a regulatory framework that has made England one of the most tolerant European nations when it comes to the wearing of the Islamic veil, as it strongly defends the inclusion of Muslims and religious pluralism (Santos 2017). In 2007, the British government regulated the use of clothing in classrooms, agreeing that each school could decide whether the use of the Islamic veil would be an obstacle to the safety or academic education of students (Sakaranaho 2015).

In this sense, the current Spanish Constitution advocates for a secular state that respects the different confessions and ideological plurality of the country (*Constitución Española de 1978* 1978). Nevertheless, cases similar to those of Fatima Elidrisi made evident the Spanish legal gap regarding the use of religious symbols, highlighting the difficulty of articulating the concept of laicism with that of religious freedom in public contexts. In response to this reality, the government gave autonomy to the schools to regulate the use of religious symbols. Thus, its legislation is more flexible with the use of the veil in schools.

All this evidence confirms the main research question, in which study countries adopt different regulatory frameworks on the use of the veil, given their own historical and socio-cultural reasons. Indeed, it is stated that there are differences on the regulatory framework on the use of the veil in both public and private spaces, and in schools. In countries such as England or Spain, there is more flexibility on the use of the veil in schools (EuropaPress 2019; Francis et al. 2017; Hispanidad 2019). Whereas in France and Germany, legislation leans to its limitation or even its prohibition (Fraile 2005; Fernández 2020; Ferrari and Pastorelli 2016).

4. Discussion and Conclusions

The present paper answers the main research question by stating that the regulatory framework of the use of the veil is influenced by the history, culture and idiosyncrasy of each country. Despite the European Union's pretensions to unify the social policies of all member countries (Crettez and Deloche 2006), it has been found that this unification in the field of the wearing of the veil cannot be achieved so easily, given the idiosyncrasy as well as the political and economic interests of each country.

There is a great diversity of historical cases in the countries addressed in the study, such as the teachers Ludin and Elidrissi in Germany and Spain, or the events in Gabriel Harvez and Leicester schools in France and England, that has influenced the regulatory framework regarding the use of the veil. These decisions have been made taking into account historical and socio-political factors, factors linked to the migratory nature of each setting, or factors related to cultural idiosyncrasies and the concept of citizenship that every country has developed (Shirazi and Mishra 2010). Germany's religious neutrality as opposed to England's characteristic religious pluralism presents two different realities for women wearing the veil, although both uphold the value of coexistence as the backbone of society.

Study countries' regulatory framework conditions for Muslim women participation in public and private spaces and also influence the wearing of the veil in schools. For example, as noted above, Germany has no national law restricting the wearing of Muslim veils. In fact, according to the German Constitution, all women must be protected and free to choose their beliefs and dress. Even so, former German Chancellor Angela Merkel opposed the burqa on the grounds that it impeded integration (Edmunds 2021) and half of the country's 16 governments have banned the wearing of hijabs and niqabs in both government institutions and schools (Paz and Kook 2021). In this sense, France bans the wearing of full-face veils in public spaces (Astor 2017; Spina 2016). While England and Spain do not have laws against it (Aláez 2017; Baños et al. 2019; Eguren 2017; Hamzeh 2011; Keddie 2014).

The educational policies adopted by European states, which already have multicultural societies, differ substantially with respect to the measures adopted on the wearing of the Islamic veil, especially within schools (Morondo 2014). In this sense, it is worth highlighting that French legislation prohibits the use of the veil in public schools (Fraile 2005), while Germany limits its use (Fernández 2020). However, England and Spain give schools autonomy to regulate the use of the veil (EuropaPress 2019; Hispanidad 2019). In any case, private schools are provided with full autonomy to deal with the use of the veil and to give answers to conflicts triggered by controversial situations concerning this issue.

In Spain, there has not been any intellectual and political debate on the use of the Islamic veil in schools, perhaps because of the difficulties inherent in a socio-political structure as complicated as Spain's, where there are also religious/demographic situations such as those of Ceuta and Melilla. From a somehow ironic perspective, good intentions and tolerance are preached, without taking time to think about whether or not intolerance is encouraged from certain sectors of the Islamic community towards Muslims who interpret the Koranic teachings on dress differently.

Education systems must cater to the diversity of their students, especially when different cultures coexist in their classrooms. Moreover, respect for the cultural identity of each

community is crucial for the subsequent self-esteem of students, which must be in line with the prior and parallel learning that students receive at home and in their own communities (Pincheira 2020). In this sense, religious education becomes one of the key elements for inclusion of Muslim students into their educational and social contexts. This study identifies differences between each country on the legislation referring to religious education and, more specifically, Islamic religious education: France prohibits any type of religious education in the school setting (Labaca 2008), whereas in England, religious education in public schools can be based on Islam in Muslim-majority neighbourhoods (Nisa 2018). In Germany and Spain, Islam teaching is either allowed or not, depending on the regional legislation (Roca 2013; Souza 2021). Teaching religion in school may be compatible with banning the wearing of the veil, but religion may also have a significant effect on whether or not the wearing of the veil is prohibited (Hoffman and Rosenberg 2022).

Arguments for and against wearing of the Islamic veil in schools are often used in a demagogic manner. The use of this garment in schools can be defended on the basis of respect for every culture, freedom of expression or freedom of religion. Similarly, focusing only on the defence of women's dignity, on the discriminatory effect of the veil or on the fact that it is the banner of a particular ideology, and on the sexist connotations that its use has in many societies, we will have grounds for banning it. Even if we advocate for a secular public school, emphasise potential impersonation and safety or the difficulties that may be encountered in certain school activities, there would be grounds for banning its use in schools. In other words, focusing on just one of these considerations, forgetting the complexity of the issue and the edges of the problem in question, will mean engaging in a superficial demagogic exercise. On other occasions, arguments for and against arise during periods of governmental elections, leading certain population groups to express their grievances, with street protests against the hijab ban (De la Cal 2022).

Religious signs or symbols are a way of representing a religious idea or belief and their meaning is determined by social convention, i.e., the way it is understood and interpreted by the social group, either society in general or, subsidiarily, a particular group (denomination, educational community, local community . . .) (Meléndez-Valdés 2010).

Institutional religious symbols, which are those that identify a particular religious institution, such as a Crescent, a Crucifix or a Star of David, are sometimes not sufficiently differentiated from personal symbols, through which followers can express their adherence to a particular religion, such as the Kippah, a medal or a veil. The use of the former or the latter religious symbols in public spaces is therefore not the same. For example, the Islamic veil is a personal symbol that does not imply a unilateral imposition of an obligation on others, unlike institutional symbols, which could be used in public spaces, such as schools, with the possibility of being subject to certain limits (Aláez 2012). However, from a legal point of view, there are those who think that it is not consistent to remove crucifixes from classrooms while simultaneously supporting the wearing of veils in schools (Revengea-Sánchez et al. 2011).

While it is true that on many occasions, the wearing of the Islamic veil is a sign of submission and entails an inferior status for the woman who wears it, and who is largely excluded from public space and power, it is no less true that there are those who consider it a sign of dignity and respect. A similar dichotomy can be found between those who opt for a lax interpretation of Islamic doctrines, putting the norms in their historical context and emphasising their progressive aspect, and those who interpret them literally, in contravention of the Universal Declaration of Human Rights and the legislation in force in democratic countries (Rodríguez 2008).

There are many women in the world who freely choose to wear the Islamic veil, but there are also many others who feel pressured to do so. The state, the community, the family, the parents or the spouse may force or pressure them to wear it. However, in trying to move away from our more than possible ethnocentrism, it would not hurt to remember the large number of women in Western Europe who are subject to the worship of beauty and thus to certain standards of dress that are at the antipodes of a conservative Islamic

interpretation of women's attire. It is not really a matter of fighting against the use of the veil but rather of assuming positions that can reconcile all parties.

Nevertheless, there is still a negative collective opinion towards the Islamic veil. In countries such as the United Kingdom and Germany, students have some adverse perceptions of women who wear the hijab. This is also the case in France, where a considerable proportion of residents disapprove the practice of wearing the hijab in public (Aranguren et al. 2021).

Given the diversity of types of veils (Llorent-Bedmar 2009), the reasons for wearing them, the uses and traditions of each society or social group, regional and local idiosyncrasies, the specific situations of every woman, etc., thus, a priori, there is no reason to fight against the use of the veil, although it is necessary to adopt a belligerent stance against its imposition.

Spanish public institutions must be secular and non-denominational and must comply with art. 16.3 of the Spanish Constitution (*Constitución Española de 1978* 1978), otherwise it would mean a violation of their right to religious freedom. Although this is just another opinion, the Quran does not explicitly state that Muslim women must cover their heads and necks, let alone wear a full-face veil, such as the burqa or niqab. Therefore, there should be some reservations when considering the veil just as a religious sign. Although on many occasions, but not all, its use discriminates against women, moving us away from the desired gender equality, it is also noted that its prohibition clashes head-on with various individual rights. In fact, for many women, it is a way of distancing themselves from the past and making way for a new modernity.

In conclusion, the historical and socio-cultural events, the idiosyncrasy and the social organisation of the countries under study influence their regulatory framework on the use of the veil. In this sense, Germany's religious neutrality leans towards the limitation of its use, whereas France bans it, following its principle of laicism. England and Spain are more flexible on its use, which can be explained by their religious pluralism and religious freedom foundation, respectively. Hence, there are differences on the regulatory framework on the use of the veil in both public and private spaces and in schools of each country. However, one idea should remain universal, legislation should lean to the inclusion of Muslim women into European society and enhance their participation rather than impede it.

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