**Burka ban a headache for a liberal society**

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**Is it illiberal for governments to ban practices judged to be illiberal, as the French government is doing with its intended ban on the burka?**

THOSE familiar with France will be aware its civic culture isn't one of vive la difference. The French republic has, since its birth through revolution, stood for an unambiguous and unitary creed: *liberte, egalite, fraternite.*

When it comes to religious expression, republican ideology has meant a non-negotiable stance of secularism: laicite.

In 2004, French authorities moved to ban all ostentatious displays of religious symbolism in government schools. Though evidently aimed at the wearing of headscarfs by Muslim students, the ban extends to all forms of religious expression.

The French government now is moving to ban Muslim women from wearing the burka in public places. President Nicolas Sarkozy has declared the item is "not welcome in France".

Supporters of the ban believe the veil is a symbol of male oppression that is inconsistent with values of equality and liberty. Women who cover their bodies and faces, the argument goes, often do so because of pressure from patriarchs or husbands who wish to guard their daughters or wives from the lascivious gaze of other men.

Moreover, it is contended the veil places a formidable barrier to solidarity (which is where *fraternite* enters the equation). Bernard Accoyer, president of the French national assembly, has said that the burka involves "a rejection of coexistence side by side, without which our republic is nothing".

Many liberals will blanch at banning an item of clothing: it would give the state licence to interfere with religious freedom in potentially arbitrary fashion.

It is hard not to wonder whether the burka represents such a grave threat to social cohesion in France to warrant a ban. Of the nearly six million Muslims in France, it is estimated only 1900 wear a burka; that's 0.0003 per cent of French Muslims.

Yet the questions raised by the burka have relevance beyond Gallic borders. France's republican tradition, with all its revolutionary fervour, means the tension between religious-cultural expression and civic identity is more fraught there than elsewhere. But, even in Australia, we are entitled to ask whether something such as the burka may clash with our liberal commitments to the equality of the sexes, individual autonomy and a common citizenship based on mutual trust.

It involves a leap, though, to conclude we must force women to take off the burka in public. Would such a ban really help women who suffer from patriarchal oppression? Would a fine or a jail sentence somehow liberate them? And would a ban not be self-defeating in the case of women who adopt the burka through their own volition?

Where we stand on the issue may reflect the divide that political philosopher William Galston identifies between Reformation liberalism and Enlightenment liberalism. Toleration, he argues, is at the heart of Reformation liberalism and we should extend toleration even to illiberal practices. By contrast, autonomy is the guiding value of Enlightenment liberalism, which embraces a more interventionist state.

In this case, toleration seems the more prudent course. Yes, there is something troubling about the burka. And, yes, we should scrutinise its merits through civilised debate. However, a ban raises as many problems as it may solve, about the appropriate limits of state power and the wellbeing of women behind the veil.

This is one issue where caution rather than doctrine should dictate our response.

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