3 Narratives of belonging: religion, the gendered body, and claims of autonomy and authenticity

Kati Nieminen and Sanna Mustasaari

Abstract

This chapter examines narratives of belonging that produce imagined communities of ‘us’ and ‘them’ through claims of ‘authenticity’ and ‘autonomy’ in relation to religious identity, gender, and corporeality. We analyse the narratives circulating around two examples. First, the recent case in the European Court of Human Rights of Osmanoğlu and Kocabaş v. Switzerland, where Muslim parents sought to exempt their daughters from mixed swimming lessons. Second, the turmoil that followed the Swedish politician Yasri Khan’s refusal to shake hands with a female journalist. Both examples illustrate the ways in which the narratives about cultural differences draw upon constructions of gendered and sexualised bodies.

Postfeminism invites us to acknowledge that there are no ultimate common goals or permanent indicators of justice and equality. By adopting a narrative approach, we acknowledge the ways in which feminism exists within and as part of narrative reality. This means that as feminists we admit that it is impossible to make statements from an ahistorical, neutral, and objective perspective and that we recognise that feminism, too, takes part in the reproduction of our social world by producing stories about this world. However, this need not render feminist experiences of injustice invisible or leave it inarticulate. Instead, postfeminism urges us to be conscious of whose interests the claims of ‘authenticity’ and ‘autonomy’ promote and whose gaze they
authorise. Thus, the question of power has all but vanished from the centre of feminist legal thought.

Introduction

Feminism is in constant movement. Since the late twentieth century, the concept of postfeminism has been used in many, often contradictory ways. Simplifying a complex matter, interpretations of postfeminism fall roughly in two categories: for some, postfeminism indicates a time after feminism, announcing ‘if not the death then at least the redundancy of feminism’ (Genz and Brabon 2009, 3). For others, postfeminism is another phase, or a wave, of feminism, a ‘process of ongoing transformation’, relating to postmodern, anti-foundationalist movements (Genz and Brabon 2009, 4; see also Brooks 1997, 1–4; Heilmann 2011). The evolution of feminism to postfeminism should not, however, be understood as a smooth transition from a previous phase to the next one on a continuum of linear progression. Rather, postfeminism breaks up any monolithic feminist thinking, reminding us of the fact that feminism has never had a universally accepted agenda. Thus, ‘postfeminism encourages feminism to develop an understanding of its own historicity’ (see Genz and Brabon 2009, 3–13, 112; Zalewski 2000, 31–32, 53).¹ In this chapter we attempt to do just that: to exercise feminist self-reflection and analyse the ways in which feminism may contribute to reifying a particular narrative of ‘us’.

For us, postfeminism is an invitation to stay sensitive to questions such as whose interests claims of authenticity and autonomy promote, and to recognise that the question of power persists at the centre of feminist thought. Both the challenge and the political potential of postfeminism lies in its ‘critical engagement with earlier feminist political and theoretical concepts and strategies’ (Brooks 1997, 4). In this chapter we discuss postfeminism as a form of feminism that engages with two painful and yet invaluable postmodern lessons. There is no ‘original’ or ‘authentic’
subject from which the ‘different’ or the ‘deviant’ deviates, and that the universal, neutral, genderless, and colourless liberal subject of law is everything but. This realisation, still under-acknowledged, invites us to re-evaluate the seemingly self-evident in law. In this chapter we take this challenge seriously and turn the inspecting gaze, for a change, away from ‘the Other’ and questions such as to what extent pluralism should be tolerated or encouraged, towards the way the law participates in producing homogeneity among ‘us’. We take postmodern feminism to acknowledge its own existence within and as part of narrative reality, which means that it admits the impossibility of making statements from any ahistorical, neutral, or objective perspective and that it recognises that it too takes part in the reproduction of our social world by producing stories of who we are.

We discuss how the autonomy and authenticity of ‘us’ as gendered and ethnic subjects are reproduced in two examples, which raise questions about religion, gender equality, and integration. The first situation is the discussion that followed the Swedish politician Yasri Khan’s refusal to shake hands with a female journalist. The central question was the limits of acceptable difference in treatment of men and women in a rather personal area of conduct – the way a person may greet another. The issue was also about whether a different greetings based on gender constitutes inferior treatment, and thus an insult not only towards the specific woman in question (regardless of what she herself thinks about the issue), but towards all women. The second example is the recent European Court of Human Rights (EctHR) case Osmanoğlu and Kocabası v. Switzerland concerning Muslim parents’ request that their daughters are exempted from mixed-gender swimming classes. The applicants were Muslim parents who wanted to have their daughters exempted from mixed swimming lessons, as attending them was against their religious convictions on modesty. According to the parents, the refusal to grant an exemption
violated their freedom of religion as protected by Article 9 of the European Convention on Human Rights. Both examples illustrate the ways in which the cultural differences draw upon constructions of gendered and sexualised bodies.

Our aim is to challenge the taken-for-granted perspective of the Western legal subject, which evaluates the ‘Other’. By studying the notions of ‘authenticity’ and ‘autonomy’ embedded in our examples, we seek to examine how postmodern feminist perspectives may contribute to making visible the ways in which ‘us’ and ‘the Other’ are produced in mundane, everyday practices and within the law. We approach our examples as narratives and ask how authenticity and autonomy are constructed in the narratives of belonging, which delineates the boundaries of the national community. Our examples illustrate how the imagined national communities (Anderson 2006) are being reproduced in ‘narrative acts of self-definition’, ‘[t]urning the scraps and patches of daily life into “signs of national culture”’ (Bhabha 2002, 297).

Narratives may normalise chronologies and causality to such an extent that alternative narratives go unnoticed (Brooks and Gewirtz 1996, 17). In this process the law may play a crucial role, since, as Gilkerson (1992) argues, law as a social institution tells stories about people’s relationships with others. The term ‘narrative’ can be understood in many ways, but here we use it in the sense of story; typically narratives position characters and events in space and time in order to make sense of events. Thus, according to Bamberg (2012, 77) ‘narratives attempt to explain and normalize what has occurred; they lay out why things are the way they are or have become the way they are’. In the following we analyse the ways in which autonomy and authenticity are narrated in our two examples, and how these narratives construct gendered and ethnic subjectivities.
‘In Sweden we shake hands’

In April 2016, a heated debate over greeting traditions occupied news media headlines in Sweden as Yasri Khan, a Green Party MP and candidate for the Central Committee, refused on religious grounds to shake hands with journalist Ann Tiberg in a television show. Instead of shaking hands Khan put his right hand on his heart and nodded his head. The leaders of Green Party condemned Khan’s act, insisting that everyone should be treated equally in Sweden, and doubted his suitability for a position of trust due to his religious convictions. Khan later resigned from his post as an MP.

How should the meaning of a handshake be understood? Is it a question of personal autonomy and the right to draw one’s physical boundaries or about acknowledging the other person’s autonomy and equality? Or is it perhaps an innocuous and rather trivial matter of custom? We can construct two competing narratives about the meaning of the handshake, based on which concept of autonomy we assume. In the first narrative, Khan’s refusal to shake hands with women is a signal of disrespect towards all women and is considered as utterly intolerable by the community, the ‘us’ in the Swedish public space. A comment made by Prime Minister Stefan Löfven captures this narrative: ‘In Sweden, we shake hands, that goes for both women and men’. For Löfven, refusing to shake hands with a woman was disrespectful because it indicated that Khan did not regard women and men as having equal value.

Irrespective of Khan’s intentions, or the experience of the individuals whom Khan greeted with this Islamic gesture, this narrative holds that treating women and men differently in this way violated the Swedish normative understanding of autonomy. By contrast, shaking hands recognises the autonomy of other individuals and signals gender equality.
What, then, was disrespectful in the gesture? Was the problem that women and men were being treated differently, and no gender-specific customs are acceptable (dress code, opening of doors, helping to carry bags etc.)? The debates did not appear to criticise Khan simply because he treated men and women differently. Rather, the problem seemed to be that his discomfort to shake hands with women drew a line between the genders in an inappropriate place. Khan broke the cultural code of how and where sexuality can be made visible or recognised in the public sphere of the nation. Refusing to greet women with a handshake sexualised what was regarded a culturally neutral way to greet people in Sweden. He was seen to impose a sexualised, corporeal identity on a Western, Swedish woman in a public place, who during the past decades had fought for – and accomplished – the right to present in the public sphere as a free and autonomous agent. This narrative illustrates how identities are constructed: the question of who has the right to define the proper code of conduct in the public sphere and what a gesture means becomes a struggle between identities – the Swedish, liberal ‘we’ and the foreign, barbarian, and backward ‘Other’.

However, a counter-narrative can represent Khan’s act as an expression of his own autonomy. Autonomy can be understood as granting individuals the right to define their own bodily limits and to choose the physical encounters they wish to engage with. Thus, Khan’s choice should be respected. One could then conclude that his greeting gesture was respectful and in line with his own convictions, and that unwanted physical contact should not be imposed on anyone regardless of their gender.

A third narrative about authenticity can be reconstructed from the handshake debate. The heated discussion initiated by the brief encounter between Khan and Tiberg captures how the gesture became ‘ethnified’. Ethnification refers to (in media and journalism studies) to a ‘one sided
dominant (…) focus on a person or group as an *ethnic Other*’ emphasising their difference from a presumed ‘us’ (Eide 2010, 66). Ethnification results in members of ethnic minorities having a lesser national identity even if they have citizenship and/or have been born in the country (Friedman 1998, 236). Khan, despite having been elected as a representative of ‘the people’, faced a situation where his Swedishness was questioned by the single line from the Prime Minister: ‘In Sweden we shake hands’. Thus, Khan’s discomfort with shaking hands with women was contrasted with Swedishness. The gesture of placing one’s hand on one’s heart instead of shaking hands was not regarded as a mere greeting gesture, but as an indication of Khan’s inauthenticity as a Swede and his inability to represent the Swedish people. The incontestable statement that ‘in Sweden we shake hands’ essentialises Swedishness as an identity category and illustrates the way in which identity can become a form of social control, policing the boundaries of ‘Swedishness’ (Phillips 2010, 5).

The handshake issue continues to be contentious in Sweden. As well as being discussed in the media, the handshake issue has also been debated in court. In 2010 Sweden’s Discrimination Ombudsman (DO) won a case against the National Public Employment Agency, which was found guilty of discrimination for expelling a Muslim man from a job training programme and withdrawing his benefits because he refused to shake hands with women (Vinthagen Simpson 2010). More recently, the DO sued a company that cut a female applicant’s job interview short when it became known that she would not shake hands for religious reasons (The Local 2017). A similar case decided by the Lund District Court in Sweden concerned a Muslim man who was dismissed by Helsingborg municipality for not shaking hands with his female colleagues (The Local 2016). The Court decided in favour of the Municipality because it did not find sufficient evidence to support neither direct nor indirect discrimination (Johansson 2017a, 2017b).
Not all ‘handshake cases’ make it to court: Another Swedish example concerns a teacher who decided to resign after she was told that she must shake hands with her colleagues if she wanted to continue working. Her male colleagues felt ‘tremendously discriminated against by her’, as instead of shaking hands, she would put her hand on her heart and bow (Roden 2016). While above examples show that the handshake debate in Sweden has raised concerns over national identity and proper Swedishness, legally the question is still approached from the perspective of discrimination and minority rights. In Switzerland, on the other hand, similar cases are increasingly framed explicitly in terms of national identity and shared values. Swiss authorities have ruled that having a religious conviction is not a sufficient reason for refusing to shake hands with a teacher – a Swiss tradition allegedly signalling ‘respect’ and ‘decency’ (Basel Landschaft 2016; The Guardian 2016). The school’s decision to grant an exemption for two teenage Muslim boys from shaking their teacher’s hand was overruled by Swiss education authorities, according to whom ‘The public interest with respect to equality between men and women and the integration of foreigners significantly outweighs the freedom of conscience of the students’ (Samuels 2016). The boy’s parents were fined, and the citizenship process of the family was suspended (The Guardian 2016).

What makes the ‘handshake debate’ interesting for the purpose of this chapter is that the apparently mundane gesture of shaking hands brings all sorts of messiness to the surface. It makes visible the ways in which the gendered body and sexuality are present in the everyday practices without them being noticed until something interrupts the steady flow of day-to-day life. The interruption, in this case, was rather insignificant: a gesture was replaced by another one. And yet, looked at from a postfeminist angle, it suddenly revealed that our everyday
interactions are not as neutral as we thought and made visible the ways in which national identity and belonging are entangled with gendered and ethnified ideas about autonomy and authenticity.

‘It is common in Switzerland to see partially nude bodies’

Our next example continues to explore the ways in which the everyday narratives of belonging are reiterated in institutional (legal) practices. We discuss the ECtHR case of Osmanoğlu and Kocabas (2017) examining how the national identity is narrated in a legal setting.

Referring to their freedom of religion protected by the Article 9 of the Convention, the Swiss parents requested that their daughters be exempted from compulsory swimming lessons, as mixed swimming lessons were against their Islamic religious conviction relating to modesty. The Swiss authorities had refused the exemption stating that it could only be granted based on medical reasons or after reaching puberty – suggesting that at puberty female and male bodies become sexual bodies that can or should be separated from each other. As result, the applicants were fined for not allowing their daughters to participate in swimming lessons. The ECtHR (§94-106) found that the interference with the parents’ freedom of religion was justified as its aim was to guarantee the pupils’ socialisation and the public interest of general cohesion and integration of minorities. The Court accepted the Swiss government’s assertion that the aim of the swimming lessons was not merely to teach the pupils to swim, but also to behave in line with the ‘local customs and mores’ (§97). As part of its proportionality test the Court took into account that the Swiss state had sought a fair balance by offering the applicants the option to wear burkinis (§101). Decisive in the case was the wide margin of appreciation concerning matters relating to the relationship between state and religion, and the significance to be given to religion in society (§105).
The concept of integration played a key role in the argumentation of the parties and of the ECtHR. *Osmanoğlu and Kocabas* includes a summary (§28–30) laying out two key cases in Swiss case law. According to the summary, in 1993 the Swiss Federal Supreme Court examined the question of exemption from mixed swimming lessons for religious reasons. At that time, the Federal Supreme Court ruled that given the principle of proportionality, the education of children in accordance with the parents’ religious convictions took precedence over the compulsory swimming lessons, particularly because swimming constituted only a small part of the teaching of sport. Regarding integration, the Federal Supreme Court considered that the duty of immigrants is limited to adhering to the Swiss law. At that time, it was decided that the parents were not required, in any legally meaningful way, to adapt to all local customs and practices. In 2008, however, the Federal Supreme Court ‘amended its case law, having regard to the sharp increase in Switzerland’s Muslim population’ (*Osmanoğlu and Kocabas* §29). Integration was now considered by the Swiss government and courts to mean something more profound than simply adhering to the Swiss laws.

According to D’Amato (2010, 137), in Switzerland the meaning of integration has been open to both a liberal and conservative interpretation. The liberal interpretation is that integration means encouraging immigrants to participate in mainstream society, while the conservative interpretation emphasises the need for mandatory and coercive measures. In 2003, a populist right wing Swiss People’s Party (SVP) dramatically changed the way integration was understood in Swiss politics, and made way for new expectations for immigrants from outside of Europe, as well as new legal criteria they have to fulfil to facilitate their integration. According to D’Amato (2010, 139), the ultimate aim of the new integration paradigm is to restrict the number of immigrants outside of European Union/European Free Trade Association. The underlying idea is
that these third country nationals have inherent deficits regarding their capacity to integrate to the Swiss society due to their culture, language, and religion. These developments indicate that ‘integration has undergone a political ideologisation and securitisation’ and transformed from ‘a concept that includes emancipation, to a term that now comprises coercion and repression’ (D’Amato 2010, 139). Can this shift in the way in which integration is understood in Switzerland be argued to have influenced the ruling of the Swiss Federal Supreme Court in 2008? It does appear that the logic of the government’s argumentation was based on the implicit definition of integration as something that guards not only the national laws, but also the national values and customs – the national authenticity.

In Osmanoğlu and Kocabaş the Court did not address the applicants’ argument that their children were primarily integrated outside of the swimming lessons, their religion being the only difference between them and the majority population. Most importantly, the Court did not engage with the applicants’ claim that tolerance is an important part of integration, and that integration does not require homogeneity. The Swiss government successfully established integration both as an interest of the Swiss society and as an individual right of the applicants’ daughters. Thus the Court implicitly contrasted the rights of the parents and those of their children, so that the interests of the children and of the Swiss society were in line with each other. In the Court’s own words, ‘children’s interest in an all-round education, facilitating their successful social integration according to local customs and mores, takes precedence over the parents’ wish to have their daughters exempted from mixed swimming lessons’ (§97).

The question remains, what explains the change in the way integration is now understood by the Swiss state? Reading the case Osmanoğlu and Kocabaş gives the impression is that the decisive turn was the growing number of Muslim immigrants in Switzerland, resulting in more emphasis
being placed on social cohesion and integration. The government directly referred to the fact that since 1993, ‘the composition of the population had changed’, as in 1990 there were 152,200 Muslims living in Switzerland, 310,000 in 2000, and in 2008 in estimation 400,000 (§69). According to the narrative reiterated in the ECtHR’s ruling, in 2008 the Federal Court revised its previous case law in the light of the rapid increase in the Muslim population in Switzerland. The Federal Supreme Court now placed more weight on integration in the sense of respecting the local values and culture and decided that pupils attending mixed swimming classes was important from the perspective of socialisation and securing equal opportunities for girls and boys.

D’Amato’s analysis helps to reconstruct an alternative narrative to the one that begins with the rising number of Muslims and ends with a greater emphasis on integration in the conservative sense, even assimilation. The alternative narrative begins with the outrage caused by the Federal Supreme Court’s 1993 ruling allowing Muslim pupils to be exempted from mixed swimming lessons, and the rise of right-wing populism. According to D’Amato (2010, 140–141), an immediate reaction in Switzerland to the Federal Supreme Court’s 1993 ruling was hostile:

> In a country in which the fear to be overrun by foreigners is deeply rooted in public discourse, a policy that allowed the recognition of differences was felt a provocation and turned out to be a red rug to right wing populist parties, inciting them to mobilise against liberal jurisdiction.

The rise of a conservative interpretation of integration can be seen as a natural effect of the rising number of the Muslim population – this was the government’s storyline in *Osmanoğlu and Kocabası*. However, it could also be understood as a result of right-wing populism. Thus, the question presented to the ECtHR could be framed in two completely different ways, steering the course of the Court’s argumentation into two different paths: that of protecting the cohesion of
the population (and therefore, ultimately, the democratic order) on the one hand, or that of protecting the minority rights and diversity (and therefore, ultimately, pluralism essential for the democratic order).

What looms in the background of the Court’s argument is the threat of dis-integration of the Swiss nation and its people. The applicants were unable to contest the underlying narrative of a threat to the authentic Swiss way of life due to the increasing Muslim population. Moreover, from the children’s perspective, we argue that their own religion was narrated as a threat to their proper integration into the authentic Swissness and belonging in the Swiss community. In fact, the main subjects of *Osmanoğlu and Kocabaş*, the two children, are noticeably absent from the argumentation of the parties. They are present only through someone else’s eyes: the parents’, who fear that their children will be exposed to a sexualising gaze; and the government’s, who denies the existence of such a gaze (or who insists that one must tolerate such a gaze?). The unquestioned line between the genders, for both parties, is drawn at puberty. The parents argued that despite the fact that their religion does not require the covering of the female body before puberty, they wanted to prepare their daughters for the requirements of their religion, and invoked their parental authority on the matter (2017 §45). Similarly, the government drew the line at the age of puberty, pointing out that the pupils could be exempted from mixed swimming lessons after reaching puberty (2017 §47). Both parties reproduce the idea that gender difference is linked to sexuality and corporeality, that sexuality begins at puberty, and that at that point, it is appropriate to separate girls and boys. Both parties also claim to have a say over the bodies of the children: the parents by referring to their parental authority over the girls, i.e. their autonomy as parents, and the state by assuming authority over the bodies of its subjects.
At the heart of the issue was, again, the body and the conflicting demands of covering and exposing it in the name of autonomy and authenticity. Both the parents and the state framed their concern over the children with reference to their future as authentic and autonomic members of communities. The parents wished to prepare the girls for becoming full members of their religion, whereas the state wanted to prepare them to be full members of the Swiss society. From the children’s perspective, both autonomy and authenticity were something that they may or may not grow into in the future, depending on the success of their integration into their religious or in the nation-state communities. From the state’s perspective integration required freeing the children from their religious background, which was regarded as a hindrance to full integration and belonging. But what was it exactly that made swimming lessons essential from the perspective of integration? The Court did not discuss this point explicitly, but the government pointed out that ‘partially dressed bodies were frequently to be seen in Switzerland’ for example on the beach or in the media, and that it is therefore ‘all the more important that children learned from an early age to handle this aspect of communal life, in order to facilitate their development in society’ (Osmanoğlu and Kocabaş §77).

The narratives of belonging fleshed out above squarely raise the question of intersectionality. For some time now intersectional feminism has invited us to recognise the myriad ways in which race, gender, class, and sexuality shape the experience of individuals, and that anti-discrimination laws are often insufficient for capturing the lived experience of people (see Conaghan 2009; Crenshaw 1989; Nash 2008).

While intersectional and postmodern feminism have a lot of common ground in terms of epistemology and their approach to power and knowledge, postmodern feminism rejects the notion of historically shared, group-based experience and instead ‘deconstructs all group
categories as essentialist’ (Mann 2013, 64). Thus, it would be a mistake to try to capture the lived experience of any group of people, such as for instance Muslims living in Switzerland. As white Western feminists, we are unable to say much about their experience anyway. What we can do, however, relates to the second question raised by the narratives discussed above: Osmanoğlu and Kocabas invites us to consider the way in which national identity is constructed in relation to ‘the Other’. Our postfeminist reading of the case, sceptical of any cemented yet often implicit notions of autonomy and authenticity, makes once again visible those aspects of ‘us’ that are coercive and othering, and embedded in particular notions of autonomy and authenticity.

Conclusion

How might a postfeminist approach unsettle the narrative of ‘us’ reproduced in the law and legal practices, as well as in national ‘debates’ over religious customs and symbols? In this chapter we have discussed the handshake controversy and the litigation over compulsory mixed swimming lessons. We argued that they are examples of the ways in which narratives of belonging contribute to boundary maintenance between ‘us’ and ‘the Other’, by asserting specific notions of authenticity and autonomy. As our examples illustrate, the notions of autonomy and authenticity are embedded at the intersection of ethnified and gendered subjects, and therefore it is important to stay alert to the ways in which feminist rhetoric may contribute to reifying a particular narrative of ‘us’. This is where critical self-reflection of (post)feminist thinking is needed. Postfeminist wariness of any intransigent conceptions of authenticity, autonomy, gender, equality, etc. allows resistance towards essentialising notions of ‘us’.

Yasri Khan’s authenticity as Swedish, and his ability to represent the ‘Swedish people’ was questioned because his greeting gesture was perceived as incompatible with authentic
Swedishness. Thus, the debate brought to surface the otherwise invisible boundaries of the people of a nation. Along with authenticity, autonomy played a key role in the debate over the handshake. The reason Khan faced such an amount of opposition was that the refusal to shake hands with women was interpreted as a denial of women as autonomous subjects, and because by showing discomfort with touching a woman’s hand, Khan sexualised a ‘neutral’ gesture of shaking hands.

Regarding the role the concept of integration played in the case of Osmanoğlu and Kocabas we argued that the Court uncritically reiterated the government’s narrative of belonging, in which the growing number of Muslims resulted in the need to emphasise the minority’s duty to adhere not only to the Swiss law, but also its customs, values, and way of life. The narrative of a growing Muslim population threatening Swiss society reproduces the authenticity of ‘us’ (the Swiss), the inauthenticity of ‘the Other’ (Muslims). This narrative reproduces the idea that members of the society can be truly autonomous as an individual only when they are ‘authentic’ – Muslims, whether they have citizenship and whether they have been born into said society, remain ‘the Other’. The autonomy, then, is granted to ‘the people’, who reproduce the authenticity of the nation, including the nation’s norms concerning gender and sexuality.

The question remains, how would the European Court of Human Rights rule on a handshake case? The margin of appreciation doctrine would most likely have a decisive role in such a case. The doctrine has attracted criticism, particularly in cases concerning the relationship between national values and freedom of religion. Some aspects of the Court’s approach suggest that the Court would be likely to favour the Government’s assertion of what is ‘necessary in a democratic society’ (European Convention of Human Rights Article 9.2). In some cases, this has resulted effectively in protecting the majority’s alleged perceptions and sentiments over the freedom of
religion of minorities. For example, in *S.A.S. v. France* concerning the ban on full-face veils in public, the Court asserted, referring to veiled Muslim women, that ‘individuals who are present in places open to all may not wish to see practices or attitudes developing there which would fundamentally call into question the possibility of open interpersonal relationships (… )’ (§122). Thus the problem identified by the Court was not so much the practical aspect of the veil complicating interpersonal interaction, but rather the ‘attitude’ against such interaction, that wearing a full-face veil allegedly communicates. Similar tendencies to address arguments drawing from national values and customs can be identified in *Osmanoğlu and Kocabas*. Thus, it is not farfetched to predict that in a handshake case the Court would be inclined to consider a handshake as part of the ‘minimum requirements of life in society’ (*S.A.S. v. France* §140–141) or crucial for ‘successful integration’ (*Osmanoğlu and Kocabas* §105), if the responding government would so argue.

In practical terms, a postfeminist approach to legal analysis can be useful for making visible the ways in which law reifies a particular notion of ‘us’. A postfeminist reading of the (legal) narratives of belonging allows critical assessment of the underlying, seemingly self-evident conceptions that uphold ethnification and exclusion. The challenge to feminism is to stay alert to the appropriation of feminism, for example, for Islamophobic purposes. The examples discussed in this chapter invite us to stay self-reflective to the ways in which power relations are reproduced in feminist discourses, and to the ways in which autonomy and authenticity are constructed in them. This means that we take postmodern feminism to acknowledge its own existence within and as part of narrative reality.
References


1 For example, the question of what role feminist scholarship has played and still plays in reproducing heterosexism, racism, and Eurocentrism, has been addressed by queer theorists and postcolonial feminists.

2 10 January 2017, application no. 29086/12.

3 For comparison, it is interesting to note that in S.A.S. v. France (App. No.43835/11 2014) concerning the full-face veil ban. The applicant contested the idea that reciprocal exposure is fundamental in the French society because not all minorities shared this view. In other words, implicit in her argument was the idea that minorities who do not share the view that reciprocal exposure of faces is fundamental in France, are an integral and inseparable part of the French society and that therefore it is not factually true that revealing of the face is considered fundamental by the society. The Court did not address this argument.

4 1 July 2014, application no. 43835/11.