



# laetus in praesens

Alternative view of segmented documents via Kairos

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## Facism as Superficial Intercultural Extremism

### burkha, toplessness, sunglasses, beards, and flu masks

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Partially amended (September 2016) in the light of current media coverage of French preoccupation with the iconic [bare-breasted Marianne](#) -- symbol of the French Republic. This bares comparison with the recent preoccupation in the USA with the erection in a number of cities of statues of the Republican presidential nominee -- [Donald Trump](#) -- [bare-assed](#). Both cases are indicative of emerging forms of national psychosis in a period of so-called "post-truth politics" marked by [bare-faced lying](#) by the highest authorities. [Original also available in a [PDF version](#)]

## Introduction

This is an exploration of the focus given to the challenge to French cultural identity by women there wearing the full-body [burkha](#) (*burka*, *burqa*) garment obscuring any view of the face in public. The matter was a feature of an historic occasion -- the first presidential address to the French Parliament since 1875 -- delivered on 21 June 2009 at the Palais de Versailles following a change in the constitution. President Sarkozy stated:

The problem of the burka is not a religious problem, it's a problem of liberty and women's dignity. It's not a religious symbol, but a sign of subservience and debasement. I want to say solemnly, the burka is not welcome in France. In our country, we can't accept women prisoners behind a screen, cut off from all social life, deprived of all identity. That's not our idea of freedom.

The matter had been given an earlier focus by the previous president of France who called for legislation banning the public wearing of conspicuous religious signs, notably in schools (as discussed in *Religious "Plastic Turkeys" -- Hermes vs. the Hijab*, 2003). This concern is evident to a lesser degree in other countries with an increasing proportion of Muslims.

The question is further complicated by challenges including the right to personal choice in clothing, differing understandings of public decency, and the possibility of identification by security facilities. It is of special interest because of the manner in which it is used by some as a vehicle for less clearly articulated agendas -- possibly evoking other questions.

Societies are increasingly challenged by the incapacity of processes of governance to address fundamental differences more creatively. A particular concern is therefore the question of whether the active focus on dress codes constitutes a focus on the superficial in order to be able to claim it to be an indication of the capacity of government to act decisively on matters of fundamental significance to the population.

In France the issue is now the focus of a special parliamentary commission to report in 2009 -- during a period in which provision has been made there for the availability of one billion (surgical) **face masks** as protection for the population against the **swine flu pandemic** (*Un milliard de masques disponibles contre la grippe A*, *Libération*, 1 juillet 2009). There is every probability that members of that commission and their families will be wearing such masks -- however unacceptable covering the face is deemed to be. Burkhas may in fact then prove to offer better protection.

As a case study, the response to the *burkha* provides an excellent example of the application of binary logic to a multidimensional complex of psychosocial issues indicative of far richer and more profound understandings of identity. The case is noteworthy both for collapsing distinctions significant to such understanding and its responsiveness to the extremes of passing fashion -- but in the name of values acclaimed as fundamental. As such it embodies the extremism it abhors. The argument is developed by exploiting the confusion of terms and thinking associated with the face and the facile in relation to the challenge of necessary diversity in a global society threatened by various forms of imperialism.

The burkha is also explored as a metaphor mirroring several problematic features of western society.

## Extremes of bodily representation of identity

Any systematic approach to this matter requires an identification of the range of issues relating to bodily exposure that are variously considered significant to expression of identity and the subject of debate. Discussion of the burkha and identity is then set within a wider context of possibly full facial or full bodily covering. These include:

- face: cosmetics, tattooing (whether permanent or temporary), cosmetics, cosmetic surgery, piercings, masks (cosmetic, decorative, ceremonial, disguise), veils (fashion, religious, ceremonial)
- eyes: glasses (sun, mirrored, decorative), contact lenses (including coloured)
- hair: treatment (colouring, styling, possibly partially covering face), wigs, transplantation, facial hair (beard, moustache), hair removal (including for religious or disciplinary reasons), pig tails (of
  - pigtail / cutting hair beard: -- rites of passage ( Japan, Judaism, Sikh, shave off -- skin head -- profiling)
  - collaborators
- breasts: covering, padding, enhancement bras, cosmetic surgery (implants), piercings
- genitalia: **circumcision**, piercings, G-strings, enhancements and coverings, including the **codpiece** (favoured in early European fashion and currently in the **leather subculture**) and the **penis sheath** (notably of current importance in some tribal cultures)
- leg covering: skirt length, ankle covering
- jewellery: fashion, insignia (membership, religion)
- body profile: padding, corsetry, implants, height enhancement
- body covering: religious clothing, military, etc

These expressions, considered variously significant to the expression of identity, may be clustered as:

- exposure (identity / status affirmation, identity disclosure, bodily exposure to environment)
- protection (status disguise, privacy, environmental conditions, bodily exposure)
- enhancements (concealment of defects, enhancement of assets)

In each case the preference may be rationalized in terms such as: respect, decency, expression, appropriateness, community solidarity, affirmation of identity, entertainment.

The preferences may be variously conflated and embodied in other behaviours and structures:

- desert peoples (Touaregs, Bedouin, etc), arctic peoples (Sami, Inuit, etc)
- masking whether for ceremonial purposes (notably tribal peoples), for protection (worn in Japan by the infectious in consideration of others), as covering of defects (as with the Japanese mythological figure **Kuchisake Onna** hiding scars around the mouth, or traditionally with lepers in Europe)
- curtaining of windows, with the contrasting community preference in the Netherlands for visibility into rooms by passersby
- residential fencing and gated communities to ensure privacy
- segregation of sexes (separate houses/clubs/fraternities for men as distinct from women), harems

## Facialization of identity – enabling engagement with the soul?

**Window to the soul:** There is a long history to the association of identity with the face -- and especially with the eyes. During a major televised debate on the burkha issue for a French audience, the well-known French philosopher [Elisabeth Badinter](#) (wife of a former French Minister of Justice) reaffirmed that: *The eyes are the mirror of the soul* (*Les yeux sont le miroir de l'ame*). Such an affirmation might itself be considered an unresolved issue in a society with rational and secular pretensions -- notably in the light of the burkha issue. To what extent can "soul" be held to be a universally applicable category in the legislative framework of a secular society?

In the form *The eyes are the window to the soul* the proverb has been traced back in English to *Regiment of Life* (1545), although known much earlier. Cicero (106-43 B.C.) is quoted as saying, *Ut imago est animi voltus sic indices oculi* (The face is a picture of the mind as the eyes are its interpreter). The Latin proverbs, *Vultus est index animi* or *Oculus animi index*, are usually translated as *The face is the index of the mind* (Gregory Y. Titelman, *Random House Dictionary of Popular Proverbs and Sayings*, 1996). *The eyes are the mirror of the soul* is also a Yiddish proverb.

Anthony Corbeill (*Nature Embodied: gesture in ancient Rome*, 2004) notes that:

In his survey of the ways in which the various body parts contributed to the functioning of the body as a whole, Pliny points to the superiority of the eyes as an indicator of the various emotions -- pity, hatred, happiness -- and states that the soul in fact "lives" in the eyes. Roman texts from poetry to rhetoric to philosophy concur with this notion, commonly held in antiquity, that the eyes are the mirror of the soul. (p. 146)

**Locus of the soul:** The subsequent importance of the matter in European culture is reviewed by Martin Henry Porter (*Windows of the Soul: physiognomy in European culture 1470-1780*, 2005). Arguments over the locus of the soul persisted in Europe until almost the end of the sixteenth century. An explicit characterization is offered by Fr. Cornelius a Lapide, S.J. (*The Eyes Are the Mirror of the Soul*, 1878) in commenting on a relevant verse of *Ecclesiasticus* by a renowned exegete of the 17th century:

*The attire of the body and the laughter of the teeth and the gait of the man show what he is (Ecclesiasticus 19:27)*. Just as one discerns and knows a person by his appearance and way of being, one also knows the secret of a person's soul by his face. The face of the hypocrite pretends to have humility, equity, and justice; however, if the prudent and wise man examines him long and attentively, he will detect the hypocrisy. The face, therefore, is the image of the heart, and the eyes are the mirror of the soul and its affections. One finds this principally in tumultuous and vile men who conceal their badness for a long time, but when they are distracted and unaware, it suddenly appears in their face and eyes. Therefore, the face and the eyes indicate the joy or sadness of the soul, its love or hatred; so also, honesty or treachery and hypocrisy. (*Commentaria in Scripturam Sacram*, Paris 1878, vol. 9, p. 541).

The soul has been variously associated with different organs of the body, at different times and in different cultures:

- the brain according to Pythagoras
- the digestive system according to Galen (although by his death around AD 200, the brain had been reinstated as the body's central organ and locus of the soul)
- the digestive system, as claimed by the 17th-century Christian monk, Jean Baptiste van Helmont, who believed that the stomach was the centre of human anatomy, namely the locus of the soul
- heart and its passions, notably in relation to the many Christian references to the [sacred heart](#)
- the pineal gland, by the French philosopher, René Descartes, namely the place where body and soul influence each other
- Talmudic spirituality assumes that the ultimate reality resides in a person's heart, the locus of the soul or spiritual dimension; in the tradition of the Qabbalah, the five distinguishable levels of the soul are:
  - *Nefesh* (natural/animal soul), seated in the body in general and the abdomen and genitals in particular,
  - *Ru'ah* (spirit), seated in the chest and head in general and the heart in particular,
  - *Neshamah* (eternal/over-soul), seated in the the head and the mid-brain in particular (when incarnated)
  - *Hayah* (anima mundi), surrounding the body and generally external to it
  - *Yehidah* (literally "singularity", but generally referred as "infinity"), located everywhere equally surrounding the whole universe and interpenetrating all
  - Of course these five are interconnected through a complex dynamic system of communications.

Related concerns are evident in Eastern traditions, as for example [Swami Ramakrishnananda](#) (*The Locus of the Soul*) and comment by [Ramana Maharishi](#) (*Sat-darshama Bhashya and Talks with Maharishi*, 1953):

The Sanskrit term *Hridayam* connotes that it is a centre, a locus of the soul... The doubt may then arise if the self is limited by and dependent on anything but itself. To remove such a doubt, the self itself is named the Heart... For it is the free eternal self which is centred in the living being as the Heart, the real "I," the self-being, and is rightly viewed as located there unattached to his self-becomings as mind, life and body. This unattachment means freedom from the movement while giving support to it... Thus the sense is clear that the Heart and the self in every individual are identical, for the reason that both refer to the same intense root-consciousness of self -being, to the same supreme awareness.

With such a range of understandings, how skilled are people assumed to be in reading the soul of another -- and to what depth?

**Secular indications:** Reference continues to be made to the challenge of the locus of soul, as with James B. Ashbrook. *Interfacing Religion and the Neurosciences: a review of twenty-five years of exploration and reflection*. *Zygon: journal of religion and science*, 31, 2005):

Where is the locus of the soul, or is there privileged tissue in the brain? Soul marks the core or essence of a person (or group).

In an increasingly secular society, concern with the locus of the soul is displaced by concern regarding its loss, as articulated by Richard K. Fenn and Donald Capps (*On Losing the Soul: essays in the social psychology of religion*, 1995):

When the soul was believed to have its locus in the liver, the fact that the soul could exact a price for our efforts to live as disembodied spirits -- as "hearts lifted from the body in the sublimest autopsy" -- could not be ignored. Now the soul is an empty and vacuous notion, and digestive disorders are merely of medical interest. They are not, as they were in original theories of melancholia, symptoms of a sick or pathologizing soul. The spirit need no longer answer to the soul, as the soul itself has been rendered innocuous. (pp. 151-2)

For some this loss of soul is related to a concern with the soullessness of society -- notably as articulated by some politicians of the European Community (see *Challenge of "soullessness" -- beyond the "pillar-ization of Europe"*, 2004)

**"Animascope":** There has of course been a remarkable development of new technologies for detecting the very large and the very small, whatever the size or distance -- with telescopes and microscopes of every variety -- with the proposal for macrosopes to explore holistic systems by an eminent French scientist (Joël de Rosnay, *The Macroscope: a new world scientific system*, 1979). As might be expected, the challenge of detecting the soul through a "soul-o-scope" or "animascope" has also been considered.

The company **Animascope** manages a wide set of the, presumably requisite, non-invasive technologies (magnetic resonance imaging, optical imaging, ultrasound imaging, x-ray computed tomography). Of greater interest, in metaphoric terms is the extensive thought given in the Buddhist tradition to questions of identity in relation to the mirror of the mind (Paul Demiéville, *The Mirror of the Mind*, 1991). This is especially interesting given the importance attached to vision-based metaphors in contemporary strategic thinking as well as to the extensive development of complex optical systems to manage images in "scopes" of whatever kind.

**Dynamics:** The Buddhist approach highlights the possibility that any quest for the locus of the soul -- and for identity -- may be inadequately framed by simplistic understandings of material metaphors. An excellent example is provided by the mistaken framing of the **Human Genome Project** from whose results it was possible to conclude that the physical characteristics of human identity were not adequately defined by genetics as previously assumed. As a result the necessary contribution of the dynamics of **epigenetics** became evident.

The role of dynamics in understanding identity is notably evident in the extent to which music is held to be the locus of the soul in a secularized, commercialized society. With the death of **Michael Jackson** (at the time of writing), it might be argued that he embodied the struggle between a tragic commitment to conventional facial identity (cosmetic surgery, dark glasses, hair-covered face) when his identity was celebrated worldwide through the genius of his movement in relation to music and song.

Might identity come to be associated more fruitfully with dynamics in the future, as previously suggested (*Emergence of Cyclical Psycho-social Identity Sustainability as "psychically" defined*, 2007)?

**Multidimensionality:** That identity should be considered as uniquely associated with any one portion of the body has of course long been contested from a spiritual perspective, as for example the comment by Paul A. Byrne and George M. Rinkowski (*Why "Brain dead" is False, Catholic Apologetics*):

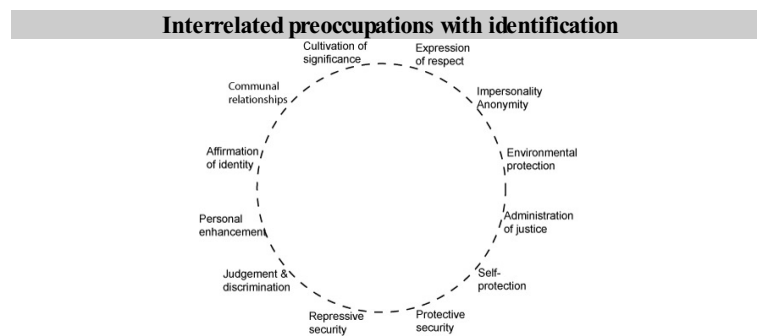
To consider the brain as the site or the location of life of the body is a misconception of either the soul or the life of a person. The soul is the life of the body; the person is not an insert located someplace within the confines of the body. The reality of soul and life are whole and entire in the soul and whole and entire in each part. The soul has no parts but the person formed by soul and body has parts. A better way of portraying the locus of the soul is to realize that the soul contains rather than is contained in the body....There is dishonesty in the false restructuring of the human body and changing the definition of the human person to assume ownership with title to dispose of parts. There is no consideration of justice and rights of the individual substance of a nature that is rational.

It is possible that the most relevant current approach to the face-related identity issues of the burkha is the **face-to-face relation** as developed by French philosopher **Emmanuel Levinas** (*Totalité et infini: essai sur l'extériorité*, 1961) as notably articulated by Bernhard Waldenfels (*Levinas and the face of the other*, 2002, pp. 63-81). He cites Levinas to the effect that: *The dimension of the divine opens forth from the human face*, arguing that it is obvious what Levinas has in mind: the way to God passes through the face of the other. Of relevance to the burkha debate, for Levinas, the Other is not knowable and cannot be made into an object of the self, as is done by traditional metaphysics. Of related value is the study by Tina Chanter (*Feminist Interpretations of Emmanuel Levinas*, 2001) on the asymmetric dilemma his approach implies:

The ethical orientation of Levinas's philosophy assumes a subject who lives in a world of enjoyment, a world that is made accessible through the dwelling. The feminine presence presides over this dwelling, and the feminine face represents the first welcome. How is this feminine face to be understood? Does it provide a model for the infinite obligation to the Other, or is it a proto-ethical relation?

From a secular perspective, a related understanding might be derived from the arguments of the mathematician Ron Atkin (*Multidimensional Man: can man live in three dimensional space?* 1981). Yet to be fully explored are insights expected to emerge from the ongoing debate regarding quantum consciousness, quantum psychology and [quantum mind](#) [more], the emphasis being not on whether such insights offer valid explanations from an "external" (objective) perspective but rather whether they offer insights for those engaged with such experiences (subjectively). Such insights might be consistent with the articulation of Robert Pollack (*DNA and Neshamah: locating the soul in an age of molecular medicine*, *Cross Currents*, 2003):

Let us suppose that every one of us does have a soul, and that while we are alive it has a natural location somewhere in this mortal world... If we simply connect these ideas an unexpected answer emerges, one based on the history of our species. The location of the soul of any one of us need not necessarily be in our minds or bodies or brains. Instead, it could be in the minds, bodies and brains of each of the people whom we have nurtured, and the minds, bodies and brains of those who have nurtured us.....a distributed, socialized, delocalized, mortal soul..



## Identification imperative

An array of interwoven issues tends to be evoked with regard to identity and identification in terms of the face, whether or not they are openly stated rather than of covert significance, whether seeking to gain advantage or not. Perhaps the core question is who has the right (or the capacity) to look through the "window of the soul", whether it is a two-way window, and whether it is effectively transparent rather than opaque. Who has the qualities and capacities of such a "seer"? When is the effort to "know" another to be experienced by the other as invasive "rape" to some degree?

**Communal relationships:** The sense of community is typically associated with an ability to recognize others -- notably by the face. Community might then even be said to be "facially dependent". Hence the concern in modern society with a degree of uncertainty and potential threat from those who seem to have excluded themselves from that contract by covering their faces -- whether with any combination of burkas, scarves, glasses, facial hair, cowls or hoods. There is an unstated assumption that the ideals of an open society are directly associated with facial openness.

This raises questions about the nature of community, if it can exist, where for whatever reason faces are covered. Extreme examples include conditions of extreme cold (from the ski slopes to the arctic) or exposure to wind-driven sand (as in some deserts). However, by extension, it also raises the question as to whether nudism increases the degree and quality of bonding within a community -- as some would claim.

To what extent do people have a right to live in a neighbourhood without seeking to be recognized as members of a community -- or to have some say in how they might be so recognized, or not? To what extent do they have rights to use shops and other facilities (as tax payers) without seeking such recognition of identity?

**Affirmation of identity (public relations):** Those seeking visibility in communities or wider society may attach special importance to their facial recognition, and possibly to facial recognition by them of any special contacts on whom they seek to make an impression.

This process may involve considerable effort to enhance the impressiveness of the face -- the "look" -- notably with the use of cosmetics (tattoos, and even with the cosmetic surgery required for a "face-lift"). Given that face recognition is now highly mediated through photographic or video representation (using billboards, the web, etc), much care may be taken to ensure the most superficially impressive representation of identity through such images -- irrespective of its relationship to daily reality or to any underlying reality. Any impression may variously emphasize attractiveness, fierceness, maturity or gravitas)

Whether for purely social purposes, or with other intentions, the huge success of social networking sites such as *FaceBook* makes it clear how many are focused on facial identity. However there is great irony to the fact that only a small proportion of those so represented ever meet "face-to-face" -- under "seeing the soul" conditions, unless it is assumed that these are possible through videocamera. Many more interact through non-visual electronic media, most notably *Twitter*, and seemingly have no greater desire to acquire "seeing the soul" capacity through other means.

One of the most evident phenomena on the web is the extent to which people adopt and cultivate one or more identities through which they interact with others in various communities. There is little suggestion that each should affirm who they are through an authenticated image -- if they are not inclined to do so. All are expected to be aware that identities may not be what they appear or claim to be.

**Personal enhancement / Reinventing oneself:** For those dissatisfied with affirming their identity as they are normally perceived in any



community, much more intensive use may be made of cosmetics and cosmetic surgery, tattoos and piercings. This may be framed as "reinventing oneself" -- even "changing one's identity". Part of the challenge may lie in the consequences of ageing -- and reducing its impact on the face and the identity it is assumed to convey. This raises interesting questions with regard to any assertion that the face or the eyes are a mirror or a window. It would imply that there is potentially a form of deterioration of the soul with age -- or at least a problematic shift in identity. Is it for those "looking in", or for the soul "looking out"?

To what extent is it for individuals to frame the significance of that process for themselves, rather than seeking external approval -- or even authorization? Should they feel any obligation to communicate any sense of change in personal identity -- especially when it is not readily communicable? Should they have the right to conceal such changes from others? Pregnancy, parenthood, and loss of close relatives offer useful examples.

**Judgement and discrimination** : As implied by the above points, one of the concerns in facial identification is a need felt by many to ensure the capacity to make inferences regarding the nature of another person through facial characteristics. This is equivalent to [stereotyping](#), and to the "[profiling](#)" practices developed by security services (or by those skilled in identifying the gullible or the vulnerable from their faces in order to exploit them). Many may assume a degree of ability to read faces to determine whether a person is telling the truth or inspires the confidence basic to any transaction. Many may have developed a categorization of people based on the superficial characteristics of faces. Determination of the category into which they "fit" may then determine subsequent responses -- irrespective of any more subtle soul inspection skills.

Especially problematic is when this need is felt in order to clarify relative status and a "pecking order", notably though the recognition of those that can be framed as less beautiful and more ugly, if not disfigured in some way (with whatever that may be held to imply regarding the soul of such a person). The widely commented case of singer [Susan Boyle](#) has offered a recent dramatic example for millions.

Whilst some may indeed feel far greater reassurance from maximum knowledge of the other -- if only by facial inferences -- it is an assumption that this is true for all. Does the need to make such definitive judgements imply an unadmitted sense of insecurity?

It is also appropriate to ask what proportion of western women (or men) might be considered more attractive fully veiled rather than conventionally exposed -- to whatever degree.

**Protective security**: There is of course a major need for determination of identity by security services. It is for this reason that increasingly legislation requires that faces be visible (rather than scarved or hooded), notably in public places where CCTV cameras are in operation. Using such facilities, facial recognition is now considered fundamental to control of public order in the event of demonstrations.

Recent years have seen a dramatic rise in attention to matters of personal identification, especially through "facialization of identity" and biometrics. Joseph Ferenbok (*Configuring the Face as a Technology of Citizenship: Biometrics, Surveillance, and the Facialization of Institutional Identity*. *International Journal of Technology, Knowledge and Society*) notes that Face Recognition Technology (FRT) has gained significant momentum since 9/11:

And when faced with alternative technologies, FRT seem to be the most benign. In practice, faces are already used as visual signifiers of institutional identity (eg. a driver's license) and citizenship (eg. Passports) in Western Culture. Consequently... biometric identification schemes could be viewed simply as a technological extension of existing practices -- the status quo. But technologies have politics, and face-based biometrics not only make network surveillance conceivable, but may also one day allow for human identification at a distance. Yet very few questions have been asked about the modern facialization of identity. What are some of the implications of the FRT? And how do face-based biometric technologies alter the status quo? The implementation of the face as the central technology of modern institutional identification practices may ultimately change the social constructions of the face. This paper discusses the theoretical position of the face as an abstract technology of ideology and citizenship with a broader study of institutional identification systems and their implications for national identity and security.

Indicating the lack of knowledge of "identity" on which such FRT is based, Andrew Clement (*Performing Identities*), in a proposal submitted for a research grant (2008-2011), makes the point that:

New technologies, systems and policies are being actively developed by governments and businesses with the promise of improved forms of identification, but this is happening largely without an adequate understanding of what this means for the millions of identity subjects, nor an appreciation for the serious personal and human rights concerns implied. Academic research in this area can offer little help unless it is informed by empirical studies of identity and identification practices from the perspective of individuals. This research seeks to fill these academic and practical gaps in our understanding of how people perform and experience their individual identities in their everyday encounters with identification based services and technologies.

This research will contribute to a better understanding of 'identity' in the social sciences as well as in such practical matters as the design of organizational information systems and policies. Further it will contribute to the articulation of 'identity rights,' as human rights distinct from other informational rights such as privacy. This will also provide the basis for the development of sound 'human-centred' identification devices, systems, policies, legislation, agencies and practices.

There are obvious degrees of inconsistency in assumptions freely made regarding identity determination of scarved tribes people in areas of insurgency -- then targeted for elimination as "terrorist suspects".

In addition to facial recognition technology is the use of other identification technologies: finger printing, DNA profiling, full-body X-ray scanning.

**Repressive security:** Many of the above issues of "protective security" are reframed with respect to "repressive security". The intention to "repress" by those with the power to do so may then be simply justified as a measure of "protective security". This is most evident in the politically correct framing of "Ministry of Defence", there being no implications that its resources are ever applied in a pattern of repression. This is equally evident at the community level. Security services may even be presented as "peacekeepers" ensuring "law and order" -- whether or not they act on any mandate to repress. It is in this context that identification may in fact be primarily for purposes of repression.

**Self-protection:** There is a cluster of identity issues relating to self-protection, with disguising identity held to be an appropriate measure in avoiding possible threats to personal security:

- **Privacy and anonymity:** In an increasingly invasive society, many have good reason to protect their privacy through various means. Witnesses to crimes, potentially vulnerable to intimidation and reprisal, offer an example. Privacy may be offered by wearing dark glasses (even mirrored glasses), wearing veils or scarves, use of dark (or mirrored) car or office windows, to residences surrounded by high walls or hedges.
- **Subversion and criminality:** There is an obvious challenge in the tendency of those engaged in some form of social disruption to mask their faces in some way. Whether or not their activity is legitimate, as in a demonstration, it may be subsequently held to be suspect. Clearly those of criminal intent have good reason to avoid subsequent identification. Curiously security forces (as with commando and SWAT Teams) are themselves increasingly heavily masked, if only through the nature of the protective gear they wear. Of related concern are practices involving the hooding of those under interrogation -- presumably to avoid exposure to their soul -- and of the interrogators themselves, in order better to intimidate and to avoid subsequent retribution.
- **Status and importance:** Celebrities are deemed justified in their efforts to protect themselves from intrusive photography by masking their identities to enable them to travel incognito -- notably to reduce vulnerability to harassment and kidnapping

Such strategies raise questions about their relationship to the challenge to the protection offered by the burkha. More generally, all might be deemed different techniques of "cloaking" whereby people seek to control their relationship to a potentially invasive community -- experienced in some way as threatening. Is it the right of the individual to act on a felt need for such protection, or is it for others to determine whether such protection is justified (and authorized)? Curiously the [Second Amendment to the US Constitution](#) asserts the right of citizens of a democracy to ensure their own armed protection.

What right does a person have to cover their face and their eyes when they are, appropriately or inappropriately, sensitive to their facial abnormalities? What right do others have to look upon the face of someone purely out of curiosity and in an effort to establish relative advantage or status? The tragic case of [albinos](#) in some African cultures merits reflection (especially when such exposure may lead to them being attacked for their body parts).

**Administration of justice:** Beyond issues relating to the hooding of interrogators or their subjects, masking is an issue in the administration of justice where it is typically claimed that the accused have the right to know who are their accusers. Hooded witnesses are nevertheless a feature of certain trials, or it may be the accused who is masked. There are cases where it is the justices themselves who are masked -- as is routine in Peruvian counterterrorism trials [[more](#) | [more](#)]. Human-rights groups estimate that as many as 1,000 Peruvians are languishing in jail after being wrongly accused of involvement with guerrillas -- and convicted by such masked judges sitting on anonymous military tribunals [[more](#)].

Further complicating the argument is that the deities by which justice is represented in various cultures may well be typically blindfolded (as noted [below](#)).

**Environmental protection:** Examples include conditions of extreme cold (from the ski slopes to the arctic) or exposure to wind-driven sand (as in some deserts). Milder forms may include the heavy use of protective sun cream. Some consider it appropriate to wear a [tin foil hat](#), namely a piece of headgear made from one or more sheets of aluminium foil or similar material -- in the belief that they act to shield the brain from such influences as electromagnetic fields, or against mind control and/or mind reading.

A major example of protection from the environment -- and of the environment -- is the use of face masks, as in the case of the swine flu pandemic. Another long-used technique is that of netting as a protection against insects. As veils, they have also been worn by women to protect the complexion from sun and wind damage (when un-tanned skin was fashionable), or to keep dust out of a woman's face, much as the [keffiyeh](#) is used today. Of particular interest is the [Jain](#) practice of wearing a mask to avoid killing tiny insects -- in conformity with the principles of [ahimsa](#).

**Impersonality / Anonymity:** Institutions may take steps to ensure the anonymity of their agents, whether as an indication of impartiality or to avoid exposure to subsequent retribution (as noted with respect to the agents of law and order). Such practices have long been associated with priesthoods (as noted below) but have also been evident in the "facelessness" of bureaucracy, where agents have (until quite recently) been deliberately nameless and possibly even not visible to the public. The practice of facelessness is however now widely developed in any access to online "help centres".

What right do people have to know and see those representatives of authorities who are effectively controlling significant processes in their lives? The matter has recently been highlighted by the failure of security personnel to wear their identification badge numbers during the course of their violent control of G20 demonstrations. Is this of greater relevance than the burkha issue?

**Expression of respect:** [Veils](#) have long been worn as an expression of respect. In a religious context, their use may be intended to show honour to an object or space. As [wedding veils](#), they have long been used in a range of religions as part of the bridal gown during a marriage ceremony. They are also used in funeral ceremonies, most especially by the bereaved. and during a period of mourning.

In Judaism, Christianity and Islam covering the head is or was associated with propriety [see [Christian head covering](#)]. All traditional depictions of the Virgin Mary show her as veiled. Veiling was a common practice with church-going women in the West until the 1960s, and a number of very traditional churches retain the custom. Facial masks may be worn in Japan by the infectious, out of consideration for others. The term "taking the veil" is associated in Christianity with nuns becoming a "bride of Christ".

**Cultivation of mystery and significance:** Historically [veiling](#) has been a mark of higher status. Records from the 13th century BCE, note that it was restricted to noble women and forbidden to commoners -- a feature of the [seclusion of women](#) practiced among the [Persian](#) elite in that period. For many centuries, until around 1175, Anglo-Saxon and then Anglo-Norman women, with the exception of young unmarried girls, wore veils that entirely covered their hair, and often their necks up to their chins (see [wimple](#)). Veiling became less common in the Tudor period (1485), being replaced by hooding. Veiling and masking may be deliberately used to reframe a situation by exploiting the excitement of a degree of potential threat from the unidentified.

Masking and veiling are also features of traditional ceremonies, whether secular or religious. There is a long tradition of the use of masks by priests to enhance the mystery of ceremonies. This continues in the practices of secret societies, although it may be the neophyte who is masked in initiation ceremonies and rites of passage. This is also a feature of hazing rituals. It is notably a feature of [masquerade balls](#).

## Confusions relating to facism

**Facism:** The importance attached to the face can readily be understood as being associated with "face-ism" (or "facism"), as with other forms of discrimination such as "racism" and "ageism". An *Urban Dictionary*, entry suggests that [facism](#) is like racism, but "classified by face, not race and colour".

**Fascism:** More curious is that "facism" is considered a typical miss-spelling of "fascism", if not an alternative spelling. Thus *Wikipedia* redirects from [facism](#) to [fascism](#). *Google* offers 5,950,000 entries for "fascism" and 271,000 for "facism" (primarily as miss-spellings of fascism).

**Facial-:** A facialist is an aesthetician specializing in facial care. Much more problematic is that "facialism" has been adopted as a descriptor of a particular form of pornography -- perhaps to be understood as a mode of expression and an affirmation of identity, notably in the case of men.

**Face-ism:** There is indeed recognition (and quantitative measurement) of any relative prominence given to the face in the portrayal of men and women, termed [face-ism](#). It has been found that regardless of gender difference, news photographs featuring high face prominence tend to generate positive ratings in regard of intelligence, ambition and physical appearance than those with low face prominence. In contrast, the greater body-ism evident in the portrayal of women serves to reinforce the stereotypical images of women as decoration of men, or sex objects without any personalities. Face-ism may not be merely restricted to gender difference but can apply to racial difference as well.

Arguably the burkha offers a means, however imperfect and non-ideal, to protect women from such processes -- whilst awaiting improvements to the situation in a sexist society.

## Face negotiation and loss of face

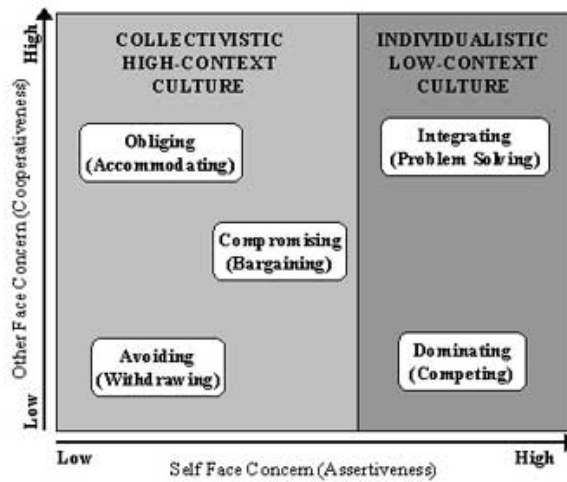
[Face](#), idiomatically meaning dignity or prestige, is a fundamental concept in the fields of sociology, sociolinguistics, semantics, politeness theory, psychology, political science, Curiously, given the purported associations of the soul with the face, considerable importance is attached to processes described as "loss of face" (*bruta figura* in Italian) or "saving face".

A [Face Negotiation Theory](#) was first postulated by [Stella Ting-Toomey](#) in 1985 to explain how different cultures manage conflict and communicate (Stella Ting-Toomey, *Face Negotiation Theory*, 1998; *The Matrix of Face: An Updated Face-Negotiation Theory*, 2005).

The theory endeavours to explain the roots of conflict in terms of identity management on both an individual and cultural level. The various facets of individual and cultural identities are described as "faces", namely the public image of an individual, or group, that their society sees and evaluates based on cultural norms and values.

### Insights from Face Negotiation Theory





as adapted by Stella Ting-Toomey (*Face Negotiation Theory*, 1998)  
 from Em Griffin, *A First Look at Communication Theory*, 1997 (figs. 32.2 and 32.3)

Clearly of great interest is the insight such a theory might offer into the "face" of Islam in relation to the "face" of those in the West confronting its manifestation through the burkha. In terms of that theory, conflict is then understood to occur when a group or individual has their face threatened. Many different strategies and factors affecting how cultures manage identity are discussed.

## Requisite variety to encompass multidimensional identity

There are a number of schemas for distinguishing biases and preferences, whether cultural or individual. Some might be usefully explored to distinguish preferences for the expression of identity (*Systems of Categories Distinguishing Cultural Biases*, 1993). An example, widely used in distinguishing biases characteristic of the cultures of different countries, is that of Geert Hofstede (*Culture's Consequences: international differences in work-related values*, 1984). How should the debate regarding the burkha be understood with respect to such dimensions?

The dimensions of Hofstede have been specifically taken into account in relation to [Face Negotiation Theory](#) (as mentioned above) by Stella Ting-Toomey (*Cross-Cultural Face-Negotiation: an analytical overview*, 1992). Ting-Toomey notably argues that in [collectivist](#) cultures, the face of the group is more important than the face of any individual in that group. In [individualist](#) cultures, the face of the individual is more important than the face of the group. Furthermore, there are small and large power distances associated with each culture. A small power distance culture believes that authority is earned, power is distributed equally, and everyone's opinion matters. The individual is highly valued. In large power distance cultures, authority is inherited, power is from top to bottom, and the boss is infallible. The good of the group is valued.

Another example is the identification of a set of "axes of biases" by the philosopher W. T. Jones (*The Romantic Syndrome: toward a new method in cultural anthropology and the history of ideas*, 1961) who was concerned with elaborating a new methodology to deal with strongly held differences in any debate. His interest was provoked by the unending debate on the definition of the "romantic period" -- hence the title of the book, and presumably a suggestion as to its relevance to debate about the burkha. The result, which he extended to both the sciences and the arts, is one way of understanding the different emphases which people and cultures may bring to any debate -- prior to any "rational" discussion on substance. The biases are not mutually exclusive.

As with Hofstede's scheme, this initiative could be related to that on the underlying preferences governing engagement in any debate on facial significance in the expression of identity. The axes of bias of Jones are in summary (presented in [Annex A](#)):

1. [Order vs Disorder](#)
2. [Static vs Dynamic](#)
3. [Continuity vs Discreteness](#)
4. [Inner vs Outer](#)
5. [Sharp focus vs Soft focus](#)
6. [This world vs Other world](#)
7. [Spontaneity vs Process](#)

Clearly these different views are not mutually exclusive and overlap in complex ways in the case of any culture, discipline or school of thought. The 14 views above form 7 pairs of extremes corresponding to the extreme positions on such axes. Jones showed how any individual had a profile of pre-logical preferences based on the degree of inclination towards one or other extreme of each pair. Jones names scholars in each case as examples. The contributions of participants in any meaningful debate regarding the burkha issue merit identification in terms of such biases. Of particular interest is whether any debate of requisite variety to encompass a complex issue should necessarily reflect such a set of systemic biases to give adequate expression to the issue.

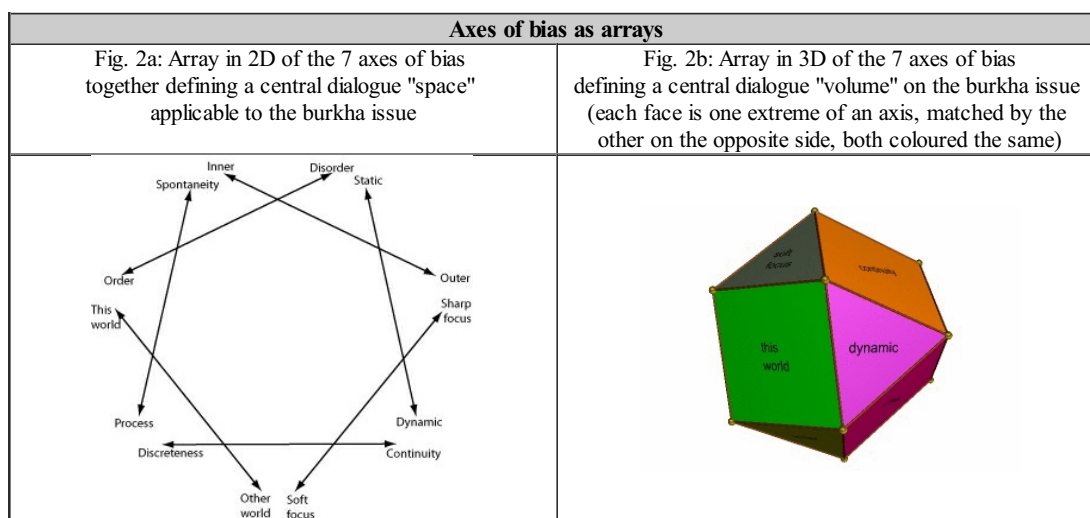
Whether the dimensions of Hofstede or those of Jones, there is a problematic sense in which "binding" the dimensions together (in a superordinate framework) recalls the origin of fascism in the Latin word *fascies*. This consisted of a bundle of rods that were tied around an axe constituting an ancient Roman symbol of the authority of the civic magistrates -- the rods symbolized punishment by whipping, the axe head execution by beheading. The symbolism of the *fascies* suggested strength through unity: a single rod is easily broken, while the bundle is difficult to break. Cognitive dimensions are then symbolized by such rods.

It is of course the case that each extreme positions on any of the above axes of bias invites deprecating characterization from any other. That is the challenge to any supposedly rational debate in which such biases are not explicit and cannot be effectively discussed -- the reason for the initiative by W. T. Jones. The set of biases he distinguishes may be understood as defining the dimensionality of a space within which dialogue may take place (*Axes of Bias in Inter-Sectoral Dialogue*, 1992).

Typically in any modern dialogue a participant may be understood as positioned at one or other end of any axis, then using the "hold" at that point to belabour opponents characterized by the opposite extreme. "Polarized" dialogue of this kind then bears some resemblance to *quarterstaff* combat (*Modelling: authentic dialogue and quarterstaff combat?* 2003) -- "whipping" opponents, as symbolized by the *fascies*, prior to an "executive decision". More generic insights result from the framing of any such polarity in terms of positive and negative (*Being Positive Avoiding Negativity Management challenge of positive vs negative*, 2005).

## Collapsing the space of sustainable dialogue

As dimensions defining the space of dialogue within and between cultures, the 7 axes of Jones (above) suggest the possibility of representing the boundaries of such a space geometrically. This may be done in two dimensions as indicated in Figure 2a and in three dimensions in a configuration such as in Figure 2b. In each case the "axes" are represented by lines -- those in Figure 2b being the axes through the faces.



The above figures are of course idealistic representations of conditions which would typically be far from symmetrical, notably in any particular historical period or with respect to any particular debate. In that sense both would be characterized by a dynamic of which the representations here are merely a possible average condition over time.

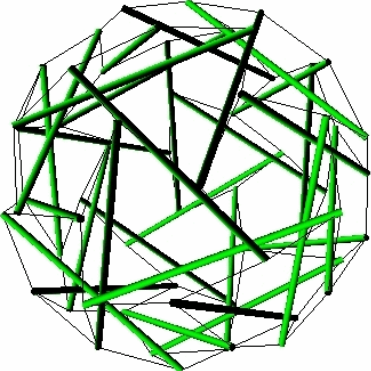
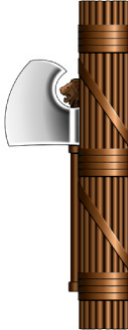
A typical debate on the burkha might then be mapped onto such figures. Points made would successively "bounce" from one axis to another in terms of the underlying biases brought into play -- with the strengths and limitations of each being highlighted. This dynamic would tend not to converge on any resolution reconciling the various perspectives.

It is in such a context that the possibility of collapsing distinctions becomes apparent. The length of any particular "axis" -- the range of tolerable perspectives on any dimension in practice -- may then be severely reduced. The space of dialogue is then itself significantly reduced and constrained.

There is however the possibility of a different kind of resolution that also lends itself, most ironically, to a geometric representation. As illustrated by Figure 3b, the dimensions may be "preserved" -- by binding them together into a symbolic form -- known since the time of the Roman Empire as the *fascies*. It was this key symbol that represented the power and authority of the state and its ability to bind together the many different cultures within that empire. This imperial symbol continues to figure in the symbolism of a number of countries, most notably the [USA](#).

It is intriguing that the symbol can also understood as binding together disparate intangible cognitive dimensions and their associated values and perspectives -- implicit at that time in the disparate tangible characteristics of the societies and cultures of that empire. The value of this symbol in this context is that it indicates how the space of dialogue over differences is completely collapsed -- in contrast to the spaces evident in Figures 2a and 2b, or the example offered by Figure 3a.

Alternative configurations of axes	
<p>Fig. 3a: Indicative array, configured in 3D, of multiple axes of bias (variously oriented) defining a central dialogue "volume"</p>	<p>Fig. 3b: <i>Fascies</i> dating from the Roman Empire as a decisive collapsing together of the distinctive axes of bias (as represented in Fig. 2 or Fig. 3a), to form an aligned perspective, effectively eliminating any central dialogue "space"</p>

	
<p>Symbol of an "open society" and its strategic dilemmas?  <i>Configuring Strategic Dilemmas in Intersectoral Dialogue, 1992</i></p>	<p>Symbol of a "closed society"?  <i>Coherent Value Frameworks Pillar-ization, Polarization and Polyhedral frames of reference, 2008</i>  <i>(image from Wikipedia)</i></p>

Also of some interest (in relation to any facist debate) is that the geometry of the polyhedron of Figure 3a distinguishes "faces". In the geometry of Figure 3b those faces have been collapsed. It is essentially "faceless" and as such perhaps an appropriate symbol for the "facelessness" characteristic of any imperial bureaucracy. The contrast between the two images is reminiscent of that between an erected dome tent (offering shelter) and its packed version (enabling transport and storage).

The *fascies* is clearly ill-designed as a container for the soul. With respect to any inferred locus of the soul (as discussed above), this is more fruitfully understood as being at the "empty" cognitive focal centre around which the "axes" of Fig. 3a are configured.

## Challenges to facist identity and identification

Presented separately as [Annex B](#) with the following sections:

- Possible covert agendas of facism: encoding the Great Games
- Mono-sensorial vs poly-sensorial identity
- Discrimination against the sight-challenged
- Discrimination against the facially-challenged
- Discrimination against the traumatized
- Premature closure regarding the meaning of identity
- Problematic history of dress codes
- Passing conventions of fashion vs. fundamental, enduring cultural values
- Quantitative measures of appropriate exposure

### Figure 4: Complementary national emblems of the French Republic

Fig. 4a: [Marianne](#), representing France as a state, and its values, by extension an allegory of Liberty and Reason



Detail of *Liberty Leading the People* by [Eugène Delacroix](#) (1830)  
*(image from Wikipedia)*

Fig. 4b: [National Emblem of France](#) (since 1953)



Note the *fascies* of the Roman Empire (see Fig. 3b)  
*(image from Wikipedia)*

## Faces of Citizens vs Fasces of the State: a legislative dilemma?

Curiously in relation to the debate on the burkha, the symbolic representation of the French Republic is through two contrasting images. [Marianne](#) on the left and the national emblem on the right. In 1848, the government of the newly founded [Second Republic](#) launched a contest to symbolise the Republic on paintings, sculptures, medals, money and seals, as no official representations of it existed. Two versions of "Marianne" were authorised: one is fighting and victorious, recalling the Greek goddess Athena. She has a bare breast, the Phrygian cap and a red corsage, and has the arm lifted in a gesture of rebellion. The other is more conservative.

In the case of France, the conclusions of a parliamentary commission will shortly determine what kinds of legislative measures may be appropriate with regard to prohibition of the burkha. As noted above, the commission may be faced with the ironic situation of being

obliged to debate the matter whilst wearing protective face masks -- perhaps setting a standard for the appearance of future legislative impartiality.

For those in favour of prohibiting the burkha for other reasons, the seemingly strongest argument for the commission lies in the possibility of demonstrating that it is worn by women involuntarily -- namely imposed in some way that is an infringement of their legitimate rights. ("Le gouvernement pourrait envisager une loi «*s'il s'avérait que le port de la burqa est subi*»", *Faut-il interdire la burqa?*. *Liberation.fr*). However, whilst appealing to principle in an area where the quality of proof is questionable, freedom of choice is increasingly problematic in a consumer society as noted by Neal Lawson (*All Consuming*, 2009). In summary he argues (*Do we want to shop or to be free? We'd better choose fast*, *The Guardian*, 3 August 2009):

As you read this, take a look around and at yourself. You are decked in and surrounded by symbols of consumer society. It's not just your clothes that give it away, but your watch, jewellery, mobile, MP3 player, bag; the furniture and the fittings; all are brands designed to speak for you.... We consume to sustain life, but over the last 30 years we have become turbo consumers. Many people recoil at being told that, like me, they live their life like glorified soldier ants in an army whose purpose is to reproduce a social system over which they have no say. They genuinely feel they follow no fashion and live a free life.... We consume to buy identity, gain respect and recognition, and secure status. Shopping is the predominant way in which we know ourselves and each other, and it is at the point of ruling out other ways of being, knowing and living.

Totalitarianism, a society where alternatives are ruled out, was meant to arrive in the jackboots of the communist left or the fascist right. It now arrives with a smile on its face as it seduces us into yet another purchase. The jackboots are in this season's colour and style. We are watched, recorded and ordered not by our political beliefs but by our shopping desires. The gulag is replaced by Gucci. Are we at the point of no return? Is the space for other ways of being human so marginalised that an alternative post-consumer society becomes impossible?

In such a context, how to compare the pressures to wear the burkha against the pressures to adopt any other style of clothing or unusual behaviour (eg Catholic [self-flagellation](#), use of a [hair-shirt](#), etc)? Stuart Jeffries (*Brush up your Hegel, Sarko*, *The Guardian*, 23 June 2009) argues that President Sarkozy has failed to distinguish between the abstract and concrete forms of freedom (as articulated by Hegel):

The former means the freedom to do whatever you want, which, as you know, is the basis of western civilisation and why you can choose between 23 different kinds of coffee in your local cafe, or 32 different kinds of four-inch wedges the glossies tell you look sexy this summer but in none of which you can walk comfortably. Such is the freedom of late capitalism, which seems to systematically strive to deprive us of an identity that we might construct ourselves. For Hegel this isn't real freedom, because our wants and desires are determined by society. By those lights, a western fashion victim is as much a sartorial prisoner as a woman in a burka.

Given the extraordinary prominence given to the issue of the burkha through the formal declaration of President Sarkozy -- a garment worn in France by some 300 people (as initially estimated) -- it might be asked what other issues potentially affecting greater numbers (such as domestic violence and petty criminality) merit greater legislative priority.

As noted above, any legislative provisions raise problematic questions. To the extent that the argument is one of:

- **fashion preferences:** Are there are other forms of facial covering that should be envisaged by such provisions? At what point does heavy use of cosmetics (or sun cream) constitute a facial disguise? Could face-based identity be effectively disguised by such means, as any make-up artist would naturally claim? If veils were to come back into fashion, would they be covered by such provisions? At what point is cosmetic surgery to be considered as equivalent to disguising identity?
- **therapy:** How is provision to be made for those disfigured by accidents or disease, where bandaging of the face is required to ensure recovery?
- **environmental considerations:** How is consideration to be given to those desiring to cover their faces because of weather conditions (extreme cold, etc)?
- **hygiene:** How are the requirements for minimum coverage (as with male swimwear), to be reconciled with those for coverage (as with the requirement for swimming caps), notably given the hygiene argument against swimwear conforming to Islamic requirements (see [Annex B](#))? What then of the hygiene arguments for swine flu face masks?
- **humanitarian considerations:** What provision is to be made for those permanently disfigured (if only in their own eyes) and desiring to cover their face in public? What if a person is in a state of extreme distress, perhaps due to bereavement, and has no desire to expose their face to others in public? To what extent do those suffering from unsightly skin conditions (acne, etc) have a right to face covering?
- **sexual equality:** To what extent should [facial hair](#) be considered as covering the face unacceptably, more typically in the case of men but recognizing the exceptions in the case of [female facial hair](#) (the classical [bearded lady](#)), and the pathological conditions of [hirsutism](#) and [hypertrichosis](#)? If a measure of excessive hair is to be defined by legislation, because it inhibits facial identification (as with the burkha), what implications will this have for men, especially those attaching [religious significance to beards](#) (as with Sikhs, Hindus, Jews)? Should they be required to remove it for any formal identification purpose? As a "religious sign" for them, should this not be subject to the prohibitions in France against wearing religious signs -- perhaps also to be made consistent with [policies regarding beards in the French armed forces](#)? Also of interest, given the concern that the burkha is worn involuntarily, is whether beards might be said to be worn involuntarily within such religious communities.
- **security:** How are legislative provisions to distinguish between any of the above in relation to security issues (facial exposure to



surveillance cameras)? Is the pressure for facial identification to be understood as a surreptitious initiative effectively analogous to legislative pressures for [automatic identification of vehicle number plates](#)? How is provision to be made for security agents to cover their faces? Are there other functions in society where those performing them merit facial disguise to avoid any form of vengeance or retribution? Under what conditions could celebrities claim the right to the use of veiling to avoid harassment? Would Princess Diana have died had she made use of such protection?

- **advertising:** As with T-shirts, flu face masks are now being decoratively adapted [see [images](#)], notably to display messages. This raises the question as to what messages are to be considered unacceptable, especially since some may be covered by strictures regarding religious signs. To what extent does this apply to commercial messages, beyond the logos of fashion houses currently associated with scarves, etc? In a world where consumerism is increasingly a form of religion, how acceptable is a face mask carrying the early advertising message: *Buy a Buick -- Something to Believe In*?
- **"terrorism":** Some severe degrees of disfigurement are terrifying to the sensitive, especially children (as is the case with beards in cultures where beards are only characteristic of foreigners)? At what point should it be a legal obligation to cover the face to avoid frightening members of the public? Given that (flu) face masks can be decorated to be terrifying (see [Annex C](#)), what are the strictures to be placed on their decoration?
- **simulacra:** Given the increasing sophistication of [prosthetic latex masks](#), possibly to disguise disfigurement, any legislation should clearly take such disguises into account. One question is how to distinguish between extensive use of cosmetics (effectively to distort the impression created) and the use of such masks -- namely at what stage might the face be considered as illegally "covered", as implied by ["make-up"](#)? Of particular interest is the theological implication for Muslims of being able to wear a replica of their own faces, thus avoiding the need for the full-body burkha covering (potentially to be prohibited by future legislation).
- **celebration and drama:** What consideration needs to be made for traditional and ceremonial uses of masks -- some of which are deliberately terrifying? The point is emphasized by the winners of the [Eurovision Song Contest](#) in 2006, the heavy metal group [Lordi](#), whose members wear latex demonic masks. Would special permission be required for such full face masks with "religious" implications? The issue of such masks is notably threatening in French culture due to the influence of the 32 volumes about the fictional character *Fantômas* -- master of disguise.
- **(in)decent exposure:** Should provisions regarding extremes of bodily exposure be rendered coherent with provisions regarding extremes of bodily covering? Should there be greater clarity on distinctions between public beachwear, public streetwear, public officewear, public clubwear, private clubwear, etc?

Although the focus is on full-body covering in the case of the burkha (with an emphasis on the face) -- supposedly exemplifying deprivation of social identity -- to what extent do the arguments apply to use of sunglasses, goggles or facial masks? At what point might these be understood as being subject to the same strictures? Can protesters be heavily goggled like the security agents that face them? Why do some object to the quality of a conversation with wearers of sunglasses -- as in an interview, for example?

At what point (as in the case of a full head bandage) is provision to be made for a government "permit" for such covering? What provision is to be made for abuse of such a system, as with "disabled parking" provisions?

To the extent that the focus is on the right of an agent of government to request removal of the covering in order to ensure facial identity, to what extent should account be taken of existing procedures for airline security searches or gynaecological inspections, namely a closed environment accompanied by a woman (if not carried out by a woman)?

Given technological advances in citizen identification, should alternatives be offered to removal of any facial covering? Examples might include: tattooing of numbers on the wrist (despite its dubious history), implantation of microchips (as with pets), or some combination of existing health and security anklets?

As a country within the European Community, is it to be expected that France should take the lead in promoting such legislative measures through a European directive to ensure harmonisation of provisions with regard to clothing? To what extent should each country be permitted a distinctive dress code? Given the evolution of fashion, how should provision for evolving standards be made in the light of the creativity of the fashion industry and the distinctiveness sought by celebrities? Would it be easier to resolve such matters at the EU level with a special EU licence for extreme facial covering -- rather than face the challenge of people crossing borders with an inappropriate covering?

## Justice and the burkha

Justice is widely depicted, whether as paintings or statues, notably in a context of courts of justice. In the European tradition inspiration is taken from [Iustitia](#) (Justitia), the Roman Goddess of Justice, as an allegorical personification of the moral force in judicial systems. Since the Renaissance, Justitia has frequently been depicted as a matron carrying a sword and measuring balances, and sometimes wearing a blindfold (Michael A. Dean, *Images of the Goddess of Justice*, 2007). The concept of the [blindness of justice](#) dates back to the [Hammurabi](#) code under which the accused would sit behind a blind individual and an official would declare a pre-determined punishment on the individual without influence of opinion.

Although the earliest Roman coins depicted Justitia with the sword in one hand and the scale in the other, her eyes were uncovered. Justitia was only commonly represented as "blind" from about the end of the fifteenth century. This provided an indication that justice is (or should be) meted out objectively, without fear or favour, regardless of identity, power, or weakness.

In the context of any discussion of the burkha, in which emphasis is placed on the capacity of others in any community to engage with the soul of the individual, depictions of the blindness of Justice are somewhat unfortunate. They imply that Justice does not seek to engage with that soul and that justice is meted out without such knowledge. The significance of such depictions is also questionable given that a number represent Justice as bare-breasted.



Figure 5: Representations of Justice



Image from planetgrenada.blogspot.com



Image from Michael A. Dean, 2007

In the case of issues like the burkha, Justice is called upon to seek a balance across more dimensions than is implied by the binary symbol of the scales in the images above. How is Justice to be understood as balancing issues polarized across the multiple dimensions of [Annex A](#) (as discussed above)?

## Burkha as metaphorical mirror for imperious culture?

From a psychological perspective it might be asked whether the antipathy in the West to the burkha does not signal the possibility that this derives in some measure from its function as a mirror for a particular western mindset. Is the West much challenged by what it sees in that mirror? **What might the burkha mirror in western society -- rightly to be considered unacceptable and a challenge to liberty and dignity?**

Presented separately as <a href="#">Annex C</a> with the following sections	Corresponding (tentatively) to one extreme of each axis of bias in <a href="#">Annex A</a>
Mirroring facelessness of citizens in governance of democratic societies	Sharp focus vs Soft focus
Mirroring covert strategies, cover-up and denial	Outer vs Inner
Mirroring constraints on choice in a consumer society	Continuity vs Discreteness
Mirroring full-body cognitive imprisonment	Dynamic vs Static
Mirroring uncertainty, the unknown and the unconscious	Process vs Spontaneity
Mirroring the threat of confrontation with death	Order vs Disorder
Mirroring capacity of future response to extraterrestrials and otherness	This world vs Other world

## Conclusions

It is curious, but perhaps appropriate, that the deprecated global "clash of civilizations" should in France be framed in terms of clothing fashions for women. The argument above has endeavoured to show how the debate could be usefully explored in terms of axes of bias and/or cultural preferences -- especially in seeking to claim objectivity for any legislative measures. The argument also showed how the "space" for dialogue in the debate, enabling a variety of perspectives that is supposedly the mark of a civilized society, is in danger of being collapsed into a uniformity of perspective. The *fascis* ([Fig. 3b](#)) is indeed an appropriate symbol of this, especially given its central position in the French national emblem ([Fig. 4b](#)).

The question is how to recognize such processes -- to engender and sustain a space for dialogue between different perspectives -- as the means of engaging effectively and collectively with globality. These issues have been considered separately (*Engaging with Globality -- through cognitive lines, circlets, crowns or holes*, 2009) -- notably the challenge of transcending the one-dimensionality of conventional cognitive "alignment", so well-represented by the *fascis* (*Engaging with Globality through Cognitive Realignment*, 2009).

Understood in this way, one of the great merits of the burkha debate is that it makes evident the historical tendency of cultural empires to seek to collapse the potential of variety -- succeeding in the shorter term through Pyrrhic victories that ensure their own demise in the longer-term. The inherited mindset symbolized by the *fascis* is not designed to enable an open society.

There is great irony to any comparison of deprecated Muslim head coverings, as religious signs, with that promoted as the zenith of French fashion -- the archetypal *Hermès scarf*. As with many deities of the Olympian and Roman pantheons, *Hermes* is but one of the religious signs that have been coopted and trademarked in the service of fashion -- as previously argued (*Religious "Plastic Turkeys" -- Hermes vs. the Hijab*, 2003). The Olympian pantheon -- the *dodekatheon* -- had the merit of explicitly highlighting the configuration of deities which held open a cognitive space (*Internalizing a "dodekatheon" to inform the "dodecameral mind"*, 2009). It is ironic, but only too appropriate in a consumer society, that the dodecameral space should be sustained in vestigial manner by the corresponding articles of fashion. The debate is a fruitful indication of the challenge of embodying cognitive spaces, as argued by George Lakoff and Mark Johnson (*Philosophy In The Flesh: the embodied mind and its challenge to western thought*, 1999).

The challenge of such embodiment is curiously evident in the association of the openness of society with the degree of exposure of women -- promoted as fashion and enshrined in freedom of dress (and freedom from the constraints of the brassiere and the corset of recent history). This freedom is presented emblematically in France through the national symbol of Marianne (see [Fig. 4a](#)). The values and objectivity of President Sarkozy on the significance such openness are potentially somewhat comprised in that the [First Lady of](#)

France has been renowned for being depicted in the nude during her previous career as a supermodel. Such pictures are readily accessible on the web -- one having been recently sold (*Nude image of Carla Bruni sold*, *BBC News*, 11 April 2008). Rumours have circulated that she had been shortlisted as a future living embodiment of Marianne (*Carla Bruni-Sarkozy en Marianne 2008: une simple rumeur?* *Le Post*, 26 mars 2008; *Carla Bruni sera-t-elle la prochaine Marianne?* *Actualité de Stars*, 27 mar 2008).

The matter is further complicated by representations of Justice as a woman -- often partially unclothed (whether or not as a deity inherited from previous empires). But more problematic for the argument regarding the burkha is the extent to which Justice is then represented as blindfolded (see [Fig. 5](#)).

The concept of blindfolded Justice is itself problematic in the light of the many injustices so effectively ignored in society. Given the arguments for being able to see the face and eyes of Muslim women -- as an essential means of access to their souls (however dubious such invasive right of access may be considered) -- the question of whether blindfolded Justice has appropriate access to execute her functions on this matter is clearly a potential issue. It might also be argued that such blindfolding inhibits access to the soul of Justice represented in this way -- if Justice is to be held to have a soul.

Most problematic is the superficiality of facism -- despite questionable arguments for the capacity to use superficial indicators (phrenology, etc) as a means of understanding the complex subtleties of identity in depth. In a rational context, in the name of which spiritual dimensions are rejected (despite curious references to "soul"), the proof of such capacity is dubious. Were there any certainty, those of the most doubtful character would not accede to leadership in such societies.

By basing arguments against veiling on current fashions, ignoring those of the past (or those to come, debate on the burkha condemns itself to transient significance and lack of depth -- achieving political points in the moment whilst claiming respect for fundamental principles.

More intriguing is what the burkha is held to imply for the wearers, or those who argue against it (as discussed in [Annex C](#)). In this case arguments regarding depth and subtlety are indeed to be found -- whatever they themselves are used to disguise. For example, John Brookes (*Gardens of Paradise: the history and design of the great Islamic gardens*, 1990) argues:

In opposition to the Western attitude and its concentration on the external look of a building, the traditional Islamic concern is primarily for the feel of space within .... The result is an internal architecture... less concerned with buildings in space, more with space itself. Such a concept mirrors the ideal human condition: a lack of concern with outward symbols, but space for the inner soul to breathe and develop ... The extreme example is that of the traditional Muslim woman behind her veil, which externally creates a walled space of infinite privacy (pp. 21-2)

Similarly Geeti Sett (*Interpretation of an exhibition entitled Kham Space and the Art of Space*, New Delhi, 1986) argues:

The geometry of architecture is clearly based on an elaborate symbolism. In Islam, the dome, the minaret, the arch, the quindii vaults and pendentives do not stand for themselves, as invented forms. based at times on engineering feats; but for another, supra-reality which cannot be depicted in any other way but pure geometry. The dome for instance, is associated with the Spirit which pervades all beings, as indeed the vault of the sky embraces its enclosed space. The dome unifies space and encompasses it. The arch expresses the human soul, repeated ad infinitum soaring and aspiring towards the heavens. The *iwān*, the arched doorway or corridor, is viewed as the locus of the soul, moving between the room, seen as the body, and the garden or courtyard which is taken as the spirit.

Why is such private space perceived to be such a threat in French (and western) society? Why the need to invade that space and render it public? To what extent can this indeed be considered a form of rape by a society that claims to carry identity on its face, or on its body -- as echoed in concerns with defacement of public statues? What is to be said of a society in which nothing is to be left to the imagination, despite claims for its fundamental central importance (*Import of Nothingness and Emptiness through Happening and Mattering*, 2008).

Does the disapproval of the veil by President Sarkozy suggest any greater conceptual subtlety or insight in a global society than that of the Government of Sudan where, at the time of writing, a woman is to receive 40 lashes for wearing pants in public? (*Ex-journalist facing 40 lashes in Sudan*, *The Guardian*, 30 July 2009).

Given the apparent degree of concern in France, perhaps a more fruitful attitude is to welcome any legislative prohibitions as an experiment for European society -- for the learning it will offer regarding the association of identity with superficiality and the criminalization of the invisible. The confusion relating to facism, and its association explored here with the *fasces*, calls for recognition of the extent to which *fasces* has also been associated by political satirists with faeces -- with all the challenges that implies (*Viable Global Governance through Bullfighting: challenge of transcendence*, 2009).

#### Comments relating to the subsequent crisis in French politics

- *France defended Charlie Hebdo's right to offend so why can't a Muslim woman in a burkini 'offend' us too?* (Sunny Hundal, *The Independent*, 26 August 2016): Whether or not people feel unsafe over a modest piece of clothing is besides the point. They should have no right to impose their prejudice on others
- *France's identity politics -- Ill-suited* / (*The Economist*, 3 September 2016): It began with two terrorist attacks in Nice and Normandy, followed by a weeks-long political fixation with the "burkini", a cross between a burqa and a swimsuit, which dozens of mayors of seaside resorts tried to ban from their beaches...Manuel Valls... called the burkini an "enslavement" of women, and claimed it was part of a political project to impose Islamist rules on France. He noted that Marianne, a female figure symbolising the French nation, is classically depicted bare-

breasted. The implication seemed to be that women in burkinis are un-French, while true French women go topless.

- [French PM Manuel Valls suggests naked breasts represent France better than burkinis](#) (Alexandra Sims, *The Independent*, 31 August 2016); The French Prime Minister has faced ridicule from historians and politicians after suggesting naked breasts are more representative of France than burkinis, after invoking Marianne - a national symbol of the French Republic - at a government rally -- "*Marianne has a naked breast because she is feeding the people! She is not veiled, because she is free! That is the republic!*"
- [French PM suggests naked breasts represent France better than a headscarf](#) (Angelique Chrisafis, *The Guardian*, 30 August 2016)
- [Topless Marianne remark by PM Manuel Valls stirs French row](#) (BBC News, 30 August 2016): Mr Valls last week defended the right of local mayors to impose beach bans, although France's top administrative court has said the bans breach fundamental freedoms.
- [Would France's Marianne Wear a Burqini?](#) (Yasmeen Serhan, *The Atlantic*, 30 August 2016)
- [France's Burqini Debate in 10 Quotes](#) (Yasmeen Serhan, *The Atlantic*, 19 August 2016)
- [Burkini ban: United Nations condemns French laws for 'fueling intolerance and stigmatisation of Muslims'](#) (Lizzie Dearden, *The Independent*, 2 September 2016): These clothing bans have increased tensions and may undermine the effort to fight extremism.
- [Why should France accept the burkini? Its time to debate integration head-on](#) (Muriel Demarcus, *The Telegraph*, 30 August 2016)
- [French PM Manuel Valls defends burkini ban as global backlash grows](#) (*The Sydney Morning Herald*, 26 August 2016)
- [Sarkozy: "I'll change French constitution to ban burkini if re-elected"](#) (RT, 29 Aug, 2016)
- [France's Shameful and Absurd Burkini Ban](#) (Bénédicte Jeannerod, *Human Rights Watch*, 25 August 2016): But what in fact these bans serve to do is create a dangerous and absurd confusion between how some Muslim women choose to dress and the despicable terrorist attacks that French people, of all religions, have suffered.
- [France's complex commitment to secularism fuels burkini debate](#) (Khatya Chhor, *France24*, 31 August 2016): France's highest court last week overturned a municipal ban on the full-body burkini swimsuit, a prohibition that ignited fierce debates with both sides claiming to uphold the French value of "secularism".
- [Brigitte Bardot vs. the Burkini](#) (Sophie Fuggle, *Foreign Policy*, 23 August 2016): If we are to believe Marine Le Pen, the palm-lined promenades, golden sands, and dazzling sea of the Cote d'Azur have become a battlefield this summer, where a fight is being waged for the very soul of France... The problem for those who want to see the burkini gone, then, is not the arrival of the burkini itself on the French beach, but rather the perception that those sporting it are not actively participating in and maintaining existing myths.
- [France's Burkini Debate Reverberates Around the World](#) (Dan Bilefsky, *The New York Times*, 31 August 2016): The burkini has become perhaps the most potent symbol in France's long-running battle over its vaunted secular identity... In Britain and the United States, the modest outfits are being seen as part of a multicultural model of integrating minorities. In China, where face-covering swimwear has long been popular among wrinkle-fearing beachgoers, many do not understand what the fuss is about.
- [Marianne, le voile et les droits des femmes: les propos de Valls agacent une historienne](#) (*Le Monde*, 30 aout 2016)
- [The French Republic Is More Than Bare Breasts](#) (Uri Friedman, *The Atlantic*, 31 August 2016)
- [The burkini ban: what it really means when we criminalise clothes](#) (Sheryl Garratt, *The Guardian*, 25 August 2016): To the French minister for women's rights, Laurence Rossignol, wearing as little as possible on the beach has now somehow become a feminist issue. [*The burkini*] has the same logic as the burqa: hide women's bodies in order to control them, she has said, seemingly unaware of the contradiction of forcing women to show their bodies instead. *It is not just the business of those women who wear it, because it is the symbol of a political project that is hostile to diversity and women's emancipation.*
- [The Serious Purpose Behind France's Silly Burkini Ban](#) (Tobin Harshaw, *Bloomberg*, 25 August 2016)
- [The bare truth about French burkini bans](#) (Steve Chapman, *The Chicago Tribune*, 19 August 2016)
- [French resorts lift burkini bans after court ruling](#) (BBC News, 1 September 2016): A beach in France is likely to feature some sights that would shock many Americans, such as bare-breasted women and paunchy middle-aged men in tiny Speedos. Lately it may also feature a sight that would shock many French people: females who cover up... [The] argument goes as follows: France must dictate what Muslim women wear to teach them that no one may dictate what they wear. In the name of promoting the freedom of Muslim women, government should deprive them of the right to make their own apparel choices.
- [Burkini ban demonstrates France's wilful ignorance](#) (Jean-Benoit Nadeau and Julie Barlow, *National Post*, 31 August 2016): Unfortunately, the French are still missing the point. When it comes to fighting Islamic extremism, they are attacking symbols, but ignoring the real problem: they have no idea what, or whom, they are fighting. And they only have themselves to blame for their ignorance.
- ["The Way People Look at Us Has Changed": Muslim women on life in Europe](#) (Lillie Dreameaux, *The New York Times*, 2 September 2016)
- [Burqa Bans: As debate rages in Europe, survey shows how Muslim-majority countries feel about women's clothing](#) (Lizzie Dearden, *The Independent*, 8 September 2016): As debate continues to rage about the burkini and proposed "burqa bans" in Europe, research has shown that several Muslim-majority countries prefer women to have their faces and hair uncovered... A study found that while residents of the country and several other Muslim-majority nations said veils covering the hair were "appropriate" in public, many supported increased freedom of dress.
- [Burkini : la charge bancale de Manuel Valls contre le "New York Times"](#) (Adrien Sénécat, *Le Monde*, 6 septembre 2016)
- [Marianne and the motto of the Republic](#) (*Gouvernement.fr*, 11 July 2014)

Given the controversial French appeals to the law with regard to the headscarf,  
**how indeed to reconcile classical depictions of the goddess of Justice (shown above)  
as a woman both blindfolded (if not blind) and with a naked breast?**

Given that the security provisions of justice depend increasingly on facial recognition,  
how indeed to reconcile justice with the systematic facial masking of the forces of law and order?

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