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VEPACHEDU EDUCATIONAL FOUNDATION

మన సంస్కృతి

Mana Sanskriti (Our Culture)

Chief Editor: Dr. Sreenivasarao Vepachedu, Esq.

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Issue: 224

Dr. Sreenivasarao Vepachedu¹

CLOTHES, SECULARISM AND PARAPHILIA

"Democracy demands that the religiously motivated must translate their concerns into universal, rather than religion-specific values." – President Barack Husain Obama, USA



When bikini was introduced in 1940s and the Vatican declared it sinful, some European Countries (= the European Taliban) and several US states banned women from wearing the immoral and sinful bikini on the beaches. The popular hooded wetsuit² is called burkini, veilkini, azadkini etc. when the female wearer is a Muslim.



A fully clothed French male police officer forces a fully clothed woman to disrobe in a public beach to conform to the culture of nudity of the West.

"It doesn't fit in with our open society. To show one's face is crucial for communicating, for living together in our society and keeping it together. . ."



de Maizièrè

"The idea that in the future girls will walk around German schools covered head-to-toe is absurd."
Stephan Mayer



"Mayors do not have the right to ban burkinis." France's highest administrative court

"In the absence of such risks, the emotion and concerns arising from terrorist attacks, including those committed in Nice on July 14, are not sufficient to legally justify the contested ban."
French Judges

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Sea-Side Etiquette³ and Peep Shows

Peep shows can be traced back to 15th century in Europe and have been used show erotic and pornographic pictures or a live sex show which is viewed through a viewing slot, which shuts after the

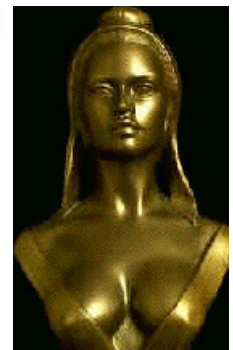
time paid for has expired. Usually a female performer performs a striptease and sexually-explicit poses, and may perform sexual intercourse with male performers on stage. Peep shows satisfy men's voyeurism (French, voir = to see), which is the sexual interest in undressing or sexual activity. The American Psychiatric Association has classified voyeuristic fantasies, urges and behavior patterns as a **paraphilia** in the Diagnostic and Statistical Manual (DSM-IV).



However, Not only this **paraphilia** is **not a disease anymore**, but also a norm in most of the Western countries actively encouraged by female participants in public places wearing bikinis, skin tight clothes, spandex or nothing, for example, in beaches, fitness centers, swimming pools etc., but also encouraged by the Western Secular⁴ governments by banning people from wearing clothes covering the whole body in the public, government offices, beaches etc., and forcing people with modesty to stay home clothed or bear it all in public by forcibly disrobing the fully clothed by the law with utter disregard to human decency and dignity of those people who are different from the rest of the culturally advanced and civilized naked Western population.



The latest example of the Taliban (Students, from Persian, plural of "tālib = student, seeker of knowledge") type intolerance is (not so) surprisingly from the West - the French ban of burkini, which is a blatant attack on the freedom of women by enforcing a Western revealing dress code that was considered sinful by Vatican about 60 years ago. The so-called secular male French mayor David Lisnard and Prime Minister Manuel Valls showed the world that the French are no different from the religious rulers of Afghanistan – the Taliban (the



Students).

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If the so-called secular French Christians banned modest clothing, the Afghan Muslim rulers banned revealing clothing. The common theme is ‘women’s clothing.’ One group of men wants women to be naked and the other group of men wants women to be covered and be modest. The French are considered progressive for supporting revealing clothing for women, while the Afghans are considered fundamentalists for supporting modest clothing for women.

Another common theme is that women are chattel for both - for the paraphiliac pleasure of the French men and for the preservation of the female modesty for the Afghan men. One man wants to show off “his woman,” another man wants to “protect by covering his woman.” In both cases, woman has no say. Really? In reality, in both cases women have a say, and they want to please their men.

Another similarity between the so-called fundamentalist Taliban and the so-called secular Europeans is that the French judiciary upheld the ban on women’s right to wear modest clothing and headgear, while the Islamic courts under the *Shariat* upheld the ban of revealing clothes in Afghanistan. All kinds of head coverings and veils were banned in French schools in 2004 and ban went into effect in April 2011, and mandates fines of 150 Euros (165 dollars).

At the European level, the EU judiciary proved itself to be no different from a *Shariat*. In 2004, the French passed a “secularity law” banning the modest clothing covering head such as hijabs, turbans, crosses, crucifixes, yarmulkes, etc. This essentially means that religious persecution is possible in EU under the European Convention on Human Rights. The European Court of Human Rights held unanimously regarding *the ban of modest clothing covering head* that:

There had been no violation of Article 8 (right to respect for private and family life) of the European Convention on Human Rights, and no violation of Article 9 (right to respect for freedom of thought, conscience and religion) . . . there had been no violation of Article 14 (prohibition of discrimination) of the European Convention combined with Articles 8 or 9.



During the fading period of the Mughal Empire in the Indian Continent, Emperor Aurangzeb imposed a special tax *Jizaya* on Hindus requiring them to bow down while paying the tax to the Muslim tax collector, forbade courtiers to salute in the Hindu fashion, and destroyed Hindu idols, temples, and shrines.

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Islamic law made a distinction between two categories of non-Muslim subjects, a) Pagans (non-Abrahamic religions *aka* Hindus) and b) Dhimmis (peoples of the book i.e., Abrahamic religions such as Christianity, Islam and Judaism). A convert to Islam was no longer required to pay the jizya incentivizing the conversion to Islam. The Muslim rulers tolerated the Dhimmis and allowed them to practice their religion. In return for protection and as a mark of their submission, the Dhimmis were required to pay the jizya. The proceeds of the jizya were usually used to pay the Islamic military expenses.



It appears that the French have a different definition of secularism. Secularism means freedom of religion and separation of the church from the state, where each individual has the freedom to practice any religion, including atheism, freely without imposing the same on others; where all people must have the same right to express their beliefs publicly as their opponents have, and neither secular nor religious beliefs, ideas and organizations must enjoy privileged protection from the right to freedom of expression over the other. This is the *fundamental* difference between a *fundamentalist religious* state (e.g., The Pure State of Islam – Pakistan) and a *liberal democratic secular* state (e.g., the Indian Union). While an Islamic state combines Islam and the State by implementing *Shariat* as the law of the state imposing sanctions on non-Muslims, a secular state avoids meddling in the personal beliefs of individuals.

Then, what is the difference between the French secular state and fundamentalist religious pure state of Islam (Pakistan), Iran or Afghanistan, if they ban religious and other-religious (Un-Islamic) symbols respectively? The French secularism is no different from the religion that it purports to separate itself from because it imposes a dress code and bans any other dress that is incompatible with its tenets. The French secularism is, therefore, a religion which considers any other religion is inferior to it. Thus, the European law and the state should be called pseudo-secularism (which is *not* secularism), a new religion that rules the state, contrary to the principles of secularism.

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Any law that discriminates a particular ethnic group violates the fundamental principles of secularism and democracy. The Strasbourg-based international court's ruling upheld the ethnically targeted ban on employees in the public sector wearing headscarves and other religious symbols. The xenophobic and fundamentalist arguments for such bans in the name of secularism and security are hollow. The French ban on veil is nothing but xenophobic targeting of female population of a particular group or religion, contrary to the real principles of secularism, and there is no evidence to support veil wielding nuns of Christian faith or women of non-Christian faiths caused



any mayhem or terrorist activity using the veil to escape or plan such terrorist activity in the West⁵.

If Taliban banned girls from schools, France banned a 15-year-old schoolgirl in the French Ardennes, for wearing a long skirt deemed to violate secular rules on school clothing⁶. Since the burqa-ban came into force in France a total of 1,623 stops have been made by police and 1,546 fines of €150 given out against women. Clearly, this ban specifically targets an ethnic group and fines them, as did the Islamic law of Emperor Aurangzeb that fined Hindus in the Indian Continent forcing them to convert to Islam or pay the tax. Many poor Indians converted to Islam as they could not pay the tax. This was not xenophobia, because Islam was the foreigner in the Indian Continent, while Indians were the natives. Xenophobia is the fear of everything that which is perceived to be foreign or strange. It affects the relations and perceptions of group of people towards another.



Brussels followed suit soon after France, banning full-face veils in 2011, an offense punished by a \$197 fine or up to seven days in jail. The bill was passed almost unanimously in the Belgian parliament, with lawmakers citing security reasons for the ban, and claiming the veil is a tool of oppression. However, in 2014, the Belgian *Conseil d'Etat* has upheld the freedom of religion of Sikh students by overturning the ban on the Sikh Turban in two GO schools, which are part of a large group of schools attended by many Sikh students in the Flemish part of Belgium.

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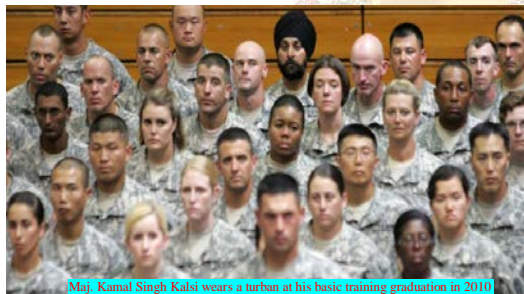
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In the West⁷, it is xenophobia to ban modest clothing covering the body for it targets non-natives and of foreign ethnicity or those natives who converted to a foreign religion such as Islam. So far there is no evidence suggesting a terrorist attack was thwarted by the French *jizya* tax against fully clothed women belonging to non-Christian faith.

Contrary to the Xenophobic European states and despite the anti-immigrant xenophobia in the US, the Supreme Court of the United States ruled against the so-called Look Policy of Abercrombie & Fitch for discriminating against Samantha Elauf for wearing a headscarf, by holding that an employer may not take an adverse employment action against an applicant or employee because of any aspect of that individual's religious observance or practice unless the employer demonstrates that it is unable to reasonably accommodate that observance or practice without undue hardship (EEOC V. Abercrombie & Fitch Stores, Inc. 575 US 14–86 (2015)).⁸



Maj. Kamal Singh Kalsi wears a turban at his basic training graduation in 2010

In January 2011, Maj. Kamal Singh Kalsi deployed to Afghanistan and served as the officer in charge of an expeditionary emergency room in Helmand province. During that deployment, Kalsi treated over 750 combat casualties. For his commitment to duty and exceptional service, Kalsi was awarded the Bronze Star.

Although Kalsi was allowed to serve because he requested and received a religious accommodation, it is unreasonable and unjust to ask every Sikh who wishes to serve to file such a request. Not only do these requests take weeks or even months to resolve, the process is inherently uncertain. Sikhs are allowed to file for a religious accommodation only if they abandon their identity while their request is pending. Asking an American Sikh to violate his or her religious beliefs while a decision is pending is not a solution and is fundamentally un-American⁹. Sikhs with turbans and unshorn hair have served bravely in military forces throughout the world, including the UK and Canada¹⁰.

These countries would be the first to point out how valuable Sikh service members are to the armed forces and how their articles of faith do not disrupt unit cohesion, uniformity or their ability to serve. . . . In the United States, people of all faiths should be able to both serve their country and practice their faith. This Veterans Day, as we honor the commitment to service, we must recognize that nobody should endure such barriers in

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their struggle to serve. American Sikhs have proven their ability to serve their country without being ordered to violate their religious beliefs.

Maj. Gen. Steven Hashem¹¹

Hopefully, xenophobia will subside and sanity will prevail in the world.

NOTES AND REFERENCES¹²

¹ Dr. Rao Vepachedu is the founder and president of Vepachedu Educational Foundation Inc., a 501(c)(3) educational foundation, and the Law Offices of Dr. Vepachedu and co-founder of Exciva. For more information visit: www.linkedin.com/in/vepachedu; <http://www.avvo.com/attorneys/60201-il-sreenivasarao-vepachedu-764535.html>, and <http://www.crm-ip.com/vepachedu.html>. Contact: svepachedu@yahoo.com.



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² Swimming Snorkeling Surfing Sports Swimwear Clothing One Pieces Rashguard Hooded Wetsuit Women Diving Suit Swimsuit: <https://www.aliexpress.com/item/SBART-UPF50-Swimming-Snorkeling-Surfing-Sports-Swimwear-Clothing-One-Pieces-Rashguard-Hooded-Wetsuit-Women-Diving-Suit/32349147189.html?spm=2114.40010308.4.23.7nHqzM>

SBART Upf50 Wetsuit Women Hooded 82% Nylon 18% Spandex Lycra Dive Suit Wet Suits Long Sleeve Full Body Swimwear Swimsuits: <https://www.aliexpress.com/item/SBART-Upf50-Wetsuit-Women-Hooded-82-Nylon-18-Spandex-Lycra-Dive-Suit-Wet-Suits-Long-Sleeve/32376872757.html?spm=2114.40010308.4.150.FP0ni>

SBART Swimming Surfing Diving Snorkeling Windsurf Wetsuit Sports Hooded Jacket Surfing Suit: <https://www.aliexpress.com/item/SBART-Scuba-Diving-Suit-UPF50-Tops-Coat-Swimming-Surfing-Diving-Snorkeling-Windsurf-Wetsuit-Sports-Hooded-Jacket/32574838269.html?spm=2114.40010308.4.113.vFwdR>

³ Sea-Side Etiquette: Bathing Machine: <http://www.victoriana.com/Etiquette/bathingmachine.htm>

⁴ Secularism is a principle that religion should not play a role in government, education, or other public parts of society. The separation of religion and state is the foundation of secularism to prevent "religious interference in affairs of state and the state's interfere in religious affairs." In a secular democracy all citizens are equal before the law and the government. No religious or political affiliation gives advantages or disadvantages and religious believers are citizens with the same rights and obligations as anyone else.

There is no true secular society in this world today. Even in India, where the secularism is enshrined in the Constitution, the true secularism is difficult to implement, e.g., the Indian Civil Code bans bigamy for Hindus, but allows Muslims to practice bigamy. Bigamy is not a crime in any Indian religion or cultural practices. Yet, the Judeo-Christian law has been imposed on Hindus only. Legal institutions introduced by foreign governments were accepted readily by the Indians, either because they were compatible with existing trends or because they met new needs. Independence in 1947 brought an intensification of these processes.

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THE HINDU MARRIAGE ACT, 1955

As part of the Hindu Code Bill, the Hindu Marriage Act was enacted in 1955 by the Parliament of India. The main purpose of the enactment was to amend and codify the law relating to marriage among Hindus and others.

Section 2(1)(c): This Act applies to any other person domiciled in the territories to which this Act extends who is not a Muslim, Christian, Parsi or Jew by religion, unless it is proved that any such person would not have been governed by the Hindu law or by any custom or usage as part of that law in respect of any of the matters dealt with herein if this Act had not been passed.

Section 2(2): (2) Notwithstanding anything contained in sub-section (1), nothing contained in this Act shall apply to the members of any Scheduled Tribe within the meaning of clause (25) of Article 366 of the Constitution unless the Central Government, by notification in the Official Gazette, otherwise directs.

http://bokakhat.gov.in/pdf/The_hindu_marriage_act.pdf

THE INDIAN PENAL CODE, 1860

CHAPTER XX OF OFFENCES RELATING TO MARRIAGE

494. Marrying again during lifetime of husband or wife.—Whoever, having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

⁵ Senegal has an estimated 92 percent of the population is Muslim. Boko Haram is an Islamic extremist group based in central Africa which pledged its allegiance to ISIS in March. Boko Haram terrorists frequently use burqas to hide explosives, and have used this tactic in dozens of attacks in Senegal.

Roughly 50 percent of the population of Chad is Muslim. After bombers wearing burqas carried out two attacks in the capital of N'Djamena, which left at least 34 people dead, President Idriss Deby Itono issued the ban.

About 20 percent of Cameroon population is Muslim. Cameroon enforced a burqa ban after female suicide bombers wearing burqas detonated their explosives, killing at least 14 people.

France was the first European country to ban the public use of both the burqa and the niqab (which only covers the face) in 2011. The law was passed to urge its five million Muslims to integrate into French society. Then-President Nicholas Sarkozy has called burqas sexist and referred to women wearing them as "prisoners behind a screen."

<http://www.bustle.com/articles/124682-the-countries-banning-burqas-out-of-fears-of-terrorism-are-more-numerous-than-you-think>

⁶ Muslim 15-year-old barred from French school for 'too long' skirt: <http://en.rfi.fr/france/20150429-muslim-15-year-old-barred-french-school-too-long-skirt>

French School Deems Teenager's Skirt an Illegal Display of Religion: http://www.nytimes.com/2015/04/30/world/europe/french-school-teenagers-skirt-illegal-display-religion.html?_r=0

⁷ The places in the world that have a burqa ban: <http://qz.com/326086/the-places-in-the-world-that-have-a-burqa-ban/>

The Islamic veil across Europe: <http://www.bbc.com/news/world-europe-13038095>

⁸ Equal Employment Opportunity Commission V. Abercrombie & Fitch Stores, Inc. https://www.supremecourt.gov/opinions/14pdf/14-86_p86b.pdf

⁹ The right to serve in military shouldn't be hindered by faith: <http://www.cnn.com/2015/11/11/opinions/hashem-sikhs-serve-u-s-military/index.html>

¹⁰ Niqab debate recalls RCMP turban furor of the '90s: <http://www.cbc.ca/news/politics/canada-election-2015-niqab-debate-citizenship-turban-rcmp-1.3244817>

¹¹ Maj. Gen. Steven Hashem served for 37 years in the U.S. Army and was the former director of training, knowledge and futures for the U.S. Special Operations Command Center.

¹² In addition to the primary sources cited above, additional references include:

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“Where the mind is without fear and the head is held high, Where knowledge is free Where the world has not been broken up into fragments, By narrow domestic walls.” Rabindranath Tagore (1861-1941), Gitanjali, 1912.

One World One Family

AUM! SWASTI!

Om! Asatoma Sadgamaya, Tamasoma Jyotirgamaya, Mrityorma Amritamgamaya, Om Shantih, Shantih, Shantih! (Aum! Lead the world from wrong path to the right path, from ignorance to knowledge, from mortality to immortality, and peace!)

SWASTI! AUM!



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