

Headscarf debate in france

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Introduction

On March 15th, 2004 the government of the French Republic passed a law that banned the wearing of “conspicuous signs” of religious affiliation in public schools (Bowen, 2007). Whilst this law affected Jewish skullcaps, large crosses, Sikh turbans, many scholars (i. e. Wing and Smith, Tarhan) believe that its main purpose was to ban the wearing of the headscarves, known also as hijab by young Muslim girls. Currently there are approximately 5 million Muslims living in France (CIA, 2012). The majority of them are the immigrants from former French colonies in North and West Africa. Muslims constitute 5-10% of the French population, while Islam is the second largest religion in France (Tarhan, 2011). Hence, the law from 2004 led to objections and protests amongst French Muslims. They regarded the decision of the French government as a sign of discrimination and violation of religious freedom in France (Wing and Smith, 2006). In turn, the French government emphasized that French secularism (known also as laicite), assuming separation between state and religion, was a main reason standing behind its decision (Astier, 2004)). The 2004-228 French law is controversial till this day. The supporters of this law claim that a ban on religious symbols confirmed a secular character of French Republic and defended French national identity. They also postulate that a ban contributed to a greater equality amongst women and men within Muslim society. On the other hand, the opponents often also rejected laicite as a basis of the French law 2004-228. Instead, they postulate that a fear of multiculturalism and growing division within the French society, especially after September 11th, had a

key impact on the governmental decision. Further, they claim that French society suffers from Islamophobic (Scott, 2005).

The following essay aims to examine the French secularism, laicite, was a key factor responsible for the banning of headscarves in France. First, the essay explains the role of female headscarf in Islam in order to understand a strong objection against a ban from the Muslim side. Second, the essay presents shortly a debate on wearing headscarves in France that had its beginning in the 1980s. Further, the essay considers the concept of laicite in France and its impact on passing the French law 2004-228. The essay analyzes other factors that influenced on the banning of religious symbols in France in order to compare their role and the role of laicite in passing the law as well as to prove that laicite had major impact on the banning of headscarves. Finally, the essay considers the ban as an unsuccessful reform and presents policy recommendations.

The role of headscarf in Muslim tradition

The headscarf is an important religious symbol in the Islamic tradition. The Quran,

perceived as the source of Allah's command by Muslims, states that: "believing women (...) should lower their gaze and guard their modesty; that they should not display their beauty and ornaments except what must ordinarily appear thereof; that they should draw their veils[1]over their bosoms and not display their beauty except to their husbands, their fathers, their husbands' fathers, their sons, their husbands' sons, their brothers, or their brothers' sons or their sisters' sons, or their women or the servants

whom their right hands possess, or male servants free of physical needs, or small children who have no sense of the shame of sex, and that they should not strike their feet in order to draw attention to their hidden ornaments. And O you Believers, turn you all together towards Allah, that you may attain Bliss." (Quran 24: 31) Therefore, following Allah's law, Muslim women are obligated to remain modest and to cover their beauty. Moreover, the Quran says: " O Prophet! Tell Thy wives And daughters, and the Believing women, that They should cast their Outer garments over Their Persons (when outside): That they should be known (As such) and not Molested" (Quran 33: 59). It indicates that there are two purposes of the wearing of headscarves by Muslim women. First, headscarf should protect Muslim women from gazes of strange men and from being an object of stranger's desire. Second, headscarf should help to distinguish Muslim women from women of other religions (Syed, 2001). It is worth adding that the Quran does not state precisely which parts of woman's body should be covered. Hence, there are different types of head (and body) coverings amongst Muslim women in various countries, depending on Quran's interpretation and culture. They range from the simple hijab, covering the head and neck to Afghani burqa, covering the entire body and leaving only so-called mesh screen so that the woman is able to see (Wing and Smith, 2006).

With the beginning of decolonization in the 1950s and the 1960s, the European countries, in particular France and the United Kingdom, had experienced massive immigrations from the Middle East and African countries. Most of the immigrants were Muslims. Hence, the Western countries, characterized by Christian roots had to face different religions,

cultures and values brought to the Europe by Muslims. The headscarf has become one of the most visible elements of these differences in the European's public eyes (Wing and Smith, 2006).

Headscarf debate in a contemporary France

Muslims constitute 5-10% of the total French population (CIA, 2012). Mostly they are immigrants from the regions such as the Maghreb, the Middle East, Turkey and Sub-Saharan Africa and Asia. Additionally there is an increasing number of people of European descent in France who are deciding to convert into Islam. Since the late 1980s Muslims in France has strongly manifested its cultural and religious separateness. They aimed to “ create an Islamic identity with local institutional, societal and cultural structures” (Wing and Smith, 2006, p. 753) and they focused on building new mosques and loud practices of their religion. It led to Islamophobic tendencies in France which were often manifested by hostility, discrimination in employment and housing as well as larger socio-economic exclusion of Muslim society. Currently Muslims continue to be separated from the rest of French society. The main cause of this separation is that Muslims are not willing to assimilate. The rules of Islam are not regarded by Muslims not only as religious rules but also as the rules of living. In turn, the former French governments had focused on preventing massive immigrations into France[2] (and hence, spreading Islam across the country) rather than on helping Muslims to adopt French values and norms (Tarhan, 2011). Key indicators of this exclusion are limited access to the education for Muslims, houses in the urban ghettos (known also as the zones of economic and social

exclusion) but also lack of involvement in French political life and culture from the Muslim side.

The debate on headscarves in France has got its root in 1989 and is known as the affaires de foulard (Scott, 2005, p. 1). At that time, three Muslim girls were expelled from their secondary state school in the town of Creil after they refused to take off their headscarves. Although it was not a first such a case (the director of this school had earlier banned Jewish students from wearing the Kippah in school), it brought an extensive attention of French media. The director of school argued that he made a decision on the basis of French laïcité^[3], a concept postulating separation between the state and religion (Tarhan, 2011). Muslim society was supported by Catholic, Protestant and Jewish leaders. Together, they postulated that laïcité should have been regarded as toleration for other religions rather than condemnation of religion (Scott, 2005). This approach was also accepted by the former Minister of Education, Lionel Jospin (the Socialist Party) He announced that religious symbols and clothing at schools were allowed as long as they did not threaten other religious beliefs (Tarhan, 2011). Despite this governmental announcement, a number of similar cases has dramatically increased between 1989 (400 cases) and 1994 (3000 cases), what led to racial and religious violence in France (Bowen, 2007). It is worth adding that also international events had an impact on growing violence in France. Particularly important seems to be a civil war in Algeria, a former French colony where the secular government struggled with the Islamic fundamentalists. In 1994 the tensions were so intense that education staff were sending letter to the French government, asking for advices on how to

deal with the situation. As a result, new Minister of Education, Francois Bayrou (the Democratic Movement) implemented new rules on religious symbols in schools. He allowed only discreet symbols in schools, while he prohibited ostentatious symbols. Discreet symbols were defined as those that “ demonstrated personal religious conviction” (Tarhan, 2011, p. 18), while ostentatious - as those that led to discrimination and differences into the educational communities. Bayrou’s claim was controversial and brought the attention of French media. Consequently, the Conseil d’Etat, the highest administrative court in France, decided to investigate the controversial issue. The court rejected Bayrou’s decision and recommended school administrations and teachers to make decision on the actions of their students. The French government appointed an Algerian-born Muslim woman, Hanifa Cherifi, as a governmental mediator responsible for handling the wearing of headscarves. In result, the issue has grown quiet for nine years (Scott, 2005).

The issue of headscarves was brought to the public attention again in 2003, when the Minister of Interiors and Cults, Nicolas Sarkozy postulated that Muslim women should take off their headscarves while posing for official identity photographs. As Muslims became an important minority in France with the beginning of the twenty first century, Sarkozy’s claim reflected growing frustration and intolerance towards visibility of religious symbols in public places amongst French politicians and society. It also brought back the issue of headscarves in schools. In effect, French President, Jacques Chirac (the Union for a Popular Movement) formed a commission led by

Bernard Stasi in order to investigate the implementation of laicite in French educational institutions.

. Students, teachers, intellectuals and also the European Commission got involved in the work of Stasi's Commission. Some Muslim girls chose to be interviewed undercover, as they wanted to voice their opinions about wearing the hijab anonymously. The report produced by Stasi's Commission presented an in-depth study on the role that the hijab plays in the Muslim community. In reference to Islam, one of the most important results was that young Muslim girls, that used to grow up in a society dominated by western culture and values found difficult to reaffirm their identities as Muslims by the way they had to dress. Further, it showed that young Muslim girls were often not participating in classes such as P. E (physical education) as they were afraid of violence and assaults from Muslim men's side. Moreover, Muslim girls often confessed that they were being forced to wear the hijab by their families and peer groups. The Stasi's Report also drew open other issues surrounding Muslim women such as female genital mutilation and forced marriages (Vaisse, 2004). The Stasi's Report pointed out that the existence of religious symbols in schools was not compatible with the concept of laicite. The Report postulated that the veil was responsible for the alienation of women. As secularism and gender equality were regarded as the important features of laicite, the Report recommended banning religious symbols in schools[4] (Wing and Smith, 2006). It is important to add that the critics of the Stasi's Report aimed to undermine the validity of the report. They postulated that the report was mainly based on western perceptions on the hijab and Muslim women. The link between forced marriages, female

genital mutilation and the hijab, were all based upon the commission negative image of Islam, there was no empirical research to back their findings (Schiek and Lawson, 2011). Muslim women argue that the hijab is worn voluntarily and it brings them a sense of belonging and community (Schiek and Lawson, 2011).

Following the Stasi's Report, on February 10th, 2004, French National Assembly passed the law on the banning conspicuous religious symbols in schools. A huge majority of the Assembly, 494 members, were in favour of the ban, while only 36 members voted against the ban. At the same time, 31 members abstained from voting. Similarly, on March 3rd, 2004, the French Senate also passed the same legislation. 276 voters were in favour of the ban, while 20 of them voted against the ban (Weil, 2009). The implementation of the new law was preceded by three demonstrations, respectively, on December 21st, 2004; on January 17th, 2005; and on February 14th, 2005 that aimed to stop passing the law 2004-228. These numbers underline that most of the French politicians supported the ban regardless their political beliefs and hence, indicate that most of the politicians noticed the problem of growing division within the French society. Mohammed Latreche an Islamist activist mobilized and encouraged French citizens to participate in these demonstrations. He established a political party, Parti des Musulman de France (the Party of French Muslims) with the headquarters in Strasburg. The demonstrations, showed the Muslim publics outrage at the law that was about to be passed. The legislative ban was regarded as an attack on Muslims with the Muslim society. Two girls even went as far as hunger strikes to show their opposition to the ban. Some

posters propagated slangs such as ' Stasi killed me' and ' 1 veil= 1 vote' (Bowen, 2007). Officially, the law was implemented on March 15th and it is known as the law 2004-228. Despite the demonstrations, the legislative ban in France has been largely supported by the French society. According to Pew Research Centre (2006) 78% of the French population have supported the ban, while only 22% of the population have regarded the banning as a bad idea. These results might indicate that most of the French society agreed on the separation between the religion and the public sphere.

The concept of laicite and its impact on the banning of headscarves in France

Many scholars (i. e. Wing and Smith[5]) believe that the concept of laicite was a

key factor behind the decision on the banning of headscarves in France.

Laicite has a long tradition in France and hence, it is crucial to analyze its influence on the ban of religious symbols. As it was mentioned above, laicite, known also as a French secularism can be regarded as a unique feature of French politics. It is based on the freedom of thought and the freedom of religion and assumes separation between the state and religion (Tarhan, 2011). It is important to underline that laicite does not indicate the governmental hostility in reference to the religion. Instead, it believes that the political and religious issues should be kept separately and hence, the government and religious organizations should not influence on each other. There are two main interpretation of laicite. First, laicite can be viewed as passive neutrality or non-intervention by the state in the private religious domain. This interpretation suggests that the exercise of religion in the

private sphere is permissible, and that the French state will not openly support overt religious practices in public spheres (Scott, 2005). Another interpretation of the laicite' can be viewed as a more active secularism, in terms of which the nation is promoted as a fundamentally political society fiercely independent of any religious authority (Wing and Smith, 2006), and one in which the values of the state can be defended through the concept of L'ordre Public in order to justify interference where necessary with some religious organisations. This definition of laicite' gives the government more control over public institutions and the amount of religious activity that goes on there, for example schools (Weil, 2009). It is important to add that the concept of laicite has also got its opponents. They postulate that that laicite is a strong form of anti-clericism and should be regarded as a violence against the freedom of religion as it prohibits the right to religious expression. Further, they argue that the countries characterized by secularism actually support the dominant religion of this country and undermine the religious rights of the minorities in this country. For instance, in France the public holiday and school holiday are mostly based on the Christian liturgical year (Weil, 2009).

The principle of laicite became predominant and put into practice was during the French Revolution(1789). Initially it concerned the separation between the state and the Catholic Church, which had played a major role in France in the eighteen century. Revolutionaries aimed to redefine citizenship and nationhood and hence, to separate Catholicism from the French identity. New citizenship was meant to be universal, secular and inclusive. Instead, the French Revolution led to ' xenophobic nationalism' (Tarhan, 2011, p. 4)

which targeted foreigners as well as priests, rebels, political opponents and noblemen. Similarly, the Revolution started to reject religion rather than tolerate it. The principle of laïcité had been implemented for the first time in public school in France in 1883. This law, passed on June 28th, 1833 entailed that primary school teaching should have no religious affiliation. Further, laïcité was implemented in France through the creation of the public school system, in the years 1881-2 with Jules Ferry's public school laws (Bowen, 2007). However, despite these steps Catholicism remained an important element of French regime until the end of nineteenth century. More significant changes started in 1901 when France passed a new law, Law of Association according to which religious associations became obligated to have a state supervision. Further, in 1904 the religious communities were forbidden to provide education. In result, approximately 30, 000 of clergy lost their teaching jobs and stopped taking salaries from the state.

Nonetheless, the legislation passed in 1905, known as the Separation Act, is regarded as first meaningful success of secularists in France (Tarhan, 2011). The 1905 law has become the legal guideline for the separation of the state and the church. The word laïcité did not appear in the 1905 law. However, the first article of the law emphasized freedom of religion in France, as it stated that: " the republic ensures freedom of conscience. It guarantees the free exercise of religions with the sole restrictions decreed hereafter in the interest of public order" (Tarhan, 2011, p. 7). The second article, in turn, declared that " The Republic does not recognize, fund or subsidize any religion. [...]State, departmental and commune budgets, together with all expenses relating to the exercise of religions will be abolished." (Tarhan, 2011, p. 7) and hence, it guaranteed state's neutrality towards religions. The <https://assignbuster.com/headscarf-debate-in-france/>

legislation from 1905 gave a political and legal character to the concept of laicite in France. More importantly, it indicated that laicite was a process that had emerged in France through the confrontation about national identity between Clerics and Republicans (Scott, 2005).

The principle of laicite has initially been implemented in reference to Catholicism. However, as France has become a multicultural and multi-religious country, laicite has also affected other religions. The ban on religious symbols from 2004 has particularly affected Muslims. It seems to emphasize an impact of laicite on the French politics and tradition.

Nowadays laicite is regarded in France as one of the foundations of French Republic and the French collective (national) identity (The Economist, 2004).

It represents a sharp contrast to Anglo-American model of multiculturalism supporting the development of community characterized by multiply cultures, values and traditions. French believe that laicite guarantees tolerance, freedom of religion, peace as well as social cohesion. Further, laicite postulates a sharp division between public and private spheres.

Religion and ethnicity can be manifested in the private sphere. However, the only visible legitimate identity in the public sphere should be French national identity. Further, the laic state has right to interfere in the religious issues if the national unity and common values of the French Republic are threatened (Weil, 2009). According to the concept, Muslim society should accept French norms and culture in order to become a part of French political unity.

Nonetheless, Muslims have become a significant minority in France, unwilling to adopt French tradition and lifestyle. Instead, they strongly manifested own culture, tradition and identity (The Economist, 2004). Islam was perceived

not only as a religion but also as a rigorous lifestyle that rejected Western values such as liberty, freedom and laicite. Hence, French started to perceive Muslims and Islam religion as the threads to the French national unity that had to be addressed and resolved. The debate on headscarves in France confirms this negative perception of Muslims within French society (Tarhan, 2011).

With the exception of laicite, there were also other factors that had an influence on the ban of religious symbols in France. As stated in the Stasi's Report, the ban aimed to empower Muslim women and to guarantee greater equality amongst the Muslim women and men. However, in this case, the ban was just a symbolic gesture, as it only applied to the young Muslim girls in public schools and did not affect adult Muslim women, working in some public places or just walking on the streets (Bowen, 2007). In contrast, there are several external factors that might have influenced the timing of headscarves debate in France. When the first debate on headscarves took place in 1989, the Communist system in the Central and Eastern Europe collapsed. Europe experienced massive inflows of Muslim immigrants and spreading Islam religion across the European countries. Hence, Islam quickly started to be perceived as a thread to the Western values that replaced an old thread, communism. Further, in 1994 there was a civil war in Algeria, a former colony of France that was caused by the conflict between the secular military government of Algeria and Islamic fundamentalists. The Algerian conflict indicated a possibility of similar problems between the state and its largest religious minority in France. Finally, in 2003 Europe was still strongly affected by the consequences of September 11th (2001). Additionally, the

wars in Iraq and Afghanistan as well as the worsening of the conflict between Israel and Palestine resulted in sharp divergence between the West and Islam culture. At that time, French Muslims definitely identified with the Muslims in other parts of the world and the wearing of headscarves manifested such identification. French government, on the other hand, faced real threats of terrorism. Hence, the one of the goals of French defense became to prevent French citizens and institutions from potential challenges to their integrity in the face of growing external threats (Scott, 2005).

Conclusions

To sum up, the ban of religious symbols in schools implemented in France in 2004 was very controversial and led to numerous protests and demonstrations in France. The supporters of the ban underlined the secular character of France and the need to separate religion from the public sector. The opponents, in turn, argued a minor impact of the ban, as it only affected Muslim schoolgirls, constituting a relatively insignificant percentage of Muslim female population in France.

Without a doubt, laïcité had a key impact on the legislative ban. The French government aimed to emphasize a secular character of the French Republic and the importance of separation between the state and the religion, a traditional element of the concept of laïcité. In contemporary France, key elements of laïcité have become national identity and unity. As French society was characterized by a strong division between Muslims and non-Muslims as well as by strengthening Muslim influences, the French government has become responsible for protecting the French national identity. The ban was believed

to be a successful tool to achieve this goal. Except laïcité, there was a number of international events such as Afghan war, Iraqi war or Israeli-Palestinian conflict that strengthened Islamophobia in Western countries, in particular in secular France that has always been characterized by the opposition to multiculturalism and foreign nations. Although some scholars (i. e. Scott) postulate that gender equality was also a factor influencing French decision on the ban, there is no strong evidence to support this claim. In fact, the ban affected only small number of young Muslim girls being in public education.

Nowadays it is certain that Muslims have to accept cosmopolitan values and freethinking if they aim to stay in the Western countries. Currently a number of Western countries such as United Kingdom, Spain or Germany have been characterized by a trap of two conflicting cultures. However, forcing Muslims to go against their religious practices, as applied in France seems to be counterproductive. The ban of religious symbols in France led to the riots (2005) in so-called les cites, ghettos focusing North Africans and Arabs that spread around the major French cities. During these riots two Muslim teenagers were accidentally killed. However, the ban of religious symbols could have disastrous consequences. Young Muslims, rejected by the French government and regarded as a second-class society, often accept extremism and violence as the solution of their problems. It is also a sign of their dissatisfaction in reference to French and Western policy. The example of the United States demonstrates prominently the negative consequences of rejecting and underestimating its ethnic minority. The young, radical Muslims

trained by the conservative European imams became responsible for the dramatic events from September 11th (Kiersh, 2008).

The French government should have learnt a lesson from the international events such as bomb attacks in London or Madrid during which Muslims born in Europe were also involved in these dramas. The French government should stop pushing its Muslim society towards extremism and encouraging violence amongst them. Instead, the French government should establish a long-term strategy in order to incorporate their Muslim minority into the environment they regard as unfriendly. The government must develop new, comprehensive measures that will help Muslims to identify with the rest of the French society and to become involved in various aspects of French lifestyle. In order to achieve these goals, the French government must focus on the reduction of job and housing discrimination in the first place as well as on changing the attitudes within the French policy towards Muslim male immigrants. The French government can expect that other European governments (in particular British, German and Spanish governments) will be also willing to address the problem of separation between Muslims and mainstream society, as they struggle with the same problem. An interesting idea seems to be a cross-countries program involving the governments of these states that would implement common reforms so that the Muslims can assimilate with the rest of the societies. Also the United States could probably get involved in such a cross-countries program in the framework of the War on Terror. Without a doubt, the European governments would be more willing to accept such a form of terrorism fighting rather than military interventions in the Middle East. The following concept requires in-depth

analyzes and detailed policy planning. However, it would definitely bring larger and more positive outcomes than the ban of religious symbols in public schools (Kiersh, 2008)

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