

# The french ban of the hijab



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The wearing of the hijab or otherwise known as the Islamic headscarf has been a focal point in many discussions and a highly debatable subject in France. Ever since the France banned the wearing of Islamic scarves in 2004, there has been a spectrum of issues that arise particularly in three related areas: religion, self-identity of a Muslim veiled woman, and the national identity of France. What does the term ' hijab' denote? What is the national identity of France and how does it view the hijab? What constitutes to the headscarf ban?

In this essay, I aim to discuss the implications of the clash between France's national identity and the constructed identity of wearing the headscarf for French Muslim women. Secondly, I discuss about the repercussion of the headscarf ban such as discrimination faced by the female Muslim students at schools.

For the study of this paper, I focus only on the Islamic headscarf ban though other religion symbols are banned in France such as the Jewish skullcaps and Christian crosses.

The literature review foregrounds the above mentioned three questions.

## **Background Literature Review**

A confusing array of positions has been taken about the relationship between wearing the hijab and Islam over the recent years. (Winter, 2008) For some, it marks the religious symbol of Islam and inevitably becomes an inalienable part of a woman's identity. Religious scholars have asserted that Islamic law requires women to wear the hijab, a headscarf covering their ears, hair and neck.(Wiles, 2007) Relating to this view, Muslim women thus believe that

wearing the hijab is an obligation under the commandment of the Qur'an. Originally, the term "hijab" meant "curtain" or "separation" which denoted - "to hide from view". Donning the headscarf, indicates that underneath it is a woman and without it, Sheikh Al-Hilali as cited in (Winter, 2008) is "uncovered meat" to eyes of the men who become "cats", and thus cannot be blamed for harassment - signifying woman's weakness. (H. Sinno, 2009) states that wearing the hijab may serve as a woman's emancipation and empowerment. On the contrary, French liberal perfectionists view the donning of hijab as a marker of female and religious oppression affecting a woman's autonomy (Laborde, 2006) that contradicts with the principle of secularism.

Secularism is forms part of the national identity of France, a country that disliked the force of the Catholic Church after centuries of religious battle. The roots of secularism can be recalled back into early liberalism and its succinct focus on universality, rationality and individual autonomy (Asad 2003; Yavuz and Esposito 2003) as cited in (Gökariksel & Mitchell, 2005). Fundamentally denoting, it aims to separate state and religion meaning being neutral in religion so that a democratic republic is formed. Therefore, in the eyes of secularism, religious "conspicuous" symbols cast religious differences onto individuals that are supposed to be rational and equal. (Gökariksel & Mitchell, 2005)As such, the wearing of hijab is perceived to indicate a non-secular expression which gradually initiated the ban.

The French law imposed a ban for prohibiting all overt religious symbols which took effect on March 2004. (Kiersh) The law is a modification to part of the French Code of Education that constitutes the principle of secularity. As <https://assignbuster.com/the-french-ban-of-the-hijab/>

mentioned, France is a self-declared secular state and the manners which public schools are run are directly influenced by that notion. The controversy of the headscarf ban started with a decision undertaken by a high school headmaster in Creil who expelled three female Muslim students wearing the hijab on 18th September, 1989. Within a week, his decision was overturned. The Education Minister, Lionel Jospin, sought legal opinion and the Council stated that the right to don the headscarf was in accordance to the principle of secularism and was legally essential of French citizens' fundamental doctrine rights to exercise the freedom of expression and religion. Furthermore, it can be reviewed that the wearing of such a religious symbol should not be "conspicuous" in a way that leads to disrupt order in schools. Later, the Council issued a circulation advising that "ostentatious" elements should not be worn in schools. (Wiles, 2007) A series of tensions and irregularities stirred up such as ethnic-related violence which the government blamed on the presence of religious symbols. According to (Wiles, 2007), in July 2003, President Chirac recommended the passing of the law that bans religious symbols in state schools and reasoned that the main purpose was to affirm independence and openness to cultural diversity, arguing that the wearing of headscarf does not fit in this vision.

## **Discussion**

In retrospect with the lectures and readings, it can be examined that there is misrecognition of the French Muslim women with the French law of prohibiting the wearing of religious headscarves. As (Tatum, 1997) highlights, there is a mythical norm that exists in the minority group which says, "that is not me" and in this case, if a Muslim woman who believes that

her religion requires her to don the hijab, is forced not to wear it to abide the French law of secularism, then, “ that is not her”. Furthermore, by prohibiting her from doing so strongly infringes on her right to that freedom of religion and conscience according to the view of (Wiles, 2007). France as mentioned is a multicultural society, but as (Blum) highlights, multiculturalism is a tolerance for and recognition of the right of other groups to pursue their own cultural identities, but which is being diluted in the effect of the ban. The ban does not have respect for and the interest in the cultural heritage of the Muslims, and thus France cannot be said to be a multicultural society, for there is racial discrimination that surfaces from the ban.

Chirac stated, “ Secularity is one of the republic’s great achievements. It plays a crucial role in social harmony and national cohesion. We must not allow it to be weakened” (Fontanaud, 2003, Chirac urges Muslim headscarf ban, para. 13)

As mentioned in the quote, the terms ‘ social harmony’ and ‘ national cohesion’ are indeed questionable as there have been social unrests due to the protests by the Muslims to urge Chirac not to propose the law to enforce the prohibition. Representing the subordinate group, they feel victimised and refuse to be obliged to succumb to such a ban by the dominant group because they lose their religious identity; their dignity and honour. (Taylor, 1994)

“ A law on religious symbols in the school environment could stigmatise a whole community,” said Dalil Boubakeur, president of the French Council of

the Muslim Faith (CFCM). (Fontanaud, 2003, Chirac urges Muslim headscarf ban, para. 17)

I agree with Dalil's opinion, as the stigmatisation as mentioned could result in an inherent reduction in the identity of the religion in the discourse of the French community and the protests may reflect the Muslims reaction to re-acclaim their identity, dignity and self-respect. (Tatum, 1997)

According to (Fontanaud, 2003), Chirac rejected the commission's proposal to mark the holy days of minority faiths, reiterating that French pupils had many official days off. One of the minority faiths include Islam and by doing so, demonstrates blindness to their religion and its unacceptance. (Taylor, 1994) Looking back at the notion of secularism, one may question in what way does it embrace a democratic society when it visibly demarcates the subordinate groups in terms of religious practices, despite claiming to promote cultural diversity and social harmony. In other words, it can be said that in France, do what the French do just like the saying goes – “ in Rome, do what the Romans do” – to have “ Frenchness1” or to be called a French citizen, one must not wear the headscarf, if not, you are the “ other” as (Tatum, 1997) puts it.

In schools, French Muslims are placed at a fix amidst this identity struggle between faith and citizenship, and some are expected to compromise in wearing a bandana. (BBC, Muslim girl shaves head over ban , 2004)

Touria adds: “ It's part of who I am. It's not just some bit of fabric on my head. It's everything. People say that it's the women who wear the veil that are submissive... but I think it is those women who are submissive, because

it is what men want, women half naked.” (BBC, 2004, French scarf ban comes into force, para. 3)

Touria’s statement clearly contradicts Sheikh Al-Hilali’s statement as cited in (Winter, 2008) that had been mentioned earlier in my introduction, where it is purely up to the individual’s belief to don the headscarf, whom in this case, regard it as representing “ who she is” (Tatum, 1997) and its possessed worth is much more than its material or function, neither does it represent a sign of weakness to the male gender. At the same time, Touria highly attunes by wearing a bandana because she refrains from drawing attention to herself or her religion, if so, may face racial discrimination in school and be excluded as a member in that discourse community. (BBC, French scarf ban comes into force , 2004).

In some schools, the rule is so strict that, even a bandana is not permitted. Cennet Doganey asserts that she respects the French law and the Muslim law and shaves her head completely. The cause that led to this was due to the fact that she was refused to enter the class despite wearing a bandana and states, “ I respect the law but it did not respect me.” (BBC, Muslim girl shaves head over ban, 2004) To her, the French law discriminates in the form of tangible representatives such as the headmasters by restricting her freedom to exercise the rights of her religion due to the headscarf ban in public schools. Some girls are even being sent home which is justified as being required to abide by the French law, that being one dimension but another which presents itself as a pillar of discrimination. Their education gets affected and they need to make a choice to go against their religious beliefs to be an “ inclusive” French citizen. (Hashmi, 2000) If having

awareness to cultural identity is the objective of secularism in a multicultural community, then there should be “cultural pluralism” that involves the different racial groups to have tolerance and acceptance for and recognition of the rights of one another to pursue their own cultural exploration. As (Taylor, 1994) mentions as cited in (Blum), liberal values need to present in the notion of multiculturalism, which contradicts the principle of secularism and the headscarf ban. Neither is there equality in dignity nor respect for that religious practice. It seems to however connote the wearing of the hijab as a threatening weapon to secularism. (Blum) reaffirms that a person’s cultural identity has a distinctive set of history and practices which is central to one’s overall individual identity. Hence, by being true to the constituents of the ban in accordance to the French law, the French Muslim is being separated of her own identity and becomes a misrecognised marginalised individual whose dignity is not respected by the law. (Robert J. Pauly, 2004). Supporting this view, Taylor’s notion of “recognition” as cited in (Blum) is defined as to “recognise” cultural differences which creates the identities of the Muslim individuals, and by doing so means to respect their dignity, if not, it dishonours them.

There are limitations to the scope of my discussion due to adhering of the word limit otherwise, the concept of integration, assimilation and “melting pot” not only in France, but other parts of Europe would have been further explored as the headscarf ban arises in Turkey as well as Germany.

## **Conclusion**

It appears that despite efforts undertaken by the French government to separate state and religion, it is clear that different individuals have different



realities. The reality of the headscarf ban in the eyes of French Muslims causes discrimination and a separation from one's identity. The reality of secularism has good intentions in having individuals to be liberated from assumed oppressive religions but demonstrates otherwise where it stigmatises cultural identities, portraying them to have less worth in the society. Multiculturalism needs to be deeply examined in the French context due to the consequences mentioned that arise from the headscarf ban. Indeed, the headscarf ban itself needs to lend itself to be further investigated on whether it is a necessity or intolerance.