

# LAICITÉ<sup>1</sup>, WOMEN'S RIGHTS, AND THE HEADSCARF ISSUE IN FRANCE

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The recent French law banning visible religious signs that display a student's religious affiliation in public schools has unleashed heated debates on wearing the Islamic headscarf/veil/*hijab* (used here interchangeably). Although this law does not apparently target the French Muslim community in particular and will affect other religious minorities such as the Jewish and Sikh communities, it is obvious that it will affect essentially Muslim girls wearing *hijab*.

The law supposedly aims to protect the French principle of *laïcité*, which loosely refers to the idea that religion should be excluded from civil affairs and public education. French officials and proponents of the law vehemently reject accusations that the measure discriminates against Muslim girls who wear headscarves. Some others, mainly feminist groups, including some Muslim women's organizations, point out that the veil/*hijab* symbolizes women's oppression by patriarchal Muslim societies and groups, and denotes the interiorization of such oppressive values by Muslim women themselves, and therefore should be banned. Finally some more honest voices evoke the widespread fear of growing Islamic fundamentalism in France, where the Muslim population is estimated to be the largest in Western Europe with more than 5 million Muslim and the urge for French authorities to counter attack and respond to this threat.

For a critical mind, it does not take much to figure that the proposed law has nothing to do with defending *laïcité* or limiting the role of religion in French life, or even defending the rights of women and children, but everything to do with the political concerns of the French government. In fact the French official discourse is inconsistent, it actually suffers from: 1. Deliberate vagueness and misuse of the concept of *laïcité*; 2. A stereotypical and condescending

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<sup>1</sup> We are using the term “*laïcité*”, which means religious neutrality, instead of “secularism” that refers to rejection of religion.

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view of the Other; and 3. An attempt to avoid real problems that the Muslim community has in France as well as other immigrant communities.

### **Does the Islamic headscarf threaten the French Principle of laïcité?**

The prohibition of “ostentatious religious symbols” is justified by the majority of French officials and intellectuals in the name of universalism, the basis of French laïcité. Another argument, which comes back quite often in the official French discourse, is protecting Muslim girls who do not wear the veil from the pressure they are subject to in schools from girls who do wear it.

It is legitimate to ask some questions here: a. Does the Islamic headscarf threaten the French principle of laïcité? b. Is France non-negotiable principle of laïcité, as described by President Chirac, observed so firmly when other religions are involved? And c. Do Muslim girls who wear the headscarf have enough power to exert pressure on their peers who do not wear it?

First, through the French history, laïcité has been a principle of emancipation and freedom, never a principle of exclusion. It is rather paradoxical for French officials and feminists to consider those young girls who wear headscarves as “poor victims of patriarchal systems of thinking” and yet exclude them from the educational system and leave them behind facing “their oppressors”. It is certain that the French principle of laïcité refers, among others, to the necessity of upholding the separation of church and state in education. It requires the neutrality of the state, the public sector, public schools and the educational system in general. However, it does not require students and users of public services to be neutral themselves, and to renounce their identity in order to be able to access those services. Students should be able to practice their religion and their beliefs peacefully without state interference as long as they are doing so without provocation and intimidation of others. The 1905 law of separation between the church and the state, as well as the French Constitution and the general regulations of the French national educational system, do not mention anything relating to “neutrality of students”. All what is required from students, in addition to assiduity, is respect of others whether they were

other students, teachers, or staff. Article 1 of the 1905 law states: “The Republic assures the right of conscience and guaranties the freedom of cult.”

French historian René Rémond, who was a member of the Stasi commission<sup>4</sup>, points out the misuse of the concept of laïcité, he says: «I read the law of separation [of state and church], I accept it as a whole, without being a fundamentalist of laïcité. I see that article 1 says, and God knows that the first article is always important: “the French Republic guaranties the free practice of cults”. This article captures the religious act in its collective and social dimension. It is not true that this law ignores the religious act (...) Not only it does not ignore it but also it commits to guaranty it... I am little surprised by the lecture you [referring to Joachim Salamero (la Libre Pensée)] make of it [the 1905 law], a lecture that is restricted, fundamentalist and extremist”<sup>5</sup>.

Moreover, the European Convention on Human Rights ratified by France in 1974 and that has become opposable to public authorities before the European Court of Human Rights in 1981, clearly states: “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.”<sup>6</sup>

The argument that France must protect the public school, which is a space of integration and where the citizens of tomorrow are being taught, by banning signs of difference and promoting instead what is universal and common, is for the least questionable. It reveals a certain fear of difference that should rather be, if well handled, a source of strength. De Saint Exupéry once said: “your difference, my brother, far from scaring me, enriches me.” It would be rather difficult for French officials to teach their children to live together in diversity if they think that expressing differences is dangerous for school and public space. And if they manage to cover religious differences, it would be impossible for them to erase more inherent differences such as the color of skin and gender differences.

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<sup>4</sup> The presidential commission that proposed the law in December 2004, named after its president Bernard Stasi.

<sup>5</sup> [http://www.laic.info/Members/webmestre/La\\_laicite\\_en\\_France.2003-10-29.2756/view](http://www.laic.info/Members/webmestre/La_laicite_en_France.2003-10-29.2756/view)

<sup>6</sup> <http://www.hri.org/docs/ECHR50.html#C.Art9>

Second, it seems that the principle of laïcité is not set in stone and actually accommodates exceptions. In fact, defenders of the French banning law prefer to set aside the fact that a type of cultural particularism tends to dominate in the French society, where only those holidays of a Christian origin are implicitly recognized. Clergy in the eastern provinces of Alsace and Lorraine still receive government salaries, and despite the French government claim to be laïc, it provides 80 percent of the budget for Catholic schools where two million study. In the past years, Jewish schools have also grown by 120 percent, whereas only one Muslim school exists in all France, which took eight years of negotiations with the government before it opened. This also means that Muslim private schools are not an option for Muslim girls who refuse to take off their headscarves<sup>7</sup>. Their last resort would be to enroll in Catholic schools or to drop out, which many Muslim girls have already opted for.

Third, let us state the fact that of the two million female students in French schools, only 1500 wear headscarves to school, according to the government report that was used to justify this law. This represents less than one percent of the 500,000 students from Muslim families. It is hard to believe that this small number of Muslim girls wearing headscarves threatens the French laïcité. Moreover, being such a minority, these girls are unable to exert any kind of religious or moral pressure, such as the one described in the French official reports, over other Muslim girls who do not wear hijab. The opposite would be more likely to happen.

Muslim girls will be excluded from public schools, condemned to live in ghettos, and will become an easy target for radical groups. If the French government is sincere in its attempt to counter the raise of fundamental Islam, this is a curious way of doing so.

### **Behind the ban: Fear of difference and Speaking for the “Other”:**

In an article about the headscarf issue in France, Patrick Weil, one of the 20 members of a presidential commission that proposed the law in December said: “Whereas for a majority of women the headscarf is an expression of the domination of women by men ... it can also be the articulation of a free belief; a means of protection against the pressure of males; an expression of

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<sup>7</sup> <http://rwor.org/a/1234/wtw-veil.htm>

identity and freedom against secular parents; a statement of opposition to Western and secular society. The state has no right to “adjudicate” between these meanings, or to interpret religious symbols *tout court*.” This is a wise statement from a person who rejects the accusations that the ban discriminates against Muslim girls.

However, the same Patrick Weil flatly states in another setting with American journalists this time: “I am surprised that in America, where the fight for sexual equality has been fought so early on, no one says anything. This is frankly surprising. The veil carries a symbol of inequality and domination, right?”<sup>8</sup>

Mr. Weil chooses the right tone for the right audience. Even worse, some proponents of the law go as far as to formulate their fear for a supposedly “threatened laïcité” in words that are for the least racist: “We won’t let those people alter our traditions”, “it is necessary to restrict the freedom of conscience”, we should have “the lucidity of recognizing that those Muslims (“Allah’s crazy”) reproduce like rats”, “our Muslim guests must comply with the laws of the Republic”<sup>9</sup>

The terms of the debate have subtly changed. We are no more talking about banning a piece of clothing from schools but a whole religion and a whole community from France. It is now about “we” and “our traditions” as opposed to “they” and “their practices”, French Muslims are in the best-case scenario guests that must comply with their host’s rules.

In another statement, from a feminist point of view this time, “Elle” magazine printed an open letter to President Chirac signed by leading French feminists who called for an outright ban. “The Islamic veil sends us all — Muslims and non-Muslims — back to a discrimination against women which is intolerable,” said the letter<sup>10</sup>.

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<sup>8</sup> <http://www.forward.com/issues/2004/04.01.23/news9.html>

<sup>9</sup> See, Herrgott Jean-Claude. “Le rapport Stasi ou l’invention de la commission réalité. » quoting racist comments that have fed the debate on the veil.

<http://www.islamaicite.org/article183.html>

<sup>10</sup> <http://www.nytimes.com/2003/12/11/international/europe/11CND-FRAN.html?ex=1082260800&en=c250cc14b7580f62&ei=5070>

It is clear that minds were set to strip the Muslim community in France not only from their women's headscarves but also from their identity and their right to speak for themselves. In fact, no body seems to remember that those women subject of the debate can express themselves and should be able to decide for themselves. Nobody cared to ask them what they think, because nobody really wants to know. These women are "oppressed", "victims of patriarchy", and women who say that they have chosen to wear a headscarf are "brainwashed". French feminists and officials know what is better for these "self-oppressed" women. This attitude brings back to memories the days of colonial France in Algeria, when the French generals had Algerian women unveiled by French women in a public event that took place on May 16<sup>th</sup> 1958 to show to the world that Algerian women are on their way to becoming modern. This event was one of many French attempts to appropriate Algerian women's voices and to silence those among them who had begun to take revolutionaries women as role models by not abandoning the veil. This is with small shift in appearances the tone and stance of today's French feminists and officials.

However, what French feminists and officials seem to ignore is what Franz Fanon rightly underlined when he narrated the May 16<sup>th</sup> 1958 event: the immediate response of many Algerian women "who had long since dropped the veil once again donned the *hayek* (veil), thus affirming that it was not true that woman liberated herself at the invitation of France and of General de Gaulle."<sup>11</sup> Marnia Lazreg, an Algerian sociologist, states that this incident "did lasting harm to Algerian women. It brought into limelight the politicization of women's bodies and their symbolic appropriation by colonial authorities."<sup>12</sup> This is something to think about for those who condemn Islamist groups and governments for using women's bodies to ideological ends.

Moreover, the proponent of the ban, feminists and others, seem to forget what the veil means for women themselves. The Islamic veil is part of a complex system aimed at both sexes in order to manage the community's sexual needs and social relations<sup>13</sup>. It bears no demeaning implications for women; to the opposite, many Muslim women see veiling as an empowering practice that allows them to move freely through their professional and social life. In this, the

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<sup>11</sup> MARNIA LAZREG, *THE ELOQUENCE OF SILENCE, ALGERIAN WOMEN IN QUESTION*. (New York, Routledge, 1994) pp. 134-135.

<sup>12</sup> *Ibid.*

<sup>13</sup> See, ASAD, MUHAMMAD. *THE MESSAGE OF THE QUR'AN*. (Gibraltar: Dar al-Andalus Ltd., 1984) p. 538.

veil symbolizes for many Muslim women not only a religious obligation but also a different way of being a woman.

But this is exactly what French feminists do not like: the physical image of difference. It is indeed clear that those feminists are not willing to listen to the plural voices of women and to learn from them, they have their own model of freedom and modernism and anything that parts from it is a manifestation of oppression, patriarchy, and obscurantism. Secular liberal feminist's unexpressed desire is that all people will be happy and well integrated once "they" abandon "their" irritating practices of differences. In this process the principal concerned party, Muslim women, is forced to be voiceless and passive. Once again, they are denied the right to choose for themselves and this time in the name of human women's rights.

It is more than time that French feminists and officials hold up their own practices to the same critical scrutiny they use to examine and judge foreign cultures. For no matter what one thinks about the veil, forcing women to take it off is no better than forcing them to wear it, both ways are discriminatory and undemocratic.

### **The crisis of the French policy of integration:**

"The headscarf today symbolizes a defeat for the French government, which has failed to integrate these minorities,"<sup>14</sup> says Francoise Gaspard, a sociologist at the Advanced Group of Social Studies in Paris, who opposes the veil ban.

The French banning law is in fact the tree that hides the forest. For years the situation in French ghettos has been explosive. Periodically there are violent youth rebellions. The denial of rights for immigrant workers and their exploitation has been until recently a prominent feature of French society. Immigrant workers, who are mainly North African, have played a key role in the French labor market ever since the Second World War. It took France 40 years to realize that those workers have families they left behind and to allow them to bring their families to France. But even then France expected them to assimilate to its culture, while they were still subject to

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<sup>14</sup> <http://www.secularism.org.uk/newspress/news19sep03.htm#one>

racist attitudes in hidden and open forms. The debate about laïcité has pushed aside the real alarming social and economic problems, the increasing gap made of inequalities, poverty, discrimination, and racism all exacerbated by international political tensions.

However, in the minds of many French officials and intellectuals, racism and discrimination against French Muslim from immigrant origins is just “a dream.” This state of mind is very well expressed in a book that has been of great influence to the Stasi Commission and to the public opinion in France, “Territoires Perdus de La Republique”. Emmanuel Brenner, the editor of the book, flatly states: “If one was to assess the feeling of rejection, the North African population living in France suffers certainly the most among all other populations of foreign origins from this feeling. However, it is not rejection itself that matters, but most importantly acting upon this rejection. If some of our contemporaries nurture dreams of eradication [of North Africans], they usually do not go further. A police of dreams was never an objective of democracy.”<sup>15</sup> After quoting this passage, Alain Gresh, Chief Editor of *Le monde Diplomatique* wonders whether all forms of discrimination against North African immigrants from failing to find a decent job, decent housing, accessing school, to the police racist acts and use of unnecessary violence, are just dreams<sup>16</sup> (should we say “nightmares”?) not daily realities. It is rather not surprising that radical Islam in its most violent forms flourishes in ghettos and feeds on feelings of frustration and anger generated by racism, discrimination, and marginalization.

The French government has repeatedly expressed its will to fight discriminations and to favor the integration of populations of immigrant origins, including Muslims, into the French society. Would this be through fair social and economic policies that empower those disadvantaged by their poverty and racial origins, that would have been the right attitude that lives up to the French commitment to human rights and social justice. Instead, what the French government proposes is a law of interdictions and exclusion.

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<sup>15</sup> Quoted by: Alain Gresh: Les faux-semblants de la commission Stasi:  
<http://www.islamaicite.org/article187.html>

<sup>16</sup> *Ibid.*



### **A last word**

Desire of assimilation in the name of the principle of laïcité, fear of difference and speaking for the “Other”, underline the arguments used to promote the banning law. The French government expects religious minorities to get rid of their signs of difference if they want to become healthy members of the French society. French Muslim girls can always console themselves by wearing Fatimah’s hand or small copies of the Qur’an around their necks; something the “real” French would not see.