

THE HIJAB AND FRANCE

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ABSTRACT

Faisal Nijad Abdelrahman: The Hijab and France
(Under the direction of Donald Searing)

This paper addresses the 2004 French ban on hijabs being worn in France's public schools. Though legally phrased as a prohibition on conspicuous religious symbols, the debate on and subsequent passage of the ban was centered on the hijab; the head covering fabric that is traditionally associated with Muslim women. Through analysis of the debate this paper intends to answer the question of why hijabs were banned, arguing that a narrative of protecting the French concept of secularism known as *laïcité* was constructed to achieve broad support from French society when the real issues were centered on France's fears of Islam, the inability of Muslim immigrants to assimilate in French society, and the challenges that the Muslim French community presents to the traditional concept of French identity.

To my parents, Nijad Abdelrahman and Najwa Sirriyah

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INTRODUCTION

In 2004 a piece of fabric traditionally worn over the head of women became the focal point of a debate about the identity and future of a nation and its people. The fabric in question was the hijab; a headscarf traditionally worn by Muslim women, and the country in which it became an issue was France. In 2004 hijabs were banned from being worn in France's public schools. This brings up a simple question. Why were hijabs banned in French public schools in 2004? To answer this question involves explaining why hijabs in public schools were perceived as being such a problem that they required banning. I hypothesize that the ban was rooted in the French concept of "laïcité," with the hijab becoming a symbol for the Islamic faith of France's Muslim immigrant population, which was viewed as antithetical to French values. Laïcité was used as an excuse for the ban under the auspices of protecting French society and values when the real issues were about France's fear of Islam, Muslim immigrants' inability to assimilate into French society, their proper place in France, and what it means to be French in modern France. Further, I argue that the policy not only failed to positively address these issues but made the situation worse. To demonstrate this I will provide an analysis that discusses the debate surrounding the ban and what I believe are the real issues at play: Islam and what has resulted because of the ban. I will analyze the relevant aspects of France's history, the origins of laïcité, the role of secularism in French society; and I will use scholarly articles examining the hijab issue from multiple perspectives. I will also use the theory of policy narratives to frame how hijabs became a nationwide issue which resulted in the implementation of the ban through using laïcité and making the ban a symbolic policy. Alongside this I will also address the key actors

involved in the ban; the politicians that passed the law and the members of the public and the educational and media leaders that pushed for the ban. The quantitative data will include the number of students who wore hijabs in public schools prior to the ban as well as poll results on the issue amongst French society in the Muslim and secular communities. The qualitative data will include statements by politicians, school representatives, and other key actors. The first section of this paper will discuss the reasons for why hijabs in French public schools were perceived as a problem. This section will address: the situation of Muslim French citizens in regards to France's expectations for assimilation and the shift towards an Islamic identity; post-9/11 fears, tensions, and anti-Islamic prejudice within France; French Republican values, including *laïcité* and its effective use in the hijab debate; and the women's rights aspect of the controversy. The second section will discuss the consequences of the ban, including the role of geography in the ban's ineffectiveness. The final section of this thesis will review the earlier points and present conclusions about the ban and what it means for France.

As a final note before continuing: the term hijab will generally be used to describe the article of clothing banned; however, other terms such as headscarves, veils, and their variations will be used interchangeably due to use of those terms in other quoted sources. For the purposes of this essay, all these terms will be understood to refer to the article of clothing that covers the hair and is understood or perceived as being Islamic in nature.

CHAPTER 1: WHY WERE HIJABS PERCEIVED AS A PROBLEM?

Introduction

It would be tempting to ascribe the furor over hijabs to simple prejudice and leave it at that. While that might make for an easier explanation (not to mention a much shorter paper), the reality is much more complicated. While prejudice did play a large part, the decision to ban the hijab was also rooted in a complex mix of identity, values, and what it means to be French in the 21st century. All of these different issues, and the simmering tensions within French society, coalesced in the debate on the law banning hijabs in public schools. “Its passage was one of those key moments in a country’s life at which certain anxieties and assumptions come to the surface, when people take stock of who they are and what kind of social life they wish to have” (Bowen, 2007, pg. 2).

It is worth noting that the wearing of hijabs in French public schools was not widespread. Yet the wearing of hijabs in French public schools became a nationwide issue and the ban was enacted despite the fact that the number of girls wearing hijabs in French public schools was on the decline. In fact “Government estimates show a constant decline in the total number of headscarves in school, from 2,000 girls a year ten years ago to a little over 1,000 in 2004” (Killian, 2007, pg. 309). Also of note was “that relatively few disputes over scarf-wearing ever went beyond the classroom and that virtually no one accused scarf-wearing girls of presenting a serious danger to society” (Bowen, 2007, pg. 1). So then why was the wearing of the hijab in France’s public schools suddenly perceived by the nation of France as such a serious problem that it warranted an outright ban, especially since the statistics indicated that the number of girls

wearing hijabs in public schools was not only small but had been on a continuous decline? Why was the ban “seen as such a broad social palliative for France’s social ills and such an important step for women everywhere” (pg. 1)? Bowen notes how the debate and subsequent passage of the law “perplexed many observers” (pg. 1), with public figures in France seeming to ascribe to the hijab blame “for a surprising range of France’s problems, including anti-Semitism, Islamic fundamentalism, growing ghettoization in the poor suburbs, and the breakdown of order in the classroom” (pg. 1). According to those who supported the ban, voting for it would “support women battling for freedom in Afghanistan, schoolteachers trying to teach history in Lyon, and all those who wished to reinforce the principles of liberty, equality, and fraternity” (pg. 1). The passing of the ban “puzzled most of the world; many people saw it as at best a misplaced concern and at worst a violation of religious freedom” (pgs. 1-2). Why the obsession with hijabs? The answer to this is that the hijabs “are not in and of themselves the problem” (pg. 65).

Policy Narratives

Analyzing the ban in the theoretical framework of policy narratives can be useful in order to structure: our account of the origins of the ban; how hijabs were used as a polarizing issue and perceived as a problem; and how *laïcité* was used to construct a narrative to enact a policy banning hijabs in French public schools. Hampton defines narrative policy analysis as consisting “of the identification of narratives which describe policy dilemmas” (Hampton, 2009, pg. 228). He cites Roe who “argues that narrative policy analysis is useful when policy issues are uncertain, complex and polarised” (Hampton, 2009, pg. 228). The wearing of hijabs in French public schools was the type of issue that lent itself well to having a policy narrative develop around it since it was a single issue that mixed multiple broader issues about freedom of religion, Islam, immigration, women’s rights, and French national identity. In order to develop the

narrative for the divisive issue, “The process begins with the identification of dominant narratives, which express uncertainty and complexity and non-stories and counter-stories, which are contrary to the dominant narrative” (pg. 228). From this a meta-narrative is created, having resulted from comparisons of the stories, non-stories, and counter-stories (pg. 228). Roe defines meta-narratives as “policy narratives in a controversy that embrace, however temporarily, the major oppositions to a controversy without in the process slighting any of that opposition” (Roe, 1994, pg. 52). The creation of a meta-narrative for issues can make those issues more open to decisions being made (Hampton, 2009, pg. 228). When faced with a policy controversy, the construction of a meta-narrative is a substitute to seeking consensus; instead offering a completely different story, which is open to policy intervention (Hampton, 2009, pg. 228). Roe summarizes that “The meta-narrative is, in short, the candidate for a new policy narrative that underwrites and stabilizes the assumptions for decision making on an issue whose current policy narratives are so conflicting as to paralyze decision making” (Roe, 1994, pg. 4).

The Meta-Narrative for Banning Hijabs

A meta-narrative was developed about the ban on hijabs in French public schools with *laïcité* as a core secular value that could unite broad sections of French political and civil society behind accepting the ban. *Laïcité* as a political policy became a symbolic policy as well. The ban took on a symbolic value with *laïcité*. The policy of banning hijabs in French public schools became symbolic of France taking a stand to define what it meant to be French and asserting a French identity. Killian cites an argument that the 2004 ban on headscarves and other religious symbols was a way to reassert national identity at a time when France was feeling the threats of globalization, the European Union, and immigration (Killian, 2007, pg. 308). *Laïcité* could be used to bring the political left and right in France together towards acceptance of the ban, with

the French political right seeing *laïcité* as part of a French national identity that needed to be protected from a foreign population that they viewed as a threat, while the French political left could see *laïcité* as a value that protected the fundamental rights and freedoms of all French people. Even if the political left in France were more accepting of a broader and more inclusive definition of the French national identity than their counterparts on the right, they could view *laïcité* as being symbolic of a France that protected the French people's freedom from persecution or being forced to do something by religion. Thus, *laïcité* symbolized two entirely different ideas for the French political left and right, but the meta-narrative of *laïcité* nonetheless brought them together on an issue that would have normally proved more divisive since the left would usually be more inclined to not support a ban that would target a minority religion. In civil society the meta-narrative of *laïcité* could unite different groups because their views would not be attacked as incorrect even if they were in opposition. Feminist opposition could be embraced in the meta-narrative of *laïcité* with *laïcité* having the symbolic value of being secular, thus protecting women's rights because religions – especially Islam – have long been perceived as oppressing women. Hasan summarizes this point of how the issue of hijabs in public schools is one that unites both liberal and conservative elements in European societies, especially France, writing; “On the right, the veil is seen as a threat to European and in particular Christian culture; a symbol of a foreign, belligerent faith community, the “other” – even though few Muslim women wear it. On the left, it is seen as a repressive garment that subjugates women and violates their rights” (pg.22). However, this unity on the issue is coming at the expense of ostracizing the Muslim community and making them feel persecuted. As Bowen writes, this combination of

France's very particular history of religion and the state, the great hopes placed in public schools, ideas about citizens and integration (and the challenge posed by Muslims and by Islam to those ideas), the continued weight of the colonial past, the role of television in

shaping public opinion, and the tendency to think that passing a law will resolve a social problem. (Bowen, 2007, pg. 2)

all came together and played a part in passing the ban on hijabs.

The Situation of Muslim French Citizens

The 2004 ban on hijabs in France's public schools was motivated by the French government's desire to combat what was seen as "unwillingness to integrate into the 'French way of life' and to take on the traditional meanings of equality and citizenship" (Adrian, 2009, pg. 346) among the Muslim immigrant population. However, despite its successful passing, the result of the ban was a reevaluation of the French values and secular ideas – the *laïcité* – that had been the grounds on which the law was based.

What is striking about the situation in France is that, within France, integration is expected to be total. "The French method of integration implies a loss of ethnic identity and pressure to conform to a standard civic model. There is no concept of "minority group" in French legal texts; the "ethnic citizen" is not supposed to exist (Feldblum 1993)" (Killian, 2007, pg. 307). When it comes to religion in particular, it is expected that religion be a private matter that is relegated to the home and places of worship. That being said though, the French state's beliefs "about the role of the state in religious life do not explain why the appearance of Muslim schoolgirls wearing headscarves became a recurrently divisive issue. It is not exactly right, for example, to say that religion remains entirely "private" in France" (Bowen, 2007, pg. 3). Rather, as Bowen points out, "the French state and municipal governments have endeavored to aid Muslims in building mosques, to provide graveyard space for Muslim burials, and to create a highly public quasi-state Muslim council. In doing so, they give official recognition to Islamic bodies" (pgs. 3-4).

Who are the Muslims of France? France does not compile statistics on the religions of its citizens, but the number of Muslims inside the country is estimated “to range from four to five million people, nearly all of them immigrants and their children, and about one-half foreign nationals” (pg. 51) with “about 60-70 percent of Muslim immigrants to France” being Algerian, Moroccan, and Tunisian with Algerians and Moroccans making up the biggest number, with Tunisia third. Following the three North African countries in size are the Turks and West Africans (pg. 51).

The French state has tried with minimal success to create a representative body for the Muslim community in France (pg. 49). A body was eventually created in the form of what the interior minister at the time Jean-Pierre Chevènement called the “Consultation of French Muslims” (pg. 50). Despite its formation, the acceptability of the CFCM to the Muslim community in France is not guaranteed. The reason for this is that, while prominent Muslim organizations and individuals were chosen, the CFCM failed to include the prominent and active Muslim intellectuals who “generally try to preserve their independence from the government and in many cases have strongly opposed particular government policies” (pg. 55). What has limited France’s success in their efforts to engage with a representative body for the Muslim French community is that those individuals or groups who might have dissenting views on state policy or who would challenge established French values are excluded from the discussion of issues that affect Muslims in France. These people are “involved in schools, institutes, local mosque-based associations, publishing, or political activities” (pg.55). They are a part of the Muslim community in France and their omission from the CFCM hurts it because their exclusion creates the belief amongst France’s Muslims that the only ones that the French government will speak to are those who would tacitly support their policies regardless of whether those policies are what

the rest of the Muslim community desires. France's difficulty in creating a body to represent Muslims and allow the state to exert control over Islam is that "those willing to be "co-opted" are also those with the least legitimacy" (pg. 55). The end result is that there is no single political voice for the Muslim community in France because those who dissent are seen as not being listened to by the French state.

The Islamic Shift in Identity

In the debate on hijabs in public schools, various politicians, public and educational figures, along with the media, used the French principle of *laïcité* to turn the hijab into a symbol of Islam that represented oppression. But on the other side, the Muslim immigrant community in France also turned the hijab into a symbol for Islam, albeit one that had a much different and more positive symbolism. This symbolic value came about as part of a broader shift in identity amongst the Muslim French community in response to their isolation from French society.

Killian interviewed North African women immigrants to examine their views of Islam within France. The results demonstrate a reaction among the older generations attempting to assimilate into the French culture, as well as support for the ban on hijabs in French public schools by a sizable number of all interviewees. This support mirrored the overall Muslim reaction to the ban with 43% favoring it (Killian, 2007, pg. 312). However, there is a generational gap that has formed among immigrant women from North Africa. Whereas the older generation views themselves as foreigners in France and is more likely to support the ban on hijabs in French public schools, the younger generation is more likely to protest the ban (pg. 315). The reason for this is that being "born in France or brought at a young age, they are more likely to feel French than their parents, and their comparisons are not to the Maghreb but to the situation of other French people. Where parents see improvements and opportunities, children

see discrimination and rejection” (pg. 315). The irony of this is that because the younger generation of immigrants views itself as part of French society, it is now arguing for religious freedoms based on the same values and ideals that traditional France espouses.

The scarves became a symbol of Islam as opposed to one of regional heritage because “the ways in which Muslims chose to publicly affirm their identity underwent a noticeable shift in the 1980s. That shift – away from an identity as immigrants and toward an identity as Muslims – is a large part of what made scarves the source of scandal rather than fashion” (Bowen, 2007, pg. 66). Having failed to be accepted as truly French, and discriminated against because of their ethnic backgrounds, many of the children of immigrants who had been born or spent most of their lives in France – who were in France yet not a part of France – saw an answer in Islam.

The growing sense that “true Islam” could provide a third possibility for constructing a subjective identity, beyond the undesirable “North African” and the unattainable “French,” led some Muslims in the late 1980s to demand that they be allowed to practice their religion in a public way, by building mosques, carrying out collective rituals, and dressing in an Islamic way. (Bowen, 2007, pg. 68)

Ajrouch presents the idea that for Muslim women the wearing of the veil is a way for young Muslims to resist ostracism in a foreign culture both economically and socially by asserting a moral superiority. “Moreover, when faced with the prospect of being the cultural other, it is not uncommon for the second generation to resist subordination by making women and girls the point at which power is declared via traditional, ideal norms of appropriate behavior” (pg. 322). The Muslim community takes a pride in having the belief that Muslim women are superior to other women – and the veil is a powerful way of symbolizing that. So the veil becomes a weapon that can be used by a Muslim community standing on the margins of French society to fight back by creating a distinctly Muslim identity because the veil is so closely associated with the Islamic faith. What this leads to, however, is that the Muslim community,

which is already separate from France, is moving itself further away by embracing a Muslim identity in protest against its treatment in French society (pg. 322).

While there are different reasons and factors explaining why a woman chooses to wear the hijab, and many more that are unique to each individual, Ajrouch's article is interesting because it presents the idea that Muslim women in France may not only wear the veil for personal reasons, but can also be motivated by broader social reasons. If women are a source of pride for the Muslim community, then wearing the veil can be a way of showing the moral superiority that can be a form of resistance to economic and social differences in France. This also raises the issue that Muslim women feel both pressures from their own community to wear the veil as a matter of pride in one's culture, as well as pressure from French society to remove the veil so as to better assimilate into France.

The Colonial Legacy and Cultural Issues

While there has clearly been a shift towards an Islamic identity amongst the Muslim French immigrant community which played a part in the hijab ban, the ban should not be viewed as solely a religious issue. That shift came about as a result of unresolved cultural issues played a part in the hijab ban and that are still relevant. There is a cultural issue of race and ethnicity at play as well. This issue can be traced back to France's colonial period. Mas argues in her essay, that while the French ideal of *laïcité* – the ideals of secularism – is used as a defense against the excesses of radical Islam, it is also necessary to view how secular ideals were used to justify violence by the French against their colonies during the colonial period. France has had difficulties reconciling its colonial past with the present day Muslims inside of France, many of whom are from countries – Algeria especially – that were former colonies. There has been an attempt to separate *laïcité* from the colonial history. However this ignores the fact that *laïcité* was

used by the French to justify violent and harsh measures against its colonies in the name of introducing secular ideals. In recent times however, some political groups in France argue that using laïcité as the reasoning behind the oppression of Algeria was acceptable and even a positive act that should be applauded. Mas notes:

The violence of the colonising missions in Algeria, seen as exceptional, were recast as a crucial, necessary and laudable part of French national history that negated — through silence and omission — the massacres, tortures, dispossession of land, forced labour and the extremes of the “Code de l’indigénat,” which, until 1946, restricted the native populations of their freedom to assemble, circulate, and speak, and deprived them of their political rights. (pg.590)

It would seem hypocritical that some French would use the secular ideals of laïcité to ban headscarves under the pretext of preventing violence and attacks on freedom in France, when historically laïcité was used to justify violence and oppression against Algerians. The fact that the majority of the Muslim population in France is Algerian makes the claims of certain political figures in France that the violence used against the Algerians in colonial times was justified and a proud part of France’s history all the more galling for the Muslim French population.

Considering the historical context of laïcité in France’s colonial period, arguing that the oppression against the Algerians is a positive aspect of French history as opposed to a shameful one contributes toward making the Muslim population in France feel all the more disconnected from France. That historical context also means that laïcité carried a certain cultural connotation in the debate on hijabs. Not only did it symbolize a French secular ideal against Islam, it symbolized a French cultural identity opposed to the culture of immigrants from North Africa.

Kiwan also posits the idea that the root of the animosity between the French government and the Muslim immigrant community is not purely religious but also cultural. In this case, by culture he is specifically referring to the Algerian immigrant community. As Kiwan notes “it could be argued that cultural discrimination is a feature (although not the sole feature) of higher

unemployment rates of Algerian-origin young people in France. It is possible to refer to cultural discrimination as opposed to racial discrimination here because statistics show that employment discrimination affects Algerians more than it does sub-Saharan Africans” (Kiwan, 2007, pg. 159). The bitter memories of Algerians towards French colonial rule of their country, combined with the bitter memories of the Algerian-French war, as well as suspicions of Islam in the period following September 11th, have together created an atmosphere that makes employers wary of hiring Algerians. What is also brought up is the rhetoric that was employed in the lead-up to the passage of the ban on hijabs in French public schools. Many French members of Parliament cited the French Republic’s values and spoke of the hijab as an assault or more specifically a “provocation” to French republican values and democracy (Kiwan, 2007, pg. 168). The combination of “the legacy of the Algerian War, the long-term suspicion of Islam, the visible difference that “native French” thought they saw between themselves and these new strangers prevented the repetition of the standard immigration story” (Bowen, 2007, pg. 67) and meant that the large Muslim French immigrant community never fully assimilated into France. Instead it became an isolated, outside group.

Of note was the way in which Islam was being presented by French politicians as an enemy to the French Republic. The simple act of wearing a hijab by a woman was seen as a provocation and as a menacing gesture towards France. France’s bad memories from their past with the Algerians – who are a majority Muslim nation – as well as the tensions between a large Algerian immigrant population in France that is economically poor and separate from French society, have played a role in the view of the hijab as a provocation. To what extent are unresolved cultural issues between Algeria and France playing a role in the animosity towards Islam? This line of thinking is an interesting way of framing the discussion of the ban on hijabs

in French public schools. It can help explain why the French specifically saw the hijab as a deliberate assault on their values: it combined both religious and unspoken cultural problems into one. That ability to assign both a religious and cultural symbolism to the hijab helps show what made it such a useful symbol in the policy narrative that was being constructed.

The debate about the hijab was clearly not simply a debate over a piece of clothing in public schools. The controversy that erupted as result of the hijab ban in French public schools must be viewed in the context of the greater issues facing France. Beller discusses the ban on hijabs in French public schools and frames it by saying the ban shows “the power of the headscarf to crystallize the controversies over Islam, immigration, and national identity that have emerged in France” (Beller, 2004, pg. 582). The hijab became the flash point upon which a whole litany of issues has been placed, and this mentioning of issues of national identity and immigration point back to Kiwan’s article and its reference to cultural issues behind the ban. What was of major importance in the report filed by the commission that recommended the ban in the first place was the “sweeping historical and philosophical overview of the principle of *laïcité*” (Beller, 2004, pg. 582). As defined by the commission (known as the Stasi commission) which recommended the ban, *laïcité* – the French definition of secularism – means that religion must forfeit any political dimensions and remain in the home and private life.

Post-9/11 Fears, Tensions, and Anti-Islamic Prejudice

Ulusoy argues that the ban on hijabs in France’s public schools was actually motivated by anti-immigrant, anti-Muslim feelings amongst the conservative right, which then captured the feelings of many French after the September 11th attacks on the United States. Ulusoy states “Following the 9/11 terrorist attacks, the reaction against the radical Islamists nourished an anti-Islamic climate in western societies” (Ulusoy, 2007, pg. 426). Taking advantage of this

atmosphere of animosity towards Muslims, the ultra-nationalist right-wing party *Front National* was able to push for a nation-wide ban on hijabs in French public schools (Ulusoy, 2007, pg. 426). This viewpoint of the hijab being used as a battle for the wider issue of the tensions between immigrant Muslims and French citizens reinforces the symbolic value of the banning of the hijab in French public schools. The debate was really more about the symbolic issue of the struggle to define France rather than being about the hijab as an issue in school. Ulusoy warns that allowing the situation to continue as it has will lead to greater problems for France, because a Muslim community that is already suffering from economic hardship will react negatively to perceived religious persecution.

The use of *laïcité* to protect France and its values reflects a recurrent feature of French politics: constructing narratives to combat perceived outside threats – in this case Islam and Islamic fundamentalists. While discussing the historical roots that led to the ban on hijabs in France's public schools, Body-Gendrot brings up the idea that French politics has always used a fear that a foreign influence would tear apart France. He lists a variety of similar things that have been used as scapegoats: "France has always experienced fear regarding the dislocation of its unity that would come from "Dangerous Others." In the 20th century, the plots were said to come from the Free Masons, the yellow peril, perfid Albion, the communists, delinquent youth of post-colonial origin, and now Islamic fundamentalists" (Body-Gendrot, 2007, pg. 302). Based on this, Islam has simply become the new threat to France and the hijab ban in French public schools is simply a political ploy to unite French voters across ideological lines against a common enemy. *Laïcité* was used to enforce a ban on hijabs in France's public schools but more importantly it was a symbolic policy that tried to assert a French identity that did not include Islam with the hope of making Muslim immigrants in France move closer to French society. However, the

foreign menace idea that French politics has used is actually pushing the Muslim community further away from the French mainstream.

What is interesting is that the foreign menace idea that French politics has used is, perhaps not surprisingly, part of what is pushing the Muslim community further away from the French mainstream. This also goes back to Ajrouch's article that talked about the Muslim community isolating itself from French society by using the veil as a point of pride. It appears then that not only is the Muslim community isolating itself, but it is also being isolated because of French politicians treating Islam as a menace.

Laïcité and French Values

To understand why laïcité was effective in the debate on hijabs in French public schools, we need to understand laïcité and the role of secularism in France. Looking back on the founding of the republic of France during the French Revolution, one finds a leftist political tradition that sees citizenship as "solely defined by the individual's adherence to the founding principles of the revolution as a kind of civic, secular faith" (Raymond, 2009, pg. 482). The use of the phrase "secular faith" jumps out as it implies that France is a society that practices secularism as a state religion in a society that is ostensibly non-religious. This root ideology of secular ideals being an inseparable value for the French left and it being an indelible part of what it means to be a citizen of the nation of France brings to the surface the reasons for the tensions that exist between the French state and the Muslim minority that lives within it. Raymond also points to other democracies that have the ability to tolerate the possibility of individuals having motivations rooted in factors like religion and race. Yet, in France the idea of an individual putting those kinds of factors ahead of the "universal rights" as defined by the French Revolution was intolerable (Raymond, 2009, pg. 482). Herein lies the problem that the Muslim minority faces

within France. How do the Muslims within France – members of a faith that defines itself as a way of life that is at the forefront of a believer’s identity – reconcile their Muslim identity within a society that expects them to define themselves as French citizens first and foremost? This is a more salient issue compared to girls wearing hijabs in French public schools. But the hijab ban was a symbolic policy that could make a statement that Islam is not a part of what it means to be a French citizen without having to declare this outright. But banning hijabs in French public schools does not solve the bigger issue of reconciling the Muslim and French identities of the Muslim immigrant population within France. Raymond brings up the major question of how the French left can deal with this situation; whether that means finding a way to accept the Muslim community within France or to rethink the ideology of the French left and its definitions of France as a secular nation with no tolerance for religious actors in the public arena. Raymond’s discussion of the roots of the French secular ideals as embodied by the left illuminated a great deal about why the Muslim community in France is so seemingly at odds with the mainstream French society. Muslims who define themselves by their faith are ideologically and seemingly irreconcilably at odds with what it means to be a French citizen. These secular ideals are at the very foundation of France as a republic. This leads to a situation where the Muslim community exists as a separate entity within France itself. The existence of the Muslim community within France forces the country to begin questioning what defines France as France and what place Muslims play within it.

It would be unfair and disingenuous to claim that the ban on hijabs in French public schools was a case of a prejudiced, racist French state and society using *laïcité* as an excuse to oppress a religious minority. Make no mistake; prejudice against Islam and long-standing racial tensions with un-assimilated North African immigrants were important factors in the passage of

the ban. And this paper takes the position that *laïcité* was being used to construct a policy narrative of protecting France and its values – with the hijab becoming the symbol of that threat – when the real issues were fears of Islam, an isolated immigrant community, and defining what it means to be French. That being said, this does not mean that *laïcité* and French Republican values were simply empty slogans used to push a law targeting Muslims in France. Those values and *laïcité* are very important to many in France, and analyzing them is crucial to understanding the French position for banning hijab. It is necessary to comprehend the French point-of-view to see why they passed the ban.

French democracy has a different understanding of how freedom is achieved and how a society should function. It has its roots in the ideas of Rousseau that are opposed to the American version that is rooted in the ideas of Locke; “freedom through the state against freedom from the state, society as a “coming together” and “living together” against society as isolated rights-bearing individuals or (worse) as isolated communities defined by religion, race, or ethnicity” (Bowen, 2007, pg. 15). This emphasis on the importance of the state means that in France the state itself is what unifies France as opposed to things such as culture or language (Bowen, 2007, pg. 16). Enter into this situation – where the state is crucial to achieving freedom and society is supposed to be united – Islam; whose “public ritual practices, which include sacrifice, scarf-wearing, and prostrations in exotic buildings, are felt by some to threaten public order” (Bowen, 2007, pg. 20). When viewed in this context, the French perspective becomes clearer. The isolated Muslim community is a threat to a peaceful society. And Muslims, who answer to a higher power than the state – which in France is viewed as necessary to achieve freedom – are a threat to freedom.

In order to understand the situation in France it is important to understand the term *laïcité*. *Laïcité* literally means secularism, yet it is a word and concept that is important in French politics. *Laïcité* is a French word that is used in the French political discourse and was used in the discussion of banning hijabs from French public schools as an excuse for the ban under the auspices of protecting rights. The term *laïcité* is difficult to define yet it seemingly has to do with the public good within France as demonstrated by the use of secularism as a French value and ideal to protect the citizens of France. What is interesting is how the term has changed. Barras points out that whereas before, the legal precedent was that officials in the government should not display religious symbols, this ban did not extend to the users of government services (Barras, 2009, pg. 1239). However this changed with the 2004 ban on “‘conspicuously’ worn religious symbols from public schools” (Barras, 2009, pg. 1237). The result of the ban on hijabs led to Muslim groups advocating for their right to display their religion by arguing that the ban was a violation of their human rights. What is fascinating about this line of argument is that Muslims took a concept – human rights – that is usually associated with secular values and appropriated it and are using it to secure their right to practice their religion. The consequence of this is that it is a challenge to the French government and French society as a whole in the sense that the Muslim community is taking the State’s rhetoric of universal rights and using it as a weapon against the perceived persecution that Muslims felt at the hijab ban.

This argument points back to the Raymond article in the sense that the traditional secular values of French society are being challenged by the Muslim community in France. This has forced France as a whole to reconsider what France is ideologically and to further define what values the French nation as a whole aspires to. Raymond pointed out that the French left might have to reexamine the secular ideas that it had traditionally touted. What the Muslim reaction to

the ban on hijabs presents then, is the reevaluation of the values of France and the idea of reconciling Islam with France by making those values more pluralistic as opposed to the rigid definition that traditionally has been used to exclude religion.

In order to implement policies that could counteract the perceived threat of Islam, it was necessary to bring in the use of *laïcité* to implement policies that would supposedly protect France. In Bowen's essay he goes about discussing the myriad definitions for *laïcité* – the French idea of secularism that is traditionally derived from a 1905 law formally separating the Church from the public sphere – and focuses on France to make a broader point about the complexities and difficulties that arise when a government tries to govern religion. What is noted is that there is no formal definition for the term (pg. 1007). One recent definition that has been used for *laïcité* is that it is a protection of the neutrality of the public sphere and that religion has to be kept out in order to allow unimpeded discussion and freedom. Using this rationale Bowen discusses how “This notion of protected public space goes far beyond the law of 1905, which constrains the state, not pupils or other ordinary citizens, and it is mentioned by mayors who exclude scarf-wearing women from city halls and by ordinary citizens who ask them to leave buses on grounds that they are in ‘public space’” (pg. 1007). Adrian points out – as did Barras – that “the history of *laïcité* shows that there are no certain accommodations or outcomes in dealing with religion in the public sphere” (Adrian, 2009, pg. 347).

But why were public schools in particular the space selected for the ban? The answer to that is also rooted in French Republican ideals, where the public schools play an important role. “Indeed, the schools are central for both conceptual and historical reasons. Conceptually, they play the role of public socializing agent. Historically, they provided the central mechanism to produce citizens over and against two cleavages: regional and religious” (Bowen, 2007, pg. 12).

Teachers' roles were "to increase the capacity of people living within French state boundaries to participate in a national public life, one that was lived in the French language and understood as part of a long-term French history" (Bowen, 2007, pg. 12). That history was understood as such:

In the Republican way of understanding French history, integration and *laïcité* are twin signposts on the road to realizing the French political model. They point to historical processes, often aggressive ones, by which the state asserted its supremacy over alternative sources of power and truth. These processes have required the active work of the public school in forming the minds of the young in Republican ways. (Bowen, 2007, pg. 12)

Bowen further adds:

This legacy of combat against the Church in the name of Republic has been handed down through civic instruction, popular media, and teacher-training courses. The legacy helps to explain the degree to which many teachers and intellectuals see the contemporary presence of Islam in the schools as threatening to turn back the clock on at least two struggles: the fight to keep religion from controlling young minds, and the struggle to forge a common French identity. (Bowen, 2007, pg. 25)

France's relationship with the Muslim community is strained enough because of cultural reasons. But when religion enters the discussion France has shown a history of ill-treatment towards religion. Zaretsky writes that the French law banning headscarves in public schools has striking similarities to the laws targeting Jews in Vichy France during World War II when France was occupied by Nazi Germany. He also argues that the French ideal of tolerance does not extend to religion. It would seem that France is incapable of accepting that some women simply choose to wear headscarves or veils. The argument is that France has no tolerance for points of view that are not in line with Republican virtues or ideals. Zaretsky writes about the comparison between modern Muslims and World War II era Jews when he notes "One group is forced to wear an article of clothing, while another group is forced to surrender an article of clothing; one group is banished from the nation, while another group is compelled to assimilate. In both cases, however, the nation refuses to tolerate otherness." (pgs. B4-B5)

The comparison between Muslims and Jews is a shocking way of putting the ban into an historical context. Zaretsky is calling out France in regards to its tolerance and is making the argument that France talks a big game about tolerance but is unable to put it into practice. It would appear that France expects a certain level of conformity in its society and has no place for differing points of view. This all goes back to the idea in the Mas and Body-Gendrot articles that the ban on headscarves is rooted in French history as far back as the founding of the Republic after the French Revolution. And these deeply held beliefs in the virtues and ideals of the French Republic are a large reason for the marginalization of the Muslim community and the passage of the ban on headscarves that appeared to target Muslims in particular.

Other Attitudes

An important aspect of the ban concerns women's rights. An argument for supporting the ban on hijabs in French public schools through the use of *laïcité* was that the secular ideal of *laïcité* protected women's rights – specifically the rights of Muslim women. It is necessary to point out that many Muslim women choose to wear hijabs or veils by choice, which is the opposite of what most Europeans believe. Many Europeans think that hijabs are forced on Muslim women by their husbands, fathers, or other male relatives. Hasan makes the argument that the ban on veils in European countries is no different than countries such as Iran and Saudi Arabia forcing women to wear veils. Also, the ban is presented as being motivated by anti-Muslim sentiment in Europe that is brought to light in an incident that took place in France where a French woman verbally and then physically assaulted a Muslim woman wearing a veil (Hasan, pg. 22).

Knief discusses the proposed ban on veils in from a feminist perspective. Knief presents the view that the veils have powerful meanings for those that wear them and for those that do not

wear them. While veils are viewed as tools of oppression in the West by those that do not wear them, veils can also be viewed as tools of empowerment for Muslim women attempting to assert an identity in a foreign culture. An interesting point that is made in the article regarding the legislation against veils is that “When Western government officials and the public blindly insist that the burqa and niqab are used to oppress these women, they are in effect denying that women are intelligent individuals capable of making their own choices” (pg. 14). What is striking about this passage is the fact that Western governments are trying to ban veils under the argument that they are oppressive to Muslim women and restrict Muslim women’s freedoms. However, Western governments claim to be helping Muslim women attain freedoms by taking away a woman’s right to dress how she wants. The ban on veils is based on an assumption that Muslim women are weak and oppressed, and the legislation promotes this idea based entirely on Western views of Islam without taking Muslim women’s opinions into account. In essence, the Western governments are claiming to advance the cause of Muslim women without taking the opinion of Muslim women into account. Knief’s views echo what Hasan’s article states about the ban on veils being counterproductive to the cause of women’s rights because the ban on veils is actually taking away a Muslim woman’s right to choose.

Besides being an attack on a religion, the ban can also be viewed as an attack on women’s rights to dress however they want. If a woman chooses to wear a hijab, then the government is violating her right to express herself freely through a law that is supposedly protecting women’s rights. Banning and trying to control what women – in this case Muslim women – wear is counterproductive. The laws that try to ban hijabs actually have the opposite of the effect that the proponents of the law claim – freedom from oppression for Muslim women. Margaronis claims that the ban will not have the intended effect of weakening radical Islam, but

will encourage it by allowing the radical Muslims to use the ban as another example of Western prejudice against Islam and of religious persecution of Muslims (Margaronis, 2004, pg. 22).

Another topic that is reminiscent of the Knief article is the way that the veil can be viewed by Muslim women as a tool of oppression and as a tool of liberation depending on the perspective of a Muslim woman. Margaronis brought up the opinions of Muslim women who were for the ban on headscarves on the basis that it was oppressive to Muslim women. However, while this may be true, it does point to the fact brought up in the Knief article about how there are differing opinions amongst Muslim women about wearing headscarves. Some women choose to wear headscarves – and taking away their choice is a violation of their rights. Another point that is brought up is that the headscarf is simply being used as the battleground for a wider issue of Muslim immigrant values and Western secular values. The ban can be seen as an attempt to reign in growing Islamic pride amongst Muslims, which is seen as a threat to France's idea of *laïcité*, a strong form of secularism.

The feminist author Winter supports the ban on hijabs in France's public schools. What Winter notes is that the debate has feminist support for the ban even though it was proposed by right-wing political parties which many feminists believe are racist, parties that have curtailed and cut back on women's rights as well as on social programs in France (Winter, 2006, pg. 282). Winter also brings up the view of Maghrebi feminists who are in support of the ban on hijabs in French public schools because they claim that females in France's immigrant communities are subject to abuse. Winter notes "the testimony of Maghrebi-background women who have suffered and spoken out about violence of all forms against women in suburban ghettos" (Winter, 2006, pg. 285). Furthermore, support for the ban extends across a broad spectrum of the

Left in France, not just amongst feminists. On top of all this, the number of hijabs in French schools dropped significantly after the ban with only minimal enforcement.

While Winter does make valid points about the opinions of feminists, and also brings up opinions on whether the Quran even proscribes the wearing of the hijab, she never addresses whether the ban on hijabs in French public schools itself is a violation of women's rights. Winter brings up the testimony of Maghrebi women who support the hijab ban in French public schools, but she also ignores the fact that there are Muslim women who choose to wear the hijab of their own free will. Valid points are brought up as to why the ban on hijabs in French public schools was supported, but this support comes from an interpretation of the hijab as a tool of oppression, when the reality is that, while in some cases the hijabs is forced on a woman, in many cases it is simply a choice. Winter also never discusses whether it is within the French government's rights to determine what a woman can or cannot wear. Women's rights is part of the policy narrative that *laïcité* used to bring together opposing voices by framing the ban on hijabs in French public schools as protecting Muslim women from oppression. This narrative allowed feminists to agree with a policy from the right-wing of French politics that they normally viewed as antipathetic to their beliefs.

Though she does not specifically deal with the situation in France, Gutmann's writings on the rights of cultural groups within a democratic society provide a valuable perspective worth addressing. Gutmann's analysis of the subject – especially as regards the concepts of informed consent and an individual's right to exit a group as well as whether they have means to exit – when applied to the hijab ban might be read as an argument for the ban on hijabs, or at the very least an argument for the protection of an individual's rights ahead of the rights of a cultural group. According to Gutmann, a right to culture – whether that culture is inherited or adopted –

can only be democratically guaranteed as an individual's right to form their own identity partly with cultural affiliations (Gutmann, 2003, pg. 57). A multicultural democracy's challenge, in Gutmann's view, is that it needs to be fair to all individuals regardless of their respective cultural inheritances. That being said, claims to rights predicated on fairness are not always individualistic (Gutmann, 2003, pg. 57). For example, the right to civic equality – the right to be treated as a civic equal with fellow citizens – is a group right since it cannot be held by a single isolated individual. Rather, it can only be jointly held by multiple individuals (Gutmann, 2003, pgs. 57-8). However, though the right assumes individuals as part of groups, "the intended beneficiary and ultimate claimant of the right is the individual, not the group" (Gutmann, 2003, pg. 58). Even groups that deal with the moral standings of individuals are only in possession of moral standing by virtue of their functioning to support individuals, not as groups in and of themselves (Gutmann, 2003, pg. 58). Gutmann states that a democracy must never give any group "fundamental moral standing" (Gutmann, 2003, pg. 58). She argues that if a cultural group is treated as having fundamental moral standing then the individual is subordinated to the group, because if the group has fundamental moral standing then the individual does not (Gutmann, 2003, pg. 58). Gutmann writes: "When we give the group basic moral standing, we are led down a road to repression" (Gutmann, 2003, pg. 58). She asserts that if a democratic state allows a cultural group this fundamental moral standing then they are authorizing the group "to violate the basic rights of individuals that are subordinated to the group's ...authority" (Gutmann, 2003, pg. 58). Gutmann also critiques the argument of Halbertal and Margalit, who argue that democratic states are obligated "to support cultural groups that violate basic individual rights" (Gutmann, 2003, pg. 58). Halbertal and Margalit claim that the only right against the claims of cultural groups is the individual's right to exit cultural groups (Gutmann, 2003, pg. 59). The implied

basis for the argument that it is acceptable for the group to repress the rights of an individual in a democratic state if that individual has given his or her tacit consent (Gutmann, 2003, pg. 60). As explained by Gutmann: “When people fail to exit a group, they must be assumed to consent to its practices, including practices that deprive them of rights as basic as equal freedom or civic equality” (Gutmann, 2003, pg. 60). Gutmann is critical of this line of thought, arguing that for an individual to truly have the right to exit a group a democratic state must provide the means to exit (Gutmann, 2003, pg. 60). As for informed consent, for that to be real, the state at a minimum would have to ensure that all children receive an education that exposes them to alternatives to their cultural groups, as well as teaching critical thinking skills (Gutmann, 2003, pgs. 60-1). Gutmann argues that informed consent cannot be assumed just because an individual does not leave a group (Gutmann, 2003, pg. 61).

If Gutmann’s analysis is applied to the hijab ban in France and the situation of Muslim French citizens then there are questions to be addressed. Assuming the Islamic community as the moral group, then the individuals in this case are the individual Muslim women within that group. Do these individual Muslim women give their informed consent to the group? Do they have a right to exit? Just as importantly, do they have a means to exit the group? If it is assumed that Islam as a faith inherently violates or suppresses the rights of women within the group, with the hijab as a tool of that oppression, then the ban can be seen as necessary. But this is a simple-minded perspective that unfairly generalizes the entire religion. Instead, if Gutmann’s analysis is applied in a more particular context, then the necessity of the hijab ban becomes more defensible. If there are women who are forced to wear the hijab against their will, then the ban can be seen as necessary in order to protect the rights of the individual, which Gutmann argues are more important than the rights of the group. Taking it further, to what extent do Muslim

women in France have the ability to exit the group and what means do they have to do so? The hijab ban could then be seen as the French state defending that means to exit by showing alternatives to the group.

Gutmann presents compelling arguments about the rights of individuals and the concepts of informed consent and the right to exit. However, when applied to the situation in France and the hijab ban in particular, the analysis does not justify the ban. Even if operating on the assumption that Islam as a cultural group has a negative impact on the rights of individual Muslim women within the group (which is debatable and outside the scope of this paper) the ban was not successful in alleviating that problem. Even if there were women who were forced to wear the hijab, the protection of their right to not wear it came at the expense of the right of individual Muslim women who chose to wear it. If Gutmann's argument is that the state should be fair to all individuals, then the ban is not helping achieve that. It seems illogical to argue that taking away rights will provide or reinforce rights. This was not simply a case of protecting individual rights at the expense of group rights but of protecting perceived violations of individual rights at the expense of other individual's rights. It is also questionable to what extent the ban would help women who were forced to wear the hijab. The more likely consequence of the ban was that those girls would be pulled from French public schools rather than remove their hijabs. A hijab ban was not going to provide an effective means of exit from a repressive environment. The ban did not change the situation of the Muslim French community's isolation from French society and did not create alternatives for Muslim women.

CHAPTER 2: CONSEQUENCES

Role of Geography

Adrian makes a compelling argument on the role that geography – the fact that many Muslim immigrants in France live in several large areas – plays in the reaction to the hijab ban.

That

Geography matters because the concentration of such individuals in certain regions of the country allows a host of social and cultural norms to develop that may or may not be in line with state orientations. This fosters a series of discriminatory practices that further distances these regions and populations from the majority. This, in turn, fosters a new internal symbolism around the veil, group belonging and the status of religion. (Adrian, 2009, pg. 349)

The fact that the people most affected by the ban on wearing hijabs are grouped together in low-income, high-crime neighborhoods has led to the opposite reaction to the ban than what the French government wanted. Rather than assimilate better into French society, the Muslim immigrant population became more insulated after the ban on hijabs in French public schools in the face of what was seen as a symbolic policy of *laïcité* that targeted and further separated them from French society as a whole. Adrian also makes a major point of how the hijab became a symbol. Adrian states “the veil became a symbol challenging the ideal of collective citizenship; some saw in it a threat to French understandings of equality between men and women, religion in the public sphere, immigration, integration and other issues” (Adrian, 2009, pg. 354). Instead of encouraging assimilation, the headscarf ban has caused Muslim immigrants to feel they are even more ostracized and isolated from French society, and this led to an assertion of a distinct Muslim identity in tandem with a French identity.

One of the primary motivations of the ban on hijabs in French public schools was an attempt by the French government to better integrate the Muslim community into mainstream France. The way that the French government intended to do this was by enforcing secularism. The essay by Freedman makes the argument that the French policy of integration into society via secularism is actually serving as a barrier to integration because it is attempting to make Muslims in France become a part of French culture by marginalizing the role of Islam in Muslim immigrant's lives. Furthermore, Freedman argues that the policy of integration in France using secularism as the model, and most specifically through the ban on hijabs in French public schools, is presenting a different policy than integration. Freedman says "However, the current focus on the issue of secularism, and plans to implement legislation to support secularism in this way, seem to demonstrate that the interpretation of integration favoured by policy makers has moved further toward an assimilationist one" (Freedman, 2004, pg. 6). This view is an interesting way of framing the debate over the ban on hijabs in France's public schools because it is arguing that the French method of integration is actually trying to strip the Muslim women – and by extension the rest of the Muslim immigrant community – of their cultural heritage in the name of conformity to the French ideal of a citizen of the Republic.

This points to a continuing theme that has been prevalent in the way that the French government went about pursuing the ban on hijabs in France's public schools. Chiefly, that the French government has operated in a manner that assumes that the French way of life is inherently superior to the Muslim way. Another theme that pops up is that the French government passed the legislation because of a lack of understanding of Muslims, as well as assuming the worst about the religion and an overall perception of the faith as a threat. The French of course have every right to take pride in their way of life as well as in their values.

However, it is the French inability to accept the idea that other values can coexist alongside the French values that has led to a symbolic policy of banning hijabs under the umbrella of *laïcité* that is alienating the Muslim immigrants within France. If the whole point of the ban on hijabs in France's public schools is to help make Muslims become a part of French society, then it has backfired because it has pushed the Muslim community further away. Promoting French values and ideals is fine, and there is nothing inherently wrong with encouraging those values and ideals. But trying to force them onto the Muslim immigrants has had a negative impact as well as sending the message that France does not like nor want Muslim beliefs to have any role in the public life of France.

If there is to be a solution found for the tensions between France and its Muslim immigrant population, then it can be found in how France has worked positively with Muslims in the past. Despite all of the seemingly negative reactions that have arisen because of the ban on hijabs, it is important to note that the relationship between France and the Muslim community has not always been a contentious one. In fact, in the past France has demonstrated an ability to accept Islam and the Muslim community within the nation. Cesari writes about how the building of Mosques in French cities has done a great deal towards easing tensions between the Muslim immigrant population and the French people. Cesari notes that Islam is the second most important religion in France behind Catholicism (Cesari, 2005, pg. 1025). He also comments on the general public within France not even noticing the high population of Muslims, as the author claims that "It was only in the early 1980s that French people started to become aware of Islam's presence at the heart of their society; an awareness accompanied by surprise and, sometimes, fear" (Cesari, 2005, pg. 1025). Yet in spite of the tensions that arose from this realization of the growing Muslim population, the article talks about how France alleviated those tensions by

having Mosques within French cities to allow Muslims to have a place of worship. This type of tolerance and acceptance of Islam within France is certainly much different from the ban on hijabs that was passed in 2004. Whereas in the decade of the 1990's, and even after the September 11th terrorist attacks in the United States, there were positive interactions between Muslim communities and the French government. The ban on hijabs in French public schools strained that relationship and increased tensions. Despite this, the article shows that France has shown an ability to show goodwill towards Islam and let Muslim's know that Islam can have a place within France.

Cesari's article demonstrates that the relationship between Muslim immigrants and the French people has not always been as negative as the ban on hijabs has made the relationship seem. Still, the relationship is complicated and has multiple factors affecting it such as economic, cultural, and historical factors. What this all means is that the relationship between Muslim immigrants and the French people cannot simply be painted as a case of the French oppressing the Muslims or the Muslims forcing their ways on to the French. The relationship between both groups is fragile however, and the ban on hijabs has hurt it a great deal. What this article demonstrates is that France has shown the ability to show tolerance to Islam while still maintaining the country's values. By allowing Muslims a space to worship, they also allowed Muslims to determine as a community how best to become a part of France. By giving Muslims the feeling that they are partners in the same country, the French better allow for integration. But if France pursues the policy of forced assimilation that Freedman wrote of, then Muslims will feel separated from France and wipe away the gains that have been made between the Muslim people and the French.

A crucial factor in the tensions between France and the Muslim French community is the issue of identity. France claims that it wants the Muslim French community to assume a French identity as defined by traditional Republican values. The problem with this is that the identity of many Muslims in France – in particular the three largest immigrant communities of Algeria, Morocco, and Tunisia – was developed historically in opposition to France. This goes back to the legacy of French colonialism. When France invaded and took over Algeria, Morocco, and Tunisia in the 1800s, it began an exploitative and violent relationship that was founded on the notion of French cultural superiority. It was the French superiority to the supposed “barbarism” of the indigenous people that led France to aim to replace that barbarity with civilized behavior (Gallois, 2013, pg. 83). While the French did play a role in shaping those identities, those identities were always informed in the context of struggle against France. The colonized peoples developed an identity in resistance to French domination. The struggle for independence from France lasted for decades and was achieved in the relatively recent past. It was in 1956 that Morocco and Tunisia achieved formal independence. Algeria achieved independence in 1962 after a bloody nearly eight year War of Independence that took the lives of more than one million Algerians. That history of violence and resistance to a French identity that professed Republican values of freedom and justice, which were denied to the colonial peoples, remains a part of the identities of the North African Muslims within modern France. Even Morocco and Tunisia, which achieved independence through negotiations, resisted French rule. In Morocco there were the Fez Riots, the Berber uprisings, and the rioting in the 1950s that hastened the demise of colonialism. In Tunisia there were the riots of April 1938, which resulted in many deaths and injuries along with the subsequent disbanding of the Neo-Dustur party, the arrest of over seven hundred of its members, and the a state siege that made Tunisian political activity impossible

(Perkins, 2014, pgs. 107-8). Algeria in particular had the longest history of resistance to French colonial rule. As Abdelmajid Hannoum writes:

The numerous uprisings that French colonialism had known in Algeria from the time of its landing in Algiers in 1830 to the time of the uprising of 1871 (and even beyond) show that colonialism had no authority in the eyes of the population. It was contested from beginning to end. It was imposed on the population, also by brute force, but not accepted. (Hannoum, 2010, pg. 116)

That history of resistance culminated in the Algerian War of Independence that brought French colonial rule to a violent end. The repercussions of that war and its effects on both Algerian and French identities are still unresolved. France never officially declared war and continued to officially refer to it as the *opérations de maintien de l'ordre* (operations of the maintenance of order) till 1999 (Smith, 2006, pg. 142). There was a silence on the war within France even as it took place, and there has remained a silence on a national scale (Smith, 2006, pg. 158). Smith posits that the reasons for this difficulty in acknowledging the war is because

For those involved in the French side, it was embarrassing on several levels: France lost; the country was defending colonialism, viewed then and certainly since as an unconscionable way of life; and the methods used to fight this war were sometimes unspeakable and shameful. For these reasons, this particular war has not been, and indeed cannot be, validated by a patriotic nationalist master narrative. (Smith, 2006, pg. 159)

In this regard, the particular identity of Algerians within France (which it should be noted also includes Algerian Muslims who fought for the French against the Algerian independence fighters) poses a challenge to France's traditional conception of the French identity because the Algerian War of Independence represents a dark part of France's history. The identities of the Muslim French community in France that were historically shaped by the injustices to which the French state subjected them, forces France to re-examine the French identity and the actions of the past.

France must understand the reality that the concept of a French identity has a complicated history for many Muslim French citizens. For those Muslim French whose countries had a colonial past with France (who make up the majority of the Muslim population in France), the French values to which they are pressured to conform are the same ones that were used to justify countless crimes and oppression against their ancestors. The resistance to that oppression and the battle for freedom from it helped form their modern identities. That past cannot be forgotten and, for there to be any chance of positive relations in the future, France must respect and preserve those identities rather than try to forcefully change them through heavy-handed measures like the hijab ban. Viewed in an historical context, the hijab ban is an example of France attempting to impose its values on the Muslim population regardless of whether they want them or not. Those attempts to force a change failed in the past, and the outcome has remained the same to the present. Furthermore, those forced changes are no longer imposed on a population that lives in a colony across the sea but on a population that is a part of France. The past cannot be changed, but an acknowledgement that the identities of Muslim French citizens, and their past, as integral to modern French identity can lead to a better future.

CHAPTER 3: CONCLUSION

Anti-Islamic/Immigrant Narrative

Why were hijabs banned in French public schools in 2004? Multiple factors developed over time and came together to create fertile ground for the ban to be passed. An immigrant community heavily comprised of people from France's former colonies had been isolated for years. That community was packed together in economically poor areas and was within France but not part of France. The reasons for that isolation were rooted in a colonial history where North African Muslims from Algeria, Morocco, and Tunisia had been seen as not being truly French. The French Republican ideology had historically held the regional cultures of their former colonies as inferior to the values and culture of France. The dark past of France's colonial history was never truly resolved. It came to an end only after the violence of the Algerian War of Independence. France never truly came to terms with that colonial past, with what happened in the Algerian War of Independence, and with what this all meant for the French identity. Rather, French society separated that dark past, isolated and ignored it, both metaphorically and literally. The Muslim French community stayed within that geographic and societal isolation, with the tensions on both sides neither addressed nor resolved. The identity of that Muslim French immigrant community, shaped in part by resistance to French colonial rule, developed in isolation. Over time, that identity evolved and became more complex. Those immigrants had children who were born in France, who were raised in France, and who saw themselves as French. However, those children inherited the unresolved legacy and tensions from the past along with the prejudice and isolation that those issues brought. Here is where a shift in identity

took place. An Islamic identity began to form as young Muslim French citizens attempted to create their own identity rather than accepting the label of being just an immigrant (with the negative connotations that it brought) or chasing after the French identity. The consequence of that Islamic shift in identity was more tensions between the Muslim French community and the French nation due to the country's historical fears of the dangers of religion in society. With the 9/11 attacks on America, an increase in fears of Islam and anti-Islamic prejudice developed throughout western societies. This combination of the Islamic identity shift of the Muslim French community, the post-9/11 fears of Islamic radicalism, France's historical distrust of religion, mixed with the unresolved colonial past, and the challenges created by Muslim French citizens to the traditional ideas of what it means to be French, created the environment in which the hijab ban could take place.

These unresolved tensions within France came to the surface and the hijab was turned into a symbol for the nation's problems. The hijab became the perfect symbol for those who felt threatened by Islam and the Muslim French, while the public schools were the perfect setting because it was there that the children of France were molded into citizens and taught French Republican values. It was through the wearing of hijabs in public schools that the policy narrative of *laïcité* could be constructed. The policy narrative of *laïcité* was useful not only in uniting differing groups behind the ban on hijabs in French public schools, but also in creating the perception that hijabs in public schools were an issue of national importance. The policy made a symbolic statement asserting a specific kind of identity for French citizens; however it did so at the expense of the Muslim immigrant population. The issue of reconciling France's secular identity with the Islamic identity of its Muslim immigrants was not resolved because the underlying problems of French society's fears of Islam, and the lack of assimilation of the

Muslim immigrant population into broader French society, were not addressed by the ban. On the contrary, those issues were exacerbated due to the perception of the Muslim immigrant population that they were being persecuted for their religious beliefs.

In the end, there is the critical question of what it means to be French in the 21st century. More than anything else, the challenge that Muslim French citizens present to the traditional French identity is what frightens French society. These Muslims, many of whom consider themselves to be French, are forcing France to reevaluate the traditional understandings of being French. Can a French citizen be different from others in public and yet still be a part in the life of the nation? Can there be tolerance of difference in society, as opposed to conformity, and can that difference exist without threatening to destroy that society? Can Islam exist peacefully in France without having to be controlled by the state? All this is a radical departure from how France has normally functioned – and there is strong resistance to it. The 2004 ban on hijabs in France's public schools was an attempt to make a statement that the traditional Republican values are the only way to be French. It was also an attempt to force integration and combat the perceived threat of radical Islam. In achieving its aims, the law can safely be called ineffective at best. The 2005 riots by mainly North African immigrants, and the 2015 murders in the Paris offices of the Charlie Hebdo magazine, indicate that the issues at the heart of the 2004 hijab ban have not been resolved and have instead worsened. Meanwhile, the Muslim French citizens of France remain in France but they are still not yet a part of France.

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