Two Cultures Collide: The Islamic Headscarf in France

Brianna H. Duttinger
St. John Fisher College

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Two Cultures Collide: The Islamic Headscarf in France

Abstract
The French Revolution began as the quest for democracy and power shifts within the government, but it was so much more than just that. When all was said and done, France became a completely different nation: a Republic, first and foremost, but also a secular nation that rejected the influence of the Catholic Church. This was one of the biggest changes implemented by the new government as it paved a steady, yet rocky, path for the future. In the twentieth century, European colonialism was coming to an end as nations fought for their independence. One such nation was Algeria and their struggle was enough to start a war between her and her mother country: France. In 1962, the end of the Algerian War led to a dramatic increase in immigration into France which introduced both a non-indigenous religion and culture into society. The result was a new-found conflict between France's philosophy of secularism and religion. The government's answer to the tensions was a ban on all ostentatious religious symbols in public schools. Students are not, currently, allowed to express their religion by wearing large Christian crosses, Jewish yarmulkes or skull caps, Islamic headscarves, Sikh turbans, or any other symbol that denotes a specific religious affiliation. The ban has proven to be effective thus far, but questions still remain regarding its success due to the prospering religious schools in the nation which seem to be aiding the government's actions. The success of this legislation is difficult to judge because it is an ongoing aspect of French society. France is facing new challenges as her society changes with the introduction of Islam and she is trying to compromise with her people, but has the government found the correct balance between religion and secularism?

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Two Cultures Collide: 
The Islamic Headscarf in France

A Master’s Thesis submitted to
The Faculty of the Master of Science in International Studies Program
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Master of Science in International Studies

By
Brianna H. Duttinger

Dr. John Roche, Advisor
Dr. David MacGregor, Second Reader
Dr. David Baronov, Program Director

Rochester, New York, the United States of America

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Abstract

The French Revolution began as the quest for democracy and power shifts within the government, but it was so much more than just that. When all was said and done, France became a completely different nation: a Republic, first and foremost, but also a secular nation that rejected the influence of the Catholic Church. This was one of the biggest changes implemented by the new government as it paved a steady, yet rocky, path for the future. In the twentieth century, European colonialism was coming to an end as nations fought for their independence. One such nation was Algeria and their struggle was enough to start a war between her and her mother country: France. In 1962, the end of the Algerian War led to a dramatic increase in immigration into France which introduced both a non-indigenous religion and culture into society. The result was a new-found conflict between France’s philosophy of secularism and religion. The government’s answer to the tensions was a ban on all ostentatious religious symbols in public schools. Students are not, currently, allowed to express their religion by wearing large Christian crosses, Jewish yarmulkes or skull caps, Islamic headscarves, Sikh turbans, or any other symbol that denotes a specific religious affiliation. The ban has proven to be effective thus far, but questions still remain regarding its success due to the prospering religious schools in the nation which seem to be aiding the government’s actions. The success of this legislation is difficult to judge because it is an ongoing aspect of French society. France is facing new challenges as her society changes with the introduction of Islam and she is trying to compromise with her people, but has the government found the correct balance between religion and secularism?
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Introduction

In 1989, three girls from a small suburb of Paris, Creil, wore their Muslim veils to school one day.¹ They wanted to show that they were devout Muslims; however, they managed to open ‘Pandora’s box’ with this simple form of religious expression. Who knew that years of religious and cultural tensions would follow? No one could have predicted that this single event would be the turning point in a long battle between religion and secularism and eventually cause the government to enact new legislation that would limit students’ freedoms.

France is a nation that has experienced a lot of dramatic change throughout her history. In the eighteenth century, she was under the rule of a tyrannical monarch who was depleting state funds and furiously taxing the bourgeoisie to pay off his debts. He also gave a great amount of power to the Church and the clergy. Priests practically controlled all aspects of education and much of the government. The French were not happy with the status quo and demanded change; thus the French Revolution started and ended before the turn of the century. The end of the war brought three desired changes: a. the church had less power, b. the government became a Republic, and c. and the people were more respected.

The Revolution was a crucial element in French history and a turning point in the struggle between religion and secularism, which is the oldest, most passionate and dangerous fight in history. Thus over the years, the French government slowly but strategically moved to completely separate the church and the state. A statement of secularism was included in the Constitution and over the years this separation was enforced in public buildings.

¹ Throughout the rest of this paper you will see the headscarf referred to as the veil or the hijab, which is the Arabic word for headscarf. These three words are used interchangeably and all reference the same head covering that the women wear on a daily basis. The French translations, voile and foulard, are also used in the following pages to refer to the headscarf. For foreign language translations see the Appendix on page 1
Dramatic rises in immigration in the latter half of the twentieth century and after the end of the Algerian War in 1962 increased the polarization between religion and secularism. This conflict quickly became a staple in French society. Now religious groups collide with each other and with French authorities because of their very distinct differences. Discrimination and prejudices grew rampant and harsh, and were specifically aimed at preventing Muslims from obtaining jobs and housing. Thus, after the 1989 headscarf affair in Creil, the government decided that stronger action was necessary and eventually implemented the ban of 2004 which eliminated all large religious symbols from public schools. This was to prevent further incidents similar to that of 1989. Currently, religious schools are prospering in France, which has enabled the religious symbols ban because they offer a safe haven for those who do not wish to comply. Many religious schools have been created including some Islamic schools which teach according to the Koran. If these religious schools did not exist then the effectiveness of the religious symbols ban would be easier to judge. To date, the law proves to be successful, but questions remain unanswered as the law is relatively new and has not yet faced any significant legal challenges.

The first section of this paper examines the headscarf’s place within the religion of Islam, its history, and explains why women wear this piece of clothing. The veil is part of Islamic law, yet there are women who choose not to wear it. Since the days of Muhammad men and women have been encouraged to dress modestly in order to prevent the ‘wandering eye;’ this includes the highly controversial headscarf. However, the veil stands for much more in the eyes of the religion, the world, and the people who wear it.

The second section looks at France’s path to becoming a secular society. Beginning in the late eighteenth century, with the outbreak of the French Revolution, France started its quest
towards separating church and state. Its intense dislike for a church controlled monarchy has continued to the present day. In 1905, Jules Ferry proposed a piece of legislation that became known as the Separation Law of 1905 which ultimately separated the church from all aspects of public life. Schools were declared public and non-religious. Chaplains were taken out of schools and hospitals. Federal funding was cut to the church and church structures were declared public buildings. In the twentieth century, France evolved into a secular nation and quickly embraced the society that resulted.

The third section discusses the effects of the Algerian War on a secular France. This bloody conflict resulted from nineteenth and twentieth century colonialism. Years of fighting, thousands of atrocities eventually culminated in a free Algeria. Ironically, in the end, thousands of Algerians felt it would be in their best interest to live in France. What began as a temporary move, solely to earn money to send home quickly, became a permanent, mass immigration. This posed a great problem for France as the number of permanent immigrants grew. France now had to pacify her people by solving new religious vs. secular conflicts, and integrating the new French-Muslims and their new non-indigenous religion.

The fourth part of this paper will examine the single incident that caused the government to create the religious symbols ban. In 1989, three young ladies wore their headscarves to school; teachers and the administration repeatedly asked the girls to remove their veils. They refused. A mediation process involving their parents, Islamic officials, school administrators, and the three students hoped to rectify this dispute. A compromise was reached with two of girls. A third girl continued to refuse. This one event caused the government and schools to analyze religion’s place in French public schools.
The fifth segment looks at the effects of the Creil incident, which became known to the public as l’affaire du foulard, in the years that immediately followed. This case, and another much smaller incident in 1994, is an example of a choice to wear a veil and this section assesses the validity of claims that young ladies are pressured to wear their hijab by a dominant male figure. Additionally, the political debate regarding l’affaire du foulard that arose in the subsequent years became a political topic that eventually created a committee called the Stasi Commission that investigated and conceived the religious symbols law.

Part six discusses the creation of the Stasi commission. This group examines the situation concerning religion in the nation. The Stasi Commission eventually produced a report with multiple recommendations for integrating Muslims into France and for creating a more open and accepting society. This report directly contributed to the creation of the religious symbols ban in 2004 by President Jacques Chirac. This section will also look at the law itself, what specifically is considered a religious symbol, and the law’s effect on the student body.

The seventh section of this paper examines social changes in the years since the creation of the ban in September 2004. The road has been tumultuous and has involved things such as kidnappings, riots, and the creation of new schools. Many students have defiantly disobeyed the ban. One student even shaved her head to hide her hair! The general public is satisfied with the law. Some are obeying it only because the French government said it was necessary. Clearly, not everyone is happy with it. Therefore, two questions need answering: a. is the religious symbols ban the real answer to France’s religious tensions? And b. Is it the best compromise for the situation?

The final section concludes that France was able to create a logical and effective law for the situation; however, its success is being enabled by the acceptance and openness of religious
schools. Although the religious symbols ban may not be the most ideal compromise, it is solving most of the immediate problems facing French society. Furthermore, evidence will show that France has effectively found an appropriate balance between religion and secularism. Only as time passes and the ban can evolve and settle into the fabric of French society will questions regarding the long term effectiveness of the law be answered.

Section I: Islam and the Headscarf

Muhammad, the prophet of Islam lived during the late sixth and early seventh centuries and authored the Koran, the Holy Book of Islam. The Koran, which is a compilation of Allah’s teachings and conversations with Muhammad, states what is necessary to lead a life worthy of Allah, passages of the Koran describe how Muslims should behave and dress. Women are required by Islamic law to cover their heads by wearing a headscarf. The first mention of a woman’s dress code is in sura 7 verse 26 which states:

Oh you Children of Adam! We have bestowed on you raiment to cover your shame as well as to be an adornment to you. But the raiment of righteousness, that is the best. Such are among the Signs of Allah, that may receive admonition.²

This specific verse does not single out women, but does instruct all children and all followers of Allah to dress modestly and not flaunt their body and beauty. This modesty concept is central to most modern religions. Other Koranic verses, explain that women should keep their head covered to hide the beauty that Allah gave them. Later, Sura 24 verse 31 the Koran is definitely more specific and more adamant about the necessity for a woman to cover her head and to not reveal herself to any men other than those close to her family.

And say to the believing women that they should lower their gaze and guard their modesty; that they should not display their beauty and ornaments except what must ordinarily appear thereof; that they should draw their veils over their bosoms

² Koran 7:26
and not display their beauty except to their husbands, their fathers, their husbands’ fathers, their sons, their husbands’ sons, their brothers, or their brothers’ sons or their sisters’ sons, or their women, or the servants whom their right hand possess, or male servants free of physical needs, or small children who have no senses of the shame of sex and that they should not strike their feet in order to draw attention to their hidden ornaments.³

Furthermore Islamic women not only need to cover their heads, but are to wear loose and shapeless clothing to divert the gaze of men. Western style of dress for women is considered provocative. The essential idea is that a man will remain faithful to his wife if he is not tempted by other women.

During the Prophet’s life women enjoyed many freedoms that are denied to most women in modern Islam. For example, in the sixth and seventh centuries females covered their faces, but to a lesser extent because it was understood that the face and body were necessary for proper communication.⁴

Modern-day Islamic law, on the other hand, requires that women wear a hijab. This is a headscarf or veil that covers one’s head and hair to hide her femininity. Other interpretations of the Koran, such as full head to toe coverage, is seen in some Middle Eastern nations and is purely a cultural adaptation.⁵ Nation-states such as Afghanistan require women to wear a burqa. A burqa is a long black cloak that completely covers a woman’s body, with the exception of a small mesh slit for her eyes. The burqa is only one case of a literal and extreme interpretation of the Koranic verses. The other extreme is the simple headscarf that only covers a woman’s hair. This seems to be the standard and most widely accepted interpretation in most Muslim nations. Other exceptions include Saudi Arabia where women wear an abaya which is a long black cloak

³Koran 24:31
⁵Ibid., p. 751.
that covers their bodies and sometimes the face excluding the eyes. In Iran the dress for women changes as the ruling regime changes; throughout their history women have been required to wear the burqa, but currently they only wear a hijab.

The differences in women’s dress stem from a cultural interpretation of the woman’s body. One argument says that a body is only the torso of a woman and therefore, modest dress will provide proper coverage. There is no need to enforce a strict mode of dress, such as the burqa. Another argument says that the body includes all physical aspects of a woman: head, face, hands, feet, and all body parts connecting them. This is the reason for the complete body coverage as seen in Saudi Arabia and Afghanistan.

Women are not the only ones who have a restricted dress code; Middle Eastern men also have various styles of dress that they adhere to, although it is not as strict as the women’s code. Still following the mandates of the Koran, most men dress very modestly, but they too have their extremes. Ranging from the basic tunic to a full cloak, Muslim men set themselves apart from the west via their dress; interestingly, there are those who adopt western fashions. Obviously, Muslim men are not required by Islamic law to wear a specific fashion, but most men, specifically in Saudi Arabia, wear a shumagg, which is a scarf over their heads, and an ogal, or a black band around the head.⁶

The headscarf is a symbol of Islam and three fundamental concepts about the headscarf must be understood. First, the headscarf sets the Children of Allah apart from westerners. Second, the headscarf automatically identifies a woman as a Muslim. Third, the headscarf is a way to express religious identity; just as a Catholic wears a cross or a Jew wears a yarmulke. However, the hijab has become controversial because only woman wear it. Westerners see it as a

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forced tradition where men impose this ritual on the women in their lives. Outsiders see this requiemwmenr as inhumane, but in reality there are Muslim women who choose to wear their headscarf because it is part of their religion and they firmly believe in its importance. A student once explained in a newspaper that it was “her choice to wear the headscarf [and she] was motivated by a desire for privacy in her choices.”

Women choose to wear their hijab do so for many reasons; religion being the most obvious. Other women feel empowered and liberated when they make the choice to express their religious beliefs via the headscarf or other types of religious dress. Wearing the headscarf allows a woman to decide who is allowed to see her body and only those men she deems worthy will be able to see her body. This is an extremely empowering and liberating choice for a woman. Some women are forced to wear the burqa or the hijab by a father or husband as a form of control in order to deflect undesired glances.

However, not everyone sees the Koranic verses as obligatory; they are interpreted merely as recommendations, which can be followed at one’s discretion. This allows women to choose when to wear the hijab. Others will argue that “Islam did not impose the headscarf, but the headscarf was imposed on Islam.” They argue that the culture and customs in certain nations have obligated the headscarf as well as other styles of dress. Either way, the headscarf is an integral part of Islam.

Unfortunately, the hijab brings unwanted criticism and unfriendly feelings from the outside world. Since the September 11, 2001 attacks westerners are quick to judge Muslims. The hijab, and the burqa to an even larger extent, allows westerners to jump to conclusions about the extremism of the wearer’s beliefs. Outsiders associate the burqa with extreme fundamentalist

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8 Ibid., pp. 747-749
9 Ibid., p 752.
Islam mostly. This attitude exists because of the burqa’s with Afghanistan, a nation known for its support of Al-Qaeda. The hijab, on the other hand, is a symbol of more moderate to liberal Islam as their interpretation of the Koran is not as strict. The presence of a headscarf should not be used to identify the piousness or the extent of the beliefs of a woman, as it is merely a piece of clothing. In general, an Islamic woman may choose how she wishes to express her religion.

Section II: A Laïque France

The hijab is not solely contained to the Middle East anymore. Since the era of colonialism Islam has spread throughout the world and is now causing conflict in other areas of the world. The biggest conflict is currently in Europe, as predominately Christian nations are attempting to adjust to the influx of Muslims in their societies. In recent years, France is specifically facing problems accepting this new custom into their very secular society.

Generally speaking the French have always been a very pious people. As a predominately Catholic nation much of France’s history has deep roots with the Church. In fact much of the French culture that exists today originates with the Church. Prior to 1377, the Papal Palace was in Avignon, France. Seven Popes lived in this small city until Pope Gregory XI decided to move the epicenter of the Catholic Church to Rome in 1377. He died a year later in Rome and the Pope’s home has remained in Italy until the creation of Vatican City in 1929 when the Papal headquarters had earned its own nation. The fact that many of France’s roots are in the Catholic Church sets the premise for the religious tensions in the centuries to come. In the late eighteenth century the people’s satisfaction with the church dissolved as the clergy began taking advantage of their role in society as well as exploit the general public.
Since the start of the French Revolution in 1789, the government and the people have been questioning the role of religion within the nation and the society. During the Revolution the bourgeoisie overthrew a despotic monarchy that supported the Catholic Church and all its corrupt ways. The French Revolution marked the beginning of the separation of church and state in France. At first this philosophy was employed by instituting the Republic and a government that was not influenced by the Church.

In 1814 Napoleon I was removed from power and the Allies instituted the Bourbon Restoration. This movement is characterized by the re-establishment of the Catholic Church as a political power. Louis XVIII was the first head of state during the Restoration. His goal as king was to completely disengage all the accomplishments of the French Revolution. He lost the support of the majority, but controlled with an iron fist and limited all revolutionary reactions so as to keep control. After Louis' death, his brother Charles X ascended to the throne in 1824. Charles destroyed his reign as he had the complete support of the upper class and the Church. After the demise of Charles X the bourgeoisie controlled the Chamber of Deputies and eventually staged another revolution; this time from the inside. The rise of the liberal media based in Paris and the contending power of the Chamber of Deputies created spectrum and King Charles X was caught in the middle. Unfortunately, he angered the bourgeoisie because of this and eventually abdicated his throne to his grandson. The Chamber of Deputies voted the throne as empty and they quickly promoted Louis Philippe into the position of head of state.

In 1848 Louis Napoleon staged a revolution and overthrew the Louis Philippe regime and established a new republic. His first act was to draft a new Constitution which created the Second Republic. Initially, Napoleon III tried to win the Catholic support by helping to re-establish Papal rule in Rome. However, he quickly changed his course and instituted a liberal
government including a Napoleonic Code. On December 2, 1851 Louis Napoleon staged a coup
d’État and began creating his empire. He had the support of the Catholic Church because
Napoleon III restored the Church power which angered the people. They were diverting back to
the way that life was prior to the Revolution. He granted many concessions to the church in
exchange for their collaboration.

The baby Republic constantly questioned the role of religion through the nineteenth
century. In the late 1800s the rift between church and state became so severe that “two Frances”
were created. The first was a clerical and monarchist France while the other was anti-clerical and
republican. The latter was the regime that came to power in 1881 and immediately began making
changes in the schools. The public schools that existed were created during the Revolution and
were completely under the control of the Catholic Church and at the mercy of her decisions.
Changes had to be implemented quickly to save the educational system from heading into
demise.

On March 28, 1882, a law was passed that later became known as “Ferry’s Law,” named
after the Ministre de la loi publique Jules Ferry.10 This law laicized, or secularized, public
schools throughout France. Schools were completely separated from the church and eventually
became universal. This law also stripped the Clergy of the right to randomly inspect public
schools and fire the teachers that they did not like or feel were good enough.11

As stated previously, the clergy and the church were extremely corrupt. They had no
qualms about firing a teacher for no reason at all. Ferry’s law made firing educators without just
cause impossible and therefore protected teachers and their jobs. Ferry’s law also mandated that

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10 Joel S. Fetzer and J. Christopher Soper, From Muslims and the State in Britain, France, and Germany (New York: Cambridge University Press, 2005), p. 70.
11 Ibid., p.70.
public schools close once a week to allow students to practice their religion at home with their families. This contributed to the beginning of the school system that still exists today.

While Ferry’s law started the school secularization process, it was the Separation Law of 1905 that actually created today’s education system and completely separated the church and state. First and foremost, the law put an end to the governmental funding of the church. Over the years the government had been paying stipends to the clergy and giving the church some control over the government. The philosophy regarding this activity was that “no religion should receive official state recognition and none should receive support from public funds.”12 The Separation Law of 1905 stated that the French government would “neither recognize nor pay salaries or other expenses for any form of worship.”13 Therefore, no religious group would have a leg up on the other and be able to exert its power unjustly. The government would also not continue to fund chaplains in hospitals, schools, hospices, asylums, and prisons, as this represents another conflict between the church and state.14

Also under the Separation Law of 1905 the display religious symbols, signs, or emblems was forbidden in any sort of public building or monument.15 This obviously kept the religion out of the government and enforced the separation of church and state. Additionally, the government declared that all religious buildings were property of the state and that the various religions could use them at no expense. This ensured the timely upkeep and preservation of the buildings. The last major part of this law was the statement that the French government would no longer name the French bishops and archbishops. Although not strictly enforced until 1924, the

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13 See Fetzer, *Muslims and the State in Britain, France, and Germany*, p 70.
14 Ibid., pg. 70
15 Ibid., p 70.
Separation Law of 1905 has been an integral part of both government and religion since its creation. The only exception was a small break during the Vichy regime during World War II, July 1940-August 1944. The Vichy regime is commonly used to describe the government during this period. President Pétin announced on July 10, 1940 the defeat of France by Nazi Germany. Pétin had an exorbitant amount of power granted to him on this date by the Assemblé Nationale. The President voided all steps towards secularization during these years while the government turned towards giving the military and the police more power. France was a different nation and the philosophy of secularism was non-existent.

Since 1905 multiple compromises have been made between the church and the state to move towards a very laïque nation and away from one with any sort of church control. One of the first compromises restricted the daily usage of church bells. The bells initially marked the hour and other aspects of daily life. Another compromise restricted the number of holidays of Christian origin in the French calendar. Of the fifteen state recognized holidays currently only six are of Christian origin.

The Fourth Republic began after World War II. At this time France officially adopted the philosophy of being a laïque nation into its Constitution.16 At the formation of the Fifth Republic, in 1958, President Charles DeGaulle passed legislation that allowed Catholic and/or private schools to enter into a private contract with the state. Under this contract the schools would be allowed to keep their character and personality, provided they opened their doors to students of all religious affiliations and that the schools followed the state education program. In return the state would give the schools money. Many schools took advantage of this program and it seems to have succeeded over the last fifty years.

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Additionally, the 1958 Constitution of the Fifth Republic, which is the current Constitution that the government operates under, completely reaffirms the principal of laïcité by stating in Article 1 of the Constitution:

France shall be an indivisible, secular, and social republic. It shall ensure the equality of all citizens before the law without distinction of origin, race, or religion. It shall respect all beliefs.\(^{17}\)

Essentially, laïcité is secularism and enforces a strict separation between civil and religious society. Since President DeGaulle included this statement in the Constitution, secularism has become the fundamental principal for all public schools and other public institutions.

Section III: The Algerian War and Immigration

The Algerian War was a major turning point in the French laïque society. The Algerian War ended the Fourth Republic and all major French colonialism in Africa especially. The Algerian War played a role in the cultural tension that exists today in the nation and was, essentially, the root cause of the recent headscarf ban. Coincidentally, women wearing their veils was the major “focus of the symbolic struggle [of Muslims] during the Algerian War.”\(^{18}\) The veil, at that time, was as much of a cultural representation as the nationalist political creations were and became an icon of the Muslim plight in Algeria.\(^{19}\) Attention was on the Algerian and French women during this bloody seven year conflict. The veil became a symbol of the war and the political struggle of the Algerians. The veil also first became associated with the violence and with militancy during this period.\(^{20}\) Women in Algeria had the same status as chattel. They were

\(^{17}\) Article 1 French Constitution  
\(^{19}\) Ibid., p. 663.  
encouraged to give up that status in exchange for French citizenship. Ideally, the women would give up their veil after becoming citizens, which was a sign of progress for those who believed that Algeria should remain under French rule. During the war, women were used as mules to transport weapons, ammunition, and bombs because no one would question an Islamic woman in full garb. For this reason, the French military obviously wanted the veil to become taboo so that troops could decipher who is a potential threat, who is carrying bombs, and who is innocent.

The Islamic headscarf was an important symbol of the war for both the French and the Algerians. For the oppressed, the veil was a symbol of their culture and the absolute refusal to bend to the west, and an independent identity that was not French. The Algerians who were separated from their mother country still remained relatively independent when wearing their veils. However, the veil, to those who supported freedom, was considered backward and many believed it should eventually disappear, but only on Algerian terms, not because the French wanted the veil to vanish. National Liberation Front supporter Frantz Fanon stated that it was important to keep the veil despite all its symbolism. He stated that

In the beginning, the veil was a mechanism of resistance, but its value for the social group remained very strong. The veil was worn because tradition demanded a rigid separation of the sexes but also because the occupier was bent on unveiling Algeria.

Fanon insinuates that one of the reasons Algeria held onto the veil so strongly was because the French were trying to take it away.

On the other hand, French authorities created a network of “feminine solidarity centers” in Algeria which were designed to emancipate the native women. These centers were to educate women, to earn their loyalty to the French nation and her cause. Brigadier General

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21 Ibid., p. 62.
22 Ibid., p. 64.
23 Ibid., p. 63.
Jacques Massu leader of the movement in Algiers, made a statement supporting the movement to educate women in Algeria: “Nourish the mind and the veil will wither by itself.” Massu is implying that with education comes the “correct” decision and the Algerian women will eventually see the light as they become more educated. At the end of the war, the veil still represented the backwardness of the Algerians to the French. It also implied the humiliation the French suffered at the hands of their colony. For the Algerians, the veil was a much disputed symbol of the future of the nation and the path on which it was headed.

The Algerian War ended in 1962. It marked the beginning of a period of increased immigration to France. The Harkis, or Algerians who supported France in the war, feared for their lives and therefore fled to France for safety. The Evian Accords were created to give these Algerians and their children special rights of access into France; they automatically became French citizens. This legislation was one of the reasons for the dramatic increase in Algerian and Muslim immigrants after the war. These were the first people to immigrate to France and begin the new wave of people seeking a life in Europe.

Immigrants were attracted to France for many of the same reasons that people come to the United States. As a stable nation with a thriving economy and a hope to make money, France was enticing and eye-catching. Initially immigrants came to France to seek some financial support; men came to find work and send money home to their families as relief. The new immigrants were a cheap, reliable, temporary, and abundant labor source that provided employers with new options to the high priced French laborers. However, as money was saved, families started to immigrate and settle in France. This trend was thanks to colonization and the bond that was created between mother country and colony. The bonds of a common language

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24 Ibid., p. 63.
25 Ibid., p. 68.
and similar cultures were created through colonization, but it also served as a primary reason for coming to France: the transition was easier. Many Frenchmen were afraid that the immigrants would take over France and that eventually Islam would colonize France.\textsuperscript{26} Very quickly, Muslims became the enemy within the French borders because they were not entirely foreign, and they were not fully citizens of the nation.

After entering the nation the immigrants settled in the banlieues, which are comparable to a ghetto. The word banlieu translates in English to a suburb, but in reality, the banlieues are poor, overpopulated areas just outside the major cities. They are comprised of mostly immigrant families and the poor who cannot afford to live in the city center. Over eighty percent of all banlieu inhabitants are Muslim and the other twenty percent are of various ethnic origins.\textsuperscript{27} Among this group of people there is a very high rate of unemployment, but those that do have jobs work in construction, industry, heavy labor, or menial blue-collar jobs where they do not earn enough to live comfortably. The banlieues are also notorious for discrimination amongst the residents. Minorities are denied opportunities because of their heritage. Riots have broken out due to the unemployment, poverty, and bad housing conditions.

Prior to the Algerian War, immigration was steady and people were generally coming from Maghreb, or Northern Africa, specifically the former French colonies of Algeria, Tunisia, and Morocco. In 1946 22,114 Muslims came to France; however, eight years later, in 1954, more than nine times that number entered the nation, 208,540 Muslims.\textsuperscript{28} Then, in 1962, when the war ended, 330,560 Muslims entered France which is a direct result of the end of the war. In recent years, the numbers dropped significantly and stabilized; in 1986, 78,121 Muslims entered France

\textsuperscript{26} Ibid., p. 69.
\textsuperscript{27} Judge, "The Muslim Headscarf and French Schools," p 6.
from Maghreb. Then in 1994, there were 71,866 immigrants from outside the European Union. Of that number 23,029 immigrants were from Maghreb. With the stabilization of the European economies many looked at France as a place of wealth. Additionally, once inside the European Union, moving around is easy and opens more opportunities for success. Immigration figures continue to drop until the end of 2002. Then in 2003, there were 173,312 people who entered into France. 68,040 people of that 173,312 were from Northern Africa. 2003 represents a significant increase since 1994. This is odd because 2003 is the year that the headscarf ban was passed and enforced.

If we look at Algeria by itself the numbers of immigrants are astounding. Between 1920 and 1930 the immigration rate to France from Algeria was at an average of 4,000 people per year; however, in 1946 alone more than 50,000 Algerians entered France. This was due to a poor harvest in Algeria and increasing economic opportunities in France. Furthermore, access to mainland Europe, specifically France, was becoming easier by both air and sea which was making immigration more feasible. The numbers stabilized for the next several years; that is until 1962 when the Algerian War ended and immigration spiked again.

Between 1962 and 1963, immediately after the end of the war, immigration increased to about 850,000 French Algerians; approximately 250,000 of them were the family bread winners. However, there were more than just Algerians coming to France in the years following the Algerian war. From 1960 to 1965, 50,000 labor immigrants from Maghreb,

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29 Ibid., p. 118
31 Ibid., p. 375.
32 Ibid., p. 402.
33 Ibid., p. 375
34 MacDonald, “Labor Immigration in France 1946-1965,” p. 125
excluding Algeria, entered France each year. These numbers would obviously put a strain on any economy much less the French economy. Of the current French population, which is 64,057,792 persons as of July 2008, ten percent of that represents the Islam religion, which proves that the Muslim population is significant and is a factor in the daily survival of the nation.

Section IV: The Creil Affair of 1989

In 1989, in Creil, a small town about forty miles east of Paris, three young Muslim women wore their headscarves to their collège, which is a junior high school, and refused to remove them when asked to by school officials. Samira, Leila, and Fatima wanted to wear their hijabs to their public junior high school which was located in a Z.E.P. or primary education zone. A Z.E.P. is designated in areas where education is a priority due to poor performance. Creil is considered a problematic area in education with a thirty percent faculty and staff turnover rate per year. It is a less affluent area and very mixed culturally and religiously.

Religious problems started at the school in 1988, when students insisted upon special treatment and other exemptions because of their religious backgrounds. About twenty Jewish students at the school refused to attend class on Friday afternoons during the winter and on Saturday mornings due to the Sabbath. The Principal of the school decided that it was more beneficial to the school and the school environment if all students were expected to attend school on a regular basis regardless of race, religion, or culture. Principal Chenière stated that “students

should exercise discretion in the use of signifiers of cultural difference, particularly dress." The result of that decision produced many severe consequences. Throughout that year students were continuously searching for ways to express their roots and it was disrupting the school atmosphere. This was beginning to cause various cultural and religious groups to become more radicalized and, therefore, they expressed their frustrations. The Principal had just managed to solve this issue when sisters Fatima and Leila and their friend Samira decided to wear their headscarves to school.

When the girls refused to take off their hijabs the Principal offered a compromise that would allow students to wear the veil within school walls, but they would be required to lower it during classes so as to not be a distraction. Principal Chenière feared that if Samira, Fatima, and Leila were allowed to wear their headscarves in school then the Jewish students would rebel and the previous year’s chaos would return, reaping havoc on the school and destroying the newly pacified atmosphere. Additionally, earlier in 1989, mayors in some villages refused to allow Arab immigrant children to enroll in public school. This contributed to the rising social and cultural tensions; however, the Federal government overturned that decision and the children went to school.

In order to solve this problem, which quickly became known as l’affaire du voile, the Principal and other school officials held meetings with Fatima, Samira, and Leila, their parents, religious leaders, and prominent members of the immigrant community. The young ladies were offered the compromise of being allowed to wear their headscarves in schools, but removing them during classes. Samira was the only one to accept this agreement; on the other hand, sisters Leila and Fatima, refused to agree and insisted upon their right to wear their hijab all the time.

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39 Ibid., p. 658.
40 Ibid., p. 657.
Other students quickly followed suit and began wearing their hijabs to school as well. This issue was quickly becoming a serious problem. The Principal and school officials seemed to be losing control over the situation and causing even more cultural tensions. In October, Lionel Jospin, ministre d’éducation, told the Principal of the collège that the girls must be readmitted to the school, hijabs and all.

In November 1989, Jospin sent the issue to the Conseil d’état, the highest administrative court in France, which argued two basic principles. The first principle guaranteed the freedom of the students to dress the way they wanted and the freedom to express their opinions and their loyalties. The second principle states that these beliefs and freedoms cannot hinder another student’s education, nor can it affect the student’s attendance or responsibility to his/her education. According to the Conseil d’état, the hijab both supported and contradicted the principle freedoms of students in France. The final verdict that decided if students should be allowed to wear their veils in school has yet to be determined, but the Conseil tried to uphold the most important values of the French Republic: égalité and liberté. Many were upset by Jospin’s reaction to the affaire du foulard and claimed that he “sold out the French national tradition [of being laïque].”42 Five prominent members of society wrote the Ministre a letter that was printed in the popular magazine, Le Nouvel Observateur in November. The letter stated that allowing students to wear their hijab would abandon the premise of the French Revolution and all that their ancestors had worked to achieve. It would also defeat the purpose of a secular education. Many people agreed that these intellectuals had sparked a national debate between the various political parties in France. 43

42 Ibid., p. 659.
43 Ibid., p. 659.
L’affaire du foulard was in the nation’s eye as a national issue which piqued the interest of prominent politicians such as Jean Marie LePen, the leading candidate for the Front National far right political party. Those on the far left were also interested in the situation, but not as much as LePen who will eventually use this to form his platform to run for President in the coming years.

Section V: 1990-2003

The political debate that l’affaire du foulard sparked between the Far Left and the Far Right was vast, intense, and lasted well into the new millennium. These two political parties are on opposite ends of the political spectrum and believe in very different philosophies: one is very socialist and the other is very republican. The Left still cherishes the legacies and values of the Revolution including a secular state, secular institutions, and most importantly secular education. Leftist politician Jules Ferry implemented secular education during the Third Republic and it has been an important part of French schools ever since. Initially, secularism was supposed to be an answer to the overzealous religious control of education, which was dominated by the Catholic Church. The defining characteristic of the Left was the fundamental belief of separation of church and state. On the other hand, those on the Right still defend religion, specifically Christianity, and the national culture from the invasion of outsiders, especially the Muslim culture.  

Both the Left and the Right believe that the 2004 headscarf ban in France is supportive of their side for multiple reasons. The Left sees the ban as following the philosophies of the Revolution and upholding the secular values of the nation. The Right, on the other hand, argues that the ban is stopping the invasion of other non-French cultures. The primary debate between political sides concerns the place of religion in schools and not the headscarf ban, nor the

44Tbid., pp. 661-665.
headscarf. Others argue that the headscarf ban goes against the principles of the Revolution where freedom of expression and freedom of religion were important to the bourgeois.

As in the United States, public schools in France are secular and are not associated with any specific religion, but they still cater to the Christian student. Generally, holidays and school vacation days are built around the Christian calendar. Additionally, the school schedule is not convenient for students of all religious backgrounds as evident in the 1988 incident in Creil with many Jewish students refusing to come to class on the Sabbath. As Christianity was the dominant religion in France the schools were formed around the Church and its traditions; much of those have remained unchanged in recent years. Whether insisting on wearing their headscarves or not attending school on Saturdays, the Islamic girls and the Jewish students in Creil only want the same respect and recognition that a Christian student receives in a secular school.

Prominent French politician François Bayrou insisted, in 1994, on the importance of resolving religious related conflicts in schools, like the affaire du foulard in Creil, on an individual case by case basis and not with a blanket law that does not keep individual circumstances in mind. He also disapproved of students wearing ostentatious religious symbols or dress in public schools which conflicts with his first statement from 1994; if students did not wear these religious symbols in schools then there would be no need for individual mediation. As this was the tactic employed by the government to solve these religious based issues many of the decisions were challenged. The government, however, continued to argue that the Islamic hijab was a distraction to other students and their education. This is consistent with the French Constitution which states that a student does not have the right to interrupt another’s education through dress or religious symbols. Across the nation young girls were testing the limits of both the schools and the government; Muslim girls, with the support of their parents,

45 Judge “The Muslim Headscarf and French Schools” p 10.
did not participate in co-educational swim classes because the young ladies would not be dressed modestly and it gave young men the opportunity to gaze at a young woman's body, which is frowned upon by the Islamic faith.  

It quickly became the responsibility of the individual schools, its Principal, and a council of citizens to create and enforce local rules regarding the hijab and other religious conflicts. This was neither the best answer, nor the smartest way to solve this religious conflict. The general consensus was that the rules should be universal throughout the nation and compatible with the French tradition. Despite this general feeling, most religious disputes were solved amicably through mediation. A neutral third party mediator was employed by the government, and more specifically the Ministre d'éducation, beginning in 1994 on full time basis because there were so many voile disputes in the nation that needed mediation. This person's job was solely to deal with the hijab issues and solve them fairly.

In the last ten years of the last millennium many attempts were made to convene a forum where Muslims could voice their opinions freely and without persecution. In 1990, the Conseil de Réflexion sur l'Islame en France, otherwise known as CRIF, was formed with lofty goals of being a council that made changes; however, CRIF proved to be simply a forum. People voiced their feelings, but nothing happened. Changes were not made, and the council consequently had no power. The next group formed was L'Union des Organisations Islamiques en France (UOIF) which was associated with the Muslim Brotherhood, a supposed extremist group. After the UOIF did not accomplish its goals, the Fédération Nationale des Musulmans de France (FNMF) was created. It had direct ties to Morocco, causing many to feel uneasy as it was not directly helping France. The last organization created was the Conseil Français de Culte Musulman; the CFCM

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46 Ibid., p. 9.
47 Ibid., p. 10.
was formed by then Ministre de l'interior Nicholas Sarkozy as an intermediary between Muslims and the French state. This group had promise, but due to the early elections it did not work as desired. The elections for members of the council opened the door for extremist representation which caused a divided reaction to the proposed headscarf ban.

After the World Trade Center attacks on September 11, 2001, cultural tensions around the world became worse. As a result, in France the clash between the non-Muslims and the Muslims was intensified. Underlying issues of the integration of the Muslim community into French society worsened after this day of infamy and continued into the 2002 French elections for President. The frontrunner candidate for the Presidency was Extreme Right candidate Jean Marie LePen. He spent his time arguing that all non-citizen immigrants in France needed to leave and if he became President his first task would be to put that into law. LePen had the support of many people which is evident by the mere fact that he made it to the final round of elections and was considered a primary candidate.

In 2003, two sisters in the town of Aubervilliers, just outside of Paris, chose to wear a veil that covered their ears, neck, and half of the forehead. Some of the teachers did not accept this style of dress and asked the ladies to leave the room. The girls quickly returned to class with the principal who stated that their attire was acceptable because they were to be allowed to “find themselves.” The teachers were not happy with this decision as their authority had been questioned and undermined. Alma and Lila Lévy refused, after mediation, to lower their scarves, nor did they agree to wear a foulard léger, a headscarf that did not cover the neck, earlobes, and hairline. The administration agreed that the foulard légère was an acceptable alternative for

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school. However, the sisters became more defiant and continued to wear their headscarves in all classes including physical education where the voile is not allowed. Eventually Alma and Lila were expelled from Henri-Wallon High School on September 24, 2003 for wearing visible religious symbols, for wearing clothing that was inappropriate for gym class, and for disturbing the public order. The last reason for their expulsion was due to the outbreak of a large demonstration after their initial scolding.

These two sisters are the daughters of a Jewish father and a Catholic Algerian mother, who are separated from each other. Neither parent is a practicing member of their religion and had no influence over the young ladies’ decision. The girls had recently converted to Islam against the wishes of their parents and paternal grandmother, all of whom argued that the girls were rebelling and their recent religious discoveries were due to their parents’ separation. Their dedication to Islam began in 2000 when Alma and Lila stopped eating pork. In 2001, they began to observe the custom of fasting and attended classes to learn Arabic. When they chose to wear the voile, their father tried to convince the sisters that in other parts of the world it is a burden for women and that they are choosing to accept this responsibility. Alma and Leila responded that they would never wear their hijab in a nation that required it. This was their choice and they were observing their religion.

Their family was concerned that the sisters did not make an informed decision. Their grandmother stated in the magazine Le Monde “It’s not their fault. They are victims; they don’t know how to find stability in a society that is too difficult for them.” Although being unhappy

50 See Bowen, Why the French Don’t like Headscarves: Islam, the State, and Public Space, p. 111.
52 Ibid., p. 31
with their decision, Alma and Lila’s parents and grandmother all insisted upon the girls’ right to wear the headscarf to school if desired. Their father stated:

I detest their conversion, their veil, their headscarf, and their prayers to Allah, but I love them and I want them to be happy and I believe that it is only through the education they receive in the course of their studies that they will be able, perhaps, to no longer need Islam, which for the moment is necessary to them. I’m not in favor of the headscarf, but I defend the rights of my children to go to school.53

There was very obviously no pressure from the family to wear the voile. Up until 2003 when Alma and Lila moved in with their father, the girls had lived with their mother. No one wanted the young ladies to be expelled, but the faculty at their lycée deemed the actions necessary. Although they are not visibly threatening anyone, the girls scared and offended their fellow classmates. Even their parents were searching for radical Islamists that could have put the girls up to these actions. Alma and Lila denied any association with Islamic groups that may have encouraged these actions. This was confirmed by their father who was reluctant to admit that his daughters chose to act in this manner.54 The public reacted differently, some “called the expulsion a failure because the girls will continue to wear the [headscarf] and they are excluded from school.”55 Others agreed with the school’s decision because the girls were not obeying school policies and were a threat to public order. Alma and Lila Lévy’s actions renewed the call for action to prevent the headscarf from disrupting classes and harming anyone.

Section VI: Creation of the Religious Symbols Ban

This cultural tension and les affaire du foulard of 1989 and 2003 both led to years of questioning secularism and the traditions of the nation. Finally, the climax of these events was in

53 Ibid., p. 31.
54 See Bowen, Why the French Don’t like Headscarves: Islam, the State, and Public Space p. 111.
55 Ibid., p. 112.
2003 when the national government passed the controversial headscarf ban. After the 2003 elections, newly appointed Prime Minister Jean Pierre Raffarin stated,

The teacher does not have in his class Catholics, Protestants, Jews, and Muslims. He has first and foremost French youngsters, all of whom are members of the school and the Republic.\(^{56}\)

Raffarin was arguing that religion should not distinguish and label children in public schools, but that all students are members of the Republic while in school and not members of their religious faith. This is the belief that drove the government to institute the headscarf ban.

Parliament appointed an in-house committee chaired by Bernard Stasi to examine the situation and any possible solutions that would solve the religious tensions that were taking over France’s public schools. Members of the committee were specifically chosen to represent the various opinions on the topic and offer a diverse group that would hopefully solve the problem. The committee was initially to study the issue of laïcité, but it was the headscarf that overtook both the committee and the media by storm. After much deliberation the committee finally published a report in December 2003. It detailed their recommendations for solutions and acknowledged that there was a problem. Religious tensions did indeed exist in the nation between the Muslim community and the Republic.

The first part of their report recognized that there was a valid sense of grievance and economic deprivation amongst the Muslim community. They did not feel accepted and were obviously much poorer than the average Frenchman. The committee stated that anything religious that compromised the neutral characteristics of a secular French society and the state cannot coexist and must be removed before bigger issues occur.

The report made five recommendations. First in areas where the only school available is a Catholic school existed that the government must open a public school to give the people a

\(^{56}\) Judge, “The Muslim Headscarf and French Schools,” p. 13
choice in their education. The second recommendation was that, in the Alsace-Moselle region in the northeastern part of the state, near Germany, religious education should be made voluntary. As well as have the option of a purely secular education for those who desire it. Prior to this, Alsace-Moselle was the only region of the nation that was unaffected by the Secularism law of 1905; this recommendation reversed that decision. The third recommendation of the committee included in its report is that Islam should be added to the list of religions taught in school. The fourth proposal is the most surprising. Members of the committee suggested that the list of public holidays be revised to include one Jewish and one Islamic holiday so as to be fair to all religious groups.

The last and most important suggestion stated that students should not be allowed to wear or display any ostentatious religious symbols or dress. Mentioned in the report were the Jewish kippa and the Islamic hijab which should be banned along with large Catholic crosses and Sikh turbans; however, small and inconspicuous jewelry and symbols were acceptable as they were not a distraction in school. The committee decided that these large religious symbols were diverting students from their studies and also turning them into religious individuals instead of members of the Republic. President Jacques Chirac upon his receipt of these recommendations announced that legislation was in process that would ultimately ban ostentatious religious symbols from all public schools.

One of the main arguments supporting the proposed headscarf ban is the human rights aspect. Many people believe that

Many girls are forced to wear the head-scarves by a new, French-born generation of extremists in their 20s and 30s who regard such coverings as banners of faith.57

It is assumed that parents, more specifically fathers, force their daughters to wear their hijab and that it is not a choice made by the young ladies. This belief is one of the more motivating reasons for issuing the headscarf ban so as to prevent this unfair treatment. It is often supported by Human Rights activists who are not French, such as Saudi Arabia’s religious chief who stresses that a woman should choose to wear the hijab for religious reasons and not because her husband or father declared that she sport the veil. Surprisingly, the most important human rights organization, Human Rights Watch does not believe in protecting the rights of students as they are minors and members of a school which can monitor the dress of its students.

A prominent member of French society, Bernard Teper, president of the Union of Secular Families, also agreed with those who argue that the girls are forced to wear their hijabs when he stated, “I think that there’s a difference between a girl of 12 who wears a headscarf and a young woman of 25 who wears it on her own free will.” He essentially argues that a child or a minor is not capable of making the decision to wear her hijab and that she is somehow influenced or forced to wear it by her parents. However, many young Muslim women will not agree with the above statement. It is plausible that some are forced to wear their hijab, but many make this choice by themselves. The two girls from Aubervilles that were expelled is a prime example of this as they wanted to wear their scarf to express their religious beliefs. Many young girls are in the same category as these sisters and merely want to follow the teachings of the Koran.

The proposed ban caused much satisfaction for some and discontent for others. Many were content that this was in development as it would solve the problems at the public schools and bring the focus back on education. These were the supporters who believed that public school children are only members of the Republic and that religion has no place in a state school.

However, there were many who were unhappy with this proposal and decided to exercise their right to protest. In early January of 2004 protesters took to the streets of Paris and marched down the Champs-Elysées to show their displeasure with the government and to urge lawmakers to rethink this move. These protesters had the support of the world while other non-French Muslims and members of other faiths marched in their respective capitals to promote the solidarity of Muslims as well as show their support for their sisters in France and to vent their anger towards the headscarf ban. Despite the protests and the anger towards the government, the ban had the backing of the people; more than seventy percent of the French population believed that the headscarf ban was beneficial to society and fully supported it.\textsuperscript{59}

Finally, on February 10, 2004 the Assemblé Nationale voted and approved the ban in a landslide vote of 494-36.\textsuperscript{60} This, however, was only the first stop for the ban as it had to pass the Sénat as well. Obviously the support within the government was overwhelming and the headscarf ban passed the Sénat by a 276-20 vote on March 3, 2004.\textsuperscript{61} Thus the headscarf ban went into effect, but it was not to be enforced until the new 2004-2005 school year. The legislation was created to prohibit all religious symbols throughout the school and not just in class.

Section VII – Repercussions of the Religious Symbols Ban

Before the agreed upon ban went into effect, turmoil started to wreak havoc on the world and the nation in response to this legislation. The first event occurred in August 2004 when two French journalists working in Iraq were kidnapped by Iraqi Militants who were not happy with

\textsuperscript{60} Ibid., p. 757.
\textsuperscript{61} Ibid., p. 757
the headscarf ban. The kidnappers gave the French government forty-eight hours to repel the legislation or pay a five million dollar ransom; the government obviously did not give in to the terrorists as the law is still in effect today. Immediately after the kidnapping the Islamic television station, Al-Jazeera, showed a short video of the two journalists who were later identified as Georges Malbrunot and Christian Chesnot. The Iraqi Militants threatened to kill the journalists if their demands were not met, but the two men were later released in December after four months of captivity. It is not clear if the government gave in and paid the ransom or if they were able to negotiate their release.

At the beginning of the 2004 school year a Muslim organization created a hotline that students could call for advice about how to get around the headscarf ban. The idea was to provide students with a means of support that would allow them to still following both French and Islamic law at the same time. One idea that caught on quickly with students was the use of bandanas in place of their hijab; however, that did not go over well with school officials. There were less than a hundred students who took advantage of this opportunity to go against the headscarf ban. The hotline, however, was one of many ploys by French Islamic radicals who decided to use the students as their pawns to protest the ban and get what they wanted from the government.

The implementation of the headscarf ban has been successful. The first day of school in the 2004-2005 school year caused some turmoil as 240 Muslim girls arrived at school wearing

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their hijabs. Most wore them as a form of protest, but were quickly convinced to remove them and returned to school peacefully, but there were seventy, throughout the nation, who still refused and faced the consequences.\textsuperscript{66} The government strictly enforced the headscarf ban as it went into effect that day and even stationed gendarmes (police officers) outside the school to keep peace as they predicted some discontent.

In October 2004, two young Muslim ladies were expelled from their lycée for refusing to remove their headscarf. Two days prior to that incident, a seventeen year old in Mulhouse was expelled and later two more girls, ages twelve and thirteen, followed in her footsteps. In the town of Fleurs, located in Normandie, another young lady was expelled for the same reason. All in all, seventy-two girls were in jeopardy of being expelled, but about half of them agreed to adhere to the ban and in the end only forty-eight were expelled.\textsuperscript{67} Seventeen of these students were from the Strasbourg region on the eastern border of France and included several Sikh boys who refused to remove their turbans. This is evidently a piece of legislation that has not only touched the Muslim community but all faiths, and all are being defiant as well. It has been a misconception that this headscarf ban was created solely to prohibit Muslim girls from wearing their hijabs. The fact that some of the students who have been expelled were not of the Islamic faith is proof alone that the legislation touches all. Any student, in France, that has been expelled and is under the age of sixteen must enroll in a private school. All who fall into this category must attend school, and cannot enroll in another public school, as the public school system is connected nationally and once expelled one cannot return.

At the same time the above students were facing expulsion, a fifteen year old girl, Cannet Dogana, returned to school after her suspension with her hijab on, but later removed it when

asked to do so. She did, however, reveal a bald freshly shaven head. Cannet said in response to her actions, “I will respect both French law and Muslim law by taking off what I have on my head and not showing my hair. I respect the law, but the law doesn’t respect me.” This was her way of abiding by the law, but, at the same time, protesting it and following Islamic law by not showing her hair.

Since the creation of the law, sixty students have enrolled in either a private school or in the CNED program which is a national distance learning program. Most have chosen to enroll in one of the nation’s 8,847 private schools to avoid the oppression of the headscarf ban. Muslim students make up about ten percent of the two million private school students. One reason for this is because the Catholic Church and most private schools are more accepting of the Islamic faith and its traditions than the federal government. Additionally, Catholic and private schools embrace the religious differences between their students and therefore, allow their young Muslim girls to wear their hijabs while in school. This shift in enrollment merely solidifies the importance of religion in everyday life to the French people and it proves the challenges of laïcité.

Students have the choice, in a private school, to study religion and currently steps are being made to expand the religion program and include and accommodate other religions such as Islam. A Catholic school in Dijon allows students to use the school’s chapel for Islamic prayer during the day and another school has allowed the instruction of Arabic in the curriculum. Most schools, when scheduling events, keep Muslim students in mind so as to not conflict students’ schedules and make them choose between their religion and their school. Monsieur Jean

69 Ibid., p.1.
Charmoux is a headmaster at a Catholic school in France and he states, “We practice religious freedom; the public schools don’t. We teach the national curriculum. Religious activities are entirely optional.”

Unfortunately, Catholic and private schools have society working against them as they try to move forward. Religiously integrated schools are facing obstacles that were never imagined, but are due to the mixing of religious traditions. Some of these obstacles have been simple requests like this school year, 2008, when students requested that the Catholic Crucifix be removed during Ramadan. However, other incidents have been bigger and more intense. For example, after the World Trade Center attacks of September 11, 2001 some students were overjoyed with the situation of America and rejoiced in the world situation. Some Muslim students have refused to participate in swim classes; however, the schools decided that students need to have a doctor’s excuse to be exempt from swim classes. Other examples come from inside the classroom where discussions of Darwin’s Theory of Evolution occur. This has been challenged many times, as most do not believe or will not accept it as an alternative to creationism. In History class, discussions become heated when talking about the Israeli-Palestinian conflict or the Crusades in the Middle East as some of the students present have ties to that region of the world.

Since the creation of the law only four Islamic schools have been successfully opened. They are located in the cities of Paris, Lyon, and Lille and the schools are partially funded by the government. There are other schools that exist, but they are not considered legitimate because they are not funded by the state.

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71 Ibid., pg. 1.
Most of the French citizens are complying with the law for a number of reasons. Some may not agree with the ban, but they respect the government and will abide by the headscarf ban because it is a law. Nissa, a mother in France, who follows this philosophy states,

Since we have chosen to be observant, we observe everything. But we respect the law of the French state. We are against it because it forbids wearing the headscarf, but we respect it.\textsuperscript{73}

However, there are many, including Nissa’s own daughter, who do not understand why the headscarf ban became such an important piece of legislation as quickly as it did and why the girls are not allowed to wear their headscarves at school.\textsuperscript{74} Nissa’s daughter states, “I don’t see how that affects them”.\textsuperscript{75} She was referring to the headscarf and meaning that she did not understand how girls in school wearing their headscarves directly affected the government. Another young girl stated something similar to Nissa’s daughter when she stated, “I don’t understand why it bothers anyone why a girl wears it or doesn’t wear it. We all learn the same thing.”\textsuperscript{76} She makes a good point. Is freedom of expression overruled by freedom of religion in school? Apparently, the government thinks that this is true and believes that the headscarf and other religious symbols are distractions from a student’s studies. In school a student is supposed to only be “French” and leave all other identities at home. Still others believe that the law is too vague because the rhetoric of the ban specifically mentions the Islamic headscarf, Jewish skullcaps, and large crosses, but it does not mention at all bandanas which are being used in place of the headscarf.

Like those mentioned previously, prominent Muslim organizations in the nation are also standing by the headscarf ban with the same philosophy; they may not agree with the legislation,

\textsuperscript{73} Rotella, “Most Muslim Girls Comply with France’s New Headscarf Ban,” p. 1.
\textsuperscript{74} Ibid., p. 1.
\textsuperscript{75} Ibid., p. 1.
\textsuperscript{76} Ibid., p. 1.
but they will respect it because it is law. None of the Muslim groups in France are contesting the ban. Director of the UIOF, the Organization of Islamic Organizations, Rachid Harmoudi from the Lille Mosque states, “The law is unfair to Muslims, but we’ve put it behind us.” On the other hand, it is the college students who seem to have the biggest problem with the headscarf ban, even though it does not apply to them. College students have resorted to wearing their headscarves and other religious symbols as a form of protest and discontent instead of being vocal about their feelings.

All was quiet in France for a few years and French Muslims settled into a rhythm of life without their hijab. That is until 2005 when France experienced some of her worst violence yet. The riots of 2005 started in a banlieu of Paris that is a predominately poor and Muslim suburb. Muslims took to the streets. They burned cars, threw homemade bombs, and used other forms of amateur firearms. The violence spread outside of Paris, into other areas of France. Most scholars agree that there were no religious, political, or ethnic reasons for the riots and they state that the violence was a plea for better housing measures, job training, and economic development. The riots were a cry for help from the poor and were not specifically related to the headscarf ban. One of the root problems that led to the riots of 2005 was that Muslim women cannot easily find a job that accepts their headscarf. They are forced to choose between their religion and their career. Most see that as unfair; it causes frustrations and eventually can lead to violence. Other forms of religious discrimination are evident in French society such as not renting apartments to Muslims and judging people based on their appearance and the presence of their headscarf. The government by prohibiting the hijab in public society is giving Muslims the opportunity to be

treated equally and moreover cannot be judged based on their appearance and discriminated against because they appear primarily French and not Muslim.

In 2007, a French innkeeper was fined for religious discrimination because she refused to rent a room to a Muslim woman unless she promised to remove her headscarf in the common areas of the building. She was fined 1,400€ which was paid to the government and another 7,400€ to be paid to the plaintiff and other human rights groups.  

This incident is just another example of the religious and cultural tensions that exists in French society.

In the early part of the 2008, in the city of Lille, a French court annulled the marriage of a Muslim couple, at the request of the husband, because his wife had lied to him about being a virgin at the time of the wedding. The government later demanded to see the case files and eventually demanded a review of the ruling.

In July 2008, a Moroccan woman, Faiza Silmi was denied citizenship for which she had spent months vying because she chooses to wear a niqab. This is a garment that resembles a burqa, but is more colorful than that of the Afghani garment. French Minister of Urban Affairs, Fadela Amara, called the niqab “a prison and a straightjacket” and later stated “It is not a religious insignia but the insignia of a totalitarian political project that promotes inequality between the sexes and is totally lacking in democracy.” Amara is a practicing Muslim who disagrees with this extreme form of dress and hints that wearing a garment like the niqab is like being held captive by one’s religion or family.

80 Ibid., p. 1.
81 Ibid., p. 1.
Silmi was denied this important status because, according to the government, “[Her] radical practice of Islam was incompatible with French values like equality of the sexes.”82 The government wanted her to conform to the “normal” society, but at the same time this is understandable because if one wants to join a nation then the desire to be French should be evident in all aspects of the candidate’s life. In a western nation one cannot expect to be accepted while exhibiting fashion that is commonly associated with Islamic extremism. Many agree with the government’s decision in this case because of Faiza’s refusal to embrace French values.

Faiza Silmi married her husband Karim who is a French national of Moroccan descent while in Morocco. She moved to France with him and set up a life that is normal to any French citizen with one exception: she sports the niqab. Together, the couple has four children who range in age from two years old to seven years old, all of whom were born in France and are French citizens. Silmi’s quest for citizenship began in 2004 when she first applied, but she received her first denial in 2005 because of “insufficient assimilation.”83 The government had determined that she had not adjusted enough to life in France. Faiza appealed this first decision, but again was denied with the following explanation:

She has adopted a radical practice of her religion, incompatible with essential values of the French community, particularly the principle of equality of the sexes.84

The government believed that Silmi was obeying her husband and that there was not equality in their relationship. In most Islamic nations women are forced by the men in their family to dress in prison-like garments and that was the assumption in this situation as well. Government commissioner Emmanuelle Prada-Bordenave stated that Ms. Silmi “lives in total submission to

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82 Ibid., p. 1.
83 Ibid., p. 2.
84 Ibid., p. 2.
her male relatives.” Faiza responded in an interview that she is not controlled by her husband and she does, indeed, make her own decisions. She states in that interview,

They say I am under my husband’s command and that I am a recluse. They say I wear the niqab because my husband told me so. I want to tell them: It is my choice. I take care of my children, and I leave the house when I please. I have my own car. I do the shopping on my own. Yes, I am a practicing Muslim, I am orthodox. But, is that not my right? 

She asserts, here, her freedom to religion and with that is her freedom to choose to wear her niqab. Faiza claims that she is merely a “regular” mother, someone who does what any other French, American, or British woman would do on a daily basis. Her whole family practices orthodox Islam including her husband, Karim, who is having a difficult time finding work in France because he sports the Islamic beard as reverence and adherence to Islamic law. Faiza also explained how she made her decision to wear her niqab and that it was clearly her decision and that her husband supported her wearing or not wearing the garment. Surprisingly, she began to wear the niqab after her arrival in France. Faiza states that

She [began to wear her garment in] 2000 because the traditional djelaba (a long flowing garment with a head scarf) was not modest enough for her. ‘I don’t like to draw men’s looks. I want to belong to my husband and my husband only.’

Some fear that this denial of citizenship is going to start a precedent for the French government. The fear is that this incident will allow the government to take whatever liberties it wants to affirm or deny citizenship to a person. The government can now use any excuse they deem necessary as not compatible to French culture and ban practices such as daily prayer or the pilgrimage to Mecca or other traditions from all faiths. M’hammed Henniche of the Union of Muslim Associations in the Seine-St. Denis expresses these fears and believes that this move

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85 Ibid., p. 2.
86 Ibid., p. 2.
87 Ibid., p. 3.
gives the government liberty to classify anything they deem as a threat or as different as fundamental, extremist, or even radical Islam.\textsuperscript{88} Prior to this event, citizenship has only been denied for religious reasons if the applicant is too close to a fundamentalist group which causes anxiety and fear of homegrown terror cells.

Current President Nicholas Sarkozy is doing his best to destroy the religious and cultural barriers that remain. He created a new Ministry of Immigration and National Identity which is designed to combat racial images, injustices, prejudices, and other issues related to immigration and a better overall national identity. The Ministry is creating stricter citizenship and immigration laws for the nation that will hopefully reduce some of this tension.

Conclusion

Islam is a complex yet interesting religion that is often misconstrued by outsiders. Women are seen as pawns of the men in their lives and obedient to them because they wear the Islamic headscarf. To those who are not believers, the veil is seen as an oppressive piece of clothing that is forced upon its bearers; in reality, the veil is an integral part of the religion. The Koran states multiple times that any believer of Allah, and more specifically women, must protect themselves and dress modestly. This has grown to include the Islamic headscarf, as it is currently Islamic law for a woman to cover her head; however, it is not required and is a choice outside of a select number of countries. Afghanistan, Iran, and Saudi Arabia require that their female citizens cover from head to foot, but other nations allow the individual to decide how she would like to express her beliefs. The western world does not fully accept this custom nor has it integrated the veil into society. Many nations are in the process of prohibiting it from public buildings and schools. France is the most notable as she was one of the first governments to take

\textsuperscript{88} Ibid., p. 2.
action, but since then many are following suit. Recently, the state of Georgia in the United States has discussed not allowing the headscarf in schools. So too has Germany and Great Britain.

France was the first because she has had a large number of Muslim immigrants in the last half century. France was a colonial power in the early nineteen hundreds and has had a great influence on Africa. Since the Algerian War, immigrants from Maghreb, Northern Africa, moved to France because of the common bond: language. Thousands of people streamed into France in search of jobs, a better life, and safety. Unfortunately, mass immigration had a destabilizing effect on France and caused the creation of the banlieue which is where most of the Muslim immigrants settled; poor ghetto-like towns outside of the large cities. Housing is generally very bad, and discrimination is rampant in these areas causing cultural and religious tensions that did not previously exist. Muslims were different and considered a threat well before the events of September 11, 2001 as they were thought to have taken jobs away from the French, and were just plain scary to some.

The new religion and culture that was brought to France clashed with the very secular nation. She is a country that does not like to mix religion and the public life. The quest for secularism began in the late eighteenth century with the onset of the French Revolution and the desire for a government that was not controlled by the Church. The Separation Law of 1905 was passed and France became a laïque nation; one that does not allow religion to have a dominant presence in the public sector. Since then, being completely secular has been part of the French way of life; therefore, when Muslims joined the society tensions arose as the Islamic way of life is not kept private; it is a method of living and not simply a religion.

Tensions continued to mount as the years passed. Finally, in 1989, in the town of Creil three young ladies caused years of strain to reach the summit when they wore their veils to
school and refused to take them off. Fatima, Leila, and Samira merely wanted to express their beliefs and follow what they deemed as a vital aspect to their religion. Unfortunately, school faculty and administration did not agree. The girls went through mediation and two of the three finally agreed to a compromise. This event did, however, begin an expansive political debate, a government committee was created, and eventually a law went into effect.

President Chriac finally decided to create a committee led by Bernard Stasi. The Stasi Commission, which it has become known as, studied the situation and eventually produced a report that included several recommendations to amend society, to better integrate immigrants, and to Islam into France. Among the recommendations was the solution of banning the headscarf from schools. This was the beginning of the creation of the religious symbols law. It was also the only recommendation that the government took to heart. In 2004, after a year of discussion, the government passed the religious symbols ban which prohibited students from wearing any large religious symbol to a public school. The law had both the support of the politicians and of the people. As the years have passed, the ban seems to be working as very few Muslims have been officially expelled; however, many students have switched from public schools to more accepting religious schools which have grown over the years to include several Muslim schools. In this author’s opinion, the religious schools are enabling the law and the government. They are helping the ban to succeed and people are looking through rose colored glasses because of the schools’ help.

Additionally, there have been other incidents that are not directly related to the law, but prove that the tensions between the religions and the cultures still exist. Two journalists were kidnapped while working in Iraq because militants wanted the law repealed. Furthermore, an innkeeper in France was fined because she refused to allow a guest to wear her hijab in public.
areas. Fazia Silmi, an immigrant mother in France, has repeatedly been denied citizenship because she refuses to adapt to the French society. Marriages have been annulled because the Islamic wife was not a virgin and later that decision was reviewed. The religious symbols ban is merely a mask to cover the other incidents that have occurred in the nation. The law nicely hides reality and proclaims that the government is working on rectifying the situation.

France is not a nation in a unique situation as it is facing problems that many other countries face as their cultures collide and mix. The government has been trying its best to remedy and ease the tensions that exist; however, this intervention is causing new difficulties to arise. The religious symbols ban was France’s solution to what seemed a never-ending battle in public schools; therefore, the government determined that no one can openly express their religions in school. Although this seems to be the ideal compromise, many are still unhappy with the government’s decision; therefore, the ban is not the most effective. People are still trying to find ways to get around the law and continue to follow what they deem as the important parts of their religion. An effective compromise, solely regarding the Islamic headscarf in public schools, would be to allow the students to wear their hijabs in the building, but lower the veil to their shoulders during class out of respect for those for whom the foulard is a distraction.

As for the French society, there are no perfect answers to solve the conflicts that exist between religion and secularism. There are extremes which ultimately hurt someone and are not the most ideal solution. The clash between religion and culture is an age old battle that will never end until the believers can learn to incorporate their religion into their daily lives without disrupting the natural flow of society. It does not seem that any nation nor government nor individual has the utopian solution for integrating religions into a secular society. France has made stellar progress, but not without opposition and consequences. The French government has
not completely integrated Islam into a laïque France, but it seems to be trying effectively. The future will bring many more nations who will adopt the secular philosophies of France as the world becomes more and more global, but France will remain the nation who was the first to completely secularize schools and move toward an accepting and laïque society.
Appendix:

Glossary of Foreign Terms

Algiers: the capital of Algeria

Assemblé Nationale: National Assembly, a portion of the legislative branch, similar to the American House of Representatives

Banlieu: areas outside the large cities in France, generally poorer areas of France.

Bourgeoisie: the middle or working class in France during the French Revolution

Burqa: head to toe covering for women in some Middle Eastern nations. Usually black or navy blue in color with a small mesh slit for the eyes.

Champs-Elysées: famous street in Paris starting at the Arc du Triomphe (Arch of Triumph)

CNED: France’s national long distance learning program for education

Collège: equivalent to a middle high school or a junior high school. Students are aged 11-14.

Conseil d’état: State Council, the highest administrative court

Conseil Français de Culte Musulman (CFCM): French Council of Muslims, council formed in France to analyze the situation facing France

Conseil de Réflexion sur l’Islam en France (CRIF): Council of Reflection on Islam in France, a council formed in 1990 to analyze the situation facing France

Égalité: equality

€ (euro): form of currency currently used in Europe

Fédération Nationale des Musulmans en France (FNMF): National Federation of Muslims in France, council formed in France to analyze the situation facing France

Foulard légère: a smaller scarf that does not cover the neck, earlobes, and hairline

Front National: the National Front Political Party, a far right political party

Harkis: Algerians that supported the French during the Algerian War

Hijab: Arabic word for headscarf or veil.

Kippa: a traditional Jewish head covering, similar to a yarmulke

L’affaire du foulard: the name the media gave to the 1989 headscarf incident in Creil, France (also known as l’affaire du voile)
Laïcité: secularism
Laïque: secular
Liberté: liberty
L’Union des Organisations Islamiques en France (UOIF): Union of Islamic Organizations in France, a council formed in France to analyze the situation facing France
Lycée: equivalent to a high school
Maghreb: Northern Africa
Mecca: Holy City of Islam
Ministre: a minister
Ministre de la loi: Minister of Law, a Presidential advisor in France
Ministre d’éducation: minister of education, a Presidential advisor in France
Ministre de l’interior: Minister of the Interior, a Presidential advisor in France
Niqab: a head to toe garment worn by some Algerian women similar the burqa, usually more colorful than the burqa.
Ogal: a black band that is worn around a man’s head.
Sénat: Senate, the second part of the legislative branch, similar to the American Senate.
Sura: book in the Koran
Shumagg: a scarf that is worn on the head of men in the Middle East.
Vichy regime: Used to describe the government during the WWII period of 1940-1944. The President at the time was Pétin.
Yarmulke: traditional hat worn in Judaism.
Bibliography


