

# Open letter to WUNRN lists moderators on the issue of head scarves in France

Thursday 18 April 2013, by [HELIE LUCAS Marieme](#) (Date first published: 18 April 2013).

**Open letter to WUNRN lists moderators, after they circulated, on 10 April 2013 7:46:24 PM AEST, on the WUNRN lists an article entitled : 'France - Government Considers More Rules on Wearing Headscarf' [1]**

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Dear friends in WUNRN,

I am sorry this article was circulated among women, as it is full of misinformation about head scarves in France. Without attempting to cover the whole issue, allow me to clarify at least a few points.

## 1.

First of all head scarves are NOT illegal in France; this article abusively lumps together two laws : the secular law regarding signs of political and religious affiliation and the security law on full face covering.

The recent security law on full face covering extends the power of the law to criminalizing the Saudi black form of veiling in which sometimes not even the eyes are visible . An existing law already criminalized covering one's face so as not to be identifiable in a number of situations ( such as wearing masks, helmets, during demonstrations, during riots or during sports events where there is popular violence.)

As an Algerian who was politically active during the liberation struggle of my country, I can testify to the fact that freedom fighters, as was popularized by the film 'The Battle of Algiers', both males and females, were using traditional veiling to carry arms and bombs and to facilitate movement of even male freedom fighters. ( We were the 'terrorists', at that time). The fear that similar outfits could help hiding arms and explosives is certainly not irrelevant. In a moment of the history of Europe when threats of terrorist actions are frequent ( several serious ones a week in France, and after a bomb blast in Paris metro made hundreds of victims), it is not abnormal for any government to try and identify suspects by requesting everyone not to cover their face fully. Had the government not taken any measure, no doubt that potential victims could turn back against it, accusing it of not protecting them and that human rights organizations would point at it for lack of due diligence.

Let us make it clear that veils that cover the whole body, head and neck, but leave the face visible were not outlawed - but only the face covering.

However, and this is an important political point, there was no need for such a new law : many

deputes and civil society organizations of women activists of Muslim descent in France pointed at the fact that it was better to use the already existing laws than to create a new one, which, under the circumstances, would be deemed anti Muslims. Socialist depute Ms Christiane Taubira even circulated widely a full list of existing laws that could be put into effect so as to allow for identification.

This should clearly indicate that a sizable number of citizens on the Left, including anti-racist organizations and organizations of citizens of migrant descent, were not hostile to the principle of requesting citizens to be identifiable, as a precaution under volatile circumstances.

We were not heard. Sarkozy's Right government wanted to take credit for passing a new law, most likely with the aim of getting electoral allies among the racist Far Right.

As for the head scarf, I remember a friend from Papua New Guinea visiting me a few years ago in the South of France, and exclaiming : ' A veiled woman!', when she saw one in the street of a provincial town, and i remember my surprise at her being surprised. English speaking media are full of lies re this myth that wearing a head scarf is illegal in France; it is not and there are plenty of veiled women, very visible.

What is not allowed in France's secular state is to wear ANY sign of political or religious affiliation in TWO instances ONLY:

- when one is a civil servant in contact with the public, i.e. when one is REPRESENTING the secular Republic
- in primary and secondary secular state schools, as children are supposed to be educated there as equal citizens, not as representatives of their communities, and where free education is granted to everyone.

This goes for ANY religion, not just Islam. And it has a history that dates back long before there was any emigration from Muslim countries in France.

Where does this provision comes from? It comes from the 1789 French Revolution and was formalized by the 1905 and 1906 laws that separate religion from the state. Please note at this point in time that there was NO Muslim emigration in France, hence it could hardly be seen as a 'law against the veil' as ignorant and lazy journalists dubbed the re-enactment of these laws in 2005.

The 1905-1906 laws state that 1. The secular state protects the right to belief AND practice, and 2. that the state dissociates itself from religions, in fact it declares itself incompetent in religious matters, hence it will not recognize any representation of organized faiths, nor fund them, etc....

This definition of secularism is DIFFERENT from what the UK and later Europe adopted a long time after the French Revolution : British secularism condones an active involvement of the state in religious affairs ( see UK Queen being both Head of State and Head of the Anglican Church, also see Germany's Landers collecting religious taxes and redistributing them to Churches, etc..), with the only requirement that the state treats all religions equally. The Huff Post article does not even clarify this difference in definition of the term secularism, and then pretends that France does not abide by secular laws - UK definition!

For the very same reason of Sarkozy's Rightist government courting Far Right electoral support, the 1905-1906 laws that were amply sufficient to maintain secularism in state schools were 'supplemented' or 'updated' by a new law in 2005. In fact this law weakens the 1906 law, as it says only 'ostentatious' display (instead of 'any' sign) of religious affiliation is forbidden in the above mentioned two circumstances. This of course is a stepping back on the principle of secularism in

secular state schools. Let me also remind everyone that state schools in France are high quality (far better than private ones), entirely free, and that education is compulsory – two hard won conquests of revolutionaries that should be praised and kept, as they are beneficial to all children and to democracy in general.

Please also note that we are here talking of fundamentalists' attempts at veiling girls in primary and secondary schools i.e. normally under age 16 ( or 18 at most if they are late)! Since when should feminists support the veiling of the girl child - under any religious or cultural pretext ? We are not talking of adult women here, we are talking girls under age, of minors! That protecting them from fundamentalists' mores should be seen as a violation of their fundamental human rights is just appalling.

I am yet to see English language newspapers to report honestly on the wide support that the 2005 law received from women of migrant Muslim descent in France, i.e. mostly North African descent; hundreds of public demonstrations in all major French cities took place, women went to testify on TV, on radio stations, in newspapers and journals. The documentation is available in French, but not in English. What did make it to the English language i.e. international media, is exclusively the two, small, Paris based, demonstrations against the law of veiled women cordoned by bearded men (sorry for the cliché, just look at photos of the two demos, you will see for yourself). Not a word about the massive support to the laws. How unethical of journalists !

Why should anti racist organizations stand by the then Right government on such issues ? As Muslim fundamentalism grows in France, just like it grows in Muslim countries, women's organizations of citizens of migrant descent feel the need to force the government into abiding by its obligations to protect the girls from forced veiling at an early age, this is why they welcomed the law, and they explicitly stated it publicly.

It follows suit that it is a lie that a 'Muslim' woman cannot access government jobs. A veiled woman or a man wearing a kippa or a cross will not access only such jobs where, they represent the Secular Republic vis a vis the public, if they do not accept to take off their religious symbols during working hours. In their private lives, just outside their office door, they can do whatever they please, and if they are facing discrimination from rightist and racist elements, they will find full support from many anti discrimination organizations , and courts of the Republic, as proven in many recent cases.

## 2.

Does that mean that there is no discrimination against French citizens of migrant descent (the vast majority being from North Africa, hence from Muslim countries)? No, this is not what I am saying here. Discrimination is most visible in access to housing and to employment. It is a fact that the suburbs of big cities, especially but not exclusively Paris, host a growing number of unemployed youth (generally estimated as double than the average youth unemployment in France). However it is a factual error to think they are all Muslims and discriminated as such. An important percentage of poor suburban population are Christians from sub-Saharan Africa; they are therefore discriminated as blacks, not as Muslims.

Many women's organizations of migrant Muslim descent in France fight against discrimination, forcing the state to come back into suburbs long abandoned to the growing influence of Muslim fundamentalist groups, demanding that basic services be delivered, offering alternatives to joining the Right Wing – and anti women – Muslim fundamentalist response to a real situation of oppression and discrimination. These women's organizations need to be saluted, given prominence and supported internationally for their progressive stance. It is more and more unacceptable to see the (should we say 'white', 'western' ?) women's movement supporting reactionary anti women religious

groups in the name of anti racism, while the alternative exists. As if the only legitimate response to a situation of oppression and discrimination should be a Far Right one! Even progressive Muslim theologians in France have taken a similar position, urging progressive people around the world not to support the fundamentalist groups, but the progressive ones – but no media echoes their concern. Many of these Muslim theologians openly supported the secular laws and free secular education in France: have you ever heard of them and of their statements? The answer is no, and you should clearly clean at your doorstep and force your English speaking media to report adequately.

One more thing about discrimination in France: while in the rest of Europe, so-called 'mixed marriages' (i.e. across both color and religious barriers – which in most cases also amount to class divide) barely reach 6%, while they reach 30% in France – a promise of integration in my views. Another statistic you never heard of, I presume?

And till very recently, all children born on French soil were automatically French citizens, with full rights; their parents were subsequently granted an easy access to French citizenship, as they were entitled to, as the parents of French born citizens. Today, children have to 'confirm' (not request, please note) their French nationality at age 19 (legal adulthood). It is, unfortunately, a step back on the previous law, but still, it is quite a better law than those of neighboring European countries.

I count both the high percentage of 'mixed marriages' and the mass of citizens of migrant descent in France as successes of its century-old secular policies which starts with free compulsory education.

### 3.

Xenophobia and racism exist in France, as elsewhere in Europe. At the beginning of the XX<sup>o</sup> century, pogroms against migrant Italian workers accused of 'stealing the bread of the French people' made hundreds of victims in the salt industrial sector in Southern France. These workers were white, European and Christians.

What happens today to the youth of migrant Muslim descent, whether they are French citizens or not, is far less drastic. They suffer from marginalization and discrimination. It seems to me pretty similar to the situation I witnessed when I first visited France in the early second half of the XX<sup>o</sup> century, when Italians, Spaniards and Portuguese, whether or not they had acquired French citizenship, were still talked about in extremely derogatory terms, and when, as cheap labor, they were parked in not just modest but clearly under equipped suburban areas.

Talking about 'Muslims' to explain the very real discrimination that citizens of North African origin suffer is irrelevant: I am sick and tired of hearing a whole population being labelled 'Muslim', without ever asking individuals what they believe in, if at all. It turns a geographical origin into a religion, and ultimately this religion into a 'race', which is what Far Right organizations do.

The *Huff Post* article does not fail to make this conceptual mistake. It is not surprising, precisely because both the USA and the UK have created religious and ethnic 'communities' which governments are supposed to treat equally.

But France recognizes only citizens, not 'communities'. WWII should have taught all of us a lesson, but apparently it did not: many 'Jews' established in France were not religious believers any more ; they were and considered themselves French citizens; many of them initially expressed their dismay at being singled out with a religious label that soon turned into a racial one, and at being listed as a separate 'community'. Incidentally, these lists were extremely useful to the Nazis when they came to fetch 'the Jews' in their own homes to deport them.

No doubt that the French government, till today, refuses to keep lists of religious and ethnic

'communities' of its citizens: it would not want to repeat the history of deportation, this time of 'Muslims', should a Far Right regime come to power.

This seems to be a fairly responsible decision, considering history 70 years back.

What is being attempted both by the classic Far Right (National Front and the like) and by the new Far Right (i.e. Muslim fundamentalist groups) in France is to create 'communities' and to turn, for 'Muslims', what should be a personal faith into a 'race', just as was done for Jews.

Interestingly, a very serious study by the National Center for Scientific Research (by which I mean: not a journalistic survey) took the pain not to assume religious faith by virtue of geographical origin, and to interrogate French citizens of Muslim migrant descent in France about their religious beliefs. The very same proportion (around 25% of the population), whether supposedly Muslims or supposedly Christians, declared themselves unbelievers. An overwhelming proportion, again similar between 'presumed Christians' and 'presumed Muslims' did not state that they actually did not believe in any faith, but said they did not practice ever, and would go to religious ceremonies only for funerals and the like, on a handful occasions during their lifetime. These are the people that dare label 'Muslims'...

Nevertheless the *Huff Post* article speaks of 'Muslims' all along, actually turning all these unbelievers into an ethnic or racial group.

#### 4.

The incident with a secular creche that is mentioned in the *Huff Post* article, is actually as follows:

There are many religious schools and creches in France, and, in keeping with secular principles that protects freedom of belief and practice, no one infringes on their right to show their religious affiliation, pray, teach religion, wear scarfs or crosses or kippas, etc..

This creche (named 'Baby Loup') spelt out in its by-laws more than twenty years ago, that this was a secular creche and that it would be ruled according to secular laws as if it were a government school. A Muslim believer, a woman, was employed in the creche and she did abide by the rule, i.e. not wearing a headscarf during her working hours. After years of employment, she decided to challenge the by-laws and came wearing a head scarf.

The secular law in France does not cover private enterprises, only the institutions of the Secular Republic. For this reason, a court recently ruled that the direction of the creche could not prevent its Muslim employee to wear a sign of her religious affiliation, despite the fact that, when she signed her employment contract, she was made aware of the secular character of the creche as per its by-laws.

There is a discussion going on, both in French society and at government level, on whether or not such a specific private enterprise, which deals with education of young children, could come under the protection of the secular law.

It seems a fair question, as no one questions the right of a Muslim school/creche to request teachers and students to wear a scarf. In other words, this case showed that today in France, religious organizations of civil society enjoy more rights than secular ones.

But when guest houses, restaurants or other public spaces attempted to close their doors to veiled Muslim women, both the French government and courts took an unequivocal stance in protecting the rights of the veiled women. All these court rulings in recent years should at least assure anti

racists that the legal rights of religiously inclined people are still protected in France.

But that an open public debate on this Baby-Loup case be seen as an attack on Muslims baffles me. At best, if the creche was allowed to fire the employee who stopped abiding by the by-laws, it would only redress an unbalance between religious and secular creches – the first ones being allowed to enforce a dress code on its employees and the seconds, so far, not being allowed to do the same.

My conclusions :

I hope WUNRN will circulate this letter ; one may not agree with my analysis or my conclusions, but at the very least one should acknowledge that my facts are right, while it was not the case with the *Huff Post* article.

This is not an academic article, there are no foot notes and references. But if one is willing to go through articles in French (without asking me to do the translation !), I will be happy to provide those.

A number of women scholars and activists have extensively written on secularism in France, unfortunately mostly in French. We would like our views reflected at least on women's list serves, rather than these main stream and under-researched articles that allow for half truths and interpretations to be propagated on a specific situation.

I think women should defend secularism, as it respects the right to believe and practice, without forcing individuals deemed as belonging to specifically constructed 'communities' into these beliefs and practices. The present widespread assumptions on people's religious affiliations is detrimental to women's agency and free choice. The work done at UN level by countries affiliated to the Organization of Islamic Conference is combated by women organizations in Muslim countries. Articles like the *Huff Post*'s fuel into the analysis of the OIC, and undermine our very difficult work for women's rights which are increasingly curtailed under religious and cultural pretexts.

Many of the progressive women's organizations I know in France have been set up and are headed by women activists of migrant Muslim descent : they have undertaken the complex task of fighting both extreme rights : the classic old xenophobic extreme Right that pushes for discrimination(s) among French citizens, and the new Muslim fundamentalist extreme Right that promotes the most backwards supposedly religious thinking and practices that curtail women's rights in the name of belonging to an oppressed minority. They have the courage that neither the Left nor Human Rights organizations have, to take on two forms of extreme Right at the same time, and to use their brains not to fall in to any trap in the process. Articles like the incriminated *Huff Post* one undermine their work by excessively simplifying the problem and reducing it to a 'bad' state oppressing a 'good' minority. Can't journalists learn from these movements and give visibility to their so important work ? Or are we condemned to simplistic binary good/bad 'analysis' ?

Oppression and discrimination of individuals and of groups are social and political evils; they should be combated for what they are, i.e. with social and political means, not through religious ones.

The rise of Muslim fundamentalism in Europe is growing but few progressive people and women's organizations seem able to identify it in political terms : it is a Far Right movement working under the cover of religion. Women of Muslim descent need to defend themselves and to be supported when they fight against Muslim fundamentalists' groups and ideology.

**Marieme Helie Lucas**

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**P.S.**

\* Thursday 18 April 2013, SIAWI: <http://siawi.org/article5514.html>

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**Footnotes**

[1] [http://www.huffingtonpost.com/2013/04/01/french-veil-ban\\_n\\_2992642.html](http://www.huffingtonpost.com/2013/04/01/french-veil-ban_n_2992642.html)