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COMMENTARY: Assessing Europe's 'headscarf law' debates

By Julia Doxat-Purser, Religious Liberty Coordinator, European Evangelical Alliance

French politicians are wrong to believe that the acquiescence shown by most schoolchildren to the law banning the wearing of prominent religious symbols signals their acceptance of the law, argues Julia Doxat-Purser, Religious Liberty Coordinator of the European Evangelical Alliance <http://www.europeanea.org>, in this personal commentary for Forum 18 News Service <http://www.forum18.org>. Many fear that limiting people's ability to express their religious faith and cultural identity is going to push some towards extremism. French religious communities have pointed out that France, the supposed home of human rights, now infringes people's free religious practice. In Germany too, the decision of some Federal States to pass "headscarf laws" is controversial, former Federal President Johannes Rau condemning these moves as "the first step toward the creation of a secular state that bans religious signs and symbols from public life." One factor in debates about religious belief in society is that some politicians mistakenly assume that religious belief involves the imposition of views on others – an assumption that many religious believers would strongly dispute.

After one school term, are we able to assess the impact of the French law on the banning of prominent religious symbols in schools, indeed in any public building?

The banning of the wearing of religious symbols in public spaces in France was supposed to send a strong signal to all faith communities that any encroachment into public life, undermining the almost sacred principle of "laïcité", would not be tolerated. The vast majority of politicians supported the law as a way of keeping French people free from what they regarded as division and oppression caused by religion. They took care not to single out Islam for particular attention. [The law forbids the wearing of any prominent religious symbol - including large crosses, headscarves, kippas (Jewish skullcaps) or Sikh turbans.] However, most foreign observers believe that the main impulse behind the law was the fear of the rise of radical Islam.

Yet the continuing Iraqi hostage crisis - Radio France correspondent Christian Chesnot and Le Figaro reporter Georges Malbrunot are still being held by kidnappers reportedly demanding the scrapping of France's headscarf law – has made it difficult to conclude what impact the law has had on the health of multi-cultural democratic life in France. French politicians thought that the law was crucial to healing divisions between communities. Critics thought it would do the opposite.

Every faith community in France condemned the law when it was passed, objecting to the assumption that religious symbols are necessarily oppressive, divisive or aggressive. They pointed out that France, the supposed home of human rights, would be infringing people's free religious practice. Until the French journalists were kidnapped on 20 August, a huge number of Muslim schoolgirls were planning to start wearing the "hijab" at school for the first time - to protest against the law and to assert their identity. Many supporters of the law thought that the ban was a way of liberating these girls from the oppressiveness of their religion. It seemed, however, that Muslim girls either did not feel oppressed or objected to the way that their supposed liberation was taking place.

The hostage crisis changed everything. France's Muslim community wanted to show its abhorrence of the hostage takers' tactics, so the vast majority decided to keep their frustrations to themselves and submit to the new rule. Only 600 children broke the law when the school year started in September. A week later, this had decreased to roughly 120 Muslims girls and 30 Sikh boys. Since then, faced with expulsion from school, most have given in. One girl apparently started attending school in Belgium. Catholic schools in Alsace said they would be happy to accept girls with headscarves. A handful of Muslim girls tried to get away with wearing bandanas but found that this was not allowed. Sikh boys tried wearing simple under-turbans but this was not acceptable. The total of expulsions has reached about 30.

French president Jacques Chirac has praised the "spirit of responsibility and respect" of all the young people who have submitted to the law. State schools have held firm, "entering into dialogue" but with no intention of compromising. They are pleased at how this whole episode is seemingly nearly over.

The continuing hostage situation has led to very little public debate about how religious communities are feeling about the law's impact. However, while French politicians are interpreting the silence positively, others question whether the episode really is over. Some of the expelled children's cases may eventually end up in the European Court of Human Rights. If they do, much of the human

rights community expect that the children would win. Whether or not any further court cases ensue, it is surely optimistic to conclude that the reluctant submission to this law has encouraged religious minorities in France to want to make more efforts to integrate. It is naive to think that keeping religious symbols hidden is going to help in the fight against radical and dangerous forms of religious expression.

Stéphane Lauzet, the General Secretary of the French Evangelical Alliance, describes the law as "a bad response to a good question". Of course France, along with many other European nations, is concerned about encouraging a healthy and safe multi-cultural democratic society. Fears about radical Islam are understandable. However, it seems highly unlikely that the French approach of simply keeping religion out of public sight is going to help. Lauzet believes that the law is an excessive interpretation of "laïcité", whose real meaning is that the state should not fund religion. The state should not compel people to limit their religious practice to their private lives.

Nicolas Sarkozy, the rising star of French politics, has just published a book "La République, Les Religions, L'Espérance" which dares to suggest that it is wiser to help religious minorities, such as by helping to provide mosques, than allow minorities to feel rejected and oppressed by society. Discontent could fuel radical and dangerous forms of faith, he argues. If people are unable to worship publicly, it is harder to spot whether undemocratic ideas are being preached and discussed in secret. However, Sarkozy's views are not proving popular, as he is questioning the political establishment's interpretation of laïcité. Most of France's political elite clings to the idea that hiding religion away will somehow protect France from inter-religious tension.

As with the European Parliament's rejection of Rocco Buttiglione as a possible European commissioner, some politicians appear to have lost sight of the fundamental difference between proposing and showing public allegiance to beliefs and ideas compatible with a free democratic society, and imposing those beliefs and ideas. In the European Parliament and in France, the assumption seems to have been made that religious belief involves the imposition of views on others – an assumption that many religious believers would strongly dispute. A healthy democracy is not afraid of people of strong beliefs – whether religious or secular – arguing the case for them in public and demonstrating their allegiance to them. Treating religious beliefs as if they are automatically a danger to democracy and tolerance is to impose a secular belief system in which freedom and democracy are the real losers.

France is not alone in banning Muslim headscarves in public. For example, Uzbekistan bans the wearing of undefined "religious clothing" in public (see F18News Uzbekistan religious freedom survey http://www.forum18.org/Archive.php?article_id=105). It is surprising that France should be going down the Uzbek route.

Some of Germany's 16 Federal States have banned female civil servants – including teachers but not pupils – from wearing headscarves at work. "The veil is widely abused by Islamic fundamentalist groups as a political symbol," Bavaria's Culture Minister Monika Hohlmeier claimed in November 2004, also arguing, like some supporters of the French headscarf ban, that the headscarf was a symbol of the repression of women. But Hohlmeier, like supporters of the French ban, does not seem to believe that denying the wishes of women who freely wish to wear the headscarf is repressing women. Also, the headscarf ban in Baden-Württemberg has led to the unintended consequence of Germany's Federal Constitutional Court ruling in October 2004 that the ban must be extended to the veils of Roman Catholic nuns. But many Federal States have no plans to introduce headscarf bans, seeing no threat to freedom in teachers wearing headscarves.

However, the question of headscarves and the issue of Muslims in society remain controversial in Germany. "I am afraid that banning the headscarf is the first step toward the creation of a secular state that bans religious signs and symbols from public life," then Federal President Johannes Rau warned bluntly in a January 2004 speech. "This is something I do not want." As Deutsche Welle's Peter Philipp observed of attitudes such as those of Monika Hohlmeier, "the freedom of the individual, whether Christian, Muslim or otherwise – the thing that we should actually be safeguarding – is falling victim to this attitude."

Philipp commented that "it is more decisive what is inside heads rather than on top of them" and argued that "we must tackle threats where they arise, and headscarves alone do not pose such a threat. If we follow this logic through, male Muslim teachers would have to shave off their beards before entering the classroom while Protestant teachers with big bushy beards would still be tolerated. This simply cannot be. The state should keep out of this discussion and only get involved – as it does in other areas – when freedom is being abused. Moreover, the state's excessive enthusiasm should not prevent it from remembering the principle of equality. That is what the President [Johannes Rau] meant. The only thing is, very few people would appear to have understood him."

Meanwhile, the Netherlands is still trying to determine how to respond to the outbreak of violent tension expressed both by and at parts of the Dutch Muslim community in the wake of the assassination in early November of controversial film maker Theo van Gogh.

The danger of so-called Islamic terrorism is real and demands a response. Parts of Muslim Sharia law, such as its provisions on religious freedom, are incompatible with international law (see the F18News personal commentary on religious freedom under Islam http://www.forum18.org/Archive.php?article_id=227). We must take these issues seriously and encourage honest debate within and between religious and cultural communities. However, religious freedom is for all and, by law, should only be limited in order to protect democracy and public safety. It seems hard to demonstrate how the "headscarf law" upholds this human rights standard.

Many fear that limiting people's ability to express their religious faith and cultural identity is surely going to push some towards extremism. President Chirac thinks that the headscarf law has been a success. Time will tell, but like many observers I have serious doubts. (END)

For reflections on religious freedom as a "forgotten human right", see the F18News personal commentary at http://www.forum18.org/Archive.php?article_id=164

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<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe>

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