

WHAT THE VEIL VEILS

Historical considerations



Sandra Rousseau
French and Francophone Studies - PSU

Questions

- Why a debate?
 - Political
 - Social
 - Cultural issue
- What exactly is debated?
 - France's right to pass legislation
 - France's cultural / historical arguments
 - *Laïcité*
 - Women's rights / Muslim women's rights (?)



Terminology

- In France the debate emerged as “the headscarf affair” (*l’affaire du foulard*)
- It quickly becomes “the veil debate”.
 - How does terminology change the terms of the debate?



Hijab



Niqab



Burqa



Tchador

The 2004 law – “The headscarf law”

- 1985 : The Invasion myth
 - Immigration
 - Right-wing party (FN)
- 1989: The first Headscarf affair
 - Salman Rushdie
 - Fall of the Berlin wall
- 2001: September 11.
- 2004: Law forbidding ostentatious display of religion
- 2010: Burqa ban in public places



The school system

- Inherited from the third Republic
 - 1870-1940
- Highly centralized
 - Curriculum
- Highly hierarchical



Ministère

25 académies: geographical zones

Primary
schools

Middle
school and
High
schools

Universities

- Teacher's recruitment
 - *Les concours*

France and religion

- Christianity
- Religious wars
- Corrupted / Privileged Clergy
- Christian traditions
- Revolution
- Napoleon
- Third Republic
 - And colonization
- The French State





Clovis – (5th)



Louis XIV - 1685



concordat

Middle-Ages

Renaissance

17th + 18th

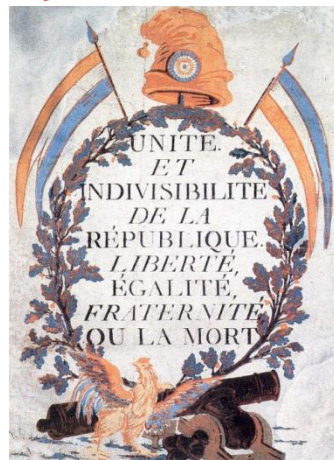
French
revolution

Napoleon +
Restoration

Third
Republic



Henri IV - 1572



1791



Ferry Laws - 1882

Secularization – The French Revolution

- Privileges of the Nobles and the Clergy
- Impossibility of upward mobility
- Economic exploitation
- Philosophers and Politicians: The Enlightenment
 - Liberties
 - Social contract
 - Checks and Balances
- End of the Monarchy and of the Church as a ruling entity.

De-Christianization

- The cult of Reason
- Confiscation of churches and land
- Trying to change traditions



The Declaration of the Rights of Man and of the Citizen - 1789

- **Art. 4. -**

- *La liberté consiste à pouvoir faire tout ce qui ne nuit pas à autrui : ainsi, l'exercice des droits naturels de chaque homme n'a de bornes que celles qui assurent aux autres Membres de la Société la jouissance de ces mêmes droits*
- Liberty consists in **being able to do anything that does not harm others**: thus, exercising the natural rights of every man has no bounds other than those that ensure to **other members of society the enjoyment of these same rights**. These bounds may be determined only by the Law.

The Declaration of the Rights of Man and of the Citizen - 1789

- **Art. 10. –**

- *Nul ne doit être inquiété pour ses opinions, même religieuses, pourvu que leur manifestation ne trouble pas l'ordre public établi par la Loi.*
- No one may be disturbed on account of his opinions, even religious ones, as long as the manifestation of such opinions does not interfere with the established Law and Order.

Universalism

- The Natural Law
- Vs. particularisms



“To speak of French universalism is and is not an oxymoron: it is to the extent that **universalism is defined as the opposite of particularism**, ethnic, religious, national, or otherwise. It is not to the extent that French national discourse has for centuries claimed that France is the capital of universalism and, though often challenged, that claim has remained largely secure.”

(Naomi Schor – 2001)

1795 – first separation of Church and State

- French Revolution vs. Catholic religion.
- French Revolution turns itself into a religion (the revolutionary cults of 1793, accompanied by politico-religious persecution).
- Separation of Church and State (1795):
 - **Article 354.** – No one can be prevented from following -within the limitations of the Law- the cult they chose. No one can be forced to finance a cult. **The Republic does not support any.**

 The Revolution proclaimed secular principles but did not succeed in applying them

The Third Republic and the Ferry Law (1870-1940)

- The French Empire
 - Colonization
 - Algeria – 1830
 - Civilizing Mission
- The teacher as priest :
 - “Les hussards noirs de la Republique”
 - Conversion to French principles



The Ferry Laws - 1882

- School is free
 - Schooling is financed by the State through taxes
- Instruction is compulsory
 - For both sexes
 - Until 13 years of age
- Schooling in public schools is secular
 - No religious instruction
 - Teachers are representative of the State > civil servants

Reading laïcité today



- A right-wing reading of laïcité:
 - Tend to secularize people rather than the state.
 - More lenient towards Catholicism than towards Islam
 - Myth of a conflict free France before Muslim immigration
 - Links the destruction of laïcité to immigration -> anti-immigration discourse
- Sarkozy's party and the new propositions of laïcité (2011)
 - Sarkozy's discussion of a "France turned towards its catholic roots"
 - Very limited understanding of laïcité

Reading laïcité today

- A left-wing reading of laïcité
 - Hard to find in France today, except amongst scholars
 - The State has to be secular, not its citizens.
 - Separate the Law from religious morality (euthanasia)
- The state should not treat its citizens differently based on their religion



Behind the veil



- Question of women's rights
 - Ni putes, ni soumises (neither whores, nor submissive)
 - Inferiorization of women?
- Veil in Algeria
 - Colonial interpretation



And the Niqab, and the Burqa?

- The burqa: should it be considered separately?
 - What about the burqa in schools?
 - And in public places?



- **Facts & law**

- 1st European country > 04/11/2011
- Illegal in France to cover one's face in public
- Could be subjected to investigation
- 25,000 € / jail for people forcing
- Est. 2,000 women (65 M)



The ban on the burqa

- Feminist and human rights arguments
 - Symbolize women's submission and segregation?
 - Not a free choice? Social /cultural pressure?
 - Against the dignity of a person?
- “*Laïcité*” arguments (1905 Church/State)
 - Mark of Muslim culture in secular space?
 - Behave like all other civil servants, no religion showing?
- “Security” argument
 - Not being able to identify people?
- “Disrespectful” argument
 - Undermines basic standards required for living in a shared society?

