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1-12-04: News Abroad

King Chirac: Off with Their Scarves!

By Wayne te Brake

Wayne te Brake, Professor of History at Purchase College, SUNY, is director of a research project funded by the Ford Foundation on the hidden history of European pluralism.

French President Jacques Chirac's recent call for legislation forbidding the tokens of religious affiliation – headscarves, skullcaps and "large" crosses – in French public schools is pregnant with historical and political irony, not least of which is the political clout it implicitly gives to teenage Muslim women. Unfortunately, it also distorts the history of pluralism and religious freedom in the West.

In a passionate, nationally televised address on December 17, in which he recalled the centuries of history that have identified France with individual liberty and human rights, President Chirac described fidelity to the principle of *laïcité* (a peculiarly French version of the more generally familiar principle of the separation of church and state), as "the cornerstone of the Republic, the cluster of our common values of respect, of tolerance, of dialogue." At this moment in time, "when grand ideologies are collapsing, [and] obscurantism and fanaticism are gaining ground in the world," he argued, separatism, particularism, and discrimination are threatening these core values of the French nation.

In defense of *laïcité*, then, President Chirac called for a ban on "dress and insignia which ostentatiously demonstrate religious adherence" in all public schools. Though Chirac included Jewish yarmulkes and large Christian crosses in his proposed legislation, it is clear from both his speech and the commentary it evoked that Muslim headscarves are the crux of the "problem" that the legislation seeks to address. This "problem" has roiled educational politics across Europe . Recently, for example, the German states of Bavaria and Baden-Württemberg have introduced legislation to ban Muslim teachers from wearing head scarves in public schools. Meanwhile, the European Court for Human Rights is weighing an appeal of Turkey 's ban on wearing Muslim veils in its public universities.

The impulse to ban the wearing of headscarves in public schools – the domain where the modern state claims the cultural authority to define "good citizenship" – appears to be grounded in two contradictory assumptions: that the headscarf is a symbol of the oppression of women in Islam; and that wearing a headscarf to school is as much a political challenge to what the modern state defines as core values as it is a religious expression. The first grows out of a new form of politically correct, but factually incorrect, bigotry that regards Islam as a "backward" religion, which universally oppresses women much like the Taliban did in Afghanistan; by this logic, to ban the headscarf is to defend the rights of women! The second assumption, which has considerably more validity, ironically validates young Muslim women as politically consequential actors who know precisely how to call into question the supposed "secular neutrality" of the modern state.

The way in which President Chirac's proposed legislation unintentionally empowers young Muslim women recalls the history of French religious oppression as much as it does the history of French liberty. Indeed, in the sixteenth century, when evangelical Christians, who eventually came to be known as Huguenots, wanted to challenge the hegemony of the Gallican (French Catholic) Church they would march through the streets singing Psalms. Like Muslim women wearing headscarves, the distinctively Protestant practice of singing ancient Jewish songs of praise was, on the face of it, a token of religious piety, but in the charged atmosphere of the sixteenth century when the monarchy regarded public challenges to the "core values" of the French Church as seditious, the French state moved to criminalize such obviously defiant acts of piety. (For the record, my Protestant forebears acted similarly where they came to power, typically destroying Catholic icons and crucifixes and prohibiting religious processions and pilgrimages.)

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As it happened, criminalizing apparently pious religious symbols and actions served as clearly to radicalize and embolden religious challengers in early modern Europe as it did to protect the religious values and practices that established governments defined as essential to national unity and cultural purity. Likewise, we can reasonably expect that current attempts to prohibit or even criminalize the obvious tokens of pious religious practice by which Muslims seek to mark their distinctiveness in modern “secular” society are unlikely to have their desired effect, not just in France but more generally in the democratic West.

More urgently, however, the authoritarian urge to regulate religious expression in the public domain threatens the hard-won victories of those religious dissidents in early modern Europe – Catholics in Protestant states as much as Protestants in Catholic states. In France , during the bitter and destructive religious wars of the sixteenth century, the Huguenots' underground churches won official recognition and became publicly visible, and in the Edict of Nantes (1598), they even won the protection of the French crown. When that Edict was subsequently revoked by Louis XIV (1685), many Huguenots fled France , but others recreated their underground existence in what they called the “Desert.” After another century of hardship they again won official recognition and the freedom of religious conscience in the form of a begrudging Edict of Toleration, promulgated on the eve of the French Revolution.

Like the Catholic majority in Ireland and a variety of Protestant and Catholic minorities elsewhere, the French Huguenots' perseverance and survival under adversity laid the foundations of modern religious pluralism and established a plausible historical claim to the right of religious freedom. That this precious right was subsequently incorporated into the Declaration of the Rights of Man and the Citizen during the French Revolution should not obscure its origins in the long and difficult struggles of religious dissidents. What's more, the secular, philosophical foundation of religious freedom, provided by the Declaration, also proved to be fragile when the revolutionaries abolished all historical forms of religion in favor of their own creation.

To defend freedom of religion in the strictly secular terms of *laïcité* is ironic, to say the least. But it is also possibly dangerous to the extent that a strict version of *laïcité* requires religious differences to be publicly invisible. Visibility and recognition are precisely what dissenters – i.e., people of faith outside the putative cultural mainstream – seek most sincerely when they sing Psalms and wear scarves in public; the right of public expression of religious differences is what they fought for and won long before a more abstract freedom of religion was incorporated as Article 18 in the Universal Declaration of Human Rights (1948).

As a necessary expedient in times of adversity, the religious equivalent of a “Don't ask, don't tell” policy may be acceptable for the embattled religious outsiders, but in a vital democracy, it just won't do. Indeed, to prohibit Muslim women from wearing headscarves in the name of protecting both freedom of religion and women's rights, as President Chirac is proposing, is to claim the authoritarian necessity of destroying rights in order to save them. An autocratic monarch could not have said it better.