

Under the Islamic Veil

In France, a painful struggle to maintain a secular republic

by Michele Tribalat

It's difficult for a foreigner to understand the passions aroused in France by the "Affair of the Veil," when other European countries and the United States admit students wearing religious headgear in their schools without any incident. My foreign colleagues are often alarmed by what they call our "intolerance." This French "exceptionalism" can't be grasped without a look at the unique history of this country, a history that itself has frightened Europe.

Yes, we have had religious wars, in the course of which our neighbors offered refuge to Protestants fleeing institutional intolerance. But, more generally, French history is marked by a quasi-permanent wrestling match between political power and the papacy – and this even before the French Revolution, when the clergy lost its privileges and recalcitrant priests were deported and threatened with hanging if they dared to return! When it comes to religion, France has never been subtle. Napoleon's Concordat humiliated the Church, but it regained influence during the restoration of the Bourbon monarchy. This alliance, however, revived the struggle with the Church and at the end of the nineteenth century, the Third Republic (1870 - 1946) gave it a *coup de grace* in a series of laws that secularized the hospitals, the cemeteries and the schools. Religious orders not authorized by the state lost their teaching privileges and were dissolved – starting out with the Jesuits.

Early in the twentieth century, in 1901 and 1905, other

laws of a clearly anti-clerical character were enacted. The laws of 1901, governing organizations of public utility, were aimed at the religious orders, which henceforth had to get permission to continue their existence. Let us recall the ignoble conditions under which the Chartreux, a religious order operating in France for 800 years, was expelled when the State refused such permission – 43 members of the order were forced out, escorted by an infantry battalion, two

"The objective of the 1905 laws was nothing more nor less than the collapse of the Church's hierarchical structure..."

squadrons of dragoons, 50 mounted police and elite military guards.

The objective of the 1905 laws was nothing more nor less than the collapse of the Church's hierarchical structure, something the pope understood very well and refused to accept. It wasn't until 1923 that an agreement was reached whereby the State consented to recognize the Catholic dioceses as associations conforming to the laws of 1905.

The Church's retreat from civil affairs came at the price of much pain. The schools, which had been its domain but from which it had been excluded, turned against the Church once they were secularized. Peace finally emerged from this painful process, and positions softened some, but only because the Church had been beaten by a knock-out. In this ancient country steeped in Catholic traditions, the French people ended up complying with the rules of secularism. They were conditioned to be discrete in matters of religion, especially in the schools

Michele Tribalat was a member of the High Council on Integration which is an advisory body to the Prime Minister of France. Madame Tribalat resigned from that body in December 2000 in disagreement over its failure to address the real issues in its report on "Islam in the Republic."

Contact her at tribalat@ined.fr.

which were practically emptied of all religious expression. This is a noteworthy difference from our neighbors. When Islam intruded into the schools, it had no “competition.”

In 1989, when the first head scarf challenges started, the French people showed no hesitation about what should be done, nor did they have any doubt about the meaning of secularism: 83 percent were hostile to the wearing of the Islamic veil, and 70 percent agreed that secularism forbids any open display of one’s religious convictions in class.¹ Only the political establishment vacillated. The parties, associations, fraternal orders, unions, etc. disagreed on the issue; the same divisions are with us today as a law forbidding all visible religious symbols in the schools is once again under consideration. Both on the left and on the right, we find defenders of and opponents to this idea, much the same alignment we observed during prior crisis in 1989 and 1994. The defenders of the *status quo* are motivated by fears of stigmatization and of racist overtones, they have faith in the near-miraculous virtues of the public schools, they invoke individual rights and the notion that judicial powers (poorly understood, even by politicians) are enough. On the other hand, legislative action is perceived as justified in view of the ongoing and growing religious demands on the schools (Ramadan, prayers, etc.), the need to protect students who don’t want to don the scarf, or who want to practice a more moderate Islam or not practice it at all, as well as the deteriorating relations between the sexes which push some girls to wear the scarf for the sake of peace, and the obvious confusion of teachers and administrators in the schools.

The passion aroused in French society by the head scarf can also be explained by the calamitous mismanagement of the issue by the socialist government in 1989, when the subject first surfaced. To avoid being in the line of fire, Lionel Jospin, then Minister of Education,² passed it on to the *Conseil d’État*,³ requesting its opinion on the wearing of religious symbols in school. The question itself was not neutral, as it treated the Islamic scarf as a religious symbol like any other. The opinion of the *Conseil d’État*, which elaborated a novel conception of secularism contrary to French tradition, and the shameful support lent to it by the political class, ignited a powder keg. The French people felt it had been betrayed. The meaning of secularism had been twisted in order to permit religious expressions that had formerly

been prohibited and which would benefit only Islam, as all other religious impulses had been eradicated. The French nation fails to understand why it was necessary to sacrifice so much when it came to the Church – and why so little is asked of Islam today.

“The passion aroused in French society by the head scarf can also be explained by the mismanagement of the issue by the socialist government in 1989...”

The sense of betrayal is sharpened by the politicians’ flight from responsibility by referring the issue to the courts. Here are the words of the government solicitor on the “Kherouaa” case in 1992:

With regard to secularism in the schools, it seems to us that the opinion comes down to a reversal of the too rigorous approach advocated by some of its most ardent supporters. Secularism no longer appears to be a principle that justifies the prohibition of all religious manifestations. Schooling is secular not because it prohibits the expression of different faiths but, on the contrary, because it tolerates them all. This reversed perspective, which affirms the principle of liberty and makes prohibition the exception, seems to us particularly important. [Emphasis added]

It is precisely this reversal of perspective, decided by judges, on a principle of constitutional relevance, that is indigestible. •

NOTES

1. *Le Nouvel Observateur*, 23 November 1989.
2. Later Prime Minister, 1996 - 2002; Presidential Candidate, 2002.
3. High administrative tribunal, advisory to the State.