

FRANCE AND TURKEY: BETWEEN DEMOCRACY AND SECULARISM

In France, even though debates about Islam sometimes risk bordering racism, religious minorities are aware that secularism remains their best protection. In Turkey, the choice of secularism cannot simply be summed up as a confrontation between authoritarian secularists bullying democracy and Islamists using democracy to undermine secularism. If the recent allowing of the headscarf to be worn by Turkish university students, civil servants, and members of parliament is part of a trend towards a general reversal of secularism, driven by a political movement that is turning religious tenets into political norms, the results could be worrisome. Under such “democratization”, not only secularism but democracy itself becomes threatened.

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Recently, Turkey has allowed female students to wear the Islamic headscarf within university compounds, while France has rejected a suggestion to prohibit headscarves in universities. We are witnessing a cross-evolution of the concept of secularism in different democratic contexts.

In France, the issue of banning headscarves in universities was debated intensely in August 2013 because of the latest High Council for Integration report, addressing secularism and recommending a ban of religious symbols, including the headscarf, in universities. While secularism is viewed as one of the core values making it possible to live together with a vast majority of the citizens of France, the suggestion to ban ostentatious religious symbols was, for the most part, not received with enthusiasm.

Many left-wing politicians in France considered it inappropriate to reopen such a debate and adopt yet another binding rule in the name of secularism. However, the left in France is not a homogeneous group when it comes to the secularism issue; it is split, rather, between two trends. On one side the so-called “multiculturalist” left treads cautiously regarding these questions, in fear of inciting racist behavior against French Muslims. The other side, which came to a consensus on holding back on legislation restricting the headscarf in universities, is the so-called “Republican Left”, whose militants are known for being both firmly anti-racist and firmly secular. Many of these activists supported –and continue to support– the 2004 law prohibiting religious symbols in public schools until university. The simple reason for the wide support of such prohibition in public schools under the university level is the belief in a subtle balance between democracy and secularism, drawing the line between a zone of coercion and regulation and a zone for greater freedom – and that such a line is drawn precisely between high school and university.

While public school is a venue for conscience-building for young students on their way to becoming future citizens, universities are training grounds for knowledge offered to –already– adult citizens, in which political or religious beliefs are expressed more freely, provided this does not entail violation of common rules or extend privileges that are not accessible to non-religious students. All this is in the name of the famous equality principle that is so important in France and which played a major role in the voting on the law on religious identity markers in public schools in 2004, and which critics labeled as “discriminating”.

The debate on wearing the headscarf in classrooms has been going on in France since 1989. At that time, the case was about parents of young Turkish immigrant girls, notably under the influence of an organization close to the Muslim Brotherhood,

who refused to remove their daughters' headscarves in school. At that time, Socialist Prime Minister Lionel Jospin did not want to take an executive stand or legislative procedure. Rather, he left it to the teachers themselves to decide on a case-by-case basis.

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Nearly 15 years later, after two wars in Iraq and with the rise of organizations affiliated with the Muslim Brotherhood in the MENA region, the number of problematic headscarf cases had risen sharply in France to the point of destabilizing some schools, which were faced not only with the headscarf issue, but also with requests not to attend physical education classes and challenges to academic content in fields such as biology and history, e.g. World War II content related to deportation and extermination of six million Jews.

Confused and exhausted from constantly having to find a compromise with their students, teachers requested a clear rule. In 2003, conservative then-President Jacques Chirac set up a consultative committee led by a man known for his anti-racist and Republican beliefs: Bernard Stasi.

At the start, a vast majority of committee members were fiercely opposed to the idea of a law regulating these issues. However, testimonies of teachers and students persuaded them, leading them to reach a consensus on the necessity of sending a signal to protect public schools from religious pressures. In this instance, it was indeed the principle of equality that prevailed in the decision to legislate.

The headscarf issue monopolized the debate because the question goes beyond a simple religious symbol. It concerns a sign marking the difference between men and women, at a time when many political movements use it to promote a sexist ideology. Strong support for a legal solution came from a number of French citizens of Algerian origin, some of them having fled extremist threats from movements such as the *Front Islamique du Salut* (Islamic Salvation Front), and who still carry vivid memories of armed Islamic groups determined to execute any girl who goes to school with her head uncovered. Those are the fiercest defenders of secularism in France.

The Stasi Commission members were also moved by the testimony of two students of North African origin who did not wish to wear the headscarf. They were terrified

at the idea that they would be allowed to wear it at school and would therefore be deprived of the excuse not to wear it. They had to testify off the record in fear of reprisals from boys in their neighborhood.

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Those who wish for their children to wear headscarves at any cost, can send their children to private schools. This is in fact what happened in some cases once the law was enacted. But the vast majority of students agreed to remove their headscarves during classes. The schools wanted to promote precisely this kind of conceptual flexibility when dealing with identity, thereby eliminating the obligation for female students

imitating their parents or succumbing to neighborhood pressure, allowing them to wear the headscarf while also providing them time and space to mature, to make a conscious choice. Conversely, once a citizen reaches the age of legal adulthood, her choice of wearing the headscarf must be respected in the name of democracy.

In France, if a woman is a victim of discrimination because she wears a headscarf, she may file a complaint on the basis of anti-racism laws. A hotel owner who required his customers to remove their headscarves in the hotel’s public areas, and a driving school refusing to give driving lessons to a veiled woman have both been sanctioned on the basis of such laws. The driving instructor’s argument that the veiled woman could not see properly was rejected because, in this instance, the plaintiff was wearing a simple headscarf, not a full veil or *niqab*. It should be noted, however, that the *niqab* is forbidden in public – although not on the grounds of secularism but on the basis of “public order”, in the same way walking around naked is, and on the grounds of security to prevent the hiding of one’s face in public. The simple headscarf is allowed in public, except for public servants or members of parliament, who need to appear neutral on the basis of the secular state.

Why parliament? Far more than public schools, the legislative body is a venue carrying a powerful symbol in which each member represents not herself but her constituents, whether or not they voted for her. In this forum, wearing a distinctive religious sign that marks the difference between men and women results in partial reduction of the universal function of a deputy. It should be noted that Canada currently debates this issue, where Quebec’s secular approach –closer to that of France– confronts a more Anglo-Saxon, “open secularism” vision.

The approaches of the U.S., UK, and Canada tend to give priority to religious freedom even at the cost of extending special privileges to certain religious communities, and to introduce exceptions to generally applicable laws. In the UK, in the name of freedom of conscience, Sikhs were granted the right to drive a motorbike without a helmet, and Sikh children were allowed to enter schools carrying their traditional small ritual knives. No one else is allowed to drive without a helmet or to enter schools armed.

Such exceptions in the name of culture or religion are sometimes called “reasonable accommodations”, but they seriously challenge the principle of equality among citizens. In Canada, an incident involving a pious Jewish patient who was allowed to cut a very long queue for emergency service so that he could receive service in time to return home before the Sabbath, triggered controversy. Because the doctors agreed to give the man preferential treatment, the other patients waiting for treatment were angered. This incident illustrates that accommodation of exceptions to the general rule may generate tension among citizens, and may even backfire against those society intended to help in the first place.

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Quebec currently seeks to adopt a “chart of values” reaffirming the principle of secularism in order to regulate the wearing of headscarves in certain circumstances, such as representing the state and public service. Some French observers committed to the principle of secularism point out that this initiative will make sense the day the crucifix hanging in the Quebec Parliament is also removed.

In France, even though debates about Islam are sometimes tense because of racism, most people belonging to religious minorities are aware that secularism remains their best protection. A non-secular country would always favor its majority religion, and eventually make believers of other religions feel as though they had been downgraded to secondary status. No theocratic country treats its religious minorities properly. Suffice it to observe the fate reserved to Christians and the non-Sunni in Pakistan, accused of blasphemy and imprisoned if they publicly state their beliefs, which are considered harmful according to a certain vision of the majority religion. In a secular country, on the contrary, no faith is above any other, at least in the eyes

of the law. Unfortunately, this does not stop the persistence of xenophobic and racist movements that reject minorities.

The extreme-right French National Movement (*Front National*) even uses secularism to cultivate the rejection of Muslims. The movement aims at banning the simple headscarf not only in schools, but from the street altogether, on the basis of a coercive and undemocratic vision of secularism. Secular democrats in favor of banning the headscarf in public schools, but not in the street, are those who stand against the far-right movement on this issue.

In Turkey, too, the choice cannot simply be summed up by a confrontation between authoritarian secularists bullying democracy and Islamists using democracy to undermine secularism. Enabling headscarves to be worn in universities should not be worrisome if permitted in the context of an ultimate fine-tuning of the balance between secularism and democracy. However, if this decision to reverse the ban is part of a trend towards a general reversal of secularism, driven by a political movement that is turning religious tenets into political norms, the results could be worrisome. Under such “democratization”, not only secularism but democracy itself becomes threatened.