

The Law on the Headscarf

France's 2004 law, known popularly as the 'law on the headscarf', reveals the difficulty of respecting conflicting ideas between diverse communities, especially when one community, in this case the Muslims of France, is a minority. According to this law, female students are banned from wearing headscarves (also referred to as the "hijab") as well as all other overtly religious symbols in public schools. France bans women from wearing the hijab in public schools at least in part because many feminists and lawmakers argue that veiling women serves as an oppressing force, a force that silences women. Alia Al-Saji states in her article "The Racialization of Muslim Veils: A Philosophical Analysis" many feminists see the headscarf "As a symbol of Islamic gender oppression that ...should be banned from public schools, a space where gender equality is presumed (or desired)." Supporters of the law believe it fights gender oppression and gives equality to women in the school system.

In response to France's 2004 law, 'law of the headscarf', Alia Al-Saji, a scholar in feminist theory, argues that the veil itself is not the oppressing force; rather it is Western discourse of the veil that oppresses women. As a result of Western discourse, Al-Saji believes, gender oppression is projected upon the veil and Islamic women are subject to "racialization." She defines "racialization" according to Frantz Fanon and feminist theory as, "Cultural racism that hides itself under the guise of anti-sexist and even feminist liberatory discourse."¹ Furthermore, she asserts that the spiritual meaning of the hijab is lost through the representation of veiled Islamic women. I agree with Al-Saji's argument that it is Western discourse that oppresses Islamic women. France's law restricting school girls' right to choose whether or not to wear the veil is a result of the type of Western discourse Al-Saji criticizes.

Predating France's 2004 'law on the headscarf', Nancy Hirshmann a scholar in feminist theory--, wrote the article "Western Feminism, Eastern Veiling and the Question

¹ Al-Saji, Alia. "The Racialization of Muslim Veils: A Philosophical Analysis." *Philosophy Social Criticism*. 2010, 36: 877.

of Free Agency”. Arguing that the veil itself does not oppress women, but western views and values projected on to veiled women do, Hirshmann introduces her article by stating that the culture of Islam has veiled women for the majority of its past. It is a religious and spiritual tradition that is now being questioned by Western society as a demeaning control by men. Although Islamic women have also made this argument, Hirshmann argues that Western discourses have categorized Islamic women into a collective group of people being degraded and oppressed by veiling in any form. According to Hirshmann, “Through the modern era, the West has tended to view Islam as a barbaric source of women’s inequality, and the veil has been seen as the ultimate symbol, if not tool, of this inequality.”² Hirshmann agrees with Al-Sajia, that the framers of the French law, believe that “The veiled woman is ...oppressed and immobilized by her veil”, and needs “to be ‘saved’”³ The veil is seen as an oppressing force of Islam, although in reality it is simply a neutral, piece of cloth.

The opinions of Islamic women vary in their decision whether or not to wear the veil. Some women have a deep spiritual and religious connection to the veil and firmly disagree with the view of it as a sign of oppression. Many Muslim women feel uncomfortable without wearing it because the hijab is deeply-rooted in their personal values and religious tradition. Some feminists, both Muslim and non-Muslim, defend the veil as a mark of agency, cultural membership, and defiance. Tayyab Bashart, a feminist scholar and Muslim who teaches in France, explains her beliefs, “A woman in Hijab, who is a functioning member of society, symbolizes an empowered, independent woman, rather than someone who lacks self-determination and is a puppet of society”⁴ Many women that choose not to wear the veil themselves perceive it as something that should

² Hirshmann, Nancy J.. "Western Feminism, Eastern Veiling, and the Question of Free Agency." *Consellations* 5, no. 3 (1998): 345.

³ Al-Saji, Alia. "The Racialization of Muslim Veils: A Philosophical Analysis." *Philosophy Social Criticism*. 2010, 36: 892.
<http://psc.sagepub.com/content/36/8/875>

⁴ Tayyab, Basharat. "Hijab as an Instrument of Taking Women off the Sex Economy." *Guidance and Counseling* 21, no. 4 (2006): 201-209.
<http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=28635121&site=ehost-live> (accessed October 7, 2010).

be optional, The 2004 law does not ban the headscarf outside of public schools , but most supporters of it would see a general ban as ideal. Muslim women see bans on the veil as creating or perpetuating stereotypes that are becoming harder to fight. As stated by Hirshmann, “Western society tends to oversimplify these cultural stereotypes without looking into the women whom they think are being degraded.”⁵ There is so much propaganda surrounding the issue that the headscarf has become something other than the sign of spirituality it was originally intended to be.

Both Alia Al-Saji and Nancy Hirshmann explain in their articles, that it is western society’s discourse on the veil that oppresses women, but the veil in actuality it a symbol of spirituality in the lives of many Islamic women. **Yet some readers may challenge this view by asking, is it necessarily true that it is solely western discourse that oppresses Islamic women?** Anna King, the author of the article *Islam, Women, and Violence* states, “Dress codes for women are more onerous although the interpretation of the veil is controversial.”⁶ Approximately 60% of Islamic women, worldwide wear the veil, a practice that usually begins at puberty.⁷ She asks, is it the truth that the veil is imposed upon young women and the choice is never really their own,? Many feminists, both Western and Islamic argue that the Hijab is a symbol of gender oppression and the Islamic veiling of women is an oppressive practice. Fadel Amara, an Islamic feminist and a Muslim woman member of French government states, “The burqa is a prison, a straightjacket. It is not religious. It is the insignia of a totalitarian Political project for sexual inequality.”⁸

Although it is true that many women do choose to wear the Hijab, it is not the case for all women. In many Middle Eastern and North African countries women are forced. Many women are persecuted and abused for noncompliance with the Hijab. This

⁵ Hirshmann, “Western Feminism, Eastern Veiling, and a Question of Free Agency, ” 350.

⁶ King, Anna. "Islam, Women and Terrorism." *Feminist Theory* 17 (2009): 310. Mustapha, Nadira. “Modesty Discourses.” (i) Encyclopedia of Women and Islamic Cultures. General Editor Suad Joseph. Brill, 2010. Brill Online. University of Colorado Boulder. 07October 2010 <<http://www.brillonline.nl/sub>

⁷ King, “Islam, Women and Terrorism,” 299.

⁸ Ibid., 299.

was recently demonstrated in Pakistan, where an extremist killed a women's activist and government minister, because she refused to wear the Hijab.⁹ King states, "From Afghanistan to Algeria to Sudan, Pakistan and Iran- women are systematically brutalized and caught in a deadly crossfire between the secular and fundamentalist forces."¹⁰ Some Islamic feminists argue that although the statement in the Quran about women covering themselves was not meant to oppress women, the interpretation of those verses by Islamic societies does in fact oppress women.

Although it can be argued that the hijab is a symbol of the oppression that occurs against women in Islam, many Islamic women don't agree. It is true that under some Islamist rule, specifically in some North African countries, Afghanistan, Iran, and Saudi Arabia women are oppressed and forced to wear the hijab, but in an international context, this is the exception to the rule regarding women's practices of wearing the veil¹¹. Salma Yaqoob, a Muslim woman who chooses to wear the Hijab explains the veil is not only an oppressing force in Islamic countries that require the veil, but also in Western countries that ban the veil. Yaqoob adamantly contends that by infringing laws that restricts women's choice on whether or not to wear the veil, they are also being oppressed. "I am opposed to the Saudi and Iranian governments' imposition of the veil and that of the Taliban previously. But this is also why I oppose the ban on wearing the hijab. In both cases the woman herself is no longer free to make a choice. In both cases her dignity is violated."¹². Yaqoob explains that more women are currently banned from wearing the hijab, than are required to wear it. Hirshmann addresses the negative consequences of the Western feminist's attempt to unveil women. She writes, "Western attempts to "liberate" women by removing the veil simply reinscribed women's bodies as symbols of culture rather than as individual agents, it replaces one form of social control

⁹ Ibid., 300.

¹⁰ Ibid., 322.

¹¹ Ibid., 300.

¹² Yaqoob, Salma . "Hijab: A woman's Right To Choose." Speech, European Social Forum from National Assembly Against Racism, London, September 16, 2004.

with another.”¹³ Western discourse only serves to perpetuate these negative views of why women wear the Hijab. To give one example of this occurring within the context of France’s law banning the headscarf, Al-Saji states, “Even in claims where young women insisted on their choice to wear the headscarf, their claims were interpreted as instances of bad faith that could not allow for genuine freedom of agency to be expressed.”¹⁴

A main reason women choose to wear the hijab, is as expression of spirituality. Bashart states, “...Muslim women carry with them their sacred private space into the public space by use of the Hijab.”¹⁵ In this view of the hijab, the veil is not simply an article of clothing; or a symbol of oppression it is a tool of spirituality for women. Another reason women choose to wear the hijab is that they find that the Hijab serves as an empowering factor. Yaqoob states her personal reasons why she wears the veil, “For me, the wearing of the hijab denotes that as a woman I expect to be treated as an equal in terms of my intellect and personality and my appearance is relevant only to the degree that I want it to be, when I want it to be.”¹⁶ It can be argued that rather than oppressing, the Hijab is liberating. The oppressing force behind the veil is when members of the authority— both Islamic and Western alike—take away a woman’s right to choose. The veil itself is just a piece of cloth. We interpret it according to social/religious constructions. Through the Western discourses and banning of the hijab in public schools, the Muslim school girls of France lose their freedom to express their spirituality. This view on the veil serves to continue disable and oppress women, by terminating their freedom of spiritual expression.

France’s 2004 law on the headscarf disables Islamic females from wearing the veil in places of education. The desired effect of the 2004 law is to fight gender oppression and inequality in the public school system, but as a residual effect, it actually diminishes women’s freedoms rather than enhancing them. The ‘law on the headscarf’ supports the oppressing Western discourses about veiled women and attempts to Westernize French Muslim schoolgirls.

¹³ Hirshmann, “Western Feminism, Eastern Veiling, and a Question of Free Agency,” 350.

¹⁴ Al-Saji, “The Racialization of Muslim Veils: A Philosophical Analysis,” 880

¹⁵ Basharat. “Hijab as an Instrument of Taking Women off the Sex Economy.”

¹⁶ Yaqoob. “Hijab: A woman's Right To Choose.”

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