I spent a year living with an Egyptian family in Cairo. I studied Arabic with the eldest

daughter and, in the course of our conversations, I learned a great deal about Islamic culture and

values. One conversation alerted me to the importance differing values can play in cultural

misunderstandings and conflict. Ghada, my teacher, and I were debating the existence of

freedoms in Egypt. Egyptians, I claimed, had few freedoms. Ghada insisted that they did. I

disagreed. Ghada was firm: they *did*. It was not until I gave an example of the freedoms to

which I referred—freedom to, for example, convert from Islam to Christianity—that Ghada's

face registered understanding. "That?" she cried, relieved she could resolve our debate. "We

don't even *want* that. Why would we want that freedom if we know that God wants us to be

Muslim?"

Just as values were at the heart of my misunderstanding with Ghada, they are also at the

core of the on-going conflict between the French State and the Muslim diaspora in France. In

this paper I ask the following questions: What are the values of the French State and French

Muslims and in what way have these potentially conflicting values contributed to the dispute

over the prohibition of the hijab and the niqab in France? Can these values be transformed to

achieve a positive peace on this issue?

The first half of this paper is a history of the conflict, the parties, and the context of the

conflict. The second half explores the values of the State and Muslims, the nature of the

conflict's escalation, and what actions are needed to deescalate and transform the conflict.

Throughout the entire paper, I aim to demonstrate the relevance of values in all aspects of the

conflict.

A note about terms: I use the term "the State" or "the French State" to refer primarily to the government of France. I use the term "Muslims" to refer, at times, to female wearers of head coverings and, at other times, to those who support, either voluntarily or involuntarily, Islamic head coverings *in France*. I use the Arabic terms *hijab* (headscarf) and *niqab* (full face covering with holes for the eyes) somewhat interchangeably when the context allows. I omit italics for these terms hereafter for convenience.

Conflict History

The conflict I address in this paper is specific—that between French Muslims (in general) and the French State over the matter of the hijab and the niqab. On the surface, the conflict manifests itself in the prohibition of—and resistance against the prohibition—of, since 2004, the hijab in schools and by civil servants in their professional capacity and, more recently, the niqab by any individual in public.

The question of the hijab and, later, the niqab, came to the attention of the State when, in 1989, three French Muslim schoolgirls in northern France broke their public school's dress code one autumn day by refusing to remove the hijab and were expelled (Wiles 2007, 701). This was not the first such incident in France but the previous occasional cases had been privately resolved at the local level (Killian 2003, 567). The 1989 incident however, initiated a number of similar demonstrations by hijab wearers and quickly received national—and international—attention.

Thus, the so-called *affaire du foulard* (headscarf affair) began a trajectory that has, at least for now, been settled with government bans. French law, passed in 2004, states that "[i]n state primary and secondary schools, the wearing of signs or dress by which pupils overtly manifest a religious affiliation is prohibited" (Wiles 2007, 699). This legislation has since been

applied to teachers and civil servants. Students and teachers who fail to comply will be expelled or dismissed. Incidentally, university students and instructors are excluded from the ban (Huffington Post 2011). Another law, enacted in April 2011, bans the niqab in any public place (Fraser 2011). Offenders are escorted to a police station, asked to remove it for identification, and then imposed a 150 euro maximum fine (Huffington Post 2011). The path of escalation from the high-profile 1989 case and the current bans will be presented later in this paper.

The ban on the hijab has strengthened, for many French Muslims, the notion of a French Muslim group identity (Tibi 2010, 131). More will be said later on this identity and the values associated with it. Understanding the context of the hijab conflict, however, requires an understanding of the history of the French State and French Muslims—however non-cohesive that group may have been in the past. For ease in elucidating the conflict, however, I will refer to them simply as Muslims.

Historically, no official relationship existed between the French State and Muslims. Tibi notes that this non-recognition of group identity has roots in the Renaissance, where European values began to shift from eastern Judeo-Christian values to western Grecian values of civic identity (2010, 129). Other scholars find the roots of the State's secularity in the Revolution. They observe that the Jacobin notion of equality, State-sponsored and imposed, eliminates the need—in the eyes of the State—for group identity politics. This influence is so ingrained that, Wiles notes, all localized group identities are not only unnecessary but "generally considered contrary to the common good" (Wiles 2007, 704). Notably, Allievi suggests that the occurrence of the bicentennial celebration of the French Revolution in 1989 is relevant when looking at the context in which the hijab conflict developed (2003, 338).

State secularity has additional roots in French colonialism. The State adopted a policy of cultural assimilation as a means to control the indigenous populations and perpetuate French culture throughout the world. It is here, in the French colonies in North Africa, that we see the first hijab bans (Wiles 2007, 703-4).

These are the historical roots of the absence of an official structural relationship between the State and Muslims. Today, as in 1989, the State offers no official recognition of Muslims as a group, even restricting participants in the national census to two identity choices—national or foreigner (Wiles 2007, 705, 713).

Muslims do not enjoy official minority status but are undeniably a socioeconomically segregated group. Today—as in 1989—most Muslims live in the outskirts of major cities in high-density housing *banlieues* (suburbs). While the State does not recognize them as a group, they compose the bulk of the marginalized individuals whom the State houses and increasingly sees as a problem (Wiles 2007, 701). The *banlieu* riots of 2005 and 2007 are an outward manifestation of the uneasy, if unofficial, current relationship between the State and Muslims (Tibi 2010, 133).

External context, events, and structures

The hijab conflict is also imbedded within various external events. The collapse of the post-World War II economic boom had, by 1989, heavily impacted Muslims. Many Muslims were unemployed and relegated to the *banlieues*. Their economic and spatial disparity vis-à-vis French non-Muslims was, according to Wiles, an important factor contributing to the movement by hijab wearers in 1989 (Wiles 2007, 703).

The 2008 global recession undoubtedly has played a role in the developing tension between Muslims and the State. Unofficial estimates place unemployment of Muslims at four or five times greater than the national average (Wiles 2007, 702).

Increased activity by Islamic fundamentalist groups—and reprisals by Western militaries—adds depth to the context of the hijab conflict. The September 2001 attacks in the U.S. and the July 2005 London subway bombing, along with various smaller incidents and foiled plots, have generated anti-Muslim feelings in France. The U.S. military campaigns in Afghanistan and Iraq, as well as America's continued and (perceived) unconditional support of the Israeli state, contribute to Muslims' growing grievance primarily with the U.S. and also with the West and, therefore, the French State (Wiles 2007, 729) (Tibi 2010, 131).

The implementation of bans in other countries, as well as movements contesting them, has likely influenced the French debate. Turkey is also a strictly secular state but predominately Muslim. Secularists began movements to restrict the hijab in both the public and private spheres beginning in the 1980s. A 1989 ruling by the Constitutional Court found that the hijab threatened the "unity of the state" and "public order" (Wiles 2007, 709). The European Court of Human Rights (ECHR) upheld the Turkish hijab ban in 2005—just one year after the enactment of the French ban (Wiles 2007, 710).

Internal context, events, and structures

Increased North African immigration has significantly changed the demographics of France; France is home to the largest concentration of Muslims in Europe and Islam is the second-largest religion in France (Fraser 2011) (Wiles 2007, 701). The stress of increased

immigration on the system and the perceived unjust nature of France's immigration policies are undeniably key factors in the developing tensions between the parties.

Communication networks between Muslims and the State do exist and operate freely. At the time of the 2004 ban, then Minister of the Interior established the Muslim Council to facilitate a dialogue on the issue (Wiles 2007, 702). Tibi argues, however, that the Council does not facilitate effective communication; it forces Muslims from diverse backgrounds to conform themselves into a single identity, thereby only increasing the ethnicization of the group and the Muslims the Council is mandated to represent (2010, 129).

Other than with the Council, the State primarily communicates with Muslims via public statements, occasionally inflammatory, and legislation (CBS News 2010) (Faure and Gouge 2003). Muslims communicate with marches and civil disobedience, although the annual number of hijab ban violations is low (Asad 2006, 96). The niqab ban, however, which is still relatively recent, was violated 100 times in the six months after it was established in 2011 (Fraser 2011) (Huffington Post 2011).

A note: "civil disobedience" refers to acts of defiance after the enactment of the 2004 ban. Bowen reminds us that Muslims wearing the hijab prior to the 2004 ban were in full compliance with the law and were only disobeying school rules and, after 1989, a French State Council ruling (Bowen 2010, 192).

Parties

Of the more than twenty million Muslims in Western Europe, an estimated 6.2 million reside in France and are primarily of North African origin (Huffington Post 2011) (Tibi 2010, 143). Muslims are neither unified within France nor with each other under one global

leadership. The Union of Islamic Institutions of France (UIOF), however, is one organization that attempts to communicate with and on behalf of Muslims. Speaking to the press after the implementation of the 2004 hijab ban, a UIOF leader declared that "[a]s long as the law bans the veil, we will respect it, but we will demand that it is changed" (Faure and Gouge 2003).

The State's stated goal in the hijab conflict is to protect the secularity of the State and gender equality (Faure and Gouge 2003). Former president Jacques Chirac proposed the 2004 ban and was a staunch advocate of secularity (Wiles 2007, 703). Former president Nicolas Sarkozy's rhetoric was less strict but, nevertheless, he supported the 2004 ban and the 2011 niqab ban.

As the nature of this conflict has been largely political, it is the State, primarily, that has risen in opposition to Muslims on the issue of the hijab. Teachers, however, have also taken a stance in support of secularity by staging strikes in opposition to the school administrations that have permitted the hijab (Jessel 1999). Public polls report that there is wide popular support for the bans (Fraser 2011), indicating that the secularist principles of the State are also widely shared by French non-Muslims. Notable exceptions are Catholic educational institutions which generally accept expelled Muslims girls into their schools and take the Muslims' position against the State (Allievi 2003, 399).

French Jews and Sikhs are affected by the ban, which prohibits the display of all ostentatious religious symbols. This prevents Jewish boys from wearing the kippah and Sikh boys from wearing the turban (Wiles 2007, 725). These communities—while also not recognized officially by the State but have a strong communal structure and identity—have added their voices to the debate (Wiles 2007).

Although France is the only European country to impose a ban on both the hijab and the

niqab, the French bans have provoked debates over the hijab in The Netherlands, Germany,

Switzerland, and Italy (Huffington Post 2011).   The parties' issues in other European countries

resemble those found in France but the debates vary in intensity and have yielded disparate

results (Allievi 2003, 340-2).

European and international organizations continue to influence the conflict, particularly

through the judicial process. The ECHR decision on the Turkish hijab ban lent strength and

validity to the State's position. Yet the ECHR pointed out that the legitimacy of such a ban is

highly context-specific, a statement that some scholars believe constitutes an argument that the

French State, predominately non-Muslim, is unjustified in treating a minority group in this way

(Wiles 2007, 711). Continued efforts by niqab ban violators to bring attention to the issue

suggest that the ECHR may further influence the conflict in the near future with future rulings

(Faure and Gouge 2003).

The UN Committee on the Elimination of all Forms of Discrimination Against Women

(CEDAW) is also interested in the conflict. CEDAW's position reflects one of the many

contradictions of the debate; CEDAW opposes the ban on the grounds that it restricts access to

education for females who choose or are compelled to wear to hijab (Wiles 2007, 711).

Values

I argue that conflicting values are a fundamental aspect of the hijab conflict. I aim to

determine in what way these values have contributed to the conflict, where, if at all, they overlap,

and how they might be transformed to create a better relationship between the parties. The

State's values can be grouped into three overlapping categories: *laïcité* (secularity), assimilation,

and gender equality. *Laïcité* of church and state in schools was codified by a 1905 amendment to the Constitution. From that point on, no funding, endorsement, or recognition of any religious group has been permitted within the public and civic spheres (Wiles 2007, 701).

A related goal of the State is the assimilation of all immigrants. The State endorses civic, if not cultural, assimilation, in order to ensure equality, promote unity, and deter communalization. The State maintains that citizens can only be equal—in the various public, political, and economic realms—when they are culturally the same. Thus, the State neither officially recognizes religious, ethnic, or other localized groups nor does it encourage French citizens to identify themselves with a group (Wiles 2007, 712-3). Those who do align themselves as members of a minority group are deemed "casualties of the integration process" (Wiles 2007, 703). Furthermore, emphasis on diversity fragments a society. Ethnicization creates borders "not to be crossed and thereby creates conditions for conflict" (Tibi 2010, 129). At all costs, the State wants to avoid Islamization. For the State, the hijab (Wiles 2007, 710) and the niqab (Sciolino 2011) represent Islamic fundamentalism and, as such, justify the ban (Wiles 2007, 729).

The State's assimilation policies have developed, at least in part, through the court system. Bowen cites examples of the State finding numerous Muslims as having a "assimilation defect[s]" and *therefore*, denying them citizenship, the right to marriage under Sharia Law, or the right to annulment of marriage (Bowen 2010, 192).

The State's values regarding females' rights with respect to the hijab stem from the belief, as stated above, that sameness is required for equality. The State maintains that the hijab inhibits girls' opportunities for social development and, thereby, their right to a complete

education. In addition to protecting Muslim females' right to the same type of an educational

experience as their non-Muslim peers, the State believes it is protecting Muslims girls from the

presumed subjugation by male relatives, a practice for which the hijab has now come to represent

in the West (Wiles 2007, 718-722). Wiles observes that by banning the hijab, the State

demonstrates to its citizens and the world its commitment to fight female suppression and

support gender equality (2007, 710).

Muslims' values can be grouped into at least two broad categories: obedience and

communal identity. Islamic scripture and culture place great importance on modesty. The

degree to which Muslim females are compelled to cover in order to confirm with scripture is not

specifically outlined in the Qur'an. Various references in Islamic scripture refer to pious women

veiling themselves and not displaying "their finery except to their husbands" (Wiles 2007, 717).

Yet cultural norms regarding the display of devotion to God and family, via modesty, are strong.

Many Muslims reportedly value the hijab as a constant reminder of their commitment to God.

Of the many women and girls who wear the hijab out of respect to their families, certainly some

percentage, Wiles acknowledges, wear it not as a choice but at the demand of parents or

husbands (Wiles 2007, 717-9).

The desire to identify with a communal group is an important value for Muslims,

particularly for the Muslim diaspora in France. Like Azar, whose work on protracted social

conflicts will be treated in a later section of this paper, Wiles notes the importance of cultural

membership. Cultural identity is, she claims, an inherent part of the human experience and the

chief way in which we find a place for ourselves in the world we inhabit (Wiles 2007, 731).

Many Muslims believe their culture differs distinctly from non-Muslims and seek like-minded,

like-living individuals—through which they gain "security, identity, recognition and others"—to

navigate through their life experiences (Ramsbotham, Woodhouse and Miall 2011, 101). Pro-hijab feminist scholars add that Muslim women may find a greater sense of self in embracing gender differences (Wiles 2007, 722).

Some Muslims adopt a communal identity in order to participate in the *umma*—the global Muslim community (Tibi 2010, 130). Others embrace a Muslim identity in order to make a statement. Muslim women, for example, way wish to disassociate themselves with the Western sexualization of women (Wiles 2007, 722) or "morally decadent" Europeans (Tibi 2010, 143). For others, the value of communal identity may be primarily political. Wiles observes that minority groups often express themselves through symbolic acts better than through verbal discourse, and that violating the bans on head coverings is a new style of political struggle (2007, 721-2).

The State's perception of Muslims' values is largely based on broad stereotypes. In the State's view, Muslims value the hijab 1) as a means of making an anti-French statement and 2) because of a misguided or negative view of the value of females. Regarding the latter, the predominate non-Muslim French opinion regarding the hijab is that women only wear it because they are coerced or are under a "false consciousness" about women's roles and duties to men (Wiles 2007, 730, 719).

Muslims' perception of the State's values is equally broad and only partially accurate. Muslims' cite the fact that the ban—purportedly banning all religious symbols—does not impact Christians in the same way and was, in fact, intended to affect Muslims disproportionally. The ban, in Muslims' view, is anti-Muslim and is a part of a greater scheme to obliterate the Muslim cultural identity (Wiles 2007, 725, 720).

Escalation

The hijab conflict began with a defiant act by school girls in 1989. Today, the hijab is banned from schools and the niqab is prohibited in public. The following summary and analysis of key events and attitudes of the conflict reveals how the parties' values contributed to its escalation.

No policy existed prior to 1989 regarding the wearing of religious symbols in schools. After the 1989 affair the Constitutional Council ruled that "ostentatious and provocative symbols" should not be worn but that individual administrators could make their own judgments (Wiles 2007, 701) (Jessel 1999). An additional report by former president Mitterrand asserted the State's commitment to *laïcité* (Wiles 2007, 702).

From 1989-2004 a small number of girls refused to remove the hijab on school grounds per year and their families contested the expulsions in the court system. Thus, then-Interior Minister Sarkozy established a Muslim Council in 2002 to discuss the problem that continued to irritate the State. Another commission was established in 2003 to make a final decision and determined that the practice of wearing of the hijab in schools is contrary to the French educational system's goals of secularity and gender equality (Wiles 2007, 702-3). The resulting "Veil Law" was passed in 2004 and, while it permits "discreet signs" of faith, it prohibits "ostentatious symbols" (Asad 2006, 95)

Fifty violations of the ban, and expulsions, occurred that very year but dropped off significantly in subsequent years (Wiles 2007, 703). Violations dropped off not out of decreased interest in the issue but, Bowen explains, out of respect for the law (2010, 192). Seven years later, after some public debate, the State passed an additional law prohibiting "covering one's

face in public places"—to include the niqab—as well as outlawing the coercion of anyone to wear it (Fraser 2011).

The escalation of the hijab conflict follows Pruitt and Kim's conflict spiral model of escalation (Pruitt and Kim 2004, 96-8). The State initiated the conflict with immigration and assimilation policies that marginalized Muslims. Muslims, who developed a stronger sense of Islamic identity that included greater attention to the hijab, reacted to the State by demonstrating their perceived right to religious identification in schools. The State punished Muslims' defiance by expelling schoolgirls from the system. Muslims—individually and in small groups—retaliated with increased violations of the Constitutional Council ruling. The State countered with a series of commissions and, ultimately, a law to clarify and codify the State values of *laïcité*, assimilation, and gender equality. Muslims reacted to the ban—and other grievances—with riots in 2005 and 2007. The State, to deter further communalization and Islamization, passed another law banning the niqab. Today, niqab wearers flout the law regularly with the intent to gain a favorable ruling by the ECHR and force the State to rescind the ban.

The above summary demonstrates that as the conflict went from specific (case by case judgments by individual administrators regarding the hijab) to general (a blanket ban on the hijab and, ultimately, the niqab), the parties countered each other with provoking behavior.

Muslims' and the State's values solidified as the two parties polarized. The State established and codified its views on *laïcité* in response to Muslims' acts of defiance. In turn, the State's inflammatory statements and hijab ban deepened Muslims' communalization.

The polarized parties have drawn extreme conclusions about each other's motives, thereby committing the error of attribution. Thus, in response to the ban, Muslims complain that

the State is treating them like the Nazis treated the Jews (Faure and Gouge 2003). This is an example of how the Muslims attribute the State's actions to anti-Muslim sentiment and not to the protection of an established value (*laïcité*) or the common good (gender equality). The State, as well, attributes Muslims' focus on the hijab to anti-Western defiance and not to a fundamental right or religious obligation.

Conclusion: Towards conflict transformation

Azar's theory, mentioned briefly above, places strong communal identity at the core of protracted social conflicts. Deprivation of human needs is Azar's next underlying source of protracted conflicts. The degree to which the state satisfies or frustrates individual and group needs is the third precondition for protracted conflicts. "Political-economic relations of economic dependency" within the international system is Azar's final contributing factor to protracted conflicts (Ramsbotham, Woodhouse and Miall 2011, 101-2).

The facts and events presented in this paper suggest that 1) Muslim communal identity is deepening in France; 2) support is growing for both the notion that group identification is a fundamental human right and that Muslims are being denied this right; 3) the French State is not satisfying Muslims' socioeconomic and communal needs; and 4) the global economic recession is exacerbating Muslims' discontent. While not yet a violent conflict, if not effectively addressed the hijab conflict is likely to spark a greater Euro-Islamic conflict.

At the core of the conflict are the contradictory values of the parties: the State wants its state institutions to be free of any religious indicators and yet Muslims wish to wear religious clothing at school and at work. I began my research with the assumption that the parties' values could be co-aligned to bring about de-escalation and reconciliation but now understand that what

is needed first is an effort by both the State and Muslims to change dangerous perceptions. French non-Muslims perceive the hijab as a sign of Islamization. Likely many French non-Muslims associate the hijab and the niqab with terrorism or oppressive regimes such as the Taliban. Muslims view the State as discriminatory and anti-Muslim. The State and Muslim narratives regarding the conflict only exacerbate the conflict spiral. The State needs to work together with Muslims to demystify the hijab and de-associate it from violence in the minds of non-Muslims. Likewise, Muslims leaders need to work within their own communities to find productive ways to communicate grievances to the State and to de-emphasize the productivity of communal enmity toward and vilification of the State.

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