

The Politics of Secularism and Women's Rights

Compromise and surrender of principle: A response to the article by Ramachandra Guha, 'The Beauty of Compromise'

Monday 28 September 2009, by [Marieme Helie Lucas](#)

sacw.net

28 September 2009

A response to the article by Ramachandra Guha, 'The Beauty of Compromise: an excess of secularism may be as problematic as bigotry' (in [The Telegraph, 26 September 2009](#))

The information about French secularism, past and present, that one can draw from English speaking media leads to much misunderstanding and biased opinions. On the one hand one cannot blame writers who have no direct access to primary sources and have to rely on secondary ones. On the other hand, the propagation of biased information and thus of erroneous conclusions in the English language serve the interests of Muslim fundamentalists in France, and for that reason alone, it needs to be addressed.

The article by Ramachandra Guha shows bias at several levels: it overlooks the different definitions of secularism, it presents erroneous interpretations as facts, it under-evaluates the rise of Muslim fundamentalism as a political -not a religious- phenomenon and it accepts a cultural definition of women's rights.

All of these tend to give credibility to the assertions of Muslim fundamentalists that combat French secularism.

1.

'Secularism' is defined by virtually all countries in the world, apart from France and Turkey, according to the anglo-saxon model, i.e. as equal tolerance - by the State - of all religions. This includes India.

The Queen in Britain is also the Head of the Anglican Church, Landers in Germany collect taxes for the Churches, The Orthodox Church in Serbia has a now special political status, etc...

Citizens are organized according to faith based communities; it is these 'communities' (a concept unknown to the French political lexicon) that are supposed to be at par, not the individuals, under this definition of secularism. Individuals, willingly or unwillingly, are ascribed to a community,

named after a faith (the 'Hindus', the 'Muslims' . . .) that they may or may not adopt, regardless of their individual beliefs, by virtue of being born into a country, a family. . .

One could easily argue that this is a denial of individual's basic human rights, as defined and guaranteed in the Universal Declaration of Human Rights. This is exemplified in the existence of parallel legal systems in family matters, i.e. separate family codes for different communities, which in the name of the right to difference, organize the difference in rights among citizens.

This definition of secularism is a far cry from the French definition: at no point does it assign the state to tolerate or not tolerate religions, or keep them at par.

After a fierce and long political battle against both the intricately linked monarchy and Catholic Church, the French revolution initiated, with the Acts of 1881 and 1886, a total break between the political power and religions.

'the Res Publica addresses everybody, believers, atheists and agnostics alike and cannot therefore favor anybody' .../... Hence, the republic is neither atheistic nor religious: it no longer arbitrates between beliefs but arbitrates between actions and is devoted only to the general interest.../... This evolution puts an end to the confusion between the temporal and the spiritual' (1)

This was further formalized in the laws on secularism in 1905 and 1906. Ironically, these, together with their milder updated version of 2004, are now known the world over as 'the law against the veil', -regardless of history, regardless of the fact that, at the time, Muslims were simply absent of the immigration scene in France, and thanks to the active propaganda of Muslim fundamentalists.

At the beginning of the last century, the December 9, 1905 Act of Separation of Church and State declares the following: the French state has nothing to do with religions, it declares itself incompetent in matters of religions. It guarantees freedom of belief and of practice to all its citizens.

'The 9 December 1905 act opens on two indivisible articles, grouped under the heading, "Title 1. Principles". "Section 1: the Republic shall ensure freedom of conscience. It shall guarantee free participation in religious worship, subject only to the restrictions laid down hereinafter in the interest of public order. Section 2: the Republic may not recognise, pay stipends to or subsidise any religious denomination.' (1)

Indeed the law makes it clear that under French secularism, the state has no mandate to recognizing - equally or not - any religion:

'This strictly means that it has passed from recognising certain denominations (before 1905, Catholicism, Lutheran and Reformed Protestantism and Judaism) to renouncing all recognition. It is not passing from recognition of some to recognition of all, as a multireligious or communitarist interpretation would have it, but from a selective recognition to a strict non-recognition'. (1)

'The official recognition of certain worships involves a double exclusion: that of other worships and that of non- religious figures of spirituality. It encroaches on the public sphere, alienating it to the domination of religions. It makes no difference to recognize several religions: the alienation of the public field to religious persuasions is none the less patently obvious. It is therefore in no way secular.'(1)

French secularism assigns religions to the private sphere, within which they enjoy legitimacy and protection.

'Assigning religions to the private sphere entails a radical secularization of the State. It henceforth declares itself incompetent in matters of spiritual options, and has not therefore to arbitrate between beliefs nor to let them encroach on the public sphere to shape common norms.(1)

As one of the corollaries of its founding principle, the law forbids any sign of political or religious affiliations in relation to the secular Republic:

'As to the essential principle of the respect of religious neutrality, section 28 of the 1905 Act stipulates : "It is henceforth forbidden to build or affix any religious sign or emblem on public monuments or on any place whatever, with the exception of religious buildings, burial places in cemeteries, funeral monuments as well as museums or exhibitions."(1)

It has implications for individuals in two occasions: for civil servants when they represent the French secular Republic in their functions, for children in secular state schools where they are not supposed to represent their group/community but to interact as equal citizens.

This is the logic by which, since 1906, neither children in state schools, nor their teachers, can wear any sign of their political or religious affiliation.

One can easily see that it has nothing to do with the fairly recent 'Muslim' immigration into France.

It follows suits that when the anglo-saxon definition is loosely applied to the understanding of French secularism on the ground, it can only lead to further misunderstandings.

Mr Guha accepts without blinking the definition proposed by this history (?) professor who states that '*French secularism is not anti-religion per se, it is supposed to be about respecting all religions*' *. I am sorry to say that this professor is pandering here to the anglosaxon conception of secularism, not the French one.

Indeed, France is under heavy pressure by the European Union to adopt the dominant anglo-saxon definition of secularism. History professors making this kind of erroneous statements as if they ignored both French laws, French history and the definition of secularism in France are part of the political pressure.

Ignoring the historically diverging conceptions of secularism can lead to conceptual confusions that could be hilarious if they did not serve specific political interests that we will discuss later in section 3: stemming from the concept of tolerance, here irrelevant as per the French definition of secularism, Mr Guha concludes his article by equating *French secularism** with the extreme right *Hindutva**...

What he sees as *an excess of secularism** is a different conception, philosophically founded, of secularism.

2.

The article contains a number of conceptual and factual errors.

The opening sentence states that: *In September 2004, the French government formally banned the wearing of head scarves by Muslim girls in schools and colleges run by the State**. We have already seen that this is not the case, as the laws on secularism predate by a century the rise of headscarves in Europe as well as migration from Muslim countries; moreover, we have also explained the logic of secular republican schools where children are trained to consider themselves as equal citizens. In fact, the 2004 law that updates that of 1905 actually mellows it.

But indeed this is the claim that Muslim fundamentalists' organisations are making. A bit of history should discourage from propagating their views.

This is further confirmed when Mr Guha claims that the headscarf is banned because it is *something foreign and alien to the culture of the French nation**. It is neither to the culture, nor to the nation that it is alien to, it is to the principle of secularism when a religious symbol is worn in the two specific circumstances listed above. Outside schools, France is full of headscarves, ethnic outfits, etc...

If Mr Guha can accept that schools have uniforms in the U.K and in India (which is not the case in France, but Mr Guha seems to assume that French children in state schools also wear uniforms) and that children going to such schools have to abide by the rules, why can't he accept that secular schools have their own rules and that families choosing to enrol their children in these schools should also abide by the rules?

Quoting an article by The Guardian, Mr Guha reports that *women wearing headscarves in France have been forbidden to vote, not allowed to open bank accounts, and in some cases, even barred from their own wedding ceremonies**.

This is factually wrong. Women have been barred from doing all these things when they were wearing a burqa or any other total veiling outfit - not headscarves - that prevented from identification in circumstances when identification is needed - such as voting, marrying, opening a bank account, sitting for exams, etc... .

He further quotes the well known and quite telling example of a veiled woman who made a booking in a B&B by telephone for her family holidays and was turned out by the owner of the

place when she came with a headscarf. This is factually true. But Mr Guha fails to inform his readers that the owner was heavily sentenced by the Court, a judgment that was confirmed on appeal: a private B&B is **not** a place that represents the secular Republic. This shows indeed that courts have a clear understanding of the limits of secularism and do not allow secular laws to be used for discriminatory purposes.

This example raises an additional point: France is not exempt from 'ordinary racism', far from that.

But it is unethical to lump together legal secular measures that aim at ensuring the independence of thought of citizens from the appropriation of organized religions, and 'ordinary racism' that is punishable and punished by the law.

Numerous civil society organizations take up cases and help bring them to court. Migrants and citizens of migrant descent, be they Muslims or not, suffer from discrimination in housing, jobs, etc... and there is much to be done in these areas. But those are political and social problems that need to be treated as such, not as religious ones. (2)

However, while all other European countries show a rate of intermarriages with migrants or their descent of around 3%, France show a rate approaching 30% of 'mixed' marriages. Could it be that the education in secular schools that trains all children to consider each other as equal individuals with the same rights and duties, rather than as representatives of their 'communities' is bearing some fruits?

Mr Guha states that secular laws, and namely their 2004 update, *was opposed by most French Muslims**. This is factually wrong. But I cannot blame him for this mistake as this is what got reported in English speaking media.

The archives of the Stasi Commission, a parliamentary commission created to organise hearings to audit public opinion on secular laws in schools, are full of testimonies of French citizens of migrant Muslim descent that defend the secular law (with nuances on whether the 1905 law needed an update or not).

Imams went public in defence of secularism; among others, the then Great Mufti of Marseilles was seen on TV, spoke for secularism in different fora and published a book on the issue.(3), (4) The weakly TV broadcasting on Islam on Channel 2 has been persistantly inviting religious Muslim scholars over the years, and still does it: they educate their audiences not to feel threatened but rather empowered by the separation of state and religions.

Numerous secularists of migrant Muslim descent took sides publicly in favour of secularism. They wrote articles that were published in the national press, they made public statements, they went on TV and radio.

Women's organizations, including all the major ones that were set up by women of migrant Muslim descent (often to defend themselves against discrimination) massively mobilized: they organized public hearings, conferences and various events in defence of secular laws.

Individual women from migrant Muslim descent demonstrated in the streets in different cities of France, not just in Paris, and went public in all French media available to them, in defence of secularism. (5), (6). They spoke on the radio, on TV, in women's magazines and were interviewed in the national press.

Most of the written and audio material mentioned above is still available on the net or in public archives, and researchers can check on the facts, provided they know French. It does seem most unlikely that these thousands of known or unknown individuals, men and women, scholars or working people, were all coopted, bought, or forced to make public statements, by the wicked French secular state to support its secular policies.

And when the 2004 law finally confirmed the principles of the 1905 law, I heard on a public radio a twenty years old girl of Muslim descent interviewed in the street who commented with satisfaction : 'for once women's rights come first'...

At no point was any of this reported in the international English speaking media. But the only two small Paris-based demonstrations of veiled women – cordoned by bearded men - against secular laws were reported the world over. The fundamentalist lobbying of the media is a lot more organized and efficient than secular organisations. And the media taste for exoticism takes precedent over deontology.

3.

For if Mr Guha sees the headscarf as a personal choice of fashion (*I thought it was an odd form of nationalism (or secularism) which insisted that all citizens must.../... dress alike**), most of the women who fought for the law either lived or had parents or relatives who lived or still live under the boot of Muslim fundamentalism in North Africa and especially in Algeria. They definitely do not think it is a matter of fashion. They see it as a political issue.

They had immediate experience of the fact that in our own countries of origin one of the first steps taken by fundamentalist organizations was to introduce, then to impose, head covering, including in areas where it never existed before.

The head covering in our countries on different continents is not a choice of outfit as would be to wear minis, maxis or trousers, it is the political flag by which Muslim fundamentalism makes its influence visible.

Women from migrant Muslim descent are the best experts on these issues (7), they know, either directly or through their families, the political significance of head covering: many of them, or their families, fled from their countries of origin due to the violence of fundamentalist groups.

It is surprising to me to note that Mr Guha, speaking at the University of Calicut, does not notice that the *black headscarf** the women wore while attending his conference was not always there in the past.

Is this black headscarf traditional? Or new? Is it worn by women in Muslim areas throughout India? Or were there regional differences? Was it always so?

Not all Muslim women traditionally covered their heads the world over, it largely depends on the cultures they were born in. In the areas where they traditionally did, it used not to look like this uniform they are presently wearing. A vast variety of coverings existed, even within one country, let alone from one continent to the other. These cultural differences are now in the process of eradication, to the benefit of THE (singular) Islamic dress – something Iranian style most alien to most of our cultures throughout Asia and Africa. (8)

Can one remember the time when Muslim women (by which I mean Muslim believers themselves, not just women from the community) in the subcontinent were generally wearing saris or other locally prevalent dress? It was only one generation ago...

Witnessing the rapid spread of this brand new, a-cultural uniform the world over should be a clear indicator of its political nature.

Head covering is only the tip of the iceberg; it is one of the many demands of Muslim fundamentalists in Europe; these demands also include sexual apartheid in public places, banalization of more and more religious specificities, including separate 'divine' laws for each community, and finally a political representation of religions.

It is short sighted to isolate the demand for head scarf - not just in the public space, where it is legal, but in secular schools in France, - from all their other demands which all target secularism and aim at imposing a political return of religions into state affairs. The new headscarf should be taken for what it is today: a political flag that has little to do with religion.

Muslim fundamentalism is not a religious movement, it is a political one that gravely affects 'the West', just as it affected our own countries. It is not politically different from Hindu fundamentalism and its various extreme right branches.

I do appreciate the fact that the murderous behaviour of Hindu fundamentalists vis a vis Muslims in India certainly pushes one to support the rights of 'Muslims' blindly, if in good faith. It is hard to open one's eyes on the fact that victims can also be perpetrators, and to juggle one's political stand with their dual identity. But it is necessary to learn to defend victims without cautioning perpetrators among them. However, victimhood should not blur political problems: the rise of Muslim extreme right fundamentalists should not be not acceptable to progressive people. It should be treated like any other fundamentalism: as a political extreme right movement, working under the cover of religion, that needs to be combatted.

There are enough non fundamentalist, progressive answers to the political problems they pretend to address, and there are enough alternatives within all our countries - including in the diaspora. We exist, despite the fact that we are made invisible and silenced by the international media.

In France itself, on top of discrimination, one witnesses the rise of a traditional extreme right that promotes clear racism against so-called Muslims (and Jews, and Blacks); this is concomitant to

the demands of Muslim fundamentalists. I am not saying that one is the product of the other, but I am saying that they mutually feed into each other. It is a frightening prospect, however allowing for the destruction of French secularism will not solve the problem.

4.

It is equally surprising to me that Mr Guha is adopting the claims made by Muslim fundamentalists that: *the headscarf marks the wearer out as Muslim* *. First of all, numerous Muslim theologians, men and women, throughout Asia, Africa, the Middle East and the diaspora, including some Indians ones, challenge this interpretation of the text. Many of them argue that veiling is neither specifically Muslim, nor is it needed in today's life of women believers. Why chose to listen to fundamentalist interpreters, rather than to progressive ones?

Moreover, if women are made 'Muslims' by virtue of being forced and trapped into a communal identity, as per Mr Guha's implicit definition of secularism, their individual rights are subsumed to the rights of the community, and they have no individual choice neither regarding having a faith, nor in the manifestations of faith or non faith.

His argument that *the scarf was actually liberating* *, for it permitted girls to be allowed by their fathers to go to school, was used in the early seventies in my own country, Algeria, when fundamentalist groups introduced the hidjab for the first time. It was called 'the student's dress'. We know where it led us: to the violent domination of Islamic Armed Groups that terrorized the population for more than a decade (estimated number of victims upto 200 000), and, among many other things, enforced veiling on women.

But Algeria and France do have laws - which both countries apply and enforce – that make the schooling of girls both free and compulsory. They do not need a veil to enforce schooling of girls. Therefore, this justification was and still is irrelevant, an argument that probably came from countries where schooling of girls is neither free, nor compulsory.

Mr Guha opposes the advantages of these girls who, thanks to the headscarf - says he, are educated, to the disadvantages of their *mothers and grandmothers** who were *denied** education. If democratisation of education and large access to schooling is certainly a recent conquest for lower classes and specifically girls within those, this political gain has nothing to do with religions. There were women from the upper classes who were educated and empowered regardless of their religion at all times, including in Muslim countries. (9)

Were these mothers and grand mothers in Kerala – of all places in India ! –not educated before they were wearing a head covering? Had the government of Kerala not adopted long ago a policy of literacy for all citizens before the world wide spreading of the head scarf?

He also argues that in Kerala the scarf *permitted these girls a university education**.

But the ban on religious symbols in France does not affect universities, it only applies to girls under age in primary and secondary schools. What we are actually talking about here are girls from age 3 or 4 when they enter nursery schools, to 16 or 17 when they finish secondary schools.

Those are the ones that the secular Republic of France protects from being submitted to a covering that symbolizes their alleged responsibility in men's sexual violence against women (10): if they are not 'properly' covered, they will legitimize, and allow, and be responsible for, and ultimately deserve sexual assault.

When one observes the recent growing trend of veiling girls at a younger and younger age, much before puberty, often by age 3 or 4, one should thank the French secular Republic for relieving the girl child from a psychological burden that should not be hers: controlling men's sexuality. The mental ravages that such a responsibility entails at such an early age are immensely damageable.

He additionally states that - in his opinion - the scarf *denoted a certain propriety and modesty* *. Again, I find it very interesting that Mr Guha makes his own the very words of Muslim fundamentalists: 'Muslim girls' should be proper and modest, otherwise they are loose and they deserve punishment. If they were not controlled via religion, they may *even socialize with members of the other sex* *. May I ask why Mr Guha thinks this is wrong for so-called 'Muslim' girls, and for them only, in the XXIst century, to socialize with the other sex? Should they live under sexual apartheid by virtue of belonging to a community?

Throughout his article, Mr Guha legitimizes the demands by Muslim fundamentalists to make us different, to separate us from the society in which we chose to live, at the cost of denying our universal human rights, for the sake of the 'community'. He subsumes our rights to minority rights and religious rights, without ever asking **who** defines these supposedly religious prescriptions, which political forces are behind such a program.

It is high time to go back to political analysis, rather than try to solve social problems through religious means.

French secularism has a lot to bring to women. In and of itself, it is not a sufficient condition to ensure women's rights, but it certainly is a necessary condition.

Women are wise enough to understand it and defend secular laws. However, we do not have access to the international media in English which stigmatizes French secularism without having taken the pain to understand what it is and what it could bring to the world. And not enough of us have the use of the English language to dismantle the bias that media propagate.

This is probably why good intentioned liberals fall into the trap of supporting fundamentalists - in the name of 'Muslim women's rights'!

What an irony. . . What a tragedy. . .

(Marieme Helie Lucas is an Algerian sociologist living in France)

* Words and sentences in italics are quotations from Mr Guha's article

Footnotes:

(1) For a thorough expose on the founding principles of French secularism, see one of the few articles in English: 'the Secularity and the Republic, a secular recasting of the state: principles and foundations' by Henri Pena Ruiz, a leading French philosopher and expert on French secularism on <http://www.siawi.org/article17.html> All the following quotes are from this article.

(2) For a discussion of political problems within suburbs/ghettos in France, see Harsh Kapoor, 'Stray reflections on urban riots of late 2005 in France', December 2005; An abridged version of this is available at <http://www.sabrang.com/cc/archive/2005/dec05/report.html>

(3) Soheib Bencheikh, *Marianne et le Prophète, l' Islam dans la France Laïque*, Paris, Grasset, 1998. Available in French only.

(4) Soheib Bencheikh, *Wluml Dossier No. 28*, December 2006 'Separation does not weaken religions'.
[http://www.wluml.org/english/pubsfulltxt.shtml?cmd\[87\]=i-87-552906](http://www.wluml.org/english/pubsfulltxt.shtml?cmd[87]=i-87-552906)

(5) Karima Bennoune: *The Law of the Republic Versus the "Law of the Brothers": A Story of France's Law Banning Religious Symbols in Public Schools*, appeared in *HUMAN RIGHTS ADVOCACY STORIES* (Deena Hurwitz et al. eds., 2008) <http://www.siawi.org/auteur39.html>

(6) Isis International, *Monograph Series on Gender, Governance and Democracy, Vol. 2: Peace and Security : French Women of Migrant Descent: Between the Religious Extreme Right and a Coward Left* by Marieme Helie Lucas (Women Living Under Muslim Laws)

(7) Marieme Helie Lucas, *A South North transfer of political competence: women of migrant Muslim descent in France*, forthcoming in *Dossier 30, WLUML*, 2009

(8) Marieme Helie Lucas, *Veils*, 2006,
<http://www.wluml.org/english/newsfulltxt.shtml?cmd%5B157%5D=x-157-539225>

(9) Farida Shaheed and Aisha Shaeed, 'Great Ancestors: Women Asserting rights in Muslim contexts', *WLUML- Shirkat Gah*, Lahore, 2004

(10) Chahdortt Djavan, *Bas les Voiles*, Paris, Gallimard, 2005. This publication reproduces the audit of an Iranian woman at the Stasi Commission.