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Freedom of Conscience in Contemporary Society: Opposition to the French Ban

The French ban, formally known as law 2004-208, which forbids “signs and dress that conspicuously show the religious affiliation of students,” is an explicit violation of the freedom of religion. Issues necessitating the ban may appear to be just, as they arose from increased immigration and subsequent discrimination and peer pressure within schools related to the wearing of religious articles of clothing. Despite these motives, however, the implications of the law do not advance France’s policy of *laïcité* effectively or fairly enough to be justified.

France’s law 2004-228 restricts the freedom of the individual, has racist motives, violates France’s international agreements, and could easily lead to increased discrimination and strife.

The most obvious reason to reverse the French law 2004-208 is that it explicitly violates international law. The Chair for the United States Commission on International Religious Freedom (USCIRF) said that the restrictions outlined in the ban “violate France’s international commitments, including the European Convention on Human Rights, under which each individual is guaranteed the freedom to manifest religion or belief, in public as well as in private.” By forbidding students to wear religious clothing, France is essentially taking away their right to freely exercise their religion. Additionally, international law, according to Human Rights Watch, dictates that “states can only limit religious practices when there is a compelling public safety reason, when the manifestation of religious beliefs would impinge on the rights of others, or when it serves a legitimate educational function (such as prohibiting practices that preclude student-teacher interaction).” Wearing religious articles such as Muslim headscarves or

khimars, Sikh turbans, large Christian crosses, or Jewish skullcaps or kippahs do not pose any serious threat to public safety. They do not infringe the rights of others to freely exercise their distinct religions or express themselves differently. Ultimately, banning religious clothing serves no legitimate educational function, as religious articles of clothing in no way obstruct the ability of teachers to instruct effectively or fairly. Rather, the ban's vague definition of what constitutes religious articles of clothing as ostentatious has resulted in arbitrary judgment by teachers and has inhibited France's policy of *laïcité* by being religiously discriminatory.

The French ban is clearly targeted at Muslim girls who are required by their religion's hijab, or "modesty," to wear headscarves. Although it also banned large crosses for Christians, the size of the crosses was never defined and they are clearly not as noticeable as items such as turbans or headscarves, nor are Christian crosses required to be worn under Christianity. Key problems within France include major differences in values between people and the conflict between parent and child in requiring Muslim girls to wear headscarves or other children to wear similar religious items. Such problems are very important in enforcing the right to education, but "in practice, the law will leave some Muslim families no choice but to remove girls from the state educational system" (Human Rights Watch). Furthermore, the ban could easily lead to further restrictions on individual freedom. As there were no explicit standards or definitions of what articles are banned, interpretations could vary from school to school, and some schools could restrict dress even further such as by banning all items worn on the head regardless of religious association. Thus, the ban clearly restricts the rights of the individual and has prejudiced implications. As organizations such as Human Rights Watch have stated, it could easily cause those whose religion requires such banned dress to transfer schools or drop out, making them feel unjustly targeted because of their religion.

In Turkey where there is a similar headscarf ban, some students refuse to go to university because of it. Recently the Turkish parliament has considered lifting the ban, a proposal that has met with overwhelming public support (BBC News). Turkish MHP leader Devlet Bahçeli said the ban “is a question of rights and freedoms,” and moreover, “solving the headscarf issue would relax a large segment of the society.” The same can be said for the French ban. Even if the ban was designed to decrease discrimination, racism, and strife associated with religion, such issues will not and have not disappeared simply because of the required secular choice of clothing. By forcing people to hide their religion from the public eye, France has essentially avoided the heart of the issue.

The international community needs to unite to urge France to address the situation directly by introducing policies which promote acceptance of all people regardless of their background or religion, without restricting their freedom of religion and expression. The United Nations has been instrumental in the past in dictating international policy and making peace between nations with varying viewpoints. Thus, committees such as the United Nations Children’s Fund (UNICEF), the United Nations Educational, Scientific, and Cultural Organization (UNESCO), and the United Nations Human Rights Council (HRC) must assemble to address this serious issue. By confronting France directly and peaceably, pointing out the serious international violations of law that are being committed with the practice of law 2004-208, passing resolutions against the ban, and providing concrete reports on the negative implications of the French headscarf ban, the United Nations as representative of the global community could seriously influence France to reverse the ban. Furthermore, if the Islamic headscarf ban is lifted in Turkey, Turkey as a nation could be instrumental in swaying France to do the same.

Beyond the United Nations itself, the international community of individuals can also have a significant impact on France's decision regarding law 2004-208. The Sikh Coalition, combined with other nongovernmental organizations (NGOs) concerned with this issue, could raise monetary funds and with them launch a media awareness campaign detailing the negative impacts of the French headscarf ban. Efforts associated with such a campaign could include a petition to be signed by people worldwide urging the French government to repeal the ban, monetary donations by those interested, the organization of public efforts such as marches and protests, and the meeting of people concerned about the ban in various settings in order to discuss their feelings about the law and ideas concerning how to alleviate the problem.

Both United Nations committees and NGOs could also work together to form concrete plans for alternative policies to advance French President Jacques Chirac's aims in accordance with the French policy of *laïcité* without infringing the rights of the individual. Such plans could include constructing a curriculum that would promote acceptance of equality, educating counselors specifically on how to deal with issues of peer pressure and parental pressure on children regarding wearing religious clothing, and the formation of clubs and/or other support groups within schools and communities which would facilitate the peaceable living of French people everywhere without fear of religious discrimination or pressure.

It is thus clear that while separating church and state is crucial for maintaining equality, restricting the rights of the individual to freely exercise religion will not help to peaceably advance the French aim of *laïcité*. Evidently, there are more effective and fair ways to advance freedom, equality, and unity throughout France.

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