

France Addresses Muslim Women

by Michael Curtis

On August 12, 2016, Syrian Democratic Forces, Arab and Kurdish fighters liberated the Syrian city of Manbij, near the Turkish border. This stronghold that ISIS had held since early 2014 fell to the liberating forces after two months of heavy conflict. Local citizens had been abused and had been held hostage under the brutal rule of ISIS. On Liberation Day they expressed joy and jubilation.

Instantaneous photos showed the elation of the newly liberated women. They were getting rid of their niqabs (full body covered robes with a slit for the eyes) they had been forced to wear and setting fire to them. Other women took off their burqas (full body covering with mesh over the eyes). Men were busy shaving the beards ISIS had made them grow.

This welcome event of women being liberated contrasts with the current acrimonious dispute in France over Muslim women wearing burkinis, (a word that is a mix of burqa and bikini), the full bodied gowns covering the head, used by them for beach and swimming.

Within one week in August 2016, mayors of two towns in the French Riviera, Cannes and Villeneuve-Loubet, a few miles from Cannes, in the French Riviera, and the village of Sisco in North Corsica, have banned the wearing of burkinis in public places. In addition, the left wing mayor of Les Pennes-Mirabeau, a town near Marseille, cancelled a planned private event for women wearing burkinis.

Different explanations, some political, some cultural, some out of concern for security, were given for the bans. The mayor of Cannes, David Lisnard, was conscious both of possible violence after the tension resulting from the massacre of civilians in Nice, only 18 miles away, on July 14, 2016 when

85 people were killed, and of the possible disruption of public order.

The mayor of Sisco made his decision after a brawl involving 500 people in his village between young Corsican men and men originating from North Africa. The brawl was occasioned by tourists taking photos of young women bathing in burkinis. The fight led to a number of injuries and material damage. The North Africans (Maghrebins) did not want the photos to be taken.

Certainly, maintaining law and order is crucial. Yet, these incidents raise the issue of free expression with which France has had to deal on many occasions, and the meaningfulness of the French principle of laicite (roughly secularism) in relation to this issue.

Since 2004 when France banned the wearing of religious clothes or conspicuous religious symbols in public schools, the country has made a number of regulations concerning the banning of burqas and niqabs. The European Court of Human Rights in 2014 upheld the ban of these garments as well as a ban on balaclavas and hoods. Other countries, Belgium, Netherlands, Switzerland, Catalonia, Spain, Chad, Cameroon, Niger, and Congo, have also made full or partial bans on these items, but France has been in the forefront.

In regard to the present controversy, France has two dilemmas, legal and philosophical. The legal problem is that its law provides for a ban on the covering of the face by women, but it has no law on the wearing of full bodied swimsuits. Since burkinis do not hide the face, they logically cannot be banned under the law.

The philosophical issue is the controversial one of freedom and limits to it. Those who promote free expression argue that Muslim women, like everyone else, have the right of self-determination and should be allowed to choose to wear burkinis

in accordance with their religious beliefs. Their claim is that these garments do not signify or symbolize an allegiance to terrorism or to anti-regime violence.

The counter-arguments, made in this case by the mayor of Cannes, are that one does not come to the beach to display religious conviction, that the wearing of the garment is in fact, as ISIS has shown, a symbol of religion extremism, and above all, that it is a violation of the secularism (laïcité) on which the French democratic republic rests.

In fact, the Muslim religious argument does not have a basis in and is only partly relevant to Islamic doctrine. Muslims are, according to the Koran, expected to dress modestly and not reveal any part of the body except what is necessary. But it does not call specifically for full body garments, burqas or any other such clothing. The wearing of these garments is therefore a cultural tradition originating in Persia in the 10th century before slowly spreading to the Arabian Peninsula.

Requirement that women wear these garments has been promoted since the 18th century by the extreme Wahhabist groups, starting from Saudi Arabia, in the Middle East. Only recently has the custom for women to wear these garments been partially adopted in South Asia, in West Africa, and Afghanistan.

Muslim women should recognize that, according to Muslim doctrine, the burqas and other similar garments are not religiously necessary, let alone essential or ordained.

When the ban imposed in Cannes was challenged, a French court ruled in favor of the mayor who it said had the authority to make rules on relations between public authorities and private individuals on the basis of religion, in effect allowing restrictions on religious expression. The mayor's decision was made on the basis of a number of relevant factors: the existence of the national emergency declared by President Francois Hollande in his war against terrorism; the fear that was the result of the Islamist attacks, especially the Nice

massacre, in France; and the argument that the Muslim burqas were not respectful of good morals and the secular tradition of France.

The tension between French secularism and Muslim sharia law and way of life , increasing because of the growth of the Muslim population, is a troubling problem for France. However, one French politician has been particularly forthright in stating a firm position on the problem. The outspoken, if occasionally indiscreet, French Minister for Women's Rights, Laurence Rossignol, on behalf of the principle of freedom of women, has spoken on the issue of Muslim dress a number of times. In a television broadcast on March 30, 2016 she scolded the major fashion firms, H&M, Dolce and Gabbana, and Marks and Spencer, for selling product lines for Muslim women, including the burkinis, that "promoted the confinement of women."

In commenting on the Cannes ban, Rossignol declared the burkini was something that was "profoundly archaic." That garment she said is not simply a new form of swimsuit, but is also a social product, "a vision of the place of women."

Rossignol differentiated herself from the French hard right position, like that of the FN. Her comment was not about criticizing Muslims as such, but about an organized faction promulgating the repression of women, against which France will continue to fight. The burkini, she asserted, hides the body. There is nothing modern in it. One must fight this "archaism" and its principles that hold women as impure, and that the female body is by definition a provocation to men and to society.

Rossignol is right. Secularism is the right way, the right vision, for France. The "archaic" path severely harms women: it is imprisonment not liberation. It is wrong for men too.