Wearing or Not Wearing the Veil that is the Question

A Political and/or a Cultural Issue on Muslim Women wearing the Headscarf, the Niqab, and the Burqa in France and the Netherlands in the late 20th and early 21st Centuries

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Master Thesis defended on 21 June 2013 in Strasbourg, France
Master of Arts Thesis
Euroculture

University of Strasbourg, France (Home)

University of Groningen, The Netherlands (Host)

Submitted on 13 June 2013

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Declaration

I, HANNA-MARIA DUBOURG, hereby declare that this thesis, entitled “Wearing or Not Wearing the Veil that is the Question: A Political and/or a Cultural Issue on Muslim Women wearing the Headscarf, the Niqab, and the Burqa in France and the Netherlands in the late 20th and early 21st Centuries”, submitted as partial requirement for the MA Programme Euroculture, is my own original work and expressed in my own words. Any use made within it of works of other authors in any form (e.g. ideas, figures, texts, tables, etc.) are properly acknowledged in the text as well as in the List of References.

I hereby also acknowledge that I was informed about the regulations pertaining to the assessment of the MA thesis Euroculture and about the general completion rules for the Master of Arts Programme Euroculture.

Signed  …………………………………………………………………………………

Date  …………………………………………………………………………………
If the West has had a general tendency to demonize the Arab-Muslim world, the Arab-Muslims have, in return, generally had a similar tendency to diabolize Western civilization.


A sense of identity [emphasis added] is a sense that one’s life is meaningful, that as fragile as one may be, one can still have an impact on one’s limited surroundings.

Preface and Acknowledgements

This Master Thesis, entitled *Wearing or Not Wearing the Veil that is the Question: A Political and/or a Cultural Issue on Muslim Women wearing the Headscarf, the Niqab, and the Burqa in France and the Netherlands in the late 20th and early 21st Centuries*, is the fruit of a year of research on the topic of the headscarf, the *niqab*, and the *burqa* controversy in France and the Netherlands in the late 20th and early 21st centuries to show how these two countries have dealt with this issue.

The writing of this thesis has gone through ups and downs especially at the beginning when I had to find a topic that would interest me for a whole year and submit a proposal before the 2012 summer holidays. I remember that I had a conversation with a Muslim friend about the wearing of the headscarf. She told me that she did not wear a headscarf nor did her sisters because she did not feel to do it, even if she considered herself as a true Muslim. She added that her father and her brothers did not force her and her sisters to wear it. Contrary to them, another friend of mine always wore a headscarf. Did her husband force her to wear it? Did she choose to wear the veil for her own comfort, by tradition, or religious purposes? She never told me. So I decided to write my Master thesis on the topic the headscarf, the *niqab*, and the *burqa* controversy in France and the Netherlands in the late 20th and early 21st centuries to analyze the difference between the three types of veiling and to better understand the way France and the Netherlands, two European countries, decided to face this controversy following the terrorist attacks of the 21st century.

My first words of thanks go to Dr. Janny de Jong of the Rijksuniversiteit Groningen, the Netherlands, and Prof. Dr. Roland Pfefferkorn of the University of Strasbourg, France, for having accepted to be my thesis supervisors, being critical on my writing, helping me constructing my thoughts, and for giving the time for appointments. Thank you very much.

My second words of thanks go to Prof. Dr. Alexander Kostka for having accepted to take part of the jury for my defense and for having taken the time to read my Master thesis. Thank you very much.

My third words of thanks go to my family, friends (from all over the world), and the Euroculture staff (professors, doctors, coordinators) for their support (financial, moral) during my two years of studies as a Euroculture student in Strasbourg and in Groningen. Every semester was an experience – moving from one place to another, finding accommodation, meeting new people, making new friends (mostly internationals), registration – and sometimes stressful. But, with the support of my family, friends, and the Euroculture staff, I succeeded in fulfilling the different requirements. Thanks to all of you.

Last but not least, my fourth words of thanks go to my host family, Fam. V., in Groningen. Thank you very much for having hosted me for two semesters, for your kindness, and for having trusted me.
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**Introduction**

“Wearing or Not Wearing the Veil that is the Question: a Political and/or a Cultural Issue on Muslim Women wearing the Headscarf, the *Niqab*, and the *Burqa* in France and the Netherlands in the late 20\(^{th}\) and the early 21\(^{st}\) Centuries” is the title chosen for this Master thesis. The wearing or the not wearing of the headscarf, the *niqab*, and the *burqa* became a serious concern in France and the Netherlands in the course of the 20\(^{th}\) century and more precisely in the years 1980s when young Muslim women went to public schools with their head veiled in France and the Netherlands. This attitude was perceived by the French and the Dutch authorities and societies as a way to challenge the French policy of *Laïcité* and the Dutch policy of tolerance and multiculturalism. One of the questions that one can wonder about the origins of this veil controversy is how this headscarf, *niqab*, and *burqa* controversy has emerged and seemingly provoked a kind of fear among the French and the Dutch population.

To analyze the origins of the controversy it is first necessary to explain the historical contacts between Westerners and Easterners, for the presence of Muslims in Europe is not new. Indeed, their encounter took place at different times of history, such as the Battle of Tours and Poitiers (8\(^{th}\) century), the Crusades (11\(^{th}\)-13\(^{th}\) centuries), the colonial expansion with the Dutch East India Company’s settlement in what is today Indonesia (17\(^{th}\) century), and the conquest of Algeria (19\(^{th}\) century) and the two French protectorates Morocco and Tunisia (19\(^{th}\) and 20\(^{th}\) centuries), and their independence in the course of the 20\(^{th}\) century, such as Indonesia in 1945, Algeria in 1954, and Morocco and Tunisia in 1956. These contacts allowed the development of self-identity and the awareness of the other: the Oriental and Western polarization (Saïd’s *Orientalism*).

The second explanation is the country’s relationship with the religion of Islam. France and the Netherlands are predominantly Christian – Catholic and Protestant. However, France has been a secular (*laïc*) country since 1905 (except for the departments of the Bas-Rhin, Haut-Rhin (Alsace), and Moselle (Lorraine)) with the enactment of the law of the separation between the church and the state. For their part, the Netherlands have long preferred to follow the model of pillarization (*verzuiling*) until the 1960s and to give way to multiculturalism. Nonetheless, what remains difficult is how each country understands concepts such as secularism, freedom of religion, the relationship between church and state, and the limits on each country’s ability to produce differing balances between secularism and religious
freedom. Nonetheless, the public image of Islam in France and the Netherlands has been deteriorated after the attacks of 9/11, which provoked a reflection about reinforcing the policy of laïcité in France, about changing the policy of multiculturalism with regard to Muslim people in the Netherlands, and in both countries about the wearing of the headscarf, the niqab, and the burqa in public spaces.

This reflection on the wearing of the headscarf, the niqab, and the burqa was due to immigration in the 20th century and the terrorist attacks in the course of the 21st century, which is the third explanation with regard to the emergence of the headscarf, niqab, and burqa controversy. According to Christopher Caldwell, an American journalist, there are about 20 million Muslims, including the ones living in the Balkans, present in Europe. The veil controversy is related to the Muslim immigrants who are mainly settled in Blackburn, Bradford, Dewsbury, Leicester, East London, and the periphery of Manchester (United Kingdom), Amsterdam and Rotterdam (the Netherlands), Strasbourg, Marseilles, and the Parisian suburbs (France), and Duisburg, Cologne, and the Berlin neighborhoods of Kreuzberg and Neukölln (Germany). This number is expected to double by 2025.

Many immigrants from the former French and Dutch colonies came first to assist the soldiers during the two World Wars and the period of reconstruction after the wars as guest workers. France and the Netherlands thought that these guest workers would stay temporarily in Europe, but they stayed and sent for their families to join them (family reunification). With them, the families brought their cultures, traditions, and religion. As a consequence, the immigrant population increased and their influence became stronger in the host countries. Nevertheless, since the end of the 20th century and especially after the terrorist attacks in the beginning of the 21st century in New York, Madrid, London, and the murder of Dutch filmmaker Theo van Gogh in Amsterdam, tensions have increased between Muslims and Europeans, and in this case between the Muslims, the French and the Dutch, and have led to a sentiment of Islamophobia. But, what also has been a misunderstanding between the French, the Dutch, and the Muslims with regard to the wearing of the headscarf, the niqab, and the burqa was their meaning.

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2 The first meaning of the word “Muslim” is a person who is a follower of the religion of Islam. But it is also used to refer to all immigrants of North African origin, whatever their religion. Nonetheless, a distinction needs to be made between North Africans, Arabs, and Muslims for not all Muslims come from North Africa (Joan Wallach Scott, The Politics of the Veil (Princeton and Oxford: Princeton University Press, 2007), 16-17).
This fifth explanation on the meaning of the veil (the headscarf, the \textit{niqab}, and the \textit{burqa}) is probably the most important one for many European politicians, academics, and citizens believe that the headscarf, the \textit{niqab}, and the \textit{burqa} are interchangeable, but they are not. Politicians often employ the veil “as a means to perpetuate the notion of a ‘clash of civilizations’ in which the veil symbolizes Islamic practices that purportedly stand in stark opposition to modern Western ideals.” Among the academics, some of them believe that veiling practices refer to the “submission of women to men” and other believe that they symbolize “the resistance against Western hegemony, commodification of women’s body and post 9/11 Islamophobia.”

As a consequence, having these five explanations in mind, I came up with the following research question: \textit{Laïcité} and tolerance: to what extent do France and the Netherlands differ from and/or complement each other regarding Muslim women wearing the headscarf, the \textit{niqab}, and the \textit{burqa} in the late 20th and the early 21st centuries?

To answer this question, I will start by explaining my methodological framework by describing John Stuart Mill’s method of comparativism and by giving an overview of the different sources that have been selected and used for this Master thesis (Chapter I). This first chapter will be followed by a presentation of the different meanings of the “veil” (Chapter II). This chapter is one of the most important ones for, as mentioned earlier, many people tend to interchange the headscarf with the \textit{niqab} and the \textit{burqa} and vice versa. After having clarified the different meanings of the “veil,” the next chapter (Chapter III) is going to contextualize the relationship between the Europeans and the Muslims, the latter being perceived as the “eternal enemies” of the former. Are we in the presence of a “clash of civilizations” as Samuel P. Huntington argues, or more in an “identity construction”? In this same chapter, a closer look will also be made with regard to the relationship between France and the Muslim world, and the relationship between the Netherlands and the Muslim world. What has been noticed in this contextualization part is that it was not only a question of misunderstanding the different meanings of the “veil” or the different clashes and wars that happened between the Europeans and the Muslims in the course of history. In fact, it was also a question of identity construction with regard to the concept of secularism and tolerance in France and the Netherlands regarding the wearing of the headscarf, the \textit{niqab}, and the \textit{burqa} in public spaces (Chapter IV). This leads us to the two final chapters (Chapters V and VI) in which the

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headscarf, the *niqab*, and the *burqa* debate is described in the context of the two selected European countries, namely France and the Netherlands. These two chapters allow me to conclude that the wearing of the headscarf, the *niqab*, and the *burqa* was not only a political and a cultural issue, as it is mentioned in the research question, but also an issue regarding the construction of national identity, in this case French identity (what does it mean to be French?) and Dutch identity (what does it mean to be Dutch?).
I. Methodological Framework

As formulated in the introduction, this thesis focuses on the political, the cultural, and/or on the national identity issue on Muslim women wearing the veil in France and the Netherlands in the beginning of the twenty-first century by answering the following research question: *Laïcité and “tolerance”: to what extent do France and the Netherlands differ from and/or complement each other regarding Muslim women wearing the headscarf, the niqab and the burqa in the twenty-first century?* To start answering this question, it is important to briefly explain the methodological framework that will be used in this Master thesis. Section 1.1 is a brief description of John Stuart Mill’s method of comparativism, followed in section 1.2 with an overview of the different sources that have been selected and used for this Master thesis.

1. Methodology

1.1 Comparativism

Comparing is a process of confronting and studying the connections between things or people in order to analyze the similarities and the differences. In *Ways of Knowing: Competing Methodologies in Social and Political Research*, Jonathan W. Moses and Torbjorn L. Knutsen explain John Stuart Mill’s four strategic comparative research methods, which are the Method of Difference, the Method of Agreement, the Indirect Method of Difference, and the Method of Concomitant Variation. For the purpose of this thesis, the Method of Difference has been chosen as the comparative Method.

John Stuart Mill, a very important 19th century British liberal political philosopher and political economist, described the Method of Difference as follows: “If an instance in which the phenomenon under investigation occurs, and an instance in which it does not occur, have every circumstance in common save one, that one occurring only in the former; the circumstance in which alone the two instances differ, is the effect, or the cause, or an indispensable part of the cause, of the phenomenon.”

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on the Method of Difference, Jonathan W. Moses and Torbjorn L. Knutsen explain it as being a Method which “compar[es] political/social systems that share a number of common features as a way of neutralizing some differences while highlighting others.”

Furthermore, this Method of Difference can be used in four different ways to compare two things or two people: “over time [(longitudinal or diachronic comparisons)], within nations [(intra-state differences)], over areas [(choosing states or polities that are relatively similar)], and in counterfactuals [(comparing true similar cases with a fictitious one)].”

In the case of this Master thesis, two European countries (France and the Netherlands) are compared in the same time period (beginning of the 21st century), and on the same topic (Muslim women wearing the veil). Both countries have shared similar situations such as being in contact with Muslim people since the Middle Ages (Crusades), considering the Muslims as their “eternal” enemies, tensions occurring between the two communities – Muslims/Europeans (the Parisian suburbs attack in 2005, the assassination of film director Theo van Gogh in 2004), and facing the Muslim-women-wearing-the-veil issue.

France is a secular republican country where it is prohibited to wear any kind of religious symbols and clothes in a conspicuous way in public spaces. The Netherlands are a constitutional monarchy where the policy of tolerance was favored until the beginning of twenty-first century when they seem to reconsider their position on a bill in 2013 prohibiting the wearing of niqabs and burqas in public. Despite the fact that this Method is also perceived as an “artificial experiment,” John Stuart Mill’s Method of Difference is appropriate to determine the similarities and the differences of both countries with regard to the headscarf, niqab, and burqa issue.

To conclude this section, this thesis wants to compare France and the Netherlands on the issue of Muslim women wearing the veil and analyze how French, Dutch and Muslim politicians, EU officers, non-governmental organizations, scholars, and journalists perceive and think about this controversial issue on Muslim women wearing the veil with the help of

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8 Ibid., 98-100.
9 Ibid., 100. Mill pointed himself to the problem: “It thus appears that in the study of the various kinds of phenomena which we can, by our voluntary agency, modify or control, we can in general satisfy the requisitions of the Method of Difference; but that by the spontaneous operations of nature those requisitions are seldom [emphasis added] fulfilled.” (John Stuart Mill, ed., “Chapter VIII. Of the Four Methods of Experimental Inquiry,” in A System of Logic, Ratiocinative and Inductive, being a Connected View of the Principles of Evidence and the Methods of Scientific Investigation (New York: Harper & Brothers, 1882), http://ebooks.adelaide.edu.au/m/mill/john_stuart/system_of_logic/chapter23.html (accessed on 8/06/2013)).
John Stuart Mill’s Method of Difference. A selection of sources has been made to put this Method into practice.

1.2 Selected Bibliography

A number of secondary sources such as books, peer-reviewed journal articles, and French government’s, Dutch government’s and European institution’s websites on the topic of Muslim women wearing the headscarf in France and the Netherlands have been selected to answer the research question. They are published during the time span of the years 1990s and 2000s. These sources are very relevant to the topic because they are dealing or partly dealing with the same questions on which the author of this thesis is working, such as the relations between French/Muslims and Dutch/Muslims, Laïcité and tolerance, and of course the headscarf, niqab, and burqa issue.

For a certain amount of time, it seems that scholars are very fascinated by everything that is linked with Muslims, Islam, and the East. This is particularly noticeable in the diversity of published books and articles related to these topics. Since this thesis aims to uncover the topic on wearing or not wearing the veil in France and the Netherlands in the beginning of the twenty-first century, it is important to analyze sources that tackle the subject on the meaning of the veil, the historical relations between Europe and Islam since Islam has been considered as the “eternal enemy” of Europe, the historical relations between France and the Muslim world, and the Netherlands and the Muslim world, the political decisions taken with regard to the wearing-of-the-veil issue in both countries, and the laws that have been passed by the end of the twentieth century and the beginning of the twenty-first century.

The sources were selected by searching for key words and expressions such as “Muslim women wearing a veil in France”, “Muslim women wearing a veil in the Netherlands”, “France and Islam”, “the Netherlands and Islam”, “secularism”, “laïcité”, “tolerance in the Netherlands”, “les lois scolaires laïques”, “Hoofddoekjes in Nederland”, “l’affaire Creil de 1989”, “Christiaan Snouck Hurgronje”, and “le voile en France” to give some examples. Following this search, sources related to the historical relations between Europe and Islam and Islam and the West have been retained such as Aziz Al-Azmeh’s and Effie Fokas’s Islam in Europe: Diversity, Identity and Influence, Yvonne Yazbeck Haddad’s Muslims in the West: from Sojourners to Citizens, Bassam Tibi’s Political Islam, World Politics and Europe: Democratic Peace and Euro-Islam versus Global Jihad, Bernard
Lewis’s *The Muslim Discovery of Europe*, and Edward W. Saïd’s *Orientalism*. Among these authors, Bassam Tibi, Bernard Lewis, and Edward W. Saïd have been the most influential ones with regard to the East and the West, and Islam and the West. Bassam Tibi was a political scientist and Professor of International Relations and *Islamology* at the University of Göttingen, Germany. He introduced the concept of *Euroislam*. Bernard Lewis is a well-known historian specialized in Islam, the interaction between Islam and the West, the modern Middle East, and has been a pioneer of the social and economic history of the Ottoman Empire. Edward Saïd was one of the most distinguished literary critics of the twentieth century. With his book *Orientalism*, he gave a critical analysis of the “Orient” and “Occident” polarization, which allows people to better understand why “clashes” occurred between these two parts of the world.

As a reminder, this Master thesis intends to compare the headscarf, *niqab*, and *burqa* issue in France and the Netherlands. Therefore, it is important to select sources dealing with these two countries such as Hilal Elver’s *The Headscarf Controversy: Secularism and Freedom of Religion*, Joan Wallach Scott’s *The Politics of the Veil*, Jane Freedman’s “Secularism as a Barrier to Integration? The French Dilemma,” Peter van der Veer’s “Pim Fortuyn, Theo van Gogh and the Politics of Tolerance in the Netherlands,” Harry J. Benda’s “Christiaan Snouck Hurgronje and the Foundations of Dutch Islamic Policy in Indonesia,” or Doutje N. Lettinga’s *Framing the Hijab. The Governance of Intersecting Religious, Ethnic and Gender Differences in France, the Netherlands, and Germany*. These authors are researchers and scholars specialized in the fields of gender studies, religious and ethnic diversity, migration, religion, non-discrimination and in the questions on difference. This variety of fields allow a broad and at the same time a close view on the topic of the headscarf, *niqab*, and *burqa* issue in France and the Netherlands.

To finish, this Master thesis would not have any sense if the wearing-of-the-veil (headscarf, *niqab*, and *burqa*) issue was not analyzed. As a result, sources referring to the meaning and the perceptions of the headscarf, the *niqab*, and the *burqa* in France and the

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Netherlands by Muslim women, French and Dutch citizens, French and Dutch politicians, and scholars are essential, such as Anne Sophie Lamine’s “Les foulards et la République”, Omar Mazri & Zeinab Abdelaziz’s *La République et le Voile Symboles et Inversions*, Hilal Elver’s *The Headscarf Controversy: Secularism and Freedom of Religion*, or W. MJ. van Binsbergen’s *Aspecten van Etniciteit: Onderzoek naar de Hidjaab in Amsterdam*.

To conclude this section, this Master thesis contributes to widen the research field on the Muslim-women-wearing-the-headscarf/niqab/burqa issue in France and the Netherlands by comparing (comparativism) the two countries and concluding if there are or not similarities. As a starting, it will be interesting to analyze how one understands the word “veil” – the difference between a headscarf, a *niqab*, and a *burqa*. 
II. Different “Veils”, Different Meanings

Handling the symbol is uniting and building a desire to live together in all sociological, economic, social, and cultural interactions of a nation or a civilization. Manipulating the symbol is sharpening social tensions, promoting isolationism, and breaking the bonds to mobilize people as one mobilizes armies in a partisan, sectarian, colonialist conflict against the other.\(^\text{13}\)

The veil is a piece of fabric that seems to cause tensions questioning the freedom of women, the national identity, and the neutrality of public spaces. However, it also seems that there are misunderstandings and misinterpretations with regard to the meaning of the veil. Indeed, several terms are used to define the same piece of fabric worn by Muslim women. Nevertheless, these terms refer to different types of veiling, such as the headscarf (hijab), the niqab, and the burqa.

The hijab is a headscarf that fully covers the hair and the neck of Muslim women and is worn by the latter once they reach puberty to protect them from indiscreet eyes. “The term originally meant ‘curtain,’ or ‘separation,’ derived from hajaba, meaning ‘to hide from view,’ the word for headscarf used in the Quran being khimar.”\(^\text{14}\) Françoise Gaspard and Farhad Khosrokhavar distinguish three types of headscarf veiling: the one worn by migrants (mothers and grandmothers), the one worn by pre-teenagers and teenagers and imposed by the parents or accepted and used as an object of liberty, and the one worn by the post-teenagers or young women who cover their head not to claim French citizenship but to assert their dual identity as French and Muslim women.\(^\text{15}\)

The niqab is “a veil that almost completely covers the face. The only opening it leaves to the outside world is a cleft for the eyes.”\(^\text{16}\) The burqa like “[the] chador [and the] abbaya are names for head-to-toe coverings for religious Muslim women. The burqa additionally

covers the whole face, with a mesh square to see through.”\textsuperscript{17} By confusing these terms – headscarf, \textit{niqab}, and \textit{burqa} – misunderstandings and misinterpretations can occur. But, for the purpose of this thesis, the word “veil” will be used as a generic term to refer to all forms of veiling. When there is a need to refer to a specific form of veiling, such as the headscarf, the \textit{niqab}, or the \textit{burqa}, this will be mentioned as such. Consequently, it is important to mention the different approaches that Muslim people and scholars have taken to define what they mean by using the term “veil”.

The veil can be a simple expression of religious tradition or belief, a sign of respect toward one’s family’s ancestry and culture, a symbol of the re-Islamization of women of North African origin, a sign of adolescent self-assertion or rebellion, and an instrument of emancipation.\textsuperscript{19} However, it would be interesting to come back to the ordinary meaning of the veil. According to Omar Mazri and Zeinab Abdelaziz, “The plain meaning of the scarf gives the image of a square of silk or lightweight fabric that is worn around the neck or on the head. Tied around the neck and, especially for the woman, on the head or around the shoulders, it helps her to keep warm or to serve as an ornament.”\textsuperscript{20} In other words, according to this quotation, the first function of the veil is to protect women from climate change (the weather) while making her beautiful.

\textsuperscript{20} Omar Mazri and Zeinab Abdelaziz, \textit{La République et le Voile Symboles et Inversions} (Saint Denis : Edifree Editions & Conseil, 2010), 37. (Original text: “Le sens courant donne du foulard l’image d’un carré de soie ou de tissu léger que l’on porte autour du cou ou sur la tête. Nouée autour du cou et, spécialement pour la femme, sur la tête ou autour des épaules, il permet de se protéger du froid ou de servir d’ornement.”).
Nevertheless, other scholars argue that women covered their head with a veil by humility and decency; and this already happened thirty-two centuries ago. Indeed, the Ancient Semitic belief considered the hair as a reflection of the pubic hair. This belief was so prevalent in the East, including Mesopotamia, that Tiglath Phalazar I, King of Assyria (now Iraq), established a law obliging married women, concubines, hierodules\(^{21}\) considered as wives, and sacred prostitutes to wear the veil when they needed to go outside the house:

Married women who go out in the street will not have the head uncovered. The concubine who goes out in the street with her mistress [the official wife] will be veiled as well. The hierodule who a husband took [as a wife] will be veiled in the streets. And the one who the husband has not taken as one of his wives will go outside with her head uncovered. The unholy prostitute will not be veiled. Her head will be uncovered.\(^{22}\)

In this case, the veil can be seen as a sign of moral obligation to show that women respected their husband and that they were not allowed to see and be seen by other men. Contrary to what most people think, this moral obligation is not proper to Islam but was taken over also by Judaism and Christianity.

In the Old Testament, Rebecca covers her head reverently when Isaac’s servant tells her that his master is coming: “And Rebekah lifted up her eyes, and when she saw Isaac, she lighted off the camel. / For she had said unto the servant, What man is this that walketh in the field to meet us? And the servant had said, It is my master: therefore she took a [sic] vail, and covered herself.”\(^{23}\) Several interpretations can be given to explain the reason why Rebecca covers her head in the presence of Isaac. First, Rebecca does not want to expose herself uncovered to Isaac by humility, respect, and submission probably because she knew that he would become her husband. Second, in Hebraic customs, a woman wears a veil at her wedding. Therefore, it might be possible that Isaac and Rebecca are getting married at that moment, which explains why Rebecca covers herself. Third, when a woman is promised to a

\(^{21}\) A hierodule is “a slave serving in an ancient temple, as in Greece or Anatolia, in the service of a specific deity.” (Definition taken from The Free Dictionary, “Hierodule,” The Free Dictionary, http://www.thefreedictionary.com/hierodule (accessed on 24/01/2013)).


man, the Hebraic tradition asks the woman to cover her head until she gets married. It is a way to protect her from indiscreet eyes. This example with Rebecca demonstrates that the fact of wearing the veil is not based on religious criteria but on moral values to reveal women’s humility, respect, and submission towards their husband.

Another biblical example that can be taken into consideration is the text written by Saint Paul in the New Testament in which one can read that “[f]or if the woman be not covered, let her also be shorn: but if it be a shame for a woman to be shorn or shaven, let her be covered.” In this case, women are not under the pressure of the masculine figure (father, husband, brother) nor of moral values and obligations but they can choose if they want to wear the veil or not. Until the beginning of the twentieth century, women wore head ware to church services. It may happen that women, mostly belonging to traditional Christian families, still wear veils when they go to church in the twenty-first century. This habit, even tradition, has been given by the interpretation made on the fifth verse of 1 Corinthians 11 saying that “every woman that prayeth or prophesieth with her head uncovered dishonoureth her head: for that is even all one as if she were shaven.” According to this verse, women must cover their head while praying and prophesying. However, it does not mention that they have to cover their head all the time and every day. In other words, women can have the choice to wear or not to wear a veil on their head. These two verses also reveal that the obligation for women to cover their head does not come from the Bible but from a belief and a tradition created by human beings. It seems that this argument can also be defended on the Muslim side.

Indeed, Leila Babès, a sociologist and vocal critic of veiling, argues that the headscarf (hijab) was not a religious prescription but was meant only to the Prophet’s wives. Muslim women were asked only to respect modesty, that is to say, to be respectful for their husband and to dress themselves in a way that would not default them in the eyes of the male

population. The reason why the wearing of the veil was only reserved for the Prophet’s wives was for the Prophet a way to make them recognizable as his wives and to protect them from indiscreet eyes. This is clearly illustrated in Sura 33: 32 and 59 when Allah says: “‘O wives of the Prophet, you are not like [emphasis added] other women’,” and to the Prophet: “‘O Prophet, tell your wives and daughters, and the women of the faithful, to draw their wraps a little over them. They will thus be recognized and no harm will come to them.’”

Consequently, the ruling of covering the head has fallen on all Muslim women, a way for men to protect their wives and daughters. According to Samia Labidi, the Prophet Muhammad was considered as a liberator of the women. She explains that “[a]t a time when newborn girls were buried alive and adult women were treated like furniture – pieces of property that could be included as part of a man’s estate – his message gave them protection. [...] Muhammad’s last words before his death [were] ‘Take care of the women’. However, the Prophet’s wives were not always veiled in the physical sense. The veil could also be a curtain which separated the spouses from the male guests to unable the latter to get attracted to the former, and conversely: “And when you ask his [the Prophet] wife for something of utility, ask for it from behind the screen. This is for the purity of your hearts and theirs.”

Thus, the veil can be seen as a piece of fabric that Muslim women wear on their head or over their body, or as a separation, like a curtain.

Nowadays, the veil is used by Muslim women to protect them “from ‘modernity’ and to] symbolize their fidelity to Islam. It reminds us that a veiled woman remains ‘inside,’ even when she leaves her house. Entering public life with a motto of ‘personality, not femininity,’ she emphasizes her ‘sacred’ body over her aesthetic one, while simultaneously strengthening her sense of ‘otherness’ in the face of Western modernity.”

As a consequence, if they want to live in a country like France or the Netherlands, they have to follow the laws and the

29 Samia Labidi, “Faces of Janus: the Arab-Muslim Community in France and the Battle for its Future,” in The Other Muslims: Moderate and Secular, ed. Zeyno Baran, p.107-122 (New York: Palgrave Macmillan, 2010), 122. (“Sahih al- Bukhari. Hadith 7.114, narrated by Abu Huraira: The Prophet said, ‘Whoever believes in Allah and the Last Day should not hurt (trouble) his neighbor. And I advise you to take care of the women, for they are created from a rib and the most bent portion of the rib is its upper part; if you try to straighten it, it will break, and if you leave it, it will remain bent, so I urge you to take care of the women’.”).
30 Ibid., 116.
traditions of their host countries. However, it seems that a total assimilation is inconceivable for Muslim women because of the differences in traditions and of their fidelity to Islam. Furthermore, in the Western mind, according to Amer, the wearing of the veil may also refer to stereotypes such as terrorism, repressive attitudes towards women, lack of democracy, and fundamentalism, which is related to France’s postcolonialism, national identity and the Maghrebian immigrant situation, \(^{33}\) and to the Netherlands’s ignorance and fear of Islam. \(^{34}\) In France,

[i]n addition to consider the headscarf ‘in itself’ as ostentatious, magistrates believe that it is ‘a sign of identification marking the membership of a foreign extremist religious affiliation [...] which] claims a particularly intolerant orientation, refuses the French democratic institutions to recognize women’s equality, and seeks to hinder the Muslim French’s and foreigners’ integration in the French culture by confronting the respect of secularism'. \(^{35}\)

In the Netherlands, the policy of tolerance was questioned at the beginning of the twenty-first century under the first Cabinet Rutte by former Minister of the Interior and Kingdom Relations Piet Hein Donner who presented a legislative bill forbidding the wearing of the burqa, the veil, the full helmet, and the balaclava in public spaces and punishing the wearers with a fine of €380. The Netherlands were the third European country after France and Belgium to undertake measures to prohibit the wearing of the burqa and the veil in public. According to his survey done in 2010 for the tv-program KRO De Wandeling (KRO being a Roman Catholic programming), Maurice de Hond, a Dutch pollster and entrepreneur, found out that eight out of ten Dutch were in favor of enacting the law, and fifteen percent were opposed to the enactment.\(^{36}\)

Nevertheless, it seems that the confusion existing between the Western culture and the Muslim one with regard to the wearing-of-the-veil issue is based on a misunderstanding on the use of the head ware. According to a research conducted by Michel Wieviorka, “it seems

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\(^{35}\) Anne Sophie Lamine, “Les foulards et la République,” in *Revue des Sciences Sociales*, n° 35, “Nouvelles figures de la guerre.” p.154-165 (Strasbourg, Université Marc Bloch, 2006), 158. (Original text: “En plus de juger que le foulard est « en soi » ostentatoire, les magistrats estiment qu’il est ‘un signe d’identification marquant l’appartenance à une obédience religieuse extrémiste d’origine étrangère […qui] se réclame d’une orientation particulièrement intolérante, refuse aux personnes de sexe féminin l’égalité que leur reconnaissent les institutions démocratiques de la France, cherche à faire obstacle à l’intégration des Français et étrangers de confession musulmane à la culture française en s’opposant au respect de la laïcité’.”).

that headscarves sometimes function as a vehicle to enable young women to circumvent the supposedly ‘private’ familial constraints to obtain *subjective* autonomy and entering the public sphere.”  

37 In other words, the focus on the meaning of the veil should not be based only on a religious connotation but more on a democratic and secular way to be able to live together, no matter our skin color, our religious convictions, and our origins. What makes this “living together” inaccessible is the fear of the other, in other words, the Muslims. By presenting the veil as a conspicuous and ostentatious piece of fabric, islamophobic people try to demonize Islam and the Muslims who have been considered, for a long time, as the ‘eternal enemies’ of Europeans.

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III. Muslims as “the Eternal Enemies” of Europeans: “Clash of Civilizations” and/or “Identity Construction”? A General Historical Overview

According to Joan Wallach Scott, “we cannot understand contemporary debates about the veil without this history [emphasis added]:”\(^{38}\) the history between the Occident and the Orient, Europeans and Muslims, French and Muslims, and Dutch and Muslims. This Western/Oriental polarization has been built with respect to the representation that each one has made of the other. This construction of the other has been the fruit of a long history of fights, clashes of civilizations, alliances, conquests, and colonization, and all this has led to the construction of an identity. This chapter will show that history has taken part in the construction process of the European/French/Dutch identity with regard to the Muslims seen as the Europeans’ “eternal enemies” and that it will have an influence in the headscarf, \textit{niqab}, and \textit{burqa} debates.

1. The Oriental and Western Polarization

In the Western world’s – and particularly in Europe’s – perception of the Muslim/Oriental world, Islam often has been represented as the \textit{Other}, or as the polar opposite of the European/Western world. As Edward Saïd, a distinguished literary critic of the 20\(^{th}\) century, says, “[w]hen one uses categories like Oriental and Western as both the starting and the end points of analyses, research, public policy […], the result is usually to \textit{polarize} [emphasis added] the distinction – the Oriental becomes the Oriental, the Western more Western – and limit the human encounter between different cultures, traditions, and societies.”\(^{39}\) In other words, the Oriental/Western polarization remains a fixed polarization or as a polar opposition that “is taken for granted.”\(^{40}\) Furthermore, this Oriental/Western polarization is due, in part, to tremendous ignorance. According to Ghaleb Bencheikh, “the mere sound of the word ‘Islam’ conjures up dark images [in the minds of Europeans]. This fear of Islam is exacerbated by the indefensible attitudes of a small minority, who view themselves as ‘God’s prosecutors’ and the sole defenders of His rights, while readily flouting the rights of others.”\(^{41}\)

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\(^{40}\) \textit{Ibid.}, 46.

is that the Oriental/Western polar opposition may be due to a misunderstanding or a “clash of civilizations” between Europeans and Muslims which may, in the end, lead to an “identity construction” of what one calls “European civilization” and “Muslim civilization”.

One of the reasons why misunderstandings or clashes have happened between the East and the West is because of their historical and geographical proximity. Indeed, according to Edward Said, “[t]he Orient is not only adjacent to Europe; it is also the place of Europe’s greatest and richest and oldest colonies, the source of its civilizations and languages, its cultural contestant, and one of its deepest and most recurring images of the Other [emphasis added].” In other words, the Orient seems to have created Europe. In fact, this statement can be defended. According to the Greek mythology, Europa was the “daughter of Agenor, king of the city of Tyre on the coast of Sidon [nowadays Saïda, Lebanon]. One fine day she was carried off by Zeus, transformed into a white bull. Zeus deposited her, and ravished her, on the shore of the continent that would bear their offspring and her name:” Europe. Consequently, according to Anthony Pagden, the origin of Europe comes from the Orient. However, is it possible to base one’s assumptions on mythologies, which are also human inventions?

According to Giovanni Battista Vico, “the world of civil society has certainly been made by men [emphasis added], and that its principles are therefore to be found within the modifications of our own human mind.” Based on Vico’s statement, Saïd assumes that the distinction between the “Orient” and the “Occident” is made by men:

[T]he Orient is not an inert fact of nature. It is not merely there, just as the Occident itself is not just there either. We must take seriously Vico’s great observation that men make their own history [emphasis added], that what they can know is what they have made, and extend it to geography: as both geographical and cultural entities – to say nothing of historical entities – such locales, regions, geographical sectors as ‘Orient’ and ‘Occident’ are man-made [emphasis added]. Therefore as much as the West itself, the Orient is an idea that has a history and a tradition of thought, imagery, and vocabulary that have given it reality and presence in and for the West.

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Even though the “Orient” and the “Occident” are man-made, one can wonder how people from both geographical and cultural entities have been aware of each other and what has made them mutual enemies?

In his “Clash of Civilizations,” Samuel P. Huntington, an American political scientist, puts forward that the world is shaped in seven or eight major civilizations. These include Western, Confucian, Japanese, Islamic, Hindu, Slavic-Orthodox, Latin American, and possibly African civilization (see map below). Yet, among these civilizations, one seems to be preordained to sow discord with the West, and which is, according to Huntington, the Islamic civilization: “Islam has bloody borders.” What does this expression mean? In an interview conducted by journalist Michael Steinberger from the New York Times on Tuesday 23 October 2001, Huntington explains that

[i]f you look around the borders of the Muslim world, you find a whole series of local conflicts involving Muslims and non-Muslims: Bosnia, Kosovo, the Caucasus, Chechnya, Tajikistan, Kashmir, India, Indonesia, the Philippines, North Africa, the Palestinian-Israeli conflict. Muslims also fight Muslims, and much more than the people of other civilizations fight each other.

By taking this reply into consideration, one can wonder if Huntington suggests that Islam promotes violence between Muslims and Muslims, Muslims and non-Muslims, or in the case of this Master thesis, Muslims and Europeans. In the same interview, Huntington says: “I don’t think Islam is any more violent than any other religions, and I suspect if you added it all

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47 Ibid., 35.
up, more people have been slaughtered by Christians over the centuries than by Muslims,”⁵⁰ for example during the Crusades.⁵¹

2. The Hegemony of the Muslim World (7th - 15th centuries)

According to S. Amir Mirtaheri, “[t]he question of Muslims and Europe goes back to the earliest contacts between the two well before the Crusades. Despite their diverse historical contexts, however, these ‘encounters’ have always had a dimension of identity and self-perception [emphasis added].”⁵² Furthermore, the “Orient” and the “Occident” have always been geographically close (see maps below). This was particularly due to a rapid expansion of Islam since the seventh century, starting in Mecca and continuing to the borders of China while conquering countries of North Africa:

The Muslims conquered Mecca in 630. By 635 they were in Damascus. The following year, at Yarmuk, the Muslims routed a Byzantine army and most of Syria was opened to them. In 637 they defeated a Persian army and had conquered the entire Persian Empire by 650. [The] expansion continued eastward in the following decades, until the Muslims had spread through Afghanistan and India, up to the borders of China. Jerusalem fell in 638, Egypt in 641 (Alexandria held out until 642). The Muslims swept across North Africa, conquering Tripoli in 647, Carthage in 698. […] They were at the gates of Constantinople in 673 and again in 717, but the Byzantines managed to drive the Muslims out of Asia Minor again, and that area remained Greek until the 11th century.⁵⁵

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⁵⁰ Ibid.
⁵¹ This view/generalization of the clash of civilizations, based on the ideas of Bernard Lewis, has been criticized a lot for its simplification and generalization.
The Muslims’ primary goal was to conquer, convert and eradicate the other (the pagans and principally the Christians), and to govern the world. This statement can be reinforced by John Tolan’s, Gilles Veinstein’s, and Henry Laurens’s observation on the fact that “[b]oth Muslims and Christians saw the other as militant, somewhat barbaric and fanatic in religious zeal, determined to conquer, convert, or eradicate the other, and thus an enemy [emphasis added] of God.” For the Muslims, this expansion, even this conquest, was a way to pursue the Prophet Muhammad’s work of establishing the new faith to unbelievers and to defend Islam from attack. This Islamic conquest resulted in the creation of two entities, one of which was the creator of the other. Belgian historian Henri Pirenne explains in his book Mahomet et Charlemagne that “the Orient is the fertilizing factor. […] The antique tradition was broken by Islam’s rapid and unexpected expansion. Consequently, this rupture has had the effect of permanently separating the East from the West, putting an end to the Mediterranean unity.”

The Muslim World experienced an impressive expansion from the seventh century (622) onwards with Islam spreading from the Arabian peninsula to North Africa and some parts of Asia and Europe.

In 711, under the leadership of the Berber Tarik, the Muslims continued their expansion to the North by crossing the Straits of Gibraltar to conquer the Visigothic Spain. By 718, most of the Iberian peninsula was conquered by the Muslims who decided to continue their expansion by crossing the Pyrenees into France. They succeeded in conquering Narbonne in 719, the present-day Languedoc-Roussillon, Carcassonne, Nîmes, Lyon, and Bordeaux. However, the Frankish armies led by Charles Martel stopped and defeated them in the battle of Tours and Poitiers in 732. This battle was the first encounter bringing face to face France and the Orient; and it was also the first time when Muslims were defeated by a

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Western country. According to Bernard Lewis, “it was indeed on this occasion [the battle of Tours and Poitiers] that the very notion of Europe as an entity which could be threatened or saved appeared for the first time.”62 Bassam Tibi, in his “Europeanization, not Islamization”, goes even further by arguing that “without the challenge of Islam, Charles the Great’s Christian Occident would never [emphasis added] have come into being.”63

At the end of the Battle of Tours and Poitiers, the Franks repulsed the Muslim troops in Spain where the latter set up in El-Andalus (nowadays Andalusia) until the fifteenth century. Until then, the Muslims ruled this part of Spain by promoting peaceful coexistence between the Christians and the Muslims, as well as the Jews and several minorities. According to Maria Rosa Menocal, “this period was an exemplary illustration of the greatness of Arab-Muslim civilization at its zenith, for it embodied, advocated and practiced the universal values of tolerance, respect, and openness to others.”64 Thus, contrary to what has been said about the Muslims on the fact that they were the “eternal” enemies of the Europeans, and more precisely of the Christians, it seems that these claims have to be reconsidered. Nonetheless, Muslims remained great expansionists at the time.

Between the eighth and the thirteenth centuries, they carried on their expansion and increased their authority on the European continent. However, it seemed that the Muslims could not keep complete political, religious, and cultural control of the immense territory they conquered, which obliged them to retrace their steps to the African continent and the Middle East. Indeed, in the fourteenth and fifteenth centuries, some European countries were willing to reconquer the lands they had lost and to expand their territories. For example, in Spain, “in 1482, Queen Isabel of Castile and her husband, King Fernando of Aragon, began the conquest of the emirates of Granada. On January 6, 1492, the couple entered the city as victors and annexed the emirate to Castile.”65 The Muslims who remained in Spain were forced to be converted to Christianity. Nevertheless, many of these Muslims continued practising their

religion in secret. Even though the Muslims were very often seen as the main enemy of Europe, France, in the course of the sixteenth century, decided to make an alliance with them.

3. The Hegemony of the Western World (16th – 19th centuries)

3.1 France and the Muslim World

It seems that the relationship between metropolitan France and the Muslim World is very ancient. According to Joel S. Fetzer and J. Christopher Soper, as early as 716 A.D., a group of North African soldiers entered the country and established a Muslim protectorate and a mosque in Narbonne. Very soon, the Franks observed that the Muslim soldiers pursued their expansion in the territory by conquering Carcassonne, Nîmes, Toulouse, Bordeaux, the Aquitaine, the Rhône valley (Avignon, Lyon, Autun), and the Ardèche. Noticing the ongoing Muslim progression, the Frankish armies led by Charles Martel stopped and defeated them in the Battle of Tours and Poitiers in 732. According to François Guizot and Madame Guizot, this battle was considered as “a struggle between East and West, South and North, Asia and Europe, the Gospel and the Koran; and we now say, on a general consideration of events, peoples, and ages, that the civilization of the world depended on it.” In other words, this “clash of civilizations” between the Orient and the Occident was needed to make people better aware of their belonging to a culture, a civilization, and an identity. And as Bassam Tibi, who was quoted earlier, says “without the challenge of Islam, Charles the Great’s Christian Occident would never [emphasis added] have come into being.” Indeed, Charles Martel’s grandson Charles the Great, or Charlemagne, had decided to establish an empire which “he [had] declared to be a restauration of the Western Roman Empire and [had been],

67 Joel S. Fetzer and J. Christopher Soper, Muslims and the State in Britain, France, and Germany (Cambridge: Cambridge University Press, 2005), 63.
in fact, the political base of Western Civilization.”⁷² The idea of restoring the Western Roman Empire and stopping the Muslim progression for good was very present in the Franks’ mind. From the eleventh until the thirteenth centuries, they were much involved in the crusades which, according to William E. Waston, “sought to eliminate Islamic control and to establish Catholic Christian dominion in parts of the world that had by then become majority-Muslim areas.”⁷³ Nonetheless, Muslims were not always the enemies of the French.

In fact, in the sixteenth century, a French monarch decided to establish an alliance with the “enemy” to control the Muslims’ progress within Europe and its Europeans rivals: the House of Habsburg. In 1536, King Francis I of France forged an alliance with the Ottoman Sultan Suleiman the Magnificent.⁷⁴ It is the first time that a Christian and a non-Christian empire allied for the benefit of peace of religion and trade, and not for the benefit of territorial and religious expansion. This agreement allowed King Francis I to claim that it was through his diplomacy with the Ottomans that Christendom was saved as well as Christian Europe.⁷⁵ However, even though the political relation between the Ottoman Empire and France lasted for centuries, the relations between France and North Africa were less friendly.

Indeed, this instability was particularly due to the presence of pirates in the Mediterranean Sea along the coasts of what is today Algeria, Tunisia, and Libya,⁷⁶ who interfered in trade exchanges by attacking French ships and coastal towns. Following King Louis XIV’s order, “[l]arge armadas equipped with the newest weaponry repeatedly shelled Algiers and Tripoli in the 1680s and 1690s, causing considerable damage and loss of life and prompting Tunis to sign a preemptive treaty.”⁷⁷ After the signing of the peace treaty, the relations between France and North Africa were stabilized until the nineteenth century.

In the eighteenth century, the knowledge about Islam was also used by Europeans to help them think about a potential colonization to extend their territory and influence. In the

case of France, France had the desire to extend French civilization throughout the world through economic, political, religious, and even demographic motives.\textsuperscript{78} But it thought that one of its most important duties was to civilize the uncivilized, in other words, the non-Christians – the Muslims: “the colonial epic […] was thought as a civilizing mission, the civilizing march against barbarism.”\textsuperscript{79} According to Henry Laurens, if Muslims refused colonization, France would think that they were against civilization: “since one refuses to apply the principle of nationalities to Muslims, any resistance to the colonial expansion is a sign of fanaticism, a \textit{rejection of civilization} [emphasis added]. As religion becomes the sanctuary of all resistance, Islam is therefore seen as the \textit{enemy of civilization} [emphasis added]. It is the ultimate anti-Europe.”\textsuperscript{80} In the end of the eighteenth century, it seems that France would not be able to colonize the northern part of Africa, what is today the Maghreb (Morocco, Algeria, and Tunisia), because of the local populations’ rejection to be “Frenchified” or “Europeanized”. Nevertheless, Napoleon’s expedition to Egypt in the very end of the eighteenth century and in the beginning of the nineteenth century may influence the start of the French colonial conquest.

In 1798, Napoleon Bonaparte plotted the conquest of foreign lands and the creation of a personal empire,\textsuperscript{81} in which he would like to include Egypt for military, economic, cultural, and political purposes. Indeed, even though Napoleon was fascinated by the Orient, “the idea of reconquering Egypt as a new Alexander proposed itself to him, allied with the additional benefit of acquiring a new Islamic colony at England’s expense.”\textsuperscript{82} It should be noted that England was France’s primary adversary with regard to territorial expansion, and therefore, all means were good to slow England’s colonial progression down. Consequently, on June 28,
1798, Napoleon’s army landed at Alexandria and settled there. According to the Egyptian historian Abd al-Rahman al-Jabarti, the French were perceived as barbarous and unconventional people:

They followed this rule: great and small, high and low, male and female are all equal. Sometimes they break this rule according to their whims and inclinations or reasoning. Their women do not veil themselves and have no modesty; they do not care whether they uncover their private parts. Whenever a Frenchman has to perform an act of nature he does so wherever he happens to be; even in full view of people.

Al-Jabarti’s observation on the male and female equality and the fact that French women did not veil themselves seems to echo back the issue that would occur two hundred years later about Muslim women wearing the headscarf, the niqab, and the burqa in public spaces in France. As a consequence, it may be possible that a misunderstanding of cultures had been installed since then, which did not seem to be the case with the Netherlands, since the latter’s relations with the Muslim world were not very strong until the seventeenth century.

### 3.2 The Netherlands and the Muslim World

Before the 17th century, the Seventeen Dutch provinces (which would become the Dutch Republic between the 16th and 18th centuries, and afterwards the Kingdom of the Netherlands in the 19th century) did not have a strong relationship with the Muslim world. Even though Dutch knights took part in the Crusades between 1095 and 1291, the Dutch society was not very well aware of the oriental world and its customs. Those who were lettered persons acquired the knowledge of Islam and the Muslim people through knight novels – for example, Jacob van Maerland’s *Spieghel Historiael* – and the reading of the Quran, which was translated for the first time into Latin in 1143. As a consequence, the awareness of the Muslim world was very limited between the 13th and 16th centuries. Nevertheless, at the end of the 16th century, in 1586, the Leiden University offered Arabian and Islamic classes, which became popular in the 17th century and which might facilitate the contacts between the Dutch and the

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86 The full text can be found under this link, [http://www.dbnl.org/tekst/maer002spie00_01/](http://www.dbnl.org/tekst/maer002spie00_01/) (accessed on 6/05/2013).
Muslim countries such as Turkey, Africa, Syria, Persia, and the East Indies (today Indonesia).\textsuperscript{87}

In 1602, the Dutch Republic established the \textit{Verenigde Oost-Indische Compagnie} – VOC (the Dutch East India Company) – to take control of the maritime trade from the Portuguese, from the Cape of Good Hope to the Strait of Magellan.\textsuperscript{88} They arrived at the Indonesian Archipelago in the 17\textsuperscript{th} century by occupying Ambon and the Moluccas Islands in 1605, present-day Jakarta in 1619, and Malacca (in present-day Malaysia) in 1641 (see map).\textsuperscript{89} The Dutch presence in Southeast Asia was aimed at extracting wealth and trading with the local people, who were, for most of them, Muslims.\textsuperscript{91}

By means of trading with the local Muslim people and the colonization of areas with a Muslim population, the Dutch became more aware of the Islam\textsuperscript{92} and its influence. In fact, according to Karel A. Steenbrink, the Dutch already had an opinion about the Islam before they came to the East Indies for Dutch theologians presented the Islam “in terms of unbelief, superstition or heresy,”\textsuperscript{93} as something that needed to be countered. Indeed, as it was said in chapter III, section 2, Islam

\begin{footnotesize}
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\item Arie Wilschut, “De tijd van ontdekkers en hervormers, 1500-1600,” in \textit{Kleine geschiedenis van Nederland}, Deel 5 (Zwolle: Waanders Uitgevers, 2007), 143-147.
\item M.J.M. Maussen, “Dutch Colonialism, Islam and Mosques,” in \textit{Constructing Mosques: the Governance of Islam in France and the Netherlands}, p.91-106 (Amsterdam: University of Amsterdam, 2009), 92. Islam reached the Indonesian Archipelago by the 13\textsuperscript{th} century through traders and international scholarly networks. Until the arrival of Islam, the Indonesian Archipelago’s most important religions were Hinduism and Buddhism.
\end{itemize}
\end{footnotesize}
was already present in South and East Europe, which was predominantly Christian (Catholic and Protestant). But, Islam also continued its expansion towards Asia. This expansion was facilitated by trade. Muslim merchants traveled throughout the world and bargained their products. They also brought with them their religion – Islam – to which a lot of Indonesians converted to.\(^{94}\) As a consequence, when the first Dutch traders arrived in Indonesia, they encountered Muslim hostility, which led them to strengthen their policy toward the Indonesian population, which was characterized by racial as well as religious intolerance.

In 1716, the Dutch VOC issued a prohibition against the transport of Muslim pilgrims to visit the tomb of Mohammed in Mecca\(^{95}\) because it noticed that, during the Mecca pilgrimage, some Muslim pilgrims remained there for long periods of studies and returned home more strengthened in their faith and belief. According to Harry J. Benda, Indonesian Islam showed signs of restiveness in the end of the eighteenth century, which resulted in different clashes between the cultures.\(^{96}\) This would later on lead to the collapse of the VOC at the end of the century. As a result, all the East Indies territories conquered by the Dutch were nationalized and came under the administration of the Dutch government in 1800.\(^{97}\)

In the course of the nineteenth century, changes happened between the Dutch and the Indonesian Muslim population. Indeed, in 1818, the Kingdom of the Netherlands became more tolerant with regard to its East Indies colonies’ beliefs by stating in the Clause 97 of the “Regulation for Commissaries-General” that “the prayer meetings of all religions in the Netherlands Indies have the protection of the High Government, provided, that this prayer meeting is of no danger for public order.”\(^{98}\) This regulation might be considered as the first step towards the principle of freedom of religion. It was also at the end of the nineteenth century that the understanding of Islam became clearer with Christiaan Snouck Hurgronje’s appointment as Dutch Advisor on Arabian and Native Affairs.

According to Christiaan Snouck Hurgronje, the main misunderstanding in the relationship between Islam and the Netherlands was that Islam was, for a long a long,
perceived as the enemy. But Hurgronje argued that “the enemy […] was not Islam as a
religion but Islam as a political doctrine, both in the shape of agitation by local fanatics and in
the shape of pan-Islam, whether or not it was in fact inspired by Islamic rulers abroad like the
caliph.”99 To solve the problem, he decided to divide Islam into two parts, one religious, and
the other political. For religious Islam, Christiaan Snouck Hurgronje favored toleration (a
policy of neutrality toward religious life) which he considered as “the sine qua non for
pacification and stability.”100 For political Islam, he argued that as long as the local fanatics
abstained from political propaganda, the colonial government would lift all obstacles from the
Mecca pilgrimage.101 This distinction between religious Islam and political Islam was
necessary to stabilize the relationship between the Netherlands and Islam within the Dutch
colonial policy. As a result, the Netherlands decided to develop a different attitude towards
their Muslim colonies by establishing the principle of religious tolerance (neither encouraging
nor discouraging any religious practices). Even though this last section is not a direct link
between the colonial policy and the multicultural policy of the Netherlands that gradually
developed in the second half of the 20th century, it nonetheless gives an instance of contact
between Islam at an earlier stage in history and an example of how Dutch tried to come to
terms with it.

Another issue that the Netherlands as well as France had to deal with was the way how
people – French, Dutch, Muslims, non-Muslims – understand the concept of “public space.”

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99 Harry J. Benda, “Christiaan Snouck Hurgronje and the Foundations of Dutch Islamic Policy in Indonesia,” in
342.
100 Ibid.
101 M.J.M. Maussen, “Dutch Colonialism, Islam and Mosques,” in Constructing Mosques: the Governance of
Islam in France and the Netherlands, p.91-106 (Amsterdam: University of Amsterdam, 2009), 96.
IV. Public Spaces: Freedom of Thought, Conscience and Religion?

Indeed, one of the problems that emerges in the context of the headscarf, niqab, and burqa debate is the way how people understand the concept of “public spaces”. According to Lyn H. Lofland, Professor of sociology at the University of California, public spaces are “those areas of a city to which, in the main, all [emphasis added] persons have legal access. I refer to the city’s street, its parks, its places of public accommodation. I refer to its public buildings or to the ‘public sectors’ of its private buildings. Public space may be distinguished from private space in that access to the layer may be legally restricted.”\(^{102}\) In other words, public spaces are shared spaces where everyone can gather, no matter what the people’s political, religious, and ethnic affiliations are. However, it seems that in some European countries such as France and the Netherlands, public spaces, such as schools, are limited for people who intentionally show their affiliation to a religion by wearing “conspicuous” religious signs.

In the case of France, the government considers as conspicuous signs a large cross, a headscarf\(^ {103}\) (and later the niqab and the burqa), or a skullcap. Not perceived as signs indicating religious affiliation are for example medallions, small crosses, stars of David, hands of Fatima, or small Korans.\(^ {104}\) In the case of the Netherlands, an Islamic headscarf, a niqab, and a burqa are considered as conspicuous signs and are generally not accepted in Dutch public schools. However, it remains to each school to decide whether or not it is necessary to refuse Muslim pupils wearing headscarves inside the school building. As far as the Dutch government is concerned, it does not consider to ban headscarves from public spaces (schools, streets), unless they become a threat to the country’s security.\(^ {105}\) On the other hand, the ban does concern niqabs and burqas, which are fully considered as threats to the Dutch way of life and culture.\(^ {106}\)

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\(^{103}\) According to Joan Wallach Scott, not all headscarves were banned from all public spaces in France. “Private schools, which receive subventions from the state, were not governed by the ban. Women in the street were allowed to dress as they chose, as were university students. […] women with headscarves were allowed to go on cleaning schools and government offices without being considered a danger to the foundations of the secular state.” (Joan Wallach Scott, *The Politics of the Veil* (Princeton and Oxford: Princeton University Press, 2007), 106).


\(^{105}\) It seems that the country’s security concern is linked to the terrorist attacks that occurred in the United States and in Europe (Madrid, London).

One of the reasons why conspicuous signs are not allowed and accepted in public spaces is because of the law of secularism\textsuperscript{107}, stating the separation between church (very often considered as a private space) and state (very often considered as a public space). As Beverly M. Weber argues, “secularism was thought to provide a strategy for ending the violence of religious conflict by managing the relationship between religion and the public (particularly the state) by relegating religion specifically to the private [emphasis added].”\textsuperscript{108}

As a consequence, the headscarf, the niqab, and the burqa, considered as conspicuous signs, should remain to the private sphere. However, the distinction and the boundaries between the public and the private, the religious and the non-religious seem unclear.

In France, the separation between the state (public) and the church (private) “was intended to secure the allegiance of individuals to the republic and so break the political power of the Catholic Church. There the state claimed the undivided loyalty of citizens to the nation, and that meant relegating to a private sphere the claims of religious communities.”\textsuperscript{109} However, not all France is affected by this secular law.

Three French departments – Bas-Rhin, Haut-Rhin (Alsace) and Moselle (Lorraine) – are not concerned by the law because these departments were German for fifty years (from 1871 to 1918 and again from 1940 à 1941), and therefore were not concerned about the French secular law of 1905. As a consequence, the school status in these three departments is also different and exceptional with regard to the rest of France since they have granted privileges to the four recognized religions, namely the Catholic Church, the Lutheran Church, the Reformed Church and the Hebrew cults and religious classes remain compulsory.\textsuperscript{110} So, what happened to the Muslim people living in these three departments? Can Islam be part of the recognized religions at the same level as Catholicism, Protestantism, and the Hebrew cults? In the 1980s and 1990s, different attempts to organize Koranic initiations in elementary schools, or to create a faculty of Muslim theology at the University of Strasbourg, or to

\textsuperscript{107} In France, the separation between the Church and the State was enacted by the 1905 French law on the separation of the Churches and the State in 1905. Contrary to France, the Netherlands established the separation between the Church and the State as early as 1795-1798. (Cees W. Maris, Laïcité in the Low Countries? On Headscarves in a Neutral State (Amsterdam: University of Amsterdam, n.d.), 4).


recognize and integrate Islam as being part of the recognized religions. But all these attempts failed.\textsuperscript{111}

In the Netherlands, the political system is based on a process known as “pillarization” ("verzuiling"), a socio-political and organizational strategy of governance formed by four groups, namely the orthodox Protestants (or orthodox Calvinists), Roman Catholics, socialists, and liberals\textsuperscript{112}, which “each has its own ideology and its own political organizations: political parties, labor unions, employers’ associations, farmers’ groups, newspapers, radio and television organizations, and schools – from kindergarten to university.”\textsuperscript{113} In other words, every pillar is independent from another which means that no pillar had to interfere in another. This also means that every pillar is free to worship and has the right to be treated equally: “everyone shall have the right to profess his religious opinions with perfect freedom” (181. Freedom of religion) and that “all denominations in the State shall be granted equal protection” (182. Equal protection to all denominations).\textsuperscript{114}

Consequently, pillarization can be seen as a means to maintain peace and democracy in the Netherlands, in public as well as in private spaces. Pillarization would remain in the Dutch political system until the 1960s-1970s and be replaced by secularization,\textsuperscript{115} although Anton C. Zijderveld, Dutch Professor Emeritus of Sociology and Philosophy, argues that, even though the Netherlands are indeed depillarized in terms of worldview and ideology, they are still pillarized in terms of organization and structure.\textsuperscript{116}

\textsuperscript{111} Ibid., 166.
\textsuperscript{115} The Dutch pillarized system survived the Second World War. But, soon after the war, Dutch people belonging to the different pillars wanted “to be free from the tutelage and authority of religious elites and oppressive communities.” As a consequence, a reconsideration of the church-state’s relations and traditions was established. This change was called the Doorbraak (the Breakthrough) and lasted from 1946 to the 1970s. In the 1970s, the pillarized system collapsed and gave way to secularization. (M. Maussen, “Pillarization and Islam: Church-State Traditions and Muslim Claims for Recognition in the Netherlands,” in Comparative European Politics, Vol.10, No.3, p.337-353 (London, New York: Macmillan Publishers Ltd., 2012), 340; Parlement & Politiek, “Verzuiling,” Parlement & Politiek (Parlementair Documentatie Centrum van de Universiteit Leiden), http://www.parlement.com/id/vh8lnhrpxub/verzuiling (accessed on 14/05/2013).
As a consequence, the way French and Dutch people – authorities and citizens – understand the concept of “public space” depends on the context. As mentioned earlier, Lyn H. Lofland argued that public spaces are “those areas of a city to which, in the main, all [emphasis added] persons have legal access,” no matter their political, religious, and ethnic affiliations. However, in the context of French secularism and Dutch pillarization and secularism, it seems that not everybody had legal access to public spaces, and this mainly concerns the Muslim community.
V. Contextualizing the Headscarf, the Niqab, and the Burqa Debate in the French Context

During the parliamentary debate on the new Secularism law of 2004 in French public schools, deputy of the Socialist Party Annick Lepetit argues that, allowing and accepting that Muslim women can wear religious symbols in public schools will be very challengeable for France. However, it can also show that France may give the Muslim women the freedom to choose whether they want to wear or not their headscarves, niqabs, and burqa in public schools and in public places, generally speaking, even though the debate on the wearing of the niqab and the burqa remains a delicate one. As she said,

Need I remind you that in some countries in the 21st century, women cannot escape sanctions up to death penalties? In Iran, they are threatened with stoning, in Afghanistan with execution, in Bangladesh, to be burned with acid. In France, even if the reasons for wearing the headscarf are plenty, it remains the symbol and instrument of discrimination. To accept this challenge to the mixed school is to allow the exemption to certain educational rules.\footnote{Annick Lepetit quoted in Doutje Nynke Lettinga, *Framing the Hijab. The Governance of Intersecting Religious, Ethnic and Gender Differences in France, the Netherlands and Germany* (PhD Thesis, Amsterdam: Vrije Universiteit Amsterdam, 2011), 10.}

However, will France accept this challenge?

This chapter tends to contextualize the headscarf, niqab, and burqa debate in the French context in the late 20\textsuperscript{th} and early 21\textsuperscript{st} centuries. One of the issues that caused this debate is immigration and therefore integration. According to the French Center-right newspaper *Le Figaro*, France became the home of 4,5 million Muslims, the largest Muslim population on the continent.\footnote{Jean-Marie Guénois, “L’islam, première religion en France ?,” *Le Figaro*, 24 October 2012, Actualité, Société. http://www.lefigaro.fr/actualite-france/2012/10/24/01016-20121024ARTFIG00633-islam-premiere-religion-en-france.php (accessed on 16/05/2013).} This so-to-speak “Muslim invasion” frightened the French population as well as the French government which decided to intervene after the first headscarf controversy in 1989 by promulgating a law forbidding the wearing of conspicuous religious signs in public spaces, including the headscarf. The latter was perceived as a sign of religious otherness impacting the image of the woman, of national identity, and of Islam which was negatively perceived since the French colonial past.\footnote{Anne-Sophie Lamine, « Les foulards et la République, » in *Revue des Sciences Sociales*, n°35, « Nouvelles figures de la guerre », p.154-165 (Strasbourg, Université Marc Bloch, 2006), 154.}
1. France and its Muslim Colonies

France, from the beginning of its expansion in the 16th century, possessed different territories in different parts of the world: North America, Africa, Asia, and the Pacific. But it was only in the course of the 19th century that France colonized countries where the population was predominantly Muslim, namely the Maghreb with Algeria in 1830 and the protectorates of Tunisia in 1881 and Morocco in 1912. But why was it important for France to control these countries?

According to David K. Fieldhouse, British historian of the British Empire, the Second French Empire was the product of unplanned expansion and of circumstance. Indeed, one of the reasons why France decided to expand its territory by acquiring the Maghreb was because of its tense relationship with Britain, which was known to be the first colonial empire of the world. By conquering the Maghreb, France showed its determination and strength to be seen as a powerful colonial empire. Declaring Morocco as a French protectorate was, for France, a means of saving face after the Fashoda crisis, leading the latter to abandon the idea of taking control of the Nile River which was already a British possession. Despite the ups and downs, the French empire was the second important colonial empire during the 19th and 20th centuries.

Since Algeria, Tunisia and Morocco were considered as being part of France, it was required that their local populations were assimilated to the French values, policies, and customs. But what does assimilation mean? Stephen Henry Roberts, Australian academic, author, historian, and international analyst, defines assimilation as a “system which tends to efface all difference between the colonies and the motherland, and which views the colonies simply as a prolongation of the mother-country beyond the seas.”

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121 The first French colonial empire lasted from the 16th to the end of the 18th centuries. The second French colonial empire lasted from the 1830s with the conquest of Algeria until the 1960s (David K. Fieldhouse, The Colonial Empires: A Comparative Survey from the Eighteenth Century (London: Weidenfeld and Nicolson, 1966), 34-49 and 303-324).
one and indivisible which meant that there was no difference between France and its colonies. And in order to “efface all difference,” there was a need to civilize the colonized – *mission civilisatrice* (civilizing mission). However, this civilizing mission was not a priority for France, but territorial expansion was.

When the French arrived in Algeria in 1830, they first remained in the coastal areas, around Algiers and Oran but very quickly decided to expand towards the South and the East. The French expansion was slowed down by Abd al-Qadir, an Algerian Islamic scholar, Sufi, political and military leader, who forbade the French to move forward. But, the French continued their expansion by capturing Mascara and Tlemcen, the two towns where Abd al-Qadir established his government. This small conflict (1835-1837) ended up with the signing of the Tafna treaty in 1837, indicating the distribution of the country which the largest part was given to Abd al-Qadir, including the two cities of Mascara and Tlemcen. The peace treaty was short-lived for the French were determined to conquer Algeria, which, as a consequence, led Abd al-Qadir to declare war to France in 1839. At the beginning of the war, Abd al-Qadir’s armies were very successful. Nevertheless, time appeared to be on the side of the French who vehemently attacked Abd al-Qadir’s armies as well as the Algerian local population, men and women. In 1842, French Lieutenant Colonel de Montagnac, who was an officer during the conquest of Algeria, wrote a letter to his uncle in which he described the way Algerians, and especially Algerian women, were treated by the French: “You are asking me, in a paragraph of your letter, what we do with the women we have taken. Some of them are taken hostage, others are exchanged for horses, and the rest is sold at auction as beasts of burden.” One could conclude, according to de Montignac’s claim, that Algerian women were no more considered as human beings but as objects that the French armies could use as they liked, amongst other things to satisfy their sexual desires.

Indeed, it seem that, among Algerian women, some of them were subjected to sexual violences. French historian Christelle Taraud argues that “the sexual exploitation of indigenous women [was] an inevitable symbol of colonial domination [emphasis added] [… which] recalls that the power of the new masters was not only materialized by the

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124 This war lasted until 1847 when Abd al-Quadir gave himself up and Algeria to the French (Knut S. Vikør, *The Maghreb since 1800: a Short History* (London: Hurst & Company, 2012), 35).
establishment of the indigenousness system and the policy of expropriation and of confiscation of lands, but also by a true sexual colonization of women.”  

In other words, when a French man had sexual intercourses with Algerian women, it symbolized Algeria’s submission to the French control of the country. As a consequence, women were used as mediators to French colonization. In this case, one may think that Algerian women covered themselves with a veil to counteract and to protect themselves against French colonial settlements and French abuses. In this way, the veil was a means to cover, control and temper the female body, and a way to protect, comfort, and isolate Algerian women from the colonizer’s oppression.

As a consequence, the veil was not seen as a religious item but more as a protection. In fact, according to Marie-Blanche Tahon’s argument based on Frantz Fanon’s thoughts about the veil in his book *L’an V de la révolution algérienne*, the veil was not a religious symbol, neither a sign of women’s submission, but as a symbol of the colonized’s political resistance against the colonizer’s influence. Indeed, Algeria wanted to be independent again. But France wanted to keep Algeria as its colony because colonizing was perceived as a normal process. As French philosopher Ernest Renan once said “colonization in general is a political necessity which is absolutely first class. A nation that does not colonize is irrevocably dedicated to socialism, in the war of the rich and the poor. The conquest of a country of inferior race by a country of superior race, that settle there to govern, is not shocking at all.”

France continued its expansion in Africa by taking control of Algeria’s neighboring countries, namely Tunisia and Morocco. Nonetheless, contrary to Algeria, Tunisia and Morocco were not considered as French colonies but as French protectorates, meaning that

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129 Ibid., 265-266.

130 Ernest Renan, *La réforme intellectuelle et morale de la France* (Paris: Michel Lévy Frères, 1875), 92-93 (Original text: “La colonisation en grand est une nécessité politique tout à fait de premier ordre. Une nation qui ne colonise pas est irrévocablement vouée au socialisme, à la guerre du riche et du pauvre. La conquête d’un pays de race inférieure par une race supérieure, qui s’y établit pour le gouverner, n’a rien de choquant.”).
they were independent, but governed and administrated by French civil servants (making laws, deciding the policies). As a consequence, the Bey in Tunisia and the Sultan in Morocco remained the rulers in their country but became no more than formal figures with no actual influence. France decided to control these countries to restore imbalances in their economy and society, and to counter other European colonial expansions, such as Spain and Britain, which were also interested in conquering Tunisia and Morocco.\(^{131}\)

At the end of the 19th century, Tunisia encountered financial problems which France could not let pass. As a result, in 1881, the latter took the pretext of a local squabble between two tribes on the border with Algeria to cross the border without encountering any resistance and to present its demands to the Bey. That same year, the “Bardo Agreement” treaty was signed and Tunisia became a French protectorate.\(^{132}\) For Morocco, the situation was a little different for the country had to face revolts against hunger and unemployment which broke out in 1907. French landowners who had come to Morocco to settle were attacked by rebels. France responded by sending its soldiers from Algeria, bombarding Casablanca, and occupying the area around the town. However, more revolts arose, which led France to take direct control over the country. But since France did not want to make Morocco a colony, the latter became a protectorate in 1912.\(^{133}\)

France had a relatively stable relationship with its North African colony and protectorates until the 1930s-1940s when the first nationalist groups emerged, noticing that France was not able to fulfill its role as protector anymore. The Moroccan *Ititqlal* (Independence) party and the Tunisian Destour party (the latter being led by Habib Bourguiba) were formed and asked France for their independence. In the 1950s, France faced colonial crises in Asia, namely in Indochina and Vietnam, which influenced the North African protectorates to claim for independence. As a result, after different talks of negotiation in Paris (for the Moroccan case) and Morocco (for the Tunisian case), France agreed to give independence to its protectorates, which would be done in 1956.\(^{134}\) What happened in Algeria at the same time when Tunisia and Morocco became independent?

In Algeria, the colonial situation of the country was about to change too. Like Tunisia and Morocco, Algeria was aware about France’s weakness of its colonial empire with its defeat in Dien Bien Phu, Vietnam, in 1954. This encouraged the formation of the *Front de

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132 Ibid., 56-57.
133 Ibid., 50-51.
134 Ibid., 60-76.
Libération Nationale (FLN, National Liberation Front) with its head Ahmed Ben Bella, Hocine Aït Ahmad, and Muhammad Boudiaf. Many nationalist groups joined the Front, which brought the latter to establish a transitional government, the GPRA (Gouvernement Provisoire de la Republique Algérienne, Provisional Government of the Algerian Republic). On 1 November 1954, the Front carried out a series of terrorist attacks which would be known as the Guerre d’Algérie (Algerian War). According to Knut S. Vikør, Professor of History and Director of the Center for Middle Eastern Studies at the University of Bergen, Norway, “the war of liberation was in general a very bloody affair, with great brutality on all sides. The French lost thousand of civilians, while somewhere between half a million and a million Algerians lost their lives.”

As a result, France tried to negotiate the end of the war with the FLN leaders, but without any success. The newly elected President Charles de Gaulle noticed that the Algerian war could not be won by arms but by political negotiations. He tried to approach the FLN with an offer of autonomy, which the latter refused. As a consequence, de Gaulle called for a referendum on a proposal for independence in 1961. In 1962, the GPRA and France met in Évian, Switzerland, and agreed that Algeria should get full independence if the Algerian population supported it in a vote. That same year, a referendum was held and 90% of the voters were in favor of the independence of Algeria. Even though Algeria was independent, it needed to be economically and politically reconstructed. Therefore, some students and workers decided to go to France temporarily to gain knowledge and to earn money. However, in the 1970s, more families immigrated to France because of its jobs opportunities.

At the same time, the economic crisis that followed the oil price shock of 1973 led a rise in unemployment and waves of xenophobia. Indeed, French citizens believed that the immigrants, especially Muslims, were the main cause for the lack of working places, and politicians were brought to stop immigration, which also resulted in stopping recruiting foreign labor. In the end, France closed its borders to immigrants in 1974, afraid that the latter would dominate the French population with its culture and traditions, including the wearing of headscarves, niqabs, and burqas in public spaces, such as schools, which would be considered as a violation to the French principle of Laïcité – separation of church and state.

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135 Ibid., 91.
136 Ibid., 88-91.
2. French Secular Schools and the Headscarf Controversy

Already at the end of the eighteenth century, the notion of secularism – the separation between church and state – was present in people’s mind. This would have an impact on the school system in the end of the nineteenth century requiring teachers to teach pupils how to be good French citizens by respecting the France’s values – Liberté, Égalité, Fraternité (Liberty, Equality, Fraternity (Brotherhood)) – a heritage from the French Revolution of 1789. Indeed, one of the key ideological focuses of the French Revolution was this strict separation of church and state, “the triumph of rationality and reason over traditionalism and religion” (“a policy of containment of the power and authority of the Catholic Church”). But, even though there was this separation between church and state, France guaranteed, through the 1791 Declaration of the Rights of Man and the Citizen and the 1791 Constitution, the freedom of belief and the freedom of religious observance. In other words, Frenchmen and Frenchwomen – Catholics, Protestants, and Jews for example – could continue practicing their beliefs as long as they did not proselytize.

Historically, laïcité in schools dated to the Third Republic with the enactment of the Ferry laws in 1881-1882 – also known as the lois laïques – which made primary education free, compulsory and secular for boys and girls. This allowed schools to raise the future workers’ level of training to participate in the country’s economic development, to strengthen the regime, and to form enlightened citizens. According to Joan Wallach Scott, Minister of Education Jules Ferry perceived the school as being “the agent of assimilation”. The school “was [indeed] to instill a common republican political identity in children from a diversity of backgrounds […] and] to effect a transition from private to public, from the world of the locality and the family to that of the nation.” The goal was to put the Republic at the centre of French people’s life and to limit the Catholic Church’s intervention in French children’s education.

In 1905, the law of 1905 was promulgated and which insisted on the strict separation between church and state. This resulted in limiting the power of the Catholic Church in

France. However, this law marked also a tension between individual rights and the statist unity within the French society. According to Christian Joppke, this tension is very explicit in the first two articles of the law. “Article 1 of the 1905 law enshrines the principle of religious liberty: ‘The republic assures the freedom of conscience’. By contrast, Article 2 stipulates the republic-defining separation between state and church: ‘the republic does not recognize, nor remunerate or support any cult’.” There seem to be a paradox within the law. On the one hand, French people had the freedom of religion; but, on the other hand, their freedom of religion was restricted to their private life (so it was forbidden to “promote” one’s religion outside of the private sphere). Taking these points as points of reflection, one might argue that this law is unclear.

Another point that could be mentioned is the fact that this law seemed only to concern the Catholic Church. Indeed, according to Hilal Elver, the law did not involve the other recognized churches, namely the Protestant Church and the Hebrew cults, neither the minority religions, which Islam was part of. However, regarding Islam, she continues by saying that “the existence of the 1905 law served to initiate an anti-headscarf argument, and laïcité was the politically correct policy to rely on if the real goal was to remove Islamic symbols from the French scene.” Indeed, France saw within its borders the growing religious diversity of its population which was due to an increasingly settled immigrant population, mostly Muslims. According to Jane Freedman, “one of the fundamental obstacles perceived in the integration of Muslim immigrants in France is that of the clash [emphasis added] between Islam and the secular values of the Republic.” As consequence, the law seemed to be used as a strong argument for the “affaires des foulards”.

3. The “Affaires des foulards”

The debates about whether girls could wear the veil in public schools occurred at three different moments: in 1989, in 1994 and in 2003. According to Jane Freedman, “it is perhaps of no coincidence that the affaire[s] des foulards first exploded in 1989 as France was

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celebrating the bicentenary of the Revolution and the principles it expounded,” namely Liberté, Égalité, Fraternité. It is also no coincidence that the second affair occurred in 2003, a year after President Jacques Chirac was reelected after having defeated Jean-Marie Le Pen, former President of the National Front party, and that the law against conspicuous signs was promulgated. So, what happened in 1989 that France found herself confronted with a debate on the veil?

On 18 September 1989 in Creil, Principal Eugène Chenière, a black man originally from the Antilles and very active in the RPR party – Rassemblement pour la République (Rally for the Republic), a Gaullist and conservative political party –, refused to allow three Muslim girls to come to school wearing their veils, considering their behavior as a violation to the values of the French republic and especially to the principle of French secularism. In an interview, he argues that Laïcité “was an inviolable and transparent principle, one of the pillars of republican universalism.” He adds that “the school was the cradle of laïcité, the place where the values of the French Republic were nurtured and inculcated. It was, therefore, in the public schools that France had to hold the line against ‘the insidious jihad’.”

It seems that Eugène Chenière believed that Muslims were in a position of starting a new “Holy War” by encouraging their daughters to remain veiled within the schools – the place where the values of the French Republic were nurtured and inculcated” – as if the tensions between the French and the Muslims did not cease. Interviewed by the Quotidien de Paris, Bruno Mégret from the National Front party says that “[a] Muslim civilization has arrived in France. After its installation on French soil, it is now implanting itself symbolically by the wearing of the headscarf in schools. We must ask ourselves the question: should France adapt her principles to those of immigrants, or should immigrants adapt their customs to the laws of our country?”

These tensions may also be a sign of failure to integrate immigrants into the system. Indeed, a few religious leaders – Catholics, Protestants, and Jews – decried the expulsion, “arguing that laïcité meant respect for and toleration of differences of religious

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149 Ibid., 38-39.
The French Council of State, after having studied the question on allowing or not allowing pupils to wear religious signs in schools, reported that, in schools, the wearing of signs by students by which they intend to show their religious affiliation is not in itself incompatible with the principle of secularism, since it constitutes the exercise of freedom of expression and of manifestation of religious beliefs, but this freedom does not allow students to wear religious symbols which would, by their nature, by the conditions under which they would be worn individually or collectively, or by their ostentatious or protest character, constitute an act of pressure, provocation, proselytism or propaganda, undermine the dignity or freedom of the student or other members of the educational community, jeopardize their health or safety, disrupt the conduct of teaching and the educational role of teachers, and finally disturb the order of the institution or the normal functioning of the public service.

This report was a kind of compromise which allowed the girls to wear their headscarves within the school but which required them to drop them around their shoulders when they are in the classrooms. However, this compromise was short-lived for a few schools already integrated in their school rules the general and absolute prohibition to wear any religious sign within the school premises. This attitude may also question the position of Islam and the Muslims within the French society. Indeed, it seems that France feared that if the principle of secularism was not respected in schools, this might provoke the fall of the Republic. The Nouvel Observateur magazine, a leftist magazine, wrote that “the Republic’s foundation is [emphasis added] in schools. That is why the destruction of the school system means the destruction of the Republic itself.” With this perspective, it looks like that Muslims were not welcomed in France anymore. As Beverly M. Weber argues, “secularism discussions are

153 Revue de l’Actualité Juridique Française, « Conseil d’Etat, Section de l’intérieur, 27 novembre 1989, n° 346893, Avis ‘Port du foulard islamique’, » Revue de l’Actualité Juridique Française, http://www.rajf.org/spip.php?article1065 (accessed on 29/03/2013). The report cannot be found on the Council of State’s website. (Original text: “Il résulte de ce qui vient d’être dit que, dans les établissements scolaires, le port par les élèves de signes par lesquels il entendent manifester leur appartenance à une religion n'est pas par lui-même incompatible avec le principe de laïcité, dans la mesure où il constitue l'exercice de la liberté d'expression et de manifestation de croyances religieuses, mais que cette liberté ne saurait permettre aux élèves d'arborer des signes d'appartenance religieuse qui, par leur nature, par les conditions dans lesquelles ils seraient portés individuellement ou collectivement, ou par leur caractère ostentatoire ou revendicatif, constituerait un acte de pression, de provocation, de prosélytisme ou de propagande, porteraient atteinte à la dignité ou à la liberté de l'élève ou d'autres membres de la communauté éducative, compromettaient leur santé ou leur sécurité, perturberaient le déroulement des activités d'enseignement et le rôle éducatif des enseignants, [et] enfin troubleraient l'ordre dans l'établissement ou le fonctionnement normal du service public.”
often framed as a ‘conflict of cultures’ that reveals the ‘true danger’ of Islam in Europe, and
one that occurs because immigrants do not arrive from ‘secular countries’.”\textsuperscript{157} This is why pupils from Muslim origins were not allowed to come to schools anymore, unless they conformed to the rules of the schools and the principle of French secularism.

However, another \textit{affaire du foulard} occurred in 1994 about “the difference between ‘discreet’ religious symbols able to be brought into the classroom and ‘ostentatious’ religious symbols (including the foulard), which were forbidden.”\textsuperscript{158} This affair was also related to the debate on immigration and the issue of nationality. Indeed, the French government decided to revise the code of nationality in 1993 implying the cancellation of the French citizenship to children born in France from foreign-born parents, especially from Muslim parents. In a speech delivered at a UNESCO meeting on 14 October 1993, former Minister of the Interior Charles Pasqua said that in order to claim to French citizenship, the immigrant must reject his/her attachment to any religion that is foreign to French traditions:

The willingness to become a French citizen has no meaning if it is accompanied by a total submission to religious fundamentalism which is foreign to all French traditions, contrary to the principle of secularism, incompatible with our conception of the city, irreconcilable with our idea of man and woman, incompatible with our citizenship. […] There is no place in our republican and secular school for the Islamic headscarf.\textsuperscript{159}

One of the reasons why the French government decided to revise the code of nationality was because the number of Muslim girls going to school was high. Indeed, according to Alec G. Hargreave, there were about 350,000 girls from Muslim origins who went to school in 1994. However, what the government tended to forget was that not all Muslim girls did wear a veil. Still according to Alec G. Hargreave, only 10,000 to 15,000 Muslims girls wore the veil in schools.\textsuperscript{160} In other words, outnumbering the presence in schools of Muslim girls wearing the veil could be seen as a pretext to expel the latter. Therefore, on 20 September 1994, former

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\textsuperscript{159} Charles Pasqua, « Contre le racisme et la xénophobie: l'Etat républicain » (speech delivered at a UNESCO meeting, France, 14 October 1993, file://C:/DOCUME~1/TEMP/LOCALS~1/Temp/pasqua14101993.shtml (accessed on 30/03/2013); see also Jane Freedman, “Secularism as a Barrier to Integration? The French Dilemma,” in \textit{International Migration}, Vol.42 (Oxford and Malden: Blackwell Publishing, 2004), 15 (Original text: “la volonté de devenir français n'a aucun sens si elle s'accompagne d'une soumission totale à un fondamentalisme religieux étranger à toutes les traditions de la France, contraire au principe de laïcité, incompatible avec notre conception de la cité, inconciliable avec notre idée de l'homme et de la femme, incompatible avec notre citoyenneté. […] il n'y a pas de place dans notre Ecole républicaine et laïque pour le foulard islamique.”).

Minister of Education François Bayrou wrote a circular decreeing “that ‘ostentatious’ signs of religious affiliation would henceforth be prohibited in all schools.” However, it seems that the French government perceived this circular as not being strong enough to stop Muslim girls to wear the veil. As a consequence, the French government decided to undertake measures to control and secure the country.

Indeed, in the years 2000, the West was very often attacked by terrorist interventions, which may show that the hatchet is not buried between the West and the Oriental world. A feeling of hang-up and hatred seems to be set in throughout the years, especially with regard to the Arab-Muslim world. In fact,

[i]n the Arab-Muslim world, the West is seen as a superior [emphasis added] model in terms of technological progress and its more advanced political system, but also as an immoral civilization and a bullying, arrogant, and imperialist power. In the West, the Islamic world is seen as inferior, weak [emphasis added], aggressive, and hostile, to the extent that the general perception of the Arab-Muslim is that of the unwanted immigrant, the religious fanatic, and the dreaded terrorist.

When the attacks of New York (September 11, 2001), Madrid (March 11, 2004), and London (July 7, 2005) happened, the West feared a new “Holy War” of the Muslims. In fact, the conception of fighting, attacking, and dominating the “unbelievers” and all groups, powers, or nations seen as a danger to Muslims and Islam are mentioned in the Quran:

> Fight God’s cause against those of fight you, but do not overstep the limits: God does not love those who overstep the limits. Kill them wherever you encounter them, and drive them out from where they drove you out, for persecution is more serious than killing. Do not fight them at the Sacred Mosque unless they fight you there. If they do fight you, kill them – this is what such disbelievers deserve – but if they stop, then God is most forgiving and merciful. Fight them until there is no more persecution, and worship is devoted to God. If they cease hostilities, there can be no [further] hostility, except toward aggressors [emphasis added].

As a consequence, according to this passage of the Quran, it seems that the Muslims has the duty to fight and kill people from the West – Christians and unbelievers especially – and to expand Islam in the West to protect themselves from the propagation of Western values: democracy, human rights, freedom, equality. In France, the post-9/11 atmosphere and the 2002 presidential election, which focused on multiculturalism and the security agenda, encouraged the French government to take measures about the headscarf controversy.

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163 Ibid., 109-110.
In 2003, Nicolas Sarkozy, who was the minister of the interior at the time, brought back the headscarf issue to the national level by insisting that Muslim women would have to pose bare-headed for official identity photographs.\textsuperscript{165} This was a reaction regarding the 9/11 attacks.\textsuperscript{166} Indeed, a man could be behind the veil. As Anne Vigerie and Anne Zelensky argue “a veil can hide a beard.”\textsuperscript{167} Philosopher André Glucksmann also argues that “the veil is a terrorist operation” which in his eyes was not a sign of personal religious commitment but as a deliberate refusal of integration, an unwillingness to become French.\textsuperscript{168} Consequently, concerned about the terrorist attacks that happened in the United States, the French government also felt concerned about the country’s security and the headscarf was one of its targets to counteract terrorism. After he was elected president, Jacques Chirac appointed a commission – the Stasi Commission – to examine the question of secularism in France and of the headscarf. Indeed, according to the French president, “We cannot accept that some people are hiding behind an aberrant conception of religious freedom in order to defy the laws of the Republic and to put into question some of the fundamental principles of a modern society, namely sexual equality and women’s dignity.”\textsuperscript{169} After having conducted a public survey, the Stasi Commission found out that the headscarf issue was in the grip of a new legislation. According to the survey, 69 percent of Frenchmen and 42 percent of Muslims seemed to be in favor of the law banning the headscarf in public schools (among these Muslims, a few immigrant Muslim women explain that none of them believed they must veil in order to be “good” Muslims).\textsuperscript{170} Nonetheless, would the law on banning headscarves be a true answer to the issue?

The Stasi Commission wrote a sixty-eight-page report and handed in on 11 December 2003 to Jacques Chirac and the French government. The report gives an overview on the history of secularism in France (small comparison made with Germany and the Netherlands); recognizes secularism as a “republican value” and a “fundamental value of the state;” calls for “full respect for spiritual diversity;” encourages the addition of instruction in the history and the philosophy of religions to the educational curriculum, the establishment of a national

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\item \textsuperscript{166} It was also a way for Nicolas Sarkozy to get the votes that otherwise would go to Le Pen.
\item \textsuperscript{167} Anne Vigerie and Anne Zelensky, “‘Laiardes’, puisque féministes,” \textit{Le Monde}, 29 May 2003.
\item \textsuperscript{168} André Glucksmann quoted in Joan Wallach Scott, \textit{The Politics of the Veil} (Princeton and Oxford: Princeton University Press, 2007), 84.
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school for Islamic studies; the creation of Muslim chaplaincies in hospitals and prisons; asks for alternatives to pork and fish on Fridays in schools, prisons, and hospitals, and the recognition of Yom Kippur and Aid-El-Kébir as national holidays. These recommendations were presented by the Stasi Commission as an “opportunity of integration” and to show that the principle of secularism should not be considered as a restricted principle but as a principle that allowed “the conciliation of living together with pluralism and diversity.” This would also mean freeing Muslim women wearing the headscarf in the republic from daily oppressions. Consequently, the French government decided to propose a bill banning all conspicuous religious signs in public schools to the National Assembly (which passed it on 10 February 2004) and to the Senate (which passed on 3 March 2004). On 15 March 2004, the law concerning secularism and the prohibition of wearing conspicuous religious signs passed with a landslide majority – 494 deputies voted for and 36 against, while 321 senators voted for and 20 against. This law seemed to be a great victory for the French citizens and even for the French Muslims. According to Sophie Body-Gendrot, “[a]though the law banning the headscarf was passed for petty political reasons, an unintended benefit may result: French Muslims who do not want to impose the headscarf on their daughters may now be able to refer to the law to deflect criticisms of those in their communities and neighborhoods who feel they are being unfaithful to religious practices.” Indeed, among Muslim women, a few of them have been victims of sexual mutilations, polygamy, and repudiation. In this way, the law was seen as a release even an opportunity for women to choose to wear or not to wear the veil.

The law also could be seen as a reaction to the 2002 presidential election when Jean-Marie Le Pen, from the National Front party, ousted Socialist front-runner Lionel Jospin in

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173 Ibid., 69.


the first round. This was a sort of awakening for the French government which noticed that a number of French people were in favor of Le Pen’s ideas regarding immigrants, and especially those from Muslim background. As a consequence, the ban on the headscarf in France enabled President Jacques Chirac “to maintain national cohesion above party lines,” and which also may have given the opportunity to Nicolas Sarkozy to include in his manifesto the immigrant/immigration issue in order to win the National Front sympathizers’ support in the 2007 presidential election. Almost two years after his elections, Nicolas Sarkozy passed a law on 11 October 2010 which prohibits any person – man and woman to hide his/her face in public spaces. In other words, it was about the wearing of the burqa. This law might be seen as a way to prevent terrorist attacks in France (since September 11, 2011 would be ten years after the Twin Towers attack in New York). As previously mentioned, “a veil can hide a beard.”

To conclude, this chapter intended to contextualize the headscarf, the niqab, and the burqa debate in the French context in the late 20th and the early 21st centuries by explaining the reasons why France developed a sentiment of Islamophobia as it has been in contact with Muslims for a certain amount of time with colonization, especially the conquest of Algeria in 1830 and the two protectorates of Tunisia in 1881 and Morocco in 1912. In fact, in the course of the 1960s, France witnessed an increase of its foreign population with the arrival of immigrants from the former French possessions, especially from the Maghreb. This caused, in the following year, an increase in the unemployment rate and a clash of civilizations regarding the French principle of secularism with Muslim pupils wearing headscarves, niqabs, and burqas in public spaces, including schools. The first headscarf controversies occurring in 1989 and 1994 had a strong impact on French identity. Nonetheless, it was after the 21st-century terrorist attacks in New York that France decided to ban the wearing of headscarves, niqabs, and especially burqas with the promulgation of the 2010 law prohibiting the wearing of the full veil in public spaces. This headscarf, niqab, and burqa controversy touched different European countries which, among them, were the Netherlands which faced the burqa controversy in the beginning of the twenty-first century.

178 Ibid., 46.
VI. Contextualizing the Headscarf, the Niqab, and the Burqa Debate in the Dutch Context

The Netherlands, the country where multiculturalism and tolerance had been for a long time key concepts, started to change its policies at the turn of the 21st century when the Western world was confronted to attacks, apparently triggered by Muslims: New York in 2001, Madrid in 2004, Theo van Gogh’s assassination by a Muslim fanatic in 2004, and London in 2005. According to Peter van der Veer, Professor of Anthropology at the University of Utrecht, “[t]he murder of Theo van Gogh triggered a nationwide panic. The minister of finance referred to a *clash of civilizations* [emphasis added].”\(^{181}\) Since then, the Dutch government decided to take measures to control the Muslim expansion by restricting the wearing of headscarves in schools and, afterwards, by prohibiting the wearing of *niqabs* and *burqas* in all public space. As Christian Joppke says, “[t]he Netherlands, site of Europe’s most draconian retreat from multiculturalism, has predictably attempted the most draconian anti-veiling measure of all, proposing a law in 2006 that would prohibit the wearing of the face-covering veil in all public places.”\(^{182}\) This chapter will show that the Dutch “veil” controversy is a complex and still an ongoing one.

1. Multiculturalism in the Netherlands

According to Mario Peucker, a PhD candidate at the University of Melbourne, and Shakram Abharzadeh, Professor of International Relations, East European Studies and Middle Eastern Studies at the University of Melbourne, multiculturalism “appears to be a particularly suitable policy framework to *accommodate cultural and religious diversity* [emphasis added]. Multicultural policies emphasize that cultural, ethnic and religious diversity is an essential and enriching characteristic of the society and recognize the respect of all cultures and religions.”\(^{183}\) In the context of the Netherlands, one can consider this country as being multicultural, notably due to different waves of immigration in the 20th century.


In 2013, the current number of inhabitants in the Netherlands is estimated at 16.8 million people, among which 3.5 million (20% of the total Dutch population) have a foreign background\(^{184}\) (Indonesia (377,618), Morocco (362,954), the former Netherlands Antilles and Aruba (143,992),\(^{185}\) Turkey (392,923),\(^{186}\) and Suriname (346,797)\(^{187}\)), among which 1 million (5.8% of the total Dutch population) are Muslims.\(^{188}\) The beginning of the Netherlands’ transformation into a multicultural country can be traced in the mid-1940s-1950s with the arrival of guest workers (“gastarbeiders”) to help reconstructing the country after World War II. The first wave of guest workers came from Italy, Spain and Yugoslavia, followed by a second one from North Africa and Turkey. While many migrants came to the Netherlands as guest workers, many others came as repatriates from Dutch colonies or former Dutch colonies. Between 1946 and 1962, over 300,000 migrants from Indonesia, New Guinea, and Suriname arrived and settled in the Netherlands on the basis of their Dutch citizenship.\(^{189}\)

With regard to the guest workers, the Dutch authorities did not make any efforts to promote their integration since they were staying in the Netherlands temporally. In fact, the Dutch authorities encouraged the guest workers to retain their own cultural identity. To help them to do so, the Dutch authorities introduced mother tongue classes for migrant children in Dutch primary schools and facilitated migrants in setting up their own associations and consultative bodies.\(^{190}\) In the late 1970s, some of the migrants decided to stay in the Netherlands and send for their family to join them (family reunification). The process of family reunification also might have encouraged the migrants to bring their original culture to the Netherlands. For example, when immigrants from Muslim countries decided to settle in


\(^{190}\) Han Entzinger, “Changing the Rules while the Game is on: from Multiculturalism to Assimilation in the Netherlands,” in Migration, Citizenship, Ethnos, ed. Y. Michal Bodemann and Gökçe Yurdakul, p.121-144 (New York: Palgrave Macmillan, 2006), 123.
the Netherlands, they brought Islam and its *visible* cultural practices, including the use of the headscarf, with them.\(^{191}\)

As a consequence of these different migration waves, the Dutch society became increasingly multicultural, especially with regard to religion, which also influenced the political system of the Netherlands. In fact, the Dutch political system is based on a process known as “pillarization” ("verzuiling"), a socio-political and organizational strategy of governance formed by four groups, namely the orthodox Protestants (or orthodox Calvinists), Roman Catholics, socialists, and liberals\(^{192}\), which “each has its own ideology and its own political organizations: political parties, labor unions, employers’ associations, farmers’ groups, newspapers, radio and television organizations, and schools – from kindergarten to university.”\(^{193}\) In other words, living in a *verzulide* (‘pillarized’) society meant that a Catholic married a Catholic boy or girl, sent her/his children to a Catholic school, listened to the programs of a Catholic broadcasting corporation, read a Catholic newspaper, rented a house from a Catholic housing association, was a member of a Catholic trade union, received Catholic medical care, voted for a Catholic political party and was eventually buried in a Catholic cemetery by a Catholic undertaker.\(^{194}\)

In other words, every pillar is independent from another which means that no pillar had to interfere in another. This might also mean that every new community that could be built might claim to become a *pillar* of the Dutch society. If this could be the case, the state could then remain neutral, since it was obliged to treat all communities in exactly the same way. Indeed, according to the eighth chapter of the Dutch Constitution of 1972, “all people are completely free to profess their religious opinions, subject to the protection of the society and its members against violation of the law.” (181. Freedom of religion), that “all denominations in the State shall be granted equal protection” (182. Equal protection to all denominations), that “confessors of the different religions enjoy the same civil rights and rights of citizenship and are equally entitled to exercise dignities, offices and services.” (183. No discrimination

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194 Hans Knippenberg, “The Changing Relationship between State and Church/Religion in the Netherlands,” in *GeoJournal*, Vol.67, p.317-330 (New York: Springer, 2007), 322. Here, we have taken the example of the Catholic pillar. Nevertheless, this is also true for the three other pillars (orthodox Protestants (or orthodox Calvinists), socialists, and liberals).
based on religion), and that “all public worship services inside buildings and enclosed spaces are permitted, subject to the necessary measures concerning public peace and order.” (184. Public exercise of religion). This also may mean that the Dutch government should consider establishing a “Muslim pillar” in parallel with the four other pillars.

In fact, Anton Zijderveld, Dutch Professor Emeritus of Sociology and Philosophy, argues that the “Muslim pillar” was already established. Indeed, “there are already several fully subsidized Islamic primary schools (with, of course, Dutch curricula taught in the Dutch language). There is an Islamic radio and television corporation; there is an Islamic Council.” However, the difference between the “Muslim pillar” and the four others is that the former is composed of different ethnic groups which may complicate the establishment of a unity within the pillar. Therefore,

[...]this Islamic mini-pillar needs to transcend ethnic differences, as there are Turkish, Moroccan, Moluccan and Surinamese, and (a very few) Dutch Muslims in the Netherlands. The success of Islamic pillarization will depend on a necessary but very difficult inter-ethnic co-operation, and on an Islamic leadership which knows how to operate in the often complex world of a modern democracy.

As a consequence, pillarization can be seen as a means to maintain peace and democracy in the Netherlands. It would remain in the Dutch political system until the 1960s-1970s and be replaced by secularization.

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196 It is also because the other pillars have crumbled and have given way to secularization.


198 The Dutch pillarized system survived the Second World War. But, soon after the war, Dutch people belonging to the different pillars wanted “to be free from the tutelage and authority of religious elites and oppressive communities.” As a consequence, a reconsideration of the church-state’s relations and traditions was established. This change was called the Doorbraak (the Breakthrough) and lasted from 1946 to the 1970s. In the 1970s, the pillarized system collapsed and gave way to secularization. However, Anton C. Zijderveld argues that, even though the Netherlands are indeed depillarized in terms of worldview and ideology, they are still pillarized in terms of organization and structure. Indeed, “there are in fact today still Roman-Catholic schools, universities and hospitals, and there still is a Roman-Catholic broadcasting corporation – next to Protestant schools, an orthodox-protestant university and broadcasting corporation.” (M. Maussen, “Pillarization and Islam: Church-State Traditions and Muslim Claims for Recognition in the Netherlands,” in Comparative European Politics, Vol.10, No.3, p.337–353 (London, New York; Macmillan Publishers Ltd., 2012), 340; Parlement & Politiek, “Verzuiling,” Parlement & Politiek (Parlementair Documentatie Centrum van de Universiteit Leiden), http://www.parlement.com/id/vh8lnhrpfxub/verzuiling (accessed on 14/05/2013); Anton C. Zijderveld,
In the 1980s, the Netherlands still were perceived as an example of a successful multicultural approach to immigrants. This is notably due to the promulgation of the Minorities Bill of 1983 (Article 1 of the Dutch Constitution) stipulating that “all [emphasis added] persons in the Netherlands shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race or sex or on any other grounds whatsoever shall not be permitted.” Consequently, the Dutch government tried to protect the migrants’ rights and identity while promoting their political participation in Dutch society. However, this Dutch multiculturalism changed at the end of the decade with the restructuration of the Dutch industry. This resulted in leaving many low skilled workers, including those from immigrant origins, unemployed.

Furthermore, in the early 1990s, it became clear that among the immigrants who came to and settled in the Netherlands, some of them were not willing to become full participants in Dutch society. This led the Dutch government and people to question about the concept of Dutch nationality. What does it mean to be a Dutchman or Dutchwoman? Until the 1990s, the concept of Dutch nationality was not widely discussed since the Netherlands were based on a policy of multiculturalism and also because of the fear of being seen as racist, intolerant, and rightist. Nonetheless, national debates on minority policy, immigration, and illegal migrants, especially from Muslim background, began to garner greater attention. In fact, after the Rushdie affair in Britain and the affair about wearing the headscarf in public schools in

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204 The Rushdie affair occurred in 1989 when Salman Rushdie published his novel entitled *The Satanic Verses* in which he “presented a portrait of Islam and the Prophet Mohammed in a postmodern satirical style. The book
France in the late 1980s, Frits Bolkestein, the then parliamentary leader of the opposition Liberal Party (VVD, Volkspartij voor Vrijheid en Democratie), started a public debate on the presumed incompatibility of Islam and the “western values”. This climate of increase sensibility regarding immigration and Islam in the Netherlands also was related to the first debate on Muslim women’s dress, especially the headscarf, in the 1980s.

2. The Headscarf (Hijab) Controversies (1985-2001)

Since the 1980s, several headscarf affairs, which varied from relatively small discussions in public schools to national debates, strongly started to catch the Dutch population’s attention.

The first affair occurred in Alphen aan den Rijn in January 1985 when the city council forbade Muslim girls to wear headscarves in public primary schools for these items were considered as means of preventing Muslim girls to integrate the Dutch society. A committee of Muslim parents protested the decision by arguing that “this practice was based on genuinely Islamic prescriptions and should therefore be protected by the constitutional principle of religious freedom.” The committee was referring to Article 6.1 of the Dutch Constitution of 1983 which stipulated that “everyone shall have the right to profess freely his religion or belief, either individually or in community with others, without prejudice to his was taken to be blasphemous and insulting throughout the Muslim world and among Muslim immigrants in Britain.” They demanded that Penguin Books withdrew the novel. (M.M. Slaughter, “The Salman Rushdie Affair: Apostasy, Honor, and Freedom of Speech,” in Virginia Law Review, Vol.79, No.1, p.153-204 (Charlottesville, VA: Virginia Law Review, 1993), 153-154).

Before him, Hans Janmaat, a Center-Party and then a Center-Democrats-party politician, was already fighting against multiculturalism and the coming of migrants in the Netherlands. As a first step, he asked the migrants either to become Dutch citizens or to go back to their respective countries. But noticing that the number of migrants increased, he asked the government to prohibit newcomers to come to the Netherlands for “full is full”. In 1982, his first party, CP (Centrumpartij – Center Party), won one seat in the House of Representatives’ elections, which was given to Janmaat. But, from the very first day, he was ostracized by the other parliamentarians. As a consequence, in 1984, he founded another party, the CD (Centrum Democraten – Center Democrats) and tried to put the CP and the CD together. But it did not succeed and in 1986 lost his seat in the House. In 1994, a change seemed to have happened in the political climate and the CD won three seats in the House. This change was related to the debate on minorities’ integration for which more parties seemed to feel concern about. Despite this change, Janmaat remained isolated until his death in 2002. (Carla Hoetink, “Janmaat, Johannes Gerardus Hendrikus (1934-2002),” in Biografisch Woordenboek van Nederland, http://www.historici.nl/Onderzoek/Projecten/BWN/lemmata/bwn6/janmaat (accessed on 14/05/2013)).


W. MJ. van Binsbergen, Aspecten van Etniciteit: Onderzoek naar de Hidjaab in Amsterdam (Amsterdam: Vrije Universiteit Amsterdam, 1997), 18.
responsibility under the law.” The council refused to meet them. As a consequence, it decided to contact Jan Brugman, an expert on Islam from the University of Leiden, to help them solve this issue. The latter explained that “the wearing of a headscarf was neither essential nor absolutely necessary to exercise Islamic duties.” In other words, on the one hand, Article 6.1 of the Dutch Constitution stipulated the freedom of religion, which means that the city council of Alphen aan den Rijn had a discriminatory attitude towards the Muslim girls and their family. On the other hand, since the expert on Islam from the University of Leiden argued that the wearing of the headscarf was not necessary to exercise Islamic duties, then the council could not be seen as discriminatory for the headscarf was not perceived as a religious item. As a consequence, it did not transgress the law. However, protests continued and the case was brought to the Parliament to the minister of education [Wim Deetman] who admitted that “it was not up to a city council to interpret the Quran and to judge the importance of a scarf for Muslims.” Indeed, having Minister Wim Deetman’s statement in mind, one could argue that the city council had transgressed the policy of multiculturalism. The city council had no option but to reverse the measure and let the veiled girls go to school again. This first case about wearing the headscarf in Dutch schools is very interesting because it raises questions about Muslims’ integration in the Dutch society (not wearing a headscarf could be seen as a sign of accepting integration), the representation of Muslims in the Dutch political sphere (to allow Muslims to have a voice), and communication between Dutch and Muslims “authorities” (the council decided to call for an expert to solve the problem instead of directly discussing with the Muslim community which considered the wearing of the headscarf as a personal issue and which it would like to solve personally). Even though this

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case was quickly settled, it did not mean that the headscarf issue was definitively resolved. In fact, another case occurred in the 1990s.

In 1998, a state public school in Haarlem refused a teacher-trainee to have access to her classroom because she was wearing a headscarf and did not want to remove it.216 The school did not allow the teacher-trainee to teach its pupils because its intern policy stipulated that people should respect the public neutrality of the space (no one should show his/her religious, political, ideological affiliations within the school) and it also wanted to protect Islamic girls from their families’ and their fellow-believers’ pressure. This case was brought to the Commission on Equal Treatment which did not take into consideration the gender argument, “but the argument that a headscarf contravenes the neutrality of the public school was.”217 The argument about educational neutrality was based on the process of pillarization which separated public from denominational schools. Both state and denominational schools were fully funded by public funds. What made them different was that a denominational school had the right to discriminate on the basis of religion whereas a state school did not. Indeed, according to Articles 23.2 and 23.3 of the Dutch Constitution, “all persons shall be free to provide education, without prejudice to the authorities' right of supervision” and “education provided by public authorities shall be regulated by Act of Parliament, paying due respect to everyone's religion or belief.”218 Furthermore, according to Article 8.3 of the Law on Primary Education, “education shall make sure that pupils grow up in a pluralistic society (a), shall promote active citizenship and social inclusion (b), and shall give the pupils the knowledge of their peers’ different backgrounds and cultures (c),”219 in other words, an attitude of tolerance, which means that teachers also had the responsibility to teach their

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216 Birgit Sauer, “Conflicts over Values. The Issue of Muslim Headscarves in Europe” (paper presented at the meeting “Culture meets Culture” at the ARGE Education Management, Vienna, Austria, 5 May 2006), 10.
217 Doutje Lettinga and Sawitri Saharso, Moral Conflicts and Practical Solutions: Policies and Debates about Muslim Women’s Head and Body Covering in the Netherlands (Amsterdam: Vrije University Amsterdam, n.d.), 7-8.
219 Ministerie van Onderwijs, Cultuur en Wetenschap, Wet op het Primair Onderwijs, “Artikel 8.3: Uitgangspunten en doelstelling onderwijs,” Overheid, http://wetten.overheid.nl/BWBR0003420/HoofdstukI/TitelII/Afdeling1/1/Artikel8/geldigheidsdatum_23-05-2010 (accessed on 20/04/2013) (Original text: “3. Het onderwijs: (a) gaat er mede van uit dat leerlingen opgroeien in een pluriforme samenleving, (b) is mede gericht op het bevorderen van actief burgerschap en sociale integratie, en (c) is er mede op gericht dat leerlingen kennis hebben van en kennismaken met verschillende achtergronden en culturen van leeftijdgenoten”)

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pupils the moral and social values of the Dutch society by recognizing the diversity of these values (pluralism). In the case of the teacher-trainee, her lawyer put forward the argument that a state school is obliged to admit persons of all religions and cannot forbid them to practice their religion (for example, praying at school). On the other side, the lawyer defending the school argued on the point that the teacher-trainee should have an open attitude towards all moral and social values. But, by wearing the headscarf, she seemed to restrict this openness. The Commission of Equal Treatment also noted this possible lack of openness and reported that “the fact that the claimant [the trainee] believes in a religion and expresses this by wearing a headscarf does not preclude her having an open attitude and being capable of teaching in accordance with the character of the school as a state educational institution.”

Since there was no proof that the teacher-trainee was not capable of teaching mutual respect, and since the Dutch political culture was influenced by multiculturalism and the freedom of religion, the Commission ruled in favor of the trainee. As Sawitri Saharso argued, the case of the teacher-trainee versus the school in Haarlem was more “a conflict between religious freedom and educational neutrality.” However, the headscarf issue became more controversial in the beginning of the 2000s when the debate shifted to the *burqa* and *niqab*.

### 3. The Face Veil (*Niqab* and *Burqa*) Controversy (2001-2013)

This shift from the headscarf to the *burqa* and *niqab* controversies was a reaction towards the events of 9/11 in New York and Washington in 2001, the rise of Dutch politician Pim Fortuyn who was assassinated by an animal right activist in 2002, and the murder of filmmaker Theo van Gogh in 2004 following the release of his short movie *Submission* (with the support of Ayaan Hirsi Ali, a Somali-Dutch politician, feminist, and activist). These different events made the Dutch government think about the country’s policy regarding immigration in general but also with a specific attention to migrants with a Muslim background and about its policy regarding Muslim women wearing the *burqa* and the *niqab* in schools and public places.

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spaces in relation to Article 6 of the Dutch Constitution (freedom of religion) and Article 8 of the Law on Primary Education (pluralism).

In a parliamentary debate on religious symbols on November 7, 2001, former deputy and leader of the Dutch Green party, Femke Halsema tackled an important issue with regard to women wearing headscarves in Dutch public spaces: “Can women freely don and remove headscarves, or is it an indispensable part of their identity [emphasis added]? Many women perceive it like that.”223 Indeed, Femke Halsema had raised an important question by making this parallel between the headscarf and women’s identity, for it seems that a majority in the Netherlands – government and people – believed that the headscarf was only an item representing patriarchal pressure and Islam’s domination on women. And, it seems true that nobody was aware on the fact that the headscarf could be part of women’s identity, as being a part of their body. Nonetheless, not everybody agreed on Femke Halsema’s argument because, even though many Muslim women perceived the headscarf as “an indispensable part of their identity”, other people believed that a headscarf, and later a burqa and a niqab, could be seen as a means to hide a beard (like in the French debate), in other words, a terrorist. According to Halim El Madkouri, director of the Program for Religion and Identity at FORUM, the Institute for Multicultural Development, “it was the terrorist attacks of September 11th that opened the door in the Netherlands for both the attack on Islam and [the attack on] the headscarf.”224 Even Dutch politicians used these terrorist attacks as an argument to question the policy of multiculturalism, on which the Netherlands were based and built on, which was changing towards a policy of racism and discrimination against Muslims.

At the same time when Femke Halsema was defending her view on the headscarf as being part of the Muslim women’s identity, Pim Fortuyn, who was chosen by the anti-establishment Livable Netherlands (Leefbaar Nederland) party to be the top candidate for national office, “saw the Dutch state’s neutral tolerance on non-native cultures, especially Muslim culture, as a mortal threat to the country.”225 It seems that he did not – or maybe he did not want to – realize that this “neutral tolerance” was based on the Dutch principles of multiculturalism, and on Article 1 of the Dutch Constitution stipulating that “all persons in the

Netherlands shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race or sex or on any other grounds whatsoever shall not be permitted.”

However, according to Pim Fortuyn, it was not the Dutch culture that was intolerant, but the Muslims’. One of the arguments that he put forward was the recognition of homosexuality in the Dutch culture and not in the traditional Muslim one. As Anass Bendrif and Matthew Haney stated in their reflection, “as a gay man, Fortuyn could not help but be concerned (and even offended by) the fact that traditional Muslim culture does not accept homosexuality. Thus Fortuyn asked, ‘How can we tolerate Muslims, when they [sic] don’t accept our liberal values of tolerating everybody?’.”

It has to be noted that Pim Fortuyn tended to overlook that traditional Christianity did not tolerate homosexuality. One could turn him the question back, for example, how can one consider the Netherlands as a tolerant country, when much of Dutch Christian institutions do not recognize homosexuality? This also could be true with regard to the debate on the headscarf, the niqab, and the burqa. Why did some Dutch people, in accordance with Articles 1 and 6 of the Dutch Constitution, not accept the fact that Muslim women wear the headscarf, the niqab, and the burqa, not as a religion item, or an item to protect them from patriarchal pressure, but as an item that is part of their identity? Pim Fortuyn argued that he was not against the wearing of the headscarf, the niqab, and the burqa by Muslim women, nor was he “against immigrants as such, but his primary concern was the assault on democratic liberties that might result from the presence of so many people unfamiliar with Western values, particular Muslims. […] In fact, with almost one million the Netherlands had the second highest per capita share of people of Muslim origin in Europe, after France,” in 2002. In other words, he feared that Islam, which he considered “as a backward religion,” would represent a threat to the Dutch way of life. This is why, among other things, he called for the end of Muslim immigration and the repeal of the

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first article of the Dutch Constitution regarding discrimination. In 2002, Pim Fortuyn was very popular and, according to the polls, his party, *Lijst Pim Fortuyn* (Pim Fortuyn List), would gain up to 17% of seats in the 2002 parliamentary elections.\(^{230}\) It was even thought that he could have become prime minister if he had not been shot on May 6, 2002, six days before the general elections, by an animal rights activist “who claimed to be acting to protect Dutch Muslims.”\(^{231}\) The case of Pim Fortuyn with regard to the headscarf, *niqab*, and *burqa* affair was indirect because, as it is mentioned earlier, the politician was not against immigration and immigrants as such. He was concerned about the Dutch values – respecting multiculturalism – with regard to Islam, which he considered as a backward religion, which may mean that the wearing of the headscarf, the *niqab*, and the *burqa* also may be seen as backward, or not modern. However, September 11\(^{\text{th}}\) and Pim Fortuyn’s argument regarding the preservation of the Dutch values pushed the Dutch population to reconsider their policy of multiculturalism. Indeed as Professor Braidotti says “September 11\(^{\text{th}}\) led to an incredible disruption of a consensus about multiculturalism and tolerance in Dutch society – a consensus that is still yet to be reconstructed.”\(^{232}\)

In other words, a new discourse emerged in the Netherlands regarding the questioning of cultural practices within the country’s borders.

In 2003, a headscarf affair, which in fact was a *niqab* affair, emerged in Amsterdam. Two Muslim girls wearing a *niqab* had to do their internship at a public secondary school, as being part of their training to become schoolteachers at kindergartens. The director of this school asked them to remove their *niqab* since the school was considered as a neutral place. The two girls argued that they would only remove their *niqab* in class or when they worked with women and children. The school refused to make a compromise which led the two girls to bring this case to the Equal Treatment Commission.\(^{233}\) To the latter, they explained that they had chosen to wear the *niqab* because they found out, after having done some research and read the Quran, that wearing the *niqab*, in their perception of Islam, was compulsory at

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least in the presence of men (Judgment 2003-40, section 3.1). Therefore, their motivation to wear the *niqab* was not based on religious terms but on gender ones to avoid attracting men’s gaze. Regarding the public school, apart from arguing that the school was considered as a neutral place, the school director pointed out that wearing the *niqab* within the classroom could be seen as an obstacle for communication (Judgment 2003-40, section 3.2). Indeed, teachers and pupils need to exchange otherwise the former might not be able to assess the latter for the *niqab* might blur their vision. The school also argued on another point which was linked to public safety. Indeed, the *niqab* concealed the identity of a person, which makes the person’s identification difficult and therefore may be a source of danger (Judgment 2003-40, section 4.10). A *niqab* might hide a stranger, a terrorist.

Regarding education, the school put forward Article 23.2 of the Dutch Constitution on the freedom of education, in which one can read that “all persons shall be free to provide education, without prejudice to the authorities’ right of supervision and, with regard to forms of education designated by law, their right to examine the competence and moral integrity of teachers [emphasis added], to be regulated by Act of Parliament.” Understanding that the two Muslim girls were wearing the *niqab* on gender terms based on the Quran (which might make their teaching less neutral), being based upon Article 23 of the Dutch Constitution and Article 8.3 of the Law on Primary Education stating that “education shall make sure that pupils grow up in a pluralistic society (a) [emphasis added],” and recognizing the need to homogenize the dress-code in schools, the Equal Treatment Commission was in favor of the school and decided to maintain the ban on wearing a face-covering veil within school institutions (Judgment 2003-40, section 6).

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To come back to the two Muslim girls’ case about their right to wear the *niqab* in order to protect them from men’s gaze, it seems that a change started to happen in the Netherlands with regard to their policies of multiculturalism and tolerance. In 2004, Theo van Gogh, with Ayaan Hirsi Ali’s collaboration, released the movie entitled *Submission Part I*[^238], a direct translation of the word *Islam*[^239], in which he “showed four topless women in transparent clothing; their bodies had been covered with calligraphically inscribed verses from the Koran that legitimate the subjection of women”[^240]. According to Anna C. Korteweg, this movie was a way for Theo van Gogh to show the backwardness of the Muslim culture (as he considered it to be and which was also Pim Fortuyn’s point of view) and to test the limits of Dutch tolerance[^241]. One could say that Theo van Gogh did not respect the principles of multiculturalism. In fact, he “had a long-established reputation for being a provocateur that included insulting the Jewish community and more recent references to Muslims as ‘the secret

[^237]: Ayaan Hirsi Ali was born in Mogadishu, Somalia, in 1969 in a fervent Muslim family. During her childhood, she moved to different places with her mother, her father being a political opponent to the Somali dictatorship. When she was twenty-two, her father wanted to marry her to a relative in Toronto, Canada. On her way to Canada, she ran away to the Netherlands, where a Dutch family housed her. After studying political science, she worked as a Dutch-Somali translator for the Dutch social services, where she met many Muslims in difficult circumstances (oppressed and battered women, lack of free and individual choice). What also opened her eyes regarding her religion – Islam – was the attacks in New York. In her book *Nomad*, she says: “After 9/11 I found it impossible to ignore his [Osama bin Laden] claims that the murderous destruction of innocent (if infidel) lives is consistent with the Quran. I looked in the Quran, and I found it to be so. To me this meant that I could no longer be a Muslim.” (p.xii) From then on, Hirsi Ali campaigned for the liberalization of Muslim women from fundamentalist patriarchal pressure. With regard to the headscarf controversies, she favored a ban on headscarves for pupils, but she was more hesitant about a ban on headscarves in public places. (Doutje Nynke Lettinga, *Framing the Hijab. The Governance of Intersecting Religious, Ethnic and Gender Differences in France, the Netherlands and Germany* (PhD Thesis, Amsterdam: Vrije Universiteit Amsterdam, 2011), 174; Ayaan Hirsi Ali, *Nomad: From Islam to America: A Personal Journey Through the Clash of Civilizations* (New York: Free Press, 2010), xi-xii).

[^238]: Theo van Gogh and Ayaan Hirsi Ali were planning to release a second movie “*Submission Part II*” which would focus on the Islamic man’s viewpoint of women. But Theo van Gogh was killed before they started. (Film Threat, “The Bootleg Files: ‘Submission’,” ed. Phil Hall, Film Threat, 27 October 2006, http://www.filmthreat.com/features/1823/ (accessed on 27/04/2013)).

[^239]: Theo van Gogh and Ayaan Hirsi Ali decided to call their movie “Submission”, which in Arabic would be translated by “Islam”. In order to avoid some confusion on the word “Islam”, I would like to clarify its meaning by using Bernard Lewis and Buntzie Ellis Churchill’s definition: “The root s-l-m, from which the world Islam is derived, means ‘safe, and unharmed, unimpaired.’ Its derivatives include words meaning both ‘peace’ and ‘surrender.’ [...] It is the latter meaning that is uppermost in the use of the term Islam, meaning ‘to surrender oneself, to commit or resign oneself to the will of God.’ Islam is the act or state of submission; Muslim is the one who submits. It is in this sense, of total surrender to the will of God that the terms Islam and Muslim have always been understood in the Islamic lands and communities.” (Bernard Lewis and Buntzie Ellis Churchill, *Islam: the Religion and the People* (Upper Saddle River, NJ: Prentice Hall Wharton School Publishing, 2009), 8).


According to Phil Hall, a film critic, Theo van Gogh made this movie for he was concerned on the fact that a serious culture clash could emerge. He had the feeling that the Muslim immigrants “were refusing to assimilate into Dutch society and were bringing their ultra-conservative traditions into a country that was known for progressive attitudes.” In other words, it looks like that Theo van Gogh feared that the Muslim culture would dominate or even surpass the Dutch one. As a consequence, this movie could be seen as way to awaken the Dutch society about this possible culture clash. But, according to film critic Phil Hall, the film was not aimed at Western audiences but rather to the Muslim ones. In fact, even “if its methods were harsh, […] ‘Submission’ was bold in openly questioning misogyny and a culture of violence against women because of Koranic interpretations.” The questions raised in the film were: “is it divine will to assault or kill women? Is there holiness in holding women at substandard levels, denying them the right to free will and independent thought? And […], how can such a frame of mind exist in the 21st century?” The character who questioned Allah was a woman, which could be seen as a form of provocation, even an “attack on the male-dominated theological power base,” for it is the male (patriarchal) figure who is supposed to pray to Allah, and not a woman.

After the release of the movie, both Theo van Gogh and Ayaan Hirsi Ali received death threats probably from Muslim extremists. On the morning of November 2, 2004, Theo van Gogh was attacked on his way to work by Mohammed Bouyari, a young man of dual Dutch and Moroccan nationality who had grown up in the Netherlands. The latter shot the former multiple times before slashing his throat. Afterwards, Mohammed stabbed two letters with the help of two knives in Van Gogh’s body. One of them was a farewell poem, the other a death threat address to Ayaan Hirsi Ali. What could be considered as the quirk of fate was that the day of his murder, Van Gogh was about “to finish the final edits on a movie about the

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244 Ibid.
245 Ibid.
assassination of Pim Fortuyn. Nonetheless, Theo van Gogh’s murder provoked a nationwide shock and a feeling of terror towards foreigners and immigrants (especially Muslims). According to Anna C. Korteweg, there are two linked sets of fear. First, the presence of Muslims threatens freedom of speech and Dutch cultural practices, which is interpreted as a failure of multiculturalism or of coexistence. Second, radical Muslim terrorists threaten to destabilize the country through terrorist attacks, which could be seen as a failure of societal integration. In other words, it seems that the Muslim population was indirectly marginalized within the Dutch society. But this marginalization was perhaps not really noticed before because of the different policies of pillarization, multiculturalism, and tolerance. However, after the murder, measures have been taken with regard to the Muslim people, especially radical Muslims. Indeed, Cabinet Balkenende II and the Parliament “proposed to take away the Dutch passport of Muslim dual nationals who are convicted of terrorism” and the opposition Labor Party (PvdA - Partij van de Arbeid) “proposed to cease granting residency permits to foreign imams as of 2008.” In addition, the Dutch government had the intention to think about laws that would prohibit the wearing of the burqa in Dutch public spaces, deliver Muslim women from men’s oppression, allow them revealing their identity, and to protect the Dutch society from eventual terrorist attacks.

In 2005, Geert Wilders, leader of the rightist PVV party (Partij Voor de Vrijheid – the Party for Freedom), introduced a motion to the Dutch parliament to ban the burqa in public spaces because, for the politician, the burqa was seen “as a symbol of a radical Islam that threatened Dutch norms and values, notably gender equality,” as well as public order and security. Indeed, when people cover their face with a burqa, a balaclava, or anything that would not allow other people to identify them, could be perceived as a threat to public safety.

248 Ibid., 157.
249 Ibid., 158.
250 This last argument was taken by the Commission Vermeulen in 2006 as a point of reflection regarding a bill banning the burqa in Dutch public spaces: “We think that such as ban, conceived as a key of counter-terrorism, would also be considered as a signal that burqa wearers could be perceived in the eyes of the Dutch state as potential terrorists. (Ben Vermeulen et all., Overwegingen bij een Boerka Verbod: Zienswijze van de Deskundigen Inzake een Verbod op Gezichtsbedekkende Kleding (Den Haag, 2006) (Original text: “We denken, dat een dergelijk verbod, mede geplaatst in de sleutel van terrorisme-bestrijding, bovendien opgevat zal worden als een signaal dat boekdraagsters e.d. blijkbaar in de ogen van de Nederlandse staat potentiële terroristes zijn.”)), 67.
Wilders also was supported by different parties such as the conservative Liberal party VVD (Volkspartij voor Vrijheid en Democratie – People’s Party for Freedom and Democracy), the confessional parties CDA (Christen-Democratisch Appèl – Christian Democratic Appeal), and SGP (Staatkundig Gereformeerde Partij – Reformed Political Party). However, both the Liberal Democrat Party D66 and Minister of Justice Piet-Hein Donner – were hesitant about this motion, thinking that this bill would only be enacted in the purpose of combating women’s oppression or that the bill would not prohibit all kinds of face covers in specific public domains such as schools, the labor-market and public transportations.\footnote{Ibid., 324-325.} As a consequence, since there was no unanimity, Minister of Integration Rita Verdonk, from the VVD party, in August 2006, decided to form a commission – Commission Vermeulen\footnote{Commission Vermeulen can be compared to the French Stasi Commission, formed in 2003. For more information, see Chapter V, section 3 of this MA Thesis.} – led by Ben Vermeulen, Professor of Law at the Vrije Universiteit Amsterdam, to investigate the pros and cons of a full ban on \textit{burqas} in the Netherlands.

In November 2006, the Commission Vermeulen handed in a report in which they “argued that a prohibition on only the burqa was discriminatory, and that a general prohibition on all types of face covers infringed upon human rights to religious freedom.”\footnote{Doutje Nynke Lettinga, \textit{Framing the Hijab. The Governance of Intersecting Religious, Ethnic and Gender Differences in France, the Netherlands and Germany} (PhD Thesis, Amsterdam: Vrije Universiteit Amsterdam, 2011), 165.} As a result, the Commission ended up with the following conclusions. First, the wearing of face-covering veils such as the \textit{burqa} should be considered from a legal perspective as a religious expression. Second, this ban was legally intolerable with regard to the freedom of religion and the principle of equality.\footnote{Ben Vermeulen et all., \textit{Overwegingen bij een Boerka Verbod: Zienswijze van de Deskundigen Inzake een Verbod op Gezichtsbedekkende Kleding} (Den Haag, 2006), 58-71. Indeed, according to Article 6.1 of the Dutch Constitution, “everyone shall have the right to profess freely his religion or belief, either individually or in community with others, without prejudice to his responsibility under the law.”\footnote{Ministerie van Binnenlandse Zaken en Koninkrijksrelaties, \textit{Grondwet voor het Koninkrijk der Nederlanden} (2006) (Nederlandse Grondwet’s website, \url{http://www.denerederlandsegrondwet.nl/93530001/1/j9vyihif299q0st/via0istd9yki} (accessed on 29/04/2013) (Original text: “Ieder heeft het recht zijn godsdienst of levensovertuiging, individueel of in gemeenschap met anderen, vrij te belijden, behoudens ieders verantwoordelijkheid volgens de wet.”).} Furthermore, according to Article 9 of the European Convention on Human Rights, “everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and
observance." Consequently, based on the two articles, the Commission advised the politicians not to propose a law on the ban on the burqa for it would go against the Dutch Constitution, the Dutch values based on multiculturalism and tolerance, and the European Convention on Human Rights regarding the freedom of thought, conscience and religion. Nonetheless, the Dutch government had the intention to present a law prohibiting all types of face covers in public spaces and which would be implemented in 2012 if the government obtains a parliamentary majority.

But, just before the Dutch government proposed its bill, Geert Wilders and Sietze Fritsma of the PVV party and Henk Kamp of the VVD party submitted their own law proposal. The former maintained the law proposal on the ban of the burqa in public spaces. The latter wanted a full ban on all types of face covers (niqab, burqa, and balaclava). Wilders and Fritsma’s proposal on banning the wearing of burqas in public spaces was sent to the Council of State which “argued that a full ban [on burqas and niqabs in public spaces] would possibly augment the social isolation of women rather than contribute to emancipation and integration.” In other words, instead of trying to include the differences in culture, religion, and thoughts, for example, within the Dutch society, seen until now as a multicultural one, the Council of State seemed to be in favor of no ban at all or a full ban on all types of face covers (niqab, burqa, and balaclava). This last proposal was also supported by Minister Verdonk, who, after having received the Vermeulen Commission’s report and despite the latter’s advice, decided, on 17 November 2006, to make a full ban on all types of face covers and intended to do it as soon as possible, for she argued that the public order, the security and the protection of the citizens was at stake.

In 2008, social democrat Ronald Plasterk, former minister of Education, Culture and Science in the Cabinet Balkenende IV, asked the government to introduce a legislation that would prohibit all types of face covers in primary and secondary educational establishments

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as well as in higher education. He argued that this ban was necessary regarding the pupils’ search of identity, to help the pupils to better communicate with their fellows as well as with their teachers (the wearing of a burqa or a niqab makes non-verbal expressions and enunciations impossible), to help them with integration and becoming active Dutch citizens.\textsuperscript{262} In 2009, the government sent its law proposal to the State Council, and, in September 2010, it announced its plan to ban all face covers in public space, including the burqa (back to Wilders and Fritsma’s motion).\textsuperscript{263} The Netherlands would be the third European country, after Belgium and France, to undertake measures to prohibit the wearing of the burqa in public places. According to his survey done in 2010 for the tv-program \textit{KRO De Wandeling} (\textit{KRO} being a Roman Catholic programming), Maurice de Hond, a Dutch pollster and entrepreneur, found out that eight out of ten Dutch were in favor of enacting the law, and fifteen percent were opposed to the enactment.\textsuperscript{264} The law is supposed to pass in the course of the year 2013.\textsuperscript{265} Nonetheless, the process is still ongoing.

To conclude, this chapter intended to contextualize the headscarf, niqab and burqa controversy in the Dutch context by explaining the reasons why the Netherlands, being known as the country of multiculturalism and tolerance, decided to ban the wearing of niqabs and burqas in public places. The Netherlands were first based on a policy of pillarization (verzuiling), which allowed every pillar (Catholic, Protestant, socialist, and liberal) to live according to their affiliations without interfering in one another’s affairs. The Netherlands were tolerant as long as differences were respected. Even, immigration was not an issue until the 1980s when the first headscarf controversies occurred, and especially at the beginning of the 21st century with the 9/11 attacks and the assassinations of politician Pim Fortuyn in 2002 and filmmaker Theo van Gogh in 2004 (the former was assassinated by an animal right activist, the latter by a Muslim extremist). At this moment, immigrants, and more precisely Muslims immigrants, were seen as a threat to the Dutch society. Consequently, the Netherlands changed their policy of multiculturalism and tolerance towards a policy of control. This included restricting the wearing of headscarves in some schools and banning

\begin{footnotes}
\item\textsuperscript{262} \textit{Ibid.}, 16.
\item\textsuperscript{263} Doutje Nynke Lettinga, \textit{Framing the Hijab. The Governance of Intersecting Religious, Ethnic and Gender Differences in France, the Netherlands and Germany} (PhD Thesis, Amsterdam: Vrije Universiteit Amsterdam, 2011), 166.
\item\textsuperscript{265} In 2011/2012, around 150-200 women in total wear a niqab or a burqa in the Netherlands. (Judith Laanen, “Kabinet stemt in met boerkaverbod – ‘wet met veel haken en ogen’,” NRC.nl, Binnenland, http://www.nrc.nl/nieuws/2012/01/27/kabinet-stemt-in-met-boerkaverbod/ (accessed on 10/06/2013)).
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nuqas and burgas in public places. Different bills were proposed to the Dutch government, but no one was enacted yet. Nonetheless, the government is planning to enact a law on the ban of nuqabs and burgas in the course of 2013.
Conclusion

To conclude, Laïcité and tolerance: to what extent do France and the Netherlands differ from and/or complement each other regarding Muslim women wearing the headscarf, the *niqab*, and the *burqa* in the late 20th and the early 21st centuries? With the help of John Stuart Mill’s method of comparativism, the conclusions are that France and the Netherlands are two different European countries with two different experiences with regard to the Muslim world and the Muslim population, inside and outside their borders, even though, from the 20th century, similarities appeared, such as guest workers staying in France and the Netherlands and sending for their families to join them, the French and Dutch far-right parties (Jean Marie Le Pen’s party and Geert Wilders’s party) agreeing on prohibiting the wearing of the *niqab* and the *burqa* in public spaces (the headscarf issue being a little different), the appointment of Commissions (Stasi Commission in France and Vermeulen Commission in the Netherlands), and a feeling of distrust towards Muslim people following the terrorist attacks in New York, Madrid, and London, and the murder of Dutch filmmaker Theo van Gogh in Amsterdam.

As we saw in Chapter III, section 3.1, France had a long relationship with the Muslim world and its population. From the 8th century until today, their relationship had its ups and downs, with sometimes fights (the Battle of Tours and Poitiers in 732, the Crusades from the 11th until the 13th centuries, the period of colonization and independence from the 19th until the 20th centuries, for example) and sometimes reconciliations and partnerships (an alliance between King Francis I of France and Ottoman Sultan Suleiman the Magnificent in 1536, for example). In the course of its expansion and colonization, France had the objective to conquer as much territory as possible (being in competition with Britain which was the first colonial power) for trade and afterwards for civilizing the natives to the French values. But, the natives refused to adopt them – especially those related to policy, culture, tradition, and religion – and tensions between the colonized and the colonizers occurred. For example, when France conquered Algeria in 1830, the Algerians were treated like animals, and the Algerian women very often were subjected to sexual abuses. As a consequence, wearing a “veil” at that time was a way for Algerian women to protect themselves from colonial pressures.

Nonetheless, in the course of the 20th century, France needed its colonial populations to fight along its side during World War I and II to defeat its enemies, mainly the Germans, and to reconstruct itself at the end of the two wars. As a consequence, more and more people from the colonies enrolled in the French armies, and for those who survived could stay in
France to rebuild the country and to work. This also provoked an increase in the French population with the coming of the workers’ families (family reunifications) from the colonies which could bring France to be seen as a multicultural country.

But from the years 1980s until today, several controversies regarding Muslim women wearing headscarves, *niqabs*, and *burqas* in public schools occurred and were perceived by the French authorities and society as a challenge to the French national identity and the policy of *Laïcité* (secularism), for the headscarves, *niqabs*, and *burqas* were firstly seen as religious symbols. The events of the beginning of the 21st century – terrorist attacks in New York, Madrid, and London – put France in a position of prohibiting the wearing of headscarves, *niqabs*, and *burqas* in public spaces. As a consequence, former President of the French Republic Jacques Chirac appointed in 2004 a commission – the Stasi Commission – to examine the question of secularism in France and of the headscarf. This resulted in the enactment of a law prohibiting the wearing of all religious signs in public spaces. This law was also perceived as a reaction in favor of Jean Marie Le Pen’s sympathizers who believed that France belongs to the French. In 2010, former President Nicolas Sarkozy passed another law which, this time, prohibited any person – man and woman – to hide his/her face in public spaces. This included the *niqab* and the *burqa* for “a veil can hide a beard.”

Contrary to France, the Netherlands did not have a strong relationship with the Muslim world and its populations until the 17th century, when the Dutch arrived at the Indonesian Archipelago. Their first goal was to trade with the local people and to civilize them, as it was the case for France with its colonies. Nonetheless, in the course of the 18th century, tensions occurred between the Dutch and the Indonesians, for the Dutch VOC (Verenigde Oost-Indische Compagnie – the Dutch East India Company) issued a prohibition against the transport of Muslim pilgrims to visit the tomb of Mohammed in Mecca because it noticed that, during the Mecca pilgrimage, some Muslim pilgrims remained there for long periods of studies and returned home more strengthened in their faith and belief. In the nineteenth century, after the collapse of the VOC, the East Indies territories conquered by the Dutch were nationalized and came under the administration of the Dutch government in 1800. It was also at that time that the Kingdom of the Netherlands became more tolerant with regard to its East Indies colonies’ believes in Islam and allowed the locals to practice it freely. This was made possible thanks to Christiaan Snouck Hurgronje, Dutch Advisor on Arabian and Native Affairs, who argued that “the enemy […] was not Islam as a religion but Islam as a political
doctrine.” As a consequence to solve the problem, Hurgronje decided to divide Islam into two parts, one religious, and the other political.

In the course of the 20th century, like France, the Netherlands were subjected to different waves of immigration, especially after World War II, with the coming of guest workers (“gastarbeiders”) to help with the reconstruction of the country. The guest workers were supposed to stay temporally in the Netherlands, but they decided to stay and to send for their families to join them. As a consequence of these different migration waves, the Dutch society became increasingly multicultural. But, based on the political system of pillarization (“verzuiling”), which means that every pillar is independent from another (only the heads of each pillar meet), the Netherlands can face the different cultures with its borders. Therefore, even though there were some reluctances to accept Muslim women wearing their headscarves in Dutch public schools, the issue did not last for long.

However, this multicultural atmosphere changed in the course of the 21st century when politician Pim Fortuyn was assassinated by an animal right activist for his racist remarks regarding the non-Dutch people, and especially the Muslims, and when filmmaker Theo van Gogh was murdered by Mohammed Bouyeri, a Muslim fanatic, after the release of his film Submission, which he produced with the collaboration of Ayaan Hirsi Ali, a Somali-Dutch politician. These events shocked the Dutch society, which made the government decide to intervene. Geert Wilders and Sietze Fritsma of the Party for Freedom (PVV) and Henk Kamp of the People’s Party for Freedom and Democracy (VVD) introduced a motion to the Dutch parliament, one banning the burqa in public spaces (PVV), and the other a full ban on all types of face covers (niqab, burqa, and balaclava) (VVD). Before the Dutch government proposed its bill, it appointed a commission – Vermeulen Commission – which argued that a prohibition on only the burqa was discriminatory, and that a general prohibition on all types of face covers infringed upon human rights to religious freedom. Noticing that there was no majority regarding the two bills, the government was unable to pass a law either to ban only the burqa or all types of face covers, which is supposed to be passed in the course of the year of 2013. The process is still ongoing. As a consequence, one may argue that identity remains the principle concern regarding the veiling controversy in France and the Netherlands.
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