

Headscarf issue in France and Samuel P. Huntington's Theory of "The Clash of Civilizations"



Shabana Yasin

PhD scholar History Department Lahore College for Women University, Lahore
misshabanayasin@gmail.com

Kalsoom Hanif

Assistant Professor History Department Lahore College for Women University,
Lahore Kalsoomhanif@hotmail.com

Abstract: *An American political scientist Francis Fukuyama wrote a book in 1992 "The End of History and the Last man." In this book Fukuyama presented the idea that after the collapse of Soviet Union in 1991 cold war has ended. In post-cold war world, the liberal democracy will be the final form of government. Western civilization and ideas would be dominant in all over the world.*

This idea was not only rejected by another American Political scientist Samuel P. Huntington rather he presented a new theory in his Lecture at 'American Enterprise Institute for Public Policy research' in 1992. He said that the nation states will disappear and differences between nations will emerge on the basis of religion and culture. In his book S.P Huntington has identified seven possibly eight civilization and finally concluded that the ultimate clash would be between Western and Islamic civilizations.

Here the question arises that as Samuel P. Huntington has sketched the future politics, whether the Headscarf issue in France is a smaller reflection of a big confrontation between Islamic and Western Civilizations?

Keywords: Islamophobia, Culture, Women, Scarf and Hijab, France

Introduction

Clashes and conflicts between Islamic and non-Islamic societies have a long history date back to the advent of Islam. When Hazrat Muhammad (SAW) invited the Arabs to Islam. They especially the Quraish of Makkah not only rejected this call but strongly resisted it. Moreover, those who accepted Islam were severely tortured. After the migration of Hazrat Muhammad (SAW) and his companions from Makkah to (Yathrib) Madinah and establishment of a state, other religious groups especially Jews of Madina also joined the opponents. The reason behind it was that it was not a conversion of religion but it was a change of whole setup of life. Along with that their political, economic, and cultural interests were also being

undermined . After that Iranian and Romans element also adopted aggressive policy against Islamic state. The result of this opposition appeared in form of wars and physical clashes. This conflict was not only religious but it has political, economic, social and cultural aspects. In form of Islam a new power and culture was emerging. This power has challenged the centuries old systems of these societies. To accept the invitation means to accept the whole thoughts and actions of Islam.

The clash between Christianity and Islam continued throughout the history. During the life of Prophet Hazrat Muhammad (SAW) and after him during the period of Pious Khulfa and then during the reign of Ummayad and Abasides wars continued. The greatest and fiercest conflict

between Islam and Christianity in history seen during the Crusades. These wars and their various consequences figure prominently in the history of both nations.

The purpose of this detail was to explain that religion is not alone, but each religion determines its own socio-economic and political structure. Moreover, Religion creates its own unique culture and civilization. Therefore, it may have harmony with other civilizations in some cases, but the major differences mostly remain.

Arnold Joseph Toynbee in his voluminous work “A Study of History” has mentioned twenty-six civilizations. He concluded that under the theory of challenge and response these twenty-six civilizations emerged and sixteen of them declined. While nine of the remaining ten civilizations, except the Western civilization, have all been exposed to defeat. **(Toynbee, 1957)**

Although the lecture of Huntington on clash of civilization was in response of Fukuyama’s book “The End of History and the Last man” But the Huntington seems to take insight from Toynbee to establish his hypothesis that in future the clash of civilization will be between Islamic and western civilizations.

This paper will discuss the headscarf issue in France and Huntington’s theory of civilizational clash between Islamic and Western.

Huntington divided the world into eight civilizations.

1. Sinic (Chinese, South East Asia, Vietnam, Korea) Civilization
2. Japanese Civilization
3. Hindu Civilization.
4. Islamic Civilization.
5. Orthodox (Russia) Civilization
6. Western (Europe, North America) Civilization
7. Latin American (Central and South American countries) Civilization
8. African (Sub-Saharan) Civilization.

Definition of Key Terminologies

1. Definition of Cultures

Culture is a vast term which covers many aspects of human life, like creed, customs, rituals, values, arts and other practices of everyday life.

Adward Burnett Tylor an English anthropologist has defined this term in these words “Culture.... is that complex whole which includes knowledge, belief, art, morals, law, custom and another capabilities and habits acquired by man as a member of society.”

1.1 Definition of Civilization

The word civilization is derived from the Latin word Civilis, meaning Civil, Civis meaning citizen and Civitas meaning city-state.

Arnold Toynbee describes in his book “A study of History” (Tyonbee) that “Civilizations are intelligible fields of historical study...which have greater extension, in both space and time, than national states or city or city-states, or any other political communities.”

Moreover, new spiritual insights allow for the birth of new religion and ultimately a new civilization.

Methodology

In this paper qualitative research method will be used. For this purpose, primary sources of research will be French Constitution, Declaration of United Nations Human Rights. Parliamentary debates on said issue, Human Rights watch Report. As secondary sources books, research article, newspapers articles and research work of different scholars will be used. For this purpose, help of Punjab Public Library Lahore and internet archives library and other online libraries will be take.

Objectives

The objectives of this paper are too high light the Islamic culture, to enhance the dignity of women in society, to remove misconceptions about Islam, to create harmony between Islam and Western world, to invite to think over confrontation or Cooperation for the cause of Humanity.

Review of Literature

A classical work on civilizations, societies rise and fall of nation is “Muqdamma Ibn e Khaldoon” This book presents a lot of information about the emergence of new states and the decline of empires. The Conquests of western Christian world over Muslim world as well. A major work on the history and civilizations of the world is of a British historian Arnold. J Toynbee “A study of History”. This work was consisting of 12 volumes and published from 1934 to 1961. Later on, considering its bulk, D.C Somervell condensed it into six volumes. This book provides detailed information about different civilizations and history of different countries. Another book is the clash of civilizations and Making of new world order. This book is discussing the topic of Clash of civilizations and new world order. “Islam our Maghrib ki Tehzibi-o-Siyasi Kashmakash” by Professor Khurshid Ahmad throws light on the background of civilizational crisis of present-day world, American worldwide policies, strategy of Muslim world and the questions arises in debates on the civilizational conflicts.

Besides these works some books address headscarf issue in France. The first is “Hijab and the Republic: Uncovering the French Headscarf Debate “In this book Brownny discusses the French law that banned the uses of Headscarf and other Islamic symbols in France.

Another book is “The Headscarf Debates Conflicts of National Belonging” In this book Anna C. Korteweg and Gökçe Yurdakul mention the debates how headscarf has become the symbol of identity and how Muslim women are arguing for this.

“The Headscarf Controversy Secularism and Freedom of Religion “in this book Hilal Elver presents her point of view that emotions against Headscarf are based on biasness and misconception. “Why the French Don’t Like Headscarves, Islam, the state, and Public Space by John R. Bowen in his book why female students show reaction on the issue of Headscarf and why did make law against it . As Anthropologist he analyses the interviews,

Television Talk Shows and other media response on this issue. “Refashioning secularism in France and Turkey: The Case of the Headscarf Ban” by Amelie Barras. The author of this book discusses that how Muslim women in France and Turkey have resisted ban on Headscarf. How Muslim women understand that this ban is against the spirit of Islam.

Besides these books many valuable research articles are available on this topic. In these articles various aspects of Headscarf issue have been discussed. “France’s ban on the veil looks far more sinister in historical context” in Washington Post, the constitutional protection of human rights in French law by Jean Rivero, Is Hijab religious or Cultural? How Islamic ruling are formed by Tasneem Alkiek, France’s hijab ban threatens to strip sport of its ability to empower by Fadumo Olow in The Telegraph, The Hijab in the West: A Negotiation of Identity by Seham Shwayli, France breached Women’s rights over school headscarf ban by Neil Murphy,

Two Civilizations and Ethnic Conflict: Islam and the West by Jonathan Fox, Clash of Civilizations by Inayatullah, Is a Clash between Islam and the West Inevitable Minhas Majeed Khan, Tension between Secular Culture and Islamic Culture: An Application of Hijab in France

Mohamed Sweify, Islam & the West: Testing the Clash of Civilizations, A research working paper by Pippa Norris and Ronald Inglehart, John F. Kennedy School of Government Harvard University, Deviantization of the Hijab (Muslim Headscarf) in Singapore Shaik Nabil and Hariz Husaini, Islamic Headscarf Controversy in France: The Role of Culture as Explanatory Framework Dr. Aamer Raza, Prof. Dr. Rashid Ahmed, Difference and Laïcité: France’s Headscarf Debates and the Banning of Religious Symbols in French Public Schools Heather Meiers, Hijab: Stigma of Veiling in America Rachel Rylee Burgess, Islamic and Western Values

Ali A. Mazrui, Critical Race Feminism Lifts the Veil?: Muslim Women, France, and the Headscarf Ban Adrien Katherine Wing &

Monica Nigh Smith, Muslim Diaspora in Western Europe: The Islamic Headscarf Hijab, The Media and Muslims, Integration in France by Chouki El Hamel, France & the Headscarf Exploring Discrimination through Laïcité and a Colonial Legacy, Samantha Shea Tropper, Schooling, Symbolism and Social Power: The Hijab in Republican France Joel Windle, Tension between Secular Culture and Islamic Culture: An

Application of Hijab in France, Mohamed Sweify, The Great Divide: How Westerners and Muslims View Each Other Europe's Muslims More Moderate Report Pew Research Center, Symptomatic Politics the Banning of Islamic Head Scarves in French Public Schools by Joan W. Scott, Unveiling the Headscarf Debate; A Study of Multiculturalism Zaineb Malick, The Issue of Hijab in France: Should It be an Issue? Hamdan. All these papers throw light on the different aspects of relations and conflicts between west and Islamic societies.

French Constitution and Law of Secularism.

After the revolution in 1789, fifteen constitutions were made in France. The last constitution was adopted on October 4, 1958 which is called the constitution of fifth republic. This constitution guarantees basic human rights without any discrimination of religion. As mentioned in the preamble of French constitution "The French people solemnly proclaim their attachment to the Rights of Man and the principles of national sovereignty as defined by the Declaration of 1789, confirmed and complemented by the Preamble to the Constitution of 1946" and as Article 1, page 4 says "France shall be an indivisible, secular, democratic and social Republic. It shall ensure the equality of all citizens before the law, without distinction of origin, race or religion. It shall respect all beliefs." (<http://www.justice.gouv.fr/multilinguisme-12198/english-12200/legal-documents-in-english-22132.htm>) Before this on December 9, 1905 French parliament passed a law which determined the neutral position of state and separate it from church. This includes freedom of speech, writing and practice of religion, which is in line with the United Nations

Universal Charter of Human Rights. This law prohibits the state to support any special religion. Moreover, the article 2 of this law says that "the republic will not recognize any religion "or "the Republic does not decide to favor one religion or favor one school of thought within a religion." (**Bowen, Why the French don't like Headscarves: Islam, the state, and public Space, 2007**).

On December 10, 1948 the general assembly of United Nations Organization passed a Universal Declaration of Human Rights. According to the Article 18 of this declaration "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 teaching, practice, worship and observance." (**UNO, 2023**)

As a permanent member of United Nation Organization, France also accepts the Universal Declaration of Human Rights 1948 and the Charter of Fundamental Rights of The European Union. According to French intellectuals after a long religious battles France has moved from religion to secularization but along with that some French scholars consider this law of 1905 against the concept and spirit of secularism in France.

Background of the Headscarf Issue in France

The first Headscarf conflict arose in France at junior high school, Gabriel, Harvez College in an industrial town of Creil North of the Paris in September 14, 1989, When the principal of school Ernest Chenieres expelled three girls (two sisters 14, 15 years old and one their 14-year-old fellow) from school for not removing Headscarf in their class. The girl's point of view was that it was their religious matter. The principal of school did not accept their justification and said that "Patience has its limits, I will not permit these three young girls to continue to disrupt this school." (**Tempest, 1989**) The Principal of school further said that the costume of girls highlights religious and ethnic differences and may be an attempt to convert others to their religion, which is

forbidden in French Law. These girls named Leila, Samira and Fatima were belonging to Moroccan and Tunisian families. **(Winter, 2008)** In another reporting School principal stopped the girls from entering the class citing a law of 1937 that prohibit to wear religious symbols in school. **(Times, 1989)** The principal later offered to permit them to wear the scarf in the school yard but not in class. Such headscarf will cover their hair, ears and necks but not their faces, two of the girls agreed that they would remove the hijab in class but one of them did not accept this decision. In November 1989, "Prime Minister Michel Rocard took a stand, declaring that 'France could not be "a juxtaposition of communities", it could not follow the Anglo-Saxon models that allowed ethnic groups to live in geographic and cultural "ghettos", and resulted in "soft forms of apartheid."' **(Levinson, 1997)** In this school half of the 873 students were the children of Arab immigrants, mostly from North Africa. The decision of expulsion could not be compromised and gave birth a long debate among intellectuals, political parties, religious classes and scholars on the laws of state and Church, religious identity, Headscarf and Hijab not only in French media but in western world as well.

This issue divided even French families. Danielle, the wife of The president of France Franco Mitterrand favored the girls and said "If today, 200 years after the revolution, the secular schools cannot welcome all religions in France, all forms of expression, that means there has been a setback," **(Tempest, 1989)** while the President of France issued no statement.

Education Minister of France Lionel Jospin appealed to school administrators to resolve this issue with dialogue and prevent any open confrontation. On Sunday Lionel Jospin also submitted his question to French Council of state. But this issue could not be resolved. The sixty teachers of school at Gabriel Harvez warned administration that if that three girls were allowed to attend class, they will leave classes with other students.

On Monday at 'Poissy' another school in the suburb of Paris teachers went on strike for two hours against one of their students wearing a

scarf. This strike was a sign of victory for intellectuals of France including former president Valery Giscard d'Estaing. Former prime ministers Pierre Mauroy, Raymond Barre and Laurent Fabius, National front leader Jean-Pierre Achivement and North African integration organization called France Plus. **(Tempest, 1989)**

After banning Headscarf Regis Debray, Alain Finkielkraut and Elisabeth Badinter appealed to the teachers in a magazine "Nouvel Observatory" "Teachers, don't capitulate". **(Tempest, 1989)**

With the officials of government, the involvement of many religious personalities, Roman Catholic Archbishop of Paris, Jean-Marie Lustiger, Rabbi Alain Goldman and Harlem Desir shows that this matter was more than that of secularism.

A leader of anti-racism organization Harlem Desir said in a television programme "blue jeans eventually win over the Headscarf." A leader of Muslim organization named voice of Islam, Muhammad Muhajir declared Monday a "Day of trial". He asked Muslim girls to wear headscarf. **(Tempest, 1989)** Muhammad Mouhajer said that veil does not disturb secularism and further said that "schools are secular. People are not." **(Tempest, 1989)**

Even a French weekly news magazine published a supplement on this issue in July 12, 1990. Another media personality Elisabeth Badinter also mentioned this issue in Dec 1990 in the same magazine. The French minister for defense Jean- Pierre joked saying it darned Headscarf. **(Winter, 2008, p. 6)**

In November 1993 four girls in Nantua were suspended from school for wearing headscarves, and a similar case emerged in Grenoble near Paris. **(Tropper, 2013)** In the reaction of this action a Turkish Imam declared that "Allah's law takes precedence over French law". On this declaration government deported this Imam from country **(Levinson, 1997)**. The headscarf inclination spread over to other schools and approximately 700 Muslim girls started wearing headscarves. In some period almost 2,000 children (out of 150,000–250,000 Muslim girls

attending French public schools) were wearing the hijab . **(Ibrahim, 1994)**

In the wake of extensive public debates on Hijab, two commissions were setup, one by parliament and the other by the President of France.

The president of France Jacques Chirac constituted this commission on July 3, 2003. The purpose of this commission was to review that is whether the use of Hijab in public life compatible with the French concept of secularism? Whether the Hijab is suitable for French public schools. This commission is called Stasi for the name of its chairperson Bernard Stasi ombudsman of the republic of France. The Stasi Commission was comprised on 20 members. The commission submitted its report on 11 December, 2003. In this report Islam presented as a danger to Secularism in France.

On the recommendations of these commissions in 2004 The National Assembly and Senate of France unanimously passed the law banning school girls from wearing Headscarves in state schools. **(Bowen, 2007)**

West and the theory of clash of civilizations.

i. Islam and the West.

The theory presented by Samuel p. Huntington in his book “The Clash of Civilizations and the Remaking of new world order “is that after the end of cold war ideological identities are replacing by cultural symbols and identities. These identities are including flags, Crosses, crescents and head wearing. Apparently new but these old identities will be dominant and become major reason for clash between civilizations. **(P.Huntington, 1996)**

The thesis of Samuel P. Huntington is not based on the only event of 9/11, but a deep historical consciousness is behind this. After the end of cold war in 1991 United States of Soviet Union dispersed. This disturbed the balance of Power in world. Now west was needed a new challenge or danger and they find it in Islamic world.

In January 21, 1996 an article published in New York Times titled with “seeing Green; The Red

Menace is Gone. But Here’s Islam.” By Elaine Sciolino. He writes “so it was not surprising that last year Willy Claes, the Belgian who was then NATO’s Secretary General, said offhandedly That ‘Islamic fundamentalism is at least as dangerous as communism was’.”

“As soon as Russia retreated, the Secretary General of NATO started shouting that we can clearly see that the Red threat has disappeared from the map of the world but the Green threat is emerging.” **(Ahmad, 2011)**

Many events in western countries support this theory. In this case, extensive examples of France can be presented especially the printing of caricatures of Prophet of Islam and Headscarves.

First time a Danish newspaper Jylland - Posten, published twelve caricatures of Hazrat Muhammad (SAW) on September 30, 2005. Muslims all over the world reacted strongly to this insulting act of the sketcher Kurt Waterward and Danish newspaper. This also led to violent protests and at least 200 deaths globally. **(Akyol, 2020)** Muslim world announced to boycott of Danish products.

Before this in 1970’s and 1980’s a Danish artist and film maker Jens Jorgen Thorsen planned a movie about the sex life of Jesus. This movie infuriated the Christian all over the world. Danish embassy fired-bombed in Rome. In Copenhagen four thousand Christians protested against this movie and the Pope condemned it as “a crime against the Christian faith” **(Akyol, 2020)**. In 1977, Jens Jorgen Thorsen, the movie maker Banned from entering Britain due to severe threat to public peace.

On the contrary, the caricatures of prophet published repeatedly. In Newspapers of several European countries “The Turin daily la Stampa” Italy, “the conservative Die Welt” Germany, “El,Periodico”, Spain, and “Blick” and “Switzerland’s Tribune de Geneva ”Switzerland and Norwegian magazine “Magazine” not only reprint these sketches but called it the freedom of expression, press and relate it to human rights. The cultural editor of Jyllands-posten Fleming Rose called it a “clash of civilizations” between secular Western democracies and Islamic

societies. (Cowell, 2006) Cowell linked it to with the death sentenced to Salman Rushdie in 1989 and earlier cultural conflicts between Islam and the West. Lemming Rose further said in an interview “This is about the question of integration and how compatible is the religion of Islam with a modern secular society -how much does an immigrant have to give up and how much does the receiving culture have to compromise.” (Cowell, 2006) The Secretary General of “Reporters Without Borders” Robert Menard said in an interview “ All countries in Europe should be behind the Danes and Danish authorities to defend the principal that a newspaper can write what it wishes to, even if it offends people.” French newspaper France Soir published all these 12 caricatures. In 2006, the French weekly magazine Charlie Hebdo published ‘obscene cartoons’, which sparked protests around the world, despite that magazine again published these sketches again. The same magazine continued this policy which lead to an armed attack on its office by two brothers on January 7, 2015, in which 12 people, including the magazine editor, 5 cartoonists were killed. On April 2017, a man opened fire in mosque. In this incident 5 people died and many injured. (2022)

Furthermore, On March 31, 2018 the Danish parliament passed a law to ban garments that covers the face, such as the face veil and burqa.

‘Clash of Civilizations’ theory is not only reflected in purely religious matters but it is also clearly expressed by the cultural symbols of any segment of society, an explicit example of which is the Headscarves. Headscarf also sparked a debate in Germany and other European countries. “The Islamic veil and headscarf have recently gained a special place in the national imagination” (Weber, Cloth on her Head, Constitution in Hand: Germany's Headscarf Debates and the Cultural Politics of Difference)

In the courts of Germany and United States of America Headscarves also looked as threat. Although the nature of threats was different. (Robert A, 2007) An eminent example in Germany is Fereshta Ludin case.

Fereshta Ludin Case Germany

Fereshta Ludin was an Afghan born German citizen. She got her education in Baden-Wurttemberg Germany . She applied for job as an English, German and Civics teacher for elementary and secondary schools. Fereshta Ludin has been wearing the headscarf since the age of twelve. Due to wearing headscarf she had to face difficulties in 1997 as trainee teacher. In 1998 she was denied to employed as teacher by the school authority of Stuttgart because she insisted to wearing headscarf while teaching. Fereshta Ludin challenged this denial in state administrative court and then the Federal administrative court. These court decisions were in favor of school authorities. In 2002 she appealed to Federal Constitutional court and challenged the decisions of state administrative and Federal administrative courts.

On the appeal of Fereshta Ludin Federal constitution court the highest court of Germany constitute an eight Judges panel for hearing the case. On September 24, 2003 Federal Constitution Court of Germany delivered its decision. Five out of eight judges ruled in favor of Fereshta and said that there is no legal justification for the denial to employ Fereshta Ludin just because of wearing headscarf. It is against her basic constitutional rights. (Watch, 2009)

Furthermore, Federal constitutional court ruled that “if states didn’t want to employ teachers expressly wearing a headscarf, they would first need to create unambiguous laws that expressly forbid religious symbols in the classroom” “such a legal ban wasn’t in place in the state of Baden-Wurttemberg.” (High Court Rules Headscarves Okay for Teachers, 2003)

This decision of Highest court opened the way to German states to make laws on the banning of Headscarves in their states.

Annette Schavan Education Minister of Baden-Wurttemberg said that we will examine the ruling and after that “the State parliament will decide if Baden- Wurttemberg should have such a legal regulation in place”.

German Chancellor Gerhard Schroder said in an

interview 2003 “that there was no room for headscarves in public service”. **(Watch, 2009)** Along with them several ministers also opposed headscarves.

Consequentially half of German states including Baden-Wurttemberg’s legislatures (April 2004) very quickly amended their laws regarding banning public school teachers from wearing religious symbols and clothing especially headscarves. In schools Act it is said that the “respective exhibition of Christian and Western educational and cultural values and traditions doesn’t contradict a teacher’s duty of behavior. “Thus, Baden Wurttemberg administration allowed to wear Christian religious clothing and symbols as the habit of Nuns and prohibited Muslim teachers wearing Islamic headscarves. In Feb 18, 2004 state Bavaria amended school Act and banned headscarf and allowed Nun’s habit. In June 13, 2006 North Rhine- Westphalia adopted the law on the lines of Baden-Wurttemberg’s legislation. In two states, the ban was extended to other civil servants and in remaining half decided after discussion not to impose ban or regulate headscarves. **(Watch, 2009)** Constitutional court accept the new legislation on the subject of headscarf send this case back to Federal administrative court for further proceedings which resulted in banning the headscarves.

During this whole period of discussions in parliament and explanatory papers emphasis was laid on the “need to recognize the Western Cultural tradition shaped by Christianity (Judaism).” **(Watch, 2009)**

Human Rights Watch interviewed the officials of Ministry of Education, Youth and Sport Stuttgart, Baden-Wurttemberg on September 24, 2008, who suggested that only acceptable alternative to headscarf would be a wig looking like a normal hairstyle.

Sultana Lakiana Myke Freeman Case United States Of America

Sultana Lakiana Myke Freeman (Sandra Michele Keller) was an American Muslim, who converted to Islam in January 1997. In the beginning she only wears headscarf but in the end of year she adopted full face veil. Her

husband Abdulk Malik freeman (Mark Freeman) was also a converted Muslim. Sultana obtained license as Illinois driver’s license with wearing the face veil photo in December 1997. In February 2001 Sultana freeman obtain another Florida driver’s license with full face veil photo. After the three months of 9/11 In November, December 2001, she received a letter from concerned department to provide photo with unveil face otherwise her license will be cancelled. On January 2002 her license was cancelled. On 21 January Sultana filed a petition through her lawyer Howard Marks and American Civil Liberties Union.

In January 2002 American Civil Liberties Union of Florida cited three separate cases in Colorado, Indiana and Nebraska in which the courts ruled that individuals with certain clearly held religious beliefs have a right to obtain licenses without photographs. Those cases involved Christians who believe that the Second Commandment prohibits them from having their photographs taken. **(ACLU, 2003)**

Hijab/ Headscarves issue in Australia and Europe

The Hijab issue started after 9/11 in Australia, when a school bus was stoned in suburb of Brisbane. In this bus students were wearing Hijab. Another incident occurred in Cronulla in late 2005. During race riots, a women’s Hijab was pulled from her head. **(Winter, 2008, p. 2)**

On March 31, 2010 in Belgium imposed ban on wearing the Buruq and Niqab in public.

The European court of Justice ruled on March 14, 2017 that employers can Bar staff from wearing visible religious symbols. Along with the court also ruled that if the company has no policy barring religious symbols, customers cannot simply demand that workers remove headscarves

Headscarf Issue and France

After the first Headscarf issue aroused in at junior high school, Gabriel, Harvez College in an industrial town of Creil North of the Paris in September 14, 1989, in 1993, more Muslim students expelled from schools in Nantua and Grenoble. During this period, more Muslim girls

started to wear their headscarves not only in schools but publicly too. Along with this, the reaction against the headscarf in France grew as well. To resolve this problem two commissions were constituted.

The interior minister of France Nicolas Sarkozy said that “Muslim women would have to go bare-headed to when posing for identity cards. “Under the current laws headscarves are not prohibited in schools if it is not “aggressive or proselytizing” (gentleman, 2003). Prime Minister Jean Raffarin favored the legislation to ban the headscarves and said that government will wait until the end of 2003 for the recommendations of Stasi commission constituted by president Jacques Chirac on July 3, 2003. (gentleman, 2003) The Stasi commission submitted its 77 pages report on 11 December 2003. French Parliament start the process of legislation.

On 17 December 2003 Jacques Chirac the president of France proposed the bill under the title ‘Application of the Principal of Secularity’ in National assembly, banning all ostentatious religious symbols including headscarves, Jewish Skullcaps and large Christian crosses, in state schools. The Prime minister Jean-Pierre Raffarin opened the debate in National Assembly. (Mazhar, 2006). National assembly of France passed the bill in favor of “ban with 494 / 36 votes and Jean- Louis Debre, the house speaker for the National assembly stated that the law was a ‘ clear affirmation that public schools are places for learning and not for militant activity or proselytism.’ (Henley, 2004) On March 4, 2004 French Senate also passed the bill with 274/20 votes. (The Veil Controversy: International Perspectives on Religion in Public Life, 2004) This law came into effect on September 2, 2004.

Human Rights Watch prepared a report comprised on 67 pages published in 2009. In this report a detailed review has been presented on headscarf issue in Germany.

According to Human Rights Watch report, European Court of Human Rights has taken on such point of view on Muslim headscarves and Sikh turban which will permits the states to

violate non-Christians communities rights. (Watch, Discrimination in the Name of Neutrality: Headscarf Ban for Teachers and Civil Seravants in Germany, 2009) In 2001 Lucia Dahlab case vs Switzerland headscarf case ECHR give the decision in favour of Government to stop wearing headscarf. Later on, in 2008 ECHR followed the lines of previous decisions of 2001 and in Dogru vs France and Kevanci vs France cases of expulsion of two girls from their school in 1999 for not removing headscarf during their class. (Watch, Discrimination in the Name of Neutrality: Headscarf Ban for Teachers and Civil Seravants in Germany, 2009)

In 2005 American think tank PEW conducted a survey “banning the wearing of headscarves by Muslim women in public places a good idea” in this survey France 78% , India 66%, Germany 54 % , Netherland 51% Spain 43% ,Poland 37%, United States 33%,Russia 33%,Great Britain 29 % people considered it a good Idea. (Menase, 2006).

European Court of Human Rights has many times accepted that headscarf is religious symbol and Article 9 protects the religious freedom. But the ECHR decisions concerning non-Christians wearing are itself problematic. On July 1st, 2014 in a case the European court of Human rights upholds Burqa ban in France. (Watch, Discrimination in the Name of Neutrality: Headscarf Ban for Teachers and Civil Seravants in Germany, 2009)

Conclusion/ Findings

Islam is the second largest religion of France. French Constitution is the protector and guarantor of secularism. Along with French constitution also accepts and guaranteed the personal and religious liberty to its citizens. But laws regarding Muslims largest minority does not match with this claim of Secularism.

Here many questions arise, Is the headscarf just a piece of cloth to cover the head for women, without discrimination of any religion? Is the headscarf is a religious sign? Is the headscarf a cultural symbol? The answer to all these questions is yes.

Headscarf is not only the piece of cloth but a religious and cultural symbol too. The concept of veiling or purdah is existed in every religion. Christianity and Hinduism also have an integral concept of veiling. Among Jews even now there is a Hareidi or Kheridi group, the women who belong to it are strongly convinced of the veil. And their belief is 3500 years old. Even in ancient kingdoms and ages before them, the veil was prevalent among women either as a social requirement or as a religious order. Islam also ordered the Pardah (Chadur, Burqa) to raise the dignity of women in society. In other societies, women have given up the hijab and headscarf in ordinary life. But religious women still have to cover their heads. Similarly, ordinary women also take a scarf or hat on their heads when going to religious places such as churches, temples etc. But Muslim women still have purdah, veil or headscarves. There is a practice of covering the heads in Muslim societies at homes and outside homes. Headscarf is not only the religious symbol, but also a manifestation of Muslim culture.

What threat the headscarf poses to France's secularism seems incomprehensible? But when we examine Huntington's clash of civilizations theory along with headscarf issue in West especially in France we understand easily the whole scenario. After industrial revolution western countries included France have developed a new culture in their countries. They had made much progress in science and technology. They separated state and church. They considered every sign and symbol of religion or culture as fundamentalism which is against progress and contrast to modernity. On the other side Islam is spreading speedily in their societies. In France too, Islam has become second major religion. Along with Islam, the expression of Islamic culture is inevitable which is attracting the people of Christian societies because of its uniqueness. This is the situation that has made their political thinkers, sociologists and religious scholars are in awe. It is necessary for Western countries and France to save their own culture which they created by separating the church from the state and based on scientific progress. There is no place for

religion in it, while politics in Islam is not separated from religion and nor is culture separate from religion. Here is the core point in Huntington's words 'Fault lines' where the clash starts. Headscarf is not just a piece if cloth. It represents a dynamic and influential religion-based culture. Which is unacceptable for France. While Franc is accepting headscarf for other religion as 'Nun's Habit'. And along with that also claims for secularism. France also accepts the Declaration of human rights of United Nations. But in case of Muslim religious rights especially on headscarf its denial character appears prominently. This double standard of French government and society may cause further conflicts. Movement against headscarf and the participation of all segments of society including religious personalities Archbishop and Rubbi is also a question mark on French secularism. In France Muslims has maintained their religious identity through their dresses. French sociologists and political scientists noted that Muslim don't mix up with French culture and maintain their separate identity. This is the point that reflects in Huntington's theory that culture matters a lot and in future the clash will be between Islamic and Western civilizations.

Bibliography

- <http://www.justice.gouv.fr/multilinguisme-12198/english-12200/legal-documents-in-english-22132.htm>. (n.d.). Retrieved 21, 2023, from https://www.conseil-constitutionnel.fr/sites/default/files/as/rot/bank_mm/anglais/constiution_anglais_juillet2008.pdf
- UNO. (2023, 2 14). *Universal Declaration of Human Rights*. Retrieved from www.un.org: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>
- Menasce, R. M. (2006, 11 20). *pewresearch.org*. Retrieved 2 26, 2023, from Pew Research Centre: <https://www.pewresearch.org/global/2006/11/20/europeans-debate-the-scarf-and-the-veil/>
- Watch, H. R. (2009). *Discrimination in the Name of Neutrality: Headscarf Ban for*

- Teachers and Civil Servants in Germany*. New York: www.hrw.org.
- ACLU. (2003, 5 27). ACLU Asks Florida Court to Reinstate Suspended Drivers License of Muslim Women Forced to Remove Her Face Veil. *Press Release* . New York, United States: ACLU.
- P.Huntington, S. (1996). *The Clash of Civilizations and Remaking of World Order*. New York: SIMON & SCHUSTER.
- Secondary Sources Books**
- Ahmad, P. K. (2011). *Islam aur Maghrib ki Tehzibi o Siyasi Kashmakash*. Islamabad: Institute of policy study.
- Bowen, J. R. (2007). *Why the French don't like Headscarves: Islam, the state, and public Space*. Princeton University Press.
- Toynbee, A. (1957). *Mutala E Tarikh (Vol. 1)*. (M. G. Mahar, Trans.) Lahore: Majlis e Taraqi e Adab.
- Tyonbee, A. (n.d.). *A Study of History*. 44,45.
- Winter, B. (2008). *Hijab and the republic: Uncovering the French headscarf debate* (1st ed.). New York: Syracuse press university press.
- Tropper, S. S. (2013). *France & the Headscarf Exploring Discrimination through Laïcité and a Colonial Legacy*. DUKE UNIVERSITY Durham, North Carolina.
- Articles**
- Idriss, M. M. (2006). Laicite and the banning of the hijab in France. *Legal Studies* , 278.
- Akyol, F. &. (2020, 5 29). Islam and Free Speech in Denmark. *Law and Liberty* .
- Levinson, M. (1997). Liberalism Versus Democracy? Schooling. *B.J.Pol.S.* , 27, 354.
- Mazhar, M. I. (2006). Laicite and the banning of the hijab in France. *Legal Studies* , 276.
- Robert A, K. (2007). The Headscarf as Threat: A Comparison of German and U.S. *Vanderbilt Journal of Transnational Law* , 40 (2), 418.
- Weber, B. Cloth on her Head, Constitution in Hand: Germany's Headscarf Debates and the Cultural Politics of Difference. *German Politics & Society.* , Vol . 22, 33.
- Cowell, A. (2006, 2 2). More European Papers Print Cartoons of Muhammad, Fueling Dispute With Muslims. Copenhagen: The New York Times.
- gentleman, A. (2003, 9 25). Row over headscarves in schools reveals secular tensions. *The Guardian*.
- Henley, J. (2004, 2 11). French MPs vote for veil ban in state schools. *Guardian*.
- High Court Rules Headscarves Okay for Teachers. (2003, 9 24).
- Ibrahim, Y. M. (1994, 9 11). France Bans Muslim Scarf In Its Schools. *The New York Times*.
- Tempest, R. (1989, 11 7). Muslim School girl Scarves Banned; France in a Furor. *Los Angeles The Express Tribune*.
- Times, L. A. (1989, 12 3). Muslim Pupil Will Take Off Scarfs in Class.
- Watch, H. R. (2009). *Discrimination in the Name of Neutrality: Headscarf Bans For Teachers and Civil Servants in Germany*. Human Rights Watch. America: hrw.org.