Tension between Secular Culture and Islamic Culture: An Application of Hijab in France

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Abstract

Thierry Migoul, head of municipal services for Cannes, said: "We are not talking about banning the wearing of religious symbols on the beach, but ostentatious clothing which refers to an allegiance to terrorist movements which are at war with us." Around 30 French coastal towns had issued bans for Muslims' swimming clothes ("burkini"); which is one of the manifestations of Muslim cultures. Nevertheless, France's highest court ruled against them on 26th August, 2016, meaning that burkini bans are now illegal. These cultural differences between Muslims and French have been subjected to many debatable discussions. This paper tries to shed a light on such a conflict that may arise between both cultures. Topics in this article include the meaning of culture; the perspective of the French culture; the perspective of the Muslim culture; the consequences of the interaction between both cultures; and the insights drawn from the analytical views presented herein.

Keywords: French culture, Muslims, ban, Hijab, conflict, dispute, society, Islamic culture, cultures, diversity.

I. INTRODUCTION

The world is not only divided by political boundaries but by cultural barriers as well.[1] Culture is a complex concept and is not easy to be defined. It refers to the "socially inherited, shared, and learned ways of living possessed by persons by virtue of their membership in social groups."[2] Culture may be defined as the "total accumulation of many beliefs, customs, activities, institutions and communication patterns of an identifiable group of people."[3] Everyone has its own culture and may have several cultures. Culture may function as a reservoir of common symbols that distinguishes the identity of each group. It attaches individuals to collective identities, and in the meantime defines the boundaries between different social groups.

Generally, culture is learned rather than inherited.[4] Each culture may be amenable to change to adapt to new situations, albeit such amenability may lead to social instability and conflict.[5] Conflict is a manifest feature of any society. It may find its roots in the competition between the social groups, which are identified by different cultural boundaries, over incompatible objectives. This conflict is considered a "cross-cultural conflict." The entry point for this paper is the conflict over fundamentalists between Islamic culture and French culture, especially the *hijab* issue.

Muslim civilization shares a little with Western culture in terms of religion, social structure, and values. The Western culture suffers of the "Orientalism" that promotes the difference between the familiar (West) and the strange (East and Muslims) and assuming superiority of the former over the latter.[6]

Conformity of the cultures to the existing social norms vary between groupness and individualism.[7] Islam is the reality for Muslims. Living without Islamic traditions means to be divorced from reality. One manifestation that is attached to Islamic culture is the *Hijab* that is viewed as threatening the secular and cultural identity of France. Muslim girls are seen as victims of suppression and inequality.[8]

The growing number of Muslims in France reflects the cultural diversity in these societies between its social groups.[9] Immigrant Muslims in France brought their own traditions, values, and religions which constituted part of the French society and culture.[10] Muslims sometimes find themselves in a "cultural limbo"; by which they rebel and detach themselves from their parents' culture and the French culture that appears to reject them. Although Muslim women who decide to wear the *hijab* are perceived as rejecting or attacking the Western

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[1] Grant Ackerman, CROSS CULTURAL NEGOTIATION AND DISPUTE RESOLUTION, at 3.
[2] Kevin Avruch (1998), *Culture and Conflict Resolution*, United States Institute of Peace Press 1998, [online] available https://www.nottingham.ac.uk/clas/research/translating-cultures/documents/journals/cross-cultural-conflict.pdf.
[3] Ackerman, *supra* note 1, at 4.
[4] *Id.* at 4.
[5] Kevin Avruch, *supra* note 2, at 4.
[6] Ackerman, *supra* note 1, at 16.
[7] *Id.* at 35.
[8] Mohammad Mazhar Idriss (2005), *Laicite and the banning of the 'hijab' in France*, 25 Legal Stud. 260, 275.
[9] They constitutes 5-10% of the people, *see*, Adrien Katherine Wing & Monica Nigh Smith (2006), *Critical Race Feminism Lifts the Veil?: Muslim Women, France, and the Headscarf Ban*, 39 U.C. Davis L. Rev. 743, 752.
[10] Values refer to "long-enduring judgments appraising the worth of an idea, object, person, place, or practice." While attitudes tend to be changeable, values are long lasting, *see*, Ackerman, *supra* note 1, at 33.

cultures,[1] they view the *hijab* as an affirmation of their cultural identity.[2]

The main objection to Muslims' infusion into France is the attempt to create Islamic identity in local institutional, societal, and cultural structures.[3] Muslims in reacting to this exclusion became more devout in practicing their religion in a culturally alien environment.[4] The question is how to preserve Muslims' culture and values that require women to wear the *hijab*, while integrating them into the French culture.

In this paper, we will set out the features of Islamic culture (II); followed by presenting the main features of French culture (III); analyzing the consequences of such interaction between both set of cultures (IV); and finally, concluding some remarks for proposed methods to remove such tension between both cultures (V).

II. ISLAMIC CULTURAL PERSPECTIVE

Islam is a decentralized culture. There is no one single Muslim culture that corresponds to Muslims in France.[5] Muslims should not reject globalization effects but to move into a protective mode to preserve their Islamic culture which may be weaning away from its religious roots.[6] Muslims may be accustomed to formulating their traditions and thoughts within the fabric of foreign cultures, otherwise, their values will become foreign to Islam.[7] One of the basic cultural manifestation of Islam is the *hijab*.

Hijab is an Arabic word meaning "covering up". It's translated in English to 'veil' and in French to 'voile'. It may be used to describe "a screen, cover(ing), partition, division, mantle, curtain, drape or divider."[8] It is stated in the Wholly Qur'an that "*Tell the faithful women to lower their gaze and guard their private parts and not display their beauty except what is apparent of it, and to extend their scarf to cover their bosom*."[9] It is a symbol of both religion and womanhood. However, it should be mentioned that Muslim religious practices do not enjoy the cultural pervasiveness of Christian or Jewish practices.[10]

Furthermore, a distinction should be drawn between "Islamic culture" and "Muslim culture", while the first adheres to the tenets of Islamic principles, the latter is the way adherents to the Islamic faith practice the religion.[11] Wearing the *hijab* is a reflection of Islamic culture of treating women.[12] As religious and cultural traditions vary across the Muslim world, it is subject to Muslim woman whether to wear the *hijab* as an expression of her Islamic identity. However, some liberal Muslims object to it and see it as outdated and imposed by oppressive men.

III. FRENCH CULTURAL PERSPECTIVE

As William Ernest Henley wrote in his poem "I am the master of my fate: I am the captain of my soul", France is labeled as secular country. It adopts the La'icite which is defined as "symbolising the non-religious nature of the state where the state neither recognises nor subsidises a particular religion."[13] French have their own world to live in and view France as a center of this world. They believe that other nations have a lot to learn before they

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[1] Idriss, *supra* note 8, at 268.

[2] *Id.* at 292.

[3] For some French, the erection of mosques and loud Islamic calls to prayer represent "clashes of civilizations."

[4] Adrien Katherine Wing & Monica Nigh Smith, *supra* note 9, at 752-53.

[5] Ioanna Tourkochoriti (2012), *The Burka Ban: Divergent Approaches to Freedom of Religion in France and in the U.S.A.*, 20 Wm. & Mary Bill Rts. J. 791, 845.

[6] Mohamed Elmasry, *The De-colonialization of Islamic Culture: The role of language, religion and tradition*, A paper presented at the Islamic Conference, Egypt, [0nline] available http://newswire.mediamonitors.net/layout/set/print/content/view/full/42245.

[7] *Id.*

[8] Anissa Hélie & Marie Ashe (2012), *Multiculturalist Liberalism and Harms to Women: Looking Through the Issue of "The Veil"*, 19 U.C. Davis J. Int'l L. & Pol'y 1, 7-8. There is a distinction between *hijab* and *niqab*. *Hijab* is a scarf that covers women hair and neck. *Niqab* covers up completely leaving just a slit for the eyes, or covering them with transparent material, referred to as burqa. For more details *see*, Oriana Mazza (2009), *The Right to Wear Headscarves and Other Religious Symbols in French, Turkish, and American Schools: How the Government Draws A Veil on Free Expression of Faith*, 48 J. Cath. Legal Stud. 303, 305-06.

[9] Surat Al Nur, verse 30 of the Qur'an.

[10] Elizabeth K. Dorminey (2012), *Veiled Meaning: Tolerance and Prohibition of the Hijab in the U.S. and France*, 13 Engage: J. Federalist Soc'y Prac. Groups 128, 129.

[11] Aliah Abdo (2008), *The Legal Status of Hijab in the United States: A Look at the Sociopolitical Influences on the Legal Right to Wear the Muslim Headscarf*, 5 Hastings Race & Poverty L. J. 441, 447.

[12] The West view *hijab* as a sign of suppression of female sexuality. However, covering is not to deny a woman's sexuality, but rather is to preserve and channel it into the private life. *See*, Hera Hashmi (2010), *Too Much to Bare? A Comparative Analysis of the Headscarf in France, Turkey, and the United States*, 10 U. Md. L.J. Race, Religion, Gender & Class 409, 416.

[13] Idriss, *supra* note 8, at 260-61; a distinction should be drawn between secularization and secularism. The first describes the change from a religious to a non-religious culture, in which all spheres of life are equally affected and included, whereas secularism pertains to an ideology, an attitude toward life that rejects spiritual values and the religious world-view. Islam accepts the former state – secularization – while rejecting secularism. *See*, Elmasry, *supra* note 16.

get things right and others are not able to conform completely to their standards.[1] Their historical achievements convince them that their mission is to civilize Europe.[2] To the French, religious distinctions are relegated to the private sphere and immigrants are only seen as becoming "French" which poses some problems for Muslim immigrants who view Islam as a way of life that permeates the mundane through, among other things, the dress style and this is shocking for Muslims when they immigrate to France.[3]

In communication, French may appear offensive due to their directness.[4] They are logic and rhetoric, and if their logic stands undefeated, they do not compromise.[5] They seek to win the argument rather than discover the truth.[6] They view all traditional opinions to be cast aside from the outset as they are untrustworthy.[7] This is their problem of viewing Islamic *hijab* as a traditional and outdated way of dressing which should be disposed of.

France is characterized as a high-power distance culture.[8] They have high regard for authority and obedience. Where the society is a high-power distance one it means that "inequalities are expected and desired."[9] You should find your "rank" in the society and behave accordingly. This presupposes a range of strata between the powerful and the powerless. Unlike Muslim culture, that is inclined to be, in my view, mid-power distance where equality in society should be maximized.[10] The *hijab* issue views Muslims as a second rank in the French society.

From a cross-cultural context, France supports complete assimilation into its culture and rejects expressions of multi-culturalism. The *hijab* is seen as a symbol of foreign people with foreign religion who do not want to integrate into French culture.[11] Religious traditions are consigned to the private domain in the French Society. They try to promote the spirit uniform citizenship by removing the ethnic differences in the public field.[12] Therefore, anything that emphasizes cultural differences, such as the *hijab*, opposes the French Model of cultural homogeneity.[13] Therefore, France appears to be individualist society in terms of consistency where variations across different groups are less accepted.[14]

IV.   CONSEQUENCES OF CULTURAL INTERACTION

As a result of such interaction between the secular culture and Islamic culture, and the unwillingness of Muslims to integrate into the French culture, France decided to ban the *hijab* officially in public spheres. Such ban is incompatible with the due respect for cultural diversities. This perspective affected Muslims in a way that they should not certainly wear the *hijab*.

The question is how Muslims should react to this assimilation? They may simply accept it, which may perceive them as accepting superiority of French culture over Islamic culture; they may withdraw from French society which may reflect the incompatibility of Islamic culture with French culture; or they may combine an identity of a Muslim-French, which may be perceived as contradictory or an attempt to infiltrate French culture.[15] Although both cultures appear as pursuing different goals and will therefore always remain in conflict with one another, they should be interacting to create a constructive relationship.[16]

However, such a ban was presented as to "liberate and emancipate individual Muslim girls constrained by family and cultural pressures to cover-up",[17] and facilitate assimilation of Muslim girls into French culture

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[1]   Richard D. Lewis (2006), WHEN CULTURES COLLIDE: LEADING ACROSS CULTURES, at 256.
[2]   *Id.* at 259.
[3]   Oriana Mazza, *supra* note 18, at 309-10.
[4]   Lewis, *supra* note 24, at 66.
[5]   *Id.* at 165.
[6]   *Id.* at 136.
[7]   *Id.* at 169.
[8]   "Power distance is defined as the extent to which the less powerful members of institutions and organisations within a country expect and accept that power is distributed unequally", [online] available http://geert-hofstede.com/france.html
[9]   Lewis, *supra* note 24, at 496.
[10]   An empirical study of power distance between different religions, including Islam is [online] available http://www.international-business-center.com/international_newsletter/april_2003/april_03_web.htm.
[11]   Stefanie Walterick (2006), *The Prohibition of Muslim Headscarves from French Public Schools and Controversies Surrounding the Hijab in the Western World*, 20 Temp. Int'l & Comp. L.J. 251, 255.
[12]   Idriss, *supra* note 8, at 266.
[13]   Cynthia DeBula Baines (1996), *L'affaire Des Foulards-Discrimination, or the Price of A Secular Public Education System?*, 29 Vand. J. Transnat'l L. 303, 312.
[14]   As opposed to collectivism where variations between groups are much accepted. *See*, Gelfand and Brett (2004), THE HANDBOOK OF NEGOTITION AND CULTURES, at 324; *infra*, note 50.
[15]   Idriss, *supra* note 8, at 267.
[16]   *Id.* at 275.
[17]   Anita L. Allen (2008), *Undressing Difference: The Hijab in the West*, 23 Berkeley J. Gender L. & Just. 208, 221.

and make them more outwardly "French".[1] Nevertheless, the ban would increase feelings of alienation among Muslims, discourage integration, and make French Muslims feel marginalized and oppressed.[2]

France's focus on complete assimilation[3] reflects its inability to fully accept Muslims in its society which is no longer culturally homogeneous.[4] Further, it demonstrates a level of intolerance towards multiculturalism.[5] Ignoring cultural differences is a form of oppression to minority cultural groups.[6] Pursuant to the Attribution theory, Muslims' behavior is rational and logical from their perspectives and even if French view the *hijab* as a sort of inequality or women oppression, they should make isomorphic attribution to the situation i.e., to put themselves in Muslims' shoes, which would help them positively understand their behavior.[7]

One explanation of the controversy over this issue is its cross-cultural dimensions. Muslims and French disparate on various cultural levels. First, while the eyes are supposed to meet in public under the French culture, the eyes of men and women are not supposed to meet in Islam except by accident. Second, "Le regard" i.e., the look exchanged by two people, is an integral part of the French literature which is developed in the love poetry, as a stare in public is not a sign of rudeness, otherwise, is a warm courtesy. Third, the old French tradition of gallantry presupposes the visibility of the feminine and being visible while Muslim women can't show all of this. Further, the *hijab* is seen as interrupting the circulation of coquetry which is a French tradition in encouraging the mixture of both sexes in social situations.[8] One of the cultural dimensions between Islam and France is the language. Although language and religion are one of the cultural dimensions that immigrants should accommodate,[9] the French government insists that Muslim imams receive training in French law and society.[10]

Additionally, the cultural differences between Muslims and French appear in the body language. For example, while French salute each other by hugging, Muslim girls normally do not hug guys. Individualism vs. collectivism is another basic cultural difference between Muslims and French. Collectivism is defined as "social pattern consisting of closely linked individuals who see themselves as parts of one or more collective family; are primarily motivated by the norms of, and duties imposed by these collectives; are willing to give priority to the goals of these collectives over their own personal goals."[11] On the other hand, Individualism is defined as "social pattern that consists of loosely linked individuals who view themselves as independent of collectives; are primarily motivated by their own preferences, needs, rights, and the contracts they have established with others; give priority to their personal goals over the goals of others."[12] While French are extremist individualists by which they care about themselves only, Muslims are on the opposite; they are collectivists by which they care about their family and preserve their traditions.[13]

Muslim women experience a loss of face[14] when they are treated in such a way that their identity claims are ignored. A loss of social face is a "smudge in the makeup"[15] that leads to an impasse in interaction and creates conflict between Muslims and French.[16] They both tend to be high-context pattern of communication i.e., communication is done not by person's words or acts, but by the context in which the words or acts are communicated, and high-context communication is indirect and requires considerable familiarity with cultural meaning conveyed by various contexts.[17] Unlike low context cultures, high-context culture view the problem and the person as interrelated. Here is the problem as both Muslims and French view the problem interrelated to each

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[1] Stefanie Walterick, *supra* note 34, at 255.

[2] *Id.* at 251-52.

[3] Cynthia DeBula Baines, *supra* note 36, at 312.

[4] Stefanie Walterick, *supra* note 34, at 280.

[5] Idriss, *supra* note 8, at 283.

[6] Sarah Bienkowski (2010), *Has France Taken Assimilation Too Far? Muslim Beliefs, French National Values, and the June 27, 2008 Conseil D'etat Decision on Mme M.*, 11 Rutgers J. L. & Religion 437, 455.

[7] Ackerman, *supra* note 1, at 30.

[8] Elaine Sciolino, *The French, the Veil and the Look*, [online] available http://www.nytimes.com/2011/04/17/weekinreview/17BURQA.html?_r=0.

[9] Article on Multiculturalism, [online] available http://plato.stanford.edu/entries/multiculturalism/#TolReqIndNotAcc.

[10] Jessica Fourneret (2006), *France: Banning Legal Pluralism by Passing A Law*, 29 Hastings Int'l & Comp. L. Rev. 233, 239.

[11] Harry C. Triandis (1995), INDIVIDUALISM & COLLECTIVISM, at 2.

[12] *Id.*

[13] In addition, Muslims appear to be polychronic who care about relationships unlike French who seem to be monochronic who care less about relationships, [online] available http://www.time-management-success.com/polychronic.html.

[14] "'losing face' is an expression which, properly used, refers only to public, discrete events … Face must be protected because loss is experienced as a diminution of standing in society." Catherine Lane West-Newman (2005), *Feeling for Justice? Rights, Laws, and Cultural Contexts*, 30 Law & Soc. Inquiry 305, 328.

[15] Ackerman, *supra* note 1, at 141.

[16] Joseph P. Folger, et al. (2009), WORKING THROUGH CONFLICT, Strategies for Relationships, Groups, and Organizations, at 176.

[17] Gelfand and Brett, *supra* note 37, at 161.

other not separately.

However, French appear as "Ethnocentric"[1] due to their individual attitude of superiority over Muslim groups that may lead to negative behavior.[2] Muslims feel shame, embarrassed, inferior and less powerful. Simply, it may be considered a social humiliation. Even if they are criticized, criticism, in Muslim culture, is taken completely personally and met with childish reactions.[3]

As long as Muslims do not have the same secularism ideas as the French, this cultural changes in France is more likely to raise conflicts rather than a climate of mutual respect.[4] It forecloses the opportunity of experiencing multiculturalism,[5] by the justification of combating Islamic threat to the France cultural identity.[6] The conflict arises when Muslim women are asked to remove their veils although they feel that it is an obligation imposed by Allah.[7] Such feeling contradicts with the identity of France as a secular country and creates an atmosphere of tension between Muslims and French.[8] In addition, Muslim families devote significant time in rebutting what their children hear at school.[9] Requiring children to renounce explicitly their faith will burden their fundamentalist religious principles.[10] Ironically, this approach pushed some Muslim women to learn more about Islam and wore the *hijab* as a manifestation of their religious dedication.[11] It helps women live in both worlds of identities between religion and nationality.[12]

Such a ban is truly viewed as a "subtle exercise in the long tradition of Western attempts to achieve cultural dominance in the guise of fostering liberty."[13] French Non-Muslims deny French Muslim women, who wear the *hijab*, the French identity and view them as challenging the French cultural homogeneity.[14] Muslim women are seen as insolent and disrespectful toward French institutions, and hence, insulting French values to wear this veil.[15] They face high unemployment rates and this unites Muslims in their religion more rather than integrating them into French culture.[16]

The *hijab* issue is used to measure how liberated and progressive are Muslim women and whether they still insist on clinging to Arab and Islamic cultures.[17] Muslims feel that they are not welcomed which may force them to establish their own schools for their children. In reacting to such a ban, and in finding a reconciliation way between the two conflicting cultures, a Muslim schoolgirl removed her veil to reveal a head shaved bald in protest. She said "I will respect both French law and Muslim law by taking off what I have on my head and not showing my hair."[18]

Hijab is not a matter of inconvenience for Muslim woman but it is a tenet of her faith. Oppressing Muslim women to take off their *hijab* equals oppressing them to wear it, which would have tremendous impacts on their lives whether psychologically, spiritually, or emotionally.[19]

V.   CONCLUSION

Is banning the *hijab* the right solution to the problem? The answer is certainly not. Such a ban is more likely to inflame tensions within Muslim communities in France. *Hijab* helps Muslim girls to transfer their culture into

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[1]   "Ethnocentrism refers to a relatively consistent frame of mind concerning "aliens" generally … the most important feature of the ethnocentric individual is the individual's need to distinguish between an ingroup and everyone outside that ingroup … a primary characteristic of ethnocentric ideology is the generality of outgroup rejection." Clark Freshman (2000), *Whatever Happened to Anti-Semitism? How Social Science Theories Identify Discrimination and Promote Coalitions Between "Different" Minorities*, 85 Cornell L. Rev. 313, 370.

[2]   Ackerman, *supra* note 1, at 10.

[3]   Nicolai Sennels, *Muslims and Westerners: The Psychological Differences*, [online] available http://www.newenglishreview.org/Nicolai_Sennels/Muslims_and_Westerners%3A__The_Psychological_Differences/.

[4]   Idriss, *supra* note 8, at 285.

[5]   Jessica Fourneret, *supra* note 49, at 236.

[6]   *Id.* at 238.

[7]   *Id.* at 238-39.

[8]   *Id.* at 239.

[9]   Steven G. Gey (2005), *Free Will, Religious Liberty, and A Partial Defense of the French Approach to Religious Expression in Public Schools*, 42 Hous. L. Rev. 1, 41.

[10]   *Id.*

[11]   Hera Hashmi, *supra* note 22, at 415-16.

[12]   *Id.*

[13]   Steven G. Gey, *supra* note 65, at note 255.

[14]   Adrien Katherine Wing & Monica Nigh Smith, *supra* note 9, at 773.

[15]   *Id.*

[16]   Oriana Mazza, *supra* note 18, at 314.

[17]   Sarah Bienkowski, *supra* note 46, at 450.

[18]   Article on World Briefing | Europe: France: Bald Protest Against Head-Scarf Ban, [online] available http://query.nytimes.com/gst/fullpage.html?res=9A02E4DC1038F931A35753C1A9629C8B63.

[19]   Aliah Abdo, *supra* note 21, at 506-07.

secular cultures and this will benefit the multiculturalism which in turn promote the tolerance for differences.[1] Muslim women wearing the *hijab* function as mediators who bear their traditions from the private into the public behavior in which they satisfy their personal ambitions by fulfilling their religious duties and receive recognition by their conservative families.[2]

Muslim women choose to wear the *hijab* as a sign of devotion and empowerment rather than oppression. Even if some women are forced to wear the *hijab*, the ban is not the best solution. Instead, they would be excluded from society as their oppressors force them to remain at home. Integrating Muslims into the French society in a culturally respectful way would enhance women's integrity and dignity. Rather than encouraging tolerance, pluralism and respect, this ban promotes isolation of Muslims from the French society in terms of education, social life, and employment which would increase the rates of intolerance, or even violence, towards women wearing the *hijab*.

Due to the complexities of these cross-cultural patterns between Muslims and French, France should utilize other methods of avoiding further alienation through integrating the multiculturalism concept into its policies in order to accept others' cultures and respect their values, including Muslims.[3] It should seek adequate measures to accommodate a diverse range of religious and cultural expressions. Rather than feeling uncomfortable because of veiled women in public places, French should feel proud as their society is tolerant and open-minded enough for a diverse range of cultural and religious beliefs and practices, including the *hijab*.

France should be inclined to a collective national identity in general with individual identities in regard to values and beliefs. This should not threat the French national identity. Otherwise, the more alienation results from such a ban has greater threat over its national identity.

To conclude, there are significant differences between French and Muslim cultures and the *hijab* is one manifestation of such cultural differences. Both parties should transfer from distributive bargaining into integrative problem-solving to maximize both parties' interests. France should view the *hijab* not only from its own lens but from the lens of Muslims as well. It should establish a community dialogue with Muslims to negotiate the issue with them in order to be aware of their perspectives and take the right decision without any adversary consequences. Otherwise, the loser would be the French society.

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[1]   Stefanie Walterick, *supra* note 34, at 252.
[2]   Idriss, *supra* note 8, at 293.
[3]   Sarah Bienkowski, *supra* note 46, at 455.