

The headscarf ban in French schools: truth unveiled

An expelled pupil tells us...

I am subjected to a real discrimination, I have changed the accessory I was wearing, I have made great efforts, but they didn't want to know. The headmaster said that I was wearing a conspicuous sign and even if I changed of accessory everyday, to his point of view it will remain a conspicuous way of dressing since it was continuously worn. Since the start of the new school year I have no lessons, since they forbade me to go to the classrooms. I am isolated from my classmates and this is an injustice that a girl of my age should not be subjected to

March 15th Freedom Committee's green line:
0800 15 03 04

Price : 10 €

ISBN : 2-915147-06-x



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Bayane Editions

***The headscarf ban in French schools:
Truth unveiled***

March 15th Freedom Committee

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Cover design: Musrami (www.musrami.com)

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Bayane Edition 2005

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You may order the book on our website: www.gedis-u.com

To all those girls...

To all those girls whose teenage innocence was stolen

Amid general indifference

To all those girls whose difference was trampled

Amid total silence

To all those girls who were ill-treated

Amid the silence of an absence

To all those girls who through a law

Were made to stand accused

To all those girls who were told

“Get rid of your faith or you’ll be expelled”

A caring thought

A heartfelt message

A compassionate smile

A helping hand to forget their fears

Foreword

This is a collective book. Through testimonies, it tells how good-willed women and men, French citizens, lived through the implementation of the March 15th 2004 law on the enforcement of the principle of secularity in French state schools, junior high schools and high schools.

We felt it necessary to bear witness on the outcome of this legal change and on the human consequences of the implementation of this law. Rather than expressing a biased point of view, we preferred to let the members of the “March 15th Freedom Committee” and the girls involved speak out.

It seems important to stress that this is a collective work where several speakers express their viewpoint. We therefore took the risk that the text might lack overall cohesion and that some accounts might be repetitive.

The testimonies are often pathetic, sometimes to the point of raising our disbelief; yet, on checking, they all turned out to be greatly understated. It is therefore our duty to warn readers that some of the stories may shock them.

Some contributions were eventually left out of the final book, mainly to avoid repetition, since unfortunately many similar cases happened again and again.

We do not claim to be exhaustive: we are far from knowing all the consequences of the March 15 law as it was implemented in schools. Rather than speculating, we have preferred to keep to the first-hand testimonies we received, even though these might remain well behind the truth.

To preserve privacy, we have chosen not to quote names and places, but only first names (which were sometimes changed) and areas. The persons and situations involved are briefly presented at the beginning of each testimony.

Some accounts are the products of interviews relying on standard questions, in spite of the risk of repetition; others were expressed more freely.

Introduction

Presentation of the March 15th Freedom Committee

The “March 15th Freedom Committee” includes experienced women and men who want to use their abilities to help the schoolgirls and high school students in France who might be the victims of abusive interpretations of the March 15th 2004 law.

Their aim is to keep them informed, in the light of the overall legislation on the protection of religious freedom, about the actual scope of this law and their basic rights to fulfilling education.

They also aim to direct them towards available neighbourhood resources, administrative and educational services, Muslim institutions, tutoring organisations, human rights advocates, unions, support committees etc., so that they may enjoy the efficient help and psychological support they require to face their ordeal. The Committee stresses that it is not political, has no other ambition than helping the students, and refuses to constitute a pressure group.

The Committee was created with the support of the French Muslim Women’s League (LFFM), the Union of Islamic Organisations in France (UOIF) and the Fund for the Legal Defence of Muslims (FDMJ). It is, however, ready to accept support from any organisation or institution sharing its aims.

Historical background

The French Republic has always been very proud of its educational system, said to be free and open to anyone regardless of their social status, origins or religion.

This of course is but a theoretical vision. Many people do accuse that system of actually perpetuating social discrepancies, of seeking to standardise those who are different and of excluding those who cannot be standardised, such as the disabled for instance.

Since 1989 and the first “Creil headscarves” affair as it is known, the French educational system has been excluding girls who chose to practise this Islamic injunction. At first, this was but a marginal problem, both among Muslim schoolgirls and among school staff, most of whom had better things to do than chasing this attire.

The *Conseil d’État*, the supreme body arbitrating administrative disputes, repeatedly stressed the limits of this freedom which students could enjoy so long as it did not interfere with public order, health and morals. Muslim practice had found some kind of balance, occasionally disturbed by some few, but particularly spiteful teachers who refused to accept this albeit quite standard interpretation of laws.

Upset by those albeit most classic judgements, determined to fight what they thought was an outright violation of republican secularism, the supporters of the exclusion of girls choosing to wear the “Islamic headscarf” organised into lobbies. At first, those included teachers and senior educational staff; they later secured footholds in the main French political parties.

They managed to convince the highest levels of the State, who were but too happy to find a derivative to real issues such as the reform of retirement schemes, the restriction of individual freedom and of the rights of defence entailed by the “Perben II” law, and numerous financial scandals.

In early June 2003, after a conference on that theme, Jean-Louis Debré, the President of the National Assembly, announced that a parliamentary information commission on religious signs in schools was to be set up.

On July 3rd, 2003, the President of the Republic personally ordered ombudsman Bernard Stasi to gather a more general, 20-member commission to reflect on how best to implement the principle of secularism.

The only topic common to all the hearings carried out by either commission was the “Islamic headscarf”. Obviously, under cover of discussing more general subjects such as secularism and religious and political signs in schools, the aim was to find the means of taking action only against the wearing of headscarves by the Muslim girls who wish to do so.

Similarly, most of the twenty members of the Stasi commission were known for their actions or statements opposing the freedom for young Muslim girls to wear the “Islamic headscarf” at school.

In line with a deep-set parliamentary tradition, the National Assembly set up a commission chaired by Jean-Louis Debré. This commission was careful to hear all sorts of key figures and the most diverse viewpoints were voiced.

This was not the case in the Stasi commission. This latter got more media coverage, and its story remains to be told: on what criteria were its members selected? Who chose the persons to be heard, and on what criteria? This remains a mystery.

A large number of persons hostile to the freedom of wearing a headscarf were heard. On the other hand, those favourable to this freedom were very few.

Surrealistic discussions followed, with the obvious aim not of defining problems in order to seek solutions, but of justifying to public opinion the restriction of a formerly deep-set freedom. Those discussions mixed together such ill-assorted topics as sex-based discrimination, suburban security problems, anti-semitism, collective rapes and women's status in Iran...

In the meantime, the Stasi commission turned out to be unable to hear a single student wearing a headscarf at school: the future victims were to keep silent...

Despite the unanimous opinion of all religious organisations of all denominations, of all human rights defence groups and even of some secular organisations such as the "Ligue de l'Enseignement", both commissions opted for the verdict that was expected of them: a law must be made to ban the "Islamic headscarf" in schools!

Of course, the Stasi commission did come up with other recommendations, but who still remembers them now?

On December 17th, 2003, President of the Republic Jacques Chirac stated that he believed *"that wearing dress or signs that conspicuously express religious affiliation must be banned in state schools, junior*

high schools and high schools. Wearing discreet signs, such as a cross, a David's star or a Fatima's hand, will of course remain possible. On the other hand, conspicuous signs, that is to say those which lead to the wearer being immediately noticed and recognised through their religious affiliation, cannot be accepted. Such signs – Islamic veils, whatever they are called, skullcaps or clearly oversized crosses – do not have their place within state schools. State schools will remain secular."

Exceptionally, the parliamentary procedure was exceedingly quick. A bill was proposed in the National Assembly as early as January 7th, 2004 and it came up for discussion as early as February 3rd. The debate lasted only three days, and the bill was eventually passed with 494 votes in favour, while 36 MPs opposed it and 31 abstained. The Senate adopted the text unmodified on March 15th, 2004.

On May 22nd, 2004, the French Republic's official organ, the "Journal Officiel", published the May 18 National Education Ministry guidelines on how to implement the new law. The text asked state-funded schools to add the following rule to their school regulations: *"In accordance with article L. 141-5-1 of the education code, wearing signs and dress by which students conspicuously show a religious affiliation is forbidden. When a student ignores the above-mentioned ban, the headmaster will arrange a dialogue with the student before starting any disciplinary procedure."*

However, schools often outran Ministry guidelines and added – when it did not already exist – the overall ban of all head-coverings on school premises, although former judgements had constantly declared this to be illegal.

The new school year was to start on Thursday, September 2nd, 2004.

The previous Saturday, on August 28th, an Iraqi group, the Islamic Army in Iraq, claimed to hold hostage two French journalists, Christian Chesnot and Georges Malbrunot, and demanded in exchange for their release that France's March 15th 2004 law be withdrawn.

In the evening of the first school day, the Education Minister rejoiced in an official statement that the start of the new term and the first day of the law's implementation had been a success. The Education Ministry was to release several such jubilant statements over the next few months.

***The situation of the Muslims
and human rights defence
groups***

Before the law

As early as June 2003, Muslim community figures asked to be heard by the two commissions being set up. Only a very few actually were.

The newly-founded French Council for Muslim Worship (CFCM) was faced with a debate it had not sought. Numerous observers noted the heavy risk of division within the newly-created CFCM over the issue of the position of France's Muslims concerning "Islamic headscarves" in schools.

In spite of this risk, a vast debate over the issue was planned on the agenda of the CFCM's very first board meeting, held in Paris on the 11th and 12th of October 2003. In fact, board members immediately turned out to be unanimous: it was the first time French Muslims of all tendencies agreed on a general consensus and adopted a common position on an issue related to French society!

The statement published after the meeting stresses that wearing a headscarf is a religious injunction for pubescent Muslim girls and that everyone should be free to obey religious injunctions undisturbed.

The Board then asked both commissions examining the issue of secularism that a CFCM delegation be heard as such: their demand remained unanswered by those commissions...

The CFCM declared it opposed a law banning the wearing of religious signs in schools "because it would stigmatise the Muslim component which wholly belongs to the French nation".

Thus, in spite of repeated attempts and pressures, opponents to the freedom to wear the “Islamic headscarf” did not find a single Muslim leader in France to express approval of a law banning religious signs in schools.

So much so that the Minister of the Interior and of Religions felt obliged to visit Sheikh Tantawi, the Great Mufti of Cairo’s renowned Al Azhar University, to elicit a fatwa (a religious judgement) recalling that although the headscarf was indeed an injunction and a religious obligation, the French Parliament was free to adopt whatever laws it wished and that a foreign religious body could not interfere with France’s internal affairs.

The Parliamentary debate enabled regional and national Muslim leaders to meet members of parliament one by one and to explain that passing such a law would entail serious risks of the Muslim community being stigmatised.

In the meantime, demonstrations were organised to protest against the bill. However, because of important divisions between organisers who refused to march together, the numbers of demonstrators dwindled constantly.

The debates preceding the vote of the law enabled France’s Muslims to realise how deep a chasm separates their daily reality from the prejudices held by most of their fellow-citizens. A majority of French people cannot admit that there may be young Muslim girls who freely and voluntarily decide to wear a headscarf to please God. And yet, the fact cannot be denied!

Similarly, whenever those girls express their will to be able to choose to wear an “Islamic headscarf” or their distress at the bans against

them, most of our fellow-citizens are convinced that they act that way only because they are manipulated or submissive... This is an easy excuse to disregard their suffering.

After the law, preparing for the new term

As soon as the law was passed, Muslim organisation leaders and human rights defence group leaders got in touch with MPs who had expressed doubts when the law was being discussed, in order to have the *Conseil Constitutionnel* check whether the text was consistent with the constitution. Unfortunately, they were unable to round up the 60 MP signatures necessary to file the request.

Thus, this law, although highly disputable from a human rights point of view, was never checked for its compatibility with the constitution! Similarly, the opinion of the *Conseil d’État*, requested by the government, was never published. One can therefore legitimately wonder to what extent the text of the March 15th 2004 law is compatible with human rights constitutional references, since no official statement was issued by the Republican bodies whose job it is to check that texts are compatible with the Republic’s values!

Because they are almost entirely absent from the political stage, France’s Muslims were unable to make themselves heard during the debates preceding the vote of the March 15th 2004 law.

There remained a chance to make themselves heard by the education minister who was preparing to publish guidelines on how to implement the law. The possibility, stressed by the law, of allowing discreet religious signs was under discussion. Another

point under discussion concerned school outings: human rights advocates wished that students be allowed to wear the attire they usually wore outside school. On the other hand, the minister wanted to ban mothers wearing “Islamic headscarves” from accompanying school outings.

The law implementation guidelines published on May 18th, 2004 are the third version of the minister’s text: the views that finally prevailed were those of the most radical headmasters’ unions.

It then became obvious to the most pessimistic that the new school term would be characterised by coercion, humiliation and exclusion.

On the other hand, the most optimistic stressed that the law should be considered within the general framework of human rights and individual freedom protection measures.

Seen in this light, the law only banned over-conspicuous religious signs and left each Muslim girl with the possibility of finding a less conspicuous, less visible way of dressing, still in keeping with her religious practice. Legally speaking, this was the only possibility for the law to be implemented.

Abroad, the debate over the French bill, then its vote, occasioned hostile demonstrations in London, Cairo, Gaza, New Delhi (where Sikhs are very active), etc. President Chirac’s image, which had been excellent in the Arab world as a result of his positions over the war in Iraq (first-class dates were called “Chirac” dates in Cairo during Ramadan 2004), now declined considerably.

In many countries, French ambassadors were summoned to explain their government’s policy. They justified the new law by alleging that

serious community strife threatened civil peace in France! The law was an indispensable measure, without which the country would fall apart and civil war would burst out... Indeed it had already begun, with serious clashes between communities in schools!

Of course, French diplomacy argued, no one thought of preventing young Muslim girls from practising their religion in peace... They would naturally be allowed to wear some form of head covering at school, since the law only banned signs or dress conspicuously denoting a religious affiliation.

During the September 2004 general assembly, the United Nations General Secretary handed out the activity report drawn up by Mrs Asma Jahangir, the Human Rights Commission’s Special Rapporteur on freedom of religion or belief: for the first time, France appeared among the 29 countries taken to task in the report, mainly because of the March 15th 2004 law.

In France, debates arose among those who had opposed the passing of the law. A minority opted for denial: they would try to get the law withdrawn and they would resort to hazardous breach of the peace strategies to avoid complying with it.

A majority considered that the law had indeed been voted: even if it was a bad law, they pledged to respect it while favouring a liberal implementation, allowing inconspicuous religious signs. The main preoccupation of organisation leaders, whether Muslim or non-Muslim, was how to respond to the distress of those girls who, having freely chosen to wear an “Islamic headscarf”, would be required to choose between their religious choices and their wish to study.

But how could they respond to such distress? The idea of a free telephone hotline soon emerged. The human and material means had to be found to set up a suitable structure.

Thus, the “March 15th Freedom Committee” was set up in mid-June 2004. It was a loose co-ordination of bodies and people sharing similar preoccupations: how to respond to the distress of young students singled out by the March 15 law and give them support, preferably near at hand, whatever they chose to do.

Obviously no one intended to choose for the students, since this would have meant taking on an excessive responsibility. We simply intended to keep them informed about the framework of the new law: what the text allowed and what it banned, the more general background of human rights and individual freedom defence laws, the addresses of institutions such as education authorities, administrative courts, human rights defence bodies, and possible sources of support available in their area such as mutual support, psychological help or tutoring organisations.

We spent the rest of the summer preparing the start of the new term and organising the structure: finding premises, equipment, volunteers, setting up communications and local, regional and national co-ordinations. A free hotline was progressively set up (0800 15 03 04): it works from 10 a.m. to 7 p.m. on weekdays and from 10 a.m. to 1 p.m. on Saturdays.

The hotline was active as early as Tuesday August 24th, i.e. more than a week before the fateful date. Everything was ready on time! Taking stock just before the term started, we were surprised to find that

during the previous week, the number of calls from journalists had slightly exceeded that from students!

September 2004: the new term starts

The news came in the evening of Saturday, August 28th, five days before the start of the new term: an Iraqi group, the Islamic Army in Iraq, claimed to hold hostage two French journalists, Christian Chesnot and Georges Malbrunot, and demanded that the March 15th 2004 law be withdrawn in exchange for their freeing. We were appalled!

Our action had taken on a new dimension. Instead of trying to defend Muslim girls’ freedom to wear a headscarf if they wished to, we now had the unpleasant impression that the two journalists’ fate rested on us: they would live or be killed, depending on what we said when schools reopened.

A Quran verse approximately says that whoever saves a single life, it is as if they had saved the whole of mankind, and whoever wrongly kills a human life, it is as if they had killed the whole of mankind.

French Muslim leaders reacted as they must: they offered the hostages’ families and the French government all the help they could muster to help free the hostages. This began with a press conference where a Muslim woman stated that she refused to have her headscarf stained with the journalists’ blood and offered to become a hostage in their stead. Then a CFCM delegation travelled to Baghdad to mediate.

On September 1st, the evening before school started, the March 15th Freedom Committee decided to issue no further statement about what was to happen when the school term started. We were afraid the hostages' corpses would be brought home and we would be accused of having killed them with our statements. Our decision may of course be criticised, but if that had happened we would indeed have felt responsible.

We were also hostages in this affair. It was impossible for us to communicate over the suffering of the victims of abusive interpretations of the March 15th 2004 law...

Early the next morning, we rang the general education authority. We informed them of our decision to make no statement about the start of the new term, and we suggested the Ministry should do the same so as not to threaten the hostages' lives. Their answer was a flat: *"How can you imagine you are going to dictate your communication policy to the minister?"* Faced with such a scornful attitude, we decided to stick to our no-statement policy, whatever the minister said...

It was a dreadful day. We received 75 phone calls, and our line was constantly engaged. Our worst fears materialised: all forms of head covering were banned. When students refused to take off the smallest headscarves, caps, bandannas, ribbons or even headbands, they were systematically banished from class, quarantined and kept away from other students.

After being isolated in this manner, the students were summoned by headmasters and were required to justify themselves, sometimes for hours on end. They had to explain their attire, their beliefs, their alleged or actual contacts with extremists. They were asked who

forced them to wear their "veil", a word used systematically even when the student was wearing a mere cap!

From the very beginning, there was no dialogue, but only an inquisitorial monologue: students were summoned to uncover their heads, and when they refused, repressive measures were immediately implemented and they were repeatedly told they would be expelled by an impending disciplinary hearing.

During those inquisitorial interviews, the law was read out over and over again, but if the student happened to point out that she was actually making efforts and wearing an inconspicuous religious sign in keeping with the law, the headmaster would dryly answer that it rested with him to decide what was conspicuous and what was not, and that as a matter of fact, any form of head covering, sometimes anything worn in one's hair, was considered as a "conspicuous religious sign"!

After the term started

When students did not comply rapidly, their families were summoned and told how serious their behaviour was. The students were set apart, alone in a room or sometimes in a mere corridor; they were not allowed any contact with their fellow-students, they could not have their breaks at the same times nor even use the same toilets. All the girls said they felt like plague victims in quarantine.

A "pedagogical follow-up" ought theoretically to have been organised, but teachers insisted they would in no way accept to give "private lessons" to those students who refused to comply. All that most of them got was a few exercises, brought to them by a

secretary, and mainly tests on lessons they had not been allowed to attend... This enabled teachers to give them bad marks while most of those students had previously been among the best in their class.

Vexatious measures appeared here and there: one student told us that after being left alone in an office for a very long time, she was joined by an adult who did not greet her and did not introduce herself, but who asked dryly: *"What subject do you hate the most?"* The girl, who was an excellent student, gasped: *"But Madam, I like all subjects!"* *"Then what subject do you like the least?"* *"I don't know... perhaps geography?"* Without adding another word, the adult left the room and after some time, she came back with a geography book and said: *"There you are! And now, work!"*

Faced with such a faith-grinding machine, the vast majority of Muslim girls keen on wearing a headscarf gave up covering their heads altogether. Thus, they opted for studying and accepted to forget about their beliefs for a while. Many of them rang us to tell about their feelings of torture, humiliation and shame. Some tried to rebel by ceasing to respect their teachers, others spoke of covering their heads again to get expelled, of giving up their studies, of committing suicide...

Some others, few in number but resolute, decided they would not have such a choice imposed on them. They described going through a very dark period, with such consequences as nervousness, loss of appetite, sadness, withdrawal. Many fell ill, some then went back to their schools to again face inquisitorial interviews and then the long and weighty periods of loneliness when they were left with hardly anything to do. In the end they accepted to face disciplinary hearings, the sooner the better to put an end to the situation!

But school authorities let matters drag on, for days, then weeks and months... Too many students were still liable to be counted as "victims of the March 15th 2004 law" and to sue their schools hoping for redress...

Headmasters preferred to negotiate conciliatory settlements. They argued to students and their parents that if they asked of their own accord to be allowed to leave school and register with the National Centre for Distance Learning (CNED), registration fees would be lessened or waived altogether.

One student even received a new computer and a one-year internet subscription, in addition to free registration with the CNED!

Faced with their daughters' suffering, many parents who were unaware of their rights accepted such proposals aiming to deprive them of their right to legal action.

A few schools accepted students wearing inconspicuous headscarves, but they were very few. Most of the students who faced difficulties as a result of the March 15th law were Muslim girls. But there were also a number of Sikh boys, four of whom were eventually expelled and deprived of their right to study.

After long weeks and months, the first disciplinary hearings at last took place. The very first was scheduled on October 20th, 2004 in Mulhouse, one month and seventeen days after the term had begun. This first disciplinary hearing came as a relief to everybody, although it did result in students being expelled.

The March 15th Freedom Committee provided defenders free of charge for those students who wished to be assisted. However, most

of the debates were of pure form: expulsion decisions had already been taken, no consideration was shown for the girls' efforts to wear inconspicuous signs, no attempt was made to adapt punishment to the alleged fault. All the girls subjected to disciplinary hearings were to be expelled from their schools.

On these occasions, a very large number of headmasters displayed total ignorance of the rights of defence: they denied the student or her defender access to the brief, they added items at the last moment without telling anybody, they did not allow them to speak or cut them short, they did not let them speak last... Others showed better knowledge and respect for the law.

The last disciplinary hearing after the start of the new school year was held in the Isère district on January 13th, 2005, i.e. 132 very long days, or four months and ten days, after schools had reopened.

Local education authority appeal commissions were more attached to form, but they all confirmed the expulsion decisions. The expelled students and their families were at last able to take their cases to court.

From psychological support to tutoring

The March 15th Freedom Committee very soon had to face demands for tutoring. Ever since the beginning of the "discussion period", during which they were hardly taught at all, quarantined students kept asking for real lessons covering their curriculum.

But how could we achieve this? How could we get it organised, since we were not professionals?

We organised preparatory meetings in several towns and were surprised to find that, in towns where we were aware of only a few problem cases, three times as many girls turned up asking for alternative schooling. Where did they come from? Most of them had simply decided to stop attending school because they did not want to face the expected hatred and criticism.

Teachers spontaneously volunteered to supervise the girls. But they were too few in number and did not cover all the subjects in the curriculum. University students and graduate mothers also volunteered for tutoring.

We now had to co-ordinate and manage those individual initiatives with our feeble material means. As can be expected, such an effort is difficult, especially in the long run, when one is not used to it, when the premises available are not adapted for such a use and when the teachers and tutors are unpaid volunteers.

The results of the first few weeks of alternative schooling were imperfect because some of the adults in charge were not reliable enough. When will people mobilise massively to answer those urgent needs?

Difficult to quantify

Eventually, official figures will probably set the number of victims of the first year's implementation of the March 15 law at less than fifty. Almost fifty girls who were deprived of their right to education because of the administration's arbitrary and abusive interpretation of the law. Fifty girls had to go through quarantine,

disciplinary hearings and local education authority appeal commissions.

The number is small, and yet it is too high: this law did act as an exclusion law, which its advocates had claimed it would not.

But this figure does not take into account the variety of situations we encountered and the difficulties in quantifying the actual number of cases, especially of those who do not resort to any organisation:

- First of all, the girls under sixteen who were taken out of school or who left it point-blank: they simply did not register in any school, sometimes giving the impression they had moved home. Those girls and their families do not resort to such organisations as the March 15th Freedom Committee. It is impossible to quantify them precisely, but we do have some indirect testimonies which convince us that at least 25 girls under sixteen years of age dropped out of school illegally because of the March 15 law. There are certainly more. We sometimes meet them during support meetings or conferences. Let us set their number at about thirty nation-wide, although the actual figure is probably higher.
- Then, there are the students over sixteen years of age, for whom school is no longer compulsory and who simply decided, before the start of the new term, to stop studying to avoid facing the hatred and humiliation that expected them. Those students are not taken into account by the Ministry either. Some of them ask us to organise private lessons for them, so that they can pass their exams as independent candidates. Others ask nothing and are therefore difficult to quantify. We think they must be at least a hundred.

- Others took advantage of the summer vacation to find a school abroad and register there. Those students did not get in touch with us either, but we do have contacts with a few of them. This leads us to believe there are about ten of them in England, at least 27 in Belgium, less than ten in Germany and Holland and over thirty in Turkey, that is at least 67 students in all.
- Some students were accepted in private Catholic schools and allowed to cover their heads. Three of them asked for our help, but we know there are more.
- Other girls uncovered their heads altogether when schools reopened, and therefore are not counted in the Education Ministry's figures. However, they do continue to suffer and require at least psychological support. They are very numerous (several hundred) but we only hear from them from time to time.
- A few students enjoy a normal implementation of the law and are allowed to wear an "inconspicuous headscarf". We know of twelve cases nation-wide.
- Then there are the cases where dialogue was "successful", in the Ministry's sense, that is in fact the students who gave in to the enormous pressure exerted during the inquisition and quarantine period and who are in an appalling psychological state. According to the figures given by the Ministry itself on November 25th, 2004, 533 students were compelled to remove their "conspicuous religious sign" to be allowed to keep on studying.

- There are the “conciliatory settlements” which led students to give up their rights in exchange for registration with the CNED, even part-time. We know of 26 who got in touch with us, and there are probably more.
- Finally, there are those who were expelled after disciplinary hearings: they are 47 in number.

Put together, the figures in all those categories enable us to say that the actual number of victims of the March 15th 2004 law is over 800, that is 20 times more than the highly optimistic figure given by the Ministry at the end of 2004. According to the Ministry’s own figures, between 1200 and 1500 students attended school normally while wearing a religious sign in 2003-2004, whereas there were only 4 problem cases.

Paradoxically, as a result of the March 15 law, the number of problem cases was multiplied by 200.

Yet, those figures are only temporary, for they mask a changing reality: students tell us they intend to “cover their heads” again in spite of the risk of being expelled, others inform us that the compromises reached at the beginning of the school year are no longer accepted and that they will again have to choose between humiliation and expulsion...

SUMMARY TABLE

LOWER NATION-WIDE ESTIMATE

Classification	Number
Illegal drop-outs under sixteen (estimated)	30
Drop-outs, over sixteen (estimated)	100
Studying abroad	67
Private schooling	3
“Successful dialogue” (Ministry’s figures)	533
Students having accepted CNED registration without expulsion	26
Students expelled after a disciplinary hearing	47
Minimum total number of victims of the March 15th 2004 law	806
Accepted with an inconspicuous sign	12

Law banned from schools

How school authorities strayed away from the secularity principle

Let us for once begin with a paradoxical conclusion... After being in force for six months, the March 15th 2004 law, commonly known as the “headscarf ban”, has not actually been implemented. Surprising though it may seem, this established fact was not unexpected.

As could be foreseen, the way this law was interpreted logically led to abusive implementation. This avowed restriction of a basic freedom led to all external expression of students’ religion being systematically prohibited, while initially only “conspicuous” religious dress was to be banned. This was particularly the case when students were thought to be Muslims, and especially when they were girls.

As of Monday March 28th, 2005, only one student expelled for wearing a conspicuous religious sign had not yet been heard by a local education authority appeal commission. Now that it is time to assess the unfortunate results of this law, it appears that almost fifty students have been expelled, while there were perhaps ten times as many problem cases when schools reopened.

But beyond the figures and statistics which can tell nothing about the shortcomings in the expulsion processes, their short or long-term effects and the violations of individual freedoms, it is time to take stock of the failings recorded in all the cases we know of.

Such is the modest aim of this study.

Drawing on our close familiarity with the students’ experience and on the general principles on which our laws are based, resulting from

nation-wide work and centred on both individuals and their families, this study is at the crossroads between supporting the victims of a “bad law” and struggling for more justice and for a more effective enforcement of human rights. It simply aims to show what has really happened since September 2nd, 2004, to depict the actual facts and their legal significance, in order to assess their (lack of) conformity in the light of basic rights.

As it has been said again and again, the March 15th 2004 law is a legal aberration. This law, which claims to protect students by expelling them, which prohibits in order to increase freedom and which aims to standardise administrative practices while it leaves its enforcement to the supreme judgement of headmasters, has emerged in our schools’ daily practices in the most inconsistent and violent way possible. Its enforcement has meant a decline, and in some extreme cases an outright denial of rights in schools. But most of all, beyond the mere principle of secularity, it has raised a question whose appropriateness cannot be denied: when a public state-funded school chooses its students, be it indirectly, has it not already turned into an “almost private” school?

In any case, all the expulsions were decided on the basis of procedures and of a law which were put forward without being made clear. The law was repeated over and over again, making all debate impossible. While it was always present as the background and contents of the discussions, while it was consistently invoked by teachers, headmasters, administrative staff and students whether to charge or to justify, the law was markedly absent from our state schools. It has indeed been said that the law was never at home in the French educational system.

It must be admitted that schools are not an area where laws apply. Indeed, the only legal issue relevant there is what pertains to responsibility. As for the rest, the school system does remain immune to the importation of the rules which, outside, organise and give sense to what is known as the rule of law. Inside schools, the primacy of individual freedom is constantly questioned, students' rights are subjected to the authority of teachers and administrative staff and it must be recognised that they do not even come up to the minimum standard required by the main human rights reference texts. Everything happens as if when registering in a school, students, being under age and subjected to school rule, accepted to give up some of their basic rights such as equity, equality, presumption of innocence, the right to respectful treatment, the right to be defended or to defend themselves when accused, etc.

This phenomenon is so general and so enduring in our schools, that not until July 2000 did Ministry guidelines (at last?) remind headmasters that the students subject to disciplinary hearings do enjoy certain basic rights that must be respected. This suggests the backwardness, the deep-set habits involved and the superiority of arbitrary administrative power over the rights of students and citizens.

First of all, we should look into what exactly the law forbids in order to know, conversely, what it allows.

Indeed, the meaning of the law is clear: any type of dress, however original or new and whatever its connotations, is forbidden during school time when it “conspicuously” displays a religious affiliation of some sort.

This principle entails several consequences which are particularly significant as far as rights are concerned, since, it must be recalled, a basic right is restricted in this matter: freedom of expression and the freedom to display religious beliefs.

The phrasing of the law logically leads us to conclude that all those types of dress which do not “conspicuously” denote a religious affiliation cannot be targeted by the ban. **Therefore, it cannot apply to merely “visible” signs or religious dress, nor to those the 18 May 2004 guidelines expressly considers as “inconspicuous”.**¹

This is indeed confirmed by the fact that President Chirac voluntarily opted for a ban on specifically “conspicuous”, and not “visible”, signs, thus rallying to a proposal from the reflection commission presided over by Mr Stasi rather than that made by the parliamentary commission presided over by Mr Debré. This interpretation is also echoed in the Ministry guidelines which do not forbid inconspicuous dress nor those forms of dress which, being widely used, thereby lose their religious character.

It should also be mentioned that the term “head covering” was only replaced by the word “dress” in the third and last draft of the guidelines. One may therefore conclude, when reading the law, that it cannot apply to a head covering widely worn by students and not generally associated with a particular religion. It does not matter whether this head covering carries a specific significance for some

¹ Of course, “obtrusive” signs, which were already forbidden and constitute an exaggeration of the “conspicuous” character, are also logically targeted by the ban.

students who relate it to their religious practice without saying so and without showing it by their behaviour.

Similarly, nothing in the legal text makes it possible to infer any kind of religious affiliation from a student refusing to uncover their head. The question may seem trivial but it is in fact highly relevant, in particular in the case of a student wearing a bandanna for instance (although this type of head covering does not entirely satisfy the religious aspirations of Muslim and Sikh students).

Indeed this item (which originated in American “biker” circles”) is widely worn by many people² (men, women or teenagers) without immediately indicating any kind of religious affiliation. It therefore, by definition, lies outside the scope of the ban. In the absolute, as is confirmed by the 18 May 2004 guidelines and several public interventions by Education Ministry figures,³ what makes wearing a bandanna “conspicuous” and what makes of the bandanna itself a “religious” bandanna is not the mere refusal to take it off but the fact that a religious belief is invoked.

It must be stressed that the law nowhere states that any particular sign or item of clothing is illegal in itself. To make things clear, the law does not forbid any item of clothing: what it does forbid is wearing this item, that is to say it forbids an objective behaviour. If this was not the case, an Assyro-Chaldean student, for example, would incur disciplinary measures for having a big cross in their schoolbag, or a

Jewish student for keeping his skullcap in his pocket. Still, the difference may in practice seem to be slight, if not insignificant. It is not. Since the law bases its motive (*ratio legis*) on the “wearing” of a specific attire, it must necessarily be interpreted in *concreto*,⁴ i.e. with regard to circumstances and practical facts.

Therefore, the law’s implementation must inevitably be justified by facts, answering this central question: how does a student’s attire express their will to make their religion known immediately, in the specific circumstances of their school?

One can assuredly conclude that it is not legally possible to base disciplinary measures on the slightest presumption of an attire, however simple, being “conspicuous”. Thus, the mere fact that the previous year, a student used to wear a headscarf qualified as “Islamic” does not seem sufficient to prove that the newly worn sign or attire, which does not in itself possess the characteristics targeted by the law, is an attire conspicuously showing religious affiliation. Similarly, the fact that a student was previously expelled from another school for transgressing the March 15 law cannot be invoked to prove that the student’s new attire is “conspicuous”. Likewise, a student’s being a Muslim cannot suffice to forbid their wearing any sign which might lead to suppose that it could be an “Islamic headscarf”. In other words, a student’s religion implies nothing about their will to display it nor, all the more so, to display it “conspicuously”.

Thus, the law only bans conspicuous religious signs and allows those religious signs which are merely visible or can be qualified as

² Last summer, Italian Prime Minister Silvio Berlusconi himself wore a splendid white bandanna in front of news cameras during his holidays with his British counterpart.

³ Examples can be found in the July 23rd, 2004 edition of the free newspaper *Metro* (Lyons edition).

⁴ And not *in abstracto*, in a general, impersonal manner independent from the facts pertaining to each case.

“inconspicuous”. For the sake of clarity (although this is indeed of little use), the authors of the guidelines wanted to give a non-exhaustive list of examples: “such as Islamic veils, whatever they are called, skullcaps or clearly oversized crosses”.

This typology perfectly illustrates the latitude left to educational staff through deliberately sought confusion in words and their meanings. What is the Islamic headscarf? What did the legislator mean by this adjective? Does it refer to all headscarves worn by Muslims, or to a particular item of clothing pertaining to Islam and which even non-Muslims could wear? Is it the student’s religion that renders a headscarf Islamic? And what kind of head covering is meant here? Is it a mere scarf covering the hair but leaving the ears and neck apparent, a cap covering only the hair and ears, a bandanna, or a veil covering the whole body from head to foot?

It is now clear that the main basis for judging that an item is worn “conspicuously” is the student’s intention. This enables us to point out the inconsistency of this ban and the legal deadlock it leads to. Indeed, unless consciences can be seen into, how can the deep and real (i.e. not apparent) reason why a student wears a particular attire be determined, if not by asking the student – which does seem to be the aim of the dialogue period set up by the law? But, as Messrs Tawil and Garay⁵ pointed out: *“Is it acceptable, with regard to the secularity of the state and the absence of religious discrimination it implies, that civil servants could ask students whether or not they are Muslims and that the answer to this question could lead to disciplinary measures?”*

Moreover, this attitude inevitably contradicts the definition of “conspicuous signs” given by the Ministry in their guidelines, and implying immediate recognition: *“the signs and dress which are forbidden are those which lead to the wearer being immediately identified through their religious affiliation”*. Indeed, if the sign itself leads to immediate recognition, why should one have to ask why the student wears it in order to determine whether the motive is religious?

One cannot but notice the severity of the movement which began in 1989 with the ban on obtrusively worn religious signs, seen as constituting a real pressure on others or on the school, and which has now led to a ban on conspicuous dress, worn only to be noticed. Basically, what is censured is no longer the interference of a religious belief with other persons’ spheres of liberty, but the mere desire to be seen: the perspective has been completely reversed. Taking obtrusiveness as the limit for the expression of religious beliefs was at least logical: the consequences of the ban affected proselytising individuals guilty of interfering with other people’s freedom by overreaching their own. With the March 15 law, this consistency disappears: students are now deprived of an entire aspect of the expression of their faith, for the sole reason that the group only considers them through their religious beliefs, by whatever means these are expressed. In other words, one person’s tyranny has been replaced by group dictatorship.

Secondly, now that we have seen how the law ought to have been enforced, we must record the breaches of human rights and of the main public liberties.

⁵ A. Garay, E. Tawil, « Tumulte autour de la laïcité » in *Dalloz 2004, chron.*, p. 229.

Let us first examine freedom of belief, including the right to display one's religion privately and publicly. This basic freedom is unexceptionable, and can never be totally denied. All the texts dealing with it only mention restrictions to the exercise of this freedom in very specific circumstances.

Yet, by prohibiting all forms of head covering, headmasters have made it virtually impossible to express one's religion by that means. By doing so, they have unfortunately laid the basis for an unending paradox: according to this reasoning, how would a bonze student be dealt with if he shaved his head in order to display his Buddhist faith? Would one, paradoxically, have to make him cover his head, thus breaching the principle of equality of treatment for all students, or would it be better to suspend the disciplinary procedure and wait until his hair grew again?

The right to an equitable trial has also been seriously questioned. According to this principle, any individual facing a charge must be judged equitably in a public audience and given a chance to refute all their accusers' arguments on equal terms. It is not the case in the present situation. Ever since the first day of school and sometimes even before, the headmaster has already given his irreversible judgement. Whatever the claimant wears on her head is in any case a conspicuous sign. Her intention to wear another, less connoted attire, more in keeping with the types of dress worn in the school, changes nothing to the matter: all the head coverings this particular student might choose to wear will eternally be seen as conspicuously religious.

The principle of equality of treatment for public service users is breached as well. Indeed, it will not be possible to forbid all students,

during the whole year, to cover their heads on school premises. If the ban outlined by headmasters applied to everybody, the dialogue procedure would have to be resorted to with all the students wearing something on their heads, even woolly hats in winter or caps in summer. Of course this idea is preposterous. Yet it is not meaningless: the general ban practised today will make it necessary to choose whether or not to apply disciplinary measures, since it cannot possibly be equally enforced on all students.

In other words, everything will depend on the headmaster's subjective, and perhaps arbitrary, choice: one student will be treated leniently while another will face a disciplinary procedure. This selective approach in the enforcement of a law supposed to apply to all alike is very revealing of the difficulty to introduce basic legal principles within the school system.

Moreover, the right to an equitable trial requires that the defendant's case be heard impartially within a reasonable time. This time must logically be appreciated according to context. One notices that disciplinary hearings were generally called three to four months after the end of the dialogue periods. Compared with the length of the school year, this period represents over the third of the time spent at school. The matter being urgent, disciplinary hearings should have been called rapidly to give their decision on students' claims. Instead of that, students were left for months in a legal vacuum, between an officially closed dialogue period and an expected disciplinary hearing for which no date was appointed. From the point of view of the reasonable time requirement, one cannot but notice that the situation constitutes a dangerous breach.

Let us now consider the right to education. Shutting a student away, preventing her from attending classes, setting exams for her on lessons she never had, obviously constitute breaches of this right. Considering that this was the situation for many months, without any legal justification, one cannot deny that France has not respected its obligation to “ensure that school discipline is administered in a manner consistent with the child’s human dignity” (art. 28.2, Convention on the rights of the child, ratified July 2nd, 1990). Need one be more explicit, when students have been excluded from the school system?

The punishments inflicted, such as exclusion from classes, are just as problematic too. The principle of legality of offences and penalties (from the famous Latin maxim: *nullum crimen, nulla poena sine lege*) implies that one cannot be penalised for doing something not prohibited by law as it existed at the time. Yet no text states that students should be forbidden to attend classes or obliged to stay permanently in separate rooms. Worse, this measure cannot be considered as a school punishment, nor as a temporary measure, nor even as a conservatory measure, since these possess precise legal definitions and exclusion from classes is not part of them.

Indeed, such a situation cannot even be seen as part of a disciplinary action, since the March 15 law makes it clear that the latter must be “preceded” by a dialogue phase. It therefore appears that the decision to deprive students from the teaching to which they are legally entitled was taken without any legal basis: consequently, the denial of the legality principle must be denounced.

As far as the choice of punishment is concerned, the requirements of disciplinary law must be recalled here, since they seem to have been

widely ignored. According to disciplinary law, any administrative or penal sanction must be commensurate with the charge and individualised according to the defendant’s personality. In the present case, we notice that the March 15 law does not mention any specific sanction, thus voluntarily leaving disciplinary boards important powers of decision. There is a broad range of sanctions schools can decide on, and final exclusion is obviously the most serious. Yet, disciplinary hearings have systematically outrun this range of sanctions and chosen the most serious punishment, as if it was contained within the legal text itself – even though it must be noted that the members of the board only give their opinion on the sanction proposed by the headmaster himself. They never accepted, as they were asked and as the law allows, to suspend the implementation of their decision. Neither did they explain why the most serious sanction was the most adequate and the most commensurate with the defendants’ behaviour.

The Paris administrative appeal court recently found (CAA Paris, n°04PA02020), in a case which received wide media coverage, that the final exclusion of two students from Paris’s Lycée Montaigne was a sanction out of proportion with the facts which had led to their exclusion. One had been found guilty of physical violence against a Jewish fellow-student, while the other had uttered racial insults against the same boy! In such circumstances, how can the mere peaceful wearing of a head covering, without in any way disturbing classes, be considered as more serious than that?

We can also notice that all the exclusion cases throughout France gave rise to similar sanctions. One can hardly believe this is the result of mere chance: it can only spring from national guidelines based on political considerations. For how can one explain that all

the disciplinary hearings, although theoretically unrelated, came up with similar decisions on different cases, whereas the law, unanimously invoked, does not mention the penalty to be applied? Our conclusion is unambiguous: this is a systematic sanction, not specifically mentioned by the texts, disproportionate and not individualised.

One can also underline the failure to make the norm foreseeable. European jurisprudence requires that a norm should be both clear and sufficiently foreseeable. This rule means, at least in its spirit, that everyone should be given the best means to decide in conscience whether or not to infringe the law. In the present case, on the other hand, they could not foresee the specific treatment meted out to the students excluded from class since it was not based on any text. Thus, they could not (re)consider their positions taking into account the practical consequences the dialogue period would entail, since they knew nothing of their immediate prospects nor of the headmaster's future decisions.

From this point of view, the March 15 law invoked to justify those practices has provided the ideological basis for a disguised and totally arbitrary sanction. This position taken by the educational system was indeed what led several students to refuse any further negotiations, since they (justifiably) felt that they were already being sanctioned.

Finally, educational staff and their practices also misused secularism. If there was ever a crisis before the law was passed (which we question), one cannot but admit that the crisis goes on and grows because secularism is more than ever belied. A clever transfer of meaning has led to the law (at least as far as the March 15 law is concerned) renewing its contents while at the same time destroying

what constituted its essence and permanence, i.e. its balance. Let us state once and for all that the secularity principle never advocated a total and clear-cut separation between the political and religious spheres. This is why no legislator has ever dared circumscribe it in a definition – no law, decree or formal statement has ever officially defined secularism! On the contrary, for nearly a hundred years, the *Conseil d'État*'s pacifying jurisprudence has illustrated the many bridges linking those two spheres together and enabling them to coexist. Numerous examples exist, but we shall examine only a few.

Thus, the local law in Alsace-Moselle, inherited from the Concordat, has not been considered as contrary to the principle of separation between church and state; yet, in that area, priests are paid from public funds to teach their dogma in the Republic's schools.

The *Conseil d'État*, who stressed that the State does not recognise nor subsidise any religion, did not find fault with the fact that a Ministry of Justice decree granted a subsidy to a Christian congregation whose members, the sisters of Mary-Joseph and of Mercy, carry out a public service mission – which therefore requires complying with the neutrality principle in force in the French civil service – in prisons.⁶ Besides, if this were not how the secularity principle really ought to be enforced, denominational lawns in council cemeteries or the state funding of all Jewish and Christian private schools would be illegal as well. Yet they are not, and indeed they cannot be. Moreover, chaplaincies could not exist in prisons, army barracks or state schools, while in reality they do

⁶ CE, April 6th, 2001, n° 219379, National Union of Secondary School Teachers (SNES).

exist. This is also because they are a right for citizens, who are free to have and practise a religion. The many examples of this kind all belie the radical attitude according to which secularism means the end of all relations between the citizens' spiritual lives and the non-religious nature of the political power they possess. The principle is self-evident: keeping two bodies at a distance in order to avoid confusion does not necessarily imply the absence of any link.

Moreover, further still than the limits of secularism, there exists another particularly strict requirement binding only the State and civil servants. The public service and civil servants – representing the Republic, which does not recognise any religion – are required to be neutral. This implies that civil servants are not allowed to express their religious beliefs during working hours, nor interfere with the religious beliefs of citizens, whether they are students or not. Neither can they take any position for or against any element related to the religious sphere. And yet, were not teachers' and headmasters' unions the first to exert pressure on politicians to have a law passed? Yet again, testimonies show that some headmasters repeatedly expressed opinions on the theological validity of their students' practice. Although they remain isolated, such attitudes must not be disconnected from the rule they are supposed to enforce.

Indeed, when investigating students' intentions they necessarily enter the religious field, which is forbidden to them by definition. Disciplinary hearings had to decide on students' fates just by answering this one question: is the head covering worn for religious motives? The students, who did not choose the framework of the question, clumsily answered in the affirmative, whereas in fact, other explanations existed as well, so that the religious motive was no longer the only motive or no longer prevailed. Thus, students can

cover their heads for both traditional and religious reasons, they can refuse to uncover out of modesty or because of a political choice, they can choose the colour of their headscarf or the type of head covering they wear for clothing reasons, etc. It is now clear that the civil servants responsible for enforcing the March 15 law were by no means neutral. On the contrary, they displayed excessive zeal and, prompted by the lack of logic of the new rule, they hastened to oversimplify and qualify as conspicuously religious what was often related to complex identity matters. But what is the use of a reading grid when one has chosen to be blind?

A lot more could be said about the impact of the March 15 law and its distorted administrative implementation, and one book would not suffice. Still, let us hope that the legal proceedings that will take place in the next few months will be characterised by a return of the law and of the protection of students' freedom. Let us hope that reason will win over liberty-killing temptations. Let us hope that judges, as they have always done since the 1905 secularism law, will order Justice to find its way to us and allow Secularism to again feed upon and protect the conspicuous religions of French citizens.

Fearing the veil, or the veils of fear

*“Whether you are powerful or miserable, Court judgements will
make you white... or black”
La Fontaine*

A law... This is how the Republic defeated Muslim schoolgirls' headscarves – or so it thinks!

The debates which preceded, if not precipitated, the law reveal the deep-set mistrust of French society towards Islam and in particular its public expression.

It is clear to everyone: the collective hysteria which took hold of the question of headscarves in schools goes far beyond the mere fact that headscarves are supposed to be in contradiction with the secular framework of French schools. Indeed, beneath the veil of this fear of veils lie the fears and anxieties of a collective memory filled with fanciful misrepresentations, which are perpetually reactivated by those who like to nurture contempt and hatred.

People often tend to embody danger in an entity, an “other” whom they can charge with all their troubles and whom they can accuse of trying to harm them – thus hoping to give meaning and substance to an “us” opposed to “them”.

And when this (Muslim) “other” is somehow part of “us” (the French), when he is within us (as a citizen of this country), the threat is more pressing and the reaction more forceful. This is how one can summarise the story of the headscarf as a scapegoat or as a wrap hiding all sorts of problems.

Exploring this fantasy-ridden imaginative set-up, which brings back to life the old “Islam vs. the West” opposition, leads us to analyse the semantic and ideological system of the headscarf controversy, which finds renewed support with the present debate over Turkey's entry into Europe.

Let us first candidly ask how the French Parliament was led to vote a law prohibiting Muslim students' headscarves.

There is hard work ahead to understand all the motives underlying the fierce media and political campaign meant to stigmatise a component of the national community. Still, we can confidently say that the main element in this campaign was fear. And cultivating other people's anxieties is surely the best way to justify conscience hunting and "unique thought" dictatorship.

In the course of the following pages, we shall modestly try to deconstruct the political logic and ideological motives which built up the "headscarf problem", feeding the panic and collective hysteria that won over Reason. At the heart of this history of stigmatisation lies the media machine and its love for sensationalism. Meanwhile, we shall reveal the true face of the threat, which seriously endangers our democracy today.

Trapped debates

Neutral media?

According to the professional rules of journalism, telling the truth is an incontrovertible duty. Respecting facts, seeking correct information and resisting power pressures are among the basics taught in journalism schools. What a pity that they are valid only for journalism students!

The media are a (counter-)power which is supposed to ensure the permanence of our democracy because they embody the symbol of freedom of expression. But what happens when this very power starts

preventing some people from expressing themselves and condemning those people in absentia? The violence inflicted on the Muslim component during the (alleged) debates over the "headscarf problem" seriously discredits the media's neutrality and their professionalism, perverted by audience-boosting sensationalism.

By adopting an alarmist attitude in their discourse about Islam and its social expression, the media help conveying ready-made Islamic clichés⁷ and are guilty of spreading a confused vision – though to what extent remains to be determined.

From this point of view, the headscarves worn by Muslim students, and in fine, by Muslim women in general, come to be seen as the distinctive sign of the Muslim religion and as the barometer of the rise of Islamism.

Obviously, the tragic events of September 11th, 2001 reinforced the vision of Islam as aggressive in the West's collective representation. The discourse about fighting international terrorism, with its simplistic exaggeration, brought back worries about Islam's compatibility with Western values and comforted the notion of a clash of civilisations. The axis of good is now confronted with a new enemy: the international Islamist plot.

In such a warped vision, the worm is already in the apple. All the security-based rhetoric that prevails in the appreciation of international events almost "naturally" passes on to the reading grid through which politicians and media propose to decipher the local Muslim presence. Indeed, every French Muslim citizen tending to

⁷ Cf the works of V. Geisser, *La nouvelle islamophobie* (The new islamophobia), Paris : La découverte, 2003.

express their religious affiliation conspicuously comes to be seen as guilty of blasphemy against Republican unity and of assumed allegiance to Islamist fundamentalism.

This pattern could make us smile if it did not point to the truth about the representation schemes, repeated and spread by the media which find it more and more difficult to take the intellectual distance required for professional objectivity, which have led to the craze over the question of the headscarves worn by a few schoolgirls. It is as if all the distinctive signs supposed to point to affiliation to Islam (headscarves, beards, djellabas, etc.) had suddenly turned into relevant criteria to decipher social questions.

The “independent” and “objective” Stasi commission

The handing over of the Stasi commission’s report on secularism undoubtedly marked the first important stage in the turmoil of events leading to a legislative outcome. Set up in July 2003 at the President’s request, the Stasi commission, presided over by the national ombudsman, was asked to carry out an **independent** and **objective** reflection on the implementation of the secularity principle. Made up of about twenty “wise persons”, it was supposed to reflect “deeply and serenely” on the question of secularism and to “*beware of the prejudices and confusions which all too often obscure discussions in this field*”.⁸

In many ways, the “wise persons” commission can be said to have appropriated the veiled threat argument. Like the media, it endorsed

the idea, clearly expressed in its report, of dim forces trying to destabilise the Republic.

To justify the need for a law, the Stasi commission explained that those Islamists must be opposed a clear sign: it thus admitted to sacrificing the right to education of young schoolgirls of compulsory schooling age.

Besides, there remain many mysterious aspects to this “wise persons” commission: its composition (how were its members chosen?), its actual role (was it really independent?), its ambitions. To what extent was it really free? What were its ethics and methodology? All those questions remain unanswered.

The fact that the commission did not hear those who were primarily concerned reveals the extent of the fraud: the dice were probably thrown already.

Was the Stasi commission after all a mere stage show meant, here again, to create the illusion of a democratic debate? Was it nothing more than a mere political instrument? Is not the threat precisely where we least expected it?

Poor democracy!

It is now clear that reducing the secularism debate to the sole question of secularism made it possible to leave aside the real social problems. Like perfect illusionists, politicians deceived their audience: by shifting their candid audience’s attention to young Muslim schoolgirls, they cleverly blew aside the reform of retirement schemes, numbed the June 2003 teacher protest movement and justified their own repressive policies.

⁸ Jacques Chirac’s mission letter to Bernard Stasi, p. 2.

This wolf in the fold outcry strategy enabled politicians to secure their power, all the more so as their frightened audiences fell into the trap and gave them full sovereignty.

This is where the real danger lies: when the sovereign people, panic-stricken, give up its prerogatives.

Thus, Islam and its faithful, far from that, do not endanger secularism. The actual threat on secularism lies in its being turned into a dogma. Indeed, secularism becomes a danger for itself at the precise moment when it turns into a dogma, i.e. into a religion competing with others.

Indeed, secularism is threatened... not by headscarves but by social disparities, racism, unemployment, urban violence and the distress of young people lacking references and projects...

As for the Republic, it is also disavowed by conscience dictatorship, intolerance and unique thought...

Sex equality is not threatened by headscarves but by the violence that de-veils or excludes schoolgirls, driving them to the fringe of society and depriving them of their basic right to education.

The headscarf affair has thus been nothing but a deceitful show.

Inevitable questions

The centenary of the 1905 secularism law could legitimately have given rise to a real debate on a century's experience of secularism and its empirical reality.

This would have been the perfect opportunity to raise the question linked to the recent presence of the Muslim faith in France in a serene atmosphere. Clearly some people did not want this to happen.

Again and again, we had to watch the proceedings of the political and media court in front of which people had to swear allegiance to secularism and where removing one's headscarf amounted to proving one's loyalty to Republican principles and to France. Thus, taking position over the headscarf question was enough to sort out the good French from the bad.

Chronicles of exclusions

*To all those girls who have answered with dignity to the waves of
hatred*

To all those girls who have honoured us with their defence

BILEL

A man of forty, in a dark suit, enters quickly in the room where we were told to wait. Outside it is pitch dark and the noise of the pupils who had come back home, still resonate in the corridors. With a cold and solemn stare, courageously directed at the floor: " We can enter, the committee is ready". I let the pupil follow shyly close on her father's heels and I walk behind them, slowly so as to keep every detail of the school, and not forget anything.

When we come into that overheated big meeting room, it took us a few seconds to get used to the dazzling lights.

About ten persons, looking grave and urgent, were staring at us insistently. Our "*good evening*" remained unanswered. There are three chairs in front of them. It must be the dock.

We were systematically ushered in to the disciplinary committee this way .

it was always the same heavy atmosphere, which adds solemnity to the decorum and put us in condition. And yet I had warned the pupils and their parents that the disciplinary committee were very often places of extreme violence. Extreme because double: To the violence of the institution asked to sanction the facts is added the violence of the protagonists themselves who know that it is for them the last moment during which they will be able to express their position.

The disciplinary committee always begins with the reading of the pupil's school record, a kind of summing-up for the prosecution.

When preparing the defence I had noticed that in the list of the facts that were reproached, the violation of the 15th of March law, had been added between bullying and drug traffic...

This file which had been written by the headmaster himself, and which finally reveals nothing (apart from useless details such as she was wearing an Islamic veil which resembled a bandanna and a long black skirt) but the coming of the pupil to the school opening with a conspicuous religious sign. But none of the details explained in what way we could consider the headgear in question as being religious and to what extent it could be judged as conspicuous.

The law specifies that the exclusion must be preceded by "a phase of discussion", in fact this dialogue of the deaf will only ends in a monologue of the dumb, imposing on the girl "whether you put it off, or you leave". And during all that time the girl is prevented from attending hers courses, some days she also will be prevented from entering from the same door as the other pupils, she will be prevented from having a break with her friends, and will have to use the teachers' toilets, etc.

The witnesses are called for: two teachers of the pupil's class. By the way, those two teachers had never seen the girl since they had prevented her from attending their courses. Of course they confirm the headmaster's version of the facts, who is after all, their superior, they explain to the audience that since the start of the new school year , the pupil has been confined alone in the study room.

Even if I was forbade to speak about isolation or quarantine, I nevertheless pointed out the fact that it was not provided for in the law that the pupil had to be prevented from attending the lessons during

that period. To put an end to my arrogance in my trying to understand, they avow that these were instructions given by the Education Authority. To paraphrase the legal formula, we could say that the exclusion from the school should be preceded by an exclusion within the school.

And what about the principle of legacy of offences and sentences according to which no body can be punished, without a law that provides it expressly? What about the Ministry of Education's 11th of July, 2000' s decree of the specifying that an exclusion from courses for a long time, without a law that permits it, is the mots serious act that an administration can be guilty of? The headmaster confesses without feeling embarrassed, that he had never heard about those decrees.

Very well then. I question the witnesses about the nature of the teaching that has been provided to the pupil. Before anything, I specify that juridically until the exclusion is officially decided by the disciplinary committee, the pupil is still enrolled and so she has the same rights as any other pupil, among which the right to follow lessons given by graduated teachers and qualified for that task.

The headmaster answers in the witnesses' place: "she has been evaluated just as her classmates, she has received all the lessons and she was provided with a continuous education support by supervisors who have academic diplomas.

How many hours did this support lasted? "It is the quantity and not the quality which prevails". In practical terms how this education support happened? We allowed the pupils to give her the courses and the class teacher regularly came to see her during the breaks"

did this system you set up, and that the law did not compel you to was effective for all the courses? " Yes of course". So why did this young girl had to write an essay on volleyball when her classmates attended the physical education course.

The tone of the discussion raises, one of the teachers comes to the headmaster's rescue: " Do you know that the pupil's marks show that the girl has progressed and we are satisfied with that" Do you mean that the teachers are not essential to improve? The year head, obviously irritated by the way the discussion was going on: "Listen, the continuous education support that has been set up for the girl are almost private lessons, so what are you complaining about?

The secretary of the session called me out to precise the meaning of my presence, and threatening: "we know you", hinting at the fact that I conduct the case for the defence of all the cases of exclusion of the region. I reply that I am perfectly aware that the administration "knows" me since they were able to reach me on my mobile, which is not in the directory.

The headmaster feeling the danger of my disclosures: " Anyway, you are not going to lay down the law, if you are here it is because I have invited you to come" I stop him straight: "It is the law which invites me and not you mister. And more precisely the 6th article of December 18th 1985 decree! " " Oh you know there are so many laws...". This certainly a reason to not apply them...

And finally comes the time for the defence. This magic moment during which I have all the time necessary to develop my arguments and my critics. It is well known that the defence always speaks last. But what is less known is that this principle is useless if you are alone

to speak and no one to listen to you. Complete silence and looks of utter dismay: I am used to such attitudes, it is the most difficult moment for the members of the committee, because during that moment is crystallised the mechanism of exclusion already irremediably running. Some jurors are scribbling, some are yawning, the others are looking down at the floor or by through the window. The message is very clear: The wall is listening to you... You can start.

I take my breath and begin, my mission is triple.

First as a law-lover, I am eager to take apart point by point all the elements in charge, hoping that the secretary will indeed put it down in the report. (that day the global approach of the state workers were at its depths, a one and lonely sentence will sum up my intervention : "*And M. XX spoke for 45 minutes*").

Secondly I centre my defence on the masquerade of equity which is going on: statements of rigged interviews, headmasters who are both judges and judged, decision to sanction the pupils taken per advance by the education authority without even knowing the situation, transformation of the committee into a mere formality of registration of a decision already taken, an illegal quarantine of the pupil which lasted more than four months, a degrading treatment from the teaching staff, administrative blindness, evidences for the prosecution presented by the headmaster himself, etc.

Finally in a surge, I become the spokesman of the pupil, although directed at the members of the committee, my words were also directed at her. May she forgive me if she reads those lines, I knew she was ill at ease, angry in front of so much injustice and

dishonesty of her future "former-teachers". To my mind this anger, even if legitimate had to stay within the school, she did not have to bear it anymore. So I make it a point of honour to destabilise the headmaster, to bring him down from his administrative height, by means of arguments for and counter arguments I bend him to the diktat of my logic. I perceive a knowing smile on the pupils' representatives and a pupil's parent who were part of the disciplinary committee

Surprised, the headmaster went red and tried to hide behind an ultimate refuge: *"This is my interpretation and I assume it"*

Today, I must confess that I very often took pleasure to lengthen my interventions and to keep my audience waiting. More than difficult for the members of the disciplinary committee, my interventions very often proved to be salutary outlets for the girls. This is what they always told me when thanking me during the deliberations: This moment that immediately follows the final plea, this particular moment when tired by the violence they were subjected to, by the efforts made to defend themselves, we are back to the room in which we had waited at the beginning of the evening. Now it is late, and as it was predictable, we won't be waiting a long time. Ten small minutes were enough to end the deliberations, the debate and the vote.

The sanction is obvious: definitive expulsion. Hearing those words, without looking at each others and almost instinctively, the girl, her father who remained dumb all that time, and I got up naturally. When we were about to cross the threshold, the pupil looked back and with complete dignity looked at the members of the committee. And dragging out the instant by her little voice: *"Thank you... and good evening"*

In the playground passing the Christmas tree, a teacher who had remained silent during the committee caught us up and stood in front of the girl, stopping her walk. *"I wish you a lot of courage for the future..."* And could not help answering: *"obviously you need more courage than this girl... You are in no position to talk about courage... but if you are really sincere, then don't worry for her. She has just given you a lesson of courage"*

When saying goodbye to that girl that I knew I would never forget, I remember Ghandi's words and the sometimes paradoxical relation between exclusion and justice... In the absence of freedom, the place of free men is in prison.

The law has determined in it's highbrow language that "the decision of the disciplinary committee is immediately executor". In practice the following day, a pupil was missing in the school.

ANGEL

A few days after the first day of class, some girls who went to school in my town called me to inform me of the problems they were facing because they wore a veil at school. Indeed I was designated as mediator by the CRCM (Regional Council of the Muslim Worship) and I also asked the “March 15th Freedom Committee” to help me in this task.

Quickly I met the four young girls and their parents. Two of them were in high school and the two others in middle school. They told me how they were asked to take off their headscarf the first day of class. They looked really quiet, serene, well balanced, very confident and they were supported by their parents in their choice. After that, we kept in touch, they used to call me to tell me how the situation was at school and asked me for advice. I called the “March 15th Freedom Committee” to get information and I also asked some members of the CRCM for support.

As a mediator of the CRCM, I called the local education authority to have an appointment with the chief education officer or any person who was responsible for these cases to start talking and to find the best solution to this issue. I was sent from one department to another before they told me to ask for an appointment by mail, which I did. I am still waiting for an answer. However, I know that the chief education officer did not hesitate to go and talk with the headmasters of the schools. It seems that the discussion was unilateral.

The “dialogue phase” already started between the young girls and the principal. In fact, there was no real dialogue since nobody

listened to the young girls nor did they understand them. Their only purpose was to force them to take off their headgear. And everything was done to reach that goal: intimidation, discrediting, teasing of their dress, negative judgement of their religion and sometimes humiliation. The girls endured bravely these moments. Three of them accepted to take off their headscarf and wear a hat instead. The younger took off her headscarf in the headmaster's office encouraged and cheered by the administration members: it really looked like a planned show.

Despite all those efforts, nothing stopped their exclusion. Once the dialogue phase was over the young girls were excluded from class, isolated without any pedagogical follow-up, they had no right to talk to their friends and were sequestered in a room all day, every day, in order to make them crack down. Then they had to go to the disciplinary committee. It was like a play whose end everybody knew: a real masquerade for a definitive exclusion. Finally, the local education authority appeal commissions confirmed the decision taken by the disciplinary committee. This moment was hard for the girls who felt like going on trial and being judged for crimes they did not commit. They had to bear every step although they already knew the end.

Today the girls study at home. They hope they will succeed despite this injustice. All the girls who hope to be heard took the cases to court.

RIDA

Before leaving for the Regional Educational Authority's hearing audience, the parents state of mind, and mine was between serenity and anxiousness.

Serenity, because their daughter, has always been a good pupil, studious and with no problem. No disciplinary action had never been taken against her, in fact she had nothing to reproach herself with, on the disciplinary level, or concerning the respect towards her teachers or classmates. In a word, an exemplary schooling

Anxiousness, because we were aware that what was supposed to be at stake in that room, the reintegration or the exclusion of Hatice from her school, was already settled.

The chief education officer welcomed us into his big office, and invited us to take a sit around the table where were already sitting the other members of the commission. The faces were fixed and impassive. On the moment I asked myself: *"Are they trying to hide a feeling of ill being at the idea of excluding an irreproachable young girl, or was it the expression of hatred at the sight of Mrs B and her daughter, wearing their head scarves?"*

"Are those people fully aware of the gravity of the decision they are about to take? Certainly not, they have limited its import to the life here below."

This whole performance and the act played by every character seemed to be fixed up as a music paper, but in this production something did not hold together: the solemn tone and the gravity of the faces that were used to judge a mere clothing...

On a side, the "judges" supposed to represent the law and justice, and on the other side, the defendant who persisted in wearing her cap. I told myself : *"To think that with a Britney Spears, the institution, the teachers and all the persons that were in front of us might well have been praised this pupil. But... Emancipation is not only a matter of look!"*

After having explained the course of the session, the president opened the debate by a brief recall of the facts. He had the headmistress enter into the room, in order to be heard as a witness.

I asked to be allowed to speak and pointed out:

"Following the meeting of September, the 10th, 2004, a compromise was reached, and you seemed to be satisfied with it since you allowed the young girl to go back to school after having accepted to put off her head scarf. An yet a week later, you decided to expel her for good from the courses invoking the non respect of the school rules. Can you please explain, why you go from the law to the school rules to justify the exclusion of the young girl? What can justify such a swing?"

Headmistress explains that she had noticed that the girl was always keeping the cap on her head, and the fact that she didn't take it off gave that cap a religious meaning and hence entered in the ban.

"Mrs the headmistress, you would agree with the fact that a cap has no meaning in itself, it is not related with any religion. It is common headgear and despite the fact that this hat is not a conspicuous sign, you give it a religious meaning only by mentioning a temporal notion. If according to you, it is indeed the continuous wearing of that cap that makes it enter in what is forbidden by the law, then can you please show us where in the law the notion of the continuity is

mentioned, or how it can be objectively deduced from it, or else is it your own interpretation of the law?"

The headmistress doesn't answer my question. The president of the session comes to her rescue and told me not to argue on a semantic question.

I am not intending to be controversial, the aim is only to clarify the terms, hence it is about semantics. Mr President what does "a conspicuous sign"? As far as I am concerned I make a distinction between:

- 1- A conspicuous sign which in itself is marked for a religious or an ethnical membership (a headscarf, a cross a kippa).
2. A proselyte behaviour that gives a common object (a cap, a bandanna for instance) a conspicuous character.
3. A common headgear, which does not mean anything in itself (worn continuously or not) to which we cannot attribute a religious or ethnic membership as soon as the person who wears it does not claims it as so.

Mr President answers that they are objects that can have different meanings and that they are new signs appearing and aiming at circumventing the law, so the headmaster has the power to appreciate whether an object is more than a dressing accessory

Mr President this is your own interpretation of the law: to scrutinise and tract down the least sign and to sanction it, under the pretext of an attempt at circumventing the law.

Yet the law is perfectly clear, it forbids any sign that conspicuously marks a membership to a religion. It does not forbid common headgear. I am suspicious about the headmaster's objectivity or subjectivity in his assessment of the conspicuous character of a sign. In other words, are we trying to respect the law or are we intending to lay down the law?)

From the beginning of this debate about the veil, many voices had warned about the absurdity and the risks of overflowing of such a law. The politics have made the decision to vote a law banning conspicuous religious signs at school. But under the pressure of a few extremist laymen, the political power has also given the headmasters the right to assess and identify, the apparition of new signs that would aim at circumventing the law and to sanction them.

From the point of those who are subjected to this law, the experience enhances the paradoxical possibility of having unfair laws in our country.

And when we questioned the legitimacy of such a bill when it was discussed at the assembly, it was in the name of a need of justice which is constituent of the law.

Yet here, the law is splitting in two, showing on the one hand the figure of the law and on the other part that of the just. From that splitting in two, we can uphold that those veiled girl are guilty of breaking the law and we can support that in the name of justice they are the victims of intolerance.

Now, our society needs just laws, in order to achieve the ideals of freedom, equality and brotherhood.

LEILA

"...the will to submit was stronger"

I worked for three years as a lawyer and I already knew that the legal system could be the origin of iniquity, but I could not imagine that school which is the institution *par excellence* supposed to transmit knowledge and teach tolerance, could produce so much injustice, so many discriminations with most of the education community assent.

I left school ten years ago and the feelings I kept from that time are feelings of hope with the idea that the world was open to us and that everything was possible.

What would these girls who have been excluded say about school? What was the message behind their exclusion? What hopes can they keep?

I had to face the educational system at the end of the year 2004 when I had to defend young girls, who supposedly offended the March 15 2004 law, in front of the disciplinary committee and the Local education authority appeal commissions.

There I met brave, studious and even brilliant young girls. However, their smiles could not hide their pain caused by a discriminatory treatment based on religious belonging that they had manifested with supposedly "conspicuous sign" while they were wearing a bandanna or another discreet headgear.

I saw how a law could allow some individuals to discredit some others, how it could allow them to harass and to isolate young girls,

to put a Christmas tree which is a conspicuous religious sign next to the room where the disciplinary hearing took place, and to announce in this same room the exclusion of a young girl who was not wearing any conspicuous religious sign.

It was awful to see almost all the members of this self-styled disciplinary committee vote in favour of the exclusion. They did not think about the teenager's interest and the protection of her personality; the will to submit was stronger.

The answer to all our flaks against the education community: lack of pedagogical follow-up, forced isolation, derogatory treatment, outrage to human dignity, psychological damage... was silence and disregard.

As for the local education authority appeal commissions the principal was insidiously or *conspicuously* defended by a cohort of defenders.

I will always remember this parent representative moved by what was happening who asked the principal why he refused to let the young girl go to the playground during the break; there were no answers for the inquiry since nothing could justify this decision.

I wonder if we are living in France what Georges Orwell described in his fiction?

AKIM

"... I felt that he was proud of himself, proud of being able to exclude those girls"

I have conducted the case for the defence of three girls who were to be excluded due to their wearing a conspicuous sign in a public school. Two of them were in high school and the other in a junior high school.

Concerning the disciplinary hearing that took place in the high school, I felt right from my coming into the school that everything was already settled, and that we were taking part to a play which had to justify a sanction that had already been decided. We came into the disciplinary hearing room and we were introduced by the headmasters to all the members of the committee.

As far as I am concerned, from the beginning I found the headmaster very tense, ready to answer all my assertions. I also immediately felt that the possibility to exclude that girl was considered as a victory by those people, and that they were hoping since a long time for a law to allow them to exclude the pupils and to be able to get rid of the head scarf issue in their school. So of course, hypocrisy was complete, and since the beginning we were told that those girls would have a fair trial and that we could count on the fact that if we had strong arguments and if we were able to demonstrate that the law had not been broken, the girls would be allowed to keep going to school

It is true that from that status we were sure that the decision was already taken, but we nevertheless wanted to honour our

commitment to the disciplinary hearing, and at least do what we had to do. This is about the high school.

I felt two different behaviours from those headmasters' part. I felt that the high school headmaster was proud of himself and happy to see those girls expelled. I felt a kind of embarrassment on the junior high school headmaster's part, he was ill at ease in playing the part his office had given him and with the decisions he had to take concerning the conspicuous signs within his school.

The defence of that young girl was easier because a few days after the start of the new school year she accepted a compromise solution and chose to wear different headgear, substituting her veil for an "Adidas cap" that any pupil could have worn apart from any religious belief. So I was able to prove to the committee that her dress did not conspicuously show a religious membership and I got an approving silence. So I felt a bit confident.

Then, the members of the disciplinary hearing deliberated in camera. I was telling myself that considering the way the exchanges had gone, we could hope to cancel the disciplinary hearing and allow the girl to go back school. Unfortunately, when we came back into the room, despite the positive exchanges and despite the fact that none of the members of the committee or the witnesses were able to confirm or invalidate the fact that the girl's dress a religious conspicuous one, the headmaster nevertheless announced, looking down and very ill at ease, that the exclusion had been voted by the majority.

Concerning that case I can say that the outcome had already been decided. This man had not taken that decision by himself, as a

headmaster but it is a decision that had been taken by his superiors no more, no less. This is about the disciplinary hearings.

Now concerning the Local education authority appeal commissions, I felt the same hypocrisy, there again it was clearly established that the decision had been taken beforehand. Nevertheless there was a sort of kindness in the way we were welcomed and an effort to make us feel at ease on the chief education Officer and the other member's part, in order to show us, once more that we had no enemies in the State education. There were here to judge in an intransigent and impartial way the decision taken by the disciplinary hearing.

Again we were taking part to a play where a number of persons had to be present this includes the defence which had to be represented. Whatever would be said during that commission, the decision would be the same, the exclusion.

Indeed I was surprised to see that despite the hurtful remarks that I made before the teaching and the administrative staff of the State education, pointing at a number of problems and inconsistencies in the state employees' behaviour, the inspector and the chief education officer did not utter a remark nor ask a question. This was the case for the three appellate commissions to which I took part within three days.

Never at any time at the end of my defence I was asked questions, or were my words challenged. I felt at that particular moment that the status of the appellate commission indicate that the defence had to express itself but in fact what we had to say would not be taken

into account. They did not want to debate with us there were not interested in such a thing.

During the appeal commission I also felt that the high school headmaster was there as part of a great family, and that the one who was put in the dock was judged by people who were on his side, so we had no chance to get out. Then the headmaster came out and the Chief education officer told him that he could stay in the waiting room so as to say him good-bye at the end of the commission. I found that very astonishing since the headmaster did not have to come back, he was not part of the appeal commission he was not allowed to deliberate, so I don't see in what way his presence was necessary unless in order to allow the State education officer to give him a feed back of the deliberations and to make a fun of us once the commission is finished. Of courses these suggestions only commit, and they can be wrong but this is the impression I had.

Now concerning the appeal commission of the young girl from the junior high school, the headmaster has adopted a quite strange behaviour. He came into the room and asked the State education officer if he intervened in the commission as a headmaster or as president of the disciplinary hearing, as if he was ill at ease and wanted to make clear some points or as if he had something to reproach himself for.

When I asked him if the girl's dress showed a religious membership, he answered that he would not answer that question as a person but as a headmaster. I found that quite strange. So I told him that we did not want to answer as a free thinking person but according to his status as a headmaster, which maybe imposed on him a particular vision of this issue.

It is true that I give you my impressions and what I saw and heard any old how. These are ideas that are coming back to my mind and date back to several months now.

These are what I consider as the most astonishing ideas.

SAMY

“...all the students and teachers agreed that the young girl was serious, kind and friendly”

I was called upon to defend a 13 years old girl during the disciplinary hearing that would take place to punish her for having violated the March 15 2004 law.

The case was not new. She started wearing a headscarf in 6th grade. At that time nothing could prevent her from wearing it. I looked at her school records and I saw that she was a serious and motivated student.

When the day of the disciplinary hearing came, the weather was cold but nothing was colder than the atmosphere that reigned at the entrance of the school. We could read in the teaching staff's eyes the wish to get rid of the young girl.

We entered the room where everybody was ready, and the young girl, her parents and I sat at the end of the table.

The meeting started with the presentations, the principal introduced me as the defender and then she specified my profession although I never talked about it. I noticed that they had investigated on me and that information that had nothing to do with the meeting had been collected, in contradiction with the laws of our Republic. It was lack of respect of my liberties. Even my boss knew about it and called me in to talk about it. He understood my position, I really felt like I was in a crazy republic. The headmaster did not even know what to say.

I started explaining that the young girl was a good student, that her dress never caused any trouble and that she had already accepted to take off her veil to wear something more discreet. The members of the disciplinary committee started talking, their affirmations were stereotypical, they did not want to find any agreement and the decision had already been taken before the meeting. Then the witnesses came: the students, the teachers, all agreed that the young girl was serious, kind and friendly. Only the assistant principal who was the last witness gave a bad opinion of her: we could not expect anything else from him.

We left the disciplinary hearing room and waited for 5 minutes. The principal came to announce the decision: "the disciplinary committee decided unanimously to exclude you". Now it was official.

I felt bad when I looked at the young girl, who would have to be separated from her schoolmates. She could hardly refrain from crying. I looked at her mother, a French woman of Turkish descent who spoke perfect French and could not do anything for her daughter, and her father tired by such a masquerade.

We left this school that excluded a young girl that nobody could complain of; but a law had been voted and had to be applied. And I cannot refrain myself from asking this question: Is that school more secular now?

NOUR

"If an exclusion is decided, it would be a real human waste..."

The girl I have defended was named Amal, she was 17 she was in upper sixth form.

In that particular case the "phase of dialogue" lasted two months. This looked more like a "phase of monologue " which only consisted in reminding the terms of the school rules forbidding any "head gear" within the school.

Then came the "final phase" with Amal being summoned to the disciplinary hearing. Amal and her parents asked me if I could assist them in this hardship. I accepted, telling myself that if there was one chance on a thousand to avoid the exclusion we had to take it.

When I arrived in front of the school door, I learnt that the pupils of the high school had decided a strike all the afternoon to support Amal. The scene was set !

The disciplinary hearing that was to last half an hour (a mere formality) finally lasted almost three hours!

It looked like a real tribunal!

Among the "jurors", there were representative of pupils parents', representatives of pupils, members of the administration of the high school, ... etc.

And facing them in a table apart, "the accused" surrounded by her parents and me. I came to assist her and I found myself conducting the case for her defence!"

As an introduction, addressing the audience, I asked for what "serious offence" Amal had to face a "disciplinary committee"? The only and most obvious answer was that she had worn a "bandanna" which is commonly worn by many pupils apart from any religious signification.

To the question: *"In what way this bandanna conspicuously expresses religious affiliation?"*

To my stupefaction, the audience's answer was: *"... because the previous years Amal was wearing a head scarf! ... This is a manipulation!"*

To my mind what is taking place has a name: *"this is putting words into her mouth! ... Worse this is prosecution for one's beliefs!"*

After seeking the views of all the present, we have to confess that there was the "witnesses ballet" that followed one another at the box!

Here are some powerful testimonies that I have scrupulously picked out:

The form teacher:

"... Amal is a good and brilliant pupil. She could pass her A level with distinction. She is beyond reproach. If she is excluded, I would regret it a lot!"

Mathematics teacher:

"... Amal is one of my best pupils, she is very clever, and of a great subtlety. She could be accepted in the class which prepares students for the entry exams to the "Grandes Ecoles". She is beyond any reproach. If she is excluded it would be a real human waste"

The class representative:

"... On the whole, the pupils have accepted Amal with her dress. I asked the question to pupils of Christian, Jewish and Muslim faith,... None of them is choked by her dress. For the whole school there was no problem with Amal's dress. This is discrimination against Muslims!"

The testimonies were sincere and moving... Nobody saw time passing.

I asked: *"finally after all these testimonies, what is disturbing you in Amal's behaviour and dress?"*

Again the answer was astounding: *"... it is because we can't see her ears!"*

I dared ask a last question: *"... And if Amal accepted to wear her bandana letting a part of her ears appearing, would you be ready not to exclude her?"*

After twenty minutes of deliberation, the answer and the sentence broke: Amal a brilliant pupil and destined for great things is excluded from school for good.

In the evening, when I was back home, I could not sleep! It was a real hardship this "disciplinary hearing".

An idea was preying on my mind: In 2004, France allowed itself to exclude some of its best pupils... Only because we couldn't see their ears!

DORA

"and finally, she is scarified"

I have attended the disciplinary committee of a young girl in a junior high school, her family told me to conduct the case for the defence of their daughter.

What I can say, apart from the fact that the institution is a stickler for form, we could clearly perceive that the decision was already taken. I had the feeling that this committee was playing a part that was settled for its member who were not trying to understand or listen to our arguments, but they kept turning over questions which were poles apart from an issue which dealt with schooling, with a pupil.

I have lived this committee and its numerous metamorphosis all through the four hours that it has lasted: Now it is a television program where we debate about the problems of France, now it is a court which judges a convict, searching for charges, or an institution which tries hard to avoid the "thrown out on a technicality" which could have serious consequences. It is also a round table where all the commonplaces and the a priories accumulated for more than a year during the debate over the head scarf issue.

And in this crush, I asked myself how long we have really discussed the file that concerned us: The future of this pupil without problem, hardworking and sociable.

In fact not very long, and finally, she is scarified.

BOUCHRA

"If I don't apply this law it would mean that I support the abductors"

I am a student in last grade. I had to take off my veil the first day of class and wear a bandanna and a turtle-neck, in order to feel more comfortable and not to claim any religious belonging. I cried for ten minutes before doing that, but as I knew the importance of studying, I had no choice but to obey the principal's order.

Nobody said anything when I entered school, but once I arrived in class I saw that they were waiting for me. My teacher asked me to go see the principal about what I had done.

I do not remember exactly what we said. I was very nervous and totally lost. I am only going to write what I remember about this interview. We were three in the office: the headmaster, his assistant and I.

The headmaster: What is that on your head?

I: A bandanna, why?

The headmaster: You knew about the law that bans all religious signs in the public schools.

I: Yes, but what does it have to do with me?

The headmaster: We know that you wear a veil. We had a conversation with your former teacher on your case.

I: I don't see why the way I am dressed outside should prevent me from going to class.

The headmaster: The veil on your head...

I: It's not a veil, it's a bandanna!

The headmaster: A veil or a bandanna, what's the difference? To me any piece of cloth is a veil.

I: If I was wearing it in a different way you could say that's a veil. But here I am just wearing an attire.

The headmaster: Don't play on words, your bandana cover all of your hair, and the minister said that everything that covers the hair has to be considered a veil!

I: And I say that this bandanna is an attire. If you want me to wear it in a different way, tell me clearly but don't ask me to take it off because of your interpretation of the law.

The headmaster: If you refuse to take it off you won't be able to go back to class. What is most important to you: going to class and graduating or wearing your bandanna, since you say it is an attire.

I: Who are you?

The assistant headmaster: I am the assistant headmaster.

I: OK. If I thought that school was not important I would not have come today and I would not have this conversation with you. I just want to understand why since 8 a.m you keep talking about religious

signs when I don't wear any of them. You ask me to take off my bandanna because it could be considered as a religious sign but your tie could also be considered as a religious sign!

The assistant headmaster: and how?

I: This blue reminds me of the Israeli flag colours, but you may not be Israeli?

The assistant headmaster: Listen, my tie is not the point.

I: So what is the point? Is it the way I am dressed? I don't tell you how to dress and I would like to deserve the same right. Unless you want us to wear uniforms. I respect the laws, I know my rights and duties and I know that I respect them.

The headmaster: I am here to make everybody respect the laws and I ask you to take off your bandanna. Did you see what happened in Iraq, to the two French reporters? They could be killed. If I don't apply this law it would mean that I support the abductors.

I: Excuse me but why are you talking about that? I know what's going on and like many French people I am sorry for them but this has nothing to do with my presence here. And you talk about applying laws as if I was not respecting them.

After one hour of sterile talks I decided to take off my bandanna. I took the headband (a black headband of 6cm) that I was using to tie my hair and put it on my head. I thought that the discussion would be over but it was only the beginning of another debate. When the headmaster saw that headband on my head he questioned me again.

The headmaster: What is this?

I: A headband, why? Is there a problem?

The headmaster: Why did you put on this headband?

I: Because I like it? Are you going to tell that it is also forbidden?

The headmaster: If you want to go to class you will have to take it off also.

I: I won't take it off. You said earlier that I had to take off my bandana because it covered all my hair. Now you can see my hair. What's the point now?

The headmaster: It's black.

I: So?

The headmaster: It looks like a helmet on your head.

I: That's too much...

He called the chief education officer who asked him to call back later. The headmaster brought me back to class maybe because he did not want me to hear the conversation. I went to class with my headband. I had to go back to his office at 10 a.m. At 10 a.m I went to his office where he told me nicely that I could keep the headband for today. It surprised me and annoyed me so I asked why only for today?

I: Why? Since 8 in the morning I made an effort, I took off my bandana, and you keep constraining me with your own laws that do not even exist.

The headmaster: You know you can't do whatever you want...it's a community!

I: I am conscious that I can't do whatever I want. I never had problems with the teachers nor with the students. You can check my school records. I respect everybody and I want to be respected the same way.

The headmaster: Anyway; I will stop by to be sure that you don't wear this headband all the time and if I can't I will send a supervisor to check.

I: I want to go to class in peace like every student.

The headmaster: So behave like every student.

I: Why do you say that? Did I come to class dancing? No, I came to stay in class like every student and you called me to go to your office.

The headmaster: Now go back to class. We will see how things will go on.

That is what happened the first day of class. I do not feel very well since that day, and I am nervous. I did not sleep well the next day, but they probably had beautiful dreams.

Cennet

"I took a pair of scissors and I started to cut my hair in any such way"

Where and how did you get the idea of shaving your hair?

It was during summer 2003. Actually I did not feel good and my parents did not take this story seriously, they were like: *"I know my daughter won't keep the veil, she does not take it seriously, she will take it off, and it will be too bad for her."* They did not understand me! But even if I did not speak properly I was Muslim and I loved my veil!

How long have you been wearing your veil?

I have been wearing it for five years, since I was eleven. I was in 6th grade. My parents did not know; I used to put it on in the stairs. They found out when they came to meet my teachers. It was kind of weird for them, but they took it well.

How did you know about the law? How did you know it was changing?

They kept talking about it in the news and it drove me crazy and the headmaster of my high school (I was in 9th grade last year) told me: *"Cennet I hope you won't cause any problems at school next year"*. I did not answer, but it killed me. There is no way a teacher says anything about my veil! I didn't like that! I was shocked! I finally said, *"Yes, but you know the law hasn't passed yet..."* He answered: *"Oh don't worry it is going to be passed soon!"* I told him: *"Maybe we will have a little chance with the Concordat"* He

replied: *"Don't even think about it."*

What does your veil represent to you?

At the beginning, I just wore it and nothing more. I knew why I was wearing it, it was part of my religion and that's it, and I liked it, I looked better with it. But the thing is that I did not know why I was wearing it. And when everything happened I told myself: *"That's it! That's why I am wearing it! It is for the honour of Islam."*

As for school, I wanted to become a construction worker or a house painter because I thought that with my veil I had no future. That's what I was thinking until one of my friends told me: *"Even if you do not find a job afterwards you still have to have a degree! Having a good degree is a great thing! If you are educated you can educate your children!"* I wondered how I could get a job if I kept my veil. So I told myself: *"The veil is my life. I suffered so much to keep it. The veil is not just a piece of cloth! I have to fight; I have to fight to wear it! And if I take it off, what are my friends going to think? They always saw me veiled and then from one day to the next they are going to see me without it? I could not bear it!"*

It would be a shame! I would feel like I am undressed, as if I were naked! It would be too hard for me and my parents did not understand! They used to say: *"Come on Cennet, It's not a big deal!"* But it was! Where did I fit in this story? Was I a doll? Plus I didn't like to play with the veil: one day you wear it, another day you don't etc. Even when I went to class and I never wore a veil, I wore a hat. It hurts when I had to take the hat off, but it hurt even more to take the veil off! It killed me! I get heartache to see girls do that! It kills me!

When did you contact the "March 15th Freedom Committee"?

It was the first day of class. I did not know what to do. I called them many times and they always gave me information.

How was your first day of class?

Since the first day I was wearing a cap, I was told to take it off. I did not say anything. They left me and I tried to find a way to come to class. I tried to take short cuts but as soon as I entered the classroom, the teacher said: *"Go see the assistant headmaster because the headmaster is not here"*. So I went to see her, she read the new law to me a thousand times. She said: *"This is about you, you are an outlaw. If you don't take it off I will have to send you to the board to have you expelled..."* She wanted to scare me. But nobody told me that before! She said: *"You won't be able to keep it. You have to take it off!"* So I said to myself: *"ok she wants to put me down, I am going to put her down!"* At that time I still had my hair.

On Sunday, my parents were not home, they went to a wedding. Nobody was home. I stood in front of the mirror in my room. I sat on the floor, I looked at myself and said: *"I can't, I can't, I can't...I can't take off my veil, it is too hard for me!"*

I took a pair of scissors and I started to cut my hair in any such way, it was weird to see my hair falling. I cut it carelessly because it did not matter anymore. For a moment I looked at my hair on the floor and I felt weird, so I told myself: *"Anyway! I don't care!"* Then I thought: *"There is no need to start crying"*. So I picked up my hair with a towel and I put them in a plastic bag to keep them. I thought that it would be better to keep them warm...that's stupid!

I was doing anything with my hair and when I showed that to my mother she was so shocked! I thought she would kill me! First she did not say anything. I said: *"Say something! I don't like when you are like that!"* Then she said: *"Why did you do that! You did not need to do that, God is with us and He could have helped us."* Then I explained to her everything, that nobody has ever forced me to do anything in all my life, also that some people were trying to prevent me from practicing my religion and that it killed me!

Then my mother shaved me but she could only do half of my head, she stopped because it was too hard for her. So my father finished the work. As I was psychologically prepared to see me bald I did not feel bad. That's weird! When I started cutting my hair it gave me heartache, I felt like I could die, but when my parents shaved me I did not feel anything!

My brothers took it bad. First I was ashamed, not to look at me but to let them see. And when my four-years-old brother saw me he said: *"Oh sister! Bad! Bad!"* My six-years-old brother asked me: *"Where is your hair! You are ugly now! I want your hair back! Why do you want to look like me! Don't look like me, keep your hair!"* And I said: *"It's over now, I don't have hair anymore!"* Then he cried. I felt weird. My two old brothers said: *"What did you do Cennet? What a shame! Why didn't you take correspondence school? You can even stay home, it doesn't matter, you'll get married and your husband will take care of you..."*

It seems that your brothers are male chauvinists. They would prefer you to stay home to prepare food. According to them you don't even need to study.

That's right. They are men and I am just a girl.

What happened then?

The next day I did not go to class. I called the "March 15th Freedom Committee" to tell them that I did not feel good and that I wanted to meet them. Once I was there, I told them that I had shaved my hair. They wanted to see, but I refused! I don't know why I always refused until the day when I went to school without veil. That day I regretted not to have let them see. They had been supporting me for a month and it could have helped me.

You often went to see "March 15th Freedom Committee" during September, what did they tell you?

They advised me not to take off my veil right away. The French hostages' case in Iraq just started, and any incident could have provoked their death. If I had went to school bald at that time it could have been dangerous for the hostages. They advised me to stay a few days at home and to go to school with a hat.

Every morning I went to school with a hat, and I refused to take it off. The first day they put me in a room. Then as the headmaster was absent they left me in his office.

Did they give you anything to study?

At the beginning I did not have any book but after my parents came to say that I would take off my hat they gave me some books. But before that they gave me nothing.

At many times you wanted to take off your hat, why didn't you do it?

At many times I was decided to take it off. I used to call the "March 15th Freedom Committee" to let them know as we agreed that I would let them know when I would do it, but each time they said that it was too early and that I should wait a little bit more because it would have been dangerous for the hostages. It killed me...but it could have killed them...for real. So each time I accepted to wait thinking that it would be for only one more week

On September 24th I could not bear it anymore. The day before I was so nervous that I thought I would have a heart attack! I could not stand being isolated and treated like a plague victim in quarantine at school.

The administrative staff at school was too selfish; they always made me cry. They put me under pressure, they disrespected my religion. One day I said: "You know what? I don't have any hair!" "That's a different thing" they answered. The assistant headmaster told me: "Don't do that Cennet, it would be so cruel to you, everybody will look at you? Unless you plan to take a sign with you saying 'Please don't look at me'. If you want we can also buy you a wig and don't worry for sports you can find very good cream so the wig won't fall". I said: "What are you talking about? I don't want any wig, It's dirty and ugly." They said I was too rude. I told them that I was sorry but for me wearing a wig was stupid and I disliked it.

They wanted to buy you a wig?

Yes! And it killed me! They treated me as a kid...what I was anyway...

Then they asked me if I had a medical or a baldness problem but each

time I refused to answer. So they thought I had a medical problem. They asked me to bring a doctor with me so they would talk to him. They thought that they could allow me to cover my head if I really had a problem. I told them: "*Whether it is for medical reason or not I want an answer from you: 'Can I wear something or not?' I don't like you to play with me!*" They just answered that I was too rude.

I was very patient. Usually I am not very patient, but I wanted to give a good image of my religion, so I tried not to say too much. I just answered them, that's it.

Last year, I was a "*tchava*" at school that means a girl who is always fighting for nothing. All the teachers knew me because I was insolent, but "*al hamdulillah*" I changed. Now I have a better behaviour. But I kept a bad reputation because of my old behaviour. So now when I look at them and they feel that I am going to say something they say, "*Ok that's it, we won't insist.*"

One day they told me, "*We looked in your records, you are very rude*" and I answered: "*Do you want me to show you*", they answered, "*No, that's ok.*" Sometimes I abused because I was upset! They told me, "In Islam the veil is not mandatory, many girls took it off." It killed me!

I know some girls are manipulated by their parents. Now they are not forced to wear the veil anymore, which is good. But who cares about us who decide to wear it on our own will.

So you decided to go to school with your hair shaved?

Yes. I went to see the "March 15th Freedom Committee" again and I told them to call the press to tell them that many girls were

suffering. The press said that everything was ok the first day of class as many girls took off their veil. But the girls who took their veil off were suffering! They did not feel well! I wanted to show that everybody did not agree and that everybody did not accept to shut up, that all the girls who were wearing the veil were not suffering from pressure from their parents. I wanted to show the whole world that we were suffering. I thought that we should fight for freedom, mostly in such conditions. I don't feel that I humiliated myself by shaving my hair; on the contrary they have been humiliated because I revealed their real face! If I had taken my veil off and if I had kept my hair then I would have been humiliated.

The night before October 1st, the day when I decided to go to school without a hat, I thought a lot. I told myself: *"Oh my God! They all are going to take it bad! They will look at me differently. My friends will think that I gave up. But I will never give up!"* In fact, I was wrong. I stressed all night, I prayed God all night long. I overstressed! It was crazy!

My father brought me to school early in the morning. There, we met the reporters and we talked to them. It was 7:32 am when I saw my friends coming. Then I thought: *"I won't do it, it's too hard! They saw me veiled and in few minutes they will see me shaved."* It hurt me! They talked to me and said: *"If you decided to do it, just do it."* It relieved me. When the bell rang, a couple of friends were waiting for me. They knew what I was going to do although I did not tell them anything. I just told them that I would take off my veil. But they did not know that I was shaved.

When the moment came, I could not take it off. In all my life I never had to take off my veil in public, never! When I fought I used to stop

when I felt my veil was falling. It was weird to take it off for the first time. Moreover, journalists were taking pictures. It hurt me. Then I told myself: *"Anyway! I don't care about it! They can think whatever they want, I have to go to class, and I have to study."* And when I started walking, I felt like falling. I looked at the camera and I told myself: *"I don't care,"* and I went to class.

What killed me more was my friends' reaction. One of them started feeling sick. If I had had time I would have take care of her. I thought that maybe she looked sick because I was crying and that everybody looked the same way to me, but in fact she really looked sick. My other friends took me in their arms as if they wanted to protect me but then they ran to flee.

When I arrived in class I became upset because my teacher did not let me come in. Students from all classes came to surround me. The assistant headmaster came and told me: *"Come to my office!"*

And then I broke up. I was overwrought. I was *"tchava"* again and I answered: *"No way! I better die than come to your office! Now I am going to class! There is nothing anymore on my head! What else do you want! I don't want to stay in your office anymore!"*

Then a friend who was Christian, his sister and another student throw their cross on the floor and told the assistant headmaster: *"She shaved her hair because you rejected her religion! You want to humiliate her religion, now we humiliate your religion which is no longer mine! I convert to Islam!"*

Then a girl who used to wear the veil and who took it off came to tell me: *"What a shame! Why did you do that! You have no dignity."* I answered: *"What are talking about? You think you can*

be proud! I am not proud but you are not better! ”

Then my friends came to pull me into class, so the assistant headmaster said: *“Come to my office right now!”* I said: *“What are you expecting from me?”* My friends went back to class and started debating about my case.

After that, many other students came. I did not even know them. Most of them were in last grade.

I was happy to see them supporting me because I thought that they would think I was stupid. But in fact they took it well. If they had not supported me I would have given up!

Eventually, they called the school nurse, the social worker, the doctor... they thought that I became crazy. They were very upset. The administrative staff asked me: *“Cennet why did you call the press?”* I told them: *“Why not?”* They said: *“It’s a shame for us.”*

The students in class were debating, they said to the assistant headmaster: *“You are an outlaw, you don’t want to let her come in class, and she has nothing on her head! Now everybody can see that you are racist!”* They were so upset that they took chairs and said they would break everything if they did not let me come in class. That was too much, I know!

Did they start breaking things?

Yes, they were so nervous. They said: *“We want our friend with us.”* It lasted three hours!

The administrative staff was scared. They threatened the students in last grade saying: *“If you don’t stop you will have problem with your graduation”*. So they stopped and left.

Then they talked to me. They made my head reel for three hours. I could not stop crying. They asked me: *“Why did you do that?”* For three hours I kept saying: *“I want to go to class.”* Those were the worst moments in my life. It was amazing! They made my head reel, I made their head reel. I just wanted to go to class. I told them: *“What’s the problem with you? What don’t you want to let me go to class? Stop acting like fools!”* I told them everything that came to my mind.

Did you really say that?

Yes. I was so nervous, I did not know what to say and I cracked down. Then a woman told: *“Now we can see your real face as it is written in your records.”* I answered: *“I know what you are going to say!”* Then I did not say anything more. Three hours later they let me go to my English class.

Who told you that you could go back to class?

It was during the break, in the playground. All the students of the high school surrounded me. They told me: *“Cennet, you are going to come back to class.”* When the administrative staff saw that, they probably thought that they should let me go to class to avoid any problem.

RANIA

"... I hated my teachers, I also hated school"

My name is Rania, I am 14. I had to take off my head scarf before the school entry so as to be able to keep going to school, I have faced many conflicts

I am going to tell you in details what happened to me, first because I need to speak about it and secondly because I hope that it will bring something, a result.

As soon as went into the first form, I began to wear the hidjab, this by love to Allah and I decided to do so under no parental pressure contrary to what people generally think.

There was no problem at the new school year, I was too young to bear conflicts, so I chose to put off my hidjab in front of the school door because I knew it would not be accepted that easily. As a new pupil in the junior high school, I wanted to start the school year just as any young girl of my age. In the Second form, I felt I was much more mature so I decided I was free to practice my religion. But the school is secular, I understood very well what secularity meant, I appreciated it and it is indeed at school that I learnt to estimate it. But I also knew I could not keep taking off my headscarf to go to school, I suffer from it, it is very difficult. Only girls who have gone through and experienced that can understand. I have the feeling that I am not accepted as I am, since to be accepted I must remove something, which is part of me. I may not express what I mean clearly, but I am trying to. I had to find a compromise solution that would be accepted by the school.

The bandanna was a compromise solution since many pupils within the class commonly wore it, it was "fashionable". And the surprise was complete when the school staff told to my two sisters and to me : *"You remove your veil school is secular"; I answered: "Why? This is not a veil, it's only a bandanna, everyone wears it here... Why should I be prevented from wearing one? No I won't take it off, that's not right !"* I was really disappointed. I tried to understand, but there was no answer. For a while my sisters and me refused to take off our bandannas, so we had been expelled several times. I was not provided with educational support, I was left during hours in the school with nothing to do, alone or with the supervisors, who were the only one to support us.

The school staff has organised three meetings within a week, at the end of those meetings they decided to forbid any headgear in the school. After that we have decided to withstand, we had a bit of hope left. After convoking my parents, the headmaster decided to allow us to wear the bandanna within the school and in class it was let to the judgement of each teacher within the classes. At the beginning, I only had to take it off during one or two lessons but progressively all the teachers refused to let us with it.

Further to all these problems I have hated my teachers, I also have hated school. My marks dropped in all the subjects; I went to the year head and told him what I thought of all this situation. I told him that the only explanation I have found is that they are against my religion and my faith. I am really sorry to have said such a thing but this is how I felt.

Here is how went my awful second form year. The worse was when the teachers seemed happy to tell me : "next year , the law will be

implemented , we are really sorry but we can do nothing against the law". I was deeply affected; I could not hold back my tears, hoping that the "next year" they were talking about would never come. But this year came. So let's go back to the conflicts, the hours spent in the year head's office, being under pressure:

The start of the new school year for the third form was on Tuesday. At 8:30 the headmaster, his assistant and the two year heads and some supervisors were waiting for me. When I saw them , I wanted to go back home or throw a tantrum so as to avoid the "drama", but of course I had no choice. At the door, I take off my veil and I keep my bandanna, I walk with a group of pupils, but I hear my name called and they told me: *"Either you take it off and you go with your friends or you refuses and you go to my office or the study room !"* I tried to speak with the year head telling him that the law did not forbid the bandanna but only conspicuous signs. He answered : *"But I am not talking about the law but about the school rules which forbids any headgear"*. Nothing to say, only tears to cry, and I find myself in the headmaster's office enduring their hurting remarks.

Then I was sent to the study room, I did not see my friends nor my teachers, I did not even know in which class I was. I told them that I could not stay here all the day without lessons. So they gave me my mew school report and my books. I was very afraid to lose my schooling, I am very young, I want and I must finish my studies. So I unfortunately had to make a decision, which costs me a lot, I have decided to take off my bandanna to keep on going to school in order to secure my future. A "future" which grieves me a lot.

**A YOUNG GIRL WHO DECIDED TO STOP HER
SCHOOLING.**

“ I am leading a battle which is not only mine but also the fight of every single girl who wants to wear her head scarf at school ”

I am 14 and I was outside the school system since the age of 12.

Last year I was not enrolled in a public school. In fact I had fallen behind at school so the CNED (National Centre for Distance learning) told me to follow my lessons during the summer. I was directly enrolled at the CNED without being registered in a public school. I wish I had been at school it is better than staying alone at home; even if I see people here it is not the same, I feel I am alone. I was outside school since my fifth

year in primary school. I was enrolled in the National Centre for Distance Learning, since my first grade in the junior high school, now I am on my fourth grade and I have never kept down a year.

I have been wearing a head gear for four years now and I am outside the school system since I have decided to wear it. To me, the head scarf is the symbol of my religion. God commanded it, so we have to hear and obey Him. I am wearing a headscarf only for those reasons and not because my parents have forced me to; I wear it with my heart.

When I first heard about the March 15th 2004 law, I was shocked and I was very upset to see girls being excluded. I felt anger and hatred against the people who voted this law, I was disgusted.

The fact of being out school reduces my freedom and I feel excluded from teenagers of my age. I cannot laugh with them, I am always alone, it hurts me so much(during the recording the young girl starts crying and says: “I am sick of being left alone all the time. Now I am helped psychologically, but I was left alone during three years at home and it hurt me to see the others going to school, however, I have never regretted my choice to leave school- even if it is painful, I will keep on studying”);

I would like to work in the future, but for the moment I am leading a battle which is not only mine, but also the fight of every single girl who wants to go to school with her head scarf.

I wish the State gives us more religious freedom. It is not because we are in school with our head scarves that we are going to force others to practice our religion. In fact, everyone should be allowed to do what he wants. But people think that we are going to influence the pupils and that they are going to follow us.

It's been four years since I am at home, when I go out I don't feel quiet. People sometimes look askance at me. Last time I was called “bloody Turkish” and a person told me that she did not like Turkish people and that she was against the fact that Turkey joins the European Union. I have gone through a period during which I Wanted to stop everything because I could not stand being alone anymore. After a while, you feel that you can't stand anymore but now I feel better.

MOHEIRA

"That's not a dress that you are wearing but curtains.... You should move with the times"

I am 17 years-old almost 18 *Inch'Allah*. Last year I was in a technological fifth form in 10th grade. I had a very bad year. I used to wear a tunic with a long coat. My communication teacher always talked about sex in class and criticised me in class saying: *"That's not a dress that you are wearing but curtains... You should move with times"*. I refused to work in these conditions. The teacher used to throw pens in some girls scope neck to make them laugh. Isn't it rubbish!!! We went to complain but then our relationship with her got worst. I had very good grades. I was congratulated the first term, encouraged the second term, but the last term I stopped studying. They never let me in peace because of my veil. I could not were any headgear in class.

The girls who used to wear a veil could not wear anything on their heads. But the other girls wore bandannas! That is not fair! They made differences between us and were not ashamed about it. I had a good relationship with my teachers except with my communication teacher. I have no plan for the future.

I did not go to school the first day of class. As I was a good student the school insisted on me to come. I came with a veil and when I arrived in the headmaster's office with my mother, I took it off. Under my veil I had a bandanna that covered my hair and my ears and I wore a turtleneck. I covered everything so the headmaster refused to let me go to class. I put my veil back on and a few days later I went to give him a “resignation letter”.

The headmaster, the advisor and my teachers did not understand my decision. They thought that it was due to a teenage crisis. The headmaster thought it was a pity and insisted for me to stay. The teachers thought it was ridiculous. The students thought that I made the right decision.

The pedagogical follow-up was good, but I could not totally benefit from it because I had to take off my veil.

Except some hurtful words, I did not suffer from any vexation or humiliation. What hurt me most was that they forbade me to enter school as they forbade an animal to come in just because I had a veil on my head. That is a shame!

ALAE

"I was placed in a room isolated from any contact with the other pupils"

My name is Alae I am 17. Last year when I was in the lower sixth form, I was wearing the hijab at the high school. In spite of some difficulties in the fifth, I had good marks.

According to the teachers I was a brilliant pupil who could hope to accede to the class, which prepares for the entry exam to the "Grandes Ecoles". I was known and supported by many pupils. I wanted to reach a business and scientific class in order to integrate the top French business school.

I have been wearing a headgear since my fifth form; to me it is a religious prescription and a sign of modesty. So to me it is a religious obligation. I have contacted the March 15th Freedom Committee and I am satisfied with the support they gave me.

The media have focused on that law during several months; it was impossible not to hear about it. At the start of the new school year the headmaster was categorical: Either I came to school with no headgear, no bandanna or I was immediately excluded.

I came to the high school the day before the start of the new school year in order to speak with the headmaster. In front of his categorical statements, I was at a loss how to act, so the day after I did not come back to school. I only came back at school the following Monday, refusing to put off my bandanna I have been parked in with other girls in a table at the back of the library, there we were "cars" and this was our car park for two weeks. Then I was

placed in a room part isolated from any contact with the pupils and the library.

The headmaster has not been very understanding; he even put pressure on me. The teachers did not support me and almost brainwashed me. As for the pupils they did support me by proxy. I was not provided with a sufficient continuous educational support, but I was very closely watched, I have been forbidden to sit at the same table with "normal" pupils or even to answer their greetings, and even more... I found that disciplinary punishment completely inordinate, I felt rejected, humiliated, attacked...

Nevertheless, I was not disappointed at learning that I was excluded: I am not naïve.

The disciplinary committee was long and tiring. The appellate commission was less tiring since everyone knew the verdict. Nevertheless it seemed to be late for some people since those poor people were yawning while my counsel was presenting his speech. To think that among the persons who decided about my future they were people who did not even have a minimum of education

In fact the memories I keep from this adventure makes me laugh more than it makes me cry. Most of my study projects were jeopardised, I cannot reach a class that prepares for the entry exams to the "Grandes Ecoles" or a vocational training certificate. Hence, my social future is also jeopardised.

ASMA

"People only see our head scarves, they don't see us as human beings"

My name is Asma, I am, I was in junior high school in the third form, and everything was going well, I had no problems. I had excellent marks. My relationships with my classmates were good. I only had problems during my first two years at the junior high school, it all was forgotten with time. I would like to integrate a school to become an engineer.

I am wearing the veil since I was six, but in the primary school I took it off. This is a religious duty and as I am a believer, I implement my religion.

My father got in touch with the March 15th Freedom Committee during the summer holidays. I am very happy with their support. Two persons really helped me a lot, one of them is the jurist who defended me during the disciplinary committee and the appellate commission. If we had not met them, we would not have known what to do, with them we have avoided many mistakes. They helped us a lot.

Last year, the teachers very often asked us what we were going to do when the headscarf will be forbidden. I could not believe it; I could not think that such a law could be voted. They lied when they said that the law only concerned public schools, they knew very well that no private school would accept us with our veils.

We have contacted all the private schools, they all refused to register us. It seems to me they have done everything possible to

put us in an awkward situation, for instance, recently when I have contacted the national centre for distance learning to do sports, they told me that it would not be possible because those lessons were taking places within the high school from which I had been excluded, and since I was still wearing my veil, I would not be accepted. I answered that it was the reason why I had registered in the centre for distance learning. They replied that I could contact the centre in order that they send me all that is useful to do sports at home...

At the start of the new school year, all the pupils were gathered in a room and the headmaster gave his speech. And to conclude it, He told us to put off our head scarves in front of everyone, we refused. All the fourth form classes left the room and the headmaster brought us to his office and again told us to put off our headscarves. WE refused, and this time we were placed in a really isolated room. During that interview, I was alone with him but for most of the other interviews My father was with me. These were supposed to be private interviews, but a morning I read in the news one of these interviews, which had of course been distorted, the headmaster had given an interview without us knowing it.

The first day of our being put in the isolated room, we were not allowed to have the break with the others, neither to go out of the room nor to open the window. We were placed in the part of the administration so as not to be seen by the pupils, we were like in cage. The headmaster of our junior high school was much more friendly than the high school's headmaster.

Honestly, I have never seen a headmaster like this one. He reproached us for having enrolled in his high school. I remember that the first day during his speech he warned the pupils that anyone who comes drunk

at school would be immediately excluded, but if they drunk wine, it doesn't matter because wine is healthy. He added that if we had just coming from a party and that we were still half-drunk, we should just as he does, take an aspirin and come to school. What a good example!

Only the physics teacher, with whom we had good relationships, came to explain us the lessons. It was the only subject in which we were not late since he explained to us the lessons we did not understand. The other teachers, we have never seen them. The pupils were against our exclusion from the classrooms. We sometimes talked about it, they asked us why and when we replied that it was because of our veils that they isolated us, they could hardly believe it, because for them we were as any other pupils. We personally think that this comes from the pupil's parents who are afraid that we abused their children. I say that because during my disciplinary committee, I saw the pupil's parents being very aggressive against us, almost ready to attack us. I was shocked by their behaviour

We were not provided with a continuous educational support. Time passing I become aware of the fact that I have to take all my courses from the beginning. They even gave us a report, when we only had three or four marks. I remember that in English, the first day the teacher gave us a test and this only mark served as an average.

The headmaster's son who is supervisor in the high school, was constantly following us, he was stuck at us during the breaks, to a point that we were not able to talk to each other without being

heard. My friend dared to wear a Christmas father's bonnet without being bothered.

I did not think that the disciplinary committee would go so wrong, I was shocked. Fortunately, our defender was there to support us, because I had imagined that the delegates would defend us, in fact they only heard without saying anything. They yielded to the committees' decision without trying to defend us.

When we received the statement, we noticed that it was not true, they said and added things that did not happen. They issued a statement that was at their total advantage.

The headmaster started to justify his position evoking the Qur'an, without knowing anything on that subject. He did not understand that it was not proper at all. We told them that we were not supposed to speak about religion. We made the proposition to change dresses everyday if it was necessary. Nobody wants to leave school. It is not only for education it is also for the pleasure to be surrounded by our classmates. IT is very hard to find oneself and have to work at home. Our former classmates cannot help us because we had to change our optional subjects to be registered in the national centre for distance learning. This committee has thrown us without caring about what we were going to do after. But they say that we wanted to be excluded since we refused to take off our veils.

The headmaster told my parents to force me to put off my headgear since I was minor. Since the law protects the girls who are forced by their parents to wear the veil, I am wondering why it does not also protect the girls who are forced to put their veils off. My father told them " How ridiculous I would be in front of my daughter after

breeding her as I did to tell her to forget all I taught her and to do the contrary".

During the disciplinary committee, a parent's children said that it was the headmaster who had to protect his pupils. It was as if we were a danger to the other pupils. It really makes me laugh when they say that the ban was voted to protect the girls that are forced to wear, since when they come to school they are forced to put it off, and then the problem is solved...

I have not felt something particular at hearing the announcement of the exclusion.

What shocked me the most is when the year head said, that we had to stop beating about the bush, and that we had things more important to deal with. He was saying that and the day after, we were totally deprived. I have read somewhere that secularism was applicable to the teachers and to the schools premises, but not to the pupils. So in fact they had nothing to say about the headgear.

When we had to appear before the chief education officer, he was kind. He dared to tell off the headmaster about the fact that we did not attend to the courses during the dialogue phase, since we were supposed to do so despite our wearing the head scarf. Our rights were scorned, and nobody has objected or protested against that, people only see our headscarves, they don't see us as human beings. We are like everyone; we want to go to school.

What I fear the most is that this law also gains the universities. What shocks me the most in his law is the fact that we are somehow asked to choose between school and our religion. These are two fundamental things for the building of a person, and if one of

them is denied it is dangerous. Religion is a right, which is recognised everywhere

It is clear that this is not the best experience to live, but this is how things are and I have learnt a lot from it. Maybe one day this law will be abrogated.

BELGIN

“I thought about my friends who were in class, my life would be changed totally”

I am 17 years old, and I am a child of a family of three. I have been excluded by the disciplinary committee and also by the local education authority commission.

Everything was ok at school except that I was having problems because of the way I was dressed. The headmaster told me that he expected that a law would be voted on to exclude me. My teacher often referred to the way I was dressed and used to make fun of me in front of the other students. Many of my teachers, like my history teacher wrote a letter about me and a friend of mine that wore a head scarf, in which he made derogatory comments about me. He wrote that we were like commercial signs, that we could not think by ourselves and that we were inferior to men. This letter was read in all the classes.

I was in 10th grade but I started wearing a headscarf two months after I entered 6th grade in 1998. My veil is a part of me. I already had to face that kind of problem and I was excluded for two years. I remember that they locked me up in a room; I was alone all day long. I could not go out or walk inside the room. When I talked with the headmaster we agreed that we would not make any comment to the media after I would leave. But the headmaster did not respect this agreement and he gave his version of the story.

My grades were quite good. I had good relations with my friends and with most of my teachers. Everything was ok. Later I want to become a psychologist or an orthodontist.

I heard about the “March 15th Freedom Committee” thanks to the CRCM. I called them a few weeks after the first day of class and I was content with their services.

The first day of class the headmaster put pressure on me. He did not let me talk. The headmaster worked on bad faith, he took this case personally. He did not want to hear anything; he asked questions and never listened to my answers.

The headmaster was fierce. My history teacher’s remarks were also inappropriate. He gave class as if I was not present. My friends always supported me; they often came to see me when I had to stay alone in the room. They came to see if I was ok and to bring me the class notes, but each time the headmaster or his assistant pushed them back and told them that I deserved to be treated that way. Even students I did not know came to support me.

Only three teachers brought me class notes during the time I was locked up in that room. I had no pedagogical follow-up contrary to what they told me previously.

On September 6th, my history teacher injured me in class. He made fun of me. He told us that usually he takes time to get acquainted with the students during the first days of class, but as I was present he would not. He also said that he would have preferred to have a student that does not do anything in class than having me, and this was also said during the disciplinary hearing.

During a meeting with the headmaster, one of education advisor told me that it was forbidden to come to school with a clown suit or a weird dress. I remember one day the headmaster and his assistant shouted at me to go to their office while I was waiting with my friends

to go to my German class. He was mad at me. All the students came to see what was happening. They were chocked by the headmaster’s behaviour towards me. Then he asked me if was happy to show off. At that moment I felt that it was the end for me. I thought about my friends, who were in class, my life would be changed totally.

The disciplinary hearings took place in a cold atmosphere. I could see joy in the headmaster’s eyes. The local education authority appeal commissions confirmed the disciplinary committee’s decision to exclude me.

My future is going to be hard. I wonder where the “*liberty, equality, brotherhood*” is.

ESMANUR

*“ During the interviews I could not look at the principal’s face ;
watching him made me sick”*

My name is Esmanur and I am 18 years old. I have worn a headgear since the 6th grade. I called the “March 15th Freedom Committee” in mid-September 2004; I was content with their support.

Since the first day of class on September 2nd 2004 at 8: 15 AM the headmaster was waiting for me in front of the school with a supervisor. Then we went to his office, where we found the librarian. The headmaster gave me the school rule. Then he asked me if I knew why I was in his office. I said that I did not know. Then he asked me if I had a problem. I said no. He took the school rule from my hands and read the new law. He told me that my veil was the problem. He asked me to take it off and I refused. So he called my parents and took an appointment with my father for the same day at 9 a.m. Before he left I told him that I was not wearing a veil because my father wanted to but because it was my choice so I asked him why he wanted to meet my father. The interview finished at 8.25 and I went to class with the other students.

Some teachers wrote a letter against us in which they said that we were animals and extremists, that we were making propaganda and that we promoted inequality between men and women. They read this letter in all classes except in mine. I knew about it through a friend of the school.

Some teachers directly gave me their opinion saying: *“I want you to know that I am against the veil and if the other teachers go on*

strike I will join them". One of my teachers asked me why I was wearing a veil.

The headmaster was not honest; he did not respect me and enjoyed provoking me. He was in bad faith and he did not hesitate to insult me. During the interviews I could not look at his face; watching him made me sick. Even now remembering him makes me feel bad. I felt that he took this case personally; he kept thinking he was right and never let me talk.

During the disciplinary hearing, I felt serene, quiet and I felt a force growing inside me: I was proud of my veil. I wondered why I was her; just because of I wore something on my head? I am just like every other student. They were talking about laws and talks but since the first day of class they knew what decision they would take. In fact, what they told me during the disciplinary committee did not surprise me.

They wrote a report on me in which they changed almost everything about what I said during the interviews with the headmaster. Thus, I could read in the report "*Esmenur was wearing a scarf attached under her chin, a black skirt and a long tunic*", but that day I was wearing a black skirt with white pearls and a beige shirt.

During the disciplinary hearing, I was well defended. The local education authority commission took place, but the 18 letters wrote by my teachers to exclude me from class and that I send to the headmaster and to the local education authority were not in the file. The headmaster told me that he took them off because according to him they had no relation with the case, what my defender denounced.

However, I was well defended during the local education authority commission.

Now I study at home, I will fight until the end and I will go on trial to denounce this unfair decision, because I can't bear being treated as a slave. I feel confident because I trust justice and liberty.

What marked me most in this case was the pressure they put on my friends' support and me.

HATICE

"the headmistress told me to let appear tufts of hair from my bonnet"

I am 13 and half years old, I was born in France. Last year everything was going right. This year I am in the fourth form. During my first form at the junior high school I had some problems, my teachers wrote on my school report that I did not respect the school rules because I was wearing a headgear.

Every fifteen days I received a letter signed by my teachers saying that I did not respect the school rules. From my first to my third form, my marks were good, and so were my relationships with my teachers and my classmates.

The junior high school contacted my parents at the start of the new school year, they gave them the circular of the ministry of education

Friday, September 3rd, 2004 at 9:30, the headmistress reminds me the law and asks me to put off my headscarf and let it on my shoulders. I refused saying that it was my everyday dress. The headmistress told me that France was a State of law and that I had to respect it.

Monday, September 6th, 2004 at 9: 00 an interview with the headmistress, her

assistant and m parents. She reminded us the law saying that the headscarf is a conspicuous sign. My mother told him what it was my everyday dress and not a special dress for school.

Friday, September 10th, 2004, my parents have asked that I may attend the interview, after half an hour of discussion, I took off my headscarf crying (I kept a small bonnet). The headmistress and her assistant congratulated me for my efforts. The headmistress asked that I let appear tufts of hair from my bonnet. I was saying no with a nod. As I was crying I could not speak. My mother intervened telling the headmistress that she was exaggerating because I had just made a great effort and that I had bent to her will. The headmistress said that it was enough for today.

Following this interview I kept taking off my headscarf at the entry of the school and putting it on when coming out.

Tuesday, September 16th, 2004 at 10:30, the headmistress told me to respect the school rules and to take off my bonnet. I answered that I was respecting it and that my bonnet was not against the law.

Friday, September 2004, last phase for the period of dialogue. The issue of the interview was not anymore the law but the school rules. The headmistress added that she was not able to control the teachers, and my mother replied: "If you were at my place how would you react towards these teachers who had been very harsh to your daughter, and send you every fifteen days a letter to harass and discriminate you ? "

Monday, September 20th, 2004, I have taken off my headscarf and I have let it on my shoulders keeping only the accessory which holds my hair. Since that day I am excluded from courses without reason.

During the phase of dialogue, my English teacher excluded me because I was wearing my headscarf, and told me that it was not the winter season.

During that period I was not provided with a continuous educational support. At each inter-courses I went by myself to get the lessons. Two teachers gave me tests knowing that they did not provided me with the corresponding lessons. I was sometimes in the headmistress's office and sometimes in her assistant's office. When they were both absent, I went in the supervisors' office. One day a supervisor did not let me go and search for my lessons, saying that she had received this order from the headmistress.

I really felt humiliated during the disciplinary hearing, I know that they are so many other problems in this junior high school (cigarettes, drugs...). I have taken off my headscarf, I have bent to the headmistress' will and they nevertheless excluded me on the purpose that I did not respect the law.

They did not give precision during the disciplinary hearing because they knew they did not have a serious reason to exclude me.

They were four testimonies which were not against me, saying there was no problem with me.

In the headmistress' report we had contested many points but they did not dealt with that, they had nothing to say.

During the local education authority appeal commission, the headmistress said that it was because of my continuous wearing of the headscarf that she had excluded me. The commission therefore confirmed the disciplinary hearing decision.

I have been excluded for not respecting the 15th of March law, despite the fact that having taken off my headscarf I have respected it. I really think that it is them who have not implemented it.

IHSEN

" During the disciplinary committee I cried, it was hard »

My name is IhSEN I am 13 years old. I have two sister, one older and one younger. My older sister has also been excluded. I am in middle school, in 7th grade.

Last year everything was ok at school, as every year. I used to wear my veil at school. My older sister wore it from 6th grade to 9th grade and I did the same thing. My grades were good I was a regular student. I only had problems with one of my teachers who already caused trouble to my sister when she was in 6th grade. My friends were all nice with me. We also had problems because we did not want to go to the swimming pool. Later, I want to study arts, I like everything related to art.

I wore a headscarf since I was 8 years-old. At that time my parents told me that I was not obliged to wear it, but it was my choice. That is part of my religion and of my education. I like wearing it.

I was very content with the support of the "March 15th Freedom Committee", they helped me to move on. At the beginning we had meeting to see if we would go on trial. I really felt supported, I also met a psychologist.

I heard about the March 15 2004 law in the news on TV.

The first days of class the headmaster called us to line up and go to class. When he called my class he called me and asked me to go to a room where other girls who wore veils were waiting. He asked us to take off our veil and we refused. He stayed with us in this room

everyday until they excluded us. Some teachers came to give us some homework and the exams but we had no answers to the questions we were given, we had to make our own way.

Some students asked me why I did not want to take off my veil and were critical, but most of them encouraged me to keep it. The headmaster never told me anything about my veil the previous years. I can even say that he supported me to keep on studying. He is a good headmaster. One of my teachers was mean. He wanted me to be excluded. Some others did not do anything although they were upset. We could go in the playground for the break with the other students, but we had to stay in the room during class.

The teachers gave the class notes to the school advisor who came to give them to us. Some teachers helped me in history, math, and arts. For a while we did not have anything to do so we read books at the school library or we went to the computer lab.

The students did not make fun of us because they knew us. I think that compared to other girls in other regions we were lucky. I went to the disciplinary hearing with another girl. I was excluded on November 25th and she was excluded on December 2nd.

I cried during the meeting, it was hard. The parents were present, so were the student delegates, the headmaster, the school advisor and the assistant headmaster. The exclusion was difficult.

Despite all that, I think that it is better to study at home. Even if at the beginning it is harder for us because we can not study at school, I see that I move on faster and we have lots of explanations in the correspondence courses. Moreover with the breaks at school they only

study twenty minutes over one hour, whereas at home we have more time.

IMEN

“When they announced my exclusion, I felt angry. They presented us as criminals while we were the victims”

Could you introduce yourself?

My name is Imen I am 16 years-old and I am in 10th grade.

How was school last year? In which school were you studying?

In 6th grade my English teacher did not let me go to class. At the beginning I had problems with him but after some years our relation was better. I wore a headscarf until 9th grade without causing any trouble. I had good relations with my friends and my teachers, and I had very good grades. Later I want to study sciences.

What does the scarf or the veil represent to you?

It represents my faith, my religion. It is part of my education that's it.

**When did you contact the “March 15th Freedom Committee”?
Were you content with their support?**

My father contacted them during the holidays. The organisation always supported me. They helped me morally and psychologically. They gave us the desire to keep on studying. I take correspondence courses and it is very hard although some teachers help us here. We have lots of homework and we have to send back

2 / 3 of it to graduate. But this made me want to study more to show them that I can succeed even if I can not go to school anymore.

Who told you about the March 15 2004 law? How was it presented the first day of class?

We talked a lot about it, as if it was in fashion, as if all schools made an agreement together; it looked like a conspiracy to exclude us.

How was the first day of class?

Since the first day of class I felt like I was in front of a wall. We were hidden, nobody could see us.

How did the headmaster react? What was the headmaster's behaviour?

Our school has a very good reputation and the headmaster feared that we would dirty it. As it is a technical high-school with a majority of men he asked us what we were doing here. When we enrolled we were wearing a veil. Right away he asked us if we planned to take it off the first day of class since the new law would be applied. We said no but we were ready to make a compromise and to wear a bandanna or something else instead. But despite our proposition, he refused.

During the dialogue phase, my father and I had a meeting with the headmaster and his assistant. I was choked when the assistant headmaster asked me what I would do after the disciplinary hearing. I said that I would take correspondence courses or go to a private school. She told me that only 5% of the students that take correspondence courses succeeded, that I would fail and that would end married with many children. I was really choked, she thought she

knew my destiny as if all Arab people would have that kind of life. During the disciplinary hearing, the headmaster said that wearing a veil was not written in the Quran. I answered that religion had nothing to do with that and that I covered my hair for modesty. When we proposed to wear different headgears, they said that there would not be any negotiation.

Did the school give you a pedagogical follow-up?

No! I had no pedagogical follow-up from the school, we were alone. The CRCM helped us well, they led us. They did their best to convince the private schools. It did not work but at least they tried. They have always supported us.

Because of this lack of pedagogical follow-up, I was late with my studies. I missed the first semester. They did everything to isolate us and put us down.

Did you suffer from vexations and humiliations? What did you feel during the disciplinary hearing?

There are some students who wear other headgears at school (hat, bonnet...) but nobody says anything to them. During the disciplinary hearing I tried to ask some questions but they answered me that what I said was away from the point. Through the media they tried to make everybody believe that the law was perfect, that everything was ok, and that there were only few exclusions. In fact they never let us speak although we were directly concerned. We were excluded from school but also from the debate. We never saw a veiled girl talking on TV. When they announced my exclusion, I felt angry. They presented us as criminals while we were the victims.

How do you see your future now?

Now I live each day as it comes. In as sense they took my liberty of worship off. I will never forget what happened even if it made me stronger for the future. I want to fight for my rights, I want to keep on studying and to succeed without them. It was just a bad time in my life. And even if it is not easy to study with the correspondence courses I am not left by myself.

To conclude:

We cannot major in sciences anymore since we can not do practical work anymore. They have no right to tell us how to practice our religion and how to dress. Fortunately we could make them understand that our parents did not force us to wear the veil, contrary to what they thought, that it was our choice, and that even if our parents would ask us to take it off we would not do it. My father told me that if I wanted to take it off to keep on going to school I could. But I refused.

MERIEM

"They came with a clear idea, they wanted to exclude me"

Can you introduce yourself please?

My name is Myriam, I am 14 and a half years old, I am a pupil of the fourth form to whom was denied the access to the courses right from the first day of the new school year, in September the 2nd, 2004

How did you spent your schooling last year?

Everything went off smoothly. During my third form I had no problems. My average for the year was of 15, my relationships with my teachers and my classmates were very good. I never had problems. I want to become an ophthalmology surgeon.

For how long have you been wearing a headgear?

I am wearing the headscarf since September the 1st 2001.

What is the signification of the veil or the headscarf for you ?

To me it is a religious obligation, it is a way to show my love to God and to serve Him.

When did you get in touch with the March 15th Freedom Committee? Where you satisfied with the support they provided you with?

In fact I never called the March 15th Freedom Committee, My mother did. We got many ideas after contacting them, I thank her for that.

Who told you about the March 15th 2004 law? How was it presented to you at the start of the school new year ?

The headmaster read it to me and to my parents at the start of the new school year.

How did you spend that start of the new school year?

From the first day, I did not wear my headscarf as I used to do. In order not to have problems I have worn a large bandanna which covered my hear, despite that I was kept during an hour in the office with the year heads and the headmaster. They ordered me to take it off, or else I would not be accepted in class. They told me that I had to chose between my schooling and letting my religion out of the door, or to start the phase of dialogue which will lead me to the disciplinary hearing and Finally towards the exclusion.

Then the year head told me: *"You should not' waste your schooling for that. You don't cover your head because they are dirty or because you have a disease?"* . Then he said to me: *"I have a daughter, her mother is Algerian, if she wants to wear the headscarf, she may but she won't wear it at school. The law must be respected, one has to think, one must succeed in life you can't stop your schooling"*. At the end he repeated: *"One must think"*. We were going to the classrooms when the second year head told me that the headmaster wanted to see me. While waiting for the headmaster to come and take me, I stayed in the year head's office. During that time , the second year head said to me: *"What are you going to do? You have to take it off to succeed in your schooling?"*

Anyway, then the first year head told me: *"and if you follow private lessons, are your parents able to pay for that?"* I replied *"Yes enough!"* And then the headmaster came. He asked me to follow him to his office and he read at loud voice the law. He told me to sign a document saying that he had read the law, and then he told me that if I wanted to go into the classroom I had to take my headgear off. I answered that I was not wearing a conspicuous religious dress and that it was an accessory as any other. Then He accompanied me to the classroom, I took my books and we have read the school rules.

What was the headmaster's behaviour? The teachers'? The pupils' ?

The headmaster's behaviour was normal. Concerning the teachers it depended. Some of them came to the classroom where I was to tell me that I was mad and that I would rather take it off. They were speaking about equality between men and women, and things like that.

Of course they made no bones about humiliating me, asking ironical questions such as : *" You don' t wear it because your hair is dirty or because you have a disease?"* And other similar remarks. I refused to take it off so I was placed in an isolated room. I was neither with my teachers nor with my classmates, I was in an office with no lessons to work on.

They denied me the access to the playground, they even denied me the access to the toilets during the other pupil's break, fearing that I may melt with my classmates.

They even issued a file concerning me, I had the feeling I was a criminal, I felt like I had committed something very serious. My mistake is having a piece of fabric on my hair. I have spent nights of anguish, having nightmares.

A teacher even made a fuss of me and my belief. Then I was placed in the year head's office, facing a window, I was as an animal in a zoo.

I came to school to be in a classroom with my teachers and my classmates and I found myself locked up just as a criminal.

Were you provided in your junior high school with a satisfying continuous education support?

At the beginning and during the first fortnight, I was left with anything, and it is only when the headmaster received the letter From the lawyer that she gave me a copy of the math lesson. Then, whether they gave me all the lessons in one piece and not all the subjects, or they gave me nothing at all

How did you feel during the disciplinary hearing?

I felt that it was useless to talk with them, they came with a clear idea, they had already decided the exclusion, full stop.

How did you feel at the announcement of the exclusion ?

I was expecting such an outcome, but this is unjust

What happened the disciplinary hearing and the local education authority appeal commission ?

The disciplinary hearing last four hours and twenty minutes, It is very long so I cannot describe it. The local education authority appeal lasted an hour and a half. I was not present to defend myself. Only my mother and the lawyer attended it, and we have not received the Chief education officer's decision

What memories do you keep of this issue?

I have bad memories of that, a feeling of injustice and I hope that things will change. Laws change for us and our rights are flouted, I am denied the right to go to school.

And now how do you see your future?

I see it very clearly. I will undertake my GCSE and next year I will register at the Averroes high school (the first Muslim junior High school in France, situated in the city of Lille), insh'Allah and then to the faculty of medicine

A last word.

I am subjected to a real discrimination, I have changed the accessory I was wearing, I have made great efforts, but they didn't want to know. The headmaster said that I was wearing a conspicuous sign and even if I changed of accessory everyday, to his point of view it will remain a conspicuous way of dressing since it was continuously worn. Since the start of the new school year I have no lessons, since they forbade me to go to the classrooms. I am isolated from my classmates and this is an injustice that a girl of my age should not be subjected to.

SAIDA

“The teachers excluded me from class and called me a liar”

I am 20 years old; I study at a technical high school in order to become an assistant manager. I have good relations with people and especially with my family.

I have worn a veil since the 8th grade and the teachers and the headmaster have always put pressure on me. It has always been a problem for some of my teachers and the headmaster who were sometimes mean with me. Last year my teachers even told me that they considered it a lack of respect to work as an intern in a company with a veil.

The professionals never said anything about my dress and I could do all my internships with my veil. My friends never made me feel that my dress disturbed them. The only problem was the teachers. At that time their reluctance made me uncomfortable. Morally, it was hard.

I have a plan for the future. I plan to do a masters degree in management. I want to evolve, to be active. This year I already had to make some concessions and wear something more discreet on my head. I hoped that the headmaster and the teachers would accept it and let me go on with my studies.

Psychologically, it would have been difficult for me to go school without anything on my head. I thought that with a bandanna or a bonnet it could have been possible. I had to keep my dignity and feel good about myself, about my beliefs. To me wearing a veil is a

part of practising my religion, asserting my thoughts. It is being myself. It was my choice not my family's.

I thought a lot before the first day of class 2004. I was very anxious all summer and I tried to find solutions. Two days before the first day of class I called the "March 15th Freedom Committee". It was my sister who talked to me about it. A member of the Committee informed me about the law and the limit of its application. But the first day of class I was choked,

I did not think it would be that hard. I was isolated in a room. The relations with the teachers were tense although I tried to find an agreement. When I told them that the March 15 2004 law did not forbid discreet religious signs or hats that has no religious connotation the teachers answered meanly and told me that the school rule forbade categorically any hat or veil.

The relations with the teachers got worse day after day. I had no right to go to class. It seems that nobody cared about it. I could get some class notes thanks to a friend. Moreover she had to insist because the teachers did not want to give them to me. On September 9th, three days after school started, I took the decision to wear a bandanna. But, the headmaster who received me in his office did not notice that I had changed my headscarf, and he was quite angry.

He tried to scare me. I felt very bad after that. I didn't understand why I was treated in any such way. This violence gave me the feeling of being hated and rejected. I felt that they wanted to spoil my future, to destroy me, without letting anybody know about it. But it was only the beginning of a long period of isolation and suffering. All the

administrative staff came to see me from the nurse to the social worker.

The message was always the same: they wanted me to take off my headscarf. Their argument were: "we have to protect ourselves from terrorism as much as we can" or "*you look like a member of a terrorist group*", and so and so. I did not like their visit. There was no dialogue; it was a monologue in which they explained that I was not as I should have been. I felt that they hated me because of my veil. Because of my veil, I was dangerous, I had to be punished. It was hard, I felt weak in front of these persons that aggressed me and hurt me.

I do not think that my dress disturbed people more than a racy dress. But for them there was no doubt about it. The disagreement between our ideas was strong. They were fierce but I hoped that we could find an agreement. But the teachers excluded me from class and called me a liar. I was hopeful until the last moment. I really thought that I could go join my friends in class to study. But it never happened. Nobody cared about my situation at school, or about my future. Nobody cared about me at school. I was nothing anymore. It did not matter if I was rejected, it did not matter the way they talk to me, and it did not matter if my future was threatened.

During this time, I felt very bad morally and uneasy. I felt harassed and depressed, I could not sleep anymore. The supervisors followed me in the halls of the school. On November 28th the headmaster slammed the door in my face. I was shocked. His aggression had no limit, he hated me. I was nervous. The school place became my prison. I had no rights, and I did not deserve any consideration.

When I did my formation in a secular association for scouts to become organiser in day-care centres, I saw things differently. At that time I was in contact with the society, with citizens from different origins and of different philosophies. There, I could see that I had become different. I had become paranoid. Each time someone talked to me I thought it was a trap. It was crazy, I know. My relations with the other members of the group were tense, but it was my fault or more precisely it was because of my way of thinking. I understood that psychologically I had changed- I became distrustful, I did not trust anybody anymore.

I reached this state because of the constant persecution I suffered. At school, the difficulty was everywhere, in every area of the administration, everything was complicated: the scholarship form, my student ID, the access to my school records. The headmaster always refused to sign an approval on my student ID because I wore a veil on the picture. He took a long time before giving me the form to apply for a scholarship. We had to ask him many times before

I could have access to my school records and he waited until the last minute to give them to me. The violence of the critics directed toward me in front of the other student exhausted me. I also contacted the Human Rights Organisation. Their mail made me feel that I was despised. I searched for any organisation or institution that could have helped me. I wrote to the President, to the Home Secretary, but nothing worked. When I finished my internship and came back to school the situation was better. I did not see the headmaster anymore, and some of my teachers accepted to give me the class notes. But I had to pass exams for courses without getting any explanations from the teachers.

Now I have a different opinion of people working in Education; I felt bitterness toward them. Words like “*we gave you the class notes just because we are nice with you*” shows why I do not accept anything from them anymore. Even the school inspector expressed his contempt to me when he came: “*I know French better than you and what you have on your head is not a bandanna but a veil*”. It seems that he did not fear to hurt me because I was alone and nobody was there to hear what he said and to defend me.

Tonight is the disciplinary hearing. I am nervous. I fear their lies since the headmaster already lied without scruple about what I said. But I have a clear conscience. Only God knows the truth, he knows who is lying and that is the only thing that comforts me. I think that their lies show that they have no moral values.

CAROLINE

"We are not going to measure the inches of fabric! "

My name is Caroline, I am 20 years old, I am taking my technical A level in a private secretarial college.

Since January the 16th I had decided to wear a headscarf tilted backwards. In January the 19th, I went to see the year head to tell him that I was a Muslim girl and that I was wearing a headscarf titled back as a sign of modesty. But that day I came to school with nothing on my head, because knowing the controversy about the religious signs at school, I had chosen to be diplomatic.

He told me that I had to speak with the headmaster, but until the moment of that appointment I had the right to wear a bandanna. From that day began the long and difficult battle. The three following days I was wearing a bandanna, that is to say the little square of fabric that you fold in two.

The fourth day, the headmaster who told me that my dress was problematic convoked me in an emergency. Then, taking his remark into account I came to the high school with only a headband, because in fact, the year head wanted to say a headband and not a bandanna, it was only a question of inches.

The headmaster told me to wait like that, until a vote of the teaching staff concerning the headscarf within the high school.

At the end of June, I was convoked by the headmaster, who told me that he accepted neither bandanna nor a headband, because we are not going to measure the inches of fabric" !

He told me that the high school depended on the diocese and the State. The diocese had given him the decision-making power.

To me the headscarf is a sign of submission to God, I obey the obligation to cover one's head and to be modest in one's dress which is contained in the Quranic verses and confirmed by the Muslim scholars. This is part of my dignity, of my freedom of choice and of my religious freedom. This is part of me and to take it off is hurting my dignity.

I got in touch with the March 15th Freedom Committee at the 2004 start of the new school year. The problem in my case which was explained to me by one of the people involved in that committee was that my high school was not submitted to the March 15th law, and that I was in fact allowed to go to school with my headscarf. I was scandalised and revolted to learn that, but reality has its rules and I must think about my studies and my future. I am the only veiled girl in the high school.

In September 2004, I began my second year to prepare my technical A level. The first day of the start of that new school year, I had problems with my headband.

After a few minutes of presentation of the classes, the headmaster convoked me to his office. I came to the high school with a headband but a bit wider than usual ones. My chignon was visible. Very coldly he told me to take off my headscarf. I answered that it was not a headscarf but a headband. He told me that for them it was a headscarf and that we had come to an agreement on that subject in June 2004. I replied that I was precisely not wearing a headscarf or a bandanna and that I had respected what we had agreed about; He didn't want to

know, so I took it off and replaced it by a common headband that I had brought with me. He asked me if I had read the school rules. He threatened me. I all the same told him that according to the school rules if I came in nun dress, this would cause no problem : "that wearing dress or signs that conspicuously express religious affiliation other than Catholic affiliation are banned"

He could not answer anything. Ever since, I am wearing a headband even if now I know that the high school is not respecting the law.

Since the beginning, the headmaster let me believe that my wearing the veil did not disturb him. Actually the law is not applicable in my high school and yet progressively through the interview that I had with him, I have remarked that he did not agree that much with my choice.

Then I came back to the classroom, very angry and my classmates noticed it. Then the headmaster came to the classroom and spoke about the headscarf issue saying that: "In our high school all origins, colours and religions are respected", then he ended up saying that the Islamic headscarf was not accepted, because according to him it represented a degrading image of the woman and that it questioned the women's battle for freedom.

Since I immediately abode by the headmaster's will, wearing a common headband, problems have vanished. I still suffer stares, but no bad words. The headmaster says hello and we act as if everything was right in order to finish the year in the best conditions.

My future is my vocational training certificate as a management secretary in school courses combined with work experience. For the headscarf, we will see what the company will say.

For those who are able to fight, this is a good thing, but in my case being married, I have to make a living in order to be independent from my mother who has helped me until now.

May Allah forgive me.

CONCLUSION

Beyond the sufferings, the resentments, the humiliations that these young students endured due to the conditions of drawing up and of application of this law, what balance could we draw up after a year of application of the March 15 2004 law ?

The French parliament has often been blamed for having increased the number of useless laws. The first question deals with the goals that this law targeted: what were they? The answer is not obvious and has to be split into two distinct analyses:

By studying the issues raised during the debates of both commissions (Debré and Stasi commissions) and those mentioned by the press, we counted 29 society issues treated to justify the ban of “conspicuous religious signs” at school.

Among them:

- School violence and the students’lack of respect,
- The rise of Islamic fundamentalism in ghettos,
- Violence against women, from multiple rape to forced weddings,
- Anti-Semitism, communitarian conflict in urban areas
- Some women’ refusal to be checked-out by male doctors
- Women status in Iran and in North Africa,

- The compatibility of Islam and the Republican values,
- International terrorism,
- ...

Many real but disparate issues are supposed to lead the observer to conclude that a symbolic and strong signal has to be sent to the Muslims of the third generation.

The published sociological studies seem to reveal those erroneous a priori, like Laurent Mucchielli who said in an interview to the newspaper *Libération* March 2nd 2005 about his new book «*Multiple Rape Scandal: Media Discourse And Sociological Second-Enquiry*» (edition: *La Découverte*) that “there is as much multiple rape as before” and that “it is an abusive ethnical prejudice to pretend that multiple rapes are linked to ethnical origins or to religion...”

Did the March 15 2004 law reduced violence, even a little, and did it increase students respect at school? Did it reduce violence against women, multiple rapes and forced weddings? Did it really reduce the problems of medical approach of foreign populations in the French hospitals? Did it improve women status in Iran and in North Africa?

The purpose of the law was not to solve the issues raised during both commissions' debates.

The explanations presented in the bill presented to the National Assembly have to be studied.

We can find:

- 1- Defend and reinforce secularity that expresses values of respect, dialogue and tolerance.
- 2- Preserve the liberty of conscience.
- 3- Protect religious freedom
- 4- Guarantee everyone's liberty to express and practice its faith peacefully.
- 5 - Preserve school:
 - Privileged place to learn and transmit common shared values.
 - Instrument *par excellence* of attachment to the republican idea.
 - To guarantee the equality of chances.
 - To guarantee the equality of acquisition of values and knowledge.
 - To guarantee the equality between boys and girls.
 - To guarantee the coeducation especially for sports and physical education
- 6 – The matter is not to move the border of secularity.

If we take up again points 2, 3 and 4, we can objectively wonder to what extent wearing dress or signs that conspicuously express religious affiliation at school was before going against that freedom of conscience, the freedom of religious choice, and this freedom to express and practice peacefully one's faith....

It would mean ignoring that this debate had been filled out with assertions which claimed that State School was gangrened by ethnical problems, mainly opposing Muslims of the suburbs and Israelis who were in minority and could only crouch down.

Recent Sociological studies and the figures concerning racist delinquency show a completely different reality. In 2003, before the adoption of the March 15 2004 law, anti-Semite aggressions have significantly decreased, both at school and in the rest of the society. This may delight us but unfortunately, we can notice a new upsurge of anti-Semite acts in 2004, after the adoption of the law.

We can especially notice a massive outbreak of anti-Muslim acts, to such a point that we had to count them as early as October 2003, during the debate over the law, knowing that they were not counted before that period (Attacks of Muslim people and mosques, demotion of Muslim cemeteries, and racist writings), 182 censed acts between October 2003 and August 2004.

We can even affirm that the debate, and the march 15 law, have been understood by a number racist people as an authorisation to commit anti-Muslim acts, a normalisation of islamophobia.

Some other observers enhance the fact that the law also enabled an encouragement of the expression of atheism and to repress the expression of religious believes.

One can objectively affirm that the March 15 law has, as early as September 2004, prevented at least 806 pupils from practising peacefully their religion.

Hence it is possible to conclude that concerning points 2, 3 and 4 the law has exactly brought the opposite effects compared to the claimed objectives.

Same conclusion concerning point 6, it is very easy to demonstrate that the law has indeed altered secularism, that is to say we went from a secularism imposing a religious neutrality on the teaching staff to a secularism imposing a neutral religious dress on the public school users.

Risking being tedious, we could take up one by one those reasons to demonstrate, that in the best case, the law has not improved anything, and in the worst it has degraded the situation.

We are forced to notice that the March 15 law has not reached the objectives its adoption was aiming at. In fact its has only served to satisfy a very active lobby of executives of the State Education, joined by atheists, militating to impose a new law, a new version of the "French secularism", more atheist and less respectful of consciences and religious practises.

This minority Group has acted just as sociologists call it as "businessmen in morals" (OUTSIDERS - Becker and Howard's sociology studies of deviancy) and they have used its means (Think-tanks, Technical preparation agencies, Press campaigns, Active lobbying, Entryism in influence groups: trade union, politics...) in order to convince the majority that the law had to be changed.

And what about next year?

We do hope that reason will prevail over passion and that the noticed abuses in the implementation of this law may be stopped.

We also dare hope that during the next start of the new school year, the headmasters and the teaching staff will show more respect and be more understanding towards pupils who will endeavour to conform to the law. A law that cannot be used as a mean to humiliate our children.

Paris, May 2005

Septembre 2005: Epilogue

*One year after the implementation of the March 15th law: the first
court decisions*

In the « headscarf affairs » in French state schools, the first judgements have been given on the substance of the case.⁹ Do those judgements belong to the normal legal procedures of a state of law, or are they, on the contrary, still part of the exceptional history of the “law of exception” justifying such decisions? In other words, does the presence in France of a Muslim minority so much challenge our two-century old state of law that it needs to defend itself?

A “law of exception” from the point of view of human rights protection and defence

The 15 March 2004 law, “*regulating, in application of the secularity principle, the wearing of signs or attire expressing a religious affiliation in state primary and secondary schools*”, adopted by Parliament with record speed, obviously affects religious freedom and therefore raises legitimate questions as to its compatibility with our human rights protection system.

Yet, the French *Conseil Constitutionnel* did not examine it¹⁰ because the opponents to this law failed to round up the sixty members of parliament required to refer the matter to that institution. Consequently, the questions concerning the compatibility of this law with national and international human rights defence norms inevitably persist. The exceptional history of this law aimed at a minority of the French population enables us to speak of a “law of exception”.

⁹ Court decisions can be either on the substance of the case or on the form.

¹⁰ The *Conseil Constitutionnel* is the institution which must, among other tasks, check that laws are in conformity with constitutional principles.

A chasm between the text and its implementation

Besides, once the law was passed, has it been implemented in keeping with the spirit and the letter of the final text?

One cannot but recognise that the staff in state schools and more generally the French public opinion have interpreted this law as excluding all “Islamic headscarves” and all Muslim girls covering their heads from France’s primary and secondary schools.

And yet, this is not what the law says! Indeed, its first article states that: “*in state primary schools, junior high schools and high schools, wearing signs and dress by which students conspicuously show a religious affiliation is forbidden*”.

The words have been very precisely chosen to allow at least an apparent conformity with national and international norms for the protection of religious freedom.

The law’s implementation has ignored those albeit essential semantic subtleties: the students suspected of wearing the least sign of a minority religion have immediately been set aside, treated as if they were plague-stricken or even criminal and systematically quarantined. Such treatment constitutes a violation of human dignity and was felt by some as a humiliation, which may lead to very serious psychological and academic consequences for those teenagers. It is not based on any official text but it went on for weeks, sometimes months, in full sight of everyone, without raising the least indignation nor the least wide-ranging protest.

The disciplinary hearings organised to sanction those who “do not respect the law” once more proved to what extent basic legal notions

are absent from the national educational system in spite of the official texts in which they are mentioned. Violations of formal rules, violations of basic defence rights, various forms of pressure on the defenders: such essential formal irregularities would normally lead to the annulment of any disciplinary procedure! But it is not so in the case of a “law of exception” which must be enforced at all costs!

The ignorance of law in French state schools is well-known. The daily newspaper *Libération* published a full-length analysis of the subject on June 20th 2005 and went as far as speaking of a “denial of right” in schools.

Rectors did have the opportunity, when local education authority appeal commissions met, to stress the need to respect basic rights in disciplinary matters. They did not, thus brushing aside all the irregularities, confirming the quarantines and humiliations, confirming the absence of education for students who were normally registered in state schools, and confirming the systematic decisions to expel those students, without respecting the principle of “proportionality of penalties” imposed by “common law”. A “law of exception” requires exceptional disciplinary measures!

The jurisdictional phase

Once the arbitrary exceptional disciplinary procedures ended with local education authority decisions, would normality at last be restored when law professionals took over?

The excluded students’ lawyers did not fail, to a greater or lesser extent, to stress the total absence of any text justifying the

quarantines and humiliations, the irregularities in form and substance that marred the disciplinary hearings or the lack of proportionality of the penalties.

But the most interesting part of the legal debate concerned the object of the law itself: the ban on conspicuous religious signs and dress. What is a religious sign or dress? How does one judge this sign or dress to be conspicuous?

Since in practice the penalties only applied to the followers of minority religions, the law's implementation here takes on its full discriminating dimension, all the more so as it systematically leads to exclusion from the "normal" educational system and thus, concretely, from the right to education which is another basic right theoretically guaranteed by national and international human rights protection norms, more particularly as far as minorities are concerned.

It must be stressed that the students who were expelled, sometimes after months in quarantine, did not have any concrete alternative to normal schooling, since private schools almost systematically refused to have them, although they lie outside the scope of the 15 March 2004 law.

In the light of the first court decisions, what has been the reaction of administrative courts?¹¹

Illegal school regulations

In many cases, the excluded students' lawyers pointed out that the internal regulations of the schools systematically and absolutely

¹¹ In France, administrative courts are distinct from penal courts and civil courts.

prohibiting all head coverings were illegal. They referred to a very classical administrative jurisprudence stipulating the *Conseil d'État's* position as far as the restriction of liberties (in this case, the freedom to choose one's dress) is concerned: "...*The restrictions imposed by the administrative or police measure must be adapted to the gravity of the threat or trouble...*" (**Conseil d'État¹² jurisprudence of 13 May 1933, Benjamin case**)

The Strasbourg Administrative Court¹³ partly admitted this argument when it noted:

– About school regulations stating that: "*Wearing any head covering is forbidden in classrooms; offenders will be expelled.*" "*Considering... that by prohibiting head coverings in classrooms alone in order to ensure order within the school, in particular the respect of the rules of security, health and civility between the different members of the school community, the contentious provision in the internal regulations of R. high school does not affect the rights to the respect of private life, freedom of expression or religious freedom recognised to students by national and international texts in a way out of proportion with the objectives for which it was enacted,...*"

– But about school regulations plainly stating that "*wearing any head covering is forbidden*", the same court resumes the former argument and adds: "...*that, however, by prohibiting the wearing of head coverings on school premises in a general and absolute way,*

¹² The Conseil d'État is the highest French jurisdiction as far as administrative justice is concerned.

¹³ The Administrative Court is the first level in administrative justice, the second being the Administrative Appeal Court and the third the *Conseil d'État*.

without distinguishing between teaching areas and external grounds and without justifying the need for such a ban, the authors of the aforesaid provision in the internal regulations have overstepped the extent of the powers allowed to the administrative authority to ensure order within the school,...

However, since, according to the court, the decisions to exclude those students were not motivated by the violation of school regulations but directly by the violation of the 15 March 2004 law, the illegal nature of school regulations did not entail the annulment of those exclusion decisions. School regulations will simply have to be modified to comply with the law.

Quarantine: an illegal sanction or a conservatory measure invented for the occasion?

The period of quarantine which excluded students from their right to education during weeks and even months even before any disciplinary hearing was called, was pointed out by all the lawyers.

Can those arbitrary decisions, taken by headmasters without any juridical basis, be sued?

If the court considers them as being unmotivated penalties, they can be sued and their illegality can lead to the payment of damages.

In their first decisions, the Lyons and Caen administrative judges therefore prefer to consider those quarantine measures as conservatory measures, justified by the maintaining of public order in schools:

“Considering that according to the 30 August 1985 decree n° 85-924, art 8, the school supervisor ‘is responsible for order in the school’ and ‘ensures the respect of the rights and duties of all the school community members’, that art. 9 of the same decree says that ‘in case of serious difficulties in the functioning of a school, the headmaster can take all necessary measures to ensure the good functioning of the public service...if there is an emergency, the headmaster can: - forbid the access to the school premises to any person belonging to the school or not ; - suspend teaching or any other activity in the school.’”

The problem is that art. 9 of the decree is only partly quoted! The reading of the entire article shows us that it doesn't apply to the situation encountered in the schools during the term starting in September 2004:

Article 9 of the 30 August 1985 decree n° 85-924 : « In case of grave difficulties in the functioning of a school, the school supervisor can take any necessary measure to ensure the good functioning of the public service.

If there is an emergency, and especially in case of a threat or action against order on school premises and grounds, the headmaster can, without prejudice to the general dispositions ruling the access to schools:

- *forbid the access to those premises and grounds to any person belonging to the school or not;*
- *suspend the teaching or other activities within the school.*

The headmaster informs the administrative council of the decision taken and is accountable to the academic authority, the mayor, the president of the county council or regional council, and to the State representative in the county."

We can clearly see here that this is about repressing riots, large-scale thefts, even racket or drug trading... of which the students punished were never guilty.

The unjustifiable had to be justified here, and the definition of a conservatory measure was forgotten. One will of course look in vain in the judgements, for the description of the trouble or troubles to public order (*case of grave difficulties in the functioning of a school...*), to which those "conservatory measures" were supposed to answer... What a justification of weeks and even months of quarantine inflicted to teenagers in construction!

The Strasbourg administrative judges have a completely different view. On the same quarantine measure applied to another student, they say:

"Considering that such a decision, which does not constitute a simple preparatory measure to the decision by which this student was subsequently finally expelled from R. High school and which resulted in Miss K. of the possibility of normally enjoying the teachings provided in the public school service, does constitute in the present case an unmotivated decision liable to be sued as action ultra vires"... and the judges conclude:

"Considering that the litigious decision refusing Miss K. access to teachings and setting her apart, especially in the absence of indications regarding its nature, its duration and the conditions of its

implementation, does not belong to the educational and pedagogic measures that a high school headmaster could legally take (...) the plaintiff is therefore entitled to argue that it is illegal and to demand its annulment".

Thus, on this particular question of quarantine, what is true in the East of France is not true in other areas...

About the irregularities of the disciplinary hearings

The expelled students' lawyers did not fail to bring to light the many infringements of the rights of defence committed knowingly or by ignorance by headmasters during the preparation and the passing off of the disciplinary hearings. How do administrative judges consider those mostly glaring breaches of legal principles?

Well, headmasters despising the rights of defence, or simply ignorant of them, rejoice! The very numerous texts guaranteeing students' rights bother you? The multiple procedural claims of the defendants and their defenders importune you? Your arbitrary power is King, the judges themselves tell you so!

As long as you prosecute offenders to the 15th march 2004 law with the support (and even the encouragements) of your Academy Rector, do not bother with complicated procedures! Court judgements themselves tell you so!

"It results from those dispositions [i.e. article 31-1 of the 30 August 1985 decree] that the 6 december 2004 decree of the academy

rector has substituted to the 21 October 2004 decision of the disciplinary hearing of J. junior high school; that, consequently, the conclusions leading to the annulment of the 21 October 2004 decision are inadmissible.

Considering that the means relative to the irregularities which vitiate the procedure at the end of which the 21 October 2004 decision was taken are invalid, since the rector's 6 December 2004 decision has substituted for the decision of the 21 October 2004 disciplinary hearing."

In other words : since the Academy Rector has confirmed the decision of the disciplinary hearing by his judgement following the regional education authority appeal commission, all the irregularities of the disciplinary hearing have been washed away...

One can thus legitimately wonder about the utility of taking part in a disciplinary hearing.

A complete part of the 1st article of the law disappears !

Regarding those first judgements, one can legitimately question the meaning that the legislator wanted to give to the following part of the 1st article of the law : *"(...) by which the students conspicuously demonstrate an affiliation(...)"* because, for the judges, it really seems that the first article of the law becomes: *"in state primary schools, junior high schools and high schools, the wearing of religious signs and dress is forbidden"*.

What is the origin of this semantic miracle? Of this most extraordinary disappearance?

Some courts (Strasbourg administrative court) show an astonishing discretion on the topic, even though it concerns the substance of the issue: any headgear, whatever it is (Islamic headscarf, bandanna, beret...) is thus systematically qualified as a *"headscarf that she usually wears as a sign of religious affiliation (...)"*.

« Considering (...) that she has constantly reaffirmed her intention not to take off her headscarf or at least a head dress used to cover her hair; that based on those facts, whose materiality is not questioned, and which traduce the will of the person concerned to manifest conspicuously her religious affiliation by wearing a dress conforming to what constitutes for her a religious prescription or practice ».

This particular case deserves our attention: the student has never affirmed that she was a Muslim, she wore a beret and never said that she wanted to wear it continuously, explaining that, if the circumstances required it (security, health, etc.), she was ready to consider any alternative solution, refusing only to justify the motives of her choice to wear a beret...

In spite of that, the judges follow the administration of her High school by prejudging (on which arguments? That is a mystery! Her facies maybe?) that she is a Muslim, qualifying her beret as a *"headscarf that she usually wears as a sign of religious affiliation"* and so long as the student *"constantly reaffirmed her intention not to take off her headscarf or at least a head dress used to cover her hair"* which she never did, one can legitimately consider that this

attitude traduces “*the will of the person concerned to manifest conspicuously her religious affiliation by wearing a dress conforming to what constitutes for her a religious prescription or practice*”.

To sum up, and considering only concrete facts, a law supposed to forbid “*the wearing of signs and dress by which students conspicuously show a religious affiliation*” leads to expelling from the school system a (good) student who persists in wearing a beret and refuses to explain why...

It is vain to search in this judgement the limits of what is conspicuous and what is not, of what is the manifestation of a religious affiliation and what is not...

But the Caen administrative court goes further by creating “conspicuous substitution”:

“Considering that it appears from the documents in the file that Miss XX showed up, on the first day of school 2004- 2005, wearing a black veil for which she substituted, as of the 16th of September 2004, a black bonnet; that although wearing a head dress within the school area does not contravene the dispositions of the article L. 141-5-1 of the Education Bill, it appears from the documents in the file and despite Miss XX denials, that she has made the bonnet the substitutive mark and the conspicuous manifestation of her affiliation to the Muslim religion”.

As it is (gratefully) reminded by the administrative jurisdiction, the simple fact of wearing a headdress is not by itself forbidden by the 15th march 2004 law. So, once the clearness reminded, one has to go further and take an interest to the reasons which characterize the

violation of the principle. However, on this particular point, the content of the judgement is lapidary: “it results from the documents of the file”. All in all, we learn that the student has questioned the interpretation that we imposed her and that the intimate conviction of the judge was formed despite this statement “in spite of Miss XX denials...”

But the most instructive element, and also the most innovating, is the link made by the magistrates between wearing this headdress, lawful in itself, and conspicuously. By a very surprising thinking, the administrative judges have seen in the changing of dressing of the student in order to conform to the law, “*the substitutive mark and the conspicuous manifestation of her affiliation to the muslim religion*”. What does it mean?

If she came on the very first day of term with the same bonnet, changing nothing in her dress, would we have opposed the same reasoning to her? Why then do we say about her, that she tried to “disguise conspicuously” her religion by replacing her head dress.

Truly, instead of taking into account the changing of the dress, the judges have showed a kind of permanence, almost linear and uniform, in the way they appreciate the facts. It is indeed this permanence which grounds the decision: because she kept on, constantly, wearing a head dress, and even though she changed it, the magistrates have thought they could deduct from that her religious affiliation.

However, by considering that the bonnet marked conspicuously the Islamic affiliation of the student, they come to a decision, clear though but without any rational ground. It is indeed obvious for all

that a simple bonnet (it is stressed for being precise that it was black...) is not a religious sign, in the common sense, but it is possible that it becomes one. According to this point of view, the statement of a diversion of purpose can be made under certain conditions, and especially to ensure that the student wanted to use this attribute not only to obey to her religious beliefs but also and specifically in order to be immediately recognized across them.

Nothing, in the law dispositions and the precisions brought by the 18th may 2004 decree, allows us to say that the change from a conspicuous sign, recognize as such, to another, non religious, make the last one necessarily a conspicuous religious manifestation.

It leads us to two considerations:

The first one is that the argument that we criticise admits that the conspicuous aspect, which is the root of the prohibition, passes on, not through wearing the sign or the dress, but through the person herself. Exposed as such, nothing contradicts the idea that even by adopting any head dress the law would have been applied to this student anyway.

In a way, a she would be submitted to a presumption, qualified by the jurist as irrefragable since we cannot demonstrate it ("in spite of the student's denials"), as being a conspicuous religious manifestation.

The second one brings into light the contradiction of the administrative court's argumentation. By admitting that by a dress substitution, the student kept on manifesting conspicuously her religious affiliation, the judges have failed to recognize the meaning and the literal definition of the conspicuously. How can we think that

the student was wearing at first a "forbidden" dress, and then admit that she changed it, to conform to the law, and all this, by the end of the day, in order to carry on being recognized as being Muslim at first sight?

This is a perfect nonsense which denaturizes the facts and reality: the plaintiff did not choose to change her head dress to be better inserted to the clothing picture of her school, or, in other words, to melt better in the mass of students. By changing her veil, usually reserved to a category of persons, for a bonnet, worn by all, she clearly showed her intention not to be immediately recognized as Muslim. As a consequence, his wearing would loose, by the substitution operated, any conspicuously religious aspect.

Thus, if there are things that the common sense cannot explain without loosing itself, there are others which does not need any interpretation and that we must express strongly: except if we confound knowingly the visible and the conspicuous, the fact of dissimulate by the substitution, one's religious affiliation is opposed within itself to the conspicuously of it's expression. *La Palisse* would have said, in his words: we cannot at the same time show and hide.

Stronger than ever : a complete article of the law (in a four article law only!) disappear!

The article 4 of the 15th March 2004 law says : "the dispositions of the law form the subject of an evaluation one year after its implementation".

The law was implemented on the first day term in September 2004, so we are now one year later, most of the victims of this law and their defenders wait impatiently to take part to the application of the article 4...

But in vain, since nothing is foreseen in the French Parliament which is on holidays until the 3rd October 2005!

The very beginning of an evaluation would be an hypothetic report that the national Education Authority Inspector would have given to the Education Minister in the beginning of July. The problem is that it has not being published and it is thus difficult to have an idea of the “positive evaluation” of the law that would be presented according to the only two very short newspaper articles dealing with this report. In spite of the leakage of very few well chosen information, the Inspector manage to be taken up by the two journalists who underline that she comes out from her role by pointing out that “ among the arguments put forward to justify this vigilance, the fact that student wear back their veil once they come out of school. Except that this attitude is not concerned by the law and is nobody’s business, except the girls”.

Anyway, this report can only reaffirm the triumphal arguments of the education Minister since the inspector does not seem to have had any interest in listening to the students expelled, their defenders or the associations that supported them...

Those who are trying to have an impartial opinion on the issue (journalists, research workers...) say that they are shocked by the difference of transparency that exists between the supporters and the opponents to the exclusions.

According to them, it is as easy to find interlocutors among the defenders of the expelled students, and also among those who claim for a liberal implementation of the law, allowing discrete religious signs. It is also easy to understand their logical arguments.

However it is difficult, always according to them, to find the real promoters of the law, able to explain how they carried this idea, what was their strategy of action, and the difficulties of its implementation, what were their initial goals and if they reached it.

As an example, when we ask the authorities on the concrete aims of the 15th March 2004 law, we received radically opposed answers regarding the period or the interlocutors.

Generally, the supporters of the exclusions seem to have definitely renounced to transparency in their approach: absence of publication of the *Conseil d’Etat* preliminary judgement, organisation of a minimalist trucked debate excluding the person directly concerned, no refer of the French *Conseil Constitutionnel*, no publicity on the National Education Authority Inspector’s report.

This contrast between the transparency of the defenders of freedom and the opacity of the supporters of exclusions forces us to wonder on the real role and the impact of the actions of this activists acting on the “dark side of the force”...