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Un-Veiling Islamophobia in the Post-9/11 Era:  
Orientalism in the Veil Debate in France and  
the United States, December 2003 to June 2004

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**Un-Veiling Islamophobia in the Post-9/11 Era:  
Orientalism in the Veil Debate in France and the United States,  
December 2003 to June 2004**

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“A thesis submitted to the faculty of the University of North Carolina at Chapel Hill in partial fulfillment of the requirements for the degree of Masters in the Department of History.”

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## **ABSTRACT:**

Elizabeth Hope Bordeaux: Un-Veiling Islamophobia in the Post-9/11 Era: Orientalism in the

Veil Debate in France and the United States, December 2003 to June 2004

(Under the direction of Don Reid)

This essay explores the role of Orientalism in contemporary Western society through an analysis of the debate over the Muslim veil or *hijab*, in public schools in France and the United States, between December 2003 and June 2004. It focuses on several official documents, reports and speeches produced by each government, in response to the debate over *hijab*, as well as some popular literature which informs official language and opinions.

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## INTRODUCTION

On 14 February 2004, thousands of French Muslims took to the streets of Paris and Lyon to protest the proposed ban of conspicuous religious symbols in the nation's public schools. Carrying banners and signs which read, "School is my right, the veil is my choice, France is my shelter,"<sup>1</sup> and "the veil, my choice," veiled French Muslim women asserted their own national identities as both French citizens and Muslims. In a highly symbolic gesture, some female protestors in Lyon wore veils in the blue, white and red pattern of the *drapeau tricolore*, France's national flag.<sup>2</sup> The anti-ban demonstrations and the eventual law of March 2004 that banned "ostentatious" religious symbols in French public schools were the result of an important social debate surrounding the role of Muslims in French public life. Subsequently, American politicians condemned the French legislation, invoking their own idealized version of American pluralism to question the legitimacy of the veil ban. Following these events, in early 2004, US Department of Justice intervened on behalf of veiled American Muslim students, asserting their right to veil in American public schools. During a six month

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<sup>1</sup> In the original French, the three-line tricolor banner read, "L'école c'est mon droit/Le voile...mon choix/La France c'est mon toit." See an AFP photo taken 14 February 2004 by Jean-Loup Gautreau, available at <[www.gettyimages.com](http://www.gettyimages.com)> (accessed 13 March 2007).

<sup>2</sup> Unsigned article, "Thousands Protest Headscarf Ban," *The Associated Press*, 14 February 2004. Available at <<http://www.cnn.com/2004/WORLD/europe/02/15/france.headscarves.ap/>> (accessed 27 March 2006).

period from late 2003 to 2004, the Muslim veil or *hijab* became a renewed subject of international controversy and legislative action. This study will analyze the controversy over the Muslim veil, or *hijab*, in France and the United States through the framework of Edward W. Said's Orientalism. Contemporary Islamophobia is Orientalism in a new form. What Said identified as a "legacy of connections" between the colonial past and the present is exemplified by the debate over *hijab* in Western life and depictions of veiled women in the contemporary West.<sup>3</sup>

Viewed at a glance, the French and American government's divergent positions on the veil in public schools would appear to contradict Said's thesis of a unified Western canon of Orientalism. However, deeper textual analysis<sup>4</sup> suggests the opposite, that Orientalism is present in both debates, in differing forms. I argue that an Orientalism informed reading of the texts produced by the veil debate reveals the continuity of Orientalism as an ideology in the post-colonial West and shatters the nationalist arguments put forth by politicians and activists to obscure the Orientalist discourses and the otherizing of veiled women within the 2003-2004 debate. The terrorist attacks of 11 September 2001 are an underlying motif of Orientalist discourses of the veil debate, providing a tangible motivation for Western fears about Islam and Muslim identity, whether these fears are articulated openly or not.<sup>5</sup> The existence of Orientalism within the

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<sup>3</sup> Edward W. Said, *Culture and Imperialism* (New York: Vintage Books, 1994), xi-xxvii.

<sup>4</sup> "Contrapuntal reading" or "contrapuntal analysis" is a term used by Edward Said to characterize his reading of literary texts and their relationship to the real world. That is, he argues that fictional narratives both reflect popular opinions and help create them. See Said, *Culture and Imperialism*, xi-xxviii, 16. I apply the term "contrapuntal" to my own analysis of non-fictional narratives, because I argue that they are both a reflection of "the real world," and an attempt to place boundaries on "the real" to create new, i.e. revisionist histories or narratives.

<sup>5</sup> See Avery F. Gordon, *Ghostly Matters: Haunting and the Sociological Imagination* (Minneapolis: University of Minnesota Press, 1997), 1-7, for a discussion of the role of absences and haunting in texts,

veil debate is embodied by the different political and rhetorical techniques that the United States and France have used to classify and “solve” the “Oriental problem” of the veiled Muslim woman, by manipulating her identity as an “other,” either by banning the veil or accepting the veil in certain contexts and denying its legitimacy in other situations, as American politicians have done. Moreover, the particularly gendered character of Orientalism is represented in the treatment of veiled Muslim women, who are made to bear the symbolic weight of Islamic identity within their own communities.

### ***Examining Orientalism***

Edward W. Said’s 1978 monograph, *Orientalism* has come to define the contemporary study of the Middle East, and indeed, most post-colonial societies. Said argued that the canon of Middle Eastern studies, then labeled “Orientalism,” had created and perpetuated a stereotypical view of the Middle East as backwards, despotic and lacking in civilization. This constructed Orient, he argued, was created as the negative foil of Western society and usually portrayed with five distinct “dogmas” of Orientalism.<sup>6</sup> As Bryan S. Turner has stated,

“Edward Said’s massive study of Orientalism [exists] as a discourse of difference in which the apparently neutral Occident/Orient contrast is an expression of power relationships. Orientalism is a discourse which represents the exotic, erotic strange Orient as a comprehensible, intelligible phenomenon within a network of categories, tables and concepts by which the Orient is simultaneously defined and controlled. To know is to

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images and literature as a marker of relationships between power, knowledge and experience. Gordon looks for “shapes described by absences,” and also analyzes the construction of “the other,” as a negation of complex personhood in real life.

<sup>6</sup> Edward W. Said, *Orientalism* (New York: Pantheon Books, 1978), 1-31.

subordinate...Orientalism created a typology of characters, organized around the contrast between the rational Westerner and lazy Oriental.”<sup>7</sup>

The need to define and control the Orient via *hijab* is a key feature of discourse surrounding the veil debate in France and America. I argue that the presentation of the veiled woman as a victim of masculine despotism is yet another example of the continued existence of an Orientalist discourse and typology in contemporary Western society, under its current guise of Islamophobia. Controlling veiled women is a significant aspect of Orientalism. However, an important feature of 21<sup>st</sup>-century neo-Orientalism is the ability of current Orientalists to adapt older typologies and categories to suit contemporary political goals and power structures. Examining several political texts produced in the veil debate in France and America for Orientalism and Islamophobia reminds us of the continuity of Orientalism, and provides a global, rather than nation-centric, historical analysis of the treatment of Muslims as highly visible minorities in Western society. Such an analysis has been absent from treatments of the veil debate, which tend to focus on national issues, like immigration and assimilation.<sup>8</sup> Reexamining Orientalism is also necessary in light of recent skeptical treatments of *Orientalism*, and historical scholarship that treats modern Orientalism half-heartedly or inconsistently.<sup>9</sup> In the field of American historiography, recent works on Cold War-era Orientalism have

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<sup>7</sup> Bryan S. Turner, “Orientalism and the Problem of Civil Society in Islam,” in *Orientalism, Islam and Islamists* (Battleboro, VT: Amana Books, 1984), 24.

<sup>8</sup> Maxim Silverman, *Deconstructing the Nation: Immigration, Racism and Citizenship in Modern France* (London and New York: Routledge, 1992), 1-198. See especially chapter four of Silverman, which discusses the relationship of racism, immigration and assimilation to the larger veil debate.

<sup>9</sup> See Robert Irwin, *Dangerous Knowledge: Orientalism and its Discontents* (Woodstock, NY: Overlook Press, 2006), for a recent critique of Orientalism. See Douglas Little, *American Orientalism: The United States and the Middle East Since 1945* (Chapel Hill, NC: The University of North Carolina Press, 2002), as an example of recent American historiography that discusses Orientalism inconsistently or half-heartedly within the text.

identified a tension between classical Orientalism<sup>10</sup> and the forms of Orientalism active in the mid-twentieth-century, which they characterize as “Post-Orientalism.”<sup>11</sup> While I acknowledge the importance of previous studies, in the post 9/11-era, the popular resurgence of Orientalist discourses in the West deserves recognition and systematic analysis. The veil debate is an opportune and revealing vehicle for an analysis of contemporary forms of Orientalism, which are often obscured by nationalist rhetoric or mistakenly distinguished from Orientalist tradition under the label Islamophobia.<sup>12</sup> The current popularity of Islamophobia represents one adaptation of traditional Orientalism, into an Islamophobic discourse which appears more “legitimate” than Orientalism because it ostensibly focuses on religion, rather than race or ethnicity.<sup>13</sup> Islamophobia adapts the main tenets of Orientalism, refocusing them as solely religious, rather than ethno-religious descriptions, thereby circumventing criticisms of racism or Arab bias. Unlike traditional Orientalism then, Islamophobia can be defended by its advocates as acceptable because of acts of terrorism like 9/11. However, in practice, Islamophobia is applied to the entire Muslim community without distinction, and “hostility towards Islam

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<sup>10</sup> By “classically” or “traditionally” Orientalist, I mean characteristic or reminiscent of eighteenth and nineteenth-century Orientalism, that is to say, Orientalism in its most racist and blatantly derogatory form.

<sup>11</sup> For “Post-Orientalism”, see Melani McAlister, *Epic Encounters: Culture, Media and U.S. Interests in the Middle East, 1945-2000* (Berkeley and Los Angeles: University of California Press, 2001), ix-xv, 4-42, and Christina Klein, *Cold War Orientalism: Asia in the Middlebrow Imagination, 1945-1961* (Berkeley and Los Angeles: University of California Press, 2003), 10-11.

<sup>12</sup> “Islamophobic” discourse is usually used in ways identical to Orientalism, therefore, I argue that Islamophobia is just Orientalism under another name.

<sup>13</sup> European Monitoring Centre on Racism and Xenophobia, *Muslims in the European Union: Discrimination and Islamophobia* December 2006, available at <[http://eumc.europa.eu/eumc/material/pub/muslim/Manifestations\\_EN.pdf](http://eumc.europa.eu/eumc/material/pub/muslim/Manifestations_EN.pdf)> (accessed 15 March 2007), 60-61. The European Monitoring Centre on Racism and Xenophobia (EUMC) report on Islamophobia identifies eight tenets of Islamophobic discourse. These include the presentation of Islam as a “monolithic bloc, static and unresponsive to change,” that Islam is “the other” as well as “inferior to the West,” “barbaric, sexist,” and Islam “is seen as violent, aggressive, threatening, supportive of terrorism and engaged in a clash of civilizations.”

is used to justify discriminatory practices towards Muslims and the exclusion of Muslims from mainstream society.”<sup>14</sup>

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<sup>14</sup> Idem. Adherents to Islamophobia, like their Orientalist predecessors, see “Anti-Muslim hostility...as natural and normal.”

## SECTION ONE

### France and the Hijab: Universalism as Orientalism?

The veil debate in France is older and more complex than its American counterpart, did not originate with the 2004 ban on “ostentacious” religious symbols. “L’Affaire des foulards”<sup>15</sup> is usually traced to a 1989 controversy when several Muslim girls were expelled from their public school in Creil, France, ostensibly because their veils represented a challenge to the French system of *laïcité* or secularity within the public schools and institutions of France.<sup>16</sup> However, the French high court, the Conseil d’État,<sup>17</sup> ruled that the presence of veiled students in public schools did not contravene *laïcité*. Similar cases occurred in very small numbers in France over the course of the 1990s and veiling was repeatedly affirmed as legally acceptable within the French public

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<sup>15</sup> This translates as the “affair of the headscarves” in French. The Muslim headscarf is the most common, and ironically the least “ostentacious,” form of veiling worn in France, compared to the more extensive forms of *hijab*, like the *burqas* and *abeyas*, worn in Afghanistan and Saudi Arabia, respectively.

<sup>16</sup> See Bernard Stasi, *The Stasi Report: The Report of the Committee of Reflection on the Application of the Principle of Secularity in the Republic*, trans. Robert O’Brien (Buffalo, New York: William S. Hein & Co., Inc., 2005),: vii-xxvii; or Michel Troper, “Religion and Constitutional Rights: French Secularism, or Laïcité,” *Cardoso Law Review* 21 (February 2000): 1267-1272, for a discussion of *laïcité*.

<sup>17</sup> Translated, the “Council of State” is the highest administrative authority overseeing civil disputes between the French state and its citizens, Stasi, *Stasi Report*, xxv.

school system.<sup>18</sup> Why, then, did the law banning “ostentacious” religious symbols, i.e. the *hijab*, need to be passed in the spring of 2004?<sup>19</sup>

A contrapuntal reading of documents produced by the French government in 2003, and an analysis of the influence of Islamophobic polemical literature on the *hijab* issue reveals that controlling and defining the “Orient” within France is the real intent of French legislation banning the veil. While a variety of national traditions and historical circumstances inform the veil debate in France, at the heart of the literature on the veil issue rests a profound distrust of the “Oriental” populations which now make up a large and newly visible segment of the French population. The political rejection of their claims to a simultaneously French and Muslim identity articulated through veiling, by the French government is a symptom of the Orientalist biases still present in contemporary French society. Limiting the influence of “the other” in French society is the primary concern of French politicians, intellectuals, and activists, although they frame their opposition to “the other” by invoking French principles of universalism and republicanism. Orientalism, then, is the foundation of the national response to veiling in France.

### ***Reading Stasi: The Production of Knowledge in the Stasi Report***

In December 2003, after a lull in media attention, the veil returned to prominence in the French popular press and political discourse. The 2003 media furor

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<sup>18</sup> Fawzia Zouari, *Le Voile Islamique: Histoire et Actualité, du Coran à L’Affaire du Foulard* (Paris: Favre, 2002), 83-86.

<sup>19</sup> The use of the term “ostentacious” in the legislation is significant, as it allows students to wear small or discrete symbols of religious affiliation, such as the Christian cross, or the Jewish Star of David. As a result, the law is popularly held to discriminate against veiled Muslim women disproportionately.

surrounded the publication of a governmental commission report, commonly known as the Stasi Report, which recommended the banning of “ostentacious” religious symbols in the nation’s public schools. After calling for a reassessment of *laïcité*<sup>20</sup> by sponsoring the Stasi Report, then-French President Jacques Chirac embraced the report’s positive view of French secularism and negative view of Islam and Muslims, particularly the report’s analysis of Muslim gender relations and the *hijab*. The document reaffirmed French ideological traditions of secularism and anti- *communautarisme* by rejecting symbols of conspicuous difference in French society, like the veil. Within months of its publication, the report and Chirac’s embrace of its message led to new legislation which banned conspicuous religious symbols in French public schools, most notably the *hijab*. The rapid transformation of the veil from a contested symbol into an illegal one, represented how effectively French political discourse was able to define, marginalize, and finally outlaw *hijab* in the public schools by portraying veiling as an Oriental institution, alien and contrary to French values of civilization and gender equality.

On 11 December 2003, *The Report of the Commission for Reflection on the Application of the Principle of Secularity in the Republic* was delivered to French President Jacques Chirac. The Stasi Report was ostensibly written to address the issue of *laïcité* in France, by analyzing French legal and historical traditions. However, it is important to acknowledge that the report was sponsored by President Chirac as a political document and has been well-received across the French political spectrum, amongst both conservatives and progressives. The most notable sections of the report

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<sup>20</sup> *Laïcité* is the principle of secularity that is enforced in French schools; *communautarisme* is a negative term, used in France to refer to the breakdown of society into ethnic, religious or other communities. The closest English equivalent would be “multiculturalism.”

discuss the so-called educational and institutional conflicts associated with religious and ethnic identity in France.

Chaired by Bernard Stasi, the official ombudsman or Mediator of the Republic, the committee was charged in 2003 with resolving the questions surrounding secularity in France. It is the Stasi Report which officially recommended a ban of “ostentatious” religious clothing or symbols in public schools.<sup>21</sup> The report contained several important themes, which included redefining the French theory of *laïcité*, providing a rationale to exclude *hijab* from the public sphere, and the portrayal of veiling as an inherently sexist institution, all of which effectively placed veiling beyond the pale of French civilization. Examining these themes reveals how the French government applied and redefined ideologies, like *laïcité* to delegitimize *hijab* and veiled women. Moreover, the report’s analysis of France’s “religion problem” reflected common stereotypes of France’s Muslim population. These themes and stereotypes are important as they provided the government with an official rationale for Orientalist policies, which are shrouded in nationalist language, like that of *laicism* and universalism, making the true nature of these policies more difficult to discern and challenge.

Taken at face value, the Stasi Report proposed a return to true French values of *laïcité* and universalism, and made the recommendation to ban the veil out of a concern for the intellectual and personal freedom of veiled Muslim girls as republican citizens. Moreover, the Muslim headscarf was associated with a rise in religious identification, which was and is perceived as a threat to French national unity. In France, religious identity is identified with coercion and oppression, particularly for Muslim women. This emphasis on the protection of the individual, from religious coercion by individuals,

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<sup>21</sup> Stasi, *Stasi Report*, vii-xxvii, 1-20.

religious groups, sects, or the state itself, was a primary theme of the report. The apparatus of the secular state is posited as the protector of the individual from religious imposition of any kind.<sup>22</sup> The Stasi report placed importance on the ability of the collective French citizenry to interact in a religiously neutral public space. Thus, secularism was presented as a unifying force in French society, and as an integral part of French national identity. Developing a French identity within the public education system was another theme of the Stasi Report. Thus, the ban on “ostentatious” symbols was justified as an attempt to prevent religious coercion and propaganda within the public schools, while small symbols were and are allowed as symbols of religious membership in French schools, according to the official language of the report.<sup>23</sup>

However, the report’s justification and analysis of *laïcité* contained several interesting features, which indicate that the ban on “ostentatious” religious symbols was a certain conclusion before the report was even published. In his invocation letter to the committee, French President Jacques Chirac asked the committee to consider several questions, which clearly set the anti-veil tone and content of the report. Chirac first asked the chairman to contemplate, “What measures are likely today to favor calming implementation of the secularity principle?” Then he continued, “Within the schools of the Republic, how can full force be given to the requirements of secularity?”<sup>24</sup> Given the substance of the committee’s mission, as articulated by Chirac, it is unsurprising that the end result was a ban on *hijab* in schools.

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<sup>22</sup> Ibid, 19; 20-55.

<sup>23</sup> Ibid, 10-20.

<sup>24</sup> Ibid, 8.

The report's mission effectively created a false causal relationship between veiling and discord within the French public schools, and by implication, with Islam and disturbances the French public sphere.<sup>25</sup> Secularity was presented as the heroic combatant against religious influence in an unending battle "marked by violent crises," a historical portrayal that is reminiscent of the "clash of civilizations" rhetoric of contemporary Orientalism.<sup>26</sup> Of similar importance was the report's characterization that "secularity has formed our collective history," and the report articulated a vision of French history derived from the Greeks, Renaissance and the Enlightenment, that wholly excluded Muslims or Islamic culture from its narrative of intellectual, political and economic achievements. The report identified *laïcité* as the "inheritor of Greek rationalism and the Judeo-Christian tradition," a description which is loaded with Orientalist overtones.<sup>27</sup> As Said described, the process of defining and subordinating the Oriental other entails the creation of a bipolar discourse, between Western rationality and Eastern irrationality. The Stasi Report, then, was a vehicle for the creation and perpetuation of Orientalist discourse in France. According to the report, only "the most rational currents" in Islam are compatible with French republicanism.<sup>28</sup> As a result, veiled women in French schools were implicitly characterized as irrational others. The

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<sup>25</sup> Similarly, some intellectuals in France blamed the 2005 suburban riots following the accidental deaths of two Muslim youth on Islam. "Islamic radicalism" or "machismo" is often blamed for violence and crime in France's *banlieues* or ghettos.

<sup>26</sup> Stasi, *Stasi Report*, 16. The term "clash of civilizations" is derived from an article by Samuel Huntington, which Edward Said criticized in an article entitled, "The Clash of Ignorance" in *The Nation* (October 2001), available at <<http://www.thenation.com/doc/20011022/said>> (accessed 9 March 2007). Said wrote, "'The Clash of Civilizations' thesis is a gimmick like 'The War of the Worlds,' better for reinforcing defensive self-pride than for critical understanding of the bewildering interdependence of our time."

<sup>27</sup> *Ibid*, 17.

<sup>28</sup> *Ibid*, 19.

significance of the report, then, is that it reinforced Orientalist discourses of power, by imbuing Western values with a positive character, while Islam was consistently depicted in less positive terms. The sections of the report that directly address veiling are clearly Orientalist in tone; for example, the report characterized the wearing of *hijab* thusly, “the significance of the Islamic veil is that it stigmatizes ‘the pubescent girl or the woman as solely responsible for masculine desire,’ a vision that conflicts with the fundamental principle of equality between men and women.”<sup>29</sup> Moreover, the report’s analysis of French jurisprudence was constructed to exclude veiling from the French school system.

While arguing that the French state must provide “the means of coexistence for individuals in one place who do not share the same convictions,” the report described French legal precedent as “scattered.”<sup>30</sup> Instead of beginning the discussion of this so-called “scattered body of law,” by analyzing the legal precedent established in earlier “les affaires des foulards” in the 1980s and 1990s, which would reaffirm the compatibility of veiling with *laïcism*, the Stasi Report looked in another direction entirely. While the report mentions late nineteenth and early twentieth-century French laws, for more recent jurisprudence it invokes international law. Here, the report takes on a surrealist<sup>31</sup> quality, jumping from the 1905 law which separated the French state and educational system from the Catholic Church, to a recent Turkish law banning an Islamic political party. The report cited Turkish political precedent, established in the European Court of Human Rights’ acceptance of the official Turkish governmental

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<sup>29</sup> Ibid, 53.

<sup>30</sup> Ibid, 20.

<sup>31</sup> I borrow the term “surrealist” from Alec Hargreaves’ lecture “The Challenge of Ethnic Diversity in France,” given 1 March 2007 at the University of North Carolina, Chapel Hill.

position in *Refah Partisi and others v. Turkey* of 13 February 2000. The use of this particular case, which the report called “highly significant” is intriguing, as the modern Turkish state’s relationship to Islam has been a tumultuous one, as embodied by the ban on the *Refah Partisi*, an Islamicist party in Turkey.<sup>32</sup> The appropriation of Turkish policy, then, represented a definitive break with previous *hijab* cases in France, post-9/11. The unusual nature of this appropriation is explained, not by legal precedent, but by Orientalist fears about Islam. The implication of the French embrace of Turkish policy is that French committee members viewed Islam as fundamentally threatening to French government and society, much as the secular Turkish establishment rejects any Muslim influence in government. Thus, the report again connotes Islam with instability and danger, although the report’s authors have to reach out to international, non-French events to do so. Moreover, this suggests that the Stasi committee was desperately searching for any legal precedent to ban *hijab* in the public schools.

Most importantly, the analysis of the Conseil d’État decisions of the 1980s and 1990s in the Stasi Report is an indicator of the French government’s desire to mischaracterize almost twenty-years of legal veiling in French public schools. While the Stasi Report stated that in earlier *hijab* cases, “the context was *clearly* different from what it is today,” the report provided no compelling explanation for significant contextual change from 1989 to 2003 [my italics].<sup>33</sup> The use of the term “clearly” here is ambiguous and misleading; the report’s only stated criticism of earlier Conseil d’État

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<sup>32</sup> With the establishment of the modern Turkish state after World War I, an authoritarian program of Europeanization and secularization was undertaken by Kemal Ataturk. Only in 1996 was an openly Islamicist politician elected to high office in Turkey; subsequently there was a military-driven backlash against Islamist political parties, culminating in the ban on the *Refah Partisi*, which the European Court upheld. See Olivier Roy, *Globalized Islam* (New York: Columbia University Press, 2004), 60-61.

<sup>33</sup> Stasi, *The Stasi Report*, 30.

decisions is that they provided no mention of “the question of discrimination between men and women.”<sup>34</sup>

The depiction of Muslim gender relations and veiled women in the Stasi Report is another significant trope of contemporary Orientalism. Islam and the veil are characterized as sexist and discriminatory Oriental institutions that are incompatible with French, i.e. Occidental, and egalitarian values. As a result, the Stasi Report claims that it is the responsibility of the French state to save veiled Muslim women from masculine oppression. The Stasi Report’s preoccupation with Muslim female oppression via *hijab* echoes the European nineteenth-century fascination with the harem as innately foreign and tyrannical towards women. The stereotype of the harem woman, known in France as the *odalisque*, was a prominent theme of traditional Orientalist<sup>35</sup> discourse, in spite of the discrepancies between reality and European and American fantasies of the harem. In the Stasi Report, nineteenth-century stereotypes about *odaliques* as powerless and sexualized victims are transposed onto contemporary veiled Muslim women. Like their *odalisque* predecessors, characterized as imprisoned behind harem walls, French Muslim women are presented as victims of their male relatives, imprisoned by the demands of patriarchal society or Muslim misogyny in *Stasi*. The foremost symbol of female oppression in this discourse, of course, is the veil. As the report states, “the significance of the Islamic veil is that it stigmatizes ‘the pubescent girl or the woman as solely responsible for masculine desire,’ a vision that conflicts with the fundamental principle of equality between men and women.”<sup>36</sup> The report denies the substantive religious

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<sup>34</sup> Ibid, 30.

<sup>35</sup> By “traditional Orientalism,” I mean the Orientalist discourse of the eighteenth and nineteenth centuries.

value of veiling to some Muslim women, for whom the experience of *hijab* is a solemn and important sign of their commitment to Islam. The denial of agency and intellectual autonomy to Muslim women in the Stasi Report, especially veiled women, is a chief example of 21<sup>st</sup>-century Orientalism.<sup>37</sup>

Even French usage of the term “veil” to suggest harem-like exclusion and women’s oppression oversimplifies the complex significance given to *hijab* in Arabic, the *Qur’an* and feminist interpretations of Islam. In the *Qur’an*, revelations regarding male and female dress do not use the term *hijab*, or refer concretely to forms of female garb. Instead, Muslim women and men are engendered to dress modestly. In Arabic, the word *hijab* has multiple meanings, including “cover, wrap, curtain, veil, screen” and “partition” and the word *hajaba*, can signify either the adoption of the veil or an effort to conceal or partition something.<sup>38</sup> The Arabic term “*min wara’ al-hijab*” or “behind the *hijab*,” has been used variously to describe the partition between “good and evil, light and dark, believers and non-believers, or aristocracy and commoners.”<sup>39</sup> *Hijab*, in its purest sense does not automatically signify female inequality, but refers to the creation of a sphere of sanctity and personal privacy. The misinterpretation of *hijab* contained within the *Stasi Report* is not unique to the current veil debate; rather there is an Orientalist history of mischaracterizing Islam as a stagnant set of inward-looking cultural

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<sup>36</sup> Stasi, *The Stasi Report*, 53.

<sup>37</sup> See Judith E. Tucker, *Women in Nineteenth-Century Egypt* (Cambridge and London: Cambridge University Press, 1985), 1-199, particularly her chapter on the harem. Also see Reina Lewis, *Gendering Orientalism: Race, Femininity, and Representation* (London and New York: Routledge, 1996), 127-178. For an analysis of the harem stereotype in the contemporary West, see Fatima Mernissi, *Scheherazade Goes West: Different Cultures, Different Harems* (New York: Washington Square Press, 2001), 1-220.

<sup>38</sup> Fadwa El Guindi, *Veil: Modesty, Privacy and Resistance* (Oxford, UK and New York: Berg, 1999), 157.

<sup>39</sup> Idem. Some Muslim feminists have used this ambiguity to argue that veiling was only prescribed for the wives of the Prophet Muhammad, rather than all Muslim women. See Leila Ahmed, *Women and Gender in Islam* (New Haven, CT: Yale University Press, 1992).

values or the enemy of Western civilization. Islam has been categorized by a previous generation of Orientalists as a “parasitic” or even false religion, and the source of “failure” within Muslim civilization vis-à-vis Western cultural achievements.<sup>40</sup> Past Orientalist depictions of Islam as static and barbaric are echoed in the Stasi Report’s analysis of the veil’s impact on Muslim women. As Pruett states, Orientalist portrayals of Islam ignore Islam’s history as a lived religion that has changed over time, and denigrate the ideal of “submission to God” which is sacred to billions of Muslims.<sup>41</sup> Rather Orientalists have consistently depicted Islam as “a cultural artifact requiring interpretation by outsiders,” i.e., Westerners.<sup>42</sup> Like previous Orientalist discourse, the Stasi Report denies Muslims in France the intellectual capability to have an “Islamic” identity and a modern identity simultaneously and claims that veiled women are “submissive” to man, rather than God. Thus, the call to ban the veil in French public schools and institute an “acceptable” version of Islam in contemporary France is part of a long tradition of Orientalism.

The theme of reform and moderation of Islam within the Stasi Report also has Orientalist implications. Calls for Islamic reform via westernization or increased secularization have been present within Orientalist discourse for decades, if not centuries. Given Orientalists’ depictions of Muslims as backward and resistant to modern society, it is unsurprising that Orientalist discourse portrays Westerners as responsible for bringing modernity to Muslims. Enlightenment by virtue of European

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<sup>40</sup> Gordon E. Pruett, “‘Islam’ and Orientalism,” in *Orientalism, Islam and Islamists* (Battleboro, VT: Amana Books, 1984), 43.

<sup>41</sup> *Ibid.*, 45-64.

<sup>42</sup> *Ibid.*, 79.

influence is a common trope of Orientalism.<sup>43</sup> The Orientalist discourse advocating reform of Islam from outside, rather than from within, is a primary component of the Stasi Report. The report characterizes this effort as “the integration of Islam and Muslims into the major currents of contemporary critical thought,” a description which again places Islam and Muslims beyond the pale of civilization and contemporary life.<sup>44</sup> Exploring all of these Orientalist themes reveals that the Stasi Report is more than an assimilationist tract about *laïcité* in France. Stasi represents the continued influence of Orientalism in French society, and the ability of French officialdom to construct paradigms of knowledge about “the Orient,” i.e. Muslims, in France. These paradigms include a hostile portrayal of Islam, a characterization of veiled Muslim women as oppressed victims of masculine brutality and sexism, and the need for Islam to be “purged” of these barbaric elements through the benevolent influence of French civilization, most notably *laïcité*. The post-9/11 hegemony of this discourse is revealed by the degree that the Stasi Report rewrites French history vis-à-vis earlier *hijab* cases in the 1980s and 1990s. The hegemonic nature of Orientalist discourse in contemporary France is evident by French President Jacques Chirac’s response to the Stasi Report.

### ***Embracing Stasi: Jacques Chirac Responds***

On 17 December 2003, French President Jacques Chirac, delivered a speech in Paris entitled “On Respecting the Principle of Secularism in the Republic.” Chirac’s speech was both a legitimization of the Stasi Report and an act of political performance

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<sup>43</sup> Ibid, 64-88.

<sup>44</sup> Stasi, *The Stasi Report*, 59.

that relied on Orientalist tropes to reinforce Western hegemony. In answer to the 11 December completion of the Stasi Report, President Chirac articulated a traditional nationalist vision of France as “an open, hospitable and generous country.”<sup>45</sup> Like other official documents from France, Chirac’s speech is ostensibly preoccupied with the perceived threat of ethnic division and separation within the Republic. Chirac’s ideological vision, articulated within the 17 December speech, is of a secular, enlightened France, united by “history, tradition and culture,” as well as “humanist principles” of “equality and fraternity among all French people.”<sup>46</sup> Chirac asserted a dichotomous relationship between Republican identity and religion, where religion and ethnicity have the potential to disrupt the “national community.”<sup>47</sup> As a result, he argued that a secularized national or “French” identity should take precedence over any racial or religious identity. Much of Jacques Chirac’s political rhetoric echoed the nationalist tone and analysis of laïcité within the Stasi Report.<sup>48</sup>

By embracing this view of French identity, Chirac placed himself firmly alongside commentators who called for a ban on “conspicuous” religious symbols, i.e. the *hijab*. By invoking a nationalist view of French history, Chirac reaffirmed the Orientalist tropes of the Stasi Report about the threat of Islam to Western civilization. In fact, he claimed that “the danger lies in the release of centrifugal forces, the exalting of divisive particularisms; in wanting to see rules governing sections of our society take

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<sup>45</sup>Jacques Chirac, Excerpts of a Speech entitled “On Respecting the Principle of Secularism in the Republic,” delivered in Paris, France on December 17, 2003. Available at <<http://www.elysee.fr/elysee/root/bank/print/2675.htm>> (accessed 27 March 2006).

<sup>46</sup> Idem.

<sup>47</sup> Idem.

<sup>48</sup> Idem

priority over national law.”<sup>49</sup> With his significant use of the word “danger” to describe the supposedly “particular” identity threatening France, Chirac subliminally referred to an entire canon of Orientalism without ever using the words Islam or Muslim. Unconsciously or consciously, the French President wedded the Republic to anti-Islamic Orientalist sentiments, including the presentation of an antithetical contrast between French Enlightenment and Islamic civilization. Chirac accomplished this by characterizing the Republic as an ideal place, implicitly foiling<sup>50</sup> “French” values with the supposedly “divisive” and antithetical values of “the other” in France. The subconscious foiling of Occidental values with unspoken Oriental ones is evident in the way Chirac describes the threat to *La République* as nothing less than a spiritual and physical battle. To give in to Islam would “sacrifice her heritage, compromise her future” and would “result in the loss of her soul.”<sup>51</sup> As a result, Islam and the *hijab* can be read as an enemy of French republican values. Chirac’s vision of France inadvertently reveals the Orientalism of the veil debate. His speech is a presentation of all things non-French as negative and divisive to France, rather than an acknowledgement of the positive contribution Muslims could have, or do make, in contemporary French society. His speech oscillates between an idealized description of republican values and his rhetoric about a republic “under siege” from the threat posed by minority groups in France. The tension within his speech is meant to reinforce the quasi-religious purity of republican values in the face of supposed Oriental defilement. Chirac’s vision of the

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<sup>49</sup> Idem.

<sup>50</sup> By “foil,” I mean, provide an antithetical, contrasting opposite, i.e. “good vs. evil.”

<sup>51</sup> Chirac, *Secularity*, available at <<http://www.elysee.fr/elysee/root/bank/print/2675.htm>> (accessed 27 March 2006).

Republic is essentially a call to return to the Republic of 1900, a republic unified by *laïcité*, and a homogenized public French culture of whiteness in contrast to the Oriental “otherness” represented by *hijab*.

What is the larger significance of the Stasi Report and Jacques Chirac’s deployment of Orientalism in the veil debate? In the mid-twentieth century, France experienced a massive influx of immigrants, mainly from the former colonies of Algeria, Morocco and Tunisia.<sup>52</sup> These immigrants, usually known as Mahgribiens, were largely Muslim and working-class and many remain impoverished and socially isolated in the suburbs, despite decades of residence in France. Their children and grandchildren, Beurs or Beurettes, are similarly marginalized today. They are legally French citizens, most identify themselves as French and they have few cultural and emotional ties to North Africa or the Islamic world. Nonetheless, Beurs are still stigmatized as “others.” The question of their proper identity and assimilation into French life has dominated the veil debate. Moreover, life in the suburbs has become associated in the public consciousness with crime, violence and other modern social problems, roughly comparable to American notions of urban violence and poverty. Some have claimed that anti-veil sentiment is among the last socially “respectable” forms of racism in France, comparable to earlier periods of rampant anti-Semitism, epitomized by the Dreyfus Affair.<sup>53</sup> As

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<sup>52</sup> What role France’s colonial history plays in the veil debate, particularly the long and bloody conflict in Algeria, deserves fuller study. Certainly the involvement of radical Islamic groups in Algeria had an impact on French perceptions of Islam and the threat of Islamic terrorism. See October 3, 1958 speech by French president Charles de Gaulle, available at <<http://www.fordham.edu/halsall/mod/1958degaulle-algerial.html>> (accessed 27 March 2006). De Gaulle’s articulation of France’s civilizing mission in Algeria is a nationalist depiction of France, not dissimilar from Jacques Chirac’s evocation of French identity in 2004.

<sup>53</sup> Said Bouamama, “Ethnicisation et construction idéologique d’un bouc émissaire” in *Le Foulard Islamique en Questions*, ed. Charlotte Nordmann (Paris: Amsterdam Press, 2004), 37-45, Houia Bouteldja,

Tricia Danielle Keaton describes, these factors have led to the labeling of French citizens of Arab and African descent or ethnicity as “suitable enemies” in the popular discourse.<sup>54</sup> Several commentators have accused the French government of anti-immigrant racism in its veil policy.<sup>55</sup> One French Muslim student described the French policy thusly, “this whole debate is about hiding our problems...this law isn’t necessary...It’s crazy! They’re not criminals; they’re just trying to go to school!”<sup>56</sup> Veiled schoolgirls also have to respond to the negative attitudes of their teachers, who reject their claims to a simultaneously French and Muslim identity. One teacher rejected a student’s assertion that she chose to veil, rather than being forced by her parents, stating, “I find that hard to believe. I believe, all the same, that she is unconsciously influenced by her upbringing.”<sup>57</sup> Despite the fact that this teacher described the same student as “intelligent, animated and lively in class (sometimes too much),” like French officials, she denied her students the autonomy to make their own decisions about faith and identity.<sup>58</sup> However, this veiled student described her own decision to veil in a sophisticated, articulate way: “Personally, I want to veil because I’m Muslim and the

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et al. “Une nouvelle affaire Dreyfus,” in *Le Foulard Islamique en Questions*, ed. Charlotte Nordmann (Paris: Amsterdam Press, 2004), 47-54.

<sup>54</sup> Tricia Danielle Keaton, *Muslim Girls and the Other France: Race, Identity Politics and Social Exclusion* (Bloomington and Indianapolis: Indiana University Press, 2006), 2.

<sup>55</sup> Maxim Silverman, *Deconstructing the Nation: Immigration, Racism and Citizenship in Modern France* (London and New York: Routledge, 1992), 1-198. See especially chapter four of Silverman, which discusses the relationship of racism, immigration and assimilation to the larger veil debate. See also, Louisa Larabi Hendaz, *Le Voile Humilié ou Les Auditions Manquées de la Commission Stasi* (Paris: Editions Marjane, 2005), 1-319; Riva Kastoryano, *Negotiating Identities: States and Immigrants in France and Germany*, trans. Barbara Harshav (Princeton and Oxford: Princeton University Press, 2002), 1-11, 38-43, 69-71, 90-113; Adrian Favell, *Philosophies of Integration: Immigration and the Idea of Citizenship in France and Britain* (New York: St. Martin’s Press, 1998), 1-79, 150-200.

<sup>56</sup> Keaton, *Muslim Girls and the Other France*, 183.

<sup>57</sup> *Ibid*, 185.

<sup>58</sup> *Idem*.

Koran requires women to dress this way. But understand that it is forbidden for fathers to force their daughters to wear the veil, as well as their wives. If a woman wears the veil, she has to do it because she wants to, herself.”<sup>59</sup> Furthermore, she stated, “we can practice our religion while being totally integrated in France...work, become doctors, lawyers and school teachers,” albeit, in private schools, because teachers, like students, cannot veil in public schools in France.<sup>60</sup>

As Muslims now number 5 million in France, and are the nation’s largest religious minority, issues like *hijab* are given increased media attention and veiled Muslims are a newly visible group within society.<sup>61</sup> The social and ideological tensions caused by the association of Muslims and Islam with poverty and crime in France today are reflected in the Orientalist discourse of Stasi and Chirac. However, these social tensions have only increased since the original “L’Affaire des Foulards” in 1989.

### ***Nous Sommes Tous Américains***<sup>62</sup>

The return to Orientalist discourse in post-9/11 France is significant, as it suggests that international events, like the terrorist attacks in the United States, have hardened French opinions and policies towards *hijab* and Muslim visibility in Europe.

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<sup>59</sup> Ibid, 187.

<sup>60</sup> Idem.

<sup>61</sup> Stasi, *The Stasi Report*, vii-xvi.

<sup>62</sup> Jean-Marie Colombani, “Nous Sommes Tous Américains” in *Le Monde* 12 September 2001, English-language version available at <[http://www.worldpress.org/1101we\\_are\\_all\\_americans.htm](http://www.worldpress.org/1101we_are_all_americans.htm)> (accessed 14 March 2007). The title of Colombani’s editorial translates as “We are all Americans” and expresses the horror and solidarity with the US felt by many in France after 9/11. Colombani wrote, “This situation requires that our leaders to rise to the occasion. They must act so that the peoples whom these warmongers are seeking to win over and are counting on will not fall in step behind their suicidal logic. This we can say with some dread: Modern technology allows them to go even further. Madness, even under the pretext of despair, is never a force that can regenerate the world. That is why today we are all Americans.”

The redefinition of *laïcité* and new emphasis on assimilationist programs in Stasi that focus on integrating veiled Muslims, albeit Orientalist in tone and content, are a symbol of a wider change in French politics and public discourse since the earlier cases surrounding *hijab*. The events of 11 September 2001 and the new international visibility of radical Islam, both inside and outside of France “amplified” previous fears about Muslim identity in France.<sup>63</sup>

Fears about veiled women as symbols of a “green peril” or Islamic neo-fundamentalism have existed in France since 1989; an opinion poll taken in France in 1989 indicated that a majority of French citizens opposed the veil in public schools.<sup>64</sup> However, these fears have been amplified and given concrete expression in the events of 9/11 and the American “War on Terror” in Afghanistan. As Stasi committee member Patrick Weil wrote in 2004, the change in French opinions since 1989 came from an awareness of increased pressure “in the last two or three years.”<sup>65</sup> Although Weil characterizes this increased pressure as demands on unveiled Muslim girls to adopt the veil, it is telling that his chronology of change in the veil debate follows 9/11. Moreover, in a talk given in the United States on 8 May 2003, entitled “Terrorism and Restrictionism: Their Impact on European Immigration,” Weil asserted that 9/11 caused European governments to systematically revisit the way they see their immigrant

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<sup>63</sup> Keaton, *Muslim Girls and the Other France*, 2.

<sup>64</sup> Zouari, *Le Voile Islamique*, 83-90. A 1989 poll taken by *Le Monde* showed that 75% of French citizens were against *hijab*, while only 6% were favorable and 17% indifferent. Ironically, most French Muslims opposed or were indifferent to *hijab* as well; 45% opposed, 22% were indifferent, while only 30% were favorable to veiling in the public schools.

<sup>65</sup> Patrick Weil, “A Nation in Diversity: France, Muslims and the Headscarf,” on *OpenDemocracy.Net* (25 February 2004), available at <http://www.opendemocracy.net/articles/ViewPopUpArticle.jsp?id=5&articleId=1811#> (accessed 11 March 2007).

populations.<sup>66</sup> As a result, 11 September 2001 raised concerns about Islamic radicalism both internationally, and within France, vis-à-vis the French Muslim community. 9/11 added to French fears about Islam, abetting majority notions of a Republic “under siege” from Islamic extremism. A 2002 poll showed that a majority of French citizens, 60% were either “somewhat worried” or “very worried” about Islamic terrorism in France.<sup>67</sup> Similarly, a poll taken in late 2002 revealed that 88% of French citizens were afraid of “international terrorism.”<sup>68</sup> Polls taken in France after 2001 and the controversy surrounding the veil ban<sup>69</sup> also reveal an increased concern with Muslim identity in France. The same poll revealed that many French citizens associated Muslim identity with the potential for violence.<sup>70</sup> Moreover, the 14 July 2005 Pew Research Center poll showed that the majority of French citizens felt that current Muslim immigrants did not

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<sup>66</sup> Summary of talk given 8 May 2003 at the Nixon Center, available at <http://www.nixoncenter.org/publications/Program%20Briefs/PBrief%202003/050803Weil.htm> (accessed 12 March 2007).

<sup>67</sup> The Pew Research Center poll taken 17 April 2002, available through *Polling the Nations* database.

<sup>68</sup> Eurobarometer poll taken in December 2002, available through *Polling the Nations* database. Of French respondents, 88% said they were “afraid” of international terrorism, while only 10% said they were “not afraid.”

<sup>69</sup> The Pew Research Center Poll taken in 2005 reveals that public opinion on the issue of *hijab* in the public schools is in accordance with the official political rhetoric espoused by each nation in 2003 and 2004. A majority of French citizens, seventy-eight percent, agreed with the decisions of their government. By contrast a majority of Americans, roughly fifty-seven percent, believe that Muslim women should be allowed to veil. “French Agree with Headscarves Ban,” *Associated Press* (July 15 2005) available at [http://euro-islam.info/pages/news\\_france\\_07-15-05.html](http://euro-islam.info/pages/news_france_07-15-05.html) (accessed 27 March 2006).

<sup>70</sup> The Pew Research Center poll taken 14 July 2005, available through *Polling the Nations* database. This poll contained several questions, including “In your opinion, these days do you think there is a growing sense of Islamic identity among Muslims in our country or don’t you think so?” In France, 70% of respondents said yes. In a follow-up question in the same poll, these respondents were asked “Do you think this a good thing or a bad thing for our country?” 89% replied that it was a bad thing, while only 9% said it was a good thing. Another question was asked of the same group, “which of the following worries you the most about Islamic identity in our country today?” The poll listed three options: 1. “it can lead to violence” 2. “it can lead to a loss of personal freedom” or 3. “it will prevent Muslims from integrating into our society.” 50% of the French respondents agreed that it could “lead to violence,” while only 25% were concerned with the prevention of integration and 25% with loss of freedom.

want to adopt French customs and ways.<sup>71</sup> These fears about terrorism and Islamic fundamentalism have increased markedly since a 1995 poll, which showed that only 41% of French citizens felt that acts of terrorism were “a major threat” to themselves and the people around them.<sup>72</sup>

The rise in international attention given to terrorism since 2001 is also paralleled by a rise in polemical literature about Islam,<sup>73</sup> driven by the need to classify and gain “knowledge” about Islam and the Orient, so as to fight terrorism. The phenomenon of Islamophobic literature is transnational and not unique to France, so French anti-veil polemic can be understood as a subgenre of Islamophobic literature.<sup>74</sup> Current Islamophobia is just Orientalism in a post-9/11 guise. As Said wrote in October 2001,

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<sup>71</sup> Idem. 59% agreed that Muslim immigrants “want to be distinct” when asked “Do you think most Muslims coming to our country today want to adopt French customs and way of life or do you think they want to be distinct from the larger French society?” The same poll series revealed that, of those in France who believe some religions have the potential for violence, that Islam was considered the most violent by 87% of respondents; Judaism, Hinduism and Christianity all received 2% in the same poll, respectively.

<sup>72</sup> The Gallup Organization Inc., Yomiuri Shimbun, poll taken 30 April 1995, available through *Polling the Nations* database.

<sup>73</sup> See Bernard Lewis, *The Crisis of Islam: Holy War and Unholy Terror* (New York: Modern Library, 2003). Lewis is generally depicted as Edward Said’s *bête noire* and as the embodiment of continued Orientalism in American literature. Other American authors usually labeled “Orientalist” include Martin Kramer, Robert Spencer, and Daniel Pipes. Notable French and European authors who embrace versions of the “clash of civilizations” argument are Gilles Kepel, author of several books in English and French, including *Jihad: Expansion et Déclin de l’Islamisme*, 2<sup>nd</sup> ed., (Paris: Gallimard, 2003), and *Fitna: Guerre au Coeur de l’Islam* (Paris: Gallimard, 2004), and *Les Banlieues de l’Islam: Naissance d’une Religion en France*, 2<sup>nd</sup> ed. (Paris: Le Seuil, 1991); the latter work, “The Suburbs of Islam” argued that French Muslims in the *banlieues* were culturally and socially isolated, and in effect, French *banlieues* were becoming “suburbs” of the Middle East, or *ansars* within France. Similarly, Oriana Fallaci’s *La Rabbia e l’Orgoglio* (Milan: Rizzoli, 2001) argued that Muslims, the embodiment of abhorrent values and practices, are “colonizing” Europe and threaten to destroy all the cultural and social achievements of the European Enlightenment. These various European works all connect the increased visibility of *hijab* with Muslim terrorism and sexism.

<sup>74</sup> See Fadela Amara with Sylvia Zappi. *Ni Putes Ni Soumises* (Paris: Éditions La Découverte, 2003), 1-50 and Michèle Vianès, *Un Voile sur La République* (Paris: Éditions Stock, 2004), 1-160. Both women have written widely publicized books which argue that maintaining *laïcité* (secularism) is essential if the democratic nature of French society is to survive and that the resurgence of radical Islam embodied by the veil, in their view, is a threat to French civilization. Amara, a secular Frenchwoman of Algerian descent equates fundamentalist Islam to “green fascism,” while Vianès calls Islam “Theo-terrorism” and compares veiled Muslim women who refuse to secularize and unveil to schizophrenics.

use of the “clash of civilizations” thesis, which he labeled the “clash of ignorance,” in contemporary discourse reproduces Orientalist typologies of knowledge<sup>75</sup> about Islam and Muslims vis-à-vis the West. These popular discourses, and the fears they represent, are responsible for reviving many of the traditional Orientalist tropes in the veil debate today and creating the political environment that led to the veil ban. While 11 September 2001 is never mentioned directly in the Stasi Report and Jacques Chirac’s 17 December 2003 speech, the terrible specter of terrorism has revived Orientalism, and Orientalist views of *hijab* in France. The near-hegemony of Orientalist discourse in France is evident in French Muslim women’s efforts to resist Orientalist stereotypes or present alternative viewpoints.

### ***Other Voices, Other Muslims***

“And it is clear for me today that the headscarf represents the political symbol that we must fight at all costs if we want to avoid falling back into obscurantism.”—Fadela Amara, 2006<sup>76</sup>

One notable political figure is Fadela Amara, whose work epitomizes the fractured and sometimes inconsistent nature of resistance to Orientalist discourses in France. Amara is an example of a Muslim Frenchwoman with a “double-consciousness,” as Tricia Danielle Keaton described, who distances herself from the veil because of its

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<sup>75</sup> Said, “The Clash of Ignorance,” *The Nation*, available at <<http://www.thenation.com/doc/20011022/said>>. Whether this “knowledge” is historically accurate is irrelevant, as the building of Orientalist foils, i.e. “bad” Islam and “good” West helps to make sense of a “disorderly” and complicated universe of overlapping connections and interaction, by defining and maintaining narratives of irreducible difference.

<sup>76</sup> Fadela Amara with Sylvia Zappi, *Breaking the Silence: French Women’s Voices from the Ghetto*, trans., with an introduction by Helen Harden Chenut (Berkeley and Los Angeles: University of California Press, 2006), 159.

negative associations in larger French society.<sup>77</sup> Her organization *Ni Putes Ni Soumises*<sup>78</sup> is one of few political groups led by a French Muslim woman of North African descent. *Ni Putes Ni Soumises* is an advocacy organization for impoverished and marginalized Muslim girls and women in the *banlieues*, intended to counterbalance stereotypes of Muslim womanhood by asserting that they are “Neither Whores or Submissives.” Her activities and media savvy have made Amara internationally known, and articles about *Ni Putes Ni Soumises* are typically glowing, describing her as heroic figure fighting the oppression of women. *TIME Europe* named her one of its “Heroes” of 2004. Her movement is also very popular, and she claims to have ten thousand members of *Ni Putes Ni Soumises* in chapters across France.<sup>79</sup> However, Amara’s articulation of the plight of Muslim women in France is a reflection of her identity as a cultural hybrid, and her own sense of what it means to be a Muslim and French republican. While she does accuse the French government of abandoning both men and women in the suburbs, her *bête-noir* is the male-oriented, gang culture of Muslim young men in the *banlieues*. She embraces the secular policies of the French Republic, embodied in the Stasi Report, arguing in 2006 that the veil ban was necessary.<sup>80</sup> Amara’s perspective on the veil is not uncommon in French feminist and republican circles, and she is in some ways the ideal

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<sup>77</sup> Keaton, *Muslim Girls and the Other France*, 3.

<sup>78</sup> The name of the organization, as well as Amara’s book, translates as “Neither whores nor Submissives.”

<sup>79</sup> Bruce Crowley, “Acting on the Outrage,” *TIME Europe* (October 11 2004): page numbers unknown. Available online at <http://www.time.com/time/europe/hero2004/amura.html>; accessed 24 January 2007.

<sup>80</sup> Idem. Intriguingly, Amara’s perspective on the veil ban has changed over time; she wrote in the original French version of *Ni Putes Ni Soumises* that a ban threatened the hard-won autonomy of some veiled Beurettes to go to school or interact in wider society or would only stigmatize Muslims, rather than integrating them. However, by the 2006 edition of *Breaking the Silence*, Amara had a change of heart, explaining that the veil ban was “more necessary” than she had previously imagined and hoping that, once un-veiled, Muslim women would join the “feminist avant-garde.”<sup>80</sup>

secular Muslim woman that the French state would like to create, as outlined in the Stasi Report. In fact, Amara was among those interviewed by the Stasi Commission, and has asserted that, “the veil is the visible symbol of the subjugation of women,” as well as “archaic.”<sup>81</sup>

In fact, Amara only minimally acknowledges that a Muslim woman in France could choose to veil for positive or devotional reasons.<sup>82</sup> Instead, she highlights the more radical view of veiled women as either victims or “soldiers of green fascism.”<sup>83</sup> Her public statements describe *hijab* as a wholly sexist and discriminatory institution.<sup>84</sup> A prominent theme within Amara’s writings is the sexualized nature of abuse towards Muslim women by their brothers or male contemporaries, who, she argues, have forced women to adopt the veil for protection. She attributes problems in the *banlieues* to a traditional patriarchal culture warped by modern misogyny: “Daughters, sisters, cousins, female neighbors must either act like submissive but virtuous vassals, or be treated like cheap whores. Any sign of independence or femininity is viewed as a challenge and provocation.”<sup>85</sup> She argues that Muslim youths commit sexualized atrocities like rape and violent assault or murder of women as a result of the profound social insecurity created by life in the suburbs and that *hijab* is a symbol of the rising influence of so-

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<sup>81</sup> Rose George, “Ghetto Warrior,” *The Guardian UK* (July 17 2006): page numbers unknown. Available online at <http://www.guardian.co.uk/women/story/0,,1822296,00.html>; accessed 24 January 2007.

<sup>82</sup> Amara, *Breaking the Silence*, 73-75.

<sup>83</sup> *Idem*.

<sup>84</sup> Amara with Zappi. *Ni Putes Ni Soumises*, 1-50.

<sup>85</sup> Bruce Crowley, “Acting on the Outrage,” *TIME Europe* (October 11 2004): page numbers unknown. Available online at <http://www.time.com/time/europe/hero2004/amura.html>; accessed 24 January 2007

called “basement Islam.”<sup>86</sup> In response to criticism<sup>87</sup> that she depicted Muslim youths in the banlieues as “thugs” and “gang-rapists,” she asserted that her depiction “was true in 2003 and 2004.”<sup>88</sup> Amara’s vivid descriptions of male misconduct against powerless and subjugated women echoes the nineteenth-century Orientalist fascination with Eastern despotism and brutality, as exemplified in the European translations of *The Arabian Nights* or other lurid tales.<sup>89</sup> Moreover, she depicts the banlieues and housing projects as social prisons much like earlier writers depicted the harem as a prison. While Amara does humanize secular victims of violence in the *banlieues*, like Souhanne Benziane; veiled women, like their male counterparts, are a nameless and dehumanized mass of “green fascist[s].”<sup>90</sup>

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<sup>86</sup> Amara, *Breaking the Silence*, 93-102. Amara is right to criticize violence directed towards women, but she is intolerant towards any group that does not share her views, including women in the *banlieues* who adopt the so-called macho behaviors and clothing of men, as well as veiled women. She rejects any woman who resists her own, very Eurocentric, view of femininity and female desirability, which seems to consist of the “right” to lipstick and skirts. See Amara, *Breaking the Silence*, 7-77.

<sup>87</sup> In the translator’s introduction to the English version of Amara’s work, retitled *Breaking the Silence*, translator Helen Harden Chenut acknowledges this, stating: “the movement and its leader must counter charges that their actions and high media coverage further stigmatize Muslim men of their own community. Other critics note that the suburban violence they describe is a much more pervasive phenomenon that affects populations of other nationalities, religions and races.” Amara, *Breaking the Silence*, 3.

<sup>88</sup> Rose George, “Ghetto Warrior,” *The Guardian UK* (July 17 2006): page numbers unknown. Available online at <http://www.guardian.co.uk/women/story/0,,1822296,00.html>; accessed 24 January 2007.

<sup>89</sup> See Lady Hester Lucy Stanhope, *Travels of Lady Hester Stanhope* (Salzburg, Austria: Institut für Anglistik und Amerikanistik, Universität, 1983), 280-296. Lady Stanhope recounts the tale of a pasha, Ahmed el-Gezzar, who violently beheaded fifteen of his wives when he discovered their infidelity.

<sup>90</sup> Rose George, “Ghetto Warrior,” *The Guardian* (July 17 2006): page numbers unknown. Available online at <http://www.guardian.co.uk/women/story/0,,1822296,00.html>; accessed 24 January 2007. Interestingly, the circumstances of Souhanne Benziane’s death are reported in various ways; George’s article describes her death as the result of a dispute between Souhane’s boyfriend and a 22-year-old gang-member, or *caid*, Jamal Derrar, who was later sentenced to twenty-five years in prison. Derrar, known as “Nono” reportedly burned Souhanne to death as revenge on her boyfriend. While Amara connects Souhane’s tragic death to her secular identity and “vivacious” personality, other accounts describe a retributive cycle of violence, which has no specifically Muslim connotations, and is more suggestive of the worldwide growth of gang rivalries and drug-related violence.

However, Amara rejects the Orientalist “clash of civilization” views espoused by figures like Oriana Fallaci and openly laments the post 9/11 resurgence of hostility towards Muslims and Islamic civilization as a whole. While she affirms the contributions of Islamic civilization to art, poetry and the science, she states her own preference for the “red cap” of the French revolution over the *hijab*.<sup>91</sup> Amara’s personal identity is a reflection of the cross-cultural interaction that is often obscured by the Orientalist rhetoric of the veil debate. She is a living embodiment of Said’s criticism of the failure of Orientalist rhetoric to explain “in reality, the interconnectedness of innumerable lives, ‘ours’ as well as ‘theirs.’ ”<sup>92</sup> Nonetheless, there is reason to fear that Amara’s critique of *hijab* and strong opinions about masculine brutality in the suburbs will be invoked to undermine criticism of Orientalist initiatives, like the ban on the veil. The media reception of Amara’s critiques in the post-9/11 world indicates that her calls for reinvestment in the suburbs have been overshadowed by the attention given to her lurid descriptions of male *banlieue* rage against women.<sup>93</sup> Despite her efforts, Amara has had limited success in providing an alternative viewpoint that reveals the complex nature of the lives of Muslim women and men in France.

As a result, the law banning “ostentatious” religious symbols was passed by the National Assembly on February 10<sup>th</sup> 2004 by a large majority, with four hundred and ninety-four votes for the proposed law, and only thirty-six against.<sup>94</sup> This law was

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<sup>91</sup> Amara, *Breaking the Silence*, 100-102.

<sup>92</sup> Said, “The Clash of Ignorance,” *The Nation*, available at <<http://www.thenation.com/doc/20011022/said>>.

<sup>93</sup> Rose George, “Ghetto Warrior”; Bruce Crowley, “Acting on the Outrage.”

quickly confirmed by the French Senate on March 15<sup>th</sup> 2004. While French legislators and commentators framed their discussion of the veil in nationalist terms, like *laïcité*, or equality, and made reference to the continuity and integrity of the Republic, their discussion hinged on Orientalism in crucial ways. Following the events of 9/11 and the resurgence of Orientalism in the form of Islamophobia globally, both the Stasi Report and Chirac were able to depict Islam as wholly incompatible with true French identity. In so doing, these French commentators simultaneously created and reinforced Orientalist stereotypes of Islam as static, sexist and uncivilized. Despite politicians' insistence that the Republic is the ideal welcoming space for all its' citizens, it appears that the post-9/11 Republic is closed to Islam and Muslims in certain respects, which are both historically significant and highly conspicuous.

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<sup>94</sup> Assemblée Nationale, 2ème Séance du Mardi 10 Février 2004, *Application du Principe de laïcité dans les écoles, collèges, et lycées publics*, available at <[http://www.assemblee-nationale.fr/12/cra/2003-2004/156.asp#P128\\_35234](http://www.assemblee-nationale.fr/12/cra/2003-2004/156.asp#P128_35234)> (accessed 27 March 2006).

## SECTION TWO

### **American Orientalism: Rejecting Laïcité in Pursuit of Global Hegemony?**

American politicians were quick to respond negatively to the events in France in 2003 and early 2004. On 11 February 2004 the day after the anti-veil law was passed by the French National Assembly, the United States House of Representatives passed a resolution which condemned the French ban. American Congressmen and women directly opposed French interpretations of *laïcité*, arguing that “equating any immediately visible expression of faith with proselytism or propaganda misrepresents the nature of such practices and distorts the public understanding of religious devotion.”<sup>95</sup>

According to official American interpretations of the French ban, “state control over personal expressions of faith runs counter to the free exercise of religion, the freedom of speech, and separation of church and state, and threatens mutual toleration of religions and between religious groups and governments.”<sup>96</sup> Thus, the US Congress called “upon the government of France to respect the right of religious individuals to practice freely their religion and to display insignia of the their faith,” and recommended that “the United States Government urge the Government of France to reassess this initiative in light of its international obligations to ensure that every person in France is

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<sup>95</sup> House of Representatives, United States Congress, *Expressing the sense of the House of Representatives that France should modify or abandon its ban on religious articles and symbols in state schools and respect the freedom of all to practice their religious faith without state interference*. 108<sup>th</sup> Cong., 2<sup>nd</sup> sess., H.R. 528 (February 11 2004). Available at <<http://thomas.loc.gov/cgi-bin/query/C?c108:./~c108r1138th>> (accessed 27 March 2006).

<sup>96</sup> *Idem*.

guaranteed the freedom to manifest his or her religion or belief in public.”<sup>97</sup> The United States Ambassador for Religious Freedom, John Hanford, exemplified American thought on the veil ban and French theories of *laïcité*, when he was quoted, “Where people are wearing these with no provocation simply as a manifestation of their own heartfelt beliefs, we don’t see where this causes divisions among people.”<sup>98</sup> While his statement encapsulated the official American political position on the veil, the reality of veiling in American political life is more complex, affected by American conceptions of Islam as well as American notions of religious freedom.

To begin, the issue of veiling has never been as politicized in the United States, as it has in France.<sup>99</sup> This is despite recent events, such as 11 September 2001, which have drawn more American media attention, some of it negative, to the *hijab*.<sup>100</sup> Why then, did American politicians criticize the French law? The chief differences between French and American criticisms of veiling are related to national geopolitics. Like French commentators and politicians, American politicians rely on gendered notions of Orientalism to further their political goals; in the US case, those goals are linked to a desire to create global American military hegemony, while the gendered nature of French

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<sup>97</sup> Idem.

<sup>98</sup> “US Concern over French Scarf Ban,” *BBC News* 19 December 2003. Available online at <http://news.bbc.co.uk/2/hi/europe/3333741.stm>; accessed 27 March 2006.

<sup>99</sup> The lack of attention given to veiling in the US explains the disparity in length between the US and French sections of this essay.

<sup>100</sup> Shirazi, *The Veil Unveiled*, 1-88. While the veil does carry a variety of cultural associations within the United States, these associations are largely cultural, rather than nationalist. Indeed, American film, television and other media have treated the veil as a symbolic object, to sell consumer goods, sex and to designate Muslim cultures as “exotic” and “other.” For more on this subject, see Edward Said, *Orientalism*. (New York: Pantheon Books, 1978), 1-31 or Said’s *Covering Islam: How the Media and the Experts Determine How We See the Rest of the World* (New York: Vintage Books, 1997), 1-200.

Orientalism is invoked to legitimize republican national goals.<sup>101</sup> American political support for the veil in US public schools does not reflect an absence of Orientalism within American society. In fact, Islamophobia is equally popular in the United States and France.<sup>102</sup> As in France, American politicians still “practice” Orientalism, just in different political contexts. Instead of associating the veil with a large population of impoverished and potentially riotous immigrants or marginalized citizens, the veil has a variety of historical connotations in the United States. As described by Faegheh Shirazi, the veil is used in American erotica, as a symbol of mystery and sexual availability, and in male-centered advertising of consumer products to suggest masculinity and desirability. Likewise, images of veiled women in advertising directed towards American women emphasize the comparative freedom of women in the United States vis-à-vis their Middle Eastern counterparts.<sup>103</sup> The veil in American culture, then, is largely symbolic of an otherness and exoticism which is more distant, both politically and territorially, than in the French case.

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<sup>101</sup>Prepared Testimony of Attorney General John Ashcroft, “The Department of Justice’s Efforts to Combat Terrorism,” United States Senate Judiciary Committee, 108<sup>th</sup> Cong., 2<sup>nd</sup> sess., 8 June 2004. Available at, <http://www.usdoj.gov/archive/ag/testimony/2004/060804agsenatejudiciarycommittee.htm> (accessed 27 January 2007).

<sup>102</sup> See Bernard Lewis, *The Crisis of Islam: Holy War and Unholy Terror* (New York: Modern Library, 2003). Lewis is generally depicted as Edward Said’s *bête noir* and as the embodiment of continued Orientalism in American literature. Popular American literature on Islam and Muslims has been characterized by tensions and uncertainty about the compatibility of “Islamic” values and democracy and the ability of Muslim societies to adopt American cultural values, particularly regarding women.

<sup>103</sup> Shirazi, *The Veil Unveiled*, 10-38. Shirazi discusses an SUV advertisement, where a veiled woman is portrayed as attracted to a Western man driving a Jeep. She also discusses a Virginia Slims advertisement, directed towards American women, where a turbaned man and his multiple wives are contrasted with the pandering slogan, “You’ve come a long way, baby,” which is meant to suggest the comparative emancipation of American women.

## *Cold War Precursors*

While the American media continually replicates traditional Orientalist stereotypes,<sup>104</sup> over the past fifty years, the American government has embarked on a more ambitious and complicated relationship with the Islamic world. During the Cold War, cultural historian Melani McAlister argues that American policies could be characterized as “Post-Orientalist” in their attempts to persuade Muslims to join in the fight against Communism, despite policymakers’ largely negative and Orientalist views of Islam.<sup>105</sup> Some historians have attributed the transition in American culture from traditional nineteenth-century style Orientalism to “Post-Orientalism,” as the result of key developments in the post-WW II era. These included American anti-Nazi propaganda, which rejected Nazi notions of racial purity, and embraced Franz Boas’ less rigid theories of “cultural difference” and ethnic, religious and racial pluralism.<sup>106</sup> An idealized image of American pluralism and freedom was then invoked to support US anti-Communist efforts.<sup>107</sup> These efforts included increased involvement in the Middle East during the Cold War. However, “Post-Orientalism” is notable for its retention of some stereotypes and continued “otherization” of political enemies, despite the ostensibly liberal tendencies of policymakers and commentators from mid-century onwards. As Douglas Little argues in *American Orientalism: The United States and the Middle East Since*

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<sup>104</sup> See Edward W. Said, *Covering Islam: How the Media and the Experts Determine How We See the Rest of the World* (New York: Vintage Books, 1997), 1-200.

<sup>105</sup> McAlister, *Epic Encounters*, ix-xv.

<sup>106</sup> Christina Klein, *Cold War Orientalism: Asia in the Middlebrow Imagination, 1945-1961* (Berkeley and Los Angeles: University of California Press, 2003), 10-11.

<sup>107</sup> Idem; For discussions of Cold War propaganda centering on racial equality in the US, see Mary L. Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton, NJ: Princeton University Press, 2000), Penny M. Von Eschen, *Race against Empire: Black Americans and Anti-Colonialism, 1937-1957* (Ithaca, NY: Cornell University Press, 1997).

1945, Despite their general distrust of Islam and Muslims, American policymakers were forced to deal with the Middle East and Islam, because of the need for oil and their desire to establish an anti-Communist sphere of influence in the region.<sup>108</sup>

As described by Matthew F. Jacobs, policymakers' interest in the Middle East was framed in an international context, which explicitly contrasted Western modernity with Islamic backwardness.<sup>109</sup> Encouraging modernity, policymakers argued, might keep the region from falling under Communist sway. In the 1950s, contributors to *Foreign Affairs* and *Foreign Policy Bulletin*, described the Middle East as a region in transition, divided between those who embraced modernity and those who adhered to "medieval" fundamentalist Islam.<sup>110</sup> Among the latter was the "sinister mufti" of Jerusalem, who served as the "arch villain" of the Mideast for mid-century America, much like Osama bin Laden or the Iraqi Shi'ite leader Muqtada al-Sadr in contemporary US media.<sup>111</sup> Orientalism has remained a consistent part of American rhetoric vis-à-vis foreign policy opponents for the last fifty years. These Orientalist tendencies, under the moniker Islamophobia, would come to play a role in the veil debate.

### ***The US and Hijab: Domestic Pluralism and International Orientalism***

In fact, US political rhetoric on *hijab* has a bipolar character consistent with previous trends in foreign policy. American officials vacillate between a depiction of

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<sup>108</sup> Little's argument is supported by Melani McAlister's study of representations of the Mideast in American culture, *Epic Encounters*, ix-xv, 4-42. Douglas Little, *American Orientalism: The United States and the Middle East Since 1945* (Chapel Hill, NC: The University of North Carolina Press, 2002), 1-200.

<sup>109</sup> Matthew F. Jacobs, "The Perils and Promise of Islam: The United States and the Muslim Middle East in the Early Cold War," *Diplomatic History* 30 no. 4 (September 2006): 705-739.

<sup>110</sup> *Ibid.*, 713.

<sup>111</sup> *Ibid.*, 722.

Islam and American veiled women as another example of the ideal pluralism of American society, and Orientalist rhetoric about the threat of Islamic neo-fundamentalism. Fears about Islam and forced veiling, framed in Orientalist terminology, are projected outward away from the US and characterized as a problem for non-American Muslim women, such as those forced to veil by the Taliban in Afghanistan or the Islamic Republic of Iran. These classifications are largely driven by political necessity, as seen in the contrast between American politicians “concerns” for Iranian or Afghani women, while the marginalization of Saudi women is given much less attention in official discourse. This fascination with forced veiling by non-American women is seen in the popularity of literature on this subject, such as Azar Nafisi’s *Reading Lolita in Tehran*. The so-called “subversive”<sup>112</sup> nature of Nafisi’s work is epitomized by the doctored image of veiled women on its’ cover.<sup>113</sup> By contrast, veiled American Muslims are not as stridently objectified or construed as oppressed in American political rhetoric.

After the terrorist attacks of 11 September 2001, President George W. Bush quickly asserted that public observations of Muslim faith, including veiling, by American Muslims were both an American right and a statement of American identity. On 26 September 2001, in a meeting with Muslim leaders, he tellingly remarked that his aim

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<sup>112</sup> By subversive, I mean the Orientalist argument that Nafisi subverts Iranian tyranny and oppression of women.

<sup>113</sup> See Azar Nafisi, *Reading Lolita in Tehran: A Memoir in Books* (New York: Random House, 2003), which some have criticized as an apology for the Bush administration’s foreign policy, with its ideological blend of American neo-conservatism and Orientalism; Nafisi thanks Bernard Lewis in her notes and the publicly surrounding her book focuses on her depiction of Iranian women as totally oppressed, with the veil as the prime symbol of that oppression. The book cover is an alteration of a photograph of two young Iranian women reading a reformist newspaper; the cover art crops the newspaper out, creating the implication that the young women are reading *Lolita* instead, with great interest and fascination. Critics argue that her depiction denies Iranian women agency in the pursuit of legitimizing American imperialism and that it denigrates all aspects of Iranian culture. For a critique of Nafisi, see an editorial by Columbia University professor Hamid Dabashi, “Native Enformers and the Making of American Empire,” in *Al-Ahram Weekly* (June 2006): no. 797, available online at <http://weekly.ahram.org.eg/2006/797/special.htm>; accessed on 2 March 2007.

was to “*make sure that everybody who is an American is respected*” [my italics].<sup>114</sup> The rights of veiled women would be protected by his administration, because protection of minority rights was an essentially “American” privilege and responsibility. At a meeting held at the Islamic Center on 17 September 2001, Bush stated: “Women who cover their heads in this country must feel comfortable going outside their homes. Moms who wear cover must be not intimidated in America.”<sup>115</sup> Significantly, the President never used the word *hijab* to describe veiling; instead he used the term “cover” which has no specifically Muslim associations and is much more neutral. By identifying Muslim women as “Moms,” Bush also distanced American Muslims from any Orientalist stereotypes. In essence, his speech negated any “otherness” that might be attached to American veiled women. He connected *hijab* to American nationalism, stating that intimidation of veiled Muslim citizens was antithetical to American values, claiming “that's not the America I know. That's not the America I value.”<sup>116</sup> Bush’s articulation of American values was highly nationalist, and importantly, he constructed his argument in highly personal terms. His strong self-identification with veiled Americans, epitomized by his use of “I” in the previous quotes, was aimed at legitimizing Muslim Americans. Reflecting on the fears of some veiled women, he stated, “I’ve been told that some fear to leave [home]...they’re afraid they’ll be intimidated. That should not and that will not stand in America.”<sup>117</sup> He continued, “This is a great country. It’s a great country because we share the same values

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<sup>114</sup> George W. Bush, Remarks to Muslim Community Leaders on 26 September 2001, available at <<http://www.usdoj.gov/crt/legalinfo/bushremarks.html>> (accessed 14 March 2007).

<sup>115</sup> George W. Bush, Untitled Speech at the Islamic Center on 17 September 2001, available at <<http://www.usdoj.gov/crt/legalinfo/bushremarks.html>> (accessed 27 March 2006).

<sup>116</sup> *Idem*.

<sup>117</sup> *Idem*.

of respect and dignity and human worth. And it is my honor to be meeting with [Muslim] leaders who feel just the same way I do...They love America just as much as I do.”<sup>118</sup> By portraying veiled Muslim-Americans as “Moms” who are patriotic and Muslims who “love” America, the Bush administration asserts a very different view of *hijab* in the United States. The veil is humanized and legitimized as a part of US culture, by becoming Americanized. This transformation of the veil into “safe” symbol within the United States became a dominant theme of American discourse on the veil debate.

However, Bush’s speech depicted Al-Qaeda as wholly antithetical to American values, and American Muslims, as well as to Islam itself. He stated, “I have told the nation...that ours is a war against evil, against extremists, that the teachings of Islam are the teachings of peace and good, and the al Qaeda organization is not an organization of good, an organization of peace. It's an organization based upon hate and evil.”<sup>119</sup> His embrace of American Muslims was accompanied by rhetoric that distanced American Islam from the Islamic neo-fundamentalism of Al-Qaeda and America’s enemies. He stated, “I’m proud of the Muslim leaders across America who have risen up and who have not only insisted that America be strong, but that America keep the values intact that have made us so unique and different.”<sup>120</sup> Bush utilized America’s benevolent “difference” and exceptionalism as a foil to the “hatred” and “evil” of extremism, epitomized by Al-Qaeda. In claiming that all Americans, including Muslims, were united behind a strong America, he legitimized his characterization of US foreign policy as a war against the

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<sup>118</sup> Idem.

<sup>119</sup> Bush, Remarks on 26 September 2001.

<sup>120</sup> Idem.

irreducible other, a “war against evil.” Moreover, he asserted Muslim American support for US foreign policy against “the other” represented by Al-Qaeda. Like his French counterpart, Jacques Chirac, Bush declared that his nation’s values were essentially utopian, and that he was a champion of ideal national values against the destructive efforts of Islamic neo-fundamentalism. However, the crucial distinction between the two leaders was that American discourses accepted the identities of American Muslims as long as they proclaimed their “love” for America, and were of the same opinion as the President, i.e. “appalled and outraged” by 9/11.<sup>121</sup> By embracing and differentiating American Muslims, including veiled women, from Muslims worldwide, American politicians were able to “otherize” Muslim terrorists without alienating the American Muslim population. With this sleight-of-hand, American Orientalism was applied selectively, to the US’ political enemies who happened to be Muslim,<sup>122</sup> rather than to all American Muslims. As a result, American Orientalist rhetoric was used to justify American foreign policy after 9/11. The repercussions of 9/11 and US political rhetoric aimed at legitimizing American Muslims are evident in the US response to the veil debate in France.

American Orientalism, 9/11 and its relationship to the veil debate in the United States are epitomized by the legal case of Nashala Hearn. Her case is reflective of the role of political necessity in shaping American Orientalism. Hearn, an eleven year-old Muslim student in the Muskogee, Oklahoma public school system, was suspended in 2003 because, it was asserted by her school, her *hijab* violated school dress codes. After

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<sup>121</sup> Bush, Speech on 17 September 2001.

<sup>122</sup> By contrast, Muslims who were not “appalled and outraged,” regardless of their nationality were subsequently treated as “otherized” Muslims and political enemies, as can be seen in their internments at Guantanamo Bay and other places.

Hearn sued the Muskogee public school system in October 2003 in response to her suspension, the United States Department of Justice interceded on her behalf in March of 2004. The so-called Muskogee Memorandum, issued on behalf of Nashala Hearn by the Department of Justice on 6 May 2004, argued that the Muskogee public school system violated Hearn's right to equal protection under the law. The Department of Justice also asserted that Hearn was discriminated against by her school system.<sup>123</sup> Their memorandum further argued that Hearn had worn her *hijab* for several weeks from August to September of 2003, with the full knowledge of her teacher and school principal, and without any major disciplinary action or disruptive incidents. Only on 11 September 2003, the second anniversary of the terrorist attacks was Hearn approached by her homeroom teacher, Diane Walker, who told her that her *hijab* violated the school dress code and reported her to the school principal. The school district argued that Hearn's headscarf violated the dress code's regulations concerning disruptive or gang-related items, and that Hearn's *hijab* "frightened" or "concerned" other students. Moreover, the school district argued that 1998 Department of Education guidelines regarding religious expression in the public schools required them to ensure the neutrality of the classroom. The validity of these assertions was flatly rejected by the Department of Justice. The Department of Justice memorandum strongly condemned the actions of the

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<sup>123</sup> United States Department of Justice. Civil Rights Division. *United States Memorandum of Law in Support of its Cross-Motion for Summary Judgment and in Opposition to Defendants Motion for Summary Judgement* (May 6 2004) by Sheldon Sperling. Available at [http://www.usdoj.gov/crt/religdisc/musk\\_memo.htm](http://www.usdoj.gov/crt/religdisc/musk_memo.htm) (accessed 27 March 2006). The memorandum filed by the Justice Department pinpointed several key factors in the Hearn case, most importantly that the selective and arbitrary nature of dress code enforcement in Muskogee violated Hearn's right to be treated equally by the school system, under the Equal Protection Clause. The Memorandum bluntly stated: "Defendants must show that their conduct toward Nashala advances interests of the highest order and is narrowly tailored in pursuit of those interests. They cannot do so. [Their] rationales are not compelling; indeed they are so lacking in factual support that they would not even meet the minimal requirement of rational basis scrutiny."

school district as a violation of American law, stating that the “undisputed facts show that Defendants' actions were not neutral toward religion, but rather singled out Nashala based on her Muslim faith.”<sup>124</sup>

Following the intervention of the Justice Department, the Hearn case was quickly resolved on 19 May 2004. Both the Department of Justice and the school district agreed to resolve the conflict, in effect settling Hearn’s case, through the filing of a consent decree. The Muskogee School System agreed with the demands of the Department of Justice to revise their dress code policy. Hearn was now legally allowed to wear her *hijab* in her public school.<sup>125</sup> In a press release for the Hearn case, Acosta stated, "No student should be forced to choose between following her faith and enjoying the benefits of a public education. We certainly respect local school systems' authority to set dress standards...but such rules cannot come at the cost of constitutional liberties. Religious discrimination has no place in American schools."<sup>126</sup>

In creating this press release and strictly enforcing the Justice Department’s Muslim anti-discrimination effort, Acosta transformed a case about American Muslim women and their veils into a symbol of American beneficence. The US Senators and speakers commenting on Hearn’s case at an 8 June 2004 Senate hearing on religious freedom also framed her win in terms of American pluralism and in the context of the

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<sup>124</sup> Idem.

<sup>125</sup> United States District Court, Consent Decree of the United States District Court for the Eastern District of Oklahoma, in *Eyvine Hearn et al. v. Muskogee Public School District 020; et al.* (May 2004) by Frank H. Seay, United States District Judge. Available online at [http://www.usdoj.gov/crt/religdisc/hearn\\_consent\\_decree\\_final.pdf](http://www.usdoj.gov/crt/religdisc/hearn_consent_decree_final.pdf); accessed 27 March 2006.

<sup>126</sup> Acosta, Press Release dated March 30th, 2004, available online via, <http://usinfo.state.gov>; accessed 27 March 2006.

larger French veil debate.<sup>127</sup> Dr. Melissa Rogers, a visiting professor at the Divinity School of Wake Forest University, who was invited to speak at the hearing, condemned the actions of the Muskogee Public School System as a “mistake.” Invoking the legal decisions in France, she continued:

“The First Amendment gets it right. It prohibits the government from promoting religion, but protects the people’s right to do so. This is not the French rule. You know, there was talk earlier [in the hearing] about some effort perhaps in America to cleanse the public square of religion. France, I think, is arguably headed in that direction....That is cleansing the public square of religion. We do not have that rule.”<sup>128</sup>

Understanding interpretations of American religious pluralism applied the veil debate in the US, is as crucial as understanding how *laïcité* works in French discourse. In contrast to the French model, American models of identity stress the individual, rather than the collective. Moreover, American ideology embraces the concepts of individual freedom and religious pluralism. American interpretations of church and state separation have provided the United States with an entirely different view of religion in public life. This ideological foundation is highly significant, if we are to understand American acceptance of veiling in public schools and condemnation of the French position. American concepts of separation of church and state are characterized by adherence to a philosophy of “negative freedom,” or the freedom of individuals from overzealous interference by the state. Drawn from an English Enlightenment tradition which includes the writings of John Locke, John Stuart Mill, and others, American notions of freedom

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<sup>127</sup> United States Congress, Senate, Judiciary Committee, Subcommittee on Constitution, Civil Rights and Property Rights, *Beyond the Pledge of Allegiance: Hostility to Religious Expression in the Public Square*. 108<sup>th</sup> Cong., 2<sup>nd</sup> sess., 8 June 2004. Available via Lexis-Nexis Congressional at <[http://web.lexis-nexis.com.libproxy.lib.unc.edu/congcomp/doclist?\\_m=82415ab27c87f1e1ef95b82946989360&wchp=dGLbVtz-zSkSA&\\_md5=8b6b9480d67f34a857c1da3922d5b99d](http://web.lexis-nexis.com.libproxy.lib.unc.edu/congcomp/doclist?_m=82415ab27c87f1e1ef95b82946989360&wchp=dGLbVtz-zSkSA&_md5=8b6b9480d67f34a857c1da3922d5b99d)> (accessed 27 March 2006).

<sup>128</sup> Ibid.

are centered on the rights of the individual. These philosophical differences of interpretation explain the Congressional condemnation of the French ban in February 2004.<sup>129</sup> The defense of veiling as an essential right or freedom is associated in American political thought with the defense of all religions, not just Islam. As a result of these ideologies, many of the problematic ‘threats’ posed by Muslim identity in France, are not present in the American political discourse on the veil. Only when the veil is framed in terms of America’s foreign policy goals, does Orientalism play a role in the discussion of veiled women.

Although the legal and political rhetoric surrounding Hearn was discussed in nationalist terms her case had international repercussions. The presence of 9/11 as an underlying motif within her case is indicative of Hearn’s role as a symbolic figure in several discourses; her case was used to subtly rebuke the French, and glorify American nationalism and foreign policy initiatives. Subsequently, Nashala Hearn, her veil and the idea of 9/11 were invoked as a foil for the evils of terrorism, as opposed to American goodness.<sup>130</sup> Hearn’s case is in contrast with American treatment of veiled Muslims in international contexts, as described by US Attorney General John Ashcroft.

On 8 June 2004, the same day Nashala Hearn was the keynote speaker in a Senate Judiciary hearing on religious freedom, then US Attorney General John Ashcroft spoke to the Senate Judiciary Committee in a separate hearing about his department’s efforts to combat terrorism. His speech exemplifies the tension inherent in America’s relationship to Muslims and Islam, and the contextual acceptance of Islam in the US, as practiced by

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<sup>129</sup> Cohen, *Freedom’s Moment*, 1-3; 4-21.

<sup>130</sup> Idem. In his introduction of Hearn, who was the keynote speaker, Sen. John Cornyn (R-TX) characterized her case as an example of increased legal hostility towards religion, which he further characterized as anti-American and an attack on “this brave young girl’s sincerely held religious beliefs.”

freedom-loving American Muslims. He described the war on terror as “a mortal struggle between two visions for human life in a war that can know only one victor.”<sup>131</sup> Like President Bush, he utilized utopian narratives of the United States to authenticate policy, claiming, “Our vision is a vision of freedom, human dignity and tolerance for every citizen.”<sup>132</sup> Moreover, Ashcroft explicitly connected Hearn’s case with the international war on terror, stating: “Let me give you an example of this nation’s dedication to that vision. Nashala Hearn is a brave 12-year-old Muslim girl.... On September 11, 2003 school officials forbade her to wear the *hijab*, or headscarf, that is an expression of her religious faith.”<sup>133</sup>

Ashcroft described his office’s activities in her case as an effort to “protect” Nashala, humanizing her as a “quiet sixth-grader who likes reading” and telling his Senate audience that her “favorite subject is world cultures” and “someday she wants to write children’s books.”<sup>134</sup> Effectively, Ashcroft constructs a narrative of innocence and purity around Nashala, by reminding his audience of her non-threatening and distinctly American identity. By describing her with these soft, feminine qualities of quietness, a love of reading and children’s books, Ashcroft appeals to American notions of gender and childhood, both of which are antithetical to evil and hatred, the qualities ascribed to Muslim extremists in American political discourse. Moreover, he fundamentally

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<sup>131</sup> Prepared Testimony of Attorney General John Ashcroft, “The Department of Justice’s Efforts to Combat Terrorism,” United States Senate Judiciary Committee, 108<sup>th</sup> Cong., 2<sup>nd</sup> sess., 8 June 2004. Available online at <http://www.usdoj.gov/archive/ag/testimony/2004/060804agsenatejudiciarycommittee.htm>; accessed 27 January 2007.

<sup>132</sup> *Idem.*

<sup>133</sup> *Idem.*

<sup>134</sup> *Idem.*

separates her “Muslim-ness” from that of terrorists by appealing to American ideals of religious freedom and shared cultural values.

After establishing Nashala and the American government as heroic figures, Ashcroft turned his attention to geopolitics and “the War on Terror.” He described the Bush administration’s foreign policy efforts as “the war we are fighting is a war for Nashala and all freedom-loving people everywhere. We continue to strive, after two centuries, to build that city upon a hill—a nation that values the religious liberty of a single young girl and the constitutional liberties of all its citizens.” Historicizing the “War on Terror” as part of America’s attempts to create an idyllic nation-state, Ashcroft condemned America’s enemies as the antithesis of all the good America had tried to produce. He employed an Orientalist construction of us-versus-them in his call to the Senate and the public to support American foreign policy. He stated, “contrast [our] ideals with the dark ambition of our enemies,” and invoked typically Islamophobic and Orientalist visions of male despotism and tyranny in his description of the enemy. “In the nightmare vision of the Taliban and al-Qaeda,” he argued, “little girls like Nashala are denied their rights.” Employing the tropes of gendered Orientalism, Ashcroft described what Nashala’s life would be like, if she were not American: “As a woman, she could not go to school. She could not appear in public without a man from her family to speak for her. She would never be allowed to vote, but she could be whipped.”<sup>135</sup> He claimed that, “to our enemies, a 12-year-old American girl is just another target for their attacks. But in

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<sup>135</sup> Idem.

the United States of America...Nashala's life is so precious that her cause commands the attention of the government."<sup>136</sup>

Ashcroft's speech mirrors the 2001 statement by George W. Bush in several ways; first, he humanizes Islam and the veil in his discussion of Nashala Hearn, who is variously described as "brave," "quiet," and "precious."<sup>137</sup> Moreover, her innocence and idealism are epitomized by his description of her interests and goals, which are quintessentially American and non-threatening. Finally, her admirable qualities are transferred to all Americans; she, like them, is merely a "target" to America's enemies, indistinguishable from any other American, despite her Muslim faith. As a result of this Americanization, her veil is not a symbol of terror or oppression, but "freedom of expression."<sup>138</sup> However, Ashcroft explicitly connects Hearn's case with the larger political goals of the Bush administration. He contrasts the aims of American foreign policy, winning the war for "freedom, human dignity and tolerance" with the "dark ambitions" of America's enemies, Islamic fundamentalists and their potential affect on innocent Americans, like Hearn. Ashcroft's speech perfectly captures the dynamics of contemporary Orientalism in the United States. In contrast to the presentation of veiling by American women as a benevolent act of religious freedom, America's enemies, the Taliban and Islamic neo-fundamentalists are depicted as tyrants who use the veil to oppress women.

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<sup>136</sup> Prepared Testimony of Attorney General John Ashcroft, "The Department of Justice's Efforts to Combat Terrorism," United States Senate Judiciary Committee, 108<sup>th</sup> Cong., 2<sup>nd</sup> sess., 8 June 2004. Available online at <http://www.usdoj.gov/archive/ag/testimony/2004/060804agsenatejudiciarycommittee.htm>; accessed 27 January 2007.

<sup>137</sup> *Idem*.

<sup>138</sup> *Idem*.

Thus, veiling by American Muslims is accepted within the institutions of American political life, because of its' relationship to long-held nationalist concepts of religious freedom and national political goals, while American mass media, culture and foreign policy portray other Muslim cultures and nations in an explicitly Orientalist manner. By portraying Hearn's identity as quintessentially American, any "otherized" or potentially "frightening" aspects of her identity were negated; indeed the discrimination faced by Hearn, committed by her own teachers, was reframed within the American debate, not as Orientalism, but as a failure to live up to American values.<sup>139</sup> While Hearn's school officials responded to her veil with discomfort or alarm, most likely because they associated visible symbols of Islam with terrorism, American politicians and officials utilized her veil to discuss the essential righteousness of the American system even in the post-9/11 era.

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<sup>139</sup> United States Department of Justice. Civil Rights Division. *United States Memorandum of Law in Support of its Cross-Motion for Summary Judgment and in Opposition to Defendants Motion for Summary Judgement* (May 6 2004) by Sheldon Sperling. Available online at [http://www.usdoj.gov/crt/religdisc/musk\\_memo.htm](http://www.usdoj.gov/crt/religdisc/musk_memo.htm); accessed 27 March 2006.

## CONCLUSION

### As Seen Through the Veil

As a result, the American government stands firmly behind the rhetoric of the Hearn case. Similarly, French officials have maintained their commitment to the ban on conspicuous religious symbols in the French public school system. While France and America take divergent positions on the veil, the political statements within the international debate reflect the influence of Orientalism, Islamophobia and power dynamics in both societies. As a Pew Research Center Poll taken in 2005 reveals, public opinion on the issue of *hijab* in the public schools is in accordance with the official political rhetoric espoused by each nation in 2003 and 2004. A majority of French citizens, seventy-eight percent, agreed with the decision of their government to ban the veil in public schools. By contrast a majority of Americans, roughly fifty-seven percent, believe that Muslim women should be allowed to veil in school.<sup>140</sup> The cohesion of American public sentiment, even in a post-9/11 world, on the right of Muslims to wear religious clothing is a strong statement of collective American notions of national identity and religious freedom. French notions of *laïcité* and national identity remain equally strong, despite internal and external criticism of French policy. As a result of the increased visibility of Islam and Muslims throughout the world, these French and American ideas about the Islamic headscarf will continue to be highly significant.

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<sup>140</sup> “French Agree with Headscarves Ban,” *Associated Press*.

However, it is worth noting that the number of veiled women in France is actually quite small. Moreover, the connection between veiling and Islamic radicalism has been exaggerated by the media and politicians in France. Arguing that the wearing of *hijab* in the French school system contradicted legal provisions for the equality of the sexes, French Senators François Autain, Jean-Yves Auxterir, and Paul Loridant characterized the need for the law as a result of “an unprecedented rise of communautarisme, racism and anti-Semitism in France at this moment.”<sup>141</sup> The accuracy of that statement is belied by the aftermath of the veil ban in France. Since September of 2004, when the law went into effect, more than 600 acts of non-compliance have reportedly taken place. However, only a handful of students have been expelled for refusing to negotiate with the government. As of October 2004, only seventy-two students were involved in a dispute over religious clothes or items with their government, in the entirety of France.<sup>142</sup> Moreover, when several French reporters were kidnapped in Iraq in 2004, by counterinsurgents who demanded that the French government rescind the veil ban, French Muslims rallied behind their government, not the Iraqi terrorists.<sup>143</sup> Despite the fears of the government and non-Muslim French citizens, Muslims in France today are proclaiming their desire to be both Muslim and French. As one French Muslim girl told Tricia Danielle Keaton in 2001, “I want to be like a French girl---not exactly like a

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<sup>141</sup> Sénat, Loi no. 2004-228 du 15 Mars 2004 encadrant, en application du principe de laïcité, le port de signes ou de tenues manifestant une appartenance religieuse dans les écoles, collèges et lycées publics (J.O. no.65 17 March 2004). Available at <<http://www.senat.fr/leg/pp102-288.html>> (accessed 27 March 2006).

<sup>142</sup> Unsigned Article, “France Expels Four from School Over Head Scarves,” *Associated Press* (October 20<sup>th</sup> 2004), available at <<http://www.msnbc.msn.com/id/6284615>> (accessed 27 March 2006).

<sup>143</sup> Unsigned Article, “Hostages Plead: Lift Headscarf Ban” (31 August 2004) available at <<http://www.cnn.com/2004/WORLD/europe/08/30/france.hostages.villepin/index.html>> (accessed 17 March 2007).

French girl, but I want to be free to do what I want.”<sup>144</sup> By proclaiming her difference in terms of her personal freedom, this schoolgirl articulated her own identity as a French Muslim

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<sup>144</sup> Keaton, *Muslim Girls and the Other France*, 157.

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