

Anti-burqa campaign marks turn away from democratic rule in France

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The growing consensus in France's political establishment around a law to ban the burqa has broad and ominous implications. Presented in defiance of public opinion and disregarding constitutional objections, preparations to institutionalize state discrimination against forms of Muslim religious expression mark a turn towards overtly anti-democratic forms of rule.

The participation and acquiescence of forces viewed as "left" in a far-right, anti-immigrant campaign has been essential. In a June 22 speech, President Nicolas Sarkozy declared the burqa was "unwelcome" in France and proposed forming a parliamentary commission, headed by André Gerin of the *Parti Communiste Français* (PCF), to investigate the possibility of banning it. This autumn, as Gerin's commission deliberated, Sarkozy and Immigration Minister Eric Besson, one of the many recent converts from the *Parti socialiste* (PS) to Sarkozy's right-wing UMP (Union for a Popular Movement), promoted a "debate" on "national identity."

The neo-fascistic content of these initiatives increasingly became clear. Comments posted on a government web site set up to promote the "national identity" debate shocked public opinion. One comment asserted that being French "it's first of all respecting French history, our kings, not eliminating Charles Martel (1) from our history books, not being ashamed of the cru sades, not disavowing the period of colonization."

The debate was widely seen as an initiative appealing to supporters of the neo-fascist *Front National* whose votes helped elect Sarkozy in 2007, in light of the March regional elections. In a December 19 interview with *Le Monde*, UMP deputy François Baroin commented, "from a strictly electoral point of view, it's too obvious, and people are not fooled. What I see on the ground is that it's understood and seen as such. There is now a risk the *Front National* will rise, profiting from the crisis on the one hand, and from a debate that can only help it."

Leading press organs began to criticize the identity debate. In its December 16 editorial, *Le Monde* said the national

identity debate "began too quickly and in such a compromised fashion that everyone is now measuring the serious damage it has produced."

One question was whether an anti-burqa law would be rapidly ruled unconstitutional. Asked by *Le Monde* if the Constitutional Council might throw out an anti-burqa law, law professor Denys de Béchillon said, "we are touching on a very serious point, because the distinguishing characteristic of a total ban on the burqa is that it violates constitutional liberties." He added that the European Court on Human Rights, since it "relatively scrupulously protects religious freedom and free speech," might also throw out an anti-burqa law.

UMP deputy Eric Raoult, a member of the Gerin commission, said its polls revealed that though 90 percent of the French people oppose the wearing of the burqa, 80 percent of those oppose an anti-burqa law.

However, on December 23 François Copé, head of the UMP majority in the National Assembly, announced he was submitting a bill to outlaw wearing full-body garments, such as the Muslim burqa or niqab. He pre-empted the commission's report, noting, "if there are elements that come to complete our proposals, I, like my fellow deputies, am obviously open to this." Copé's bill would subject women who publicly wore full-body garments to a €750 fine. Copé claimed that 220 deputies of 577 had already promised to support his bill.

Copé's bill is phrased as a blatantly anti-democratic "ban [on] the covering of the face in places open to the public, apart from some exceptions of a cultural nature or carnivals, for which we will draw up a list." This echoed previously proposed bans on hoods and masks on demonstrations and protests, exposing demonstrators to victimization by employers and the state.

While Copé's proposal divided all the major parties—including the UMP, PS, and PCF—the political establishment is too deeply implicated in the measure to offer real opposition to Copé's law. Thus PS spokesman Benoît Hamon, the ostensible leader of the PS' opposition to

an anti-burqa law, said on January 6, “We are totally opposed to the burqa, the burqa is a prison for women, in the Republic, it has no place, but a law designed for the circumstances [i.e. for electoral reasons] would not have the desired effect.” He added the PS would oppose “any law” that is “impossible to apply.”

Initially, the government did not enthusiastically support Copé’s proposal. Prime Minister François Fillon said the matter should await Gerin’s report, and Sarkozy proposed the burqa might be publicly condemned in a resolution—thus avoiding formally passing an anti-burqa law. However, Sarkozy and Fillon are now signaling their support for an anti-burqa law.

On January 12, Fillon told UMP deputies that he wanted “legislative texts and an executive order” to institute the banning of full-body veils. Thrusting aside warnings that the law would be found unconstitutional, Fillon said the debate over “compatibility with the constitution and European jurisprudence” would “be decided after the regional elections.”

On January 13, Sarkozy called for an anti-burqa resolution, which would allow Parliament to “discuss a legislative text adapted to the situation.” *Le Nouvel Observateur* also reported that the Gerin commission would support an anti-burqa law. Gerin himself, as a number of other PS and PCF figures including Manuel Valls, has publicly declared his support for a law banning the burqa.

The fact that the political establishment is proceeding with an anti-Muslim law, widely and correctly seen as an appeal by Sarkozy and the PCF to neo-fascists, has profound implications. The debate over such a law—and even more so, as now seems likely, its adoption—shows that France’s political order depends on the trampling of public opinion and fundamental rights.

This outcome is a devastating indictment of the reactionary political position that opposition to various forms of Muslim dress for women constitute a defense of *laïcité* (secularism, i.e. the principle that the state gives no support or preference to different religions inside its territory). In fact, it has paved the way for a law persecuting a small and oppressed religious minority—estimates are that roughly 2,000 women in France would be affected by the law. This directly violates the principle of *laïcité*, and has laid the basis for an enormous lurch to the right in official politics.

Moreover, this campaign amounts to a conscious decision by the ruling elite to lay the basis for extra-legal and authoritarian forms of rule. An anti-burqa law would effectively sideline and eliminate the constitution as the basis for the rule of law. Indeed, its Article 1 declares that France is “an indivisible, *laïque*, democratic, and social Republic.”

This particular form of Muslim-baiting was employed by Sarkozy’s predecessor, President Jacques Chirac (UMP) in 2003, when he proposed a law to ban the Muslim veil or headscarf in public schools, ostensibly to defend their secular character. This found broad support in the political establishment, including the PS and PCF. The measure was largely intended to confuse and divide the working class, and particularly teachers, who had mounted a major strike against pension cuts in the spring of 2003.

Anti-immigrant agitation and law-and-order agitation, and the UMP’s resulting ability to win over FN voters, played a key role in the election of Sarkozy in 2007.

The witch-hunting of immigrants is, moreover, a pan-European phenomenon. It is expressed in the Swiss referendum banning the construction of minarets, Islamophobic pronouncements by leading figures in Germany such as Thilo Sarrazin, and this month’s assault on migrant workers in the Italian region of Calabria, organized by the mafia, the state and right-wing politicians.

In the context of Europe’s unpopular participation in the NATO occupation of Afghanistan, appeals to anti-Muslim and anti-burqa sentiment also encourage hostility to the Afghan resistance—sections of which encourage wearing the burqa. They also provide fodder for cynical arguments that NATO’s imperialist occupation is in fact struggling to liberate Afghanistan.

Thus, at the time Sarkozy first proposed banning the burqa, UMP deputy Pierre Lellouche, who specialises in military matters and is France’s special representative for Afghanistan and Pakistan, said, “If I fight daily for the rights of women in Afghanistan, you will understand that I would wish that all women in France should have the right to their bodies and their persons.”

(1) Charles Martel (c. 690-741), de facto sovereign of the Frankish tribes that ruled sections of what is today France, after the fall of the Roman Empire. In French schoolbooks, he is traditionally cited for stopping the Muslim invasion of France through Spain, at a decisive battle near Poitiers in 732.



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