

French National Assembly debates burqa ban

Antoine Lerougetel
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The debate on the bill banning the wearing of the burqa or niqab full-face garments began in the French National Assembly on July 6, in preparation for being voted on July 13. The political stakes of this debate for the French ruling class were underlined by the large attendance of deputies, media, and security forces.

The bill proposed by the ruling UMP (Union for a Popular Movement) would impose a total ban on the wearing of the burqa or the niqab in public, subject to a €150 fine and/or the obligation to attend “a course on citizenship” to inculcate “republican values”. Women who refuse to remove their veil in public can be arrested and held in custody for four hours, under the pretext that this is necessary to ascertain their identity.

In addition, a new offense of “enforced concealment of the face,” incurring a year’s imprisonment and a €30,000 fine is aimed at husbands, partners and the family of these women. The repressive character of the bill had been strengthened by amendments submitted by the opposition *Parti Socialiste* (PS). It insisted that the original fine of €15,000 proposed by the UMP be doubled, and that these penalties be doubled in the case of a woman who is a minor.

The law would come into effect in the spring of 2011 after six months of “pedagogy”—that is, a further political and press campaign of Islamophobic denunciations of the burqa and niqab.

In her presentation of the bill, Justice Minister Michèle Alliot-Marie insisted on the profoundly republican character of a law. She claimed it has nothing to do with “either security or religion” but rather “public order,” “dignity,” “equality” and “transparency”. She pompously added, “The Republic does not conceal its face.”

Here Alliot-Marie is being clumsily disingenuous. One of the main arguments for the ban has been security, which is fed by the prejudice that every Muslim is a potential terrorist and the state needs to be able to check their identity at all times.

The main arguments used by André Gerin, the *Parti Communiste Français* (PCF) deputy who chaired the

parliamentary mission that prepared the burqa ban, have been based on religion. *Nouvel Observateur* writes that Gerin “passionately defended the principle of a total ban. ‘We must stop the drift of Islamic fundamentalism’, he said, ‘with one republican voice ... We are in line with the voices which are raised today against Islamic fundamentalism in the Arab and Muslim world.’”

The proposed burqa ban is a flagrant and unconstitutional attack on basic democratic rights, appealing to anti-Muslim sentiments to disorient and short-circuit public opposition. However, it is well known that such a bill would violate basic provisions of existing law. Thus, Article 10 of the Declaration of the Rights of Man states: “No one shall be disquieted on account of his opinions, including his religious views, provided their manifestation does not disturb the public order established by law.”

This principle is reiterated in the European Convention of Human Rights, in Article 9, entitled “Freedom of thought, conscience and religion”. It says, “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance”.

The ban also tramples the legal principle of *laïcité*, or state neutrality in matters of religion, by requiring the state to selectively punish followers of Islam as it is practiced in large sections of Saudi Arabia and Afghanistan. The fact that the wearing of the burqa was spread in large sections of Afghanistan by the Taliban during the 1990s—when they were supported by the US and other French allies—only underlines the hypocrisy of the ban.

The government’s decision to proceed with the ban is a clear sign of moves towards extra-legal and authoritarian rule. It is acting despite a consultative ruling by the State Council that a burqa ban could have “no firm juridical basis.”

In April Prime Minister François Fillon asserted that the

government would fast track the anti-burqa legislation, even though such a law could be ruled unconstitutional and contrary to the European Convention of Human Rights. “We are ready to take legal risks because we think that the stakes are worth it”, he said.

He chillingly implied that democratic rights as guaranteed by the Convention were obsolete: “We cannot encumber ourselves with prudence in relation to legislation that is unsuited to today’s society.... If we have to shift the jurisprudence of the [French] Constitutional Council and that of the European Court of Human Rights, we think that it is our public duty to do so”.

The French political elite is playing the racist card, as in many European countries, to whip up a right-wing atmosphere, divide the workers, and hide the implications of the economic collapse in Europe and the turn towards nationalism in its ruling classes. It will inflame sentiment in the Muslim world and in France’s 5-million-strong Muslim community, as they justifiably conclude that the French state is illegally targeting them for oppression.

The government has been able to proceed above all due to the absence of any opposition from the bourgeois “left.” The fact that these parties support this legislation demonstrates that there exists no constituency within French official politics for a defense of democratic rights.

The burqa mission, led by Communist Party deputy, André Gerin, was set up with the support of all parliamentary parties, including the PS, the PCF, the Left Party of Jean-Luc Mélenchon and the Greens. As for the so-called “far left” parties, such as Olivier Besancenot’s *Nouveau Parti Anticapitaliste*, none of them has led a campaign to oppose the ban—which has substantial support among all their memberships.

The anti-Muslim atmosphere promoted by this political campaign against the burqa has already led to altercations and attacks, including with firearms, on mosques and halal groceries.

Closely allied to this issue is the Hebbadj case, being used by the government to prepare a law enabling the state to strip a naturalised French citizen of his or her nationality, if they come into conflict with the authorities and so-called “republican values” (See French government witch-hunts partner of niqab-wearing woman)

In another treacherous manoeuvre, the PS parliamentary group has decided not to participate this time in the vote on the bill, implicitly acknowledging the fundamental unpopularity and right-wing character of the law.

Jean Glavany, representing the PS in the debate,

explained the difficulty of supporting the government, while posing as an anti-racist defender of democratic rights: “Many of us cannot vote against this text, because we too are against the wearing of the full-body veil. But we cannot vote for it because the debate on the burqa is part of government manoeuvres linked to the debate on national identity. As for abstention, it is difficult to explain to public opinion.”

This is, however, simply an attempt to hide the PS’ agreement with racist policies from the public—under conditions where the “national identity” campaign was massively unpopular. Jean-Marc Ayrault, head of the PS group in the Assembly, assured the government on July 1 that the PS would make “no obstacle to the vote for the law.”

Already, on May 11 the PS had voted “without hesitation” with the UMP on a resolution calling for a total ban on the full-body veil, in the name of “republican values.”

The burqa bill is due to be voted on Tuesday July 13 and seems set to pass. Only the three Green deputies, allied with the PS, have announced their intention to vote against—and on a right-wing basis. They assert that adequate laws already exist to deal with “the necessary identification of people by law-enforcement agencies” and “to forbid the wearing of clothes hiding the face if public order were threatened.”

The PS will be joined by PCF deputies in not participating in the vote, though André Gerin will vote with the government, as will three PS deputies, Emmanuel Valls, Jean-Michel Boucheron and Aurélie Filipetti, and virtually all of the 10 deputies of the PRG (Left Republican Party) allied to the PS.



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