A Paradigm of an Intractable Dilemma

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Dianne Gereluk's essay highlights several thorny issues that arise when students wear articles of clothing that are emblematic of their particularist beliefs or identities in common school classrooms. The paper specifically focuses on freedom of expression as well as freedom of religion, and the degrees to which limits should be imposed on these freedoms by the harm and "offense" principles and by considerations of students' present and future autonomy. Gereluk concludes that clothing policies need to give wide berth to freedom of expression and freedom of religion, lest these policies "become arbitrary and heavy handed." I am sympathetic to this conclusion. However, I would like to take the opportunity to push the conclusion a little further by zeroing in on the case of the Muslim veil or *hijab*. This case exemplifies an apparent tension between the civic purposes and liberal commitments of common schools in pluralistic democracies.

In a few places in her paper, Gereluk alludes to the sixteen and a half year-old controversy surrounding the *hijab* in France, and the decision by the National Assembly two years ago to prohibit "conspicuous" religious symbols in common school classrooms. The controversy is due, in no small part, to the symbolic ambiguity of the veil. I want to draw attention, here, to three possible interpretations (while acknowledging that this is by no means an exhaustive list):

1. The *hijab* represents a shared cultural identity, one that is threatened in republican France, and generally marginalized and maligned in the Western World.

2. The *hijab* is "a humiliating form of dress"[1] that symbolizes the subjugation of women.

3. The *hijab* is an emblem of a radical Islamist ideology that is vehemently opposed to liberal democracy.

Because of these sharply divergent interpretations, common schools in pluralistic democracies find themselves at cross purposes with regard to the *hijab*. On the one hand, these schools are charged with taking students from widely diverse backgrounds and inculcating in them the virtues of citizenship in a liberal democracy. Among other things, a proper civic education will encourage students to view one another as democratic equals, and it will teach them the virtue of tolerance for different conceptions of the good life. Yet, under the latter two interpretations, the *hijab* seems to work against the principle of equality and the virtue of tolerance. On the other hand, these schools are also charged with granting students a certain amount of freedom, freedom to express their private commitments in a manner that does not impinge on the right of others to do the same. Legitimate questions arise as to the fairness and inclusiveness of these democratic institutions when they do not make a good faith effort to uniformly protect this freedom. Particularly under the

first interpretation, the *hijab* appears to be a very strong candidate for accommodation in common schools.

In sum, the Muslim veil is the epicenter of what appears to be an intractable dilemma. By permitting the veil, common schools honor their liberal commitments, but confound their civic purposes. By banning the veil, they affirm their civic purposes, but renege on their liberal commitments. Now, Gereluk argues that common schools need to have an overpowering reason to renege on their liberal commitments. Her invocation of the harm principle suggests that an immediate concern for the safety of any member of the school community would qualify as one such reason. However, she does not think that concerns over the anti-democratic and illiberal aspects of the *hijab* are enough to warrant its restriction in French common schools. Gereluk acknowledges that "for some, the *hijab* is considered a sign of oppression." Yet she argues that "having a suspicion or perception that a religious symbol may be oppressive is not [reason] enough to intervene. One must demonstrate that the symbol *is* oppressive."

However, there is evidence which suggests that Muslim girls in France have been pressured and coerced by male family members and classmates to wear the veil in school. Jane Kramer, the *New Yorker's* European correspondent for the past twenty-five years, has reported that, in the Muslim ghettoes, unveiled girls sometimes have been subject to horrific violence. She writes: "Girls who did not conform were excoriated, or chased, or beaten by fanatical young men meting out 'Islamic justice.' Sometimes, the girls were gang-raped. In 2002, an unveiled Muslim girl in the *cité* (housing project) of Vitry-sur-Seine was burned alive by a boy she had turned down."[2] In response to the murder of seventeen year-old Sohane Benziane, a feminist movement called *Ni Putes Ni Soumises* (Neither Whores Nor Slaves) was established by Benziane's sister and activist Fedala Amara.[3] Among the movement's primary objectives is to protect girls who are being forced to wear the *hijab*, drop out of school, or marry without their consent.[4] Needless to say, members of the movement support the ban on conspicuous religious symbols in common schools.[5]

I do not mean to suggest that all or even most French Muslim girls who wear the veil have been coerced into doing so. And, like Gereluk, I have reservations about a universal ban on conspicuous religious symbols in schools. Such a policy does not take seriously enough the need for individuals and groups to express publicly their deepest religious, philosophical, and cultural commitments, and it places unequal burdens on already marginalized minority groups. That said, I do not think that we should underestimate the anti-democratic and illiberal aspects of the *hijab*. Its association with the subjugation of women and with a radical Islamist ideology that is intolerant of other ways of life is very real. In light of this, it would seem that common schools sacrifice too much by way of their own civic purposes by putting no checks on the veil whatsoever.

What I am arguing is that the adoption of a universal policy with regard to certain ambiguous and politically-charged symbols, like the Muslim veil, generates

a deep, internal conflict for common schools in a pluralistic democracy, a conflict between their civic purposes and liberal commitments. However, I need to consider the possibility that I am making too much of this apparent conflict. In a paper that she delivered at the Philosophy of Education Society annual meeting in 1995, Amy Gutmann declared, "Many contemporary controversies about public schooling turn on the clash of two *apparently* competing educational aims: securing civic values and respecting cultural differences."[6] In Deweyan fashion, Gutmann argued that these aims should not be regarded as dichotomous, but instead should be integrated into "a democratic conception of a civic *and* multicultural education."[7] Her test case was the controversy involving the Muslim veil in France. The French government had recently, in September 1994, banned "ostentatious religious signs," including the *hijab*, in public school classrooms.[8] Gutmann asserted that the ban should be lifted and religious symbols should be subject to examination and critique in schools. The Muslim veil, she reasoned, could be a pretext for valuable civic lessons in gender equality and religious toleration. In this way, French schools could secure civic values while *at the same time* respecting cultural differences.

I am not going to deny the philosophical appeal of what I will call the "critical acceptance" approach. However, I am not sure that exposing the veil to direct criticism in the classroom is the right response to those who are engaged in a struggle for recognition of their religious or cultural identity. And I am certain that it is not the right response to those who have been coerced to wear the veil. The critical acceptance approach is not sensitive enough to the intense pressure that many of these girls are grappling with already, pressure to remain faithful to tradition while achieving recognition in a society that has misgivings about that tradition. Regardless of whether or not this approach bridges the gap between the civic purposes and liberal commitments of common schools, the burdens that it imposes upon some members of the school community are too great.

It is a fact of contemporary pluralism that certain clothing symbols, like the *hijab*, present complex dilemmas for common schools that cannot be resolved adequately by a universal policy — be it prohibition, acceptance, or critical acceptance. Dress codes that are appropriately nuanced and sensitive to local circumstances — such as the degree to which support for or opposition to the article of clothing in question is motivated anti-democratic and illiberal beliefs — are generally preferable to such blanket approaches.

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1. These are the words of Gisele Halimi, one of the founders of the French anti-racist organization "SOS-Racisme." Quoted in Amy Gutmann, "Challenges of Multiculturalism in Democratic Education," *Philosophy of Education Yearbook 1995*, ed. Alven Neiman (Urbana, Ill.: Philosophy of Education Society, 1996), http://www.ed.uiuc.edu/eps/PES-Yearbook/95_docs/gutmann.html.

2. Jane Kramer, "Taking the Veil: How France's Public Schools Became the Battleground in a Culture War," *New Yorker*, November 22, 2004, 66–67.

3. Trica Keaton, "Arrogant Assimilationism: National Identity Politics and African Origin Muslim Girls in the Other France," *Anthropology & Education Quarterly* 36, no. 4 (2005): 412.

4. "Ni Putes Ni Soumises," Wikipedia, http://en.wikipedia.org/wiki/Ni_Putes_Ni_Soumises.

5. "French Mosque Fire Draws Protest," BBC News Online, March 7, 2004, http://news.bbc.co.uk/2/hi/europe/3539311.stm.

6. Gutmann, "Challenges of Multiculturalism in Democratic Education," (emphasis added).

7. Ibid.

8. Ibid.