

## Choice Versus Equal Opportunity: On What Toleration Requires in the Case of the *Hijab* in French Schools

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In his essay, “Egregiously Conflated Concepts: An Examination of ‘Tolerance as Recognition,’” Josh Corngold argues that while toleration should not be equated with recognition, it nonetheless requires the French government to “put up with” Muslim girls wearing headscarves (the *hijab*) in public schools. Otherwise, the French government “invites divisiveness, civil unrest, and chaos,” by infringing upon individuals’ civil rights. While I agree with Corngold that tolerance might be the more useful concept to apply to this case, I am somewhat less certain that toleration requires the French state to allow the *hijab* in public schools. As Corngold points out, toleration is practiced in response to the perception that the coercion of those involved in dubious beliefs or practices would be ineffective and irrationally harmful. If we put aside the instrumental value the *hijab* may hold for some Muslims as members of minority cultural communities in France (as Corngold has), we find that toleration in this case disallows the irrational subversion of the activities of Muslim girls. In considering what social policy would result in the least coercion of this group, three questions must be addressed. First, *who* must practice toleration? Second, whose *voices* must we consider in this debate? Third, what rights and what *future rights* must be granted to school-aged people?

In considering *who* must practice toleration, Corngold distinguishes political toleration from the virtue of tolerance, thereby qualifying his discussion as an examination of the “approach that the *state* takes toward persons or things that it finds threatening or abhorrent in some way.” While the task of clearly differentiating political toleration from the virtue of tolerance need not be Corngold’s, the issue of *who* ought to tolerate cannot be fully resolved by the distinction; the state is typically viewed as its citizenry in liberal democratic societies like France. What toleration requires in this case from French policymakers and what it requires of other particular citizens, like educators or adult Muslims, are different questions.

Individual perspectives on what toleration requires of the state and who is meant by the state vary in diverse societies, and French citizens today hold multifarious understandings of what entails the harmful subversion of Muslim girls. Like Corngold, many feel that what toleration requires depends primarily on whether or not we view it as irrationally coercive to Muslim girls to prohibit their wearing the *hijab* in public schools. If we distinguish between actions that are harmfully oppressive and those that are merely repulsive or threatening to tradition, it seems clear to many that French policymakers are wrongly suppressing practices which could be harmlessly endured, if not necessarily appreciated. As Corngold notes, harmful consequences have and probably will continue to stem from the ban. Some girls have expressed a sense of being robbed of their civil rights, and protests and threats of terrorist attacks have emerged in the ban’s wake.<sup>1</sup> Finally, as Dianne Gereluk points

out, even if we suspect that “wearing the *hijab* does compromise girls’ future autonomy as adults,” we nonetheless have little reason to believe that banning it from public schools will “deter parents from forcing their daughters to conform,” and not instead “withdraw their daughters from school as a result from the policy.”<sup>2</sup> All of these factors suggest that the state’s ban is unnecessarily harmful to Muslim girls.

Yet other concerned parties address the question of what toleration requires of the French state by examining the possibility that the social norm of Muslim females wearing the *hijab* in all public spaces might in itself be intolerably harmful and irrationally coercive. Paradoxically, many feel that the ban may represent an act of toleration toward all *future* citizens’ right to autonomous development. My second question thus regards *which voices* we must listen to, for when we take those of other French citizens seriously, we find that the question of what toleration requires and of what causes more harm — the *hijab* or its ban — becomes more difficult to answer.

Studies suggest that about half of Muslim women in France support the ban.<sup>3</sup> While many of the ban’s opponents view it as unfairly targeting Muslim women of North African backgrounds, the majority within this particular group are “hostile to headscarves in schools.”<sup>4</sup> Many within and outside this group feel that the practice of wearing the *hijab* is not always clearly chosen by girls and is but one of many norms to which Muslim females are expected to conform with little or no recourse within their religious communities. Such is the sentiment of the members of *Ni Putes Ni Soumises* (Neither Whores Nor Submissives). This group aims for “no more justifications of our oppression in the name of the right to be different”: no more *recognition over toleration*.<sup>5</sup> It was founded by Kahine Sohane shortly after her sister was publicly burned to death for rejecting a would-be suitor.<sup>6</sup> Sohane supports the ban of the *hijab* as a defense of all French girls’ future civil rights against the harmfully oppressive dictates of some religious communities.

Because liberal democratic societies like the United States and France charge the public school with developing in young people skills and values necessary for their later autonomous exercise of rights and participation in society, what protects children’s *future* rights is a third question worth asking in regard to this case. The liberalism that undergirds French educational policy notably differs from that influencing United States policy, in regarding educational *égalité* as dependent upon the minimization of “private” difference, rather than the inclusion or recognition of difference in the classroom.<sup>7</sup> Difference is seen as threatening, not just to the preservation of traditional cultural values but also to equal educational opportunity necessary for developing adult autonomy. Wole Soyinka contrasts this sense of equal rights as “oneness” with “a simplistic reading of the rights of children to individual self expression,” arguing that the latter perspective often results in children segregating themselves by previously held *de facto* cultural and class consciousnesses.<sup>8</sup> Seen thusly, it seems wrong to attribute to future citizens rights approximating their guardians’ interests. In particular, the state’s ability to promote civic virtues to children, such as that of tolerance and the value of political toleration, could be hindered by such intergenerational mapping.

Critically examining the prevalence of what he regards as the “takeover of the young learning environment by fashion parades” in the United States, Soyinka argues,

if I happen to believe that youths should be weaned away from any sense of class distinction through displays of affluence in school, it seems only logical that the more insidious demonstration of religious difference should be equally discouraged, [because ideally,] children create their own world. They should be encouraged to do so. They re-enter another world on returning home and again, left alone, harmonize both and others without any anguish. In itself, this constitutes their educational process and makes their existence a richer one.<sup>9</sup>

Public education aims to teach knowledge as well as to develop civic virtues so that young people can collectively maintain and improve society. Toward these interests, the minimization of difference in the classroom does not seem an unnecessary, harmful infringement on the rights of children, whose autonomy can be subjected to debate. Policies for *égalité* like the ban of the *hijab* in public schools might actually be crucial for the development of greater political toleration in society.

At first glance, it seems obvious that to tolerate something is to not ban it. This makes sense when we focus on the toleration the state practices towards the apparently private activities of its citizens and future citizens. Yet, when we recognize that de facto social practices are not necessarily harmless, that some feel that their rights or the future rights of others will be trampled on without the ban of the *hijab* in public schools, what toleration requires in this case is a complex if not perplexing question to answer. When we juxtapose various perspectives held in France today regarding the rights and protection of Muslim girls, it seems likely that any sound attempt at resolving this case will need to also consider “a host of other competing norms such as equality of liberties and rights, liberal choices, harm prevention, and democratic deliberation.”<sup>10</sup> While political toleration may be a less contentious and more fruitful principle to use than that of recognition, it still is by itself insufficient for considering the case of the *hijab* in French schools.

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1. Janice Valls-Russell, “Growing Up Muslim in France,” *New Leader* 87, no. 2 (2004): 3.
  2. Dianne Gereluk, “Should Muslim Headscarves Be Banned in French Schools?” *Theory and Research in Education* (forthcoming).
  3. Valls-Russell, “Growing Up Muslim in France,” 3.
  4. Gereluk, “Should Muslim Headscarves Be Banned in French Schools?” 1.
  5. *Ni Putes Ni Soumises* [Neither Whores Nor Submissives], “*Appel National des femmes des quartiers Ni putes Ni soumises* (National Appeal),” trans. *Ni Putes Ni Soumises*, Wikipedia, [http://en.wikipedia.org/wiki/Ni\\_Putes\\_Ni\\_Soumises](http://en.wikipedia.org/wiki/Ni_Putes_Ni_Soumises).
  6. Valls-Russell, “Growing Up,” 2.
  7. Harry Judge, “The Muslim Headscarf and French Schools,” *American Journal of Education* 111 (2004).
  8. Wole Soyinka, “To Everything, Its Place,” *New Perspectives Quarterly* 21, no. 3 (2004): 7.
  9. *Ibid.*, 7, 8.
  10. Xiaorong Li, “What’s in a Headscarf?” *Philosophy and Public Policy Quarterly* 24, no. 1 (2004): 18.