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法國與印尼對宗教服裝觀點之比較研究
France and Indonesia's Perspective Towards
Religious Attire: a Comparative Study

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FOREWORD

Praise to Allah, the owner of the universe, with His guidance for more than couple of years finally author can complete this thesis. This thesis was written as to fulfill the requirements for Master degree. During the writing of this thesis author have to pass several disagreements and critics, and author felt very grateful because of that, without them author will never broadening the point of view.

This thesis with entitled France and Indonesia's Perspective Towards Religious Attire: a Comparative Study [法國與印尼對宗教服裝觀點之比較研究], author try to see how these two secular countries attitude towards what is appeared as religious symbol. The reason while author choosing these two particular countries is, as an Indonesian author has had experienced living in the multicultural country such as Indonesia. It has attracts author when France issuing the law of conspicuous religious symbol in 2004 moreover, the ban of full face veil wearing in public areas law in 2010. It is very interesting comparing these two secular countries and to learn more about their history before becoming republic.

In Indonesia, the religious symbols had never become a threat for the republic. In this thesis author found how *hijab* has become a problem, which, have to be solved by the French government by issuing the law of conspicuous religious sign. Author realized that this thesis still needs some perfection in some parts. However, author believes it is still can be a part of further research in this field.

It is author's hope that this thesis can contribute to the study of behavior that is considered deviant or different. Author also hopes to stimulate interest in cross-national and cross-cultural studies between European and Asian. Author hope that this thesis can make a contribution to the growth of a broader perspective of mutual understanding in respecting others culture.

Finally, in this foreword author would like to thank to several people whose help was critical to my success:

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ABSTRACT

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Abstract :

Ever since the post Cold War, which marked by the collapse of Soviet Union, through his essay, Samuel P. Huntington made a hypothesis that source of conflict will be cultural, particularly between Islamic and non-Islamic civilizations. Furthermore, after the terrorist attacks of September 11th, 2001, the popular association of radical Islam with terrorism has invested the headscarf with potent new meanings and anxieties, and it has a highly visible sign of a seemingly existential threat to western civilization. The wearer often judged as a fanatic and proselytizer, burdened by it at the insistence of men. Yet, for some women the wearing of headscarf is a blessing rather than a curse, choosing to wear the veil can be an act of empowerment and a realization of gender equality. What one chooses to wear is a personal matter, influenced by cultural questions of taste, fashion, the household budget, climate, and workplace conformism, but not normally circumscribed by law or State intervention. The 2004 law on religious symbol in France, has become a debate whether the veil can be a threat for a strict French secularism. Indonesia as a secular country with Muslim majority does not have law to conform what to wear or not to wear to its population. Both France and Indonesia had claimed that religious freedom is guaranteed by their constitution. Freedom under existentialism point of view is the statement that man is only what he wills himself to be. Conflict in defining freedom, occurs in French society after the issuance of law on religious symbol 2004, which can be settled down if only the parties within can find mutual understanding through dialogues based on respecting other culture.

Keywords: Existentialism, France, Indonesia, Religious Freedom and Secularism.

CONTENTS

FOREWORD	i
ABSTRACT	iii
CONTENTS	iv
Abbreviations and Glossary	vi
List of Tables and Figures	viii
CHAPTER I Introduction	1
1. Motivation and purpose	1
2. Research Methods	6
3. Theoretical Framework	6
4. Literature review	12
5. Research Framework	14
6. Data Collection	15
CHAPTER II Secularism as the Basic Law of France and Indonesia	16
1. Secularization	18
2. France	22
A. The birth of Republic	23
B. French Republics	28
3. Indonesia	34
A. National Movements	36
B. Defining Political Ideology	44
CHAPTER III Feminism and Women in Islam	48
1. Feminist Movement	49
A. The first wave of feminism	51
B. The second wave of feminism	53
C. The third wave of feminism	57
2. Women in Islam	59
3. Islamic Feminism	64
4. The Origins of Veil	68

A. Jewish veil.....	69
B. Christian veil.....	70
CHAPTER IV Diversity Clashes in Indonesia and France.....	72
1. Immigrants, Discrimination and Inequalities.....	75
A. France.....	75
B. Indonesia.....	85
2. Islamophobia.....	87
3. Hijab.....	92
A. France.....	93
I. 1989's <i>hijab</i> incident.....	93
II. 1994's <i>hijab</i> incident.....	96
B. Indonesia.....	98
4. The French law of Conspicuous Religion Symbol.....	99
A. Existential ethics point of view on the law of religious ostentatious symbol.....	103
B. Feminist.....	109
CHAPTER V Conclusion.....	116
BIBLIOGRAPHY.....	124
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Abbreviations and Glossary

Aïd el Kebir	Greater Eid, Muslim's festival of sacrifice
Burqa	a loose garment usually with veiled holes for the eyes worn by Muslim women in India and Pakistan
CFCM	Culte Musulman et Islam de France (French Council of the Muslim Faith)
CRC	Committee on the Right of Children
CORIF	le Conseil de réflexion sur l'Islam en France (Working Council on Islam in France)
CSI	Centraal Sarekat Islam
EU	European Union
EUMC's RAXEN	European Monitoring Center on Racism and Xenophobia
FNMF	la Fédération Nationale des Musulmans de France (National Federation of French Muslims)
Girondins	a political faction in France within the legislative assembly and the national convention during the French revolution
Hadith	a report of the sayings or actions of Muhammad or his companions, together with the tradition of its chain of transmission.
Hijab/jilbab	a particular veil which worn by Muslim women and covers head, neck and bosom. There are view types of hijab such as Niqab, Burqa, etc.
ICCPR	International Covenant Civil and Political Rights
Ijtehad	reasoning on matters related to Islamic Law and how it applies in the changing conditions from one generation to the next
Indigènes	native people of France colonies
ISDV	Indische-Sociaal Democratische Vereeniging (Indies Social-Democratic Association)
Jacobins	radical republican during the French revolution

Kippa	word for cap, and is a religious cap that Jewish people wear
Keski	smallest version of Sikh's turban
Laïcité	French term of secularism
Maghrébhine	people of West Northern Africa who migrating to France
Montanards	members of a French revolution political group sat on the highest benches in the Assembly
NFP	National Focal Point
Niqab	a veil worn by some Muslim women in public, covering all of the face apart from the eyes
P.b.u.h.	peace be upon him
PKI	Partai Komunis Indonesia (Indonesian Communist Party)
Priyayi	nobles of the Robe, for decendants of the governors in Java during the Dutch era
SDI	Sarekat Dagang Islamiyah (Islamic Commercial Union)
Sharia	A set standards governing all aspects of life, derived primarily from the Quran, the central religious text of Islam, and the <i>Hadiths</i> , a collection of sayings and descriptions of the <i>sunna</i> , or exemplary and normative conduct, of the Prophet Muhammad.
SI	Sarekat Islam (Islamic Union)
Ummah	the Muslim community or people
UOIF	Union des Organisations Islamiques de France (the Union of French Islamic Organizations)
Wilayatul Hisbah	The authority to supervise the enforcement of <i>sharia</i> as well as to guide the violators of <i>sharia</i> , and does not have the authority to arrest.
Yom Kippur	important holiday of Jewish year

List of Tables and Figures

Table 1. . Immigrants Country Origins since 1962- 1999 (in percent).....	77
Table 2. Acquisition of citizenship by country of former nationality from 1995 to 2003 (in numbers).....	79
Figure 1. Islamic types of veil.....	64
Figure 2. Map of Paris and its suburbs	83

CHAPTER I

Introduction

1. Motivation and Purpose

This thesis is focused on the attitude of two secular states toward religious attire, especially on *hijab* which worn by Muslim women. By using existentialism theory, author would like to show that a secular state should give freedom to its citizens on how they practice their religion. The freedom of expressing of one's religion has been recognized by civilized countries on United Nations Declaration of Human Rights and other conventions, such as, International Covenant on Civil and Political Rights. Since *hijab* is worn by Muslim women, therefore, this thesis will also discuss women's right. This thesis is intended to exploring *hijab* as religious attire, in secular countries of France and Indonesia from existentialism point of view to women's right to choose what to wear.

Both France and Indonesia are secular states, which mean as a country neither of them based on particular religion. The similarities between these two independent republics vividly can be seen by their constitution and the varieties that have been lived among their people. Both of these countries were built by the unity amid the diversity although each of them has one religion that has been adopted by majority, but they did not make biased or only supported the strongest. French and Indonesian constitution had drawn the border line of separation between state and religion.

French with the history of strong Catholic Church influence,¹ in August

¹ Edward Cody, *Sarkozy calls for tolerance but also cautions Muslims about France identity*, in:

1789, started the Revolution that turns out become the collapsed of monarchies rule and new dawn of a republic. Indonesia in August 1945, has declared her Independence from the three and a half centuries colonization of the Netherland. Islam is the majority belief, but as secular country Indonesia has facilitate other religions by not putting Islamic law as her ideology.

After September 11th, 2001, Islamophobia has become a scourge around the world. People are afraid to those with beard, Arab clothing or anything that can be described as Muslim fundamentalism. Almost every European country have had passed the law which has been consider to prevent this fundamentalism movement. Minaret's ban in Switzerland, the picture of Prophet Muhammad (*p.b.u.h.*) pictured as terrorist in Denmark, or the controversial film of 'Fitna' by Geert Wilder, Dutch Politician, and many other things, that unfortunately could fuel the Islamic fundamentalism to find reasons to reacts which always ended up with terrorist activities.

One law, which can be considered as the product of Islamophobia is headscarf ban by French Senate in state school. After two days of debate, on March 4th, 2004, the French Senate gave its overwhelming approval to a law that forbids state school students from wearing conspicuous religious apparel, such as veil or *hijab* on Muslim, Jewish *kippa* (skullcaps), Sikh turbans and large Christian crosses. The French had been debating this issue for two decades, dozens of girls expelled from secular schools for refusing to remove their head cover. Followed, by July 13th, 2010, the French Parliament's lower house even

<http://www.washingtonpost.com/wp-dyn/content/article/2009/12/08/AR2009120802018.html>, December 9th, 2009, accessed on July 3rd, 2010.

made a law which banned the wearing of *burqa* and the full-face-covering niqab in every public area.

In Indonesia where Muslims are majority, although not all Muslim women wearing headscarves, there are no rules or regulations to ban this attire. Every single woman has the same rights as men had. Indonesian women are free to choose what they like to wear, as long as not violated others right or against the norms within society. There are many kinds of headscarf or in Islam called *hijab*, such as, *niqab*, *burqa* and *jilbab*. Not all Indonesian people accept the presence of this Islamic attire, but it does not make those who choose to wear *hijab* feel threatened.

The purpose of this thesis will be focused on the *hijab* banned, the law mentions above is appropriate as it is intended, to protect the autonomy of minors who may pressured or forced to wear a veil or *hijab* or other religious symbols. However, the law denies the rights of those minors who have freely chosen to wear a religious symbol to go to school as part of their religious belief. Moreover, the implementation of the law by educational institutions has led, in a number of cases, to abuses that provoked humiliation, in particular amongst young Muslim women.

According to Olivier Roy, Islam is compatible with French *laïcité*, emphasizing that a more inclusive concept of public sphere, which permits greater religious liberties to Muslims while insisting on adherence to the institutions of a democratic republic might help to defuse conflict. He contended that the state could provide opportunities for integration and participation to self-defined

French Muslims on the religiously defined cultural identity.²

For some of the Muslims the implementation of the law itself, were against to international human rights obligations, which France is a state party on it. Various treaty bodies have scrutinized the recently adopted French Law on secularity and conspicuous religious symbols in public school, and though no outright condemnation can be discerned, the concerns that have been raised lean towards a disapproval of this state practice. An International Covenant on Civil and Political Rights article 18 clearly stated about the freedom to practice one's religion belief. The Committee on the Rights of the Child, for instance, noted:

The French Constitution provides for freedom of religion and...the law of 1905 on the separation of church and state prohibits discrimination on the basis of faith. The committee equally recognizes the importance the State party accords to secular public schools. However, in the lights of articles 14 and 29 of the Convention [CRC], the Committee is concerned by the alleged rise in discrimination, including that base on the religion. The committee is also concerned that the new legislation...on wearing religious symbols and clothing in public schools may be counterproductive, by neglecting the principle of the best interest of the child and the right of the child to access to education, and not achieve the expected results.³

The CRC committee, short of condemning the law in absolute terms, clearly challenges the necessity of this interference with religious rights.⁴ As France is under a clear human rights obligation to guarantee that children are not

² WES NORTHWEST, *Religion, Immigration and Integration, Olivier Roy speaks on Islam in Europe in Seattle*, the Henry M. Jackson School of International Studies, University of Washington, (winter 2009), p. 1.

³ Concluding Observations: France, adopted 4 June 2004, U.N. GAOR, Committee on Rights of the Child, 36th Session, 25, U.N. Doc. CRC/C/15/Add.240 (2004).

⁴ Concluding Observations: France, *supra* note 92, 26.

excluded from the school system or marginalized, the committee suggests that France should “consider alternative means” (e.g. mediation) of ensuring the secular character of Public schools.⁵ The Special Rapporteur on freedom of religion or belief, during her fact-finding in France, confirmed the negative human rights implications of the ban on religious clothing in public schools.⁶ The concerns raised by the special rapporteur reveal that she has serious misgivings about the state practice in question.

The argument that tolerating students to wearing of religious clothing in the classroom might negatively affect the right to freedom of religion or belief of others, *in abstracto*, too vague or theoretical a risk to function as a ground for limitation. Certainly, the freedom to manifest a religion or belief is subject to the protection of the rights and freedoms of others.⁷ Though certainly entering the “public realm”, public school students do not represent the state in any way whatsoever. Students simply make private use of service – albeit a compulsory one – that is provided by the state. To that, freedom of religion or belief is in principle protected “in public or private”.

This thesis will emphasize on *hijab* ban in France, what is *hijab* from its

⁵ Ibid.

⁶ She observed, “[a]lthough the scope of the new law applies equally to all religious symbols, its application disproportionately affects young Muslim women wearing the headscarf”, Asma Jahangir, *Mission to France (18-29 September 2005)*; Report (E/CN.4/2006/5/Add/4), Special Rapporteur on freedom of religion or belief.

⁷ Jeroen Temperman, State Neutrality in Public School Education: an Analysis of the Interplay Between the Neutrality Principle, the Right to Adequate Education, Children’s Right to Freedom of Religion or Belief, Parental Liberties, and the Position of Teachers, *Human Rights Quarterly*, vol. 32. No. 4, November 2010, pp. 865-897.

origins and its meaning among the Muslim women? how the attitude of two secular states toward religious attire?

2. Research Methods

Since the law of conspicuous religious signs has been born, there were many supporters and critics in the world that gave attention to this law. The strike against this law also has been held in Indonesia. The supporters and critics have been published a lot of articles by books, brochures, or even uploaded on the internet. Thus, it is also related to feminism since the very big objections of this law were come from Muslim women. Although many articles have been published but it is rare to find the objective studied to related *hijab* issues, especially in Taiwan, with the right of women to choose. The first aim of this introduction is to present, to clarify and, in some degree to justify the balanced method that author meant to employ. The second aim is to provide the point of view of Muslim women on *hijab*, to criticize the French law on conspicuous religious signs and comparing with Muslim women in Indonesia. Author assessment method and substantive views will be academic researches by bibliographical analysis, historical analysis and studied reports from Amnesty International and European Human Rights Commission.

3. Theoretical Framework

For the purpose of this thesis, author will use “existential ethics” theory popularized by Jean Paul-Satre⁸ and developed by John Macquarrie,⁹ which based

⁸Jean Paul-Sartre is a French philosopher who had made existentialism become attention of a wide international audience post World War II. Sartre’s definition of existentialism simply radicalized a

on “existentialism”. Existentialism brings up interesting questions about ethics and the nature of human existence. Existentialistic ideas came out of a time in society when there was a deep sense of despair following the Great Depression and World War II. There was a spirit of optimism in society that was destroyed by World War I and its mid-century calamities. This despair has been articulated by existentialist philosophers well into the 1970s and continues on to this day as a popular way of thinking and reasoning (with the freedom to choose one’s preferred moral belief system and lifestyle). Existentialism is the search and journey for true self and true personal meaning in life.¹⁰

John Macquarrie has characterized existentialism as a ‘style of philosophizing,’ rather than as a philosophy. His intention is to recognize that a diversity of ideas, emphases, and conclusions are to be found among a group of various thinkers who, nevertheless, have enough in common in the way they think to warrant naming them together. Typically, existentialists take the existing human being as a starting point. The existing human being is distinct from objective nature as a whole because she is a subject, undetermined by laws of nature.¹¹

view that is very common among most social scientist: that there are no instincts that cause specific actions. There are always alternatives to anything that counts as human actions. Donald D. Palmer, *Sartre for Beginners*, (Hanover, U.S.: Steerforth press), 2007, p. 26.

⁹Existential ethics describes a theory of morals developed by Robert MacQuarrie, a Canadian, who at various times in his life has been a teacher, principal, writer, politician and, through it all, a down-to-earth, non-professional lover of wisdom. In developing existential ethics, MacQuarrie has rescued morality from the covetous grip of academia and the church. He has reclaimed it as a subject suitable for contemplation by every normal adult human being. Existentialism – A Philosophy, in: <http://www.allaboutphilosophy.org/existentialism.htm>, accessed on April 21, 2011.

¹⁰ Ibid.

¹¹ John Macquarrie, *Existentialism: An introduction, guide and assessment*, (London: Penguin

Philosophical existentialism may be roughly divided into irreligious and religious existentialism. Each basically agrees that human life is in no way complete and fully satisfying because of suffering and losses that occur when considering the lack of perfection, power, and control one has over their life. Even though they do agree that life is not optimally satisfying, it nonetheless has meaning.

The irreligious existentialism major themes include the following:

- a. Being - Being is identified as: 1) concern, 2) existence and 3) moods. The human being's essence lies in his existence. An individual is free to choose different kinds of "being" for himself.
- b. Angst - Angst refers to anxiety, dread, hopelessness and fear of the future. It is the dread that comes from an individual's realization that his very existence faces an undetermined future. The emptiness that comes from that sense of hopelessness must be filled by the individual's freely chosen actions.
- c. Death - There is no existence before or after death. The person, who recognizes this fact, freely accepts the inevitability of death and seeks nothing beyond this life. At that point he becomes free to choose his own existence and is no longer bound by fear.
- d. Absurdity - Life is absurd. If life is to have any meaning at all, the individual must create that meaning for himself.
- e. Autonomy - God does not exist. An individual must create his own values and way of living and can not blame anyone else for the outcome.
- f. Freedom - There is no outside entity or authority to define man. He must define himself and has absolute freedom to do so.
- g. Fulfillment - Man makes his own fulfillment. He can create whatever he likes, and in so doing will determine for himself what is fulfilling.

- h. Forlornness - This is a state that people find themselves in when they understand that they are alone and must determine their own being.¹²

Religious existentialism has the same basic understanding of reality with their secular counterparts. Two of the key religious words that are redefined to represent existentialist thought are the words God and grace. Where God is considered as “the source of one’s being,” “the ground of all is,” or “one’s ultimate concern.” This is not a personal God, but is the meaning that arises out of the deepest concern (the angst) of a person’s life. Grace is considered to be universal and subjective. It flows back and forth from each individual. It is the subjective experience of acceptance that a person feels during a crisis.¹³

As mentioned above that existentialism is just another ‘style of philosophizing,’ however to separate existentialism with other types of philosophy are not always have a clear boundary. Existentialism seems to abut most closely with empiricism, humanism, idealism, pragmatism, and nihilism. Here are the common and distinguishes between existentialism to other types of philosophy which had been brought by Macquarrie:

- a. Existentialism and empiricist make common cause against the speculative rationalism of earlier times. They distrust the attempts to construct philosophy *a priori*, and they are less interested in the attempt to build comprehensive systems than in seeking such limited knowledge as can be securely based on accessible data. However, at this point the resemblances end. The difference between existentialism and empiricism at this point reveals itself as a difference between two

¹² Freddy Davis, Existentialism, PDF file from: <http://www.marketfaith.org/resources/ExistentialismPDF.htm>, accessed on April 21st, 2011.

¹³Ibid.

modes of knowing. The existentialist stresses knowledge by participation, the empiricist knowledge by observation.¹⁴

- b. According to Sartre's famous lecture 'existentialism is a humanism,' however, the term of humanism has more than one meaning. Existentialism is a humanism in the sense that it is very much concerned with human and personal values, and with the realization of an authentic human existence. As Roger Shinn has explained in his book that there is another sense of the term humanism. He made a useful distinction between 'open humanism' and 'closed humanism'.¹⁵ 'Open humanism' refers simply to pursuit of human values in the world. Thus, the second type of humanism carries a further implication, namely, that man is the sole creator, that man is the sole character of meaning and value in the world. One can take note that although existentialism is a humanism in the broad sense, it is not always or necessarily a 'closed humanism'.¹⁶
- c. Next question will be about existentialism and idealism. Existentialist restricts the usage of the word *existence* so that it is applied only to the kind of being that one knows in human existence. A few sentences by Martin Heidegger, on his book '*Was ist Metaphysik?*' make the point clear: 'The being whose manner of being is existence is man. Man alone exists. A rock is, but it does not exist. A tree is, but it does not exist. A horse is, but it does not exist. An Angel is, but he does not exist. God is, but he does not exist. The sentence, "Man alone exists", in no way means that only man really is and that all other beings are unreal or illusions or ideas of man.'¹⁷ Existentialist used the word *exist* in a special way which differs from traditional usage, and thus to say that man alone exists is far from any kind of subjective idealism. Briefly to say that both, existentialism and idealism share common on philosophies of subject rather than of the object. However, the idealist begins from ideas; whereas the existentialist claims that one already begins with the things themselves. Thus despite its stress on subjectivity,

¹⁴John Macquarrie, op. cit., pp. 26-27.

¹⁵Roger L. Shinn, *Man: the New Humanism*, (Philadelphia: Lutterworth Press), 1968, p. 170.

¹⁶John Macquarrie, op. cit., p. 29.

¹⁷Martin Heidegger, in *ibid*.

existentialism does not follow the same path as idealism. To exist is to be in encounter with a real world.¹⁸

- d. Existentialism and pragmatism, in William James' 'the will to believe', could hardly doubt that there are close ties between them. Both are in protest against abstract intellectualism, both stress the relation of belief to action, both look for the confirmation or falsification of faith in terms of its fulfillment or diminution of humanity. In spite of the resemblances, there are profound some differences between pragmatist and existentialist. The pragmatist's for truth are biological and utilitarian, and there is a little sense of that inwardness that is a mark of existentialism. Furthermore, is usually an optimist, concerned with success in some limited undertaking and very little aware of that tragic and frustrating side of life as expressed in most existentialist writings.
- e. Existentialist are usually rebels against the establishment. In many fields,¹⁹ they struggle against the accepted authorities and the traditional canons. While nihilism is the belief that all values are baseless and that nothing can be known or communicated. It is often associated with extreme pessimism and a radical skepticism that condemns existence. A true nihilist would believe in nothing, have no loyalties, and no purpose other than, perhaps, an impulse to destroy.²⁰

Earlier philosophies, and many religions, posit that there is an ideal human form or some inherent human nature that exists above or before individual, to which the individual should strive. Existentialism posits the opposite that there is no higher purpose to existence, except one makes of it.

Relevant to the existentialism, this thesis will explore the concept of women's freedom in both France and Indonesia's attitude towards religious attire. Because of existentialism give emphasis on the individual and how one relates to

¹⁸Ibid, pp. 29-30.

¹⁹Such as theology, politics, morals and literature.

²⁰Alan Pratt, *Nihilism*, in Internet Encyclopedia of Philosophy: <http://www.iep.utm.edu/nihilism/>, accessed on April 21, 2011.

the world. human beings are free to choose what to make of themselves; they are responsible in choosing their own course of action; they are limited in their finite world, yet, they can live their own meaning and interpretation; they live in an uncertain world which has limitations such as laws, codes of society, illness and death, yet by recognizing their individuality and potentialities they can choose to live authentically.

Existentialist thinking is questioning the freedom of action both the inner world of feelings as well as the outer world of the individual. The inner world represents the values and perception of the individual. The outer world represents all external conditions and possibilities which supplement to one's existence and limit one's own freedom to a degree.

4. Literature Review

Since this thesis focused on the *hijab* ban which worn by Muslim women, author mostly will talk about women's rights. A Movement, which always defending the women's rights is called feminism. In her book, "In Their Time: A History of Feminism in Western Society", Marlene LeGates described the feminism as individual and collective struggles for better education and employment opportunities, legal rights, and the reform of family life and sexual standards. Feminism history were divided into three waves: first, an early stage in which woman rebelled against gender norms on an individual level; second, a stage in which institutions were seen as human made and not as divine in which the emergence of feminist consciousness became possible; and third, a stage of emergence of feminist movements in the eighteenth century. On the third wave,

Legates points out how feminism were shaped by conflict and coalition. Feminism was one of many sources of reformers and radicals, and women became active in a number of religious, political and social movements. LeGates, examines how class, race, and ethnicity shape women's life changes and motivations to rebel against gender norms.

Both Muslim's feminist, Fatima Mernissi and Leila Ahmad, approach their study and practice of Islam from the position of feminists working in academy. Both scholars use methods of rereading, re-conceiving and reconstructions Islamic traditions in their works. Although many Western feminist wonder at the possibility of women's equal status within Islam, feminists like Mernissi and Ahmed challenge Western feminists for their ethnocentric/ colonialist perspective, a perspective that perceives and then judges Islam from the position of the "civilizing" colonizer.

The modern colonizer believed in the superiority of his religion, race, economy and culture. This superiority called upon the colonizer to bear vocation of converting and ordering the world toward his own identity.²¹ Feminist theory witnessing heated discussion about the status of the body. Increasingly, emphasis is placed upon the need for a materialist conception of the body, for the embodied nature of the subjectivity and sexual difference. The notion of a biological or natural body is the very discourse and that neutralizes and universalizes the cultural, racial, sexual specificity of different bodies. The notion of the body as the stuff of inscription of social norms, practices, and values can be extended to

²¹ Edward Said, *Culture and Imperialism*, (New York: Vintage Books), 1994, p. 17.

the discussion of veiling and the possibility of Muslim women's body within Western representations.

5. Research Framework

For the purpose of this thesis, every chapter will be separated into sections which contains special subject in each one of them.

First Chapter: introduction as an open section, will lead readers to understand the motivation and purpose, research methods that author used for this thesis and the scope, research framework and how or where are the sources that have been used related to the matter of my thesis.

Second Chapter: the meaning of secularism and the different between it with secularization, the birth of French Republic and Republic of Indonesia, one's should trace back to the history such as the birth of Declaration of the Rights of Man and of the Citizen for French and the constitution and Indonesian ideology of Pancasila.

Third Chapter: the object of this thesis is Muslim women in France and Indonesia, in this chapter will introduce to readers about feminism and *hijab*, feminism movement, the origin of veil or *hijab*, definitions and its obligation in Islam.

Forth Chapter: this chapter will talk about on the controversy that have been arise such as, the rights to practice one's faith, *hijab* incidence in French, and moreover will talk about the French law

conspicuous religion symbols.

Fifth Chapter: conclusion.

6. Data Collection

This matter, the French Law on the conspicuous religion signs, has attracts a lot of scholar especially those who concentrate on human rights and feminism. Not to mention, also Amnesty International and European Human Rights Commission had made reports on this subject. Books such as, John Macquarrie's *Existentialism: An introduction, guide and assessment*, *International Human Rights in a nut shell* by Thomas Buergenthal and friends, *The Holy Qur'an*, feminism journals, and for the history of each country, *The French Revolution, Government and Politics of France* and *a History of Modern Indonesia since c. 1300* by M.C. Ricklefs, all of them will be used as references. Reports from news papers will be added in some parts of this thesis to show how much the reaction it was in French itself and/or in globalize society against the Law on conspicuous religion signs.

CHAPTER II

Secularism as the Basic Law of France and Indonesia

In 2004 the France Government passed legislation prohibiting public school employees and students from wearing conspicuous religious symbols, including the Islamic headscarf, Jewish skullcap, Sikh turban, and large Christian crosses. The legislation took effect at the beginning of the school year in 2004. Furthermore, on July 13, 2010, the French Parliament's lower house voted overwhelmingly to ban the all-encompassing *burqa* and the full-face-covering *niqab* in public.²²

What the veil has brought to the fore was the contradiction, within the state apparatus itself, between public interest, *i.e.* the collective management of social needs, and the private rights of the “users” of the state, as well as those of government employees. Like middle-school students, these individuals can also claim the right to wear religious dress, be provided with special diets or allowed to take a day-off for religious observance. This tension between the public and the private, between the prerogatives of the state and the requirements of law, on the one hand, and ever-expanding individual rights on the other, creates a series of paradoxes that make the issue of *Laïcité*²³ extremely complex, and crucial to an understanding of contemporary France.

²²Isobel Coleman, “Why Does France Want to Ban Burqas”, in: <http://www.cfr.org/publication/22628>, accessed on August 15, 2010.

²³*Laïcité* or secularism has a long history in France, and a key place in French national identity. It is a principle that is closely connected with Republican universalism and with the doctrine of *Liberté, Égalité, Fraternité* elaborated at the time of French Revolution.

The critics of the veil see it primarily as a symbol of women's oppression, which it is in many cases, but not in all. In addition, yet the law only sanctions girls and teen-agers, who are dominated as women, minors and immigrants' daughters, while ignoring the representatives of the patriarchal ideology that forces them to wear the veil, their fathers and older brothers, and beyond, the extremist organizations and religious authorities that encourage them to defy the state while suffering alone the consequence of their actions. A law supposed to facilitate the integration of all in the national community starts with excluding the most vulnerable members of that community from the benefits of public education.

Another paradox is that the anti-veil and pro-veil camps oppose each other in the name of the same principles of liberty, equality and modernity, although they interpret these in opposite terms. For French secularists, the veil is a symbol of the intolerance, dogmatism and obscurantism of archaic religions, while for their opponents it is the banning of the veil that is a manifestation of intolerance and dogmatism, a sign of the oppression of ethnic minorities by state power. Islamophobia and antiracists clash over the same set of democratic values inherited from the Enlightenment and the French revolution, but while for some the veil symbolizes cultural freedom (the right to be different) for the others it suppresses political liberty (the right to be different from group difference).

As every civilized communities has known that the principle of human rights law is that, law should be protect the human rights of individuals against the abuses of governments. We can at least be dated to:

- John Locke (*Two treaties of Governments*, 1690): 'human rights, not governments, came first in the natural order of things';

- Montesquieu (*L'esprit des lois* [the Spirit of the Law],1748): ‘separation and balanced of powers among the executive, legislative and judicial branches of government’;
- Jean Jacques Rousseau (*Social Contract*, 1762): ‘man is born free; and everywhere he is chains’;
- Democratic Revolutions were soon to follow in America and throughout Europe.

However, what has become the flagship of the modern international human rights document? It was the birth of The Declaration of the Rights of Man and Citizen (*Déclaration des droits de l'Homme et du citoyen*).

1. Secularization

The term of secularization was brought by Max Weber, and the term was adopted formally to distinguish between civil and ecclesiastical law, lands, and possessions in nineteenth century by the British freethinkers G. J. Holyoake, who founded the Secular Society. This group committed to a just world order and a moral program of individual action that would address human problems without the use of supernatural explanations.²⁴ The secularization thesis, especially its Weberian understanding, was highly influential in the paradigm of social change articulated by modernization theorist in the 1960s.²⁵

²⁴Kevin J. Christiano, *et. al.*, *Sociology of Religion: Contemporary Developments*, 2nd edition, (New York: Rowman & Littlefield Publisher, Inc.), 2008, p. 55.

²⁵These theorists argued that among inevitable and linear societal processes associated with modernization – including urbanization, industrialization, the expansion of education and mass communication, and the increased autonomy of law and politics from traditional authority – religion would no longer have the authority that it allegedly commanded in traditional societies; it would become socially invisible and lose plausibility. Michele Dillon, Secularization, in Bryan S. Turner, Ed., *The Cambridge Dictionary of Sociology*, (N.Y.: Cambridge University Press), 2006, p.

In his writings, Larry Shiner has claim that the meaning of secularization is to decline religion, as he stated, previously accepted symbols, doctrines, and institutions lose their prestige and influence. The culmination of secularization would be religion-less society.²⁶ Moreover, Shiner notes five other meanings that also came to be associated with term:

- a. Conformity with “this world.” The religious group or the religiously informed society turns its attention from the supernatural and becomes more and more interested in “this world.”...The culmination of secularization would be a society totally absorbed with the pragmatic tasks of the present and a religious group indistinguishable from the rest of society...
- b. Disengagement of society from religion. Society separates itself from the religious understanding which has previously informed it...and consequently...religion [is limited] to the sphere of private life. The culmination of this kind of secularization would be a religion of purely inward character, influencing neither institutions nor corporate action, and a society in which religion made no appearance outside the sphere of the religious group...
- c. Transposition of religious beliefs and institutions. Knowledge, patterns of behavior, and institutional arrangements which were once understood as grounded in divine power is transformed into phenomena of purely human creation and responsibility...The culmination of this kind of secularization process would be a totally anthropologized religion and a society which had taken over all the functions previously accruing to the religious institutions...
- d. Desacralization of the world. The world is gradually deprived of its sacral character as man and nature becomes the object of rational-causal explanation and manipulation. The culmination of secularization would be a completely “rational” world society in which

541.

²⁶Larry Shiner, the Concept of Secularization in Empirical Research, *Journal for the Scientific Study of Religion*, Vol. 6, No. 2, (Autumn, 1967), pp. 207-220.

the phenomenon of the supernatural or even “mystery” would play no part.

- e. Movement from a “sacred” to a “secular” society. Accordingly, the culmination of secularization would be a society in which the all decisions are based on rational and utilitarian considerations and there is complete acceptance of change.²⁷

Dr. Barry A. Kosmin described the terms of secularity as individuals and their social and psychological characteristics while secularism refers to the realm of social institutions'.²⁸ He stressed on that secularity involves individual actors' personal behavior and identification with secular ideas and traditions as a mode of consciousness it lends itself to empirical analysis. Thus, secularism involves organizations and legal constructs that reflect the institutional expressions of the secular in a nation's political realm and public life. Forms of secularism can be expected to vary with the religious configuration in which they develop.²⁹

While the terms of secularization in the scientific literature have been outlined by Sommerville, which can be define in five definitions:

- a. In macro social structures, secularization can refer to differentiation: a process in which the various aspects of society, economic, political, legal, and moral, become increasingly specialized and distinct from one another.
- b. In individual institutions, secularization can denote the transformation of a religious into a secular institution. Examples would be the evolution of institutions such as Harvard University

²⁷Cited from Shiner, *The Concept of Secularization in Empirical Research*, in Kevin J. Christiano, et. al., op. cit., p. 56.

²⁸Barry A. Kosmin, “Contemporary secularity and secularism”, in Barry A. Kosmin and Ariela Keysar (Ed.), *Secularism & Secularity: Contemporary International Perspective*, (Hartford, CT: Institute for the Study of Secularism in Society and Culture (ISSSC)), 2007, p.1.

²⁹Ibid.

from a predominantly religious institution into a secular institution (with a divinity school now housing the religious element illustrating differentiation).

- c. In activities, secularization refers to the transfer of activities from religious to secular institutions, such as a shift in provision of social services from churches to the government.
- d. When discussing mentalities, secularization refers to the transition from ultimate concerns to proximate concerns. E.g., individuals in the West are now more likely to moderate their behavior in response to more immediately applicable consequences rather than out of concern for post-mortem consequences. This is a personal religious decline or movement toward a secular lifestyle.
- e. When discussing populations, secularization refers to broad patterns of societal decline in levels of religiosity as opposed to the individual-level secularization of (d) above. This understanding of secularization is also distinct from (a) above in that it refers specifically to religious decline rather than societal differentiation.³⁰

Sommerville continued by describing if it is for clarification use, he mentioned that, secularization can only be used unambiguously to refer to religion in a generic sense. For example, a reference to Christianity is not clear unless one specifies exactly which denominations of Christianity are being discussed.³¹

The terms “secular,” “secularism,” and “secularization” have a range of meanings. The words derive from the Latin, *saeculum*, which means both this age and this world, and combines a spatial sense and a temporal sense. In the Middle’s Ages, secular referred to priests who worked out in the world of local parishes, as opposed to priests who took vows of poverty and secluded themselves in monastic

³⁰C. John Sommerville, Secular Society Religious Population: Our Tacit Rules for Using the Term Secularization, *Journal for the Scientific Study of Religion*, Vol. 37, No. 2, (Jun. 1998), pp. 249-253.

³¹Ibid.

communities. These latter priests were called “religious.” During the Reformation, secularization denoted the seizure of Catholic ecclesiastical properties by the state and their conversion to non-religious use. In all of these instances, the secular indicates a distancing from the sacred, the eternal, and the otherworldly.³² Secularization today, then, should be understood in terms of a balance between extensive empirical evidence in favor of the continuing sociological significance of religion in the public domain and in individual lives, and the coexistence of these trends with equality valid empirical evidence indicating selectivity in the acceptance of religion's theological, moral, and political authority.³³ Secularism can be related to the existential ethics where humankind defines itself through the act of living.

2. France

Before the Revolution, French society was grounded in the idea of privilege or inequality of rights. The population was divided into legal categories known as three orders or estates.

The First Estates consisted of the clergy, which were also radically divided. The higher clergy, stemming from aristocratic families, shared the interest of the nobility, while the parish priests were often poor commoners. The Second Estates was the nobility, which also divided into two groups. The “nobility of the robes”, derived its status from office holding, a pathway that often enabled commoners to attain noble rank. The “nobility of the sword” claimed to be descended from the

³²Barry A. Kosmin, loc. cit.

³³Michele Dillon, loc. cit.

original medieval nobility. The first nobles dominated by the royal law courts, and important administrative offices. Whilst the latter, sought to expand their privileges at the expense of the monarchy, as some nobles asserted – and to maintain their monopolistic control over positions in the military, church and government. The Third Estates, constituted by the overwhelming majority of the population. They were divided by vast differences in occupation, level of education, and wealth. The peasants, made up to 75 to 80 percent of the total population, were by far the largest segment of the Third Estate. Another part of the Third Estate consisted of skilled artisans, shopkeepers and other wage earners in the cities.³⁴

This classification of estates, which followed with economic crisis at that time, have had lead France into revolution. The revolution itself was framed by the Declaration of the Rights of Man and Citizen and would change an absolute monarchy France to a constitutional monarchy, then later on into French republic.

A. The birth of Republic

There was some disagreement among historian what is the nature of the Revolution. Many theories has saying that it is because the accumulation of political and administrative currents, forces and patterns that shape modern France. Although continuities can also be traced, linking people, behavior and institutions across the watershed of Revolution, it was nevertheless an abrupt break with the pattern of what had gone before, a pattern that was very soon described as the old

³⁴ Jackson J. Spielvogel, *Western Civilization: A Brief History, 1st edition*, (Boston, MA: Wadsworth, Cengage learning), 1998, p. 401.

order (the *ancien régime*).³⁵

No one long-term cause can ever explain the French Revolution, rather it takes a combination of causes such as social tensions, government problems, taxation inequalities and the impact of the Enlightenment to create the environment in which the short-term causes such as financial and economic crisis and foreign policy errors could cause the revolution to spark off. The oldest interpretation of the origins of the revolution focused on the idea of an intellectual conspiracy of Enlightenment philosophers such as Voltaire and Rousseau, who contributed to the most important work of the French Enlightenment.³⁶ They espoused many of the ideals that would come to be central tenets of the revolution. Much of their work attacked and questioned the established order of the *ancien régime*, including both all religion but especially Catholicism (which they refused to accept due to its lack of rationality) and the king (whom they refused to accept as a leader because his only claim to rule was tradition, which was not rational enough for the philosophers).

One of the main areas of debate has raged between ‘Marxist’ and ‘revisionist’ over the question of the French Revolution. In place of the Marxist or Marxist-inspired vision of a revolution arising out of class conflict between nobility and bourgeoisie, most revisionists would stipulate a revolution ‘caused’ ultimately by the internal collapse of the monarchy.³⁷

³⁵Anne Stevens, *Government and Politics of France*, (N.Y.: Palgrave Macmillan) 3rd ed., 2003, p. 5.

³⁶William E. H. Lecky, *French Revolution*, (N.Y.: D. Appleton & Co.), 1904, pp. 57-58.

³⁷Timothy Tackett, Nobles and the third estates in the revolutionary dynamic of the national assembly 1789-1790, in Peter Jones, Ed., *The French Revolution*, in social and political perspective, (London: Arnold), 1996, p. 314.

The representatives of the three estates, summoned for the first time since 1614 to meet as the Estates General, and transformed into a National Assembly, voted in August 1789 for what has described as the abolition of feudalism – the ending of the old patterns of privileges and rights and the abolition of the sale of offices. These measures implied the restructuring of the systems of local administration, of justice and of taxation. The principles upon which this restructuring was to occur were set out in the Declaration of the Rights of Man (*Déclaration des droits de l'Homme et du citoyen*),³⁸ passed on 26 August 1789.³⁹

The Declaration of the Rights of Man is the foundation of French republic.⁴⁰ What has been written on Declaration of the Rights of Man and Citizen, are defines a single set of individual and collective rights for all men, valid at all times and in every places. It also asserted the principles of popular sovereignty, a contradiction of the divine right of kings and social equality among citizens.⁴¹

The end of eighteenth century had seen a great and necessary revolution in France, but that social revolution had not been able to find its political expression.⁴² According to Maurice Agulhon, the men of 1789 had offered

³⁸ Declaration of the Rights of Man forms as an integral part of present-day French constitution, asserts the right of all men - but not women who did not achieve political rights until 1944 – to liberty, property, security and resistance to oppression.

³⁹ Anne Stevens, loc. cit.

⁴⁰ Mark W. Janis, et. al., *European Human Rights Law, Text and Materials*, (Oxford: University Press, 2000), pp. 8-15.

⁴¹ *The Declaration of the Rights of Man and Citizen*, Article 6, http://www.constitution.org/fr/fr_drm.htm, English, accessed on June 09, 2009.

⁴² *The French's Revolution*, had generated three different constitutions: the 1791 constitution, defining the constitutional monarchy based on limited suffrage; the *Jacobin* Constitution of 1793, never put into effect; and then the ill-fated *Thermidorean* Constitution of the Year 3 (22 September

constitutional monarchy on a plate to Louis XVI, but he would have none of it and, indeed, did all he could, both overtly and by secret manipulation, to regain his power – that of tradition, the only one he regarded as legitimate.⁴³

The principles of 1789 may thus, be reduced to two. First, ‘Men are born and remain free and equal in rights’. They are masters of their persons; they may exercise their physical and intellectual powers freely, provided they respect the liberty of others. They may speak and write, work, and invent, acquire and possess. Law is the same for all. Professions and public offices are open to everyone regardless of birth. Second, the state does not find its end in itself; its reason for being is to preserve the citizen’s enjoyment of his right.⁴⁴

Following the aftermaths of the Revolution of 1789 and the abolishment of the monarchy, the First Republic of France was established on September 22 of 1792. The National Convention is made up of the *Girondins*, who support the bourgeoisie, the *Montagnards*, who favor a central regime, and the *Marais* who are positioned in between the two. At their first meeting, the Convention decides to try King Louis XVI for treason, finds him guilty, and executes him on January 21, 1793. In an attempt to defend the cause of the revolutionists, and in hopes of restoring the King’s powers before his death, both leftist and conservative forces (the Royalists) support the French Revolutionary Wars (1792-1802) that take

1794 -21 September 1795), Martin Lyons, *Napoleon Bonaparte and the Legacy of the French Revolution*, (London: Macmillan Press Ltd), 1994, p. 29.

⁴³Maurice Agulhon, *La République [The French Republic 1879-1992]*, transl. by Antonia Nevill, (Oxford, U.K.: Blackwell), 1995, p. 3.

⁴⁴George Lebevre, *the French Revolution: from its origin to 1793*, vol. 1, trans. Elizabeth Moss Evanson,, (New York: Columbia University Press), 1964, p. 146.

place throughout Europe.⁴⁵

Although the Republic has founded since 1792, but for Agulhon the real Republic was started since 1879, a hundred years after the first revolution, the Third Republic.⁴⁶ From 1792 to 1879, France has governed by two different systems which have had known to history as ‘the Reign of Terror’ and ‘the Napoleon Empire’.⁴⁷

Whether it was cause of class struggle or caused by a cross groups dissidents, either way, as Furet say, ‘the battlefield had essentially been conquered, the fight was over: the revolution had been won.’⁴⁸

⁴⁵Brown University Library Center for Digital Initiatives, Paris: Capital of the 19th Century; *the First Republic (1792-1804)*, in: <http://dl.lib.brown.edu/paris/chronology1.html>, accessed on: March 28, 2011.

⁴⁶From 1870 France was known officially as the ‘French Republic’, but to tell the truth, the Republic kept on beginning. It at last came into existence on 4 September 1870, but did not possess its constitutional laws until 1875, and the republicans did not fully hold power until 1879. Maurice Agulhon, op. cit., p. 1.

⁴⁷Reign of Terror lasted from September 1793 until the fall of Robespierre in 1794. Its purpose was to purge France of enemies of the Revolution and protect the country from foreign invaders. From January 1793-July 1794, France was governed by the Committee of Public Safety, in which Danton and Robespierre were influential members. In the course of nine months, 16, 000 people were guillotined, but executions of those labeled "internal enemies" of France took place throughout the country, *Reign of Terror*, in: http://www.mtholyoke.edu/courses/rschwartz/hist255/kat_anna/terror.html, accessed on: April 4, 2011. On December 2, 1804, Napoleon crowns himself emperor and launches additional expansion campaigns for his growing Empire, in: <http://library.brown.edu/cds/paris/chronology2.html>., accessed on: March 28, 2011.

⁴⁸François Furet, *Penser la Révolution [Interpreting the Revolution]*, trans. Elborg Forster, (Cambridge: Cambridge University Press), 1981, p. 46.

B. French Republics

Since very political turmoil in 1789 until now, France have had experienced several governance changes. It has the five Republic regimes and there were times when an Emperor ruled. The Declaration of Rights and the abolition of feudalism led to changes so widespread and fundamental that no one can long have remained ignorant of them. The meaning of the church settlement was brought home to every parish on the exciting Sunday when its *curé* (priest) either accepted or refused the oath.⁴⁹

The First Republic was declared in September 1792, during the turbulent time of the French Revolution and was meant to be a complete rupture with every religious or monarchist convention of the past.⁵⁰ With the abolition of the Monarchy in 1792, Republicanism became an essential component of the Revolutionary tradition. The broad moral principles of rationality, liberty, and equality which are still widely felt to be central to France's identity are encompassed within the concept of Republicanism.⁵¹

To maintain order within France and protect the country from external threats, in April 1793, the National Convention created the committee of public safety headed by Maximilien Robespierre, which essentially become the *de facto* government.⁵² Emergency decrees authorized the governing party to employ terror against those accused of political, economic, or ideological activity it considered

⁴⁹J. M. Thompson, *the French Revolution*, (Cambridge, U.S.: Basil Blackwell), 1985, p. 182.

⁵⁰Salman Khan, *Reign of Terror*, <http://www.khanacademy.org/video/french-revolution--part-3---reign-of-terror?playlist=History>, accessed on: March 28, 2011.

⁵¹Anne Stevens, *op. cit.*, p. 6.

⁵² Salman Khan, *op. cit.*

counterrevolutionary.⁵³ Robespierre's bloody attempt to protect the sanctity of the Revolution had exactly the opposite result. Rather than galvanize his supporters and the revolutionary nation, the Reign of Terror instead prompted a weakening on every front. Indeed, the Terror accomplished almost nothing productive, as Robespierre quickly burned his bridges and killed many former allies. As the mortuaries started to fill up, the commoners shifted their focus from equality to peace.⁵⁴ Eventually Robespierre also guillotined, on July 1794, this event were known as Thermidorean Reaction.⁵⁵

By the dissolved of the Revolutionary Tribunal, the closed of the Jacobin clubs and the abolishing of the terror, religious worship was tolerated once more. However, being threatened by Royalist on one side and die-hard Jacobins and *sans-culottes* on the other, the Thermidoreans wanted a constitution that would protect the individual against insurrection or political retaliation. In spring 1795 the Convention drew up the Constitution of the Year III.⁵⁶

In October 5, 1795, a young general named Napoleon start to gain supporters. The young general had his cavalry seize 40 cannon from the Paris

⁵³ In Paris thousands of victims were brought before the Revolutionary Tribunal, given a hurried trial, and guillotined, leaders of rival Jacobins factions were arrested and executed. A. Paul Levack, Reign of terror, *Encyclopedia Americana*, vol. 23, (Connecticut, U.S.: Grolier Incorporated), 1993, p. 347.

⁵⁴ *The Reign of Terror and the Thermidorian Reaction: 1792–1795*, <http://www.sparknotes.com/history/european/frenchrev/section5.rhtml>, accessed in: April 1, 2011.

⁵⁵ Salman Khan, op. cit.

⁵⁶ This constitution vested executive power in a committee with a rotating membership of five "directors", with limited powers, chosen by the two houses of legislature, the Council of Ancients and the Council of Five Hundred. George V. Taylor, the Revolution, Consulate, and Empire, *Encyclopedia Americana*, vol. 11, (Connecticut, U.S.: Grolier Incorporated), 1993, p. 770.

National Guard, when mobs under royalist leadership prepared to destroy the Convention sitting in the palace of Tuileries. From 1792 to 1795, France had fought all Europe and Britain. However, in 1796, France's land enemies had been reduced to Austria and Austria's minor allies. In a year, Napoleon had made himself a world-famous general.⁵⁷ However, this success that Napoleon had gain for France was a threat for Directory, hence, the Directory anxious to get Napoleon out of Paris by sending him to seize Egypt, damage British trade, and possibly go on to India.⁵⁸ During his absence, the Directory had lost Italy and become unstable. Two of the Directories were prepared to overthrow the government, if Napoleon would take charge of the military. The *coup d'etat* of November 9-10, 1799, has made Napoleon as the first consul and *de facto* head of the new government.⁵⁹ In 1802, he was made consul for life and two years later, emperor. He oversaw the centralization of government, the creation of the Bank of France, the reinstatement of Roman Catholicism as the state religion and law reform with the Code Napoleon.⁶⁰

In 1870 Napoleon III was defeated and captured by the invading Prussian armies and on 4 September the Third Republic was proclaimed. It was set up and consolidated in stages, rather than by a single constitutional act. On May 1877 the

⁵⁷Owen Connely, Napoleon I, *Encyclopedia Americana*, vol. 19, (Connecticut, U.S.: Grolier Incorporated), 1981, p. 730.

⁵⁸The expedition sailed from Toulon in May 1798, captured Malta, and reached Egypt without challenge. Ibid.

⁵⁹ Owen Connely, op. cit., p. 731.

⁶⁰ BBC History, *Napoleon Bonaparte (1769-1821)*, from: http://www.bbc.co.uk/history/historic_figures/bonaparte_napoleon.shtml, access on: March 28, 2011.

President, Marshal MacMahon, backed by monarchists and Bonapartist, finding he unable to create a government that would respect what he felt to be proper balance of powers between Parliament and presidency, dissolved the National Assembly, which had a Republican majority. The Third Republic survived many crises, it collapsed only in 1940 under the force of invading German tanks.⁶¹

Vichy France, formally French State, was ruled from July, 1940 – September, 1944. It was founded after June 22, 1940 when the Franco-German Armistice, divided France into two zones, one to be under German military occupation, one to be left to the French in full sovereignty.⁶² Under Marshal Pétain as head of French State, was effectively a dictatorship. Its orientation was authoritarian and traditionalist, symbolized by the slogan *Travail, Famille, Patrie* (work, family, country). In November 1942, German troops occupied the whole country and disbanded the “armistice army” of Vichy.

Meanwhile, the Resistance movements against both Vichy and the Germans grew rapidly in strength and significances large numbers of young men fled to the hills and open country to escape the German forced-labor laws.⁶³ In the same year with German’s occupation, a National Council of the Resistance and General de Gaulle came to be recognized as its leader. By 1944 he was the head of

⁶¹Anne Stevens, op. cit., pp. 10-11.

⁶²France was initially split into a *zone annexée*, joined to Germany, a *zone occupée*, controlled by German authorities, and a *zone libre*, within which a government was reconstituted at Vichy, in central France. Ibid, p. 12.

⁶³Those involved in resistance represented many strands of political ideas such as, Socialist, Catholic, and Communist. The New Encyclopaedia Britannica, *Vichy France*, vol. 12, (Chicago, U.S.A.: Encyclopaedia Britannica Inc.), 1995, p. 345.

the French committee for National Liberation, supported by a provisional consultative assembly, in Algiers, on which the National Council of the Resistance was represented. He succeeded in imposing the authority of this Provisional Government on each part of France as it was liberated, and in June 1944 triumphantly entered Paris.⁶⁴ The Committee received mixed responses from the Allies; the United States and Britain considered it a wartime body with restricted functions, being different from a future government of liberated France. In September, Allied forces recognized the Committee as the legitimate, provisional government of France, whereupon the Committee reorganized itself under the presidency of Charles de Gaulle, incorporating representatives of various French political parties such as the Socialists and French Communists.⁶⁵ In early 1946, de Gaulle resigned over what he saw as the parties' insistence on returning to the bad old ways of the past and putting their own interest first. The Fourth Republic, based upon a constitution in October 1946, lasted until 1958.⁶⁶

The greatest threat to the stability of the Fourth Republic was created by the crises engendered by decolonization. France, like Great Britain, was a major

⁶⁴Anne Stevens, op. cit., pp. 12-13.

⁶⁵John B. Wolf, *Will the French Republic Live Again?: Unscrambling the Economic Eggs*, in: <http://www.historians.org/projects/GIRoundtable/French/French10.htm>, accessed on: April 11, 2011.

⁶⁶The Fourth Republic was dogged for most of its existence by the perception that it was an unstable and precarious regime. A number of features contributed to this. They included:

1. the balance of power between the institutions that resulted from the 1946 constitution;
2. the succession of coalition governments;
3. the nature of the party system;
4. the traumatic process of de-colonization.

Anne Stevens, op. cit., p. 14.

colonial power. The postwar years, however, witness a challenge to colonialism by the colonized. Independence movements sprang in the colonies in the immediate aftermath of the war. On the November 1, 1954, a rebellion, which was to last eight years, broke out in Algeria. The causes were numerous but included a growing population, stagnant agriculture, migration to urban centers and consequent unemployment there and an educated cadre of *indigènes* with new political aspirations. Algeria had always occupied a significant position within France's colonial outlook because of its proximity with the European mainland.⁶⁷

The National Assembly voted de Gaulle, for the second time, came into office as Prime Minister at the beginning of June 1958. De Gaulle's insistence that his return to office must involve the establishment of a new constitution was based on his repudiation of the principles underlying the arrangements of the Fourth Republic and his unrelenting hostility to the constitution, which embodied them. There were few formal limitations upon the drafters of the new constitution: Parliament, in voting, by a law of 3 June 1958, for the powers on which de Gaulle insisted to enable him to undertake the formulation of a new constitution, laid down five basic principles. They were:

- a. that all power must proceed from a system of direct suffrage;
- b. that both organizationally and operationally legislative and executive powers must be separated;
- c. that the government must be responsible to Parliament;

⁶⁷Although this was also true of Morocco and Tunisia, two of France's principal North African dependencies, the issue of decolonization there did not cause the reverberations and fractures in metropolitan politics as did Algeria. Indeed, the Algerian War brought about the collapse of the Fourth Republic. Tony McNeil, *From Fourth to Fifth Republic: France 1946-1969*, in: <http://seacoast.sunderland.ac.uk/~os0tmc/contem/fifth.htm>, accessed on: April 11, 2011.

- d. that the independence of judiciary must be guaranteed;
- e. that the constitution must define the relationship between metropolitan France and 'her associated peoples'; that is, at the period, her overseas colonies and territories.⁶⁸

It is interesting to note that support for de Gaulle's style of leadership was widespread. In the decade between 1958 and 1968 France was at the peak of *les Trente glorieuses*⁶⁹ and enjoying the good times of this Gaullist golden era of prosperity and economic growth. During the Fifth Republic, the inflation rate was brought down, stability was restored to government (parliament no longer had the power to make and unmake governments) and France successfully negotiated its way out of a bloody war of decolonization.⁷⁰

3. Indonesia

Indonesia is situated on an archipelago, a chain of as many 17,000 islands curving between the Indian Ocean and the Pacific Ocean. Inhabited by 240,271,522 people, has made Indonesia become the fourth populous country in the world. Around 206,873,780 people are Muslims and had made Indonesia as the biggest majority Muslim population in the world.⁷¹ In the ancient times, Indonesia was populated and ruled by few kingdoms, which are influenced by some particular religions.

Like Chinese and other Asians, Indonesians were much stimulated by

⁶⁸ Anne Stevens, op. cit., pp. 33-35.

⁶⁹ Decades of prosperity.

⁷⁰ Tony McNeil, loc. cit.

⁷¹ *Muslim Population by Countries: Indonesia, Pakistan, India, Bangladesh, Egypt*, from: <http://en.reingex.com/Muslim-population-countries.asp>, accessed in: April 10, 2011.

Indian religious thought and interested in a surrounding galaxy of political, social, and artistic ideas. Scholars disagree about precisely how and why the cultural transfer took place, but it was long, fluid process guided predominantly by Indonesian perceptions and needs.⁷² Starting in the first century A. D., Java and Sumatra were strongly influenced by Indian civilization, which brought both the Hindu and Buddhist religions to the region. By the seventeenth century, independent kingdoms sprang up on both islands. The last and the most famous of these was the Hindu kingdom of Majapahit on Java, which rose to prominence in the late thirteenth century and flourished for two hundred years.⁷³ Under the rule of Hayam Wuruk (r. 1328-1389) and his forceful minister Gajah Mada (d.1364), Majapahit's commercial and political reach extended as far as the Malay Peninsula to the North and the Maluku islands to the East.⁷⁴ Majapahit also claimed relationships with Champa, Cambodia, Siam, southern Burma and Vietnam, and sent missions to China. The memory of Majapahit's greatness has lived on in Indonesia, and it is sometimes seen as establishing a precedent for the present political boundaries of the Republic.⁷⁵

In the late fourteenth and early fifteenth centuries, the influence of Majapahit throughout the archipelago began to decline. At the same time, a new

⁷²William H. Frederick, *The Asia Society: Encyclopedia of Asian History*, Indonesia, Ainslie T. Embree Ed., (N.Y.: Charles Scribner's Sons), 1988, p. 138.

⁷³Timothy L. Gall, *Worldmark chronology of the nations*, Indonesia, Timothy L. Gall and Susan B. Gall, Eds., (Michigan, U.S.A: The Gale Group), 1999, p. 169.

⁷⁴William H. Frederick, *op. cit.*, p.140.

⁷⁵M.C. Ricklefs, *a History of Modern Indonesia since c. 1300*, (Houndsmills, U.K.: the Macmillan Press Ltd.), 1993, p. 19.

Malay trading state, called Malacca, arose in the western archipelago.⁷⁶ The most interesting aspect of Malacca for this history of Indonesia is the vast trading network, which reached out to the Indonesian islands. At Malacca, this Indonesian trading system was linked to routes reaching westward to India, Persia, Arabia, Syria, East Africa and the Mediterranean, northward to Siam and Pegu, and eastward to China and perhaps Japan.⁷⁷

Much about the Islamization of Indonesia remains unclear to scholars. The religion and its cultural aura attracted followers at different times, in different ways, and with different results in various parts of the archipelago. Yet Islam made its own very substantial contributions of a Universalism nature. Muslim missionizing zeal and the concept of the *ummah*, or larger Muslim community, almost certainly encouraged a larger and more closely interlinked trading network in the archipelago than had existed earlier.⁷⁸

A. Nationalist Movements

The first European to arrive in present-day Indonesia was the Portuguese, who seized control of the trading center of Malacca in 1511. By the end of the sixteenth century, the Dutch and English had followed Portugal's lead, and by 1610 the Dutch drove out the Portuguese and established themselves as the reigning power, referring to Dutch-controlled parts of Indonesian Archipelago as the "Dutch East Indies". Dutch colonization, which lasted 350 years (with a brief interruption during the Napoleonic era), resulted in the systematic exploitation of

⁷⁶Ibid.

⁷⁷ Ibid., pp. 20-21.

⁷⁸ William H. Frederick, loc. cit.

Indonesia's people and land.⁷⁹

At the end of the nineteenth century a book called '*Max Havelarr*' wrote by a fired colonial administrator, Eduard Douwes Dekker had made an effective protest. In his book he described in detail the suppression of the native population by the colonial administration.⁸⁰ As the twentieth century began, Dutch colonial policy underwent the most significant change of direction in its history. The exploitation of Indonesia began to recede as the main justification for Dutch rule, and was replaced by profession of concern for the welfare of Indonesians. This was called the 'Ethical policy'.⁸¹ 'Ethical policy' was proclaimed as the welfare of Indonesians is the government's first concern.⁸² Private business was regulated to prevent further peasant exploitation, the natives were educated, and new lands were cleared for farming.⁸³

The Indonesian nationalist movement, therefore, embodied a paradox:

⁷⁹The Dutch monopolized the spice trade and, in the nineteenth century, forced a shift from the farming of subsistence crops to export crops grown and exported for the profit of the Netherlands. Timothy L. Gall and Susan B. Gall, Eds., op. cit., p. 169.

⁸⁰ Peter Lowensteyn, *Indonesia Between 1908-1928, the colonial rulers*, <http://www.lowensteyn.com/indonesia>, accessed in: April 10, 2011.

⁸¹This 'Ethical policy' was coined by a Dutch lawyer named Conrad Théodoor Van Deventer, who had spent several years in Indonesia. In 1899, he published an article in the Dutch journal *de Gids* entitled '*Een eereschuld*' (A Debt of Honour). He argued that the Netherlands owed the Indonesians such a debt for all the wealth which had been drained from their country. This was to be repaid by giving primacy in colonial policy to the interest of Indonesians. M.C. Ricklefs, op. cit., p. 151.

⁸² The Dutch enunciated three principles which were thought of as typifying this new policy in: education, irrigation, and emigration.

⁸³ Charles Kimball, *The Dutch East Indies*, in: <http://www.guidetothailand.com/thailand-history/dutch.php>, accessed in: April 10, 2011.

although divided by enormous cultural, social, and ideological differences it was permeated by an enthusiasm for national unity. There were, first, those who regarded colonialism as a kind of grueling apprenticeship to modernity. While deploring the brutalities, exploitation and discrimination of colonial rule, they nonetheless saw the West as having grasped universal human values of freedom and justice, and they envisaged a modern Indonesian society based on principles of modernity and tolerance. These modernizing nationalist found a good deal of encouragement amongst progressive circles in the colonial establishment, who looked towards a future partnership between the Dutch and the indigenous peoples of the archipelago, based on Western education and efficient administration.⁸⁴

In contrast to the modernizing nationalist, Indonesia's communist took a far less enthusiastic view of colonialism, regarding its injustices as fundamental to the capitalist system. It proposed that Indonesians themselves should take their future into their hands and make a revolution against the Dutch, and it lined up the class struggle with the national struggle, giving all Indonesians a place on the side of the proletarian struggle against capitalism and colonialism.⁸⁵

Islam, for its part, also presented a powerful critique of colonialism. Formal Islamic doctrine largely prohibits Muslims from accepting non-Muslim rule and too many Muslims in the colonial order was a deep religious affront. Islam also took exception to social injustice, especially to the use of debt and

⁸⁴ Robert Cribb and Collin Brown, *Modern Indonesia: A History since 1945*, (New York: Longman Publishing), 1995, pp. 9-10.

⁸⁵ *Ibid* pp. 10-11.

interest charges as a technique for trapping peasants and laborers in permanent obligation to colonial capitalist.⁸⁶

The last group, there was a neo-traditionalist stream of thought, generally the last articulate of the four, which saw the key to national resurgence in a revitalization of the older traditions of the archipelago, it was most strongly represented amongst the traditional elite of Java, called *priyayi*. They looked back on early Javanese kingdoms such as fourteenth century Majapahit and hoped that with the departure of colonialism, something of this early glory and prosperity could be re-created.⁸⁷

In 1908, the first nationalist organization, the Boedi Oetomo was founded.⁸⁸ The founder is a *priyayi*, named Dr. Wahidin Soedirohoesodo, who believed that western education would kindle national consciousness among his fellow citizens. His ideas found a resonance with the educated elite, the doctors, engineers, teachers and government workers. Boedi Oetomo became an umbrella organization that took in its fold Indonesians of all political persuasion. It was initially a student organization, but it soon became dominated by the lower echelons of the *priyayi*. Included in it were Islamic scholars, merchants as well as labor leaders and is therefore considered the parent organization of various strands that appeared later in the century – nationalist, Islamist as well as communist. It grew rapidly, adopted Malay as its national language, established a national

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ Literally means, beautiful endeavor, in the rich connotations of the Javanese language it also carried meanings of superior intellect, character or culture.

organizational structure and set up scores of local branches in Java and the outer islands. Paid membership grew and a cadre of dedicated workers got their first training in the political process. The Dutch grew suspicious of its strength. To curb its influence at the national level and exploit local rivalries, they recognized the local branches but refused to recognize the national organization.⁸⁹

In 1909 a graduate of OSVIA,⁹⁰ named Tirtoadisurjo, who had left government service and become a journalist, founded *Sarekat Dagang Islamiyah* (Islamic Commercial Union) in Batavia,⁹¹ which designed to support Indonesian traders. In 1912 the organization change its name to *Sarekat Islam* (Islamic Union) and was lead by a charismatic figure whom became known for his belligerent attitude towards those in authority, whether Dutch or Indonesian, and was soon to become the most prominent leader of the early popular movement.⁹²

From 1912, *Sarekat Islam* (*SI*) grew rapidly, and for the first time a mass base appeared, albeit an unruly and ephemeral one. Unlike Boedi Oetomo, *SI* spread from Java to the outer islands, but Java remained the center of its activities. It was proclaimed loyalty to the Dutch regime, but as it spread in the villages violence erupted. Villagers seem to have perceived this organization as a modern political movement than as a means of self-defense against an apparently monolithic local power structure, the face of which they felt impotent. There was

⁸⁹ Prof. Dr. Nazeer Ahmed, PhD, *Indonesia – Struggle for Independence*, <http://historyofislam.com/contents/the-modern-age/indonesia-struggle-for-independence/>, accessed in: April 10, 2011.

⁹⁰ Training school for native officials.

⁹¹ Name of a city now known as Jakarta.

⁹² M.C. Ricklefs, op. cit., p. 166.

a particularly severe outburst of violence in towns and villages between 1913-1914, with local *SI* branches playing a leading role. Although *SI* have had its legal recognition, however, the Governor-General at that time did not recognize it as a national organization which controlled by its headquarters (*Centraal Sarekat Islam*). The consequences were that in practice it became more difficult for *CSI* to exercise control.⁹³ Its failure to resolve the differences between religions on the one hand, nationalism, and Communism caused the downfall of *SI* on the other. These differences led to a fragmentation of the *SI* in 1925, and consequently marked the beginning of secular nationalism and Muslim nationalism along completely separate lines.⁹⁴

Throughout Indonesia Islamization had gained its position. Indonesian Islam was notable for its considerable diversity. All Indonesian Muslims were in principle *Sunnis* (Orthodox, as opposed to *Shi'is*) and were followers of the *Shafi'i* school of law, founded in the Middle East in the late eighth and ninth centuries. Many of pious Indonesians were also involved in *Sufi* mysticism. However, behind this superficial uniformity lay much diversity, heterodoxy and ignorance. Many indigenous religious practices continued after Islam has had its recognition as a major religion, some openly, but most under guise of being part of Islam itself. These circumstances had made some learned Indonesian Muslims to found the Islamic reform movements. The background to this reform movement

⁹³ Ibid., pp 166-167.

⁹⁴ Fred A. von der Mehden, *Religion and Nationalism in Southeast Asia*, (Madison: University of Wisconsin), 1963, pp. 74-76.

must be sought both in Indonesia and in the Middle East.⁹⁵

The most significant Modernist organization of Indonesia was established in Yogyakarta in 1912. Kyai Haji Ahmad Dahlan was from the religious establishment of the Yogyakarta Sultanate. In 1909, he joined *Boedi Oetomo* in the hope of preaching reform among its members, but his supporters urged him to establish an organization of his own. In 1912, he established *Muhammadiyah* (the Way of Muhammad) in Yogyakarta. *Muhammadiyah* threw its energies into educational and welfare efforts, and into missionary program of its own to counteract Christianity and local 'superstitions'.⁹⁶ Although, *Muhammadiyah* cannot be considered as political movement, but it has influenced by showing that Islam and progress were reconcilable. Hence, it is not surprising that a substantial number of the leaders of the Nationalist movement, including President Soekarno and the late General Soedirman, founder of Indonesian Army, have been members.⁹⁷

A Eurasian E.F.E. Douwes Dekker, a grandnephew of Eduard Douwes Dekker, together with two prominent Javanese, Tjipto Mangunkusumo and Suwardi Surjaningrat, proclaimed an 'Indies' nationalism and called for independence in 1911 by establishing a political party called *Indische Partij*

⁹⁵ M.C. Ricklefs, op. cit., p. 168.

⁹⁶ Two groups of persons were responsible for developing orthodox Sunni religious thought in Indonesia: the religious officials in the schools and mosques, and the merchants. The religious schools taught a very rudimentary form of Islam. In the lower classes, instruction consisted primarily of memorizing passages from the Koran in Arabic, with little regard for the students' comprehension or understanding of the subject matter. Ibid., p. 171.

⁹⁷ Leslie H. Palmier, Modern Islam in Indonesia: The Muhammadiyah After Independence, *Pacific Affairs*, Vol. 27, No. 3 (Sep., 1954), pp. 255-263.

(Indies Party). The colonial government refused to recognize it, and in 1913, all three of these leaders were exiled to the Netherlands. In 1913, H. J. F. M. Sneevliet arrived in Indonesia. He had begun his career as a Catholic mystic but had then turned to social-democratic revolutionary ideas and trade union activism. He was later to act as the Comintern's agent in China under the alias G. Maring. In 1914 he founded *Indische Sociaal-Democratische Vereeniging* (Indies Social-Democratic Association, *ISDV*) in Surabaya. This small leftist party was shortly to become first Communist party in Asia outside the Russian sphere, however, *ISDV* was almost entirely Dutch in membership, but it desired a base among the Indonesian masses. In 1915-16, it allied with *Insulinde* (Indies Archipelago), a party which had been founded in 1907 and which had absorbed most of the radical Indo-European membership of *Indische Partij* after 1913. *Insulinde* had 6000 members, including some leading Javanese, but it was clearly not the ideal means of access to a mass base. Hence, *ISDV*'s thoughts began turn to *SI*, the only organization with a large following among the Indonesian masses.⁹⁸

World War I initiated a period of hectic political activity in Indonesia. The political environment was turning against radicalism, but ironically this left *ISDV* in a position to take command of the popular political movement. In May 1920, it changed its name to *Perserikatan Kommunist di India* (the Communist Association in the Indies); in 1924, it was changed to *Partai Komunis Indonesia* (the Indonesian Communist Party). In December 1925, the remaining *PKI* leaders decided to rebel. With its leaders in exile and their heirs in Java thoroughly split

⁹⁸ M.C. Ricklefs, op. cit., pp. 171-172.

over the proper course, *PKI* was fast disintegrating. *PKI* was dead, and was not to be resurrected for nearly twenty years. With *PKI*'s destruction, two other things ended for the duration of the colonial period. Never again until World War II did the rural masses play an active role in political agitation.⁹⁹

In taking the view, for instance, that Dutch stubbornness was the main obstacle to Indonesian prosperity, the modernizing nationalist did not confront difficult questions such as the place of foreign economic interests, especially in the plantation sector, in independent Indonesia. The communists, while seeing all Indonesian social groups as part of a broad proletariat, were generally silent on the kind of internal social reforms they might demand if they were in power. The Islamic critique of colonialism left unresolved the extent to which Islamic law might be imposed on no-Muslim minorities and on unwilling Muslims, and was ambiguous on what kinds of capitalist activity should be tolerated. In addition, the neo-traditionalist stream, of course, left unresolved the difficult question of which aspects of fourteenth century Java might be inappropriate for the twentieth century.¹⁰⁰

B. Defining Political Ideology

When colonial era finally came to an end with the Japanese invasion in 1942, the nationalist movement was deeply committed to the principle of Indonesian unity. It had not, however, resolved just what content that unity should possess. On fundamental issues, ranging from the form government and the

⁹⁹ *Ibid.*, pp. 174-177.

¹⁰⁰ Robert Cribb and Collin Brown, *loc. cit.*

relationship of the individual to the state to the place of religion in government policy and the legitimacy of regional ethnicities, there was consensus, to impose its vision of independent Indonesia on the rest of society.¹⁰¹

On March 1, 1945 the Investigating Committee for the Preparation on the Indonesian Independence¹⁰² was established under the auspices of Japanese occupation authorities to prepare for eventual independence. The committee was composed of the prominent Indonesians, which are representation of various social, ethnic, regional, and political groups in the Japanese-occupied Netherlands East Indies. Foremost among them were secular¹⁰³ nationalist leaders such as Sukarno, the first President of Indonesia, and Mohammad Hatta, later Vice President. Additionally, distinguished religious leaders representing Islam and other religious were present. The committee's most contentious task related to ideology was to establish a philosophical basis of the state for inclusion in the new constitution.¹⁰⁴

Sukarno made a major contribution to something over differences by proposing as the basis of the state a set of five principles which he called,

¹⁰¹ During a little over three years of occupation from 1942-1945, Japan's destruction of Dutch power was thorough. The colonial army, defeated in humiliatingly brief campaign, was consigned to detention camps. Indonesian soldiers were soon released, but for the rest of the was the European remained behind barbed wire where European civilians joined them as soon as Japanese replacements for senior and technical positions could be found. Ibid. p. 13.

¹⁰² In Indonesian: Badan Penyelidikan Usaha Persiapan Kemerdekaan Indonesia.

¹⁰³ "Secular" refers here to those politicians who did not mobilize politically on the basis of religion, particularly Islam.

¹⁰⁴ Douglas E. Ramage, *Politics in Indonesia: Democracy, Islam and the Ideology of Tolerance*, (London: Routledge), 1995, p. 11.

Pancasila, which were shared by all Indonesians, regardless of their ethnicity or political beliefs. These principles, enshrined in the preamble to the new constitution, were as follows:¹⁰⁵

- a. Belief in God;
- b. National Unity;
- c. Humanitarianism;
- d. People's Sovereignty;
- e. Social Justice and Prosperity.

Debates within the Committee based on the state led to stalemate over the desirable constitutional of Islam. Eventually, in what became known as the Jakarta Charter (*Piagam Jakarta*), the nationalist agreed that Indonesia should not be an Islamic state, but that is Muslim citizens should be obliged follow Islamic law, though by some sleight of hand this clause was omitted from the final version of the constitution.

Before it reached to the final concept, Pancasila formulated in Jakarta Charter as follows:¹⁰⁶

- a. Belief in God with the obligation to carry out the Islamic shari'a for its believers;
- b. Just and civilized humanity;
- c. The unity of Indonesia;
- d. Democracy guided by inner wisdom in unanimity arising from deliberation amongst representatives;
- e. Social justice for all of the people of Indonesia.

Some secular nationalist were unsatisfied, the most problematic aspect of this

¹⁰⁵ Robert Cribb and Collin Brown, op. cit., pp. 15-16.

¹⁰⁶ Muhammad Yamin, *Naskah Persiapan Undang-undang Dasar 1945* [Manuscript Preparation Constitution of 1945], vol. 1, (Jakarta: Jajasan Prapanca), 1959, p. 154.

version of Pancasila was the first pillar, which contain the “seven words” clause,¹⁰⁷ which singles out Muslims, and excludes believers in other religions.

After debates between the nationalist and Muslim representatives with consideration of the integrity of the nation, in order to ensure that the new nation was not divided, on August 18, 1945, it had had been agreed that the third concept of Pancasila is with the “seven words” eliminated. By this agreement, Muslim representatives actually negated the existence of the Jakarta Charter and adopted a more inclusive stance. The third concept of Pancasila included in the 1945 constitution which has been maintained until today, is as follows:

- a. Belief in One Almighty God;
- b. Just and civilized humanity;
- c. The unity of Indonesia;
- d. Democracy guided by inner wisdom in unanimity arising from deliberation amongst representatives;
- e. Social justice for all of the people of Indonesia

¹⁰⁷ The phrase “...with the obligation to carry the Islamic shari’a for its believers”, literally in Indonesian is “...dengan kewajiban menjalankan syariat Islam bagi pemeluk-pemeluknya”.

CHAPTER III

Feminism and Women in Islam

Since French Senate has approved the Law on conspicuous religious symbol in 2004, critics of this law have been Muslim women, because for some Muslim women it denies them their rights to wear *hijab*. For those who do not understand the meaning of the *hijab*, they always thought that it is only a religious symbol of Islam, which is to be worn by all Muslim women. Saying that *hijab* is a symbol of Muslim women, is true. However, to be say that it is just a symbol, is wrong. The meaning of the *hijab* is more than just a scarf which covers the head. Some Muslim women like to wear the *hijab*, because they believe that to wearing the *hijab* is an obligation from God. On the other hand, there are still a lot of Muslim women, who recognize themselves as Muslims, who do not wear the *hijab*, because they believe wearing the *hijab* is more of an inner calling instead of an obligation from God.

It cannot be denied that there are some families who force their daughters, or their female family members, to wear the *hijab*. In every family that forces the wearing of the *hijab*, we can find diverse reasons for it. Not just only because of religious reasons but some it is also due to family traditions. The victims of these families that are ‘forced wearing *hijab*’, are usually women who are always considered as a ‘2nd class’ in their family, so they do not have power to determine their own will, and if they choose to against their family, they will face consequences which always result in physical abuse.

On the other hand there are a lot of Muslim women who wear *hijab* of

their own will. These women have many reasons why they chose to wear *hijab* rather than not. These women should have their rights protected by the authority as well, and the people around them should respect this kind of decision. Talking about women rights we also have to mention about feminism. In this Chapter author will attempt to talk about feminism briefly and women in Islam including *hijab* from its origin.

1. Feminist Movement

From Oxford Advanced Learners Dictionary the word of feminism defined as movement for recognition of the claims of women for rights (legal, political, etc) equal to those possessed by men.

The Feminist movement is not a unique product of the modern age. Its historical precedents reach back into antiquity. In his Republic, Plato advocated the abolition of the family and social roles determined by sex; in literature, the ancient Greek classical comedy, *Lysistrata* and much more recently, Henrick Ibsen's (1828-1906) drama, 'A Doll's House' preached feminist ideals. The Victorian economist and philosopher, John Stuart Mill and the German socialist, Friedrich Engels in his essay, *The Subjection of Women*, which he wrote in 1869, laid the core foundations of Feminism.¹⁰⁸ In 1884, Engels publicly proclaimed marriage as a "dreary mutation of slavery," urged its abolition and suggested public responsibility for the rearing of children.

According to McKay, on decades around 1560s to 1648s was the

¹⁰⁸ John Stuart Mill, *the Subjection of Women*, e-book available at http://ebooks.adelaide.edu.au/m/mill/john_stuart/m645s/, accessed on 27 July 2010

degrading of the status of women in Europe. The changes that had been done by church reformers did not help too much. Spiritual scholars then began to renew Saint Paul's concept on women, which viewed women as a source of sin and as "a 2nd class citizen" of the world. Although, there are many variations of personal opinions and public law that related to women's status in western society, there is strong evidences which indicates that women have been regarded as inferior beings. Most women are treated as a child-adult which are common objects of seduction and/or considered irrational. Even in the 1595, a professor from Wittenberg University conducted a serious debate about whether women were human or not. Prostitutions were rampant and legalized by the State. Married women in the Middle Ages did not have the right to divorce for any reason.¹⁰⁹

The words "feminism" and "feminist" are used today throughout the Western world and beyond to connote the ideas that advocate the emancipation of women, the movements that have attempted to realize this, and the individuals who support this goal. Few people in the English-speaking world realize, however, that the origin of these terms can be traced to late nineteenth-century French political discourse. *Féminisme*, was then commonly used as a synonym for women's emancipation.¹¹⁰

The first self-proclaimed *féministe* was the French women's suffrage advocate Hubertine Auclert, who beginning in 1882 used the term in her

¹⁰⁹ John P. Mckay, *et. al.*, *A history of western society*, (Boston: Houghton Mifflin Company), 2nd ed., 1983, pp 437-541.

¹¹⁰ Karen Offen, *European Feminism 1700-1950, a Political History*, (Stanford: University Press), 2000, p. 19.

periodical, *La Citoyenne* (The Woman Citizen), to describe herself and her associates. The words gained prevalence following discussion in the French press of the first “feminist” congress in Paris, sponsored in May 1892 by Eugénie Potonié-Pierre and her colleagues from the women’s group *Solidarité*, who shortly thereafter juxtaposed *féminisme* with *masculinisme*, by which they meant something analogous to what we now call male chauvinism.¹¹¹

Feminist scholars have divided the history of feminist movements into three “waves”. Each deals with different aspects of the same feminist issues.¹¹²

A. The first wave of feminism

The first wave refers to the movement of the 19th through early 20th centuries, which dealt mainly with suffrage, working conditions and educational rights for women and girls.¹¹³

Movements that spanned three generations, from the 1850s to the 1910s, varied essentially their aims and direction. Nonetheless, one fundamental purpose of united these activists was: Women must be allowed to set their goals and control their lives. The words used in a resolution written by the participants at an 1851 Woman’s Right Convention in the United States echoed throughout this

¹¹¹ Ibid.

¹¹² Rebecca Walkers, *Becoming the Third Wave*, in *Ms. Magazine*, (January/February, 1992), pp. 39-41.

¹¹³ Whereas earlier feminist network were either loosely organized or short-lived, by the 1850s and 1860s reformers in Europe and North America were forming more permanent and sophisticated organizations. This development marks the beginning of what historians have called first wave feminism. Marlene LeGates, *In their time, a history of feminism in western society*, (N.Y.: Routledge), 2001, pp. 197-232.

period and are worth quoting in full:

Resolved, that se deny the right of any portion of the species to decide for another portion, or of any individual to decide for another individual, what is and what is not their “proper sphere”; that the proper sphere for all human beings is the largest and highest to which they are able to attain; what this is, cannot be ascertained without complete liberty of choice; woman, therefore, ought to choose for herself what sphere she will fill, what education she will seek, and what employment she will follow, and not be held bound to accept, in submission, the rights, the education, and the sphere which man can thinks proper to allow her.¹¹⁴

This feminist movement was not only in North America, it was also contagious throughout the European continent. In 1865, German Feminists regrouped from the political repression following the failed revolution of 1848 to form the General Association of German Women and to renew their lobbying for educational and employment opportunities as a first step to securing other rights. Austrian feminists, worried about the plight of middle-class women following the economic ruin of many families after military victory of Prussia, in 1866, called for girls’ education and the opening of civil service jobs to women. In France, the society for the Amelioration of Woman’s Condition, founded by Léon Richer and Maria Deraismes in 1870, lobbied for better education, the reestablishment of the right to divorce, and property rights for married women. Danish feminist founded the Danish Women’s Union in 1871, and in Sweden feminist launched a Society for Married Women’s Property Right in 1873. In Russia as well, the 1860s and

¹¹⁴ “Second National Convention, Worcester, Massachusetts, October 15-16, 1851, Resolutions,” in Mari Jo Buhle and Paul Buhle, Ed., *the Concise History of Woman Suffrage: Selections from the Classic Work of Stanton, Anthony, Gage, and Harper*, (Urbana: University of Illinois Press), 1978, p. 113.

1870s saw successful campaigning for university education for women and attempts to solve the problem of female unemployment, an indirect consequence of the emancipation of the serfs. Women in Prague carried out their educational and humanitarian activities through the American Ladies' Club, in 1865 by a recent visitor to United States and admirer of the status enjoyed by American women. Serbian women organized a women's society in Belgrade in 1875.¹¹⁵

To conclude, the first wave of feminism, which started from 1850s was directed primarily at white middle-class women in North America and Europe, which began forming sophisticated organizations in an attempt to achieve personal autonomy and exert influence on public life. To campaign for educational and employment opportunities, dress reform, married women's property laws, cooperative housekeeping, the right to set sexual standards and control their bodies, and the right to their social equality through the exercise of the vote.

B. The second wave of feminism

After women gained the right to vote with the passage of the 19th Amendment, feminism became less politically visible during the middle decades of the 20th Century. This began to change, however, with the rise of the Civil Rights Movement and other social movements for equality, and during the 1960s and 1970s, the second wave of feminism would arise to question the domination of patriarchy and gender inequality in all walks of life.¹¹⁶

¹¹⁵ Marlene LeGates, *op. cit.*, pp. 202-203.

¹¹⁶ As Dahlerup say in Introduction of her book 'Second-wave feminism simply indicates a new

The second wave of feminism came as a response to the experiences of women after World War II, in 1949 published a book with a title *Le deuxième sexe* (The Second Sex) by Simone de Beauvoir. She argued that gender difference was not rooted in biologically, but it was deliberately created to reinforce oppression against women. De Beauvoir applied an analysis of existential philosophy, identifying man as the measure of humanity and woman as the “Other”.¹¹⁷ Accepting the fact of women’s subordination to men, her primary concern was with understanding it rather than changing it. The book’s scope was broad, combining an investigation of three major perspectives on women (biological, psychoanalytic, and Marxist) with an overview of women’s history from prehistoric times to the twentieth century, a discussion of mythology, a literary analysis of five male authors, and a description of contemporary women from childhood to old age.¹¹⁸

In the 1950s and early 1960s, the media popularized the ideal family, composed of Father the breadwinner, Mother the homemaker, and two to four

impetus to this movement which has experienced periods of bloom, strength, and visibility, alternating with periods of more quiet, dogged, struggle to better women; position in a male-dominated society’, see: Drude Dahlerup, *The new women’s movement feminism and political power in Europe and the USA*, (California: Sage Publications), 1986,

¹¹⁷ Simone de Beauvoir is a figure in between the first wave and the second wave of feminism. The gap is 40-years. After the end of the first wave of feminism, there is a ‘big movement’ to try to ‘get women back in to the home’ - more for middle class and white women. With the creating ideal that woman should working in the home, caring for the children and husband. This strong movement to push women ‘back to in to the home’ really affected feminism as well. Although not popularized until 20 years later, de Beauvoir examined the notion of women being perceived as “other” in the patriarchal society.

¹¹⁸ Marlene LeGates, op. cit., p. 342.

children, nestled happily in its dingles-family suburban home, enjoying the fruits of an expanded consumer economy. It was outwardly a time of material comfort, conservatism, and conformity, but this picture does not do justice to the complexity of a period in which long-established women's group in many countries continued to press women's rights and new groups coalesced around issues that were to transform the next generation.¹¹⁹

In 1963, through interviews and correspondence with a sample of educated, white, middle class, suburban housewives and mothers, Betty Friedan on her book *The Feminine Mystique*,¹²⁰ explicitly objected to the mainstream media image of women, stating that placing women at home limited their possibilities, and was a waste of talent and potential.¹²¹

For the second wave of feminism, politic and legal equality was not enough to end the oppression of women. In their point of view, sex oppression was not rooted on legal issues and politics, but it was embedded in every aspect of social life, including the economy, politics, and social arrangements, along with norms, custom, daily interaction, and personal relation. They argued that

¹¹⁹ Ibid., pp. 335-336.

¹²⁰ Betty Friedan, founder and first president for three years of the National Organization for Women (NOW), founded in 1966. Betty Friedan analyzed the results and consulted experts. She found that both women and men were trapped in limiting roles. Friedan wrote up her results and tried to sell the article to magazines, but could find no buyers. So she turned her work into a book, which was published in 1963 as *The Feminine Mystique*. http://womenshistory.about.com/od/bettyfriedan/p/betty_friedan.htm , accessed on 30 July 2010.

¹²¹ She claimed that her own experience was symptomatic: "I sensed [what was wrong] first as a question mark in my own life, as a wife and mother of three small children, half-guilty, and therefore half-heartedly, almost in spite of my life, using my abilities and education in work that took me away from home," see Betty Friedan, *The Feminine Mystique*, (NY: Dell), 1963, p. 6.

feminism must have full economic equality for women, and not limited only to economic survival. Marital institution, motherhood, heterosexual relationship, women's sexuality and others were criticized by the second wave of feminism. They struggle to change every aspect of one's personal life and politics radically.¹²²

While in the first wave of feminism was dominated by white middle class women, in the second wave of feminism filled with multiracial feminist. Many women of color organizations were involved during this period. Together with the white women anti-racist, they were took stands against white supremacy and imperialism (both internal and external colonialism); envisioned revolution as a necessary outcome of political struggle; and saw armed propaganda (armed attacks against corporate and military targets along with public education about state crime).¹²³

A key difference between the first and the second wave of feminism is that, the latter no longer believed that men and women were intrinsically or biologically different. They believed that culture created the differences between sexes. In other words, the second wave feminist had made a distinction between sex (male/female) and gender (masculinity/femininity). While a person is born a particular sex he or she is taught to be masculine or female by culture and society.

¹²² Ann E. Cudd and Robin O. Andreasen (ed.), *Feminist Theory; A Philosophical Anthology*, (Cornwall: Blackwell Publishing Ltd), 2005, p. 8.

¹²³ Becky Thompson, Multiracial Feminism: Recasting the Chronology of Second Wave Feminism, in *Feminist Studies*, vol. 28, no. 2 (summer 2002), pp. 337-360.

C. The third wave of feminism

Third wave of feminism is a term identified of feminist activity and study beginning in the 1980s and continuing to the present. Like the second wave before them, third wave feminists are a political generation defined by common exposure to the pressure of some of the same problems.¹²⁴ In their book, Jennifer Baumgardner and Amy Richards define the third wave as “the women who were reared in the wake of the women's liberation movement of the 1970s”.¹²⁵ Baumgardner and Richards contend that, the third wave’s goals derive from analyzing how issues such as, the exploding of AIDS epidemic, reports of violence against young women, has affect their personal lives, and that these issues are taken on by the third wave in addition to continuing work on the issues identified by the second wave, such as domestic abuse or economic equality.¹²⁶ Although third wave feminists are often seen as apolitical by their mothers’ generation, the authors argue that women of the third wave are in fact leading very feminist lives, but their definition of what it means to be a feminist has changed.

The criticism that second wave feminists often reserve for third wave feminists is that the third wave is too ambitious, too unfocused, not appreciative enough of the small changes that take years to effect, and not a united movement for change.¹²⁷ On the other hand, the third wave texts position themselves as

¹²⁴ Deborah L. Siegel, The Legacy of the Personal: Generating Theory in Feminism's Third Wave, in *Hypatia: A journal of feminist philosophy*, vol. 12, no.3 (summer 1997), pp. 46 - 76.

¹²⁵ Jennifer Baumgardner and Amy Richards, *Manifesta: Young Women, Feminism and the Future*, (N. Y.: Farrar, Strauss and Giroux), 2000, p. 15.

¹²⁶ *Ibid.*, p. 21.

¹²⁷ Joannie M. Schrof, Feminism’s Daughters: Their Agenda is a Cultural Sea Change, in *U.S.*

criticisms of second wave feminisms, defining itself against as well as through it.¹²⁸ In the introduction to her anthology, Rebecca Walker argues that young women struggle with the feminist label not because of a lack of historical knowledge or negative media stereotypes, but because feminism's rigid definitions of a "good feminist" entrap women just as much as sexist definitions of women.¹²⁹

Third wave feminists have tried to balance their desire to be feminine and nurturing - something amongst the second wave feminists whose politics they often find anti-family and anti-sexual - with their expectations of a rewarding career and respect for their place in the world. The third wave, is not a rejection of second wave accomplishments. Rather it is the next step, the attempt to make good on the promises and rewards the second-wave aimed for. Where they began the struggle, it is up to the third wave to continue it. That does not, however, mean it will be on the same turf.

Although the feminism waves criticize one to another, they are however fighting for the same goal, which is the equality between men and women. The third wave of feminism thus is about lending new proposals for reaching this same

News & World Report (September 27, 1993), pp. 68-71.

¹²⁸ Jennifer Drake, Review Essay, Listen Up: Voices from the Next Feminist Generation, Barbara Findlen, and, To Be Real: Telling the Truth and Changing the Face of Feminism, Rebecca Walker, Ed. in *Feminist Studies*, Vol. 23, No. 1 (Spring 1997), pp. 97-108.

¹²⁹ "For many of us it seems that to be a feminist in the way that we have seen or understood feminism is to conform to an identity and way of living that doesn't allow for individuality, complexity, or less than perfect personal histories. We fear that the identity will dictate and regulate our lives, instantaneously pitting us against someone, forcing us to choose inflexible and unchanging sides, female against male, black against white, oppressed against oppressor, good against bad," Rebecca Walker, *To Be Real: Telling the Truth and Changing the Face of Feminism*, Ed. (Anchor: Anchor Books), 1995, p. xxxiii.

goal. In addition, though third wave is about giving attention to younger women, it is also a mentality more than a strict age requirement.

2. Women in Islam¹³⁰

Both feminism and Islam have a healthy preoccupation with women's rights. They differ, however, in how they attempt to realize these rights. Feminism's purpose is to change society-using law when necessary. They see women as agents and subjects. They strive to embody the ethos and politics of feminism, and they are the emancipators – doing the actual changing of society so women have more equality.

In the West, Islam is believed to be the symbol of the subordination of women *par excellence*. In order to understand how firm this belief is, it is enough to mention the Law on conspicuous religious symbol passed in 2004 in France and also due to misbehavior of some Muslims which has been taken to represent the teachings of Islam. To see how Islam views women or what position women is in Islam, one has to take a look at the source of Islam itself, *Quran* and *Hadith*.¹³¹ Islamic laws are derived from these sources.

There are many of verses that related to women in *Quran*, such as:

“And their Lord answered them: Truly I will never cause to be lost the work of any of you, Be you a male or female, you are members one of another” (Ch. 3 ver. 195);

¹³⁰ Since there are many women rights in Islam author will limited only on how has Islam viewed on women and about veiled or *Hijab* related to this thesis.

¹³¹ *Hadith* is narrations concerning words and deeds of the Islamic prophet Muhammad (*p.b.u.h.*) as important tools for understanding the *Quran* and in matter of jurisprudence. Collected and compiled by some *Hadith* scholars such as: Muslim, Bukhari, Nawawi etc.

“O mankind, fear your Lord, who created you from one soul and created from it its mate and dispersed from both of them many men and women. And fear Allah, through whom you ask one another, and the wombs. Indeed Allah is ever, over you, an Observer.” (Ch. 4: ver. 1)

“The believers, men and women, are protectors, one of another: they enjoin what is just, and forbid what is evil, they observe regular prayers, practice regular charity, and obey Allah and His Messenger. On them will Allah pour His Mercy: for Allah is Exalted in power, Wise” (Ch. 9 ver. 71);

“Whoever works righteousness, man or woman, and has faith, verily to him/her we will give a new life that is good and pure, and we will bestow on such their reward according to the best of their actions” (Ch. 16 ver. 97).

“And among His signs is this: that He created mates for you from yourselves that you may find rest and peace of mind in them, and He ordained between you love and mercy. Certainly, herein indeed are signs for people who reflect.” (Ch. 30 ver. 21)

“For Muslim men and women, for believing men and women, for devout men and women, for true men and women, for men and women who are patient, for men and women who humble themselves, for men and women who give in charity, for men and women who fast, for men and women who guard their chastity, and for men and women who engage much in Allah's praise-- For them all has Allah prepared forgiveness and great reward” (Ch. 33 ver. 35);

“Whoever works evil will not be requited but by the like thereof, and whoever works a righteous deed -whether man or woman- and is a believer- such will enter the Garden of bliss” (Ch. 40 ver. 40);

It is vividly portrayed that the *Quran*'s view of women is no different from

its view of men; there is no superiority in the spiritual sense between men and women. They, both, are God's creatures whose sublime goal on earth is to worship their Lord, do righteous deed, and avoid evil and they, both, will be assessed accordingly. There is nowhere in *Quran* mentions that the woman is the devil's gateway or that she is deceiver by nature. According to *Quran*, a woman's role on earth is not limited only to birthing children, she is required to do as many good deeds as any other man is required to do.

From *Hadith*, one can see some of the prophet Muhammad (*p.b.u.h.*) sayings about women, on how men are supposed to treat their woman:

“The best among you is the one is the best towards his wife” *Hadith* – Muslim, #3466;¹³²

“Woman is like a rib, when you attempt to straighten it, you would break it. And, if you leave her alone you would benefit by her, and crookedness will remain in her” *Hadith* – Muslim, #3468;¹³³

Muslims believe that Adam and Eve were created from the same soul. Both were equally guilty of their sin and fall from grace, and God forgave both. Many women in Islam have had high status, and many of the female Companions accomplished great deeds and achieved fame, and throughout Islamic history there have been famous and influential scholars and jurists.¹³⁴

¹³² *The Book of Marriage (Kitab Al-Nikah)*, http://www.searchtruth.com/book_display.php? accessed on 10 Aug 2010.

¹³³ Ibid.

¹³⁴ Khadijah, the first prophet Muhammad (*p.b.u.h.*) wife as well as the first person to convert to Islam. Ayshah, another wife of him after Khadijah pass away, becomes renowned as a scholar and one of the greatest sources of *Hadith* literature.

A woman is to be treated as God has endowed her, with rights, such as to be treated as an individual, with the right to own and dispose of her own property and earnings, enter into contracts, even after marriage. She has the right to be educated and to work outside the home if she so chooses. She has the right to inherit from her father, mother, and husband.¹³⁵ Before marriage, a woman has the right to choose her husband. Islamic law is very strict regarding the necessity of having the woman's consent for marriage. The groom gives a marriage dowry to the bride for her own personal use. She keeps her own family name, rather taking her husband's. As a wife, a woman has the right to be supported by her husband even if she is already rich. She also has the right to seek divorce and custody of young children. She does not have to return the dowry, except in a few unusual situations.¹³⁶

The numerous styles of Islamic dress throughout the world today reflect local traditions and different interpretations of Islamic requirements. In relation with the Law that has passed by the French Senate in 2004 regarding conspicuous religious symbols in public places, in Islam *hijab* or headscarf is actually not just as a symbol of one's religion. *Hijab* is more than just a piece of cloth that covering head for Muslim women, it is the modest clothing and covering of the beauty and adornment of women, mandated in Islamic scriptures, for her own honor and protection. The *Quran* urges believing men and women to lower their gaze and guard their modesty and then urges the believing women to extend their

¹³⁵ *Women in Islam*, in: http://www.islamswomen.com/articles/women_in_islam.php, accessed on 10 Aug 2010.

¹³⁶ *Ibid.*

head covers to cover the neck and the bosom:

“Say to the believing men that they should lower their gaze and guard their modesty.....And say to the believing women that they should lower their gaze and guard their modesty; that they should not display their beauty and ornaments except what ordinarily appear thereof; that they should draw their veils over their bosoms....” (Ch. 24 ver. 30, 31)

In the verse that mentioned above, it is clear that God not just ask believing women to draw their veils over their bosoms, but it also mentioned for believing men to lower their gaze. *Quran* first addresses men and then women, indeed men should not stare and women should not wear ‘less’ than men to make an impact. Men are more interested in and responsive to visual sexually arousing stimuli than women.¹³⁷ In addition, *Quran* also stated that:

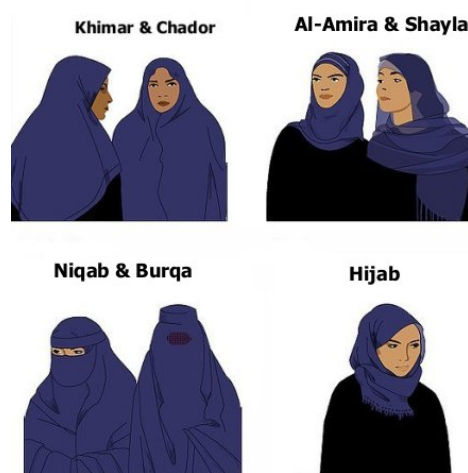
“O Prophet, tell your wives and daughters and the believing women that they should cast their outer garments over their bodies (when abroad) so that they should be known and not molested” (Ch. 33 ver. 59)

This verse clearly states that the reason the woman is obligated to cover herself is to distinguish her to be identified as a respectable Muslim woman, to avoid the annoying glances and glares of the men. As we all know, provocative clothing urges some men to make advances, and expose women to molestation. This may be encouraged and marketed in some societies, but not among respectable faithful Muslims. This is the whole point, modesty is prescribed to protect women from molestation or simply, modesty is protection. Thus, the only purpose of the veil in Islam is protection. The veil is only a sign of modesty with

¹³⁷ Stephan Hamann, *et., al.*, Men and women differ in amygdala response to visual sexual stimuli, in *Nature Neuroscience*, vol. 7, no. 4, (April 2004), pp. 411-416.

the purpose of protecting women, all women. The Islamic philosophy is that it is always better to be safe than sorry. It is has to be known that in Muslim societies around the globe there are many kinds of veil, this happened because of the culture that colliding with Islamic teaching. Different kind of veil have different name, below are the pictures of veil that always related to Islamic belief.

Figure 1. Islamic types of veil



3. Islamic Feminism

A homogenizing definition of Muslim women suggesting that they are backward, illiterate, segregated and victimized by patriarchal subjugation reflects a stereotyping of these women, and places them in a reality where questions of race, class, economic condition, and culture often ignored. Chandra Talpade Mohanty argues that in scrutinizing gender issues in any given society, universality of framework should be avoided, for universalism places any scholarship as ‘a historical power structure’.¹³⁸ Mohanty argues, the perception

¹³⁸ Mahnaz Afkhami, Promoting Women’s Rights in the Muslim World, in *Journal of Democracy*,

that all Muslim women are being oppressed by sexual segregation is ‘analytically reductive’. Furthermore she continues that any analysis concerning women and gender, in any given context, should be situated within more than the category of gender as a basis. Such analyses need to be grounded in the relations between ‘gender, race, class, and sexuality at a particular historical moment.’¹³⁹

Islamic Feminism has been a widely discussed phenomenon since the emergence of the term in 1990s, often times subject to a heated debate. On one hand, this debate is due to the ways in which it is embedded in the wider discourses concerning women’s rights and Islam, and the position of women in Muslim-majority societies as well as on Muslim women in societies where Muslim populations constitute a minority. On the other hand, the debate entangles to the controversies between the labeling practices and the positionalities on those who seek to resist the given labels: who is entitled to speak as and/or name someone else as an “Islamic feminist?” How are these labels accommodated, contested and eventually resisted? With these questions in mind, providing an exclusive definition on the term ‘Islamic feminism’ would raise numerous concerns, given also the multiplicity of definitions concerning different ways of conceptualizing feminism, or different feminisms, and the debates concerning ‘Islamic’ or ‘Islamist’ in connection with feminisms.

The definition of Islamic feminism has been offered by Margot Bardan¹⁴⁰

vol. 8, no. 1, (January 1997), pp. 157-166.

¹³⁹ Chandra Talpade Mohanty, *Under Western Eyes: Feminist Scholarship and Colonial Discourses*, in *Third World Women and the Politics of Feminism*, Chandra Talpade Mohanty, Ann Russo and Lourdes Torres (eds.), (Bloomington: Indiana University Press, 1991, p. 54

¹⁴⁰ Margot Bardan, *Islamic Feminism Revisited*, in <http://www.countercurrents.org/gen-bardan>

as:

A feminist discourse and practice that derives its understanding and mandate from the *Qur'an*, seeking rights and justice within the framework of gender equality for women and men in the totality of their existence. Islamic feminism explicates the idea of gender equality as part and parcel of the *Qur'anic* notion of equality of all human beings and calls for the implementation of gender equality in the state, civil institutions, and everyday life.

It against the patriarchal ideas, the modern Islamic feminism movements spread out widely all over Muslims majority countries in the world. One Islamic Feminist activists is Zainah Anwar¹⁴¹, she believed that:

It is not Islam that oppresses women, but interpretations of the Quran influenced by cultural practices and values of a patriarchal society which regard women as inferior and subordinate to men.¹⁴²

It is important to distinguish between Islamic feminism as an explicitly declared project, as an analytical term and Islamic feminist as a term of identity. Some Muslim women, as seen from the foregoing remarks, describe their project of articulating and advocating the practice of *Qur'anically*-mandated gender equality and social justice as Islamic feminism. Others do not call this Islamic feminism but describe it as an Islamic project of rereading the *Qur'an*, women-centered readings of religious texts, or “scholarship-activism”.¹⁴³

100206.htm, accessed on 10 Aug 2010.

¹⁴¹ A former Executive Director of Sisters in Islam (SIS), and is currently a member of SIS Board of Directors. She is also a former member of the Human Rights Commission of Malaysia.

¹⁴² Zainah Anwar, keynote speaker, *What is Islam? Whose Islam? Listen to the Voice of Sisters in Islam*, Taipei National Central Library Conference Hall, April 2, 2011.

¹⁴³ As it is referred to in the book edited by Gisela Webb, *Windows of Faith*. Margot Bardan,

The basic argument of Islamic feminism is that the *Qur'an* affirms the principle of equality of all human beings but that the practice of equality of women and men has been impeded or subverted by patriarchal ideas and practices. Islamic jurisprudence, *fiqh*, consolidated in its classical form in the ninth century, was itself heavily saturated with the patriarchal thinking and behaviors of the day. This patriarchally inflected jurisprudence that has informed the various contemporary formulations of the *Shari'a*. Thus, a priority of Islamic feminism is to go straight to Islam's fundamental and central holy text, the *Qur'an*, in an effort to recuperate its egalitarian message. Some women focus exclusively on the *Qur'an*;¹⁴⁴ others apply their re-readings of the *Qur'an* to their examination of the various formulations of the *Shari'a*;¹⁴⁵ while others focus on re-examining the *hadith*.¹⁴⁶

Related to the *hijab* ban in France, among the Islamic feminist activist, they have different opinions. For instance, Irshad Manji¹⁴⁷ in an interview with France 24, said that:

“I support this admittedly clumsy law around headscarves because it does not ban the *hijab* from every place in society. You can still conduct your daily business with it and wear it at the park, at home, in the shopping mall. Only in state-funded schools is it to be removed. I believe that there is a balance if we can create just one space, just one, in which Muslim women

Islamic feminism: what's in a name?, in <http://weekly.ahram.org.eg/2002/569/cu1.htm>, accessed on 10 Aug 2010.

¹⁴⁴ Such as Amina Wadud, Rifaat Hassan, Saudi Arabian Fatima Naseef. Ibid.

¹⁴⁵ Lebanese Aziza Al-Hibri, Pakistani Shaheen Sardar Ali. Ibid.

¹⁴⁶ Moroccan Fatima Mernissi, Turkish Hidayet Tuksal. Ibid.

¹⁴⁷ An Islamic feminist activist from Canada.

can even conceive of not wearing the headscarf. This balance ultimately enables Muslim girls to make up their own minds about the headscarves when they become adults.”¹⁴⁸

When author had a chance to asking Zainah Anwar about the *hijab* ban in France, she has a different statement, she said:

“I believe the state has no role to play in deciding whether a woman should cover or uncover her hair. The state would leave women’s head alone.”¹⁴⁹

From those statements that mentioned above, there are differences on how two of Islamic feminist point of view on *hijab* ban. From author’s point of view, this happened based on the differences ideas that have influenced them as feminist. The Western feminist has influenced Islamic feminist such as Irshad Manji. On the other, feminist such as Zainah Anwar, more or less has been influenced by the Southeastern Asia values and culture from where she come from.¹⁵⁰

4. The Origins of Veil

Critics of the Muslim veiling tradition argue that women do not wear the veil by choice, and they were most often forced to cover their heads and bodies. Most Western society condemn Islam for its veil, for them the *hijab* or headscarf

¹⁴⁸ An interview with Irshad Manji by France 24, *Islamic feminist backs ‘clumsy laws’ on headscarves*, 15 Feb 2008, in: <http://www.france24.com/en/20080211-islam-feminist-backs-law-ban-French-headscarves-canada-Irshad-Manji-europe>, accessed on 10 Aug 2010.

¹⁴⁹ Author’s conversation with Zainah Anwar, at Taipei National Central Library Conference Hall, April 2, 2011.

¹⁵⁰ In Malaysia and Indonesia for several Centuries Islam has been mingled with the customs and traditions of their people. Now as the most populous religion, Islam has become not just only a ‘religion’ but more to ‘way of life’.

is the greatest symbol of women's oppression and servitude. In fact, the veil tradition it was not invented by Islam, but it was also recorded in Judeo-Christian traditions and literatures.

A. Jewish veil

According to Rabbi Menachem M. Brayer, it was the custom of Jewish women to go out in public with a head covering, which sometimes, even covered the whole face leaving one eye free.¹⁵¹ He quotes some famous ancient Rabbis saying, "it is not like the daughters of Israel to walk out with heads uncovered" and "cursed be the man who lets the hair of his wife be see...a woman who exposes her hair for self-adornment brings poverty". Rabbinic law forbids the recitation of blessings or prayer in the presence of a bareheaded-married woman since the woman's hair considered "nudity".¹⁵² Brayer also explains that veil of the Jewish woman was not always considered a sign of modesty. Sometimes, the veil symbolized a state of distinction and luxury rather than modesty. The veil personified the dignity and superiority of noble women. It also represented a woman's inaccessibility as a sanctified possession of her husband.¹⁵³

The veil signified a woman's self-respect and social status. Women of lower classes would often wear the veil to give the impression of a higher standing. The fact that the veil was the sign of nobility is the reason why prostitutes were not permitted to cover their hair in the old Jewish society.

¹⁵¹ Menachem M. Brayer, *The Jewish Woman in Rabbinic Literature: a Psychosocial Perspective*, (Hoboken: Ktav Publishing House), 1986, p. 239.

¹⁵² *Ibid.*, pp. 316-317.

¹⁵³ *Ibid.*, p. 139.

However, prostitutes often wore a special headscarf in order to look respectable.¹⁵⁴ Before nineteenth Century Jewish women in Europe continued to wear veils, but after their lives became intermingled with surrounding secular culture, has forced many of them to go out bareheaded. Some Jewish women found it more convenient to replace their traditional veil with a wig as another form for hair covering. Today, most pious Jewish do not cover their hair except in the synagogue.¹⁵⁵

B. Christian veil

In Christianity, it is well known that Catholic Nuns have been covering their heads for hundreds of years, but that is not all. St. Paul in the New Testament made some very interesting statements about the veil:

“Now I want you to realize that the head of every man is Christ, and the head of the woman is man, and the head of Christ is God. Every man who prays or prophesies with his head covered dishonors his head. And every woman who prays or prophesies with her head uncovered dishonors her head - it is just as though her head were shaved. If a woman does not cover her head, she should have her hair cut off; and if it is a disgrace for a woman to have her hair cut off or shaved off, she should cover her head. A man ought not to cover his head, since he is the image and glory of God; but the woman is the glory of man. For man did not come from woman, but woman from man; neither was man created for woman, but woman for man. For this reason, and because of the angels, the woman ought to have a sign of authority on her head” (I Corinthians 11: 3-10)

St. Paul’s rationale for veiling women is that the veil represents a sign of the authority of the man, who is the image and glory of God, over the woman who

¹⁵⁴ Susan W. Schneider, *Jewish and Female*, (N. Y.: Simon & Schuster), 1984, p. 237.

¹⁵⁵ *Ibid.*, pp. 238-239.

was created from and for man. St. Tertullian in his famous treatise ‘On the Veiling of Virgins’ wrote, “young women, you wear your veils out on the streets, so you should wear them in the church, you wear them when you are among strangers, then wear them among your brothers...” Among the Canon laws of the Catholic Church today, there is a law that requires women to cover their heads in church.¹⁵⁶

¹⁵⁶ Clara M. Henning, *Canon Law and the Battle of the Sexes*, in Rosemary R. Ruether, Ed., *Religion and Sexism: Image of Woman in the Jewish and Christian Traditions* (N.Y.: Simon and Schuster), 1974, p. 272.

CHAPTER IV

Diversity Clashes in Indonesia and France

As a secular country, both Indonesia and France should avoid dealing with religious activities its citizen, especially to restrict one's practice of religion. According to International Covenant on Civil and Political Rights (ICCPR), article 18, theistic, non-theistic and atheistic beliefs are protected, as well as the right not to profess any religion or belief.¹⁵⁷ In the fourth paragraph of the same article, it has also mentioned that fully respect for the liberty of parents and legal guardians to ensure states parties, which both Indonesia and France are, should be fulfilled the religious and moral education of their children.¹⁵⁸

In Indonesia since New Order came into power, every Indonesian Chinese were restricted to held any kind of their traditional ceremonies or celebrations, even worse, by presidential instruction No. 14/1967 only five religion that recognized by the state which is, Islam, Christianity, Catholicism, Buddhism, and Hinduism.¹⁵⁹ As the 'Reformation Movement' has toppled down the 'New Order'

¹⁵⁷ Literally ICCPR article 18 has mentioned:

(1) Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. International Covenant on Civil and Political Rights, <http://www2.ohchr.org/english/law/ccpr.htm#art18>, accessed on April 3rd, 2011.

¹⁵⁸ (4) The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions. Ibid.

¹⁵⁹ This presidential's instruction comes with consequences to all Indonesian Chinese whom belief

in 1998, Indonesian legislators have made a law on human rights the Law No. 39/1999. In the article 1 verse (3) it is mentioned:¹⁶⁰

any restrictions, harassment, or ostracism, directly or indirectly based on human differences on religion, ethnicity, race, ethnic group, class, social status, economic status, gender, language, political convictions, which resulted in the reduction, deviation or elimination of recognition, the implementation or use of human rights and fundamental freedoms in both individual and collective life in the political, economic, legal, social, cultural, and other aspects of social life is an act of discrimination.

Also in February 12th, 2002, the state had recognized Chinese New year as national holiday.

The territory of Indonesia is divided into autonomous provinces, districts and municipalities. Reformation movement has caused regional demands for the central government to decentralize its power and responsibilities. By the law of No. 22/ 1999 on “Local Government”,¹⁶¹ which implemented on January 1st, 2001,

in Confucianism. They have to choose, either, Christianity or Buddhism as their religion to avoid being suspected as atheist or communist.

¹⁶⁰ A free translation of: “Diskriminasi adalah setiap pembatasan, pelecehan, atau pengucilan yang langsung ataupun tak langsung didasarkan pada pembedaan manusia atas dasar agama, suku, ras, etnik, kelompok, golongan, status sosial, status ekonomi, jenis kelamin, bahasa, keyakinan politik, yang berakibat pengurangan, penyimpangan atau penghapusan pengakuan, pelaksanaan atau penggunaan hak asasi manusia dan kebebasan dasar dalam kehidupan baik individu maupun kolektif dalam bidang politik, ekonomi, hukum, social, budaya, dan aspek kehidupan lainnya.”

¹⁶¹ Decentralization is focused at the district and the municipality levels. The district head and municipal head as the head of the autonomous local government will be directly responsible to the local assembly. One aim of the policy of decentralization and regional autonomy is to bring the governments closer to their constituents so that government services can be delivered effectively and efficiently. Syaikh Usman, *Indonesia's Decentralization Policy: Initial Experiences and Emerging Problems*, SMERU Working Paper, a Paper Prepared for the Third EUROSEAS Conference Panel on Decentralization and Democratization in Southeast Asia, the SMERU

some districts and municipal governments where Muslims are majority, had made regulations, which had influenced by *sharia*.¹⁶² It is worth to be noted that from 2000 to 2006 there were 21 regional policies regarding to Muslims religious attire for government Muslims officer.¹⁶³

France as a country which more advanced to compare with Indonesia on secularism and its citizens diversity, having *Liberté, Egalité, Fraternité* as national motto and as republic's principal comes with the consequences for instance, if someone would like to have French citizenship, would not be categorized according to their alleged ethnic origins.¹⁶⁴ Then some questions arise when numbers of 'incidents' occurred in high school where some of Muslim students wanted to wear *hijab*. Since the first incident in 1989, French state has repeatedly banned Muslim girls from classroom, in the name of the respect of the *laïcité*. While in the same time, Muslim families claim their rights as a cultural

Research Institute, London, September 2001, pp. 2-4.

¹⁶² *Sharia* is a set standards governing all aspects of life, derived primarily from the Quran, the central religious text of Islam, and the *Hadiths*, a collection of sayings and descriptions of the *sunna*, or exemplary and normative conduct, of the Prophet Muhammad.

¹⁶³ National Commission on Violence Against Women, *Atas Nama Otonomi Daerah: Laporan Pemantauan Kondisi Pemenuhan Hak-Hak Konstitusional Perempuan di 16 Kabupaten/Kota pada 7 Propinsi (In the Name of Regional Autonomy: Monitoring Report on the Fulfillment of Constitutional Women's Rights in 16 Districts/Municipal on 7 Provinces)*, KOMNAS Perempuan, PDF file in: <http://www.komnasperempuan.or.id/wp-content/uploads/2010/07/Atas-Nama-Otonomi-Daerah-Pelembagaan-Diskriminasi-dalam-Tatanan-Negara-Bangsa-Indonesia.pdf>, accessed on January 5, 2012.

¹⁶⁴ Article 1, Constitution of October 4, 1958:

"France shall be an indivisible, secular, democratic and social Republic. It shall ensure the equality of all citizens before the law, without distinction of origin, race or religion. It shall respect all beliefs. It shall be organized on a decentralized basis."

difference. Does the Law on conspicuous religious symbol can be described as a racial discrimination law? Does the Law is just a product of Islamophobia after September 9, 2001 incident in New York?

1. Immigrants, Discrimination and Inequalities

A. France

Secularism, or in French called as *laïcité*, as author explained in the previous chapter, have made a clear border between the government involvement and the individuals religious life. With the law on conspicuous religious symbols in 2004 by French government, it had shown that French government could not firmly as a secular state. Related with that the French three national principles *Liberté, Egalité, Fraternité*, literally means liberty, equality, and fraternity, seems has been forgotten. According to Paul Spicker,¹⁶⁵ these principles were made to liberate citizens of France in 1789 from religious dissenters, to equalize from the levelers, and as a form that bound the guilds.

Stressing on equality, the very first question is, what is equality? Spicker had written down that it is hard to define equality without misinterpreted. However, he did give examples such as equality between races does not mean that everyone should be the same race; it means that the disadvantage of races should be eliminated. On the other hand, equality before the law means that judgments are made by relevant factors, like innocence and guilt, and not by factors, which lead to people being advantaged or disadvantaged, like race or religion. Fairness is the key of the characteristic moral position for equality, together with the view

¹⁶⁵ Paul Spicker, *Liberty, Equality, Fraternity*, (Bristol, U.K.: The Policy press), 2006, p. 1.

that the differences between people are largely irrelevant to moral conduct.¹⁶⁶

France is one of the Europe state with races diversities, its citizens are decent from Belgium, Germany, Poland, Russia, Italy and Spain. In 1950's and 1960's, immigrants from Algeria have had free and unregulated entries to France. Immigrants which most of them came from Arabs or North Africa are very easily to be distinguished. Most of them are dark skin colored and having Arabian or Muslim's name. Although it has been written in French Constitution 1946 that prohibits discrimination regardless sex, race belief and trade union activity, in conformity with that, the current Constitution of 1958, article 2, contains a provision according to which "the nation ensures equality before the law of all citizens, whatever their ethnic origin, race or religion." Despite of the law prohibits discrimination, but in the reality, discrimination and inequality regarding race are existed.¹⁶⁷ In fact when the first, so called, *hijab* incident in 1989, the French National Front argued, that immigration was the root cause of these problems, most immigrants should be sent back to where they came from.¹⁶⁸

It is not easy as immigrants in France to have French nationalities. In the beginning, the immigrants were coming to France, as labors, for industrialization in order to recovering the French economy. Crisis that which happened in their

¹⁶⁶ Ibid. p. 65-66.

¹⁶⁷ In the journal of Turkish weekly, they have reported, quoted from IslamOnline.net, most of job seekers with Muslim's name have to change their name to be accepted in the place where they have submitted their application. The Journal of Turkish Weekly, *French Muslims change their name to get a "chance"*, November 21, 2005, <http://www.turkishweekly.net/news/21902/french-muslims-change-name-to-get-a-chance-.html>, accessed on June 3, 2011.

¹⁶⁸ Pierre Bréchon and SubrataKumar Mitra, the National Front in France: the Emergence of an Extreme Right Protest Movement, *Comparative Politics*, Vol. 25, No. 1 (Oct. 1992), pp. 63-82.

countries origin also had had become the reasons they come to France. France has become known as a country with open to those whom seek for impunity, especially to those that came from Eastern Europe.¹⁶⁹ Immigrants that came to France after the World War II still dominated by its European neighbors. On the other hand, although still in a small amount, immigrants that came from Africa keep increasing each year.¹⁷⁰ They all came up from Algiers, Morocco, Tunisia, and also black African which since 1999 the ratings up to 45%.

Table below shows the composition change and immigrants amount in France since 1962-1999 according to their country origins:

Table 1. Immigrants country origins since 1962-1999¹⁷¹ (in percent)

	1962	1968	1975	1982	1990	1999	
	In %	In %	In %	In %	In %	In %	Numbers
Europe	78.7	76.4	67.2	57.3	50.4	44.9	1,934,144
Spain	18.0	21.0	15.2	11.7	9.5	7.3	316,232
Italy	31.8	23.9	17.2	14.1	11.6	8.8	378,649
Portugal	2.0	8.8	16.9	15.8	14.4	13.3	571,874
Poland	9.5	6.7	4.8	3.9	3.4	2.3	98,571
Other Europe	17.5	16.1	13.1	11.7	11.4	13.2	568,818
Africa	14.9	19.9	28.0	33.2	35.9	39.3	1,691,562
Algiers	11.6	11.7	14.3	14.8	13.3	13.3	572,208
Morocco	1.1	3.3	6.6	9.1	11.0	12.1	522,504
Tunisia	1.5	3.5	4.7	5.0	5.0	4.7	201,561
Other African	0.7	1.4	2.4	4.3	6.6	9.1	393,289
Asia	2.4	2.5	3.6	8.0	11.4	12.8	549,994
Turkey	1.4	1.3	1.9	3.0	4.0	4.0	174,160
Cambodia, FDR Lao,							
Vietnam	0.4	0.6	0.7	3.0	3.7	3.7	159,750
Other Asia	0.6	0.6	1.0	1.9	3.6	5.0	216,084

¹⁶⁹ Ralpd Schor, *Histoire de l'immigration en France de la fin du XIXe siècle à nos jours*, (Paris: Armand Colins), 1996, p.10.

¹⁷⁰ Ibid., p. 205.

¹⁷¹ *Institut National de la Statistique et des études économiques*, in: <http://www.insee.fr/fr/themes/theme.asp?theme=2>, accessed on June 3, 2011.

America, Oceania Unknown	3.2 0.8	1.1 0.1	1.3 ///	1.6 ///	2.3 ///	3.0 ///	130,394 ///
Total	100.0	100.0	100.0	100.0	100.0	100.0	
In Numbers	2,861,280	3,281,060	3,887,460	4,037,036	4,165,952	4,306,094	4,306,094

Source: Insee, Recensements de la Population, 1962-1999.

From the table above, it has been shown the significant increase of African immigrants from early 1960's to 1970's, before French industry affected by oil crises at that time. The former immigrants came to French for working, thus before 1970 male immigrants were dominating. During the crises and in the post-crises, the level of immigrants that came are increasing, this is happened because of *regroupement familial*, where immigrants can invite their family members in their country origins to stay with them in France.¹⁷²

Moreover, below is the table of citizenship acquisition to France by country of former nationality from 1995 to 2003.

¹⁷² Causing the decreasing of European immigrant and replaced by African and Asian immigrants.

Table 2. Acquisition of citizenship by country of former nationality from 1995 to 2003¹⁷³ (in numbers)

	1995	1996	1997	1998	1999	2000	2001	2002	2003
Europe	22,979	24,016	26,653	22,809	24,849	23,256	19,066	18,465	20,504
Spain	1,808	1,724	1,822	1,415	1,400	1,173	833	828	776
Italy	1,972	2,016	2,155	1,949	1,809	1,522	1,175	996	1,042
Portugal	13,583	13,177	14,822	11,668	13,151	11,201	9,182	8,844	9,576
Other Europe	4,606	5,953	6,820	6,669	7,302	8,308	6,799	5,495	8,060
Africa	49,111	59,722	62,470	59,788	80,434	84,179	74,941	76,468	88,817
North Africa	40,179	48,867	50,697	48,301	66,508	68,164	60,671	59,634	68,532
Algiers	-	-	-	13,610	15,743	17,572	15,498	15,711	20,245
Morocco	-	-	-	25,585	38,298	37,888	34,922	33,967	36,875
Tunisia	-	-	-	9,106	12,467	12,796	10,251	9,956	11,412
Sub-Saharan Africa	6,737	7,669	81,777	7,739	4,655	10,492	9,688	11,825	14,493
Other Africa	2,195	3,186	3,596	3,748	9,271	5,503	4,582	5,009	5,792
Asia and Oceania	16,344	21,363	22,222	20,220	25,621	28,042	22,536	22,008	23,710
Turkey	5,226	6,487	7,503	7,158	11,380	12,136	10,755	10,468	10,493
South-East Asia	6,173	7,978	7,634	6,596	6,958	7,266	-	-	-
Other Asia and Oceania	4,945	6,898	7,085	6,466	7,283	8,640	11,781	11,540	13,217

(-) figure is zero or not available.

The wave of immigrants that came to France has causing many troubles such as job opportunities for French citizens. Hatred arose by French citizens to the immigrants and had forced the French government to formulating some new regulation which limiting the overflowed immigrants. In 2002, the right to family

¹⁷³ France: Acquisition of citizenship by country of former nationality from 1995 to 2003, source:
1. 1995-1997: data are from Ministry of Justice and Ministry of Employment and Solidarity (*Ministère de la Justice; Ministère de l'Émloi et Solidarité*);
2. 1998-2003: data are from Ministry of Justice and Ministry of Employment and Social Solidarity (*Ministère de la Justice; Ministère de l'Émloi, du Travail et de la Cohesion Sociale*), in: <http://www.migrationinformation.org/GlobalData/countrydata/data.cfm>, accessed on December 17th, 2011.

reunification, which had been given to immigrants since 1976, has been replaced and President Nicolas Sarkozy wants the process to be restricted as well.¹⁷⁴ However, one's must keep in mind that its implementation has entailed the permanent settling of hundreds of thousands of families, whose children, whether born in France or not, do not want to go back to the country of origin of their parents.¹⁷⁵

According to *Le Haut Conseil d'Integration*¹⁷⁶, immigrants are people who were born outside French territory who are coming, by intended, to stay for long time in French. Immigrants can become French citizen by naturalization. The so-called immigrant problems are residence, employment, education and including the citizenship status. The tip of the problem that has become the biggest of all is

¹⁷⁴ France's new immigration and integration law, adopted on July 25, 2006, aims to overhaul France's immigration system by giving the government new powers to encourage high-skilled migration, fight illegal migration more effectively, and restrict family immigration. According to the president, the new law better defines conditions for family reunification. Accordingly, a family member of an immigrant who does not respect the basic principles of family life in France (recognition of the secular state, equality between a man and a woman, and monogamy) will not be allowed to enter France. Furthermore, an immigrant must now wait 18 months, instead of 12, to apply to bring a family member to France. Kara Murphy, *France's New Law: Control Immigration Flows, Court the Highly Skilled*, November 2006, in: <http://www.migrationinformation.org/Feature/display.cfm?id=486>, accessed on June 1, 2011.

¹⁷⁵ Camille Froidevaux-Metterie, The Ambiguous Positions of French Muslims Women: Between Republican Integration and Religious Claims, in Barry A. Kosmin, Ed., *Secularism, Women & the State: the Mediterranean World in the 21st Century*, Institute for the Study of Secularism in Society and Culture, (Hartford: Trinity College), 2009, book may be downloaded at www.trincoll.edu/secularisminstitute, p. 165.

¹⁷⁶ *Le Haut Conseil d'Integration* is a French government agency which dealing and giving opinion, requested by Prime Minister or Cabinet, due to immigrants or foreigner's integration problems. <http://www.premier-ministre.gouv.fr>, accessed on June 4, 2011.

the latter, which can lead to racism issue.

Racism issues has not just only directed to the immigrants, but it also affecting to their children who were born in France. Immigrants lived in suburbs called *banlieues*, these suburbs suffers from double isolation: the river and train tracks separate its inhabitants from the Paris's inhabitants (Figure 2).¹⁷⁷ Dominique Borne on his book has had explained that,¹⁷⁸ the government's fault on developing *banlieue* was by only concentrating in the making of a residence, by constructing apartments in large amount and between one building to another were close without thinking about the social interaction within.

Worthy noted that Muslim youth of Europe are different with their parents. They have recognized that Europe is their homeland by participating in its politics. With their growing political power, the Muslim youth of Europe are starting to influence European social and political structures. While their parents had a personal and internal faith, the Muslim youth of Europe subscribe to an external faith that "links their tradition with political and social structures. French ban on overt religious symbols has led to a public outcry among Muslims. They claim that the ban is a violation of their rights as citizens of France as well as a pointed affront to Islam. Most agree that the Muslim reaction signals a transformation in their ability to express themselves politically."¹⁷⁹

¹⁷⁷ Marta Palacin Mejias, Paris suburbs: 'place of exile', February 6, 2008, *European magazine*, ac, in: <http://www.cafebabel.co.uk/article/23729/paris-suburbs-place-of-exile.html>, accessed on June 5 2011.

¹⁷⁸ Dominique Borne, *Histoire de la Société Française Depuis 1945*, (Paris: Armand Colin), 1990, pp. 44-47.

¹⁷⁹ Usman Mushtaq, *Identity Crisis: European Muslim Youth Search for a Place*, February 11th,

In Indonesia especially in Jakarta, suburbs such as, Bogor, Bekasi, Depok, Cibubur and Tangerang, has developed into modern cities. These suburbs offered citizens almost anything that Jakarta, as a capital city can offer. Although they cannot compete the fame of Jakarta, but as satellites cities they can provide from education, job opportunities and entertainment for the citizens of Jakarta and surround. A different situation if it has to be compare with *banlieues* in French, especially in Paris. Youths in *banlieue*, for instance the 3rd generation of immigrants who were born in 1980's, they cannot go to school outside their *banlieues*, for those who have more money they can put their children in a prestigious school thus, they get more well education. To the others, which the majority, they cannot move and trapped in not good environment. According to Goaziou,¹⁸⁰ there is ghettoization in school which worse than ghettoization in social class. The, not so wealthy, youth of ethnic background has been concentrated in one school and it caused more juvenile delinquency and violations.

Social problem or *casseurs*, are to those has failed in school or involved into *délinquancie* or even criminal acts. Stereotyping, according to Hall,¹⁸¹ is a practice of representation in related to the 'Others'. The 'identity' as *casseurs* were adhered to French's youth of ethnic background and it has become a stereotype that related to their education and societies. The youth of ethnic background overcome with these non-conducive social problems by gathered with

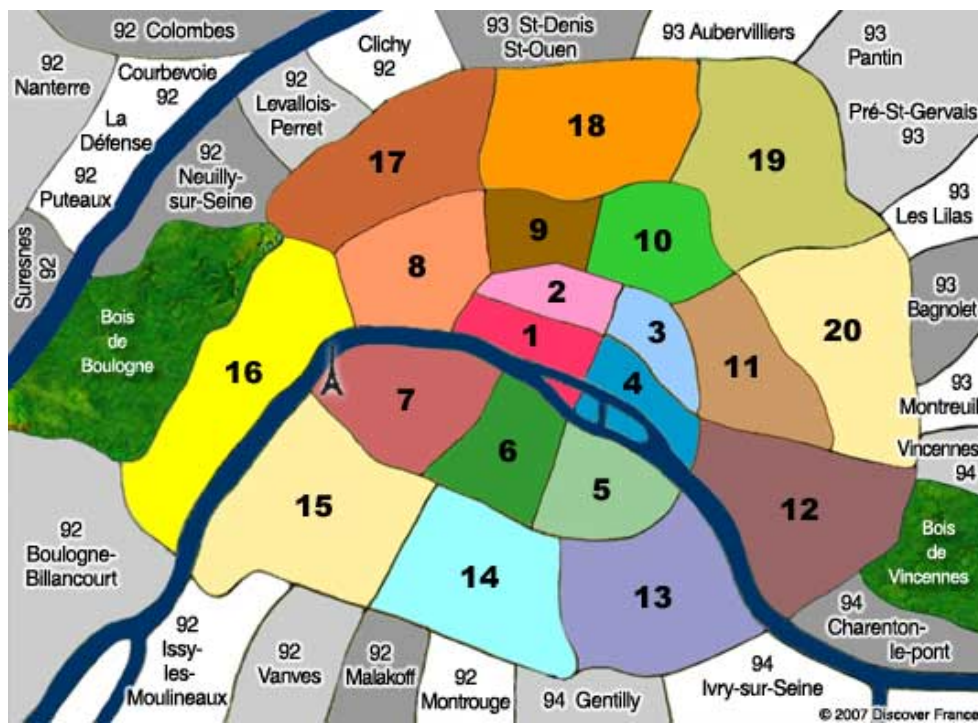
2008 in <http://www.pittpoliticalreview.org/?p=24>, accessed on December 18th, 2011.

¹⁸⁰ Véronique Goaziou and Charles Rojzman, *Les banlieues*, (Paris: le Cavalier Bleu), 2001, p. 57.

¹⁸¹ Stuart Hall, Spectacle of the other, in, *Representation: Cultural Representations and Signifying Practices*, Stuart Hall, Ed., (London: Sage Publications), 2003, p. 225.

their own community and made gangs among them, which is based on their territorial identity.¹⁸²

Figure 2. Map of Paris and its suburbs



Source: http://paris-airport-shuttle.discoverfrance.net/service_area_map.p.shtml

The high unemployment and slow economic growth rates of more recent years have become entwined with issues of identity, access and social mobility, challenging the reality of theories of citizenship's universal equality. France has stated commitment to egalitarianism has created an unwillingness to categorize issues of unemployment and hampered social mobility along racial lines. Terms which place citizens into categories based on ethnic origin are not commonly used, even when applied in the broadest category of "minority". There are no African-Frenchmen, no Arab-Frenchmen. They are all simply French. Categorizing along

¹⁸² Alec G. Hargreaves, *Multi-ethnic France: Immigrations, politics, culture and society*, 2nd ed., (New York: Routledge), 2007, p. 125.

racial lines still carries with it the painful memories of a haunted past rooted in colonial grievance and, especially, the experience of France's Vichy Regime. Separating issues of race and social status can be difficult, as minority groups in France typically find themselves the most common victims of joblessness and poverty.¹⁸³

As mentioned above that, in the beginning immigrants came to France for working. In the end, the wave of people that immigrating is larger than demand. There is discrimination for immigrants, what was discrimination? In his book Rycroft¹⁸⁴, following Gary Becker to defined it. Discrimination is a situation in which people who are "the same" are treated differently. In the meanwhile the definition of discrimination is different with prejudice. According to Rupert Brown,¹⁸⁵ prejudice is a negative attitude, emotion, or behavior towards members of a group because of their membership of that group.

The French governments have had experienced the changes and unstable condition, since revolution in 1789 until its present times, with such a turbulent governmental structure.¹⁸⁶ Hence, France has a strong and continuing of traditional values that transcend governmental policy and which its citizens

¹⁸³ Martin Peiner and Carol Wai Hai, *White collars, Black Faces: corporate initiative and prospects for change in France*, 2006, in <http://www.humanityinaction.org/knowledgebase/203-white-collars-black-faces-corporate-initiative-and-prospects-for-change-in-france>, accessed on June 8, 2011.

¹⁸⁴ Robert S. Rycroft, *the Economics of Inequality, Discrimination, Poverty, and Mobility*, (New York: M. E. Sharpe), 2009, p. 170.

¹⁸⁵ Rupert Brown, *Prejudice: its social psychology*, (Oxford: Blackwell), 1996, p. 14.

¹⁸⁶ As author explained in Chapter II, French went through five democratic regimes, three monarchies, two empires and a fascist dictatorship.

consider close to sacred. France as a country has stressed assimilation above all, by officially ignoring cultural differences forced this ideal concept to its immigrant population. By the larger immigrant population gets, the more likely they are transplant their own tradition and laws within the society of the country they moved. Most of the immigrants who were came to France and gain their French citizenship are from Muslim background countries, and already make France as the largest population of Muslim among the other EU member country.¹⁸⁷

B. Indonesia

The concept of assimilation was based on egalitarianism, but unfortunately, instead of equality among the Frenchmen, it has built the wall between native and immigrants. In Indonesia, it is public knowledge that the Indonesia political and military elite tends to suspicious of the ethnic Chinese. During the rule of authoritarian New Order, discrimination regulations and practices in Indonesia against its ethnic Chinese are well known, and make Indonesia notorious in the international community. Ten of thousands of ethnic Chinese died in the carnage that ripped through Indonesia in the wake of President Soeharto's coming to power in 1965. The army, backed by civilian militias, went on rampage, supposedly hunting communists. Many Chinese were killed, victims of simplistic

¹⁸⁷ Approximately 6.12 million in France today, followed by Germany with 3.05 million, UK with 1.5 million, Italy 1.42 million, Belgium 0.38, Spain 0.55 million, Switzerland 0.23. Islamic Population Worldwide, *Europe's Muslim Population: General and Islamic Source*, in: http://www.islamicpopulation.com/Europe/europe_islam.html, accessed on June 8, 2011.

equation of their ethnicity with the politics of communist China.¹⁸⁸

The ethnic Chinese discrimination in Indonesia was started when the New Order regime ruled for 32 years. Under Soeharto's ruling, he has succeeded in "Indonesianizing" the majority of ethnic Chinese in younger generation. Soeharto's policy towards the ethnic Chinese was inconsistent. There were some assimilationist elements – such as encouraging the Chinese to adopt so-called Indonesian names, closing down of Chinese schools, banning the use of the Chinese language, prohibiting the practice of Chinese customs, and dissolving ethnic Chinese socio-political organizations. However, at the same time he introduced a system to differentiate the Chinese from the rest by having a special coding system on their identity cards and confining the Chinese to economic activities. Many Chinese believed that they had been accepted by the *pribumi*, indigenous Indonesians – but this perception changed with the May riots of 1998. In retrospect, the May 1998 riots are crucial in the history of the ethnic Chinese in Indonesia. During the riots, the Chinese were targeted. Chinese shops were looted, their houses burned down, their women raped and killed.¹⁸⁹ Nowadays, after ratifying the 1965 Convention on the Elimination of All Forms of Racial Discrimination on May 25th, 1999,¹⁹⁰ Indonesians have acknowledged the human rights abuses this minority, and have begun to urge the government to correct past

¹⁸⁸ Tim Johnston, *Chinese Diaspora: Indonesia*, March 3rd, 2005, in <http://news.bbc.co.uk/2/hi/asia-pacific/4312805.stm>, accessed on January 6, 2012.

¹⁸⁹ Leo Suryadinata, *the Ethnic Chinese Issue and National Integration in Indonesia*, (Singapore: Institute of Southeast Asian Studies), 2001, pp. 3-4.

¹⁹⁰ Jemma Purdey, *Anti-Chinese Violence in Indonesia, 1996-1999*, (Honolulu: University of Hawaii Press), 2006, 180.

mistakes.

2. Islamophobia

The harmonization between France, as a State, and Islam has founded by the creation of the Working Council on Islam in France (CORIF).¹⁹¹ At the height of the Algerian civil war the state pursued the establishment of a Muslim council with more urgency. In 1993, then interior minister, Charles Pasqua drew a deliberate distinction between “foreign Islam” (*islam étranger*) and “France Islam” (*islam de France*), enacting a series of measures – including the writing of a Muslim Charter – that would entrench a domestic and domesticated Islam on French soil.¹⁹² However, in September 1994 the minister of education, François Bayrou,¹⁹³ issued a circular to prohibit the wearing headscarves in schools. The pro-ban coalition included certain pro-Catholic rightist politicians, while anti-ban coalition involved the Catholic Church. Islamophobia in France has not been directly promoted by the Catholic hierarchy but generally has been driven by certain historical memories.¹⁹⁴

In 1996, when Jean-Pierre Chevènement of the Socialist Party was installed as interior minister, he made a concerted effort to install what he

¹⁹¹ The idea to create a representative council for Islam first emerged in the late 1980s under Pierre Joxe, then minister of interior and, therefore, minister of faiths (*cultes*). Mayanthi Fernando, The Republic’s “Second Religion”: Recognizing Islam in France, *Middle East Report*, No. 235, (summer 2005), pp. 12-17.

¹⁹² Ibid.

¹⁹³ Bayrou was from the *Union pour la Démocratie Française* (Union for French Democracy), a center right party inspired by the idea of Christian (Catholic, in this case) democracy.

¹⁹⁴ Ahmet T. Kuru, Secularism, State Policies, and Muslims in Europe: Analyzing French Exceptionalism, *Comparative Politics*, vol. 41, no. 1, (October 2008), pp. 1-20.

considered a more “representative” consultation committee, widening his focus beyond the Grand Mosque of Paris to include the Union of French Islamic Organizations (UOIF) and the National Federation of French Muslims (FNMF).¹⁹⁵ In addition to these large federations, Chevènement brought in a number of influential “grand” mosques, and he also chose six individuals as “qualified personalities” to represent a more “modernist” Islam.¹⁹⁶ Post terrorist incident happened in New York on September 11, 2001, and terrorist attacks that followed in almost every continents, all the countries in the world make their own policies and legislations called “anti terrorism”. Directly or not these kind of policies were affected to Muslims immigrants in most of the Western countries.

In Indonesia, although the majority of its people are Muslims, from 2000 to 2005, occurred several terrorist bomb attacks. In 2002, it becomes an international public attention when three bomb blasts almost in the same time in Bali, where 202 Australian tourists were killed in those attacks. After issuing Law no. 15/2003, some of suspected individuals fundamentalist has been caught and trial. With the same law, Indonesia had succeeded sentence to death the several main Actors behind the first Bali Bomb attack.¹⁹⁷ A special group of police, called Special Detachment 88, also killed the technical mastermind behind the first Bali Bomb, a Malaysian named, Dr. Azahari Husin in 2005. By the law, Special

¹⁹⁵ UOIF controls a number of mosques across France, and FNMF thought to best represents “the Moroccan sensibility,” as well as the pietist Tabligh movement and one of the majir Turkish Muslim Organizations. Mayanthi Fernando, Op., Cit.

¹⁹⁶ Ibid.

¹⁹⁷ There were two bombs attack in Bali, first in October 12, 2002, and the second is in October 1, 2005.

Detachment 88 several times caught suspected Muslim preacher, Abu Bakar Baasyir. However, by the court decision, it always ended with the releasing because there was not enough evidence to relating him in some terrorist acts.

On May 2002, in Vienna, European Monitoring Centre on Racism and Xenophobia (EUMC's RAXEN) released a Summary Report on Islamophobia in the EU after September 11th, 2001. EUMC used data from report of the EUMC's RAXEN network of National Focal Point (NFP) in that summary report on 15 EU member states.¹⁹⁸ Summaries contents are covering following issues:¹⁹⁹

- a. Acts of violence, aggression and/or changes of attitude in the EU population towards ethnic, cultural and religious minorities, especially Muslims and other vulnerable groups and victims;
- b. Measures of anti-Islamic actions and reactions;
- c. Good practices for reducing prejudice, violence and aggression;
- d. Reactions by politicians and other opinion leaders.

The reports provide a basis of knowledge upon which the further sections can be considered. In general however:²⁰⁰

- a. Acts of violence/aggression:
Relatively low levels of physical violence were identified in most countries, although verbal abuse, harassment and aggression were much more widespread. Muslims, especially Muslim women, asylum seekers

¹⁹⁸ Those 15 EU member states are: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, and United Kingdom. European Monitoring Centre on Racism and Xenophobia, Summary Report on Islamophobia in the EU after 11 September 2001, by Christopher Allen and Jørges S. Nielsen, May 2002, *Centre for Study of Islam and Christian-Muslim Relations*, Department of Theology, the University of Birmingham.

¹⁹⁹ Ibid., p. 6.

²⁰⁰ Ibid p. 7.

and others, including those who 'look' of Muslim or Arab descent were at times targeted for aggression. Mosques and Islamic cultural centers were also widely targeted for damage and retaliatory acts.

b. Measures of anti-Islamic actions and reactions:

In number of countries, latent and/or pre-existent Islamophobia was seen in the mentioned acts of violence/aggression. It was reflected in the activity by far right and neo-Nazi movements. Others form of nationally determined ethnic xenophobia were also given a greater impetus.

c. Good practices for reducing prejudice:

Numerous inter-faith initiatives, especially between the Abrahamic traditions were undertaken. Academic Institution and other organization aided the situation with events, debates, seminars and meetings to discuss relevant issues.

d. Reactions by politicians and other opinion leaders:

Both the governing in oppositions was considered where the vast majority offered conciliation and solidarity with Muslim communities. However, some chose to remain silent whilst few made unfortunate and unnecessary statements. Increased attention by the media both positive and negative, depending upon the respective country. Instances of sensationalism and stereotypical representations of Muslim were noted.

At the time when these summaries issued in 2002, the Islamophobia were not so intense, particularly in France. It has been reported that:

“French press did not report incidents of verbal harassment and insults, a rise in everyday tension were identified. Incidents that received press coverage appeared to be low in number. French media were generally identified as being moderate although the recurrence of Islamophobic stereotype was noted. This limited prevalence of stereotypical and negative terminology was criticized for its reinforcement of racial discrimination that already existed within the national context.”²⁰¹

²⁰¹ Ibid p. 18.

On the fourth report on France, issued by the European Commission against Racism and Intolerance (ECRI). ECRI notes with concern that verbal or physical attacks against persons of Muslim faith and attacks against mosques or Muslim graves continue to take place in France.²⁰² Acts of Islamophobic violence, firmly condemned by leading political figures, including at the very highest level, caused victims are wary of coming forward or lodging complaints for a lack of confidence in the police.²⁰³

Although Indonesia consisted with Islam majority, however, islamophobia among its people still exist. Upon the tragedy of September 11th, the United States declared the total war against global terrorist. In this counterterrorism, the United States has been employing various strategies which were considered effective in combating the terrorism, including combining military actions, law-enforcement, the freezing of financial assets, and repeatedly drives for international cooperation.²⁰⁴ Before Bali bombings in 2002, Indonesia were very hesitant in responding to the America call to combat the terrorist within the country and the region. Despite the fact, Singapore as the first country in Southeast Asian region who captured the so-called the members of previously unknown group “Jamaah Islamiyah” believed to have links to al-Qaeda and then followed with Malaysia in

²⁰² *European Commission against Racism and Intolerance, Report on France* (fourth monitoring cycle), June 15, 2010, p. 29.

²⁰³ *Ibid.*, p. 30.

²⁰⁴ Ajai Sahni, the Locus of Error: Has the gravity of Terrorism “shifted” in Asia?, in Rohan Gunaratna, Ed., *Terrorism in the Asia-Pacific; Threat and Response*, (Singapore: Eastern Universities Press), 2003, p. 5.

December 2001, Indonesia was still disputing the fact.²⁰⁵

Nevertheless, the Western countries, especially America, Australia and Britain and the small neighboring country Singapore keep accusing Indonesia as the center of terrorism in Southeast Asian region. This propaganda was then supported by the emergence of series of bombings such as October 2002 bombing of nightclub in Bali, which finally established the reality of threat in Indonesia.²⁰⁶ Regardless the different opinions on the result of investigation on the Bali bomb, Indonesian government began taking serious efforts in combating the terrorism. In a move applauded by Western governments, Indonesian authorities attempted to detain the alleged *Jama'ah Islamiyah* leader Abu Bakar Baasyir in the late October after the long procedures due to the hindrance of the supporter.²⁰⁷

3. *Hijab*

During 1980's-1990's the term of *laïcité* has becoming a national issue on *hijab* and French schools system. The struggle over *Magrébline*²⁰⁸ women's dress began long before their immigration to France in 1970's. French and British colonizers encouraged Muslim women to remove the veil and emulate European women. Consequently, in Algeria and other North African and Middle Eastern countries, the veil has become a symbol of national identity and opposition to the

²⁰⁵ Ibid.

²⁰⁶ Lili Yulyadi Arnakim, Islamophobia: Myth of Islamic Threat in Indonesia, 2001-2004, Journal of Department of History, University of Malaya, No. 18, 2010, pp. 145-155.

²⁰⁷ Ibid.

²⁰⁸ A French term refers to people of Maghreb, Northern Africa origins.

West during independence and nationalist movements.²⁰⁹ Within the France, the *hijab* incidents started since 1989 and followed with the Law 2004-228, even further in 2010 issued the law that imposes a fine of €150 and/or a citizenship course of punishment for wearing a face-covering veil.²¹⁰ In September 22, 2011 two French Muslim's women, were arrested for being refused to stop wearing full-face veils. These two women were fines each, € 120 and € 80.²¹¹ Started since April 11th, 2011, full face Muslim veiled women were banned in any public places, including while walking down the street, taking a bus, at a bank, library or shop, or in cinema or theatre. It is illegal for those veiled women to visit Louvre, or any other museum, take a train, visit hospital or collect their child from school. Here author will list some of *hijab* incident, which happened in France since 1989-2004.

A. France

I. 1989's *hijab* incident

In 1989, the first *hijab* incident in Europe took place in Creil, a suburb of Paris, when three girls tried to go to class wearing the Islamic headscarf. The students were expelled.²¹² For years, girls have been going to school with their

²⁰⁹ Caitlin Killian, The Other Side of the Veil: North African Women in France Respond to Headscarves Affair, *Gender and Society*, vol. 17, no .4, (Augustus 2003), pp. 567-590.

²¹⁰ CNN World, *French Burqa Ban Clears Last Legal Obstacle*, October 7th, 2010, http://articles.cnn.com/2010-10-07/world/france.burqa.ban_1_french-burqa-ban-ban-last-year-full-face-veil?_s=P M:WORLD, accessed on July 22, 2009.

²¹¹ Elaine Ganley, *Muslim Women Flout French Ban of Veil*, Associated Press, September 22nd, 2011, in <http://news.yahoo.com/muslim-women-flout-french-ban-veil-124932057.html>, accessed in: January 4, 2012.

²¹² Olivier Guitta, *the Veil Controversy: Islamism and Liberalism Face Off*,

headscarves on without any problems. Following Rushdie affairs²¹³ in 1989 the situation had changed, this incident consolidated fears of Islam's intolerance, vengefulness, and increasing worldwide success.²¹⁴

On September 18, 1989, at the College Gabriel Havez, in Creil, three students had been ceased to attending their class. The principal of the school, Ernest Chénrière sent letter to the student parents that the veil is a registered religious incompatible with the proper functioning of a school, based on the principle of *laïcité*. After few times of negotiations between school administration, local associations, and the parents of, Samira, Leila, and Fatima agreed to remove their scarves during the class and were readmitted to the school. However, it became a national incident when they were expelled for a second time, and the new negotiations were held which now included national Muslim organizations.²¹⁵

Minister of education at the time, Lionel Jospin, argued that children should not enter schools wearing religious symbols but underlined that wearing religious symbols should not, in itself, be a ground for expelling a student.²¹⁶ Jospin was criticized in tolerating the *hijab*, shortly after sought a legal opinion

<http://www.weeklystandard.com/Content/Public/Articles/000/000/012/999jpbaw.asp>, December 4th, 2006, accessed on October 16, 2009.

²¹³ An Indian-British novelist Salman Rushdie wrote 'the Satanic Verses' in October 1988 and have had make a reaction by Iran's Ayatollah Khomeini issued a fatwa (religious opinion) in February 1989, declaring him to be an apostate who deserved death and his novel to be blasphemous.

²¹⁴ John R. Bowen, *Why the French Don't like Headscarves: Islam, the State, and Public Space*, (Princeton: Princeton University Press), 2007, p. 83.

²¹⁵ *Ibid.*, p. 84.

²¹⁶ Mohammad Mazher Idriis, *Laïcité and the Banning of 'Hijab' in France*, in *Legal Studies*, vol. 25, issue no. 2, (April 2006), pp. 260-295.

from the *Conseil d'Etat* on the wearing of religious symbols in state schools in order to clarify the state of affairs as a matter of law.²¹⁷

In its conclusion, *Conseil d'Etat*, considered several legal instruments including the 1905 law of the Separation of the Church from the State, Article 1 of the Fifth Republic Constitution 1958, Article 9 of the European Convention on Human Rights that guarantees the freedom of religion.²¹⁸ It has been concluded that any discrimination based upon religion was unconstitutional and that school students had a right to express their religious belief upon the condition that: (1) school students respected the freedom of others; (2) school students did not interfere with teaching activities or the content of programs of study; (3) school students still attended classes. By virtue of Article 1 of the Fifth Constitution of 1958, the *Conseil* explained that France must 'respect all beliefs' and the court explicitly mentioned that *laïcité* could not be disassociated from that of the 'respect' for 'all belief'. The wearing of headscarves was not in itself incompatible with the principle of *laïcité* and could not be considered 'ostentatious' the wearing of which would automatically constitute an act of pressure or proselytism. However, *Conseil* held that religious expression could not permit students to wear insignia in such a way that constituted an act of pressure, provocation, proselytism or propaganda.²¹⁹ There were no further general rulings, as the issue was seen as a problem best handled on a case by case basis.²²⁰

²¹⁷ Ibid.

²¹⁸ Avis du Conseil d'État, 27 novembre 1992, n° 346 893, Ibid.

²¹⁹ Ibid.

²²⁰ John R. Bowen, op. cit., p. 87

II. 1994's *hijab* incident

The second *hijab* incident was happened in 1993-1994 school year in Nantua and Grenoble. In Nantua, four girls of Turkish and Moroccan origins were expelled for refusing to remove their *hijab*, although they were allowed to keep wearing it in class during the rest of the day. Teachers went on strike while the disciplinary hearings were going on because they considered the veil to pose safety concerns in gym and chemistry classes. In addition, they thought that veiling was segregationist and discriminatory against women. This affair was made even worse when the girls' families spoke for them in public and two self-proclaimed Islamic "authorities" said that Islam required the veiling of women.²²¹ While in Grenoble, a girl who had converted to Islam after reading the Koran in French was expelled from gym class for refusing to remove her *hijab*. After she tried to appeal her expulsion and lost, she went on a twenty-one day hunger strike in front of her school. This event received worldwide press attention.²²²

On September 1994, when then education minister François Bayrou issued a directive concerning the display of insignia in schools.²²³ In what media called as the 'Bayrou Memo', he declared:²²⁴

"In France the national and republican projects have been identified with a certain idea of citizenship. This French idea of the nation and republic by nature respects all convictions, particularly religious and political beliefs

²²¹ Ibid.

²²² Ibid p. 88.

²²³ Joan Wallach Scott, *the Politics of the Veil*, (Princeton: Princeton University Press), 2007, p. 27.

²²⁴ Meira Levinson, Liberalism versus Democracy? Schooling Private Citizens in the Public Square, *British Journal of Political Science*, vol. 27, no. 3, (July 1997), pp. 333-360.

and cultural traditions. However, it rules out the breaking down of the nation into separate communities which are indifferent to one another...The nation is not only a group of citizens who hold individual rights. It is a community with a [common] destiny.”

Bayrou explained that the school environment was a place where social integration between students was to be encouraged, and for this reason it would be impossible to permit the presence of ostentatious religious symbols in state schools that would serve to create further social and cultural division between school students.²²⁵

Some of the girls who had been expelled from school challenged Bayrou’s decree, and it was overturned by various courts and by the *Conseil d’Etat*, which reaffirm its 1989 ruling. The council rejected Bayrou’s claim that certain signs could be separated from the intentions of those who carried them and again left it to teachers and administrators to interpret the actions of their students.²²⁶ Between 1994 and 2003, there were a number of headscarves incidents involving expulsions, teachers’ strikes, student pickets, and judicial decisions either confirming or overturning expulsions, involving girls from ages nine to eighteen.²²⁷

²²⁵ Ironically, Bayrou indirectly indicated that small crosses and yarmulkes would be permitted in schools. Mohammad Mazher Idriis, op., cit.

²²⁶ Joan Wallach Scott, op., cit., p. 28.

²²⁷ Rachel Bloul, Veiled Objects of (Post)-Colonial Desire: Forbidden Women Disrupt the Republican Fraternal Space, *Australian Journal of Anthropology*, vol. 5, no. 1-2, (1994), pp. 124-139.

B. Indonesia

Although Muslims is majority in Indonesia, the formalization of Islamic law has been rejected at the national level. However, since the enactment of the law on decentralization, some of the autonomous provinces, districts and municipalities passing local regulations were influenced by *sharia*. One of the provinces in Indonesia which has *sharia*'s influenced law is, Aceh. Indonesian people call this region as “*Serambi Mecca*” (veranda of Mecca), because of the *sharia* law and the fact that Acehese people are culturally closer to Arabs than other Indonesian ethnic groups. Initially, the Acehese government sought secession from Indonesia. After it was granted the right to adopt Islamic law, it remained part of Indonesia.²²⁸

In Aceh the institution of *shariah* restricted women's behavior and dress. In all government offices, schools and universities, women were obliged to keep cover. Acehese women were then required to cover their entire bodies as well as their hair with *hijab*. In order to protect the implementation of Islamic law in Aceh, they have *sharia* police, called *Wilayatul Hisbah* (WH)²²⁹. Human Rights Watch spoke to several women in Aceh who were stopped by the WH during patrols or at public roadblocks established to monitor public compliance with the Islamic dress code. The WH stopped women they believed were wearing clothing that did not meet the standard of Islamic attire. The WH recorded their personal

²²⁸ Kamaruzzaman Bustamam-Ahmad, the Application of Islamic Law in Indonesia: the Case Study of Aceh, *Journal of Indonesian Islam*, vol 1 no. 1, (2007), pp. 135-180.

²²⁹ The authority of *Wilayatul Hisbah* is only to supervise the enforcement of *sharia* as well as to guide the violators of *sharia*, and does not have the authority to arrest.

details, informed them that their clothing was inappropriate, lectured them, and threatened them with detention or lashing if they repeated their behavior.²³⁰ According to the article in Jakarta Globe, *Shariah* police officers patrol the streets looking for violations. Their main targets are women not wearing headscarves, people gambling or drinking alcohol, and couples having sex out of wedlock. However, far from being supported for upholding morals, the *Sharia* Police are largely hated for heavy-handed tactics which have on more than one occasion turned mobs of angry residents against them.²³¹ The implementation of the *Sharia* law by the WH in Aceh is injustice and discriminative. Practically the law will not be applied to every Acehnese who has connections to people in power or to the rich people.²³²

4. The French Law of Conspicuous Religion Symbol

On March 15, 2004, a law have had been passed by the French Senate, which prohibiting the wearing of religious symbols in public schools. The complete title of the law itself is *Loi n° 2004-228 du 15 mars 2004 encadrant, en application du principe de laïcité, le port de signes ou de tenues manifestant une*

²³⁰ Human Rights Watch, *policing Morality: Abuses in the Application of Sharia in Aceh, Indonesia*, (New York: Human Rights Watch), 2010, p. 5.

²³¹ Dewi Kurniawati, *Shariah in Aceh: Eroding Indonesia's Secular Freedoms*, Jakarta Globe, August 18th, 2010, accessed on Januari 9th, 2012.

²³² Human Rights Watch also found that, there is evidence the law is selectively enforced, many Acehnese said the law is rarely if ever applied to politically well-connected individuals. Some suggested that WH target the poor, noting that the *sharia* police rarely if ever conduct raids at restaurants, coffee shops, and places of recreation frequented by the affluent. Human Rights Watch, op. cit., p. 3.

appartenance religieuse dans les écoles, collèges et lycées publics (literary in English Law no. 2004-228 of March 15, 2004 concerning, as an application of the principle of the separation of church and state, the wearing of symbols or garb which show religious affiliation in public primary and secondary schools). The law that has been signed by President Jacques Chirac was come into force on September 2, 2004. Although the law does not change the status quo of the existing by French government before in 1989 and a ministerial decree in 1994, however, it has narrowed down by defining reassertion of religious neutrality within French public schools.²³³ The making of the law was based on the report of Stasi's commission, which focused on investigating religious attire in public schools. The president himself, lead by Bernard Stasi formed this committee.²³⁴

In May 2002, Nicolas Sarkozy, had become interior minister under the center-right Raffarin government. He made the election of the French Council of the Muslim Faith (*CFCM*)²³⁵ one of his major goals as minister. He convened the main players of Chevènement's consultation committee for two days in December 2002, at the end of which he emerged the triumphant, declaring that a working

²³³ Justin Vaïsse, *Veiled Meaning: The French Law Banning Religious Symbols in Public Schools*, *US-France Analysis Series*, March 2004, p. 1. PDF document downloaded from: <http://www.brookings.edu/fp/cusf/analysis/index.htm>, accessed on July 20, 2010.

²³⁴ Ombudsman from 1998 to 2004 appointed by the government. 'Stasi's Report' was submitted after heard hundreds of witnesses between July and December 2003. *Ibid*.

²³⁵ A national elected body, to serve as an official interlocutor with the state in the regulation of Islamic worship and public ritual practices like the mass slaughtering of sheep during Aïd el Kebir, the allocation of public cemetery space facing Mecca, the garnering of municipal permits to construct mosques and the accreditation of imams.

agreement had been reached and that election will soon be held for the *CFCM* and its 25 regional counterparts.²³⁶

The creation of the *CFCM* has drawn a new paradigm on advocating the recognition and tolerance of religious and cultural difference and its inclusion in the republic. The same presidential commission that recommended banning “conspicuous” religious symbols in public schools also recommended designating *Aïd el Kebir* and *Yom Kippur* as national school holidays, arguing that it was necessary to realize that “the French spiritual landscape has changed” and by that, has marking the Republic’s “respect for the plurality of spiritual opinions.” Politicians from both, Left and Right’s wing, increasingly speak of the need for tolerance, diversity and the inclusion of different religious and cultural communities, especially the Muslim community, “at the table of the Republic”. In speech to the National Assembly, May 2003, Sarkozy asserted that “there cannot be two categories of citizens: those who can live their faith and the others, the Muslims.” The creation of a representative body for Islam has thus come to be regarded as the full extension of citizenship rights to Muslims in France and an essential element of their inclusion in the Republic.²³⁷

Despite in the name of *laïcité* the Law was born, from author point of view there are some awkwardness in this law. To the supporter of the Law, they have said that the Law was created to protect the foundation of France principle. For those that opposed the Law, they have found some points that the Law itself

²³⁶ Mayanthi Fernando, op. cit.

²³⁷ Ibid.

against the true meaning of secularism, furthermore they claimed the law is a product of Islamophobia.

In comparison with Indonesia, which also a secular country with Muslims majority, author found the differences in practicing secularism. In every level of public school, and most of the private as well, in Indonesia, every student from different cultural, ethnicity, and religious background have had been indoctrinated to lived in harmony. The teaching of Pancasila had had begun since the first grade of elementary school until twelfth grade of secondary high school. Each week in every Monday morning students have to attend the national flag ceremony, at that time students will be heard the five principles of Pancasila and the preamble of the constitution 1945 being read.

In France, the supporters of ostentatious religious symbols law, particularly on *hijab* ban, are numerous and varied. The most popular argument is the one that says accepting veiled young girls in public school would open the door to fundamentalist and their claims.²³⁸ By opposing the Law it will be threatening the basis principle of the republic. The second argument is essentially feminist: the veil, or *hijab*, being the sign of patriarchal domination exerted on girls, tolerating it would create a zone of expression for the most ardent advocates of women's oppression.²³⁹

²³⁸ Camille Froidevaux-Metterie, op. cit., p. 169.

²³⁹ Ibid.

A. Existential ethics point of view on the law religious of ostentatious symbol

As it had explained in the introduction of this thesis, author will try to analyzing the law of ostentatious religious symbol of 2004 in France from existentialism theory which closely related with secularism idea. In the previous chapter author also had mentioned that secularism is to distinguish between religious life and social life. Therefore, secularism as a doctrine of separation between the political and the religious spheres provided an early, paradigmatic articulation of the liberal ambition to combine the protection of individual freedoms and the diversity of conceptions of the good in society with shared norms of political membership as equal status.²⁴⁰ Thus, a state is neutral when it refrains all citizens can endorse, and treating them, religious citizens, with equal respect.

The first two articles of the 1905 Law of Separation between Church and State read: Article 1, The Republic ensures freedom of conscience. It guarantees the free exercise of religions. Article 2, it neither recognizes nor subsidized any religion. The 1905 Law of Separation embodies a classical ideal of liberal separation between state and religion, underpinned by and individualistic and egalitarian conception of justice as best pursued through state abstention from religious affairs.²⁴¹ On the one hand, separation is linked to government control

²⁴⁰ Cécile Laborde, Secular Philosophy and Muslim Headscarves in Schools, *the Journal of Political Philosophy*, vol. 13, no. 3, (2005), pp. 305-329.

²⁴¹ Ibid.

over religion. On the other hand, it is a simple question of separating the two spheres, while respecting the rights and liberties of everyone.

The basic strands of state secularism are, firstly, that the state permits the practice of any religion within certain limits. The freedom of religion it guarantees is limited by certain basic human rights, such as the rights of life, liberty and the pursuit of happiness. Secondly, the state may not give preferences to one religion over another.²⁴² Thirdly, the state should neither favor nor disfavor religion or the religious as such, that is, give positive or negative preference to institutions or persons simply because they are religious.²⁴³ As to what happened in France by the issued of the law on ostentatious religious symbol, instead of protect the liberty of its citizens to practice what they believe, French overlapping the authorization by making rules what can or cannot be wear in public school.

William James,²⁴⁴ defined religion as, the feelings, acts, and experiences of individual men in their solitude, so far. as they apprehend themselves to stand in relation to whatever they may consider the divine. William Newsman²⁴⁵ broadened with, “regardless of what else may be said of religion, it is also a social phenomenon - it is something that people do in groups.” Whilst, Emile

²⁴² Robert Audi, the Separation of Church and State and the Obligations of Citizenship, *Philosophy and Public affairs*, vol. 18, no. 3 (Summer,1998), pp. 259-296.

²⁴³ Three central principles of church-state separation which set out by Robert Audi, to simplify the 1st principle called libertarian principle; the 2nd is equalitarian principle, and; the 3rd equalitarian principle. Robert Audi, *Religious Commitment and Secular Reason*, (U.K.: Cambridge), 2000, p. 33.

²⁴⁴ William James, *the Variety of Religious Experience*, (New York: Collier Books), 1961, p. 42.

²⁴⁵ William M. Newsman, *the Social Meanings of Religion*, William M. Newsman, Ed., (Chicago: Rand McNally College), 1974, p. 3.

Durkheim,²⁴⁶ linked religion with the concept of “church”: “A religion is a unified system of beliefs and practices relative to sacred things, that is to say, things set apart and forbidden - beliefs and practices which unite into one single moral community called a Church, all those who adhere to them.” Don Swenson²⁴⁷ offered the formal definition, religion, approached sociologically, can be considered as “the individual and social experience of the sacred that is manifested in mythologies, rituals, and ethos, and integrated into a collective such as a community or an organization.”

Religious obligation has at least five kinds of sources and of corresponding evidential grounds. In describing these sources, and indeed in discussing religious obligation in relation to the ethics of citizenship. These sources are: (1) scripture; (2) non-scriptural religious authority; (3) tradition; (4) religious experience; and (5) natural theology.²⁴⁸

When the terminology of secularist, religion should be restricted to “private” life and getting it out from “public” life, it should not be meant that religion have to be removed from public view. It has to be meant that the government should not be support religion. The desire for religion to be made private involves not keeping it secret but keeping it personal, voluntary endeavor. In this sense, the first two articles of the 1905 Law of Separation between Church and State can be understood very well.

²⁴⁶ Emile Durkheim, *the Elementary Forms of the Religious Life*, trans. by Joseph Ward Swain, (London: George Allen & Unwin, Ltd), 6th edition., 1968, p. 47

²⁴⁷ Don Swenson, *Society, Spirituality, and the Sacred*, (Peterborough, Ontario: Broadview), 1999, p. 69.

²⁴⁸ Robert Audi, 2000, *op. cit.*, pp. 116-117.

What many settings where religion remains a powerful social force have in common is that religion is implicated in group identity primarily of an ethnic or national character.²⁴⁹ France consisted with the population of Roman Catholic 83%-88%, Protestant, 2%, Jewish 1%, Muslim 5%-10%, unaffiliated 4%.²⁵⁰ Most of the Muslims in France were have immigrant descendants. As mentioned above immigrants, whether those who were born in their home country or born as French, have to live in their own suburbs with all the “immigrant problems”, by the issued of the law on ostentatious religious symbols, instead of making immigrants easy to integrate with French society and accepting its principles, it has made them as “the others”.

The central of liberty is to have individual freedom. Although, it has generally agreed that the limits to the freedom should be set by the extent to which one’s action impinge upon the interest of others. On one hand, this individual liberty also underpins the legitimacy of the state. In liberal society the state gains its legitimacy not from force or some external power, or from the whims of some tyrant. However, from the agency and consent of the people it governs. On the other hand, no one have the right to impose that belief system through the state, it would be fundamentally illiberal because by doing so, it would impinge on the agency of others and their freedom to believe what they

²⁴⁹ Steve Bruce, *God is Dead: Secularization in the West*, (London: Blackwell), 2002, p. 31.

²⁵⁰ CIA the World Factbook, *Religions*, <https://www.cia.gov/library/publications/the-world-factbook>, accessed on June 8th, 2011.

wish. A liberal State not only protects free expressions but also leaves the basis on which one votes up to individual citizens.²⁵¹

Having multi-ethnic citizens, as democratic countries, both Indonesia and France, have to be neutral by not supporting, nor oppressing certain community. Diversity among the people cannot be avoided, and building relationship with diverse peers is not easy. Prejudice, stereotyping, and discrimination begin with categorizing. However, categorizing is a basic human cognitive process of conceptualizing objects and people of the groups. Prejudice can be defined as an unjustified negative attitude toward a person based solely on that individual's membership in a particular group. Prejudices are judgments made about others that establish a superiority/inferiority belief system. A stereotype is a set of beliefs about the characteristics of the people in a group that is applied to almost all members of the group. Typically, stereotypes are widely held beliefs within a group and focus on what other cultural and ethnic groups, or socioeconomic classes are "really like."²⁵²

A secular state liberalism has to serve both sides the majority and the minority. Everyone have the right to challenge worldviews and question religion, and state have to prevents them from mandating that religion be abolished, or preventing other citizens to practice what they believe, or teaching religion to children be a crime. It is not the duty of the state to convince people their beliefs are wrong, it is up to individuals to do that.

²⁵¹ Robert Audi, 2000, op. cit., p. 86.

²⁵² David W. Johnson, Building Relationship with Diverse Others, in John Stewart, Ed., *Bridges not Walls*, 8th edition, (N.Y.: McGraw-Hill), 2002, pp. 524-525.

Liberty is commonly represented in terms of ‘negative’ and ‘positive’ approaches. Negative freedom refers mainly to freedom from restraint. People are free if no one is interfering with them, or preventing them for doing what they are able to do. Positive freedom can refer to the freedom to act, or to self-determination. In the first sense, positive freedom is about power, in the second sense, positive freedom is about being able to make decisions, and to choose.²⁵³

However, according to Sartre freedom is not synonym of power. To be free does not mean that one can do whatever one wants to do. Things in the world and the actions of other people offer resistance. Moreover, a freedom without material or logical limitations would be infinite, and since man himself is finite, it would no longer be a human freedom. If freedom is to be a meaningful at all, it must be a freedom to choose, and the choice demands alternative possibilities, which limit each other. Freedom is not something one has, it is what one is. “Freedom is existence,” says Sartre, “and in it, existence precedes essence.”²⁵⁴

The reason for young Muslim women covering themselves by wearing *hijab*, were religiously individual commitment, towards both society and family. For these young girls, it is not so much question of Muslim membership as a way of asserting oneself, one’s singularity and individual dignity. Unlike Western society, which reduces women to sexual objects, wearing the *hijab* allows women to take on their lives in the public arena while de-eroticizing social space.²⁵⁵

²⁵³Paul Spicker, op. cit., p. 5.

²⁵⁴Hazel E. Barnes, *Humanistic Existentialism: the Literature of Possibility*, (Nebraska: Bison), 1959, pp. 284-285.

²⁵⁵ Camille Froidevaux-Metterie, loc. cit.

B. Feminist

Since the first wave of feminism movement until present time, it has focused on the women's right. By the issued of the French Law on religious symbols, feminists have split into two groups. Both have claimed defending women's right, one group supported the Law, and the other opposed it. To those that supporting the Law, their argument sees that the *hijab* as a sexist discrimination, a symbol of submission of women, and an offense against women's dignity. A different kind of arguments came from those against the Law they claimed that it is vice versa, by wearing *hijab* women can express themselves, free from male domination.²⁵⁶

Feminism is not just a political movement it is an intellectual movement to empower women through education, self-awareness and self determination. Muslims believe that wearing a headscarf is a command from God. Their understanding and interpretation is rooted to both Prophetic precedent and Qur'an. Of course there are Muslim women who do not wear a *hijab*, that does not make them less 'Muslim' and it should not be a means of measuring how pious or God-conscious an individual is because God specifically mentions in the Qur'an that the most righteous is the one that is most conscious of God. What freedom means to women is the ability to choose, and feminism is all about respecting the choices other women make, regardless if one agreed or not.

The common stereotype is that Muslim women were forced to cover themselves, and although that is true sometimes, the sentiment does not apply to

²⁵⁶ Jeannine F. Hunter, *Scarves Wrap up UT Students Solidarity*, <http://www.soundvision.com/info/hijab/support.asp>, accessed on August 27th, 2010.

the entire Muslim population. The resurgence of veil wearing, especially by young women who do not live in majority Muslim countries, has been credited to a backlash against a Western society that demoralizes women and demotes them to sexual objects. Wearing the *hijab* has become some Muslim women's way of liberation from the commercialization of beauty that consumes nations and others like it. The lack of knowledge about another culture is often the root of prejudice and judgment.²⁵⁷

Laborde, in her essay, have elucidated that if the actual choice opened to young Muslim women is either to wear a headscarf and be shown respect by their male peers, or opt for 'Western' clothing and be subjected to abuse and harassment, they may seek to maintain their dignity and self-esteem by convincing themselves that their choice to veil is free one.²⁵⁸ The choice to veil, on the *laïcité* vies, may be interpreted as an instance of dominated choice, whereby the chooser is subjected neither to harmful interference with her actions nor to direct coercive threats, in other words her options has been framed by an unjust, patriarchal normative order. However, even if headscarves, or *hijab*, are symbols of heteronomy, to ban them in schools is unacceptably coercive. If, as *laïcités* claim, the only emancipation of value is self-emancipation, then schools should not only inculcate autonomy-related tools, not impose a substantive view of what counts as autonomous behavior.²⁵⁹

²⁵⁷ Diamond Sharp, *Bridging the Disconnect: Unveiling the Hijab and Islamic Feminism*, http://www.youngchicagoauthors.org/girlspeak/features_bridging_the_disconnect_unveiling_the_hijab_and_islamic_feminism_by_diamond_sharp.htm, accessed on 15 July 2010.

²⁵⁸ Cécile Laborde, op. cit.

²⁵⁹ Ibid.

The argument that *hijab* clashes with women's equality are a very problematic one, which would require an in-depth analysis of the complex relationship between accommodating religious diversity and protecting women's rights. Such an analysis is certainly not reflected in the Stasi Commission report, which simply assumes that young women belonging to religious minorities are often not autonomous agents within their culture, and that the latter is *per se* inimical to gender equality.²⁶⁰

There are three degrees of female agency to expressing why some women choose to wear *hijab*, as summarized by Laborde. First, wearing the *hijab* can have a protective and dignity-enhancing function: in keeping with the original spirit of veiling by the Prophet's wives, it is a sign of social status and respectability. As for Muslim women the veil signifies, not a position of humiliating submission, but one of safety, status and respectability. It also liberates them from the perceived dictates of Western fashion and from the pervasive sexualization of women's bodies. The *hijab* thus offers a practical coping strategy in the face of the stresses of public appearance. Muslim women may genuinely value the privacy, respectability and self-esteem they derive from wearing the *hijab*.²⁶¹ This kind of degree can be found in Indonesia whereas a lot of Muslim women wearing *hijab*, yet they still can do any activities just like any other women whom not wearing *hijab*.

²⁶⁰ Susanna Mancini, the Power of Symbols and Symbols as Power: Secularism and Religion as Guarantors of Cultural convergence, *Cardozo Law Review*, vol. 30, no. 6 (June 1, 2009), pp. 2629-2668.

²⁶¹ Cécile Laborde, *op. cit.*

Secondly, the *hijab* can permit and facilitate women's free circulation into public space and their unhindered pursuit of range of autonomously chosen activities. French Muslim adolescents are often confronted with a pernicious 'double bind' or 'contradictory injunction' stemming from their dual membership: dominant society urges them to emancipate from oppressive communal traditions, while their families and community enjoin them to be faithful and loyal to them.²⁶² Yet this agential strategy comes at a cost, especially when it takes the form of a schizophrenic commitment to two seemingly separate and discrete worlds, one perceived to embody modernity, emancipation and independence, and the other perceived to embody allegiance and submission to communal rules.²⁶³

Thirdly, the *hijab* can, however, signify individual re-appropriation of the precepts of Islam by women themselves, and become a form of female empowerment. In this case, women gain personal dignity and independence through their embrace of Islam and in doing so, they reform Islam within. Women may thus engage in feminist *ijtehad* (independent reasoning, religious interpretation) and deconstruct *sharia*-related rules in a women-friendly egalitarian fashion. However, it has to be noted that adoption of Islamic dress in this case, does not affiliate with conservative customs female subservience and irrational obscurantism as claimed by *laïcites*, rather commitment to advance women's opportunities in education, employment, professional achievement and equal political rights, while asserting specifically female virtues in the private

²⁶² Nacira Guénif-Souilamas, *Des Beurettes*, (Paris: Grasset & Fasquelle), 2000, p. 25

²⁶³ Cécile Laborde, *op. cit.*

sphere of personal relationships and family.²⁶⁴ In her own word Weibel²⁶⁵ had said, ‘puritan and rebel at the same time’, these often well-educated, young women, ‘undoubtedly innovate when they claim to liberate themselves from the authority of men to submit, instead, to that of Allah’.

Furthermore, after banning *hijab* to be wear at public school, another controversial ban come into force in France recently. Anyone wearing the Muslim *niqab*²⁶⁶ or *burqa*²⁶⁷ in public will face a fine of up to \$216 and a citizenship course. Many Muslim leaders have said they support neither the veil nor the law banning it, saying that it is not a religious practice but a cultural practice. The French government says wearing the veil is a symbol of male oppression. But rights groups have accused the government of President Nicolas Sarkozy, of attempting to stir up racial tensions and of targeting one of France’s most vulnerable minorities.²⁶⁸

A recent study by Open Society Foundations, who examines the position of minority groups in Europe to better inform policies, looked at the experience of 32 randomly selected and fully veiled women in France. Supposedly there are almost 2,000 women out of 4-6 million French Muslims who wear the face veil. This random sample of 32 women proportionately represents the overall French

²⁶⁴ Ibid.

²⁶⁵ Nadine B. Weibel, *Par-delà le voile: Femmes d’Islam en Europe*, (Paris: Editions Complexe), 2000, p. 201.

²⁶⁶ Full face veil, only left eyes uncovered.

²⁶⁷ Full body veil.

²⁶⁸ Al-Jazeera, *French Face Veil Ban Comes Into Force*, April 11th, 2011, in: <http://english.aljazeera.net/news/europe/2011/04/20114117646677858.html>, accessed on May 13th, 2011.

Muslim population in that nearly 85% were under the age of 40. Twenty-nine of the respondents were born in France, and 60% have an Arab background.²⁶⁹ The report concluded that the choice to wear a full face veil was made independently by the women, despite reservations by their husbands and none of the women started wearing it as a result of direct or indirect persuasion from religious figures at the Mosque or Muslim groups.²⁷⁰ Thirty women reported that they had suffered verbal abuse from members of the public, and some were physically assaulted. The typical profile of the assaulter was between 30-40 years old, mostly female and white French.²⁷¹

The law of the ostentatious religious symbols have had attacked Muslim women's freedom to choose whatever they would like to wear. When it was being issued it is very clear mentioning that Sikh's turban, *hijab* for Muslim, Yarmulke of Jewish and big crucifix cross for Christian are forbidden to be wear in public school. But, the latter two are not the same as the first two, while, cross and Yarmulke are not obligation, the first two are. However, the Sikh's *keski* (smallest version of turban) has been allowed to be wear by its believers in most French schools,²⁷² but not the *hijab*. If few years ago feminism has marked their movement by the burning bra, present time feminist could wear *hijab* as the

²⁶⁹Naima Bouteldja, *Unveiling the Truth: Why 32 Muslim Women Wear the Full-Face Veil in France, at Home in Europe Project*, *Open Society Foundations*, 2011, p. 12. E-book provided by: <http://www.soros.org/initiatives/home/>, accessed 28 August 2011

²⁷⁰ *Ibid*, pp. 13-16.

²⁷¹ *Ibid*, pp. 16-18.

²⁷² BBC News, *Sikh schoolboys lose French case*, April 19th, 2005, <http://news.bbc.co.uk/2/hi/europe/4461905.stm>, accessed on April 20th, 2011.

symbol of modesty and not being seen as a sex object. In spite of the wearing of *hijab*, by some Muslim women, as an obligation by God, however, one has noted that it is their decision to wear whatever they like to wear as long as it does not disturbing or violating others rights.

CHAPTER V

Conclusion

We build too many walls and not enough bridges.

-Isaac Newton-

Both France and Indonesia are secular based countries and with mixed cultures, people have constitution which stressing on respecting others. Although both have different people majority basis, however, it had been cleared that none of them based on a certain religion. The existential theory is the most suitable to viewing the secular point of view. By recognizing that every human being is free to determine or to be recognized as human being because of the existence is the basic of Existentialism theory.

By using the existentialism theory in this thesis, author had tried to understand the roots of secularization. The existing human being as a starting point and is distinct from objective nature as a whole because one is a subject, undetermined by laws of nature. Whereas secularism itself as the broad conception of an autonomous society independent of religion. Secularism involves organizations and legal constructs that reflect the institutional expressions of the secular in a nation's political realm and public life.

On their way in becoming republic, both Indonesia and France had to deal with particular religion. As in France the concept of secularism were interpreted as *laïcité* which institutionalized and immortalized in 1905 by the law on the separation of church and state and has become the essential component of French

identity. *Laïcité* refers to an institutional system informed by a secular worldview that determines a civic and moral ideal. In Indonesia, where Islam has become the most populous religion, Muslims have to accept that they have to let go their desire to put Islamic law as a major part of the constitution. By omitting the “seven words” of Jakarta Charter, it is a sign that pluralism, which consisted in the people of Indonesia, has proved that compromise can be reached without hurting or offending the groups of religious believes for the sake of living in harmony in a nation.

The issues, which addressed by the French law of conspicuous religious symbol in 2004, is that all religious symbols banned to be worn inside the public school. Although the law was aimed at all religious symbols, but those who felt disadvantaged, in this regard were Muslim girls in *hijab*. The basis of the law is to protect the spirit of the republic, which is the *laïcité*. As in existentialism theory, every human being has their own freedom of choice and responsibility for the consequences of individual’s acts, which is compatible with *laïcité*, and the French republic’s principles, *Liberté, Egalité, Fraternité*.

As mentioned above that both, France and Indonesia are multicultural countries. In France alone ever since the beginning of history has absorbed many cultural groups. Most of these cultural groups, such as the Romans, the Celts, the Franks, the Vikings and many subsequent groups came from other part of Europe, migrated to France, mostly by force. Recently, as author already mentioned in previous chapter, immigration to France has seen the arrival of many different cultural and linguistic groups from around the world, especially from French colonies. However, author found it is hard for new migrants to integrate into the

French culture without leaving their old traditions behind. Some of the veiled Muslim girls in France wore *hijab* simply because of their family traditions. They have their ancestors from other places which for centuries had blended with Islamic traditions, sometimes even a Muslim could not distinguished a certain ritual whether it was came from Islamic belief or it was rooted from cultural traditions. Cultural traditions were brought and preserved by immigrants that came to France. However, one cannot say that, the second or the third generations of immigrant descendants, as immigrants as well. This kind of cultural conflict is hard for those girls to deal with, on the one hand they are proud as French, on the other hand, cultures that have had been preserved by their family have become their way of life. It is not easy to change someone's way of life although they have been living in an environment, which can be saying completely different.

In Indonesia when Sukarno was the first president of Indonesia, he had gained respect by the people. As a nationalist, Sukarno was having close relationship with all races in Indonesia, and as a President, he believed that Nationalist, Communist, and Religious group can live in peace under his rule and he will treat them all as his 'children.' Unfortunately, the Communist group to influence Sukarno's politics perspective more turned to the 'left' which culminating in the axis of Jakarta-Hanoi-Pyongyang-Peking had been used this kind of situation. Having confidence for being supported by Sukarno, the Communist Party arbitrarily uses their power in savagely 'cutting-down' all of their enemies, such as Generals of Indonesian's army who have different point of view and religious groups. Until in September 30, 1965, the Communist party killed respected Generals and buried them in one abandoned well.

His people challenged Sukarno's policy protecting the Communist party on October 26, 1965. Since then, Sukarno has lost people's sympathy, and in March 11, 1966, the power was transferred from Sukarno to Suharto. People were trauma to communist movements, hatred, suspicious arose and in narrow minded they addressed to Chinese descendants. By the presidential instruction, No. 14/1967 every Chinese has to choose one of the five recognized religion, and if they resist they will be marked as communist member. The consequences will be affected to their children and family relatives. However, it had changed after the fourth President omitted this law, which made before by President Suharto.

As the law of conspicuous religious symbol in France came into force on September 2nd, 2004, French education authorities have told to schools not automatically excluded the students who arrived wearing *hijab*, it has to be trying through dialogue first between the school and the students. Although, the French Education Minister at that time stressed out that there is no room for negotiations, in order to maintain France's tradition of strictly separating state and religion. However, in every democratic country law is a product of politic, which means the law may change in accordance with the times. Thus, the French government has to be aware of the development in their society. The immigrant descendants have had contributed within French diverse societies. With the diversity comes with the diverse its needs, it will be better if government's policy can accommodate these differences, including the phenomenon of the increasing number of Muslims in France.

Some Feminists who were supporting the law of conspicuous religious symbol in France, they claimed they have found that some women choosing to

wear *hijab* because of being forced by their male relatives. Undeniably, it is often found such circumstances where some women were wearing *hijab* because they had been oppressed by patriarchy traditions which brought by the immigrants to France. On the other hand, most Muslims women believed that to obey the God's commandment is an obligation. As a dress, *hijab* it is not just only covering some parts of their body, but it is also a sign of piety and modesty. From this perspective, everyone should respect their choice. Although in reality, it is not always those who is wearing *hijab* is a pious person.

Wearing the *hijab* is numerically a trifling phenomenon: it has been estimated that less than one percent of the Muslim students in France actually wear the veil.²⁷³ After what happened in September 11th, 2001 in New York, the waves of Xenophobia and Islamophobia are in everywhere, especially in the Western world. This can be lead to prejudice towards Muslims, since the most popular terrorist nowadays were Islamic fundamentalists. Because the allegedly act of some small groups of Muslims, the majority devoted Muslims have to take the blame.

The goal of the law is not just to protect the innocence French Muslim girls from being oppressed by their patriarchy traditions, and to prevent clashes

²⁷³ According to official French sources, a total of 1,256 *foulards* were reported in France's public schools at the start of 2003-04 school year. Only twenty of these cases were judged 'difficult' by school officials themselves, and only four students were expelled (10 December 2003, *Le Monde*). Considering that France's Muslim population is currently estimated at 5 Million and is predominantly young, French public reaction to the problem of students in headscarves appears strikingly disproportionate." Elaine R. Thomas, Keeping Identity at a Distance: Explaining France's New Legal Restrictions on the Islamic Headscarves, *Ethnic and Racial Studies*, vol. 29 no. 2, (March 2006), pp. 237-259.

among the French societies based on religion. However, it is also to stop the spread of fundamentalism ideology. By asking Muslim girls to remove their *hijab* during their time in school, the French government expecting that these Muslim girls can integrate themselves with other children. Unfortunately, in author point of view this law can stigmatize that those who wearing *hijab* were criminals. The law can be effective to protect those Muslim girls who were wearing *hijab* under oppression of their male relatives. Nevertheless, there is no distinction on that law between those who wearing *hijab* under oppression to those who wearing *hijab* under their own will.

After the French Revolution that started in 1789 which had lasted for several years, France experiencing changes of power. From the attempted of the Royalist to gain back their position back into power with their counter-revolution, to the self-proclaimed Napoleon's Empire. France already sets up their characteristics, which played a vital role in integration. First is the universalism where everyone is equal and universal person regardless religions or races. The second is *laïcité*, although the original meaning is the separation of church and state but recently this means to prohibit any religions in public space. Any kind of religious activity should be placed in private sector; this including the dress code related to religion should be 'out of' public area. While in Indonesia, with their principle 'Unity in Diversity' (Bhineka Tunggal Ika), which based on multiculturalism has had maintained to preserve the uniqueness differences of its population. Author found France is different in handling with the cultural diversities. In spite of, both Indonesia and France sharing the common by having multi ethnicity on their society, however France has a different value by dealing

with this multi cultural differences, where in Indonesia integration can accommodate the differences among its societies, while in France the minority should able to assimilate into the ways of the majority.

Every time bomb terrors occurred, the Islamic fundamentalist always bring out about the killing of Muslims in Palestine, Afghanistan, Iraq and other places where Muslims communities were being subjugated or victimized. These Islamic fundamentalist were always had their own justification, terrorizing innocent people by bomb and another terror acts for them is as the acts of martyrdom. On the one hand, they claimed that they care for other Muslims but on the other hand they are killing civilians. What can be learned from the story about Indonesia above for France is, instead of building 'walls', better build 'bridges' to integrate those immigrants descendants into the France culture.

Logically thinking, by banning those veiled girls to go to public school will not make them more integrated with the other students, but it would make a space more wide for fundamentalist to build hatred against the public. To stop them making any false justification, more dialogues between Western civilization and Muslims practitioners can be the 'bridge' for mutual understanding. Because of the Islamic Fundamentalist are only a few to compare with other Muslims in the world. There are different perspectives between Muslims majority and Islamic Fundamentalism in picturing the living in peace and harmony with the other believers.

Around the world, Islam is on the rise.²⁷⁴ Demographics are reinforcing

²⁷⁴ BBC News, '*One in four is Muslim, study says*', October 8th, 2009, <http://news.bbc.co.uk/2/hi/8296200.stm>, accessed on October 9th, 2009.

this trend. The global religious landscape in the coming years will be affected by the massive shift population growth from both developed countries and developing countries. As now in globalization era where people, through United Nations and International Covenant on Civil and Political Rights, have freedom of movement, means that everyone has the right to move and stay in any country which bound by these treaties. The natives will always encounter with the newcomer, whether in traditions, cultures or perspectives. All these trends are inherently intertwined with globalization and highlight its tendency to create a more unified and yet more fragmented world. It will be better to open the gate of understanding among them. Thus, it can create a new harmonization and enriching their local value.

What happened recently in France is almost the same with what was happened in Turkey. In Turkey, since the founding of its secular state headscarves have been rejected. However, since 2008 Turkey's constitution was amended to ease a strict ban at universities. Given that both the idea and practice of European integration are based on a willingness to 'put up with' religious, cultural and ethnic diversity through closer economic and political cooperation of nations and peoples in Europe it seems reasonable to assume that people who evaluate other religious groups negatively are also likely to be less favorably disposed towards an enterprise that seeks to promote 'unity in diversity'.

BIBLIOGRAPHY

A. Books

- Audi, Robert, *Religious Commitment and Secular Reason*, U.K.: Cambridge, 2000.
- Agulhon, Maurice, *La République [The French Republic 1879-1992]*, translated by Antonia Nevill, Oxford, U.K.: Blackwell, 1995.
- Barnes, Hazel E., *Humanistic Existentialism: the Literature of Possibility*, Nebraska: Bison, 1959.
- Baumgardner, Jennifer and Amy Richards, *Manifesta: Young Women, Feminism and the Future*, New York: Farrar, Strauss and Giroux, 2000.
- Bowen, John R., *Why the French Don't Like Headscarves: Islam, the State, and Public Space*, Princeton: Princeton University Press, 2007.
- Brayer, Menachem M., *The Jewish Woman in Rabbinic Literature: a Psychosocial Perspective*, Hoboken: Ktav Publishing House, 1986.
- Brown, Rupert, *Prejudice: Its Social Psychology*, Oxford: Blackwell, 1996.
- Bruce, Steve, *God is Dead: Secularization in the West*, London: Blackwell, 2002.
- Buhle, Mari Jo and Paul Buhle, Eds., *the Concise History of Woman Suffrage: Selections from the Classic Work of Stanton, Anthony, Gage, and Harper*, Urbana: University of Illinois Press, 1978.
- Christiano, Kevin J., *et. al.*, *Sociology of Religion: Contemporary Developments*, 2nd edition, New York: Rowman & Littlefield Publisher, Inc., 2008.
- Connely, Owen, Napoleon I, in *Encyclopedia Americana*, vol. 19, Connecticut, U.S.: Grolier Incorporated, 1981.

- Cribb, Robert and Collin Brown, *Modern Indonesia: A History since 1945*, New York: Longman Publishing, 1995.
- Cudd, Ann E. and Robin O. Andreasen, Eds., *Feminist Theory; A Philosophical Anthology*, Cornwall: Blackwell Publishing Ltd., 2005.
- Dahlerup, Drude, *The New Women's Movement Feminism and Political Power in Europe and the USA*, California: Sage Publications, 1986.
- Dillon, Michele, Secularization, in Bryan S. Turner, Ed., *The Cambridge Dictionary of Sociology*, New York: Cambridge University Press, 2006.
- Durkheim, Emile, *the Elementary Forms of the Religious Life*, translated by Joseph Ward Swain, London: George Allen & Unwin, Ltd., 6th ed., 1968.
- Embree, Ainslie T., Ed., *The Asia Society: Encyclopedia of Asian History*, New York: Charles Scribner's Sons, 1988.
- Encyclopedia Americana*, vol. 11, Connecticut, U.S.: Grolier Incorporated, 1993.
- Friedan, Betty, *The Feminine Mystique*, New York: Dell, 1963.
- Furet, François, *Penser la Révolution [Interpreting the Revolution]*, translated by Elborg Forster, Cambridge: Cambridge University Press, 1981.
- Gall, Timothy L. and Susan B. Gall, Eds., *Worldmark Chronology of the Nations, Indonesia*, Michigan, U.S.A: The Gale Group, 1999.
- Goaziou, Véronique and Charles Rojzman, *Les banlieues*, Paris: le Cavalier Bleu, 2001.
- Hall, Stuart, *Spectacle of the other*, in Stuart Hall, Ed., *Representation: Cultural Representations and Signifying Practices*, London: Sage Publications, 2003.
- Hargreaves, Alec G., *Multi-ethnic France: Immigrations, politics, culture and society*, 2nd ed., New York: Routledge, 2007.

- James, William, *the Variety of Religious Experience*, New York: Collier Books, 1961.
- Janis, Mark W., *et. al.*, *European Human Rights Law, Text and Materials*, Oxford: University Press, 2000.
- Johnson, David W., *Building Relationship with Diverse Others*, in John Stewart, Ed., *Bridges not Walls*, 8th ed., New York: McGraw-Hill, 2002.
- Jones, Peter, Ed., *The French Revolution, in social and political perspective*, London: Arnold, 1996.
- Kosmin, Barry A. and Ariela Keysar, Eds., *Secularism & Secularity: Contemporary International Perspective*, Hartford, CT: Institute for the Study of Secularism in Society and Culture (ISSSC), 2007.
- Lebevre, George, *The French Revolution: From Its Origin to 1793*, vol. 1, translated by Elizabeth Moss Evanson, New York: Columbia University Press, 1964.
- Lecky, William E. H., *French Revolution*, New York: D. Appleton & Co., 1904.
- LeGates, Marlene, *In Their Time, a History of Feminism in Western Society*, New York: Routledge, 2001.
- Lyons, Martin, *Napoleon Bonaparte and the Legacy of the French Revolution*, London: Macmillan Press Ltd, 1994.
- Mckay, John P., Benneth D. Hill, John Buckler , *A history of western society*, (Boston: Houghton Mifflin Company), 2nd ed., 1983
- Newsman, William M., Ed., *the Social Meanings of Religion*, Chicago: Rand McNally College, 1974.
- Offen, Karen, *European Feminism 1700-1950, a Political History*, Stanford: University Press, 2000.

- Ramage, Douglas E., *Politics in Indonesia: Democracy, Islam and the Ideology of Tolerance*, London: Routledge, 1995.
- Ricklefs, M.C., *a History of Modern Indonesia since c. 1300*, Houndsmills, U.K.: the Macmillan Press Ltd., 1993.
- Ruether, Rosemary R., Ed., *Religion and Sexism: Image of Woman in the Jewish and Christian Traditions*, New York: Simon and Schuster, 1974.
- Russo, Ann and Lourdes Torres, Eds., *Third World Women and the Politics of Feminism*, Chandra Talpade Mohanty, Bloomington: Indiana University Press, 1991.
- Rycroft, Robert S., *the Economics of Inequality, Discrimination, Poverty, and Mobility*, New York: M. E. Sharpe, 2009.
- Said, Edward, *Culture and Imperialism*, New York: Vintage Books, 1994.
- Schneider, Susan W., *Jewish and Female*, New York: Simon & Schuster, 1984.
- Schor, Ralpd, *Histoire de l'immigration en France de la fin du XIXe siaècele à nos jours*, Paris: Armand Colins, 1996.
- Scott, Joan Wallach, *the Politics of the Veil*, Princeton: Princeton University Press, 2007.
- Souilamas, Nacira Guénif, *Des Beurettes*, Paris: Grasset & Fasquelle, 2000.
- Spielvogel, Jackson J., *Western Civilization: A Brief History*, 1st ed., Boston, MA: Wadsworth, Cengage learning, 1998.
- Stevens, Anne, *Government and Politics of France*, New York: Palgrave Macmillan, 3rd edition, 2003.

Spicker, Paul, *Liberty, Equality, Fraternity*, Bristol, U.K.: The Policy press, 2006.

Swenson, Don, *Society, Spirituality, and the Sacred*, Peterborough, Ontario: Broadview, 1999.

The New Encyclopaedia Britannica, vol. 12, Chicago, U.S.A.: Encyclopaedia Britannica Inc., 1995.

Thompson, J. M., *the French Revolution*, Cambridge, U.S.: Basil Blackwell, 1985.

Von der Mehden, Fred A., *Religion and Nationalism in Southeast Asia*, Madison: University of Wisconsin, 1963

Walker, Rebecca, Ed., *To Be Real: Telling the Truth and Changing the Face of Feminism*, Anchor: Anchor Books, 1995.

Weibel, Nadine B., *Par-dela le voile: Femmes d'Islam en Europe*, Paris: Editions Complexe, 2000.

B. Official Documents

European Commission against Racism and Intolerance, Report on France (fourth monitoring cycle), June 15, 2010.

C. Study Reports

Christopher Allen and Jørges S. Nielsen, Centre for Study of Islam and Christian-Muslim Relations, Department of Theology, the University of Birmingham, May 2002.

Naima Bouteldja, *Unveiling the Truth: Why 32 Muslim Women Wear the Full-Face Veil in France*, at Home in Europe Project, Open Society Foundations, 2011.

Vaïsse, Justin, *Veiled Meaning: The French Law Banning Religious Symbols in Public Schools*, US-France Analysis Series, March 2004.

D. Journal Article

Afkhami, Mahnaz, Promoting Women's Rights in the Muslim World, in *Journal of Democracy*, vol. 8, no. 1, (January 1997), pp. 157-166.

Audi, Robert, the Separation of Church and State and the Obligations of Citizenship, *Philosophy and Public affairs*, vol. 18, no. 3 (Summer,1998), pp. 259-296.

Bloul, Rachel, Veiled Objects of (Post)-Colonial Desire: Forbidden Women Disrupt the Republican Fraternal Space, *Australian Journal of Anthropology*, vol. 5, no. 1-2, (1994), pp. 124-139.

Borne, Dominique, *Histoire de la Société Française Depuis 1945*, (Paris: Armand Colin), 1990,

Bréchon, Pierre and Subrata Kumar Mitra, the National Front in France: the Emergence of an Extreme Right Protest Movement, *Comparative Politics*, Vol. 25, No. 1 (Oct. 1992), pp. 63-82.

Drake, Jennifer, Review Essay, Listen Up: Voices from the Next Feminist Generation, Barbara Findlen, and, To Be Real: Telling the Truth and Changing the Face of Feminism, Rebecca Walker, Ed. in *Feminist Studies*, Vol. 23, No. 1 (Spring 1997), pp. 97-108.

Fernando, Mayanthi, The Republic's "Second Religion": Recognizing Islam in France, *Middle East Report*, No. 235, (summer 2005), pp. 12-17.

Hamann, Stephan, Rebecca A. Herman, Carla L. Nolan, Kim wallen , Men and women differ in amygdala response to visual sexual stimuli, in *Nature Neuroscience*, vol. 7, no. 4, (April 2004), pp. 411-416

- Idriis, Mohammad Mazher, Laïcité and the Banning of ‘Hijab’ in France, in *Legal Studies*, vol. 25, issue no. 2, (April 2006), pp. 260-295.
- Killian, Caitlin, The Other Side of the Veil: North African Women in France Respond to Headscarves Affair, *Gender and Society*, vol. 17, no. 4, (Augustus 2003), pp. 567-590.
- Kuru, Ahmet T., Secularism, State Policies, and Muslims in Europe: Analyzing French Exceptionalism, *Comparative Politics*, vol. 41, no. 1, (October 2008), pp. 1-20.
- Laborde, Cécile, Secular Philosophy and Muslim Headscarves in Schools, the *Journal of Political Philosophy*, vol. 13, no. 3, (2005), pp. 305-329.
- Levinson, Meira, Liberalism versus Democracy? Schooling Private Citizens in the Public Square, *British Journal of Political Science*, vol. 27, no. 3, (July 1997), pp. 333-360.
- Mancini, Susanna, the Power of Symbols and Symbols as Power: Secularism and Religion as Guarantors of Cultural convergence, *Cardozo Law Review*, vol. 30, no. 6 (June 1, 2009), pp. 2629-2668.
- Palmier Leslie H., Modern Islam in Indonesia: The Muhammadiyah After Independence, *Pacific Affairs*, Vol. 27, No. 3 (Sep., 1954), pp. 255-263.
- Schrof, Joannie M., Feminism’s Daughters: Their Agenda is a Cultural Sea Change, in *U.S. News & World Report* (September 27, 1993), pp. 68-71.
- Shiner, Larry, the Concept of Secularization in Empirical Research, *Journal for the Scientific Study of Religion*, Vol. 6, No. 2, (Autumn, 1967), pp. 207-220

Siegel, Deborah L., The Legacy of the Personal: Generating Theory in Feminism's Third Wave, in *Hypatia: A journal of feminist philosophy*, vol. 12, no.3 (summer 1997), pp. 46 - 76.

Sommerville, C. John, Secular Society Religious Population: Our Tacit Rules for Using the Term Secularization, *Journal for the Scientific Study of Religion*, Vol. 37, No. 2, (Jun. 1998), pp. 249-253.

Thomas, Elaine R., Keeping Identity at a Distance: Explaining France's New Legal Restrictions on the Islamic Headscarves, *Ethnic and Racial Studies*, vol. 29 no. 2, (March 2006), pp. 237-259.

Thompson, Becky, Multiracial Feminism: Recasting the Chronology of Second Wave Feminism, in *Feminist Studies*, vol. 28, no. 2 (summer 2002), pp. 337-360.

E. Magazine

Rebecca Walkers, Becoming the Third Wave, in *Ms. Magazine*, (January/February, 1992), pp. 39-41.

F. Websites

Sarkozy calls for tolerance but also cautions Muslims about France identity, in: <http://www.washingtonpost.com/wp-dyn/content/article/2009/12/08/AR2009120802018.html>, December 9th, 2009.

Existentialism – A Philosophy, in: <http://www.allaboutphilosophy.org/existentialism.htm>.

Existentialism, PDF file, in: <http://www.marketfaith.org/resources/ExistentialismPDF.htm>,

Nihilism, in Internet Encyclopedia of Philosophy: <http://www.iep.utm.edu/nihilism/>

The Declaration of the Rights of Man and Citizen,
http://www.constitution.org/fr/fr_drm.htm

Brown University Library Center for Digital Initiatives, Paris: Capital of the 19th Century; *the First Republic (1792-1804)*, in:
<http://dl.lib.brown.edu/paris/chronology1.html>.

Reign of terror, http://www.mtholyoke.edu/courses/rschwartz/hist255/kat_anna/terror.html.

Paris: Capital of 19th Century, <http://library.brown.edu/cds/paris/chronology2.html>.

Reign of Terror, <http://www.khanacademy.org/video/french-revolution--part-3---reign-of-terror?playlist=History>.

The Reign of Terror and the Thermidorian Reaction: 1792–1795,
<http://www.sparknotes.com/history/european/frenchrev/section5.rhtml>.

Napoleon Bonaparte (1769-1821), from:
http://www.bbc.co.uk/history/historic_figures/bonaparte_napoleon.shtml.

Will the French Republic Live Again?: Unscrambling the Economic Eggs, in:
<http://www.historians.org/projects/GIRoundtable/French/French10.htm>.

From Fourth to Fifth Republic: France 1946-1969, in:
<http://seacoast.sunderland.ac.uk/~os0tmc/contem/fifth.htm>.

Muslim Population by Countries: Indonesia, Pakistan, India, Bangladesh, Egypt,
from: <http://en.reingex.com/Muslim-population-countries.asp>.

Indonesia Between 1908-1928, the colonial rulers,
<http://www.lowensteyn.com/indonesia>.

The Dutch East Indies, in: <http://www.guidetothailand.com/thailand-history/dutch.php>.

Indonesia – Struggle for Independence, <http://historyofislam.com/contents/the-modern-age/indonesia-struggle-for-independence/>

the Subjection of Women, e-book available at
http://ebooks.adelaide.edu.au/m/mill/john_stuart/m645s/

Betty Friedan, http://womenshistory.about.com/od/bettyfriedan/p/betty_friedan.htm.

The Book of Marriage (Kitab Al-Nikah),
http://www.searchtruth.com/book_display.php?

Women in Islam, in: http://www.islamswomen.com/articles/women_in_islam.php

Islamic Feminism Revisited, in <http://www.countercurrents.org/gen-badran100206.htm>

Islamic feminism: what's in a name?, in
<http://weekly.ahram.org.eg/2002/569/cu1.htm>.

Islamic feminist backs 'clumsy laws' on headscarves, in:
<http://www.france24.com/en/20080211-islam-feminist-backs-law-ban-French-headscarves-canada-Irshad-Manji-europe>.

Atas Nama Otonomi Daerah: Laporan Pemantauan Kondisi Pemenuhan Hak-Hak Konstitusional Perempuan di 16 Kabupaten/Kota pada 7 Propinsi, in:
<http://www.komnasperempuan.or.id/wp-content/uploads/2010/07/Atas-Nama-Otonomi-Daerah-Pelembagaan-Diskriminasi-dalam-Tatanan-Negara-Bangsa-Indonesia.pdf>

French Muslims change their name to get a "chance",
<http://www.turkishweekly.net/news/21902/french-muslims-change-name-to-get-a-chance-.html>.

Institut National de la Statistique et des études économiques, in:
<http://www.insee.fr/fr/themes/theme.asp?theme=2>

Ministère de la Justice; Ministère de l'Émloi, du Travail et de la Cohesion Sociale, in: <http://www.migrationinformation.org/GlobalData/countrydata/data.cfm>

France's New Law: Control Immigration Flows, Court the Highly Skilled, November 2006, in: <http://www.migrationinformation.org/Feature/display.cfm?id=486>

Le Haut Conseil d'Integration, <http://www.premier-ministre.gouv.fr>

Paris suburbs: 'place of exile', in: <http://www.cafebabel.co.uk/article/23729/paris-suburbs-place-of-exile.html>

Identity Crisis: European Muslim Youth Search for a Place, February 11th, 2008 in <http://www.pittpoliticalreview.org/?p=24>

White collars, Black Faces: corporate initiative and prospects for change in France, in <http://www.humanityinaction.org/knowledgebase/203-white-collars-black-faces-corporate-initiative-and-prospects-for-change-in-france>

Europe's Muslim Population: General and Islamic Source, in: http://www.islamicpopulation.com/Europe/europe_islam.html

Chinese Diaspora: Indonesia, March 3rd, 2005, in <http://news.bbc.co.uk/2/hi/asia-pacific/4312805.stm>

French Burqa Ban Clears Last Legal Obstacle, http://articles.cnn.com/2010-10-07/world/france.burqa.ban_1_french-burqa-ban-ban-last-year-full-face-veil?_s=PM:WORLD

Muslim Women Flout French Ban of Veil, Associated Press, in <http://news.yahoo.com/muslim-women-flout-french-ban-veil-124932057.html>

the Veil Controversy: Islamism and Liberalism Face Off, <http://www.weeklystandard.com/Content/Public/Articles/000/000/012/999jpabw.asp>

Veiled Meaning: The French Law Banning Religious Symbols in Public Schools, US-France Analysis Series, March 2004, PDF document downloaded from: <http://www.brookings.edu/fp/cusf/analysis/index.htm>

Religions, <https://www.cia.gov/library/publications/the-world-factbook>

Scarves Wrap up UT Students Solidarity, <http://www.soundvision.com/info/hijab/support.asp>

Bridging the Disconnect: Unveiling the Hijab and Islamic Feminism, http://www.youngchicagoauthors.org/girlspeak/features_bridging_the_disconnect_unveiling_the_hijab_and_islamic_feminism_by_diamond_sharp.htm

French Face Veil Ban Comes Into Force, April 11th, 2011, in:
<http://english.aljazeera.net/news/europe/2011/04/20114117646677858.html>

Unveiling the Truth: Why 32 Muslim Women Wear the Full-Face Veil in France, at Home in Europe Project, *Open Society Foundations*, E-book provided by:
<http://www.soros.org/initiatives/home/>

Sikh schoolboys lose French case, April 19th, 2005,
<http://news.bbc.co.uk/2/hi/europe/4461905.stm>

'One in four is Muslim, study says', October 8th, 2009,
<http://news.bbc.co.uk/2/hi/8296200.stm>

Shariah in Aceh: Eroding Indonesia's Secular Freedoms, Jakarta Globe, August 18th, 2010