

Unveiling Cross-Cultural Conflict: Gendered Cultural Practice in Polycultural Society

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Drawing on political theorist Bhikhu Parekh's work, which lists the twelve most common cultural practices that give rise to clashes between cultures,¹ Seyla Benhabib raises an important question: "How can we account for the preponderance of cultural practices concerning the status of women, girls, marriage and sexuality that lead to intercultural conflict?"² Here she is referring to the overbearing weight that gender carries in relation to "hot" issues such as female circumcision, polygamy, arranged marriages, withdrawal of Muslim girls from school activities, the wearing of *hijab* by Muslim girls, and the subordinate status of women and all that it entails. This seems to suggest that cross-cultural conflict appears on the scene largely when it concerns issues of relations between the sexes, or of women's and girls' roles in particular communities. Practices of reproduction, family life, and sexuality are all coded, to a large degree, through our cultural systems of meaning. Indeed, Susan Moller Okin notes that "most cultures are suffused with practices and ideologies concerning gender," underscoring the idea that gender is not simply an "add-on" to culture but is integral to defining it.³ The deep-seated ways in which our understandings of culture are gendered give rise to a particular vulnerability when we are confronted with another's cultural understandings.

This is particularly the case with one of the most salient debates to emerge in the European context over the past fifteen years: the right of Muslim girls and women to wear *hijab* to school.⁴ The debate rages across the European federation, but it has taken shape quite differently in various countries. Sweden has passed regulations permitting girls who wear a *burqa* to be expelled from school. Belgium does not have a national policy restricting the wearing of *hijab*, but such restrictions have been created and enforced at the local level. In Germany, while teachers are not allowed to wear a headscarf, it has been argued that a nun's attire is perfectly acceptable on "professional" grounds. France has banned all religious symbols in public education institutions and officials have admitted that it was the headscarf in particular that the law was meant to target.⁵ Despite these marked differences, what is common to all these countries' ways of dealing with the educational rights of Muslims is the singling out of Muslim girls and women as symbols of deep tensions within their respective societies.

These tensions are often characterized in terms of the demands of multicultural society, on the one hand, versus the right of the nation to instantiate its own values for civil society, on the other hand. What bears some mention here is how discussions of multicultural society often do not take gender into account in making claims for the respect, recognition, and equality of cultural communities and in promoting cultural rights. Moreover, these cultural communities are frequently depicted as though they were monolithic, with little internal contradiction or dissent.⁶ Thus,

what I seek to do in this paper is to address these gaps with specific reference to the cultural practice of wearing *hijab*, which has been the source of much cross-cultural conflict, particularly in France. My aim is to highlight the nature of gender in developing a complex understanding of culture, and to propose a shift from a depiction of society as one that contains a variety of cultures (multicultural) to one that embodies cultural variety (polycultural).

GENDERED CULTURAL PRACTICES

When discussing the aims of multiculturalism as trying to rectify social inequality, it is not always clear whose histories, whose voices, and whose experiences are to be heard — a particularly important question to ask given the implicitly gendered aspect of culture itself. Unlike the conservative challengers to multiculturalism who seek to deny cultural rights on the basis of dominant cultural norms, some feminists have been wary of promoting cultural rights on the basis that most cultures embody an imbalance of power that disadvantages women and girls. Hence, in upholding and respecting diverse cultural values, the risk is that Western states will actually encourage gender discrimination as opposed to alleviating it. On the face of it, the argument is a compelling one, since it sees that the multicultural commitment to respecting all values can fall short of protecting the basic rights of some members of cultural communities. This line of argument carries with it two central points: namely, that culture is fundamentally gendered and that, insofar as it is so, cultural rights can be seen to be legitimating discrimination of women and girls. However, the latter does not logically lead from the former. That is, although there are legitimate concerns to be raised with respect to how patriarchal communities treat women and girls, this is not because gender is produced in and through cultural practices. Indeed, I think the two issues need to be treated separately.

The first point, with respect to the way sexual difference is given meaning in and through culture, allows us to see that cultural communities are not unified wholes. Not only are they divided along expressions of gender differences, but even within those expressions there is much variety. Gender itself is not an essence, it is not a noun, but is based on fictions of coherence.⁷ As Judith Butler suggests, it is a process of performing those regulatory cultural practices that deem women as women and men as men; in other words, we cannot understand gender outside of those cultural attributes that give meaning to sexual difference. “There is no gender identity behind the expressions of gender; that identity is performatively constituted by the very ‘expressions’ that are said to be its results.”⁸ Yet, she also suggests, that as performance, gender can also resignify these cultural practices so that they come to mean something other than what they were intended to regulate.

With such plurality within cultural practices, it is difficult to see how we can continue to speak of how *a* culture acts homogeneously to oppress women. This is not to suggest that women are not oppressed, but to hold “*a*” culture responsible misses, I think, the complexity through which women and girls participate in gendered constructions of meaning that cannot always be captured under the term patriarchy. This brings me to my second point.

The claim that culture can be used to legitimate gender discrimination is a serious one. And there are many cases indeed where culture has been used as the “reason” to justify just such attitudes, both in public discourse and in courts of law. Defenders of this argument claim that tradition is reason enough to allow continued violence and maltreat of women. Yet, in critiquing this position through holding *a* culture responsible for inequality also means accepting the very same static definition of culture that the defenders themselves use. It means refusing to see that cultures change over time, and that within cultural communities themselves there are always members who contest such claims to tradition as a justificatory means. It also suggests that “we” have defined what is essential to a particular culture, as if one’s membership in a community is solely given shape by its traditional cultural practices.⁹

It seems to me, then, that in order to ensure that the concerns of women and girls are taken seriously, one needs to be ever vigilant about not slipping into the very discourse of culture that is used against them by cultural traditionalists. That is, in providing cultural critique, one ought to be mindful of not repeating the same imaginary logic that fixes culture into a homogenized “reason,” for that same reason can be used in favor of oppression as much as it can be used against it. Moreover, in articulating and defining the “problems” with others’ cultures, we need to recognize the ways in which “we” implicate ourselves in defining such problems — after all, it is our values that act as warrants for our arguments. I am not claiming that one should not intervene in cultural practices of violence, but merely suggesting that, since most cross-cultural conflict does not fall into the category of violence, we do a disservice to the project of easing social tensions when we see cultures in homogeneous terms. And we do a particular disservice, I think, to the complexity of women’s and girl’s lives as expressed through non-violent forms of cultural practice when we reduce these to a discourse of cultural oppression.

WEARING *HIJAB* AS A GENDERED *CULTURAL* PRACTICE

Taking as my point of departure both the feminist insistence on the inherently gendered nature of culture and a broad view of culture that includes religious beliefs, rituals, and practices, I examine here some of the aspects of the Muslim practice of wearing a headscarf or *hijab*. In viewing the wearing of *hijab* as a cultural practice my point is not to diminish the religious significance that this practice carries for some Muslim women, but to stress that the meaning it carries for European societies also places this practice within the sphere of cultural intelligibility. To explore it as a cultural practice, as one that implicitly also marks a gender identity, enables us to consider more deeply the force of social controversy it has generated.

We see enormous energy being focused on whether or not covering one’s head is acceptable to Western democratic values. On the surface, the issue seems almost absurd. But we would do well to analyse the nature of the controversy precisely because it appears as a symptomatic expression of the worries around multiculturalism (as an ideology) and about how to live with cultural diversity in society (as a fact). What I wish to stress here is a simple point: there is nothing inherent in the headscarf

itself that “causes” such controversy — it is, after all, a piece of cloth. Rather, controversy is created in the dynamic between cultural contexts, ideals of gender, and the values ascribed to the practices of wearing it.

Feminist scholar Leila Ahmed has traced the history of wearing the veil amongst women in the Middle East, attributing it equally to Christians as well as Muslims and to upper-class women in particular.¹⁰ Within Islam, she claims that during Mohammed’s life it was a practice peculiar to his wives alone and it is not known how the custom spread after the Muslim conquests. Her study makes a straightforward point: veiling has deep historical ties across many cultural communities.

Criticisms of veiling practices within the Arab and Muslim world also have a long history, their roots lying in late nineteenth and early twentieth century colonialist discourses, which sought to depict the repression of women within these societies as a justification for Western cultural superiority.¹¹ Indeed, the veil played a central role in this discourse and, consequently, our current discussions have inherited the legacy of valuations and meanings granted to it from within an imperialistic politics. Ahmed writes:

When items of clothing — be it bloomers or bras — have briefly figured as focuses of contention and symbols of feminist struggle in Western societies, it was at least Western feminist women who were responsible for identifying the item in question as significant and defining it as a site of struggle and not, as has sadly been the case with respect to the veil for Muslim women, colonial and patriarchal men...who declared it important to feminist struggle.¹²

The upshot here is that the gendered cultural practice of veiling was very much seen as a sign of inequality, and was subsequently used by colonials to further their own self-interests: the point was to get women to abandon those customs seen to be antithetical to the project of colonisation and the cultural assimilation it entailed.

The question that Ahmed’s work raises for me is how *women’s* cultural practices were so central to the question of cultural assimilation. From this history, it appears we still have much to learn. Current fixations with the wearing of headscarves in Western Europe and their potential to cause so much cross-cultural conflict within these societies still mirror the question of cultural assimilation for many. Only now, it is occurring within a discourse of democracy and equality, not empire. Veiling is seen to be an issue in the context of deciding which values and cultural practices are to be deemed acceptable to a democratic nation, which is self-determining and egalitarian. Similarly, even feminists who are critical of veiling on the grounds that it promotes gender inequality might also be seen as coming dangerously close to a colonial and patriarchal habit of labelling a practice as unequal on behalf of, instead of with, those women who wear headscarves. Thus under the banners of democratic right and gender equality, the practice of veiling continues to be a major issue in furthering certain political agendas. What Ahmed’s historical account of veiling suggests is that we need to be aware of which self-interests are being sustained in seeing the practice of veiling as a source of cultural conflict in the first place. Since cross-cultural conflicts can only arise as a dynamic,

the question is *not* about defining some abstract, universal meaning of the headscarf, but in asking: What does the current labelling of headscarves as symbols of inequality mean in particular contexts? What self-interests and worries are being expressed in the current obsession with wearing them to school?

THE *HIJAB* BAN IN FRANCE

To take the complicated case of the recent French law on Secularity and Conspicuous Religious Symbols in Schools as an example — a law which was put into effect in September 2004 — we can see how the values of the Republic and the nation's perception of itself are very much bound to the notion of *laïcité* (which broadly refers to secularity).¹³ The law was meant to curb a perceived threat to the secular nature of public institutions within France. The law prohibits the wearing of “conspicuous” religious symbols, including large Christian crosses, Jewish *kippa*, and Muslim *hijab* (it does allow for small crosses, Stars of David and hands of Fatima). Although the law applies across genders to include Sikh and Jewish boys' practices of wearing the turban and *kippa*, respectively, the discussion, both in public and in official reports was specifically aimed at counteracting what many believed to be increasing Muslim militantism, especially after September 11, 2001. In addition, in debates leading up to the law, the wearing of *hijab* was seen to be oppositional to promoting gender equality in society at large.

These debates began in a 1989 crisis known as *l'affaire du foulard* (the headscarf affair), which was sparked by the expulsion of three girls from school for wearing headscarves.¹⁴ In solidarity, other girls wore *hijab* to schools across the country. This launched a heated discussion of the values of French civil society (particularly that of *laïcité*) vis-à-vis those of a multicultural society. The French term *laïcité* refers to a complex and deeply-held set of cultural meanings about the necessity of having all public institutions free from any signs of religious expression. It also has at its center the freedom of conscience to choose one's spiritual and religious beliefs and equality in rights with regard to spiritual and religious matters. Largely growing out of notions of the autonomous and rational subject that informed the French Revolution and Enlightenment, *laïcité* is very much concerned with creating a state that respects personal liberties. It serves as the principal means to assure the common good in civil society.¹⁵

Although response to *l'affaire du foulard* was, of course, not all of a kind, Parekh also notes that “the dominant view was firmly committed to the practice of *laïcité* and hostile to any kind of compromise with the Muslim girls.”¹⁶ That is, Muslim girls were never fully consulted as to the various meanings the *hijab* held for them, a point also echoed by Benhabib.¹⁷ The school was seen as central to upholding *the* national culture and was responsible for assimilating “others” into that culture. As one newspaper editor put it: “... behind the scarf is the question of immigration, behind immigration is the debate over integration, and behind integration is the question of *laïcité*.”¹⁸

What the *l'affaire du foulard* debate revealed was that girls who wore headscarves were perceived to challenge French national integrity by challenging *laïcité*. As

Jacqueline Rose has noted, states are founded on fantasies of commonality that do not make them “any less real for that.”¹⁹ “Something irrational — not in the sense of unreasonable, but as in relying on a power no reason can fully account for — has entered the polity.”²⁰ Indeed at the heart of all states is the inevitable fantasy of authority, which enables them to bind their members to one another in the project of national identity and which enables individuals to accept the primacy of law as one of the conditions of membership. When they feel threatened, states, like individuals, need either to give up the fantasy or to defend it.

Fifteen years after the *l'affaire du foulard*, the new law can be seen as just such a defence. In choosing now to highlight a ban on “conspicuous” religious symbols in schools, the state has asserted its right to defend its constitutional — and democratic — values. But why would such a reassertion be necessary? If already protected by law, why would *laïcité* need to be reclaimed and extended? My suggestion is that it is not simply the wearing of religious attire that is at stake here; nor is it *only* a question of *laïcité*, for Catholic, Jewish, and Sikh practices have been tolerated for many decades without this reassertion. Rather, there is something about the veiling of Muslim girls that appears to crystallize a wider range of concerns.

A Commission chaired by Bernard Stasi was struck in 2003 to inquire into the possibilities of creating new legislation reinforcing the principle of *laïcité*. Its report noted two major worries, especially as expressed by those who spoke at the commission’s hearings. The first was the rise of politico-religious influence in society, particularly on the part of Muslim groups. The second was how the practice of veiling was very much seen to rub against the grain of French views on sexual equality. Although it mentioned that women wear headscarves for a number of reasons, the report cited that the increase of their appearance was largely due to a shift in the politico-religious temperament from the 1980s onward. What is striking here is how both these worries — equality with respect to gender and a general unease with Muslim political activity in the wake of September 11 — collapsed, to a large degree, into a single image. The wearing of *hijab* was seen to be nothing short of a provocation to France’s public well-being and national sensibilities, both politically and civilly speaking. Moreover, what this image reveals is the central place gendered cultural practices have in on-going debates of integration and assimilation. For not unlike the colonial discourse of the past, cultural integration is here buttressed by an appeal to sexual equality.

Underlying these concerns, however, is a tendency to proclaim the uniformity of culture in a way that risks blinding the nation to the plurality of views and traditions within Muslim communities and the complexity of cultural practices that make up girls’ lives within them. Gendered expressions of Islam are instead read as representative of a failure of a community to integrate into French public life. Thus the social and cultural burden that these girls bear is great: they are to refrain from public expressions of religious observance in the service of cultural integration to the point of forfeiting their right to education should they fail to comply. What lies behind the scarf, behind integration, and behind *laïcité* are the silenced experiences and voices of those most affected by the law.

POLYCULTURAL SOCIETY AND GENDER

What I wish to suggest here is that the failure to appreciate the ambiguities, contestations, and diversity *within* cultural communities has led to assumptions about the cultural meanings of *hijab* for the women and girls who wear it. At stake is the nation's right to define for itself the constitutional pillars that support the common good in political, social, and cultural life. Without denying this right, I question the way in which its defensive reassertion has actually been based on an ideal of gender equality and a view of culture that cannot accommodate difference. Seeing veiling as already embedded in patriarchal relations that oppress women means viewing cultural communities as homogeneous with respect to expressions of gender identity. What is needed is a more careful and considered examination of the specific contexts and conditions under which headscarves are worn. As Bonnie Honig notes,

veiling might be a sign of sexist, enforced female subservience...or it can also be one of a broader complex of efforts aimed at both sexes in order to manage a community's sexual and other relations. We need to know something about how veiling functions, what it signifies, in a particular context before we can decide that it means for everyone what it means for us.²¹

In other words, the reasons for wearing hijab are wide-ranging, from fervent religious observance to comfort in dealing with a new social life in the West; from enforced veiling to freely chosen expression of modesty. Moreover, pitting multicultural society against French values also evades the issue of how the collective "we" is implicated in the very process of naming a practice as a source of conflict. What this example shows is that the challenge to education in France does not come from Muslim girls, but from an essentialist view of culture (both French and Muslim) itself. As European nations continue to define the grounds for commonality and community within the terms of multicultural society, it seems that, at the very least, it owes Muslim girls a freedom from the burden from having to bear the unnecessary weight of "our" worries about cultural integration and from having to bear "our" anxieties over extremism.

One way of doing this, I think, lies in reformulating what the terms of culture mean in pluralistic societies. Insofar as the term multicultural is often used to describe cultures as stable and fixed wholes, it acts as an impediment to exploring the complexity of affiliation within and across demarcations of those communities. That is, as it functions to demarcate and differentiate certain cultures from others, the term multicultural at worst actually feeds into a gender-blind conception of culture, or at best instantiates the reductionist claims of culture in the expression of gender identity. Instead, I think it is wise to heed Zygmunt Bauman's insight into depicting society as polycultural; that is, a society that is *constituted* by diversity as opposed to a society merely *containing* diverse elements.²² This suggests that society is a complex of cultural practices in which individual belonging is not fixed to a single originary point of meaning, but instead participates simultaneously in various forms of cultural intelligibility. Culture is itself multiple, hybrid, and ambiguous. This view disturbs the insularity by which culture is too often characterised. This means that reference to *a* culture as a reason in defence of oppression, or as a critique of that defence, no longer holds. It further means that the flash points of cross-

cultural conflict are expressed in dynamic terms as opposed to the either-or character of debate that continues to dominate so much of our public life in western democracies, particularly vis-à-vis Muslims. It also enables a plurality of meaning in cultural practices and invites inquiry into how others' self-understandings are produced in relation to the complexity of their lives. And finally, it provides space for us to question ourselves, to see how our own cultural meanings actually contribute to and sustain the very cross-cultural conflict we attribute to others. Such a shift in terms cannot, of course, provide practical answers to the plight of Muslim girls. Yet, I hope it can suggest that our obligations to others begin in taking responsibility for the discourses we ourselves produce, and the fantasies we live by.

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1. Bhikhu Parekh, *Rethinking Multiculturalism: Cultural Diversity and Political Theory* (Basingstoke: Palgrave, 2000), 264–5.
 2. Seyla Benhabib, *The Claims of Culture: Equality and Diversity in the Global Era* (Princeton: Princeton University Press, 2002), 84.
 3. Susan Moller Okin, "Is Multiculturalism Bad for Women?" in *Is Multiculturalism Bad for Women?* eds. Susan Moller Okin et al. (Princeton: Princeton University Press, 1999), 12.
 4. I will be using the terms veiling, headscarves and *hijab* interchangeably. However, one needs to note that there are a number of names given to different veiling practices. For example, the *burqa* generally refers to a veil that covers the face with holes for the eyes. The *niqab* covers the lower part of the face, up to the eyes. Full *burqa* or *chador* covers the entire body and face with nets for the eyes. *Jilbab* is a long dress and headscarf which allows the hands and face to be exposed. *Hijab* is generally used to describe the wearing of a headscarf, but it can also refer to a modest form of attire as well.
 5. IHFHR, *Intolerance and Discrimination Against Muslims in the EU* (International Helsinki Federation for Human Rights, 2005), 22.
 6. Zygmunt Bauman, *In Search of Politics* (Stanford: Stanford University Press, 1999), 199.
 7. Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1990), 24.
 8. *Ibid.*, 25.
 9. Yael Tamir, "Siding with the Underdogs," in *Is Multiculturalism Bad for Women?* eds. Okin et al., 51.
 10. Leila Ahmed, *Women and Gender in Islam* (New Haven: Yale University Press, 1992), 5, 56.
 11. *Ibid.*, 165.
 12. *Ibid.*, 166–7.
 13. The official name of the law is: *loi encadrant, en application du principe de laïcité, le port de signes ou de tenues manifestant une appartenance religieuse dans les écoles, collèges et lycées publics*. Although the term conspicuous (*ostensiblement*) is not used in the title of the law, it appears in its first article.
 14. For a more detailed discussion of *l'affaire du foulard* and the French law see my "Ambiguities of Cosmopolitanism: Difference, Gender and the Right to Education," in *Critical Issues in Education in a Global World*, eds. Klas Roth and Ilan Gur Ze'ev (Springer/Kluwer Publishing, forthcoming).
 15. Bernard Stasi, "Commission de Reflexion Sur l'application du Principe de Laïcité Dans la Republique: Rapport au Président" (2003), 9–18. See also Benhabib's discussion in *The Claims of Culture*, 95–100.
 16. Parekh, *Rethinking Multiculturalism*, 250.
 17. Seyla Benhabib, *The Rights of Others: Aliens, Residents, and Citizens* (Cambridge: Cambridge University Press, 2004).
 18. Quoted in Parekh, *Rethinking Multiculturalism*, 251.

19. Jacqueline Rose, *States of Fantasy* (Oxford: Oxford University Press, 1996), 9.
20. Ibid.
21. Bonnie Honig, "My Culture Made Me Do It," *Is Multiculturalism Bad for Women?* eds. Okin et al., 37.
22. Bauman, *In Search of Politics*, 199.