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**ISLAM AND THE FRENCH REPUBLIC: APPROACHES TO LAICITE  
IN THE ERA OF JACQUES CHIRAC AND NICOLAS SARKOZY**

by

**JENNIFER C. GRADY**

**SUBMITTED TO SCRIPPS COLLEGE IN PARTIAL FULFILLMENT  
OF THE DEGREE OF BACHELOR OF ARTS**

**PROFESSOR CURULLA  
PROFESSOR ZUCKERMAN  
PROFESSOR KASSAM**

**MAY 4, 2020**



## Acknowledgments

I would first like to thank my wonderful readers, Professor Curulla, Professor Zuckerman, and Professor Kassam. I am honored to have had the guidance and support of these three scholars through the various ups and downs I encountered over the past eight months that I worked on this project, especially as the coronavirus forced our community off campus. Professor Kassam helped me get off the ground by deftly guiding me in the early development of this project during the fall semester's Religious Studies senior seminar, Professor Zuckerman suggested excellent sources to start my research, and Professor Curulla graciously met with me nearly every week to discuss my ideas, go over my drafts, and help me stay (and get back) on track. Their consistent encouragement throughout this process has empowered me as a scholar, and I am proud of the work that I have produced as the fruit of this collaboration that gives me a sense of closure as I end my undergraduate career.

This thesis is the product of my two concurrent courses of study during my time at Scripps: French and Religious Studies. I would be remiss in not thanking my French professors and my French tutor who encouraged me to continue with my French studies, to consider majoring in French, and to study abroad in France even when I thought I couldn't do it. To this end, I would especially like to thank Professor Lucille Toth, Professor France Lemoine, and Professor Brian Kennelly. I am also thankful for my semester abroad in Paris, which gave me the opportunity to learn more about French culture, to improve my French, and to take a course on "*Laïcité en France*" with Sciences Po Professor Nicolas Roussellier that first sparked my interest in this topic.

I am also grateful for the opportunity I had to intern at the Religious Freedom Center in Washington, DC during the summer of 2019, thanks to a generous grant from the Scripps Career Planning & Resources Center that covered my living expenses so that I could pursue this opportunity. During this internship my supervisor Ben Marcus helped me integrate my academic skills into the nonprofit's work and helped me brainstorm thesis topics for the upcoming year. His encouragement and recognition of my efforts have not left me.

Lastly I would like to thank my friends and family for their support as I worked on this project and in my academic endeavors as a whole, even as I subjected them to numerous rants about my stress. Having you by my side as we worked together in cafés and took crucial breaks to simply hang out helped me carry on. I am forever grateful for you all!

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## Introduction

During my third year of college, I spent a semester in Paris where though I'd anticipated focusing on studying French, I found myself taking mostly courses in my other major, Religious Studies. In addition to my "*Laïcité en France*" class through my program, I enrolled in two Religious Studies courses at *l'Institut Catholique de Paris*. While the other students in my program enrolled in courses at *La Sorbonne Nouvelle*, a traditional French University, Religious Studies as a discipline simply does not exist in France, leaving me with no choice but to enroll at a private institute. The fact that I had to enroll in a private institution, paired with my course that traced the history of *laïcité*, France's particular version of secularism, made me very aware of French cultural attitudes towards the role of religion in the public sphere. Following my semester abroad I moved to Washington, D.C. for a summer internship at the Religious Freedom Center, an institute housed inside the Newseum—a museum with a giant plaque quoting the First Amendment and its promise of religious liberty. The juxtaposition of these two very different cultural reactions to the public presence of religion pushed me to think more about what it means to be secular and how state policies and cultural attitudes regarding religion favor certain groups. This project arose from having dipped my toes in the intersection of secularism and *laïcité*. While secularism has been a foundational American value since the emergence of the nation, the history of Church/State relations in France looks quite different, where the principle of *laïcité* developed at a turning point in the nation's history during the French Revolution. This period marked a break from the *ancien régime*, or French feudal society, where the Catholic Church



dominated the social and political spheres, and the emergence of the French Republic—the *laïque* (secular) government that exists today.

The difference between “secularism” and “laïcité” can be summed up by the dictionary definitions of these words. The *American Heritage Dictionary* defines secularism as: “Religious skepticism or indifference. The *view* that religious considerations should be excluded from civil affairs or public education [emphasis mine].”<sup>1</sup> The French *Larousse Dictionary* definition of *laïcité* reads as follows: “*Conception and organization of society* founded on the separation of Church and State and which excludes Churches from all exercise of political or administrative power, and, in particular, the organization of education. (The principle of the *laïcité* of the State is posed by the 1<sup>st</sup> article of the French Constitution of 1958.) [emphasis mine].”<sup>2</sup> Even in these basic definitions it is clear that secularism can be understood as an abstract concept referring to the separation of Church and State powers, whereas the definition of *laïcité* is linked to the specific social and political developments that occurred throughout the course of French history. A 2004 National Assembly report on *La Laïcité à l’école* (*Laïcité* and Schools) points to *laïcité*’s etymology, where “*laïcité* designates the *laos*, the people considered as an indivisible whole,” showing how the French conception of *laïcité* differs from secularism by *laïcité*’s emphasis on the unity of the social body under the state.<sup>3</sup> Due to the particular significance of *laïcité* in shaping modern France, I leave the term untranslated throughout my thesis so as not to lose any of its meaning. In Article 1 of the French Constitution of 1958, the constitution of the Fifth and

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<sup>1</sup> *American Heritage Dictionary of the English Language*. Houghton Mifflin Harcourt, 2020. <https://www.ahdictionary.com/word/search.html?q=secularism>.

<sup>2</sup> *Larousse Dictionary*. <https://www.larousse.fr/dictionnaires/francais/la%c3%afcit%c3%a9/45938?q=la%c3%afcit%c3%a9#45871>.

Original text: “Conception et organisation de la société fondée sur la séparation de l’Église et de l’État et qui exclut les Églises de l’exercice de tout pouvoir politique ou administratif, et, en particulier, de l’organisation de l’enseignement. (Le principe de la laïcité de l’État est posé par l’article 1er de la Constitution française de 1958.)”

<sup>3</sup> *La Laïcité à l’école* (2004) cited in Joan Wallach Scott, *The Politics of the Veil* (Princeton and Oxford: Princeton University Press, 2007), 90-91.

current French Republic, it states: “France is an indivisible, *laïque*, democratic, and social Republic,” listing *laïque* before democratic and thus underscoring the central importance of *laïcité* in modern French political and social thought.<sup>4</sup> Being *laïc* is—to some—a crucial piece of being French, and in my thesis I explore the ways in which *laïcité* has been politicized and how it has developed into a key topic of debate in modern France.

For this project I decided to focus on investigating French *laïcité* during the late 1990s and early 2000s, the era of Jacques Chirac and Nicolas Sarkozy. The late twentieth century and early twenty-first century proves a worthy period to focus on, as it marks the first major reintroduction of *laïcité* in public discourse due to the increasing socioeconomic diversification that characterized France at this time. The decolonial period witnessed large immigrant movements from former colonies to mainland France in order to increase France’s labor force as the country underwent economic growth and expansion for about thirty years following WWII, commonly referred to as “*les trente glorieuses*” (“the thirty glorious [years]”). As a direct result, France found itself with an unparalleled and ever-growing population of Muslims. This diversification incited fiery discussions on the role of this new religion in French society in light of the deeply rooted principle of *laïcité*—at once a foundational principle in French politics and culture, yet lacking a clear and robust definition and remaining subject to interpretation. Was Islam irreconcilable with French culture? Was the female Islamic headscarf, or the *voile* as it came to be called, acceptable in France’s *laïque* society?

The right-wing administrations of Chirac and Sarkozy faced these questions head-on. In this thesis, I argue that these two administrations contributed to the shaping of a new, more

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<sup>4</sup> French Const. of 1958, preamble, art. I. Original text: “La France est une République indivisible, laïque, démocratique et sociale.”

extreme version of *laïcité* that worked to exclude Muslims from the public sphere under the guise of promoting neutrality, national unity, and heralding *laïcité* as a French exception. *Laïcité* came to function largely as an identity marker, where “*laïc*” was an ambiguous characteristic of the French citizen that is misunderstood by all others, thereby excluding those who do not fit the definition.

My research is grounded in a collection of political documents as primary sources, including transcripts of speeches given by Chirac and Sarkozy, commission reports such as the *Stasi Report* (of the National Assembly’s Stasi Commission) and *La laïcité à l’école* (released by the French National Assembly when the 2004 law prohibiting “ostensible” signs of religion was passed), as well as a publication by Sarkozy himself, his 2004 book *La république, les religions, l’espérance* (*The Republic, Religions, and Hope*). The *Stasi Report* and *La laïcité à l’école* are both reports that uphold the government’s assertive approach to religion in which the State took active measures to prohibit displays of religious belief or identity from the public sphere. Sarkozy’s book, on the other hand, outlines his plan for a self-proclaimed progressive approach to French *laïcité* whereby he simultaneously acknowledged the importance of religion (read: Catholicism) in forming French social values historically, but addresses the growth of Islam as a *problem* to solve by increasing engagement with Muslim communities in order to create a “French Islam” rather than “Islam in France,” in which one sees Sarkozy’s desire to control and shape manifestations of Islam in France. In Chapter 2’s discussion of feminism and the veil, I also examine the 1989 petition against the veil “*Profs, ne capitulons pas!*” and a Fadela Amara interview on her organization *Ni Putes Ni Soumises* (Neither Whores Nor Submissive).

While my primary sources are largely political books, speeches, and other documents, for theoretical framing I will turn to prominent French scholar Jean Baubérot. A historian and

sociologist of *laïcité* in France, Baubérot has a track record of criticizing the way in which *laïcité* has been employed to discriminatory ends. As a member of Chirac’s Stasi Commission, for example, Baubérot was the only commission member to actively advocate for an interpretation of *laïcité* that allowed space for public displays of religiosity. In keeping with this view, Baubérot did not support the 2004 law banning “ostensible” religious signs, which he saw as clearly targeted at female Muslims wearing the *foulard*, or headscarf. Baubérot’s sociological approach is important to my examination of identity construction based on membership in religious and national communities.

My considerations of these primary texts will of course also take into account a number of secondary sources that take up the subject of French *laïcité* and its implications in the context of diversification and globalization. The work of Murat Akan and Ahmet Kuru outlines the historical development of *laïcité* and focus on the modern examples set by Chirac and Sarkozy whose engagement with Muslim groups was rooted in the notion that Islam posed a security threat to the French State and was represented as challenging French nationalism and the republic’s foundational values. The debate thus develops around individualism due to one’s religious identity versus national unity and French identity, itself a quasi-religion for staunch Republicans according to scholars like Pierre Brechon and Jean-Paul Willaime.<sup>5</sup> Akan poses the key argument that while modern developments within *laïcité* have often been framed as a reassertion of the principle, they in fact mark a departure from France’s historical *laïcité*.<sup>6</sup> Kuru’s book differentiated between State policies toward religion in the U.S. and France, arguing that

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<sup>5</sup> Pierre Brechon (1995, 65) and Jean-Paul Willaime (2005) cited in Ahmet T. Kuru, *Secularism and State Policies Toward Religion: The United States, France, and Turkey* (New York: Cambridge University Press, 2009), 113-114, 118.

<sup>6</sup> Murat Akan, “The Politics of *Laïcité Positive* and Diversity in Contemporary France” in *The Politics of Secularization: Religion, Diversity, and Institutional Change in France and Turkey* (Chichester, West Sussex: Columbia University Press, 2017).

France's "assertive secularism" developed out of the existence of an *ancien régime*, which has four components: monarchy, hegemonic religion, an alliance between the two, and a successful republican movement.<sup>7</sup>

Additional secondary texts include those that deal more specifically with the "problem" of Islam in France, perhaps best evidenced by the controversy surrounding the *voile*, which I focus on in Chapter 2. Two important works on this topic are Joan Wallach Scott's *The Politics of the Veil* and John R. Bowen's *Why the French Don't Like Headscarves: Islam, the State, and Public Space*. These books describe the racism, Islamophobia, and identity politics that are often perceived as threats by the French cultural and political establishment and thus contribute to the development of an antagonistic *laïcité*.

My thesis retraces the conceptualization and institutionalization of *laïcité* in France by beginning with a chapter-length overview followed by two chapters that examine the modern conception and uses of *laïcité* from approximately 1989 to 2007. My analysis demonstrates how, during this period, we can observe *laïcité* acting as a combative principle and cited as a reason that Muslims and Arabs could not be integrated into French society. Chapter 1 serves to give context for the following two chapters which take up the topic of *laïcité* in the late 1990s and early 2000s. This chapter traces the history and evolution of the theory of *laïcité* from its origins to the present day in order to reframe modern events and invocations of the principle. I look first at Republicanism, the French political philosophy in which *laïcité* finds its justification both historically and presently. I then describe the historical process by which *laïcité* was embedded in French Republican thought from the French Revolution to the Fifth Republic, France's current government that was established in 1958. This chapter is rounded out by a final section that

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<sup>7</sup> Kuru, *Secularism and State Policies Toward Religion*, 25.

explores the legacy of French colonialism and the ways in which Republican discourse rejects Islam as late twentieth century immigration to France raised Islam to the nation's second largest religion.

Following this contextualizing chapter, Chapter 2 contends with the Chirac administration's interpretation and implementation of *laïcité*, centering on the question of the Islamic headscarf. This chapter covers debates on the wearing of the female Islamic headscarf and the 2004 law that banned ostensible signs of religion, namely the headscarf, from public schools—a law passed by the National Assembly and signed into law by Chirac. It also uncovers the link between racism, Islamophobia, and the failure of immigrant integration, showing how *laïcité* was invoked to problematic ends in feminist arguments denouncing the headscarf and in Republican arguments about protecting the *laïque* nature of the school. The most important primary sources in this chapter are the 2004 *Stasi Report* and the 1989 petition titled “*Profes, ne capitulons pas!*” (“Teachers, let us not give in!”). The *Stasi Report* is a legal report drafted by Stasi Commission, a commission created by President Chirac to contemplate the meaning and purpose of *laïcité* in modern France. In this report, the Stasi Commission suggests the law which ultimately became the famous 2004 law banning the headscarf. The petition was drafted by a group of French intellectuals in protest against the wearing of the Islamic headscarf in public schools after the expulsion of three scarved schoolgirls sparked national controversy on the role of *laïcité* in national education. Essentially, this chapter serves to show how the Chirac administration developed and popularized a certain perspective on *laïcité* based on racism, thus generating a certain idea of what it means to be “French.”

Chapter 3 continues by looking at the contemporaneous contributions to national discourse on *laïcité* by Chirac's Minister of the Interior and presidential successor Nicolas

Sarkozy. Gradually becoming Chirac's political opponent, Sarkozy took a more nuanced and less overtly racist approach to *laïcité* that often conflicted with Chirac's views. By introducing his new approach of "*laïcité positive*," which he discussed at length in his book *La République, les religions, l'espérance* (*The Republic, Religions, and Hope*), Sarkozy suggested a national position that diverged from typical responses to the growing Muslim presence in France by pushing for greater engagement with Muslim communities. Sarkozy's views are also clarified by speeches he delivered both nationally and internationally, as well as his creation of the French Council for the Muslim Faith (*Conseil français du culte musulman*). However, despite a surface level commitment to breaking the taboo surrounding religion in France, touting tolerance as an important value and increasing government engagement with Muslim groups, Sarkozy's efforts remained rooted in racism and an effort to control Islam in France rather than form a more inclusive society.

As a whole, my thesis interrogates and challenges the dominant Republican narrative that informs the French understanding of *laïcité*. What does *laïcité* really mean? How has universalism been challenged by multiculturalism and social diversification in France? Does *laïcité*, as it is conceived, remain applicable in modern France? We will begin by taking a look at its origins.

## Chapter 1

### ***Laïcité*: Stable or Evolving? Universal or Particularistic?**

This chapter will highlight some of the many legal and social developments that demonstrate how the meaning of *laïcité* has morphed and shifted throughout history. Rather than a static and monolithic principle, as is often claimed by traditional supporters of the French Republic, or Republicans, its history demonstrates that *laïcité* is the subject of a dynamic process. While *laïcité* lacks a linear path from its origins to the present, much of the political discourse studied in this thesis shows that there is a Republican tendency to believe the contrary, conceiving of *laïcité* as an exceptional principle—hence the oft-used phrase “*la laïcité à la française*.” This view of *laïcité* as exceptional principle marks it as a foundational value of the Republic, something inherently French and thus untranslatable, since, as explained in the Introduction, “secularism” fails to capture the full extent of its socio-cultural significance. *Laïcité* is so important, in fact, that many hold it on the same level as the three principles cited in the Republic’s motto, tacking it on the end to create “*Liberté, égalité, fraternité, laïcité*.” In this chapter, I examine the thread of *laïcité*’s history, pointing out how it is not as continuous and its meaning not as stable as it may appear at first glance. I begin by delving into Republicanism, the dominant political ideology in France that justifies and upholds *laïcité*. This section lays the conceptual groundwork for understanding the history of *laïcité*’s development, which makes constant reference to Republicanism and the promise of national unity. In a second section, I recall the progression of historical events that enshrined *laïcité* as an eternal value in the French imagination and which serve as reference points in modern debates on *laïcité*. Finally, I turn to



France's colonial history, a crucial topic often left out of discussions on *laïcité*. Tying France's history of colonialism to the large presence of Muslims and Arabs in present-day France, this section considers why Islam is seen as a threat to *laïcité* and uncovers the reasons behind Republicanism's difficulty with accepting Islam.

### ***Républicanisme and its Critics***

A crucial concept in understanding modern invocations of *laïcité*, *Républicanisme* (Republicanism) is the force behind the enshrinement of *laïcité* at the same level as the fundamental principles named in the French Republic's institutionalized motto. Republicanism can be understood as a political philosophy aligned with the organization of society according to the notion of a "general will," a concept first theorized by Jean-Jacques Rousseau. Republicanism is also considered the *opposite* of political liberalism, which is founded on individualism and is contrasted from French Republicanism as the "Anglo-Saxon model."<sup>8</sup> Religious Studies scholar François Gauthier explains that according to a Republican view of society, "the Whole takes precedence over the parts[...] In other words, society is more than the sum of the individuals that make it up[...] Republicanism is[...] based on a metaphysics of the One, of unity, according to which social vitality is the natural fruit of cohesion."<sup>9</sup> According to this system, "the citizen is more valorized than the individual," meaning that personal interests must be suppressed in deference to the common good, indicating the need for a strong sense of

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<sup>8</sup> John R. Bowen, *Why the French Don't Like Headscarves: Islam, the State, and Public Space* (Princeton and Oxford: Princeton University Press, 2007), 20.

<sup>9</sup> François Gauthier, "Républicanisme vs Libéralisme. Les Régimes de Laïcité et Leur Mise à l'épreuve," *Revue du MAUSS* 49, no. 1 (July 2017): 273-276. <https://doi.org/10.3917/rdm.049.0269>. Original text: "le Tout y prime sur les parties[...] Autrement dit, la société est plus que la somme des individus qui la compose[...] Le républicanisme s'appuie[...] sur une métaphysique de l'Un, de l'unité, suivant laquelle la vitalité sociale serait le fruit naturel de la cohésion."

civic duty and love for *la patrie* (one's country/homeland).<sup>10</sup> It is important to note that Republicanism does not belong to one side of the political aisle, but is embraced by actors from both Left and Right.

The distinction between public and private space is the cornerstone upon which Republicanism is grounded. "Public space is the realm of the political community, founded on the citizen. It is the place of deliberation with a view to collective decision making, within a framework permitted by solidarity [*fraternité*] and equality [*égalité*]." <sup>11</sup> Within this conception of society, the State is responsible for protecting public space from the encroachment of particularisms from the private sphere, including religion. The State is thus responsible for protecting the public sphere from the private. In contrast, liberalism protects individual rights *from* the State. Republicanism argues that the neutrality of public space "permits the real liberty of the citizen [invoking the third tenet of the national motto, *liberté*], beyond his social, familial, religious, political, etc. determinations."<sup>12</sup> When it comes to religion, therefore, rather than taking a position of ensuring the right of each individual to freely practice his faith, the State's primary aim is to assure that the public sphere is free *from* religion. In other words, rather than merely upholding a principle that separates Church and State (secularism), in France, the very conception and organization of society rests on this principle, distinguishing *laïcité* from secularism through its increased emphasis as a pillar of society. Liberalism stands in great contrast to this point, as the role of the State is not to free the individual from his particularistic identities (whether these regard religion, gender, race, etc.) for the sake of national unity, but

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<sup>10</sup> Ibid., 274. Original text: "le citoyen est plus valorisé que l'individu."

<sup>11</sup> Ibid., 274. Original text: "L'espace public est le royaume de la communauté politique, fondée sur la citoyenneté. C'est le lieu de la délibération en vue de la prise de décision collective, dans un cadre permis par la solidarité et l'égalité."

<sup>12</sup> Ibid., 275. Original text: "La neutralité de l'espace public a pour visée de permettre la réelle liberté du citoyen, par-delà ses déterminations sociales, familiales, religieuses, politiques, etc."

rather to ensure the ability of the autonomous individual to proclaim these identities as his civil liberties.<sup>13</sup>

Critics of Republicanism denounce what they see as Republicanism's dependence on a kind of "violence" to the individual that takes place through the stripping of (what Republicans may instead call a "freeing from") individual identity markers in order to form a homogeneous society built on sameness. Accordingly, Scott argues, Republicanism is based on "the eradication of difference."<sup>14</sup> Republican universalism has been subject to sustained critiques for at least the past two decades as France has grappled with integrating an increasingly religiously and racially diverse population. Such insistence on equality through blindness to differences is the reason behind the French government's policy against recording data relating to religion, ethnicity, or national origin in its census, as these figures would serve to create an image of a France "fractured and divided, not—as it claims to be—a united, singular entity."<sup>15</sup>

The Republican position both on the general construction of society and specifically the role of religion within a society has become the basis for modern discussions of *laïcité*, allowing Republicans to argue for a strict, arguably exclusionary neutrality of public space by drawing on *laïcité*, Republicanism's outgrowth, as a historical object. Since Republicanism and *laïcité* form such a central, almost sacred piece of the French imagination, Republicans argue that this stance is neutral. Gauthier counters this, however, arguing that "this neutrality of public space is not neutral, not even close. The Republican universalism upon which this neutrality must open is itself derived from a particularism constructed by history."<sup>16</sup> Scott elaborates on this point,

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<sup>13</sup> See Merriam-Webster Dictionary. <https://www.merriam-webster.com/dictionary/liberalism>.

<sup>14</sup> Scott, *The Politics of the Veil*, 12.

<sup>15</sup> Ibid.

<sup>16</sup> Gauthier, "Républicanisme vs. Libéralisme," 276. Original text: "Cette neutralité de l'espace public n'est pas neutre, tant s'en faut. L'universalisme républicain auquel cette neutralité doit ouvrir est lui-même dérivé d'un particularisme construit par l'histoire."

positing that “French citizens are ‘encumbered’ just as religious subjects are[...] for they understand themselves in terms they did not choose; the notion of the individual as existing prior to external influence masks its status as a cultural belief.”<sup>17</sup> Scott’s reading suggests that what Republicans call universalism is actually tied to a particularism, that is, a circumscribed French identity formed around eternal French values.

Republicanism’s particular approach to citizenship was developed during the French Revolution, the most important period in defining modern French political philosophy. Emerging at the close of the Enlightenment period, the French Revolution was steeped in philosophy of scholars such as Rousseau, who advanced the idea of a unified populous in his *Social Contract*, which contributed notably to the Republican values of *liberté, égalité, fraternité* (liberty, equality, brotherhood). In reaction to the feudal structure of the *ancien régime*, with the notable presence of the Catholic Church as a community identifier and a requisite to full participation in civic life, the French Revolution’s breakthrough was its championing of the individual, abstracted from his communal ties and endowed by the State with universal rights (*liberté* and *égalité*), placing him on par with his fellow citizens, thus generating a sense of *fraternité*—the basis for French universalism.<sup>18</sup> “In becoming a citizen,” Cécile Laborde explains, “the individual abandons ‘minority’ and achieves ‘majority’[...] He [the citizen] is recognized as an autonomous, rational individual capable of emancipating himself from social, religious, and cultural determinisms.”<sup>19</sup> While these values were largely developed from an anticlerical perspective, thus seeking to abstract the citizen (the majority of whom were Catholic during this

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<sup>17</sup> Scott, *The Politics of the Veil*, 127-128.

<sup>18</sup> Cécile Laborde, “Citizenship,” trans. Arthur Goldhammer, in *The French Republic: history, values, debates*, ed. Edward Berenson, Vincent Duclert, and Christophe Prochasson (Ithaca and London: Cornell University Press, 2011), 137.

<sup>19</sup> *Ibid.*, 136-137.

period) from his or her Catholic identity in political and social considerations, they were nonetheless understood to be of universal applicability. The increasing presence of Islam in France since the 1970s and 1980s has greatly challenged this notion of universalism, as I discuss later.

The philosophical and political battles of the French Revolution were perceived as being universally applicable and of central importance to discourse on human rights worldwide.<sup>20</sup> In relinquishing ties to sub-national communities, citizens displayed their loyalty to “a set of national institutions and a national history taken to embody universal values and through participation in the public political sphere as a means of transcending individual interests[...] this characterization of citizenship leaves us with a vision of the citizen as a ‘decontextualized figure.’”<sup>21</sup> In this way, the revolution formed an indivisible national community linked by its commitment to the State, itself the representative body of the general will, the basis upon which the social contract is constructed. The emergence of democratic citizenship thus marks a divergence from traditional community identities which were replaced with this new contractual identity of the individual and the citizen—an integral process in the French construction of “modernity.”<sup>22</sup>

Though the value of universalism (which grew out of the values of *liberté, égalité, fraternité*, and *laïcité*) emerged from a specific cultural context, it is often mythologized not only as atemporal, but as a “French exception—” a view that remains at the core of modern French political discourse despite the fact that multiculturalism has rendered the legacy of universalism largely inoperative.<sup>23</sup> As Cécile Laborde adroitly inquires, “Did republican citizenship function

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<sup>20</sup> Jeremy Jennings, “Universalism,” trans. Arthur Goldhammer, in *The French Republic*, 145.

<sup>21</sup> *Ibid.*, 148.

<sup>22</sup> Laborde, “Citizenship,” 136.

<sup>23</sup> *Ibid.*

as a utopian critique of society, promising ultimate emancipation to all, or was it a norm that generated exclusions and that makes sense only in relation to the boundary it established between citizens and noncitizens?”<sup>24</sup> The historical experience of French Jews as well as the entrance of significant immigrant communities in the latter half of the twentieth century provides the backdrop for interrogating this question and identifying the often hegemonic mobilization of *laïcité* in ways that systematically excludes Muslims and non-Western European immigrants and their descendants from mainstream French society. In this chapter, therefore, I will show several examples of how the narrative that insists on the veracity of Republican universalism and an unchanging and monolithic meaning of *laïcité* is in fact deceptive, and that *laïcité* in practice has varied over time.

### **Inventing *Laïcité*: Key Moments in the History of a Term**

Despite the Republican suggestion of *laïcité*'s historical continuity, *laïcité*, as I have noted, has never been officially defined, allowing for its variable application over time. Lacking robust historical and legal foundations, Bowen explains how “*laïcité* remains one of those “essentially contested concepts” that is politically useful precisely because it has no agreed-on definition. Or rather, it is useful for political debates because its use conveys the double illusion that everyone knows what *laïcité* means and that this meaning has long been central to French Republicanism.”<sup>25</sup> This grants *laïcité* a sort of mythical status, providing a narrative framework that allows it to be invoked by Republicans as “an historical object called ‘*laïcité*’” when in fact there is no concrete “it.”<sup>26</sup> Baubérot adds that, disguised as such, *laïcité* is “crushed beneath the

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<sup>24</sup> Ibid., 137.

<sup>25</sup> Bowen, *Why the French Don't Like Headscarves*, 32.

<sup>26</sup> Ibid.

weight of memory.”<sup>27</sup> French historian Claude Nicolet’s attitude towards *laïcité* in his 1982 book *L’idée républicaine en France (The Republican Idea in France)* underscores this notion of *laïcité* as an assumed and inexorable concept by devoting only a few pages to it on the basis that “the history [of laicity] is too well-known to dwell on.”<sup>28</sup> However, this tendency to conceptualize *laïcité* as a historical object and *laïcisation*, or secularization, as a process that happened in the past, and is thus isolated there, fails to critically consider both the history of *laïcité* and the way it continues to be interpreted in modern situations. In an attempt to make up for this discrepancy, this chapter addresses some of the “holes” left untouched in the Republican narrative to problematize both the conception and the modern pertinence of *laïcité* as it presently functions.

In the Republican imagination, *laïcité* has developed according to a linear schema where it has become more profoundly ingrained as time has progressed. Sociologist Jean Baubérot has pointed out that rather than treating *laïcité* as a dynamic process in constant interaction with sociopolitical conditions,<sup>29</sup> Republicans continually insist on the absolute and unchanging nature of the principle as a “hexagonal particularity.”<sup>30</sup> Bowen explains how, in this mode of thought, *laïcité* has been written into history in a way that

provide[s] a narrative framework that permits public figures—politicians, journalists, or public intellectuals—to speak as if there is an historical object called ‘*laïcité*’ that emerged from bitter struggles (the wars of religion, the Revolution, the Paris Commune), led to the forming of a social contract (under the Third Republic), and was enshrined in law (1905) and constitutions (1946, 1958). In this account, *laïcité* represents the General Will and indicates the Common Good. It is a Historical Actor. It must, therefore, have a philosophical base that then can be

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<sup>27</sup> Jean Baubérot, “Laicity,” trans. Arthur Goldhammer, in *The French Republic*, 127.

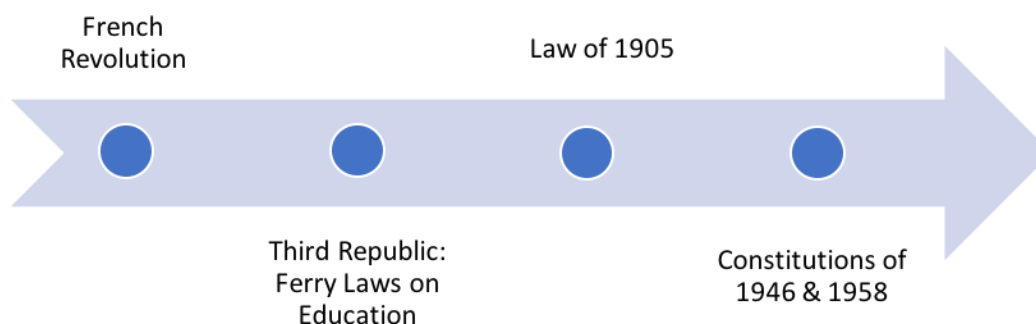
<sup>28</sup> Claude Nicolet cited in Baubérot, “Laicity,” 127.

<sup>29</sup> Jean Baubérot, “Cultural Transfer and National Identity in French Laicity,” *Diogenes* 55, no. 2 (May 2008): 17, <https://doi.org/10.1177/0392192108090735>.

<sup>30</sup> Bernard Stasi, *Rapport de la Commission de réflexion sur l’application du principe de laïcité dans la république remis au président de la république le 11 décembre 2003* (Paris: Documentation française, 2004), 71. Original text: “une particularité hexagonale,” where “hexagonale” can be alternatively translated as “French.”

drawn on to derive new laws and regulations—such as regimenting the wearing of religious signs in public space.<sup>31</sup>

As Bowen then notes, the concreteness that this narrative lays on *laïcité* is misplaced in that it ignores the lack of a stable definition of *laïcité* throughout history as well as the long history of concessions made to the Catholic Church which in effect undermine the validity of these claims. Instead, all that exists is “a series of debates, laws, and multiple efforts to assert claims over public space.”<sup>32</sup> A Republican “timeline” that Bowen described indicates the events that have progressively enshrined *laïcité* as a core Republican value can be created from the reference points listed in the above citation. In order to demonstrate how *laïcité* is not stable, I touch on each of these plot points while weaving in those crucial topics and events not included on the “Republican timeline” that must also be part of the story of *laïcité*.



As most histories of *laïcité* begin with the French Revolution—and since this is the first major historical reference point for public figures discussing *laïcité*—the timeline begins here. The importance of the French Revolution in modern discussions of *laïcité* is evident through the importance of its bicentennial, which coincided with the first major, national controversy over the wearing of Islamic headscarves in public schools in 1989. In this context, the Revolution was

<sup>31</sup> Bowen, *Why the French Don't Like Headscarves*, 32-33.

<sup>32</sup> *Ibid.*, 33.



referenced as the event that sparked the development of French Republicanism. But how was Republicanism formed during the French Revolution and how does this period inform modern French history?

The French Revolution was a period of political, social, and religious upheaval that occurred from 1789 to 1799 and included a series of complex revolutions and sub-divisions. Without entering into the extensive and contentious scholarship on the French Revolution, for our purposes it is worth briefly acknowledging the ways in which the Revolution contributed to the development of *laïcité*.<sup>33</sup> At the most basic level, the Revolution was a transformation of the system of governance marked by the abolition of the monarchy and the establishment of the Republic. The French monarchy, often referred to as the *ancien régime*, was a feudal system under which the Catholic Church exercised significant control over the French populace. Prior to the Revolution, the Church was the record-keeper of all births and deaths, meaning that citizenship itself was closely tied to the Church.<sup>34</sup> At this time, to be French was to be Catholic.

The first major government policy aimed at curtailing the Roman Catholic Church's<sup>35</sup> authority during the French Revolution is the passing of the Civil Constitution of the Clergy in 1790 which reformed the organization of the Church. This law officially placed the Church under the tutelage of the State, making a statement of temporal power (that of the State) over spiritual power (the Church). Under this law, the Church became a public service and the clergy functionaries paid by the State. This nationalization of the Church gave the State control over the Church by placing it within its jurisdiction and thus limiting its power. Some historians such as

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<sup>33</sup> For more background on the French Revolution, see the following references: Alexis de Tocqueville. *L'ancien régime et la Révolution* (London: Éditions Gallimard, 1967), and Michel Biard, Philippe Bourdin, and Silvia Marzagalli. *Révolution, Consulat, Empire: 1789-1815*. (Paris: Éditions Belin, 2009).

<sup>34</sup> Nicolas Roussellier, "Les origines de la laïcité française: l'Ancien Régime," La Laïcité en France (class lecture, Middlebury Centre Madeleine, Paris, France, January 30, 2019).

<sup>35</sup> From here forward all references to the Church implies the Roman Catholic Church.

Nicolas Roussellier have viewed this reform as a message that the sacred principle was now the nation, and a sort of secular civil religion began to develop around this notion. The sacralization of the State is demonstrated by a mandatory patriotic oath that required all functionaries, including the clergy, to vow their obedience and loyalty to the revolution.<sup>36</sup> The birth of Republicanism finds itself here, in the midst of an anticlerical movement aimed at founding a Republic, a goal finally achieved in 1792. The founding of the Republic sacralized the Revolution. In the years that followed, the State created a system of civil religion by inaugurating national festivals to preserve the memory and values of the French Revolution.<sup>37</sup> Republicanism thus took on a quasi-religious character with the instatement of a new calendar and new secular feast days replacing Catholic holidays. To this day, Bastille Day is the most important public holiday in France, showing the importance of the Revolution as the foundation upon which modern French society is constructed.

The importance of the Revolution as a cultural touchstone also arises in modern debates on universalism in a now multicultural and multireligious France. These debates began in earnest, rather symbolically, in the year that marks the bicentennial of the Revolution and centered on the question of the Islamic headscarf in schools. The issue with headscarves is their effect of announcing one's religion in public and thus rendering the citizen no longer abstract, thereby creating a sense of a non-unified society. Headscarves are seen as a challenge to universalism, which Republicans insist is still the key to national unity, hence the hostility towards them. However, using the French Revolution as a touchpoint in the anti-headscarf agenda can be interpreted as an "objectification of the republic as the embodiment of immutable

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<sup>36</sup> Roussellier, "La Révolution française : une grande rupture," La Laïcité en France (class lecture, Middlebury Centre Madeleine, Paris, France, February 6, 2019).

<sup>37</sup> Baubérot, "Laicity," 128.

principles” because it treats these principles as monolithic, despite the fluctuations that occurred in the two centuries that followed.<sup>38</sup> Rather than rethinking the meaning and purpose of universalism in the context of a France with a growing immigrant population, insistence on this revolutionary value “render[ed] nonnegotiable exactly that which had to be negotiated: the integration of different individuals and different kinds of individuality into a nation which had never been as homogeneous as its self-styled representatives claimed it to be.”<sup>39</sup> Even before France became a nation of peoples from a wide variety of ethnic and religious backgrounds, though, the school was considered a place that integrates students from various regional and religious backgrounds into the singular national culture. This brings us to the next major point on the Republican timeline, the Third Republic’s Ferry laws on education.

In summary, the Ferry laws rendered primary education free, compulsory, and *laïc*. These laws mark the birth of the public school as the site of citizen-formation through the inculcation of Republican values. Jules Ferry, minister of education during the 1880s, is regarded as a “Republican hero” who molded the public school for the first time in French history into a *laïc* space through a series of laws between 1879 and 1886.<sup>40</sup> According to these laws, all instructors had to be *laïc*, meaning that members of the clergy were no longer authorized to work as schoolteachers. The French Senate’s Archives describe the effect of the Ferry laws: “By *laïcisant* [secularizing] the school, they [the laws] wanted to free consciences from the influence of the Church and strengthen the country by training citizens of all [social] classes on the same [school] benches.”<sup>41</sup> To this end, an 1881 law established primary education absolutely free of charge in

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<sup>38</sup> Scott, *The Politics of the Veil*, 150.

<sup>39</sup> Ibid.

<sup>40</sup> Bowen, *Why the French Don’t Like Headscarves*, 25.

<sup>41</sup> Sénat français, “Dossier d’histoire : Les lois scolaires de Jules Ferry,” <http://www.senat.fr/evenement/archives/D42/>. Original text: “En *laïcisant* l’école, ils veulent affranchir les consciences de l’emprise de l’Église et fortifier la patrie en formant les citoyens, toutes classes confondues, sur les mêmes bancs.”

public schools and an 1882 law made primary education obligatory for all children from ages six to thirteen, creating a system in which all citizens would be equalized by receiving the same education.<sup>42</sup> In a continuation of the “cultural war” between the Church and Republicans, it became clear that to control education was to control the future of French culture, and these laws indicated Republican fears of the social influence still held by the Church.<sup>43</sup>

Through these laws, the Third Republic established the school as one of the most important places that embodies and promulgates *laïcité*. Because of the school’s importance, its neutrality is a sort of barometer for the wellbeing of *laïcité* even in modern times, making it a contentious battleground for debates on this matter. Conservative political philosopher Blandine Kriegel, who served as advisor to President Jacques Chirac, chairperson of the High Council on Integration, and is a frequent member of commissions to address important social issues, identified the importance of the school, discovering “the roots of the French state-society relationship in an even older history of political thought[...] She locates its origins in the Greek idea that the citizens *were* the state. In Sparta, it was only after finishing public education and partaking of a public meal that one became a full citizen.”<sup>44</sup> In this way, attending public school remains a crucial civic duty and is the process by which one becomes truly “French.” This recollection of ancient Greece also demonstrates the emphasis placed on calling upon historical values to defend and validate the Republican conception of the school, as references to the values of ancient republics have, since the First French Republic, served as an important touchpoint in the formation of French Republican thought.

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<sup>42</sup> Ibid.

<sup>43</sup> Roussellier, “La première laïcisation républicaine: l’enjeu de l’école,” *La Laïcité en France* (class lecture, Middlebury Centre Madeleine, Paris, France, February 20, 2019).

<sup>44</sup> Bowen, *Why the French Don’t Like Headscarves*, 15.

Another important Ferry law passed in 1880 dealt with secondary education for young women. During the Napoleonic period, secondary education at *lycées* was only available for boys, but Ferry's 1880 law extended the reach of secondary education for young women by establishing public *lycées*.<sup>45</sup> Though at first glance this may seem like a step in the direction of gender equality, the true motive behind increasing the accessibility of secondary education for women was again to advance Republican thought and minimize the influence of the Catholic Church. Due to women's general lack of access to secondary education, religion and the Church had managed to maintain more of a grasp on them while men were becoming more and more *laïc*.<sup>46</sup> To manage this "problem," Republicans took young girls as an important subject, even though they were not considered citizens and did not receive the right to vote until 1945. Women's education became an important method through which to form young women into informed future wives and caregivers for children, equipping them with the knowledge to instruct their children—future French citizens—in *laïc* modes of thought rather than perpetuating Christian morality.

The legal report from the 1880 law expounds a defense for increasing the accessibility of girls' education that is rooted in concerns of the Church's power over women, positing *laïc* education as a means of mitigating this problem. I cite at length from the legal report to demonstrate how women's education was treated as a political project aimed at advancing the Third Republic's conception of *laïcité*:

It [the law] is not political, it is social in the highest and purest sense of the word, for society is based upon the family, and the family is what women make it. While the man struggles and works outside, the woman raises the children. As she nursed their bodies, she nurses their minds; she is their first and sometimes their only teacher; she cultivates their faculties, develops their feelings, their tastes, their moral ideas; she prepares them for practical life, and society receives them from

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<sup>45</sup> Roussellier, "La première laïcisation républicaine: l'enjeu de l'école."

<sup>46</sup> Ibid.

her hands imbued with her lessons and examples, whose memory is more lasting than any other. (...) And since all the political parties agree in the same thought on the usefulness of good morals, they cannot differ in their opinions on the usefulness of women's education.<sup>47</sup>

This citation describes how this law also served to mitigate the classic division within the family of a Christian mother and a *laïc*, freethinker father.<sup>48</sup> Suspicions that the “two Frances” persisted—an idea that emerged during the French Revolution whereby French society was divided between Catholic royalists and anticlerical Republicans (where women tended to remain loyal to the Church)—proved a valid reason for increasing women’s access to education. Educating women, Republicans hoped, would finally sever their lingering ties to the Church and end the battle of the “two Frances.” Women were, and are still seen as having an indelible impact on society through their role as caregivers, or future caregivers, and in this way they are responsible for the formation of morals in the Republic’s children. The caretaker role is, at least to some extent, a role imposed on women that serves to shift their primary social value from themselves as autonomous individuals (which women were not considered to be at the time of this law) to their presumed ability to bear children.

This sexist position renders women and girls into political objects that must be leveraged if they are to manufacture the desired result—in this case, as reproducers and promulgators of secular Republican values. Just as the school in general remains central in modern debates about *laïcité*, girls’ education also retains its particular importance as a signifier of the state of *laïcité* in

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<sup>47</sup> Sénat français, “Les lois scolaires de Jules Ferry : la loi du 21 décembre 1880 sur l'enseignement secondaire des jeunes filles,” <http://www.senat.fr/evenement/archives/D42/loi21880.html>. Original text: “Elle [la loi] n'est pas politique, elle est sociale dans la plus haute et la plus pure acception du mot, car la société repose sur la famille, et la famille est ce que la fait la femme. Pendant que l'homme lutte et travaille au dehors, la femme élève les enfants. Comme elle a allaité leur corps, elle allaite leur esprit ; elle est leur première et quelques fois leur seule institutrice ; elle cultive leurs facultés, développe leurs sentiments, leurs goûts, leurs idées morales ; elle les prépare à la vie pratique, et la société les reçoit de ses mains tout imprégnés de ses leçons et de ses exemples, dont le souvenir est plus durable que tout autre. (...)Et puisque tous les partis politiques s'accordent dans la même pensée sur l'utilité des bonnes mœurs, ils ne sauraient différer d'avis sur l'utilité de l'instruction des femmes.”

<sup>48</sup> Roussellier, “La première laïcisation républicaine: l'enjeu de l'école.”

the school. Scott explains the link between the Third and Fifth Republics' focus on girls' education, pointing out that "the old concern about women and religion[...] was transposed in 2003 onto Islam," where the ostensible pressure imposed on Muslim girls by "their fathers, brothers, and imams to wear headscarves recalled the once formidable power of Catholic priests."<sup>49</sup> In this way, Scott elucidates the link between early Republican thinking in the Third Republic and the continuity in Republican thought in that girls' education remains an important point of contention in modern debates.

The third point on the Republican timeline of *laïcité* is the law of 1905 that officially separated Church and State and which is "still the law of legal reference" today.<sup>50</sup> This law ended the *Concordat* of Napoleon that was established in 1804 and stayed in place for the entirety of the approximately one-hundred year interim, during which France witnessed a series of very different political regimes. Under the *Concordat*, the State managed the status of the Church according to an agreement with the pope where the Church regained its status as a central institution, but remained under the jurisdiction of the State as one of three recognized religions: Catholicism, Protestantism, and Judaism.<sup>51</sup> While all three of these religions were granted the acceptance and the protection of the State, the *Concordat* model granted Catholicism a privileged status in recognizing that it was the religion of the majority. The law of 1905 was thus a serious change of course from concordatory France, moving from the mindset that "temporal power is superior to spiritual power" to a complete separation of the two categories.<sup>52</sup>

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<sup>49</sup> Scott, *The Politics of the Veil*, 107.

<sup>50</sup> Roussellier, "La Loi de Séparation des Eglises et de l'Etat (1905)," La Laïcité en France (class lecture, Middlebury Centre Madeleine, Paris, France, March 13, 2019).

<sup>51</sup> Roussellier, "La France sous le modèle concordataire: le XIXe siècle," La Laïcité en France (class lecture, Middlebury Centre Madeleine, Paris, France, February 13, 2019).

<sup>52</sup> Ibid. Original text: "...le pouvoir temporel est supérieur au pouvoir spirituel."

The two main aspects of this law were the assurance of religious liberty and the complete dissociation of the State from religions by eliminating the budget for religions recognized by the State. Article One of the law reads: “The Republic guarantees freedom of conscience. It guarantees the free exercise of religious worship subject only to the restrictions set out below in the interest of public order.”<sup>53</sup> The second principle is laid out at the beginning of Article Two, which states: “The Republic does not recognize, pay salaries or subsidize any religion. Consequently[...] all expenditures relating to the practice of religious worship shall be eliminated from the budgets of the State, departments and municipalities.”<sup>54</sup> This law officially and totally separated the Church from the State, making it no longer a part of public life, but rather a private institution separated financially, politically, and symbolically from the State.<sup>55</sup> According to Scott, this separation “was intended to secure the allegiance of individuals to the republic and so break the political power of the Catholic church.”<sup>56</sup> The Pope and many in the Catholic community were greatly displeased by this law that finally removed Catholicism from its centuries-long position as a recognized piece of cultural heritage—a position that even the French Revolution had not effaced.

Due in part to the Church’s refusal to accept the 1905 law, France passed new laws from 1907 to 1908 that turned over ownership of church buildings to the government, thereby recoiling slightly from the severity of the 1905 law and entwining the State once more with religion—to some extent—as it relates to property. These new provisions meant that the State

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<sup>53</sup> *Legifrance*, “Loi du 9 décembre 1905 concernant la séparation des Eglises et de l’Etat,” <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000508749>. Original text: “La République assure la liberté de conscience. Elle garantit le libre exercice des cultes sous les seules restrictions édictées ci-après dans l’intérêt de l’ordre public.”

<sup>54</sup> *Ibid.*, Original text: “La République ne reconnaît, ne salarie ni ne subventionne aucun culte. En conséquence[...] seront supprimées des budgets de l’Etat, des départements et des communes, toutes dépenses relatives à l’exercice des cultes.”

<sup>55</sup> Roussellier, *La Loi de Séparation des Eglises et de l’Etat (1905)*.

<sup>56</sup> Scott, *The Politics of the Veil*, 91.



assumed financial responsibility for the upkeep of these properties which were technically public, but which were used for free by religious communities. However, as Bowen points out, this provision applied only to religious edifices constructed prior to 1905, “which means that today, [the] government subsidizes the Catholic religion far more than it does other religions. The vast majority of Catholic church buildings are subsidized by the State or by municipal governments, whereas such is the case for only about one-half the Protestant churches and 10 percent of the Jewish temples in France,” not to mention an extremely slim number of mosques, as Islam was the last religion to install itself in France.<sup>57</sup> This tendency to implicitly—and sometimes explicitly—favor Catholicism is still evident in the rhetoric of French presidents and ministers as well as in governmental policies, as we shall see in the following two chapters.

Though the 1905 law is the modern basis for *laïcité*, the word fails to appear in the very law that, as Scott notes, “is celebrated as its embodiment.”<sup>58</sup> Instead, the Constitutions of the Fourth and Fifth French Republics were the first documents to legally enshrine *laïcité*. Article One of the Constitution of 1946 reads: “France is an indivisible, *laïque*, democratic, and social Republic.”<sup>59</sup> Article One of the 1958 Constitution’s Preamble repeats this affirmation, while specifying that the Republic “assures the equality before the law of all citizens without distinction as to origin, race, or religion. It respects all beliefs.”<sup>60</sup> These Constitutions, listing *laïcité* alongside the Republic’s most sacred values, consecrated *laïcité* once and for all as a central tenet of the Republic. These documents still failed, however, to define *laïcité*, making it

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<sup>57</sup> Bowen, *Why the French Don’t Like Headscarves*, 27.

<sup>58</sup> *Ibid.*, 29.

<sup>59</sup> Constitution of 1946, article I of section I, “On Sovereignty.” Original text: “La France est une République indivisible, laïque, démocratique et sociale.”

<sup>60</sup> Constitution of 1958, article I of the Preamble. Original text: “Elle [la République] assure l’égalité devant la loi de tous les citoyens sans distinction d’origine, de race ou de religion. Elle respecte toutes les croyances.”

malleable and therefore allowing for a wide variety of sometimes contradictory invocations of the term.

### **Where does Islam fit in? Orientalism and The Colonial Legacy**

So far, this chapter has outlined the concept of Republicanism as well as the historical events and debates as they relate to the formation and development of *laïcité* in France. This narrative fails to mention a concurrent story—France’s colonial history in North and West Africa. If we are to understand the function and meaning of *laïcité* in modern France, we must account for how the colonial legacy propagates an image of the “other” and counterposes *laïcité* to the perceived values of former colonial subjects. France’s involvement in Africa is the primary reason that it now finds itself the European nation with the largest Muslim population, a population it seeks to regulate and control. The French colonial empire was expansive, but its North African colonies—Morocco, Tunisia, and Algeria—are most implicated in debates around the question of Islam in France. French journalist Rokhaya Diallo points out that “Those who generate fear are very often Arabs and what we call ‘Islamophobia’ strangely resembles ‘Arabophobia.’ Other Muslims, such as Blacks, do not seem to worry many people. Without a doubt the colonial clichés of the violent and bloodthirsty Arab, as opposed to the naïve and childish Black, incite people to fear the former more.”<sup>61</sup> In this excerpt Diallo breaks down the kind of racism that I address throughout this thesis: a racism based on fear of the Arab, a vestige of colonialism, that is often if not always paired with fear of Islam.

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<sup>61</sup> Rokhaya Diallo, *Racisme: mode d’emploi* (Soulajah Éditions, 2011), 136-137. Original text: “Ceux qui font peur sont bien souvent des Arabes et ce qu’on appelle ‘Islamophobie’ ressemble étrangement à de l’‘arabophobie.’ Les autres musulmans, Noirs par exemple, ne semblent pas inquiéter grand monde. Sans doute les clichés coloniaux de l’Arabe violent et sanguinaire, oppose du Noir naïf et enfantin incitent-ils à craindre davantage les premiers...”

Beginning with the violent French conquest of Algeria in 1830, French colonialism's "civilizing mission" has imprinted France with lasting ideas of Western superiority over all those representing the East—finding a target in immigrants and their descendants. This civilizing mission, aimed at bringing secular, Republican, universalist values to "uncivilized" cultures—largely through education in the French system—was justified by the claim that France, a liberated society and a symbol of modernity, was obligated to free inferior cultures from their archaic traditions. Broadly speaking, this mission pitted France, "the West," against "the East" as an almost mystical entity representing one of France's "deepest and most recurring images of the Other."<sup>62</sup> This colonial attitude is defined by Edward Said as orientalism, a mindset that caricaturizes the "East" and imagines a firm binary between it and the "West." In contrasting itself with the imagined "Orient," the West pits itself against its perceived Eastern enemy—an entity so different that this binary can never be abolished. Here lies the paradox of the civilizing mission. The civilizing mission's stated goal was to civilize, but in light of the Orientalist French attitude, this effort was directed at those who were inherently incapable of being civilized.<sup>63</sup> This attitude has persisted in modern France, finding expression in discrimination against immigrants and those of foreign origin. While Republican universalism promises to be a French exception capable of integrating all people, there is widespread belief that "immigrants" cannot be integrated, thus undermining the notion of universalism as truly universal or exceptional. This same paradox of the civilizing mission has simply been transposed into modern issues.

Nevertheless, the French presence remained strong in Algeria, Morocco, and Tunisia. Twentieth-century wars generated demands for additional labor, leading France to grant Algerians (men only) the right to immigrate to France, thus marking the first major influx of

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<sup>62</sup> Edward Said, *Orientalism* (New York: Vintage Books, 1979), 1.

<sup>63</sup> Scott, *The Politics of the Veil*, 47.

Arab immigrants to the French mainland.<sup>64</sup> While the expectation was that these immigrants would return to their countries of origin when they were no longer needed, the post-WWII period instead witnessed increasing numbers of entire families settling in France. The Algerian War erupted shortly thereafter in 1954, ending in the French government's surrender to the Algerian National Liberation Front. President Charles de Gaulle defended this concession in racist terms, affirming that Algerian independence was the best thing for France, as continued French dominance of Algeria would pose a threat of France being inundated with Muslims, an event that would disturb the French who he called "a European people of the white race[...] and the Christian religion."<sup>65</sup> In this statement, de Gaulle too undermines and negates the promise of universalism by suggesting that some people cannot be abstracted from their racial and religious identities and by defining French society through particularisms: whiteness and Christianity.

Many Algerians continued to settle in France where they were not welcomed by many native French, reinforcing orientalist attitudes through continued cultural hegemony that insisted that these "Easterners" would never become part of French society. Former colonial subjects on French soil quickly became the "enemy within,"<sup>66</sup> fueling a rise in xenophobic, far-right political views that were represented in national politics with the founding of Le Pen's National Front (FN) party in 1972. The FN's continued prominence and normalization in mainstream politics indicate the sustained presence of strong anti-"immigrant" and anti-Islamic sentiments in France today. This nationalist response manifests as a rejection of Islam, a concrete signifier of these "foreigners." As Diallo explains, "The will to eradicate all symbols of the lasting presence of Islam in France is rather the manifestation of the fear of its rootedness and the will to keep it

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<sup>64</sup> I consulted the following sources in writing this synthesis: Bowen, *Why the French Don't Like Headscarves*, 66-67; Scott, *The Politics of the Veil*, 61.

<sup>65</sup> Charles de Gaulle cited in Scott, *The Politics of the Veil*, 61.

<sup>66</sup> Scott, *The Politics of the Veil*, 77.

outside of the ‘[French] national identity.’”<sup>67</sup> This sentiment held by many nationalist French further reveals that the universalist “promise” requires sameness that is reached by cultural assimilation to historical French values and that those who do not share this heritage cannot be a part of the unified social body.

## Conclusion

The years following Algerian independence have been fraught with conflict between immigrant descendants and French society, from which this group has been systematically excluded. Islam has been targeted as antithetical to *laïcité* and Republican values due to its perceived communalist tendencies. The female headscarf (*voile*) in particular has become the center of debates on this topic, allowing critics to hone in on a tangible object that lies at the intersection of three very important Republican talking points: gender equality, the school, and *laïcité*. As this chapter has revealed that the emphasis on the foundational nature of sexual equality to *laïcité* is misleading, this claim is nevertheless, in the words of sociologist Eric Fassin, “a way of insisting on the immutability of the republic in its current incarnation.”<sup>68</sup> The idea of sexual equality as a primordial French value lends itself to a binary opposition between Muslims and France, where, due to Muslims’ apparent rejection of sexual equality, they are considered “not only inferior—[but] less evolved, if capable at all of evolution.”<sup>69</sup> This process exemplifies continued Western cultural hegemony, as politicians draw “simplified lines of division between the traditional and the modern, the repressive and the emancipatory. In its

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<sup>67</sup> Diallo, *Racisme: mode d'emploi*, 136. Original text: “La volonté d’éradiquer tous les symboles de la présence durable de l’Islam en France est plutôt la manifestation de la crainte de son enracinement et de la volonté de le maintenir à l’extérieur de l’identité nationale.”

<sup>68</sup> Eric Fassin cited in Scott, *The Politics of the Veil*, 173.

<sup>69</sup> *Ibid.*, 173.

current version, secularism has become synonymous with (an ill-defined) gender equality that distinguishes West from East, the Christian secular from the Islamic.”<sup>70</sup> Such an orientalist attitude demonstrates how Republican France continues to understand and define itself in opposition to Islam and its corresponding “counter-Republican” values.

Building on of the foundations laid in this chapter on Republicanism and *laïcité*, the following two chapters discuss the debates on Islam’s place in *laïque* France that took place during the early 2000s, revealing inconsistencies and shortcomings in the conception of universalist Republican values as well as the awkwardness with which France continues to grapple with integrating a part of its population it still considers to be incapable of integration. Broadly speaking, these chapters reveal France’s failure to adapt in the face of multiculturalism and the ways in which stubborn attachments to historic values serve to perpetuate racism and Islamophobia. In the next chapter, I consider what may be called modern France’s first major cultural reckoning with Islam, the question of the acceptability of the Islamic headscarf in public schools. In debates about the *affaires du voile* (veil affairs), Republicans denounced the presence of the veil, a religious sign, in the Republican sanctuary. Grounding their arguments in *laïcité*, the veil was portrayed as a symbol of Islam’s suppression of women and a breaching of the public-private boundary that is central to *laïcité*. On a cultural level, this period witnessed a reassertion of the idea that Islam and French society cannot go together, where the veil symbolized the Muslim’s inability to be abstracted and integrated.

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<sup>70</sup> Scott, *Sex and Secularism* (Princeton and Oxford: Princeton University Press, 2018), 14-15.

## Chapter 2

### The School vs. the Veil: Gender Equality and the Republican Policing of Public Space

On October 3, 1989, three Muslim schoolgirls were expelled from their middle school (*collège*) in the Parisian suburb of Creil for refusing to remove their headscarves.<sup>71</sup> This was the first of many similar instances that came to be commonly referred to as *affaires du voile* (veil affairs), where scarved schoolgirls were accused of disturbing the neutrality and *laïc* nature of the classroom space by pronouncing their religious affiliation through their dress and subsequently expelled from school or otherwise penalized. While the State Council (*Conseil d'État*) responded to the issue by advising schools to deal with the affairs on a case-by-case basis, tensions continued to escalate, rendering the *voile* affairs an important part of the cultural landscape during Chirac's presidency.<sup>72</sup> As Joan Wallach Scott argues in her book *The Politics of the Veil*, the *voile* became a two-pronged symbol representing both the "problem of Islam" and the presence of an entire Arab/North African/Muslim population that France was struggling to integrate.<sup>73</sup> While the principle of *laïcité* was cited in defense of arguments against the *voile*, the issue reached far beyond the religious realm into issues such as immigrant integration, poverty, and racism. Republican critics increasingly denounced the veil as a symbol of gender inequality in Islam, as *laïcité* simultaneously became a referent for arguments based on gender equality, thus intertwining the anti-veil agenda with certain strains of French feminism. In other words, the *voile* affairs "exposed the crisis the nation was confronting: how to reconcile an increasingly

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<sup>71</sup> Scott, *The Politics of the Veil*, 21.

<sup>72</sup> *Ibid.*, 24-25.

<sup>73</sup> *Ibid.*, 21, 26.

multicultural population with a universalism that precluded the recognition of cultural and social differences.”<sup>74</sup>

In this chapter I elucidate the ways in which *laïcité* was mobilized against the veil by serving as a defense of the Republican school and through its equation with gender equality. First I look at the State’s response to the veil affairs through the Stasi Commission and the 2004 law, explaining how these governmental actions aimed to maintain the Republican social order based on universalism by legally mandating the removal of signs of Muslim religiosity from public spaces. In the second section I consider how gender became implicated in discourse surrounding the veil in a way that deceptively equated *laïcité* with gender equality and Islam with gender inequality. I then draw our attention to the school, explaining how, despite its intention of reinforcing the neutrality of this Republican social pillar, the 2004 law actually undermined the public education system. Finally, I return to the question of gender insofar as the *voile* affairs generated feminist responses both against and in support of the wearing of the veil. This section demonstrates how anti-*voile* feminisms are rooted in orientalist attitudes that inaccurately reduce the veil to a symbol of oppression and inadvertently reproduce social differences through racism.

One of the key documents examined in this chapter is the Stasi Report published in 2004 by the Stasi commission, which was established by President Chirac in order to reflect on the application of the principle of *laïcité* in light of the ever-increasing tensions surrounding the place of the *voile* in public schools.<sup>75</sup> Presided over by Bernard Stasi, Chirac tasked the commission to “give the most concrete sense to the demands implied by the principle of *laïcité*: the neutrality of public services, respect for pluralism, religious freedom, freedom of expression, but also the strengthening of cohesion and fraternity among citizens, equal opportunities, the

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<sup>74</sup> Ibid., 23.

<sup>75</sup> Stasi, Rapport de la commission de réflexion sur l’application du principe de laïcité dans la République.



refusal of discrimination, gender equality, and the dignity of women.”<sup>76</sup> The commission’s undertaking was couched in the language of *laïcité* but was in fact much broader and referenced “the difficulties of integration of those who arrived on the national territory over the course of these past decades [read: Muslims and those of Arab descent].”<sup>77</sup> Though *laïcité* was the primary matter at hand, the commission’s discussions also brought in sociological issues insofar as the religious identity of these immigrants was perceived as precluding their social integration and resulted in “[poor] living conditions in numerous suburbs (*banlieues*) of our cities, unemployment, the sentiment felt by many of those who live on our territory to be the object of discriminations, namely to be pushed out of the national community, [which] explain[s] [...why] they lend a kind ear to those who incite them to fight what they call the values of the Republic.”<sup>78</sup>

In the eyes of Republican traditionalists, “immigrants” (a word signifying all those of Arab/North African origin, even those who are French citizens or were born and raised in France) posed a threat to the Republican social order and national unity by introducing unfamiliar social differences that diverged from traditional French culture. The role of the commission, then, was to determine how to deal with the differences of this ethno-religious minority that were threatening the unity of French society. This resulted in the ultimate passing of a law in January 2004 that prohibited “the wearing of a conspicuous religious sign—large

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<sup>76</sup> Ibid., 7. Original text: “donner le sens le plus concret aux exigences qu’implique le principe de laïcité : la neutralité du service public, le respect du pluralisme, la liberté religieuse, la liberté d’expression, mais aussi le renforcement de la cohésion et de la fraternité entre les citoyens, l’égalité des chances, le refus des discriminations, l’égalité entre les sexes et la dignité de la femme.”

<sup>77</sup> Ibid., 12. Original text: “Les difficultés de l’intégration de ceux qui sont arrivés sur le territoire national au cours de ces dernières décennies...”

<sup>78</sup> Ibid., 12-13. Original text: “...les conditions de vie dans de nombreuses banlieues de nos villes, le chômage, le sentiment éprouvé par beaucoup de ceux qui habitent sur notre territoire d’être l’objet de discriminations, voire d’être boutés hors de la communauté nationale, expliquent qu’ils prêtent une oreille bienveillante à ceux qui les incitent à combattre ce que nous appelons les valeurs de la République.”

cross, yarmulke, or veil,” in public schools and for public functionaries.<sup>79</sup> As Scott asserts, “the headscarf ban became a definitive pronouncement: there would no longer be compromises or mediation—it was either Islam or the republic.”<sup>80</sup> The Stasi Commission was thus the creator of a law that promoted the erasure of religious difference, specifically of Muslims, from public space. This effort sought to maintain national unity, but it came at the expense of religious freedom.

### **Laïcité and the Maintenance of Social Order**

*Laïcité* is a key principle in ensuring universalism, that is, the basis of the Republican social order. Following the definition of Republicanism that we have seen in Chapter 1, removing visible displays of difference such as the headscarf from public spaces allows these spaces to become neutral, creating a harmonious civil society which thrives through unity. The Stasi commission reaffirmed this principle in their report which reads: “Our political philosophy was founded on the defense of the unity of the social body. This concern for uniformity outweighed any expression of difference perceived as menacing[...] *Laïcité* today is being challenged to forge unity while respecting the diversity of society.”<sup>81</sup> However, that unity is achieved at the expense of erasure. Rather than promoting tolerance or acceptance of the heterogenization of French society, a stance which may have allowed *laïcité* to be “understood as a platform for the negotiation of difference instead of as its erasure,” the government ultimately

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<sup>79</sup> Ibid., 90. Original text: “...le port d’un signe religieux ostensible—grande croix, kippa ou voile.”

<sup>80</sup> Scott, *The Politics of the Veil*, 35.

<sup>81</sup> Stasi, Rapport de la commission de réflexion sur l’application du principe de laïcité dans la République, 39-40. Original text: “Notre philosophie politique était fondée sur la défense de l’unité du corps social. Ce souci d’uniformité l’emportait sur toute expression de la différence, perçue comme menaçante[...] La laïcité d’aujourd’hui est mise au défi de forger l’unité tout en respectant la diversité de la société.”

took a strong stand against headscarves.<sup>82</sup> This exclusionary position reveals the French government's continued attachment to universalism via the suppression of the private sphere, and adherence to this principle has arguably become even stronger now that the private sphere indicates not only Christianity and Judaism, but a newer French religion—Islam. The government's hardline approach shows its inability to adapt to the nation's demographic changes in a way that ensures equality, and its tendency to stubbornly insist on the applicability of historic principles in the face of novel situations that were not foreseen at the time of their conception. By failing to adjust or even critically (re)consider the meaning and implementation of universalism and the function of the school in a significantly less homogeneous France, the 2004 law fails to address the problem it set out to solve.

In the context of an increasingly multicultural France, with a large Muslim and Arab/North African population, tensions emerged “between the definition of France as a nation ‘one and indivisible,’ in which difference was rendered invisible, and the increasing social and cultural diversity of its population.”<sup>83</sup> Despite the fact that there were fewer than 1500 Muslim schoolgirls wearing the *voile*,<sup>84</sup> it became a powerful symbol of “otherness” precisely because it was so visible and reinforced the image of the oppressed Muslim woman. This visual assertion of otherness lent itself to the generation of a presumed “homogeneous and dangerous ‘other’ [which] secured a mythic vision of the French republic, one and indivisible.”<sup>85</sup> Here the *voile* designates not only a religious group, but “a much larger population, a whole ‘culture’ at odds with French norms and values. The symbolism of the veil reduces differences of ethnicity, geographic origin, and religion to a singular entity, a ‘culture’ that stands in opposition to

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<sup>82</sup> Scott, *The Politics of the Veil*, 104.

<sup>83</sup> *Ibid.*, 29.

<sup>84</sup> Kuru, *Secularism and State Policies Toward Religion*, 105.

<sup>85</sup> Scott, *The Politics of the Veil*, 10.

another singular entity, republican France.”<sup>86</sup> The cementation of “the Muslim” as a singular entity in the French imagination reinforced *laïcité* as an exceptional and monolithic principle that is the opposite of Islam. Baubérot challenges this depiction by conceptualizing *laïcité* instead as “a dynamic process in constant interaction with sociopolitical conditions.”<sup>87</sup> In the context of a now multicultural France, *laïcité* was, as Baubérot suggests, not an idle principle, but a tool used to advance assimilationist policies. Furthermore, this period witnessed the attachment of gender equality to the meaning of *laïcité* for the first time in the term’s history, allowing Republicans to denounce Islam and uphold *laïcité* on these grounds. As I discuss later in this chapter, this change in the meaning of *laïcité* shows how the principle is not as stable as Republicans believe, but was in fact redefined in contrast to Islam as Islam became progressively more rooted in French society.

Though repeatedly described with reverence in the Stasi Commission report and among the French population at large, the inability to reimagine the modern function of *laïcité* marks a fundamental shortcoming of the government’s interpretation of this “cornerstone of the republican pact.”<sup>88</sup> Rather than, as Baubérot advocated, treating *laïcité* as a dynamic process in constant interaction with sociopolitical conditions,<sup>89</sup> the Stasi commission responded with a knee-jerk, nationalistic reaction that insisted on the absolute and uncompromising nature of French *laïcité*. Replete with rigid claims that *laïcité* is a “hexagonal particularity,”<sup>90</sup> the Stasi Report is a perfect example of the way *laïcité* has been written into history in a way that makes its meaning appear more concrete than it is. Indeed, in his *lettre de mission* to the commission,

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<sup>86</sup> Ibid., 17.

<sup>87</sup> Kuru, *Secularism and State Policies Toward Religion*, 117.

<sup>88</sup> Stasi, Rapport de la commission de réflexion sur l’application du principe de laïcité dans la République, 39-40. Original text: “...pierre angulaire du pacte républicain...”

<sup>89</sup> Baubérot, “Cultural Transfer and National Identity in French Laicity,” 17.

<sup>90</sup> Stasi, Rapport de la commission de réflexion sur l’application du principe de laïcité dans la République, 71. Original text: “une particularité hexagonale,” where “hexagonale” can be alternatively translated as “French.”

Chirac identifies both the Constitution (of the Fifth Republic) and the 1905 law in order to underscore the importance of *laïcité*, which he refers to as “the fruit of a long historic tradition” and as a principle which is “deeply rooted in our institutions.”<sup>91</sup> Additionally, the Stasi Report affirms that “the law of 1905 must remain the foundation (*le socle*) of ‘living together’ (*vivre ensemble*) in France.”<sup>92</sup> As Bowen notes, however, and as I have demonstrated in Chapter 1, this concreteness is misplaced in that it ignores the lack of a stable definition of *laïcité* throughout history as well as the long history of concessions made to the Catholic Church which in effect undermine the validity of these claims. Instead, all that exists is “a series of debates, laws, and multiple efforts to assert claims over public space.”<sup>93</sup> Politicians invoked *laïcité* as a historical entity even though no such thing existed and “no easy deductions of new laws from old principles were possible. What ensued were tempestuous debates about what *laïcité should* be and how Muslims *ought* to act, not in light of a firm legal and cultural framework, but in light of a disappearing sense of certitude about what France was, is, and will be.”<sup>94</sup>

Baubérot argues that this misplaced certitude among those who defend French exceptionalism is due to *laïcité*'s present importance in the definition of French identity.<sup>95</sup> Presented as an unquestionable and immutable component of French Republican identity, those who wore headscarves were seen as rejecting this crucial component of French culture and negating the legacy of French history by refusing to be seen as anonymous, abstract individuals in the public sphere. To the extent that *laïcité* is “changing from a process to a movement,” and from a principle at the institutional level to a matter of identity, “[it] is becoming a hegemonic

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<sup>91</sup> Stasi, Rapport de la commission de réflexion sur l'application du principe de laïcité dans la République, 5. Original text: “le fruit d’une longue tradition historique” and “elle [la laïcité] s’est profondément enracinée dans nos institutions.”

<sup>92</sup> Ibid., 111. Original text: “La loi de 1905 doit rester un socle du vivre ensemble en France.”

<sup>93</sup> Bowen, *Why the French Don't Like Headscarves*, 33.

<sup>94</sup> Ibid.

<sup>95</sup> Baubérot, “Cultural Transfer and National Identity in French Laicity,” 17.

reality.”<sup>96</sup> Women and girls wearing the *voile*, as well as the Franco-Arab population in general, were met with what can be considered militant secularism aimed at maintaining social order by suppressing differences. This militant secularism was “conceived as the truth of French national identity rather than as the ground on which such identity could be negotiated.”<sup>97</sup> By the simple act of wearing headscarves, “immigrants” were seen as inherently resisting integration and favoring communal ties over French nationalism. Those who supported a law banning headscarves called themselves “apostles of secularism,” a title which highlights the importance of *laïcité* as a French identity marker.<sup>98</sup> The Stasi Report reaffirms the importance of *laïcité* to national identity, declaring: “[*Laïcité*] supposes a dynamic intellectual attitude, opposite to the lazy posture of simple neutrality. It is a problem which goes above spiritual and religious questions because it concerns society in all its components. *Laïcité* thus affects national identity [and] the cohesion of the social body...” which is the basis for French social order.<sup>99</sup> The centrality of *laïcité* to French identity and the perceived resistance posed by French Muslims, specifically French Muslim women and girls, made it a threat to social order and hence the grounds for debates and the passing of new laws intended to protect French Republicanism. Protecting Republicanism, then, was a matter of controlling not just Muslim identities, but Muslim *women’s* identities. In this context, *laïcité* became a method of controlling Muslim women’s very existence in public space, a way for the Republic to stipulate what was and was

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<sup>96</sup> Baubérot, “Secularism and French Religious Liberty: A Sociological and Historical View,” *BYU Law Review* (2003): 458. <https://digitalcommons.law.byu.edu/lawreview/vol2003/iss2/1>.

<sup>97</sup> Scott, *The Politics of the Veil*, 120.

<sup>98</sup> *Ibid.*, 97.

<sup>99</sup> Stasi, Rapport de la commission de réflexion sur l’application du principe de laïcité dans la République, 78. Original text: “Il [le principe laïque] suppose une attitude intellectuelle dynamique, à l’opposé de la posture paresseuse de la simple neutralité. C’est un problème qui va au-delà de la question spirituelle et religieuses car elle concerne la société dans toutes ses composantes. La laïcité touche ainsi à l’identité nationale, à la cohésion du corps social...”

not acceptable in a Republican society whose social order rests on the maintenance of homogeneity.

### **The Conflation of *Laïcité* and Gender Equality**

In addition to the defense of the 2004 law on the basis of the neutrality of schools, sexual equality and women's rights formed another major argument against the *voile*. For supporters of the law, the *voile* was seen as a tool of the patriarchy and a visible manifestation of women's submission to this social hierarchy. In the reports of both commissions tasked with evaluating the role of *laïcité*—the Stasi commission and the National Assembly's commission presided by Jean-Louis Debré—the *voile* is described as a harmful symbol of the subjugation of women who should instead be empowered through the Republic by experiencing true liberty at school. True liberty, the reports argued, could only be attained by removing the *voile*, a sign of oppression. The *voile* “cannot be reduced to a simple sign of religious belonging,” states the Debré report. “It often conveys, if it is not always the case, a political will to assert a difference and, perhaps even more, a certain idea of the image and of the place of women in society.”<sup>100</sup> In the Stasi report, numerous references suggested that *laïcité* was closely tied to gender equality. For example, the Stasi Report asserts: “Today, *laïcité* cannot be conceived without a direct link with the principle of equality between the sexes.”<sup>101</sup> If this assertion is to hold any truth, the word “today” is imperative, as Scott points out that “gender equality did not become a primordial value for French politicians until this century and then only in contrast to Islam.”<sup>102</sup> Just as Muslims are

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<sup>100</sup> Jean-Louis Debré. *La Laïcité à l'école* (Odile Jacob, 2004), 8. Original text: “[Le voile] ne peut être réduit à un simple signe d'appartenance religieuse. Il véhicule souvent, si ce n'est toujours, une volonté politique d'affirmation d'une différence et, peut-être plus encore, une certaine idée de l'image et de la place des femmes dans la société.”

<sup>101</sup> Stasi, Rapport de la commission de réflexion sur l'application du principe de laïcité dans la République, 114.

Original text: “Aujourd'hui, la laïcité ne peut être conçue sans lien direct avec le principe d'égalité entre les sexes.”

<sup>102</sup> Scott, *Sex and Secularism*, 16.

viewed as being so inextricably linked to a religious identity that precludes their abstraction and thus their integration, until about seventy-five years ago, women too were believed to be so tied to their sex that they were incapable of abstraction and thus they were not citizens and could not vote. One has only to recall the 1880 Ferry law on girls' education to see how *laïcité* was once in fact based on the *inequality* of the sexes. But why were women seen as incapable of abstraction and individualism whilst men were? Taking a look at the France's journey towards gender equality will help us to better contextualize the modern emphasis on French Muslim women.

According to the values of French Republicanism, one must be an abstract individual in order to merit citizenship. The French concept of universalism stems from here, as all individuals, abstracted from their external ties, become all alike and equal, thus forming a unified society. But “was the sameness of individuals an effect of the law’s abstraction or a prerequisite for it? Could the law’s abstraction override the dictates of nature—” i.e. women’s innate differences from men?<sup>103</sup> Until the mid-twentieth century, Republicans answered this question with a firm “no.” Women were not autonomous, and thus were not able to be dissociated from the group constituted by their sex, making them, by definition, not individuals and so not worthy of citizenship. Scott explains how men were differentiated by their “ability to reason and contemplate, [which] distinguishes them from women, whose bodies interfere with access to higher thought. ‘The internal influence continually recalls women to their sex,’ wrote a French scientist echoing Jean-Jacques Rousseau, ‘the male is male only at certain moments, but the female is female throughout her life.’”<sup>104</sup> This logic served to legitimate the denial of female suffrage until 1945. Women could not be citizens because their sex inherently differentiated them from men, who were not tied to their sex and therefore were true individuals. In order for

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<sup>103</sup> Ibid., 91.

<sup>104</sup> Ibid., 92.



women to become citizens, a new logic had to be derived whereby the universal citizen was regarded as either male or female, but this difference was simply noted rather than ranked—the two sexes could at once be different and equal.<sup>105</sup> This argument is of course paradoxical in its attempt to reassert universalism while simultaneously acknowledging inherent differences—precisely that which universalism claims does not exist.

While nineteenth and twentieth century feminists were sure to frame their ideas in Republican terms, arguing “for equality for all citizens, [and] not that men and women differ in an essential way nor that women as a class should have collective rights,” this logic does not hold up against the idea of universalism.<sup>106</sup> When women were enfranchised in 1945, it was not as individuals that they received the right to vote, but as a particular group—a development seemingly contrary to Republican logic.<sup>107</sup> Nevertheless, France later passed an electoral parity law in 2002 that set quotas for the number of women who must be included on parties’ electoral lists. This law was once again defended from a universalist approach.<sup>108</sup> However, any universalist defense of policies directed towards *women as a group* is paradoxical. Since proponents of the electoral parity law were “invoking ‘women’ as a political category in order to achieve equality,” they highlighted difference and not unity.<sup>109</sup> Despite these lapses, women’s journey from disenfranchisement to being accepted as full citizens lays a potential path for other groups that are not necessarily disenfranchised, but are demanding social and legal recognition, only to be denounced as communalist and raising up unnecessary differences, making it their fault that they have not been integrated into French society.<sup>110</sup> Just as women were once not

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<sup>105</sup> Marcel Gauchet cited in Bowen, *Why the French Don’t Like Headscarves*, 219-220.

<sup>106</sup> Bowen, *Why the French Don’t Like Headscarves*, 218.

<sup>107</sup> Scott, *The Politics of the Veil*, 169.

<sup>108</sup> Bowen, *Why the French Don’t Like Headscarves*, 219.

<sup>109</sup> *Ibid.*

<sup>110</sup> Scott, *The Politics of the Veil*, 118.

considered individuals, French Muslims, especially women, now find themselves in this position, believed to be so bound to their religion that they are not abstract. Unlike the historical movement for women's rights, however, where their sex was seen as a natural difference, Muslims introduce an "'unnatural' difference" that, if recognized by the State, "will rend the social fabric and weaken the body of the nation," making their integration much more difficult to envision.<sup>111</sup>

Despite France's own history of gender *inequality*, modern claims that "equality between the sexes and the dignity of women" is a "requirement [*exigence*] implied by the principle of *laïcité*" override historical truths.<sup>112</sup> The conflation of *laïcité* and gender equality enabled feminists and Republicans to decry veiling as a practice of fundamentalist and political Islam, framing those who wear the *voile* as victims of familial and social pressures, forced to wear the *voile* against their will. The Republic then charges itself with an emancipatory mission to save these girls from "suffering and humiliation" by maintaining, for the sake of these girls, the secular school as "a place of liberty and emancipation."<sup>113</sup>

However, the emphasis placed on gender equality as a foundational value of the Republic glosses over not only the nation's own long journey towards gender equality, but also the inequalities that still exist in French society. Sexual equality, like *laïcité*, is not immutable. The Stasi Report's declaration that "The Republic cannot remain deaf to the cry of distress of these young [scarved Muslim] girls" reveals not concerns regarding sexual equality, but a desire to recolonize the former colonial subject articulated in sexist terms.<sup>114</sup> In this narrative, the modern

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<sup>111</sup> Ibid.

<sup>112</sup> Stasi, Rapport de la commission de réflexion sur l'application du principe de laïcité dans la République, 7. Original text: "La commission travaillera en s'attachant à donner le sens le plus concret aux exigences qu'implique le principe de laïcité : [...] l'égalité entre les sexes et la dignité de la femme."

<sup>113</sup> Ibid., 128. Original text: "L'espace scolaire doit rester pour elles un lieu de liberté et d'émancipation, il ne doit pas devenir un lieu de souffrance et d'humiliation."

<sup>114</sup> Ibid., 128. Original text: "La République ne peut rester sourde au cri de détresse de ces jeunes filles."

French Republic becomes a sort of almighty savior to the helpless Arab girl who is oppressed by the weight of tradition. This process exemplifies Western cultural hegemony that began during the colonial era and continues as the Republic frames veiled women as victims who need to be saved from their “culture” by the white Republican emancipator. These politicians demonstrated an extreme oversimplification of the “Islam problem” by understanding the conflict as binary, pitting Islam and Arab culture in total opposition to *laïque* French society. The former was painted as a symbol of oppressive traditionalism that contrasted with the modern freedoms guaranteed by the Republic. As gender equality was increasingly perceived as consubstantial with *laïcité*, it took on a mythical and foundational status that bolstered *laïcité*'s attack on Islam. As Scott explains, the attribution of *laïcité* to the “enduring quality” of gender equality, even though categorizing gender equality as an “enduring quality” is misleading, “gives it [*laïcité*] something of a religious aspect, as fundamentalist as the Islam to which it is counterposed.”<sup>115</sup> As Scott's argument puts forth, gender equality emerged as an integral French value from the process of reaction against the perceived inequality among French Muslims.

In fact, Scott points out the hypocrisy of the response that invoked gender equality as an inherent characteristic of *laïcité* given that, in reality, “gender *inequality* was fundamental to the articulation of the separation of church and state that inaugurated Western modernity [emphasis mine].”<sup>116</sup> A predisposition to glorifying all things French, however, led to a defensive insistence on the equality modern French society had managed to attain. “Concern with gender inequality,” therefore, was “limited to Muslims and[...did] not extend to French[...] practices that also permit the subordination of women. It is as if patriarchy were a uniquely Islamic

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<sup>115</sup> Scott, *Sex and Secularism*, 14-15.

<sup>116</sup> *Ibid.*, 3.

phenomenon!”<sup>117</sup> The feminist debate surrounding the headscarf was thus pared down to an overly-simplistic argument that Republican France represented all things modern and emancipatory whilst Islam and, by proxy, the entire “immigrant” culture, represented the exact opposite. Though not stated in these terms, advocates for the law banning the headscarf believed that Muslim women could be emancipated only through this forced assimilation to Republican values that effectively erased all “non-European” aspects of their identity. Interestingly, there was a sizeable group that did *not* support the law, not because they believed in women’s right to wear the *voile*, but because they believed that refusing these girls from public schools would serve to worsen their oppression. These individuals believed that welcoming scarved girls in public schools would lead to a sort of Republican indoctrination that would grant them the liberty necessary to remove their scarves. Education, they believed, would instill a sense of individualism in Muslim girls that would enable them to remove the shackles of religion and culture on their own. While this point of view is still rooted in sexism, it recalls the historical function of public education as a tool for integrating children from all regions across the nation into one national culture. It is helpful to recall this history, and consider its stability, in order to contextualize the school’s new job of integrating French children from various religious backgrounds.

### ***Laïcité* and the School: Removing the Veil from the Republican Sanctuary**

Since the Third Republic made the secular school into a revered, quasi-sacred institution of the Republic, it has retained its cultural currency, being called a “Republican sanctuary” by President Chirac.<sup>118</sup> French historian Yvan Gastaut uses strong words in declaring “it is by the

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<sup>117</sup> Scott, *The Politics of the Veil*, 4.

<sup>118</sup> Chirac cited in Bowen, *Why the French Don’t Like Headscarves*, 157.

school that the Republic began, it is at the school that it is taught, it is the school that illustrates and promotes it.”<sup>119</sup> Reiterated countless times in political speeches, governmental reports and the like, this message has become a Republican truism. With such emphasis placed on the secular school as the foundation of citizen-building and the instruction of Republican values, anything that threatens the integrity of the school system is in effect a threat to the entire Republic. This exact claim has been made in modern debates on the *laïc* nature of public schools, including a 1989 petition against the wearing of the Islamic headscarf in public schools, which stated that “the Republic has the School as a foundation. This is why the destruction of the School would precipitate that of the Republic.”<sup>120</sup> It emerges, then, that the private school is the adversary of the secular school, and “the idea of the private [religious] school[...] ought to trouble the Republican consciousness.”<sup>121</sup> However, private schools are and have historically been subsidized by the State.

The most common point of reference for this rapprochement between the State and private schools is the Debré law of 1959, which offered private schools the opportunity to enter into a contract with the State in order to receive federal funding.<sup>122</sup> Named after General de Gaulle’s Prime Minister Michel Debré, this law aimed to put an end to the “*guerre scolaire*” (educational war) between private and public education that came to a head after WWII due to substantial population growth that overwhelmed the school system and the financial difficulties

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<sup>119</sup> Yvan Gastaut, “L’islam français est-il soluble dans la laïcité?,” *L’Histoire* 289 (July-August 2004): 96. <https://www.lhistoire.fr/lislam-fran%C3%A7ais-est-il-soluble-dans-la-la%C3%AFcit%C3%A9>. Original text: “c’est par l’école que la république a commencé, c’est à l’école qu’elle est enseignée, c’est l’école qui l’illustre et la promeut.”

<sup>120</sup> Elisabeth Badinter, Régis Debray, Alain Finkielkraut, Elisabeth de Fontenay, and Catherine Kintzler, “Profes, ne capitulons pas!,” *Le Nouvel Observateur*, November 2, 1989. Original text: “la République a pour fondement l’École. C’est pourquoi la destruction de l’École précipiterait celle de la République.”

<sup>121</sup> Bowen, *Why the French Don’t Like Headscarves*, 12.

<sup>122</sup> Not to be confused with Jean-Louis Debré, the presider of the 2004 National Assembly commission that evaluated the role of *laïcité* in modern France and published *La Laïcité à l’école*. See page 40.

encountered by private schools, which were almost entirely Catholic.<sup>123</sup> The law granted these establishments the right to maintain their “particular character” (*caractère propre*), or their religious character, while stipulating that this education must be given “with full respect for freedom of conscience. All children, without distinction of origin, opinions, or belief, will have access to it.”<sup>124</sup> This law was a concession to religious students and families, offering a State-sponsored option to receive religious education under a new system that, in theory, taught the same curriculum as public schools. In an address to the National Assembly, Debré asserted that private education, too, could be considered a public service, and that “we must judge this fact with a modern spirit” because the State is no longer battling religion for political control as it was at the end of the nineteenth century.<sup>125</sup> “It should be recognized, in this century, for our generations,” he added, “that it is perfectly acceptable that a part of education should remain in the hands of teachers who, by their religion, undoubtedly have a special character but who nevertheless have the right to participate in the public service of national education.”<sup>126</sup>

Despite the neutral wording of this law, in practice it undermined public education by defending the right to elect to attend private schools, or to divide socially based on religious belief. This practice can be seen as a manifestation of “communalism—” the French term used to

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<sup>123</sup> La Croix, “Cinquante ans après la loi Debré, la guerre scolaire s'est apaisée,” *La Croix*, December 15, 2009, [https://www.la-croix.com/Famille/Parents-Enfants/Dossiers/Education-et-Valeurs/A-l-ecole/Cinquante-ans-apres-la-loi-Debre-la-guerre-scolaire-s-est-apaisee-\\_NP\\_-2009-12-15-570368](https://www.la-croix.com/Famille/Parents-Enfants/Dossiers/Education-et-Valeurs/A-l-ecole/Cinquante-ans-apres-la-loi-Debre-la-guerre-scolaire-s-est-apaisee-_NP_-2009-12-15-570368).

<sup>124</sup> *Legifrance*, “Loi n°59-1557 du 31 décembre 1959 sur les rapports entre l'Etat et les établissements d'enseignement privés,” <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000693420>. Original text: “L'établissement, tout en conservant son caractère propre, doit donner cet enseignement dans le respect total de la liberté de conscience. Tous les enfants sans distinction d'origine, d'opinions ou de croyance, y ont accès.”

<sup>125</sup> Assemblée nationale, “Michel Debré (1959): L'aide à l'enseignement privé (23 décembre 1959),” <http://www2.assemblee-nationale.fr/decouvrir-l-assemblee/histoire/grands-discours-parlementaires/michel-debre-23-decembre-1959>. Original text: “Nous devons juger ce fait avec un esprit moderne.”

<sup>126</sup> *Ibid.* Original text: “Il convient de reconnaître, en notre siècle, pour nos générations, qu'il est parfaitement admissible qu'une part de l'enseignement puisse demeurer entre les mains de maîtres qui, par leur religion, ont sans doute un caractère particulier mais qui n'en ont pas moins des titres à participer au service public de l'éducation nationale.”

designate societal divisions based on religion, ethnicity, or other particularistic characteristics. According to Republican thought, “communalism” is problematic because it makes the nation into a collection of various groups, thereby dismantling the vision of France as one unified national community. In the context of education, Republicans denounce and seek to eliminate communalism through the public school’s emphasis on oneness and integration. Since private schools were and still are almost entirely Catholic (though a small number of Jewish schools exist), this law served to bolster the Catholic education system, making France at once *laïc* and imbued with Catholic influence that makes up the nation’s heritage. Government support for religious education did not, however, extend to Islam as it rose to its current position as the second largest religion in France, and there are today only a few Muslim schools in all of France. This shows how the Debré law not only undermined the principle of *laïcité*, but also contributed to the formation of a sort of Catholic-*laïcité* whereby Catholicism obtained a preferential stature vis-à-vis other religions in France.

The powerful presence of conservative *laïcité* was visible once again in 1984 when President Mitterrand proposed a law aimed at creating “a large, unified, and *laïque* public service of national education” that would integrate private schools into the public school system.<sup>127</sup> The proposition was met by massive demonstrations defending *l’école libre* which led to the abandonment of the project.<sup>128</sup> In this event we see a recoil of aggressive Republican secularization, which champions the public school, and a victory of the conservative, Catholic political Right. Private education remains prominent today with over 2 million children attending State-supported Catholic schools, showing how the Catholic Church has maintained its cultural

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<sup>127</sup> Parti Socialiste, “110 propositions pour la France,” *Le Monde diplomatique*, August 1, 2012, <https://www.monde-diplomatique.fr/mav/124/A/51865>. Original text: “Un grand service public, unifié et laïque de l’éducation nationale.”

<sup>128</sup> Scott. *The Politics of the Veil*, 100.

significance in French society. The strong and sustained presence of private Catholic education suggests that some particularities are acceptable (Christianity) while others, such as Islam, lacking the government resources awarded to Catholics, are not. This hypocrisy became apparent as the *voile* affairs raised questions about *laïcité* in schools and the possibility of private Muslim education.

Another example of the hegemonic and insidious nature of French Catholic-*laïcité* is the maintenance of a school calendar that aligns with Catholic holidays. With such high importance placed on the school as a neutral space of citizen-building, it is notable that public schools continue to uphold Christian holidays, with no school on Saturdays and Sundays, winter break falling on Christmas, spring break on Easter, etc. When the Stasi Commission proposed the addition of a Jewish and a Muslim holiday to the school calendar, the suggestion was rejected by President Chirac on the grounds that it would “encourage religious ‘communalism’ in otherwise secular schools.”<sup>129</sup> This shows how the French government has repeatedly upheld a double standard between Catholicism and France’s other religions. Since Catholic holidays were part of the school calendar since the advent of public education, to continue observing school breaks during these holidays is deemed “neutral,” as this Catholic heritage is what French culture is built upon. Recognizing other religious holidays, however, would threaten the very grounds upon which public education stands by allowing religion to invade the sacred *laïc* space. This example demonstrates how “*laïcité* has become a consensual representation of national identity” in France that, I might add, is also linked with Catholicism.<sup>130</sup> It follows that *laïcité* does not ensure as rigid a separation between Church and State as Republicans claim. The question of the veil in

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<sup>129</sup> Ibid., 101.

<sup>130</sup> Baubérot (2008) cited in Akan, *The Politics of Secularization*, 101.



schools resurfaced discussions on what *laïcité* means in the context of schools and how separate religion must be from this public institution.

The Stasi Report reminds us: “The question of *laïcité* reappeared in 1989 there where it was born in the nineteenth century: in the school.”<sup>131</sup> While the maintenance of Republican social order was the reason for the debates on *laïcité*, the school was the location which sparked the debates because of the historical significance of the school as the site of citizen formation. Since the founding of the French public education system with the Ferry laws in the 1880s, the school has been understood as a place of socialization which shapes children into informed citizens capable of “living together” (*vivre ensemble*) across differences. As the Stasi Report elaborates, the school’s mission “is essential in the Republic. It transmits knowledge, forms the critical mind, assures autonomy, openness to cultural diversity[...] In this way it prepares the citizens of tomorrow to live together within the Republic[...] The school is thus a fundamental institution of the Republic...”<sup>132</sup> With the school framed by Jules Ferry as “the crucible of citizenship, the space of transition from private to public, from family and community to nation,” students were seen as extremely fragile and impressionable.<sup>133</sup> This vulnerable stage was simultaneously the ideal state for shaping Republican citizens and a condition that made them vulnerable to social fragmentation if visible differences existed between them and their fellow classmates. For this reason, the school became seen as a sort of sanctuary from the world, a special haven of citizen formation where differences must be hidden. The Stasi Commission thus

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<sup>131</sup> Stasi, Rapport de la commission de réflexion sur l’application du principe de *laïcité* dans la République, 124. Original text: “La question de la *laïcité* est réapparue en 1989 là où elle est née au XIXe siècle : à l’école.”

<sup>132</sup> Ibid., 124. Original text: “Sa mission est essentielle dans la République. Elle transmet les connaissances, forme à l’esprit critique, assure l’autonomie, l’ouverture à la diversité des cultures[...] Elle prépare ainsi les citoyens de demain amenés à vivre ensemble au sein de la République[...] L’école est ainsi une institution fondamentale de la République...”

<sup>133</sup> Scott, *The Politics of the Veil*, 103.

extrapolated that, “at school, the wearing of a conspicuous religious sign—large cross, kippa, or veil—suffices already to disturb the tranquility of scholarly life.”<sup>134</sup>

It is important to note, however, that although the law technically applied to all conspicuous religious signs, it was clearly targeted at the headscarf. As Scott points out, “nobody until now had worried about Jewish boys wearing skullcaps or Sikhs wearing turbans. The law was applied to them as a kind of afterthought,” thus reinforcing the historical importance placed on female, not male, signs of religiosity.<sup>135</sup> As Scott comments, *voile* affairs therefore incited French Republicans to flip Ferry’s pedagogy on its head. While Ferry defined the goal of the school as “instill[ing] a common republican political identity in children from a diversity of backgrounds,”<sup>136</sup> the Stasi commission claimed that integration was “a *prerequisite* for education, rather than its outcome” while still claiming respect for diversity.<sup>137</sup> The report stated: “without being a sterile environment, the school cannot become an echo chamber of the passions of the world, at the risk of failing at its educative mission”<sup>138</sup> and “the school must not be a shelter from the world, but students must be protected from the ‘fury of the world’: certainly, it is not a sanctuary, but it must favor a distancing from the real world in order to permit learning.”<sup>139</sup>

Though the commission claimed that the school was not a sanctuary, this claim contradicts other political discourse on that nature of the school. For instance, Chirac elsewhere

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<sup>134</sup> Stasi, Rapport de la commission de réflexion sur l’application du principe de laïcité dans la République, 90. Original text: “À l’école, le port d’un signe religieux ostensible—grande croix, kippa ou voile—suffit déjà à troubler la quiétude de la vie scolaire.”

<sup>135</sup> Scott, *The Politics of the Veil*, 106.

<sup>136</sup> *Ibid.*, 99.

<sup>137</sup> *Ibid.*, 103.

<sup>138</sup> Stasi, Rapport de la commission de réflexion sur l’application du principe de laïcité dans la République, 34. Original text: “...sans être une chambre stérile, l’école ne saurait devenir la chambre d’échos des passions du monde, sous peine de faillir à sa mission éducative.”

<sup>139</sup> *Ibid.*, 124. Original text: “L’école ne doit pas être à l’abri du monde, mais les élèves doivent être protégés de la ‘fureur du monde:’ certes, elle n’est pas un sanctuaire, mais elle doit favoriser une mise à distance par rapport au monde réel pour en permettre l’apprentissage.”

referred to the public school as a “Republican sanctuary,” revealing the bumpiness of the commission’s argument as it tried not to sacralize the school.<sup>140</sup> If the school did not enforce policies of uniformity and denial of difference—as it did before the passing of the law, when students were free to wear headscarves in the classroom—the commission feared that identity conflicts would undermine the school’s ability to form a cohesive student body, and hence destabilize the social body at the national level. To the commission, the headscarf could not be accepted as an expression of an individual’s right to freedom of conscience; it was viewed as a radical symbol of proselytism that tarnished the neutral space of the school.<sup>141</sup>

This thought process exemplifies the aforementioned position of the commission that “[*laïcité*] supposes a dynamic intellectual attitude, opposite to the lazy posture of simple neutrality.”<sup>142</sup> Rather than operating on the basis of a neutrality where the State neither encourages the presence of religious signs nor actively works to remove them, French secularism is characteristic of what Ahmet Kuru terms “assertive secularism.” According to this model, the State “actively excludes religion from public life.”<sup>143</sup> In the same vein as Baubérot, Kuru argues that *laïcité* took on this assertive manifestation because of the way the French constitution points to *laïcité* “as an official ideology and identity of the state” as opposed to a matter of individual rights.<sup>144</sup> While American secularism intends to protect the individual’s right to exercise his religion freely, *laïcité* is framed as a policy that protects individuals *from* religion and tradition,

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<sup>140</sup> Chirac cited in Bowen, *Why the French Don’t Like Headscarves*, 157.

<sup>141</sup> Stasi, Rapport de la commission de réflexion sur l’application du principe de laïcité dans la République, 33.

<sup>142</sup> Stasi, Rapport de la commission de réflexion sur l’application du principe de laïcité dans la République, 78. Original text: “Il [le principe laïque] suppose une attitude intellectuelle dynamique, à l’opposé de la posture paresseuse de la simple neutralité.”

<sup>143</sup> Ahmet Kuru, *Secularism and State Policies Toward Religion*, 11.

<sup>144</sup> *Ibid.*, 12.

and which “makes it possible to ensure a common life.”<sup>145</sup> According to Jean-Paul Willaime, traditional *laïcité* in France is so dogmatic that it has almost become a religion.<sup>146</sup>

The greatest irony of the 2004 law was that, despite its justification as a protection of the secular school, it indirectly favored private schools. By banning headscarves in public schools, the law encouraged scarf-wearing girls to seek private education, thus undermining the public education system the law so wanted to reinforce.<sup>147</sup> Instead of forcing the assimilation of “immigrants,” the law paradoxically drove them away from the public school—“the main constitutive institution of *laïcité*.”<sup>148</sup> This turn toward private schools increased social divisions based on religious difference and “reinforce[d] the ‘communalist’ division of society that Republicans denounce.”<sup>149</sup> This demonstrates the stubbornness with which politicians clung to history and failed to consider the possibility of any real structural change in the application or definition of *laïcité* in response to the diversification of French society. Rather than increasing respect for diversity, the law can be understood as a sort of self-indulgent defense of Republican principles. If the Muslim girl would not make herself an abstract individual by coming to school bare-headed, she was not ready or capable of joining French society.

### **Feminist Debates on the *Voile***

Public debates about the *voile* and the 2004 law often centered on the themes of feminism and individualism. Anti-*voile* spokespeople from across the political spectrum (such as Elisabeth Badinter, Fadela Amara, and Yvette Roudy) argued that the *voile* undermined women’s freedom

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<sup>145</sup> Stasi, Rapport de la commission de réflexion sur l’application du principe de laïcité dans la République, 145. Original text: “...elle [la laïcité] permet d’assurer une vie commune...”

<sup>146</sup> Jean-Paul Willaime cited in Kuru, *Secularism and State Policies Toward Religion*, 118.

<sup>147</sup> Baubérot cited in Murat Akan, *The Politics of Secularization*, 115.

<sup>148</sup> Ibid., 115.

<sup>149</sup> Bowen, *Why the French Don’t Like Headscarves*, 13.

and, as such, shows a lack of individual freedom and corresponding strong familial/cultural pressures. A free woman liberated from these burdens, they argued, would never willingly choose to wear the *voile*. On the other side, activists such as Françoise Gaspard and Saïda Kada defended the liberty of conscience of women who wore the *voile* and shed light on the many reasons why a woman might choose to wear it independent of outside pressures. These figures also challenged the idea that feminism and the *voile* were necessarily mutually exclusive by problematizing the dominant view that the “West” embodies ultimate freedom and modernity.

First, we will turn to those who denounced the *voile*. Following the release of the minister of education, Lionel Jospin’s statement in response to the first *voile* affairs in 1989, a group of intellectuals including Elisabeth Badinter released a petition titled “*Profs, ne capitulons pas!*” (“Teachers, let us not give in!”) condemning the wearing of the *voile* in schools.<sup>150</sup> The petition, which took the form of a letter to Jospin, asserted that the *voile* tied students to their roots, thus disturbing the quality of the classroom, whose tranquility was attributed to the abstraction of students from their particularities. This rendered students not individuals capable of making their own decisions, but agents of their parents and their religion, thus calling individualism into question. They wrote: “Students must have the pleasure of forgetting their community of origin and to think about something other than what they are in order to be able to think for themselves.”<sup>151</sup> The petition revealed the fear that social divisions would lead to a feedback loop where these divisions in the school environment would reinforce social divisions in society at large and Muslims would never remove their *voile* and thus never integrate into French society. In their words, when the *voile* was allowed, “each student is constantly taken back to their

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<sup>150</sup> Badinter et al., “Profs, ne capitulons pas!”

<sup>151</sup> Ibid., Original text: “Il faut que les élèves aient le plaisir d’oublier leur communauté d’origine et de penser à autre chose que ce qu’ils sont pour pouvoir penser par eux-mêmes.”

parents, reminded of their condition, bound to their ‘roots:’ it is a school of social predestination.”<sup>152</sup>

Like the two government reports, the petition also framed scarved girls as victims who needed to be liberated, referencing “thousands of young [female] Muslims who are fighting here and there for their dignity and their freedom.”<sup>153</sup> While this referred to Muslims both in France and abroad, it had the effect of overemphasizing the quantity of girls wearing the *voile* in schools, which was estimated at under 1500 students.<sup>154</sup> Tying together the arguments for the loss of agency and individualism amongst women wearing the *voile* and concerns for women’s rights, the petition stated: “Tolerating the Islamic headscarf is not welcoming a free being (in this case a young girl)[...] Instead of offering this young girl a space of freedom, you signify to her that there is no difference between the school and the house of her father. In allowing[...] the Islamic headscarf, symbol of female submission, you give a *carte blanche* to fathers and brothers, that is, to the harshest patriarchy on the planet.”<sup>155</sup> This claim linked the two halves of the argument together, insisting on the intrinsically harmful nature of the *voile*, the religion it stemmed from, and hence the unacceptability of its presence in France.

Another important anti-*voile* voice is that of Muslims in France such as Fadela Amara, founder of the movement *Ni Putes Ni Soumises* (Neither Whores Nor Submissive), a feminist movement formed in 2002 aimed at fighting racism, sexism, and violence against women in France’s suburbs, where many Muslims live. The movement’s intentionally provocative name is

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<sup>152</sup> Ibid., Original text: “...chaque élève est constamment rendu à ses parents, rappelé à sa condition, rivé à ses ‘racines:’ c’est une école de la prédestination sociale.”

<sup>153</sup> Ibid., Original text: “...milliers de jeunes musulmanes qui se battent ici et là pour leur dignité et leur liberté.”

<sup>154</sup> See footnote 86.

<sup>155</sup> Badinter et al., “Profs, ne capitulons pas!” Original text: “Tolérer le foulard islamique, ce n’est pas accueillir un être libre (en l’occurrence une jeune fille)[...] Au lieu d’offrir à cette jeune fille un espace de liberté, vous lui signifiez qu’il n’y a pas de différence entre l’école et la maison de son père. En autorisant[...] le foulard islamique, symbole de la soumission féminine, vous donnez un blanc-seing aux pères et aux frères, c’est-à-dire au patriarcat le plus dur de la planète.”

an acknowledgment of two stereotypes of Muslim/Arab women: one who does not wear the *voile* and is considered a whore by the men in her community, and, on the opposite end, the one who, submissively, wears the *voile* and resigns herself to a domestic life of caring for her father and brothers.<sup>156</sup> As the Stasi report said: “Young men impose on them [Muslim women] to wear covering and asexual outfits, to lower their gaze at the sight of a man; if they fail to comply, they are stigmatized as ‘whores.’”<sup>157</sup> Amara aimed to shatter this idea of the woman as only submissive or a whore by upholding *laïcité* and its corresponding values of gender equality and *mixité* (the social mixing of men and women, considered an essential foundation of French society). In an interview with *NBC News*, Amara said: “I consider, in the case of Muslim women, Islam must adapt itself to modernity.”<sup>158</sup> “You must consider, the veil, for me,” she continued, “is not a religious symbol. It is a symbol of the submission of women in a patriarchal society[...]. The veil is what creates the separation of the sexes [the opposite of *mixité*] and draws the line that separates equality of rights.”

The fact that some Muslim women such as Amara fought against the wearing of the headscarf is worthy of considering more closely, as it suggests their embrace of the notion of the Republic’s “civilizing mission” aimed at ridding immigrants of their archaic religion and culture. In this case, the “civilizing mission” succeeds by convincing the French Arab woman that her true liberty will be attained through assimilation. Amara and those who made up *Ni Putes Ni Soumises*, many of whom had lived under Islamic regimes, believed in “the innate desire of women for emancipation in Western terms[...and believed that] women would not choose the

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<sup>156</sup> Fadela Amara cited in Daniel Strieff, “For women in France’s ghettos, a third option,” *NBC News*, June 7, 2006, [http://www.nbcnews.com/id/12812170/ns/world\\_news-islam\\_in\\_europe/t/women-frances-ghettos-third-option/#.XqJizFNKjdc](http://www.nbcnews.com/id/12812170/ns/world_news-islam_in_europe/t/women-frances-ghettos-third-option/#.XqJizFNKjdc).

<sup>157</sup> Stasi, *Rapport de la commission de réflexion sur l’application du principe de laïcité dans la République*, 102. Original text: “Des jeunes gens leur imposent de porter des tenues couvrantes et asexuées, de baisser le regard à la vue d’un homme; à défaut de s’y conformer, elles sont stigmatisées come ‘putes.’”

<sup>158</sup> Fadela Amara cited in Daneil Strieff, “For women in France’s ghettos, a third option.”

veil unless they were forced to.”<sup>159</sup> These women supported the *voile* ban because “the Islamic veil subjects all of us, Muslim and non-Muslim alike, to an intolerable discrimination against women.”<sup>160</sup> Imbued in the discourse surrounding women’s rights in France, these women of non-French origin assumed feminist positions aligned with those of “native French” feminists. Françoise Vergès, a prominent French political scientist and feminist problematizes traditional, white French feminism in her book *Un féminisme décolonial (A Decolonial Feminism)*. Vergès explains how, according to this traditional feminism,

...the patriarchy is no longer a term associated with a global form of male domination (and therefore also European); it is consubstantial with Islam. European feminists envision themselves not only as the avant-garde of the movement for the rights of women but also as their guarantors. They present themselves as the last front to contain an assault that would come from the South [the Orient] and threaten all women.<sup>161</sup>

Vergès’ characterization of French feminism shows how the old “civilizing mission” is still at work now that Islam has become a major force in modern France. I would add to Vergès’ argument that the Muslim feminists who adopted the views of European feminists were in a sense adopting a colonial attitude towards themselves and other “immigrant” women by envisioning their emancipation in “Western” terms. They worked to show other French Muslims that they, too, could be emancipated from the patriarchal traditions of their culture if they renounced such non-European customs and assimilated to French culture.

Turning to those who defended women’s right to wear the *voile*, the idea of the irreparable conflict between the modern, Western Republic and the archaic traditionalism of Islam arose once

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<sup>159</sup> Scott, *The Politics of the Veil*, 164.

<sup>160</sup> Ibid.

<sup>161</sup> Françoise Vergès, *Un féminisme décolonial* (Paris: La Fabrique éditions, 2019), 70. Original text: “Le patriarcat n’est désormais plus un terme associé à une forme globale de domination masculine (donc aussi européenne); il est consubstantiel à l’Islam. Les féministes européennes s’envisagent non seulement comme l’avant-garde du mouvement pour les droits des femmes mais aussi comme leurs garantes. Elles se présentent comme la dernière ligne de front pour contenir un assaut qui viendrait du Sud et menacerait toutes les femmes.”



again. Scott presents an example of the clashing of these two positions in a January 2004 television debate between Saïda Kada and Elisabeth Badinter, a staunch Republican known for singling out religion as a major force working against women's rights and an author of the "Teachers, let us not give in!" petition against headscarves in schools.<sup>162</sup> Saïda Kada, the veiled Muslim founder of *Femmes françaises et musulmanes engagées* (French Muslim Women in Action) defended the *voile* on the grounds of its status as a religious (and thus personal), rather than political, expression.<sup>163</sup> Kada pointed out the neocolonialism that stood at the base of all arguments against the *voile*. As Scott recounts:

Insisting that the headscarf was not antithetical to women's freedom but in fact represented an individual choice, Kada urged greater understanding of Islam: 'I think today two things are mixed up together [that ought to be separated]: emancipation and Westernization.' An agitated Badinter broke in: 'Rightly so; they are rightly connected to one another.' In her comment there is a fascinating slippage from 'Westerization' to the emancipatory values of republican France and from there, tacitly, to modernity. For Badinter, 'France' is the highest embodiment of the Western and the modern.<sup>164</sup>

This interaction demonstrates the extent to which Republican French feminists (those who considered modernity, the West, and *laïcité* as the keys to women's emancipation) believed that they held the key to liberating women held back by Islam through their superior stature as secular Europeans. Kada, however, problematized Badinter's position (a position that was held by many, even if expressed less explicitly) that was grounded in a neocolonial mentality. The Stasi Report quite openly gave the Republic the role of "colonial savior," stating that "the Republic cannot remain deaf to the cry of distress of these young girls," and thus responded with a law banning the *voile*.<sup>165</sup> This law was built upon the false equation of the West with

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<sup>162</sup> Bowen, *Why the French Don't Like Headscarves*, 221.

<sup>163</sup> Scott, *The Politics of the Veil*, 84.

<sup>164</sup> *Ibid.*, 84-85.

<sup>165</sup> Stasi, Rapport de la commission de réflexion sur l'application du principe de laïcité dans la République, 128. Original text: "La République ne peut rester sourde au cri de détresse de ces jeunes filles."

emancipation that Kada criticized. The law framed those wearing the veil as resistant to modernity and aimed to “Westernize” and “modernize” these women through forced assimilation.

Kada challenged this tendency to assume the supremacy of all things “Western” and French as well as the victimization of those who wore the *voile*, defending it as a symbol of individual devotion rather than something imposed by external forces. Kada tied the two arguments together in the televised debate with Badinter, stating that for her, the *voile* “signified submission only to God, not to men[...] If some men had abused the teachings of the Koran in order to ‘sacralize their domination’ of women, she argued, this was neither the only interpretation of Islamic teaching nor an acceptable one.”<sup>166</sup> Public opinion about Islam was founded on often ill-informed ideas that misrepresented the Muslim faith, and these ideas were perpetuated and reinforced by prominent intellectuals, politicians, and activists who “focused on only the most sexist and archaic interpretations of women’s position [in Islamic teaching...] and presented those as the essential—the only—meaning of it.”<sup>167</sup> While the Stasi report claimed that the *voile* was a symbol that aligned with “the emergence of radical politico-religious movements” in the Muslim world in the 1970s, such a claim ignores the multitude of personal reasons why women may choose to wear the *voile* which have nothing to do with political Islam.<sup>168</sup> This debate shows us how French feminisms often relied on overly reductive understandings of Islam that allowed French women to position themselves as liberators from the gender inequality that they claimed was inherent to Islam.

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<sup>166</sup> Scott, *The Politics of the Veil*, 145.

<sup>167</sup> Ibid.

<sup>168</sup> Stasi, Rapport de la commission de réflexion sur l’application du principe de laïcité dans la République, 125. Original text: “Le port du voile à l’école est un phénomène récent. Affirmé dans le monde musulman dans la décennie 1970 avec l’émergence de mouvements politico-religieux radicaux...”

A study carried out by sociologists Françoise Gaspard and Farhad Khosrokhavar in 1993-1994 (before the *voile* affairs even began), helped shed light on the fallacy of the *voile* as something imposed rather than freely chosen by young women. As Bowen notes, the work of Gaspard and Khosrokhavar consisted of interviewing Muslim women from a variety of backgrounds in an attempt to understand the complex meanings of the *voile* as well as their motives for wearing it. During the study, they failed to find any women with allegiances to political Islamic groups; “to the contrary, all the girls and women emphasized their right to make their own decisions.”<sup>169</sup> Additionally, while study participants cited a variety of reasons for choosing to wear the *voile*, Gaspard and Khosrokhavar found that “young women chose to adopt Islamic dress, including the headscarf, as part of efforts to negotiate a sphere of social freedom and authority and to construct an identity as a Muslim.”<sup>170</sup> The relative weight of these two factors depended on an individual’s age, education, country of origin, and socioeconomic status, making each woman’s situation unique. The veil was thus arguably a means of self-affirmation for the majority of those who wore it, but “here too, we observe a diversity of cases, irreducible to a single identity,” as it was so often portrayed by politicians as a unified “Muslim entity.”<sup>171</sup> Further debunking the idea of a singular type of submissive Muslim girl tied to the religious tradition of her parents and her “cultural roots” was Khosrokhavar’s finding that “the girls who wear the veil don’t belong to the most traditional groups, except for some of them of Turkish or Moroccan origin. Often, in fact, girls wear the veil while their mother had formerly removed

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<sup>169</sup> Bowen, *Why the French Don’t Like Headscarves*, 71.

<sup>170</sup> Ibid.

<sup>171</sup> Farhad Khosrokhavar, “La laïcité française à l’épreuve de l’Islam,” in *La laïcité à l’épreuve: religions et libertés dans le monde*, ed. Jean Baubérot (Universalis, 2004), 45. Original text: “Ici aussi, on observe une diversité de cas, irréductible à une seule identité.”

it.”<sup>172</sup> The opposite of constantly taking students back to their parents, reminding them of their condition, and binding them to their “roots,” as the Stasi report argued, the *voile* was more often an instrument that separated the girl from her parents and led to “an assertion of [...her] self in her own right [separate from the family].”<sup>173</sup> Those who claimed that a law banning the veil would liberate women from Muslim machismo thus relied on a flawed and essentially racist argument that underestimated Muslim women’s agency and reinforced colonial attitudes.

## Conclusion

I have argued in this chapter that the era from 1989 to 2004 witnessed a new invocation of *laïcité* against the veil, a symbol of Islam in France. Gender equality was, for the first time, articulated as an inextricable tenet of *laïcité* in the Stasi Report, paving the way for Republican critiques of the veil as a symbol of Islam’s oppression of women. More than a religious symbol, the veil was positioned in inherent conflict with “enduring” French values, leaving no space for such an unacceptable garment in the Republican sanctuary of the school. The 2004 law forced veil-wearing students to seek private education, thus depriving the public school the opportunity to “free” these girls from their subjugation. A belief in the Republic’s duty to liberate the former colonial subject through indoctrination in French culture is evident in feminist discourse of this time, showing how even arguments for *voile* bans supposedly based on gender equality were in actuality rooted in racism and a sense of Western superiority.

In Chapter 3 I consider an alternative approach to the “Islam problem” that was carried out by Chirac’s Minister of the Interior and presidential successor Nicolas Sarkozy: “*laïcité*

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<sup>172</sup> Ibid. Original text: “Il est intéressant de remarquer que les filles qui se voilent n’appartiennent pas aux groupes les plus traditionnels, sauf pour certaines d’entre elles d’origine turque ou marocaine. Souvent d’ailleurs, des filles portent le foulard alors que leur mère l’avait autrefois ôté.”

<sup>173</sup> Ibid. Original text: “...une affirmation de soi en tant que personne à part entière.”

*positive.*” Distinguishing itself from hardline approaches to Islam, such as the 2004 law, *laïcité positive* attempted to reshape the government’s stance towards religion and Islam given the drastic reshaping of French society over the course of the past few decades. To this end, Sarkozy increased government interaction with Muslim communities by forming a national-level French Council for the Muslim Faith and encouraged the development of a new French attitude towards *laïcité* that respects and celebrates the nation’s multiculturalism. Below the surface, however, I will demonstrate how Sarkozy’s actions actually served to reinforce racism and Islamophobia.

### Chapter 3

#### Sarkozy's "*Laïcité positive*" and the Securitization of Islam under the Guise of Inclusion

In the same year that Chirac established the Stasi Commission, his Minister of the Interior, Nicolas Sarkozy took a different approach to the "Muslim question" by creating a representative body of Muslim leaders in France. Appointed in 2002, Sarkozy took active measures to address the issue of Muslim integration into French society during his first two-year term. Many lauded Sarkozy's efforts, particularly his creation of a central body of Muslim leaders, the French Council of the Muslim Faith, or *Conseil français du culte musulman* (CFCM). However, as I argue, Sarkozy's efforts were dominated by security concerns due to increasing fears of radical and political Islam that had become a central topic in an increasingly right-leaning France. Moreover, I show that these concerns were cloaked in a political philosophy that emphasizes national unity through the abstraction of each individual from religious, ethnic, and other identities, a value that functions through sameness achieved through cultural assimilation.<sup>174</sup> Since the first *voile* affair rendered Islam a central topic of political discussion in 1989, Islam was increasingly viewed as a security threat, a view augmented by Chirac's inflammatory and blatantly intolerant statements throughout his political career, both before and after the headscarf affairs addressed in Chapter 2. Sarkozy was often portrayed as a counterweight to Chirac's unwavering commitment to a conservative interpretation of *laïcité*. Sarkozy's took a more nuanced stance towards *laïcité*, which he laid out in the conception of a new approach that he termed *laïcité positive*. His 2004 book, *The Republic, Religions, and Hope*

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<sup>174</sup> Scott, *The Politics of the Veil*, 118.

(*La République, les religions, l'espérance*), outlines his proposition of a new more open version of *laïcité* that allows individuals of all confessions [*la religion*] to live their faith or hope [*l'espérance*] peacefully while taking part in civil society [*la République*]. Rather than rejecting all governmental interaction with and acknowledgment of religious communities, *laïcité positive* recognized the important role of religion in shaping French citizens, history, and culture, thus allowing faith to become an appropriate topic in public discourse and government engagement.

In what follows, I analyze how Sarkozy's actions and discourse during his first term as Minister of the Interior contributed to the reproduction and intensification of racism and social inequality, thereby rendering Muslim integration into French society more difficult. First, I consider his role and motives in the formation of the CFCM in 2003, the most visible manifestation of his engagement of French Muslims. I then consider the theoretical suppositions that undergirded Sarkozy's actions and discourse, namely communalism and universalism. Finally, I argue that Sarkozy's sustained emphasis on the importance of France's Christian roots, which he considered central to French national identity, prompted the emergence of an increasingly antagonistic *laïcité* that arose as a neocolonial and nationalist response to the presence of those of non-European origin in France, all while grounding French identity in a sort of Catholic-*laïcité*. Essentially, I argue that Sarkozy framed his new *laïcité positive* as a way for France to adapt its understanding of *laïcité* given the context of a now multicultural and increasingly diverse nation. However, the way he goes about implementing *laïcité positive* as Minister of the Interior demonstrates that his primary concern was to gain control over the manifestation of Islam in France and to urge French Muslims to assimilate.

### **French Council of the Muslim Faith: The Embodiment of *Laïcité Positive*?**

As Minister of the Interior, Sarkozy took to heart the part of this position that made him also the *ministre des Cultes*, or minister of religions, and resolved to take an active stance in this portion of his duties as Minister of the Interior. Through his engagement with the religious domain, Sarkozy affronted a social taboo in French society. Previous ministers often neglected the role of *ministre des Cultes* due to their belief that the principle of *laïcité* prevented or at least discouraged their active engagement with religious peoples. On the other hand, Sarkozy argued that involving religious peoples in government discussions was crucial to maintaining national stability, hence proving itself of central relevance to the duties of his ministerial post. He justifies his active stance in his book, saying that his advancement of “...a long-term policy enabling the French to be reconciled with their model of society based on collective adherence to a few essential values [*laïcité* and universalism] and respect for differences, has been added to the function of Minister of Religious Affairs, traditionally entrusted to the Minister of the Interior, to make religious issues one of the important aspects of my activity.”<sup>175</sup>

Many staunch Republicans from both the Left and the Right, however, criticized what they saw as governmental overstepping of the central Republican value of *laïcité* in Sarkozy’s increased attention to this area. For instance, Sarkozy’s advocacy of the French equivalent of affirmative action, or “positive discrimination,” pushed a policy by which the State would aid in areas such as mosque construction and giving additional grants to schools in poorer areas with higher Muslim populations.<sup>176</sup> Jean-Marc Ayrault, president of the Socialist Party (*Parti*

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<sup>175</sup> Nicolas Sarkozy, Thibaud Collin, and Philippe Verdin, *La république, les religions, l’espérance* (Paris : Les Éditions du Cerf, 2004), 10-11. Original text: “...une politique de long terme permettant de réconcilier les Français avec leur modèle de société fondé sur l’adhésion collective à quelques valeurs essentielles et le respect des différences, s’est ajouté à la fonction de ministre des Cultes, traditionnellement confiée au ministre de l’Intérieur, pour faire des questions religieuses un des aspects importants de mon activité.”

<sup>176</sup> Bowen, *Why the French Don’t Like Headscarves*, 105.



*socialiste*) deputies in the National Assembly, attacked Sarkozy's positions, claiming that he was forming a sort of "new 'Concordat'" and that his ideas risked spurring on communalism (*communautarisme*) among Muslims, an idea which I will return to later in this chapter.<sup>177</sup> But what was the CFCM and what were Sarkozy's motivations in creating it?

Most concretely, the CFCM was created under the premise of serving as a national body to advise the government regarding policy decisions, but it was explicitly not intended to "represent Muslims" as a community, as such a purpose would represent "communalism" which is in direct opposition to Republican values.<sup>178</sup> Notably, France's other major religious groups had national-level organizations such as the Catholic Bishop's Conference of France, Protestant Federation of France, and the Jewish Central Consistory; the CFCM intended to add a similar Muslim group to this scene. In *The Republic, Religions, and Hope*, Sarkozy maintains that the creation of the CFCM "was necessary for the future of our country, for the revival of our system of integration which today is broken, to put an end to communalist drifting which feeds on the sentiment of injustice."<sup>179</sup> On a practical level, the CFCM would deal with chaplaincy, Muslim cemetery plot disputes, organizing Mecca pilgrimages, training imams, and organizing the animal sacrifice on the Feast of Sacrifice, among other tasks.<sup>180</sup> On a broader level, the CFCM was intended to make Muslim voices heard in government with the hope of pacifying feelings of exclusion which Sarkozy argued would lead to Muslim communalism, or self-isolation from the

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<sup>177</sup> Ibid., 108. Here Ayrault likened Sarkozy's efforts to aide Muslim integration into French society to a reincarnation of Napoleon Bonaparte's 1801 *Concordat* which linked the Republic with the Catholic Church and rendered the State responsible for appointing bishops and maintaining all churches as elements of French heritage (*patrimoine*), something it still does to this day, despite the 1905 law of separation of Church and State.

<sup>178</sup> Ibid., 59.

<sup>179</sup> Nicolas Sarkozy et al., *La république, les religions, l'espérance*, 65. Original text: "C'était nécessaire pour l'avenir de notre pays, pour la relance de notre système d'intégration aujourd'hui bien en panne, pour mettre un terme aux dérives communautaristes qui se nourrissent du sentiment d'injustice."

<sup>180</sup> Bowen, *Why the French Don't like Headscarves*, 48-49.

larger French populous, a phenomenon that Sarkozy believed would increase radicalization, hence becoming a national security threat.

CFCM membership was drawn from three major preexisting Muslim groups in France: the Grand Mosque of Paris (La Grande mosquée de Paris), the National Federation of French Muslims (Fédération nationale des musulmans de France, FNMF), and the Union of French Islamic Organizations (Union des organisations islamiques de France, UOIF). While most CFCM members were elected by French Muslims around the country, a minority was appointed by the Organization Commission (Commission organisation, COMOR) which led the formation of the CFCM, including the CFCM president and the two vice presidents.<sup>181</sup> The president, Dalil Boubakeur, also president of the Grand Mosque of Paris, was selected because of his ties to the French-Algerian Muslim community, which was seen as the most moderate form of Islam in France. As President of the Grand Mosque of Paris, a monument built and supported by the government, Boubakeur was an easy choice for CFCM president because he was already serving as a sort of intermediary between Islam in France and the French government. The two vice presidents, on the other hand, came from the other two dominant Muslim organizations: Mohamed Bechari from the Moroccan National Federation of French Muslims and Fouad Alaoui from Union of French Islamic Organizations, which has links with the Egyptian Muslim Brotherhood and is partly funded by Saudi Arabia.<sup>182</sup> From the French Republican perspective, both the FNMF and UOIF were viewed as advocating a more extreme version of Islam, especially the UOIF, which rose to prominence during the first *voile* affair in which it defended the scarved schoolgirls.<sup>183</sup> In a nation-wide election that solicited the votes of France's Muslims,

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<sup>181</sup> Ibid., 58.

<sup>182</sup> Robert M. Bosco, *Securing the Sacred* (University of Michigan Press, 2014), 78.

<sup>183</sup> Bowen, *Why the French Don't like Headscarves*, 52.

the latter two groups received the most votes while the remaining CFCM positions, about twenty-five percent, were filled by those whom the government deemed “qualified persons;” namely, those who maintained a more moderate stature and lacked ties to foreign governments.<sup>184</sup> In fact, CFCM president Boubakeur even supported the 2004 law which banned the wearing of the *voile* in public schools!<sup>185</sup> Making the Republican argument that allowing the veil in public school would spur on communalism, Boubakeur has been quoted saying: “I am not in favor of multiculturalism[...] there is only one culture: French culture.”<sup>186</sup> Given his complete embrace of Republican values it is no surprise that the French government judged Boubakeur to be an ideal leader for the CFCM. However, this search for leadership was paradoxical—all those who were willing to be co-opted by the State by becoming members of the CFCM were also the least legitimate in the eyes of French Muslims. That is, these Muslim figures already shared the views of the government, at least to some extent, and were complicit with the government’s strict understanding of *laïcité*, and thus were not truly representative of the majority of the French Muslim population. This trend was also reflected in the voting patterns for the CFCM election, where the majority of elected members came from the FNMF and the UOIF, but the majority of *appointed* members were more “moderate figures,” such as those associated with the Grand Mosque of Paris.<sup>187</sup> In 2003, Prime Minister Jean-Pierre Raffarin even ordered the CFCM “to serve as ‘the enlightened word of French Islam to fight against deviant tendencies which could threaten our [French] social cohesion.’”<sup>188</sup> From this dictate we can start to see how, while the creation of the CFCM was an unprecedented step towards including Muslim voices in policy

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<sup>184</sup> Ibid., 54.

<sup>185</sup> Ibid., 159.

<sup>186</sup> Katrin Bennhold, “Muslim, French - and proud to be both,” *The New York Times*, March 15, 2016, <https://www.nytimes.com/2006/03/15/world/europe/muslim-french-and-proud-to-be-both.html>.

<sup>187</sup> Bowen, *Why the French Don't like Headscarves*, 56.

<sup>188</sup> Ibid., 62.

discussions, and may have had some positive effects simply by virtue of acknowledging the existence of Muslims in France, it was essentially a measure taken with the intent of regulating Islam and pressing Muslim integration and acceptance of French Republican values.

In his speeches and public statements, Sarkozy repeatedly emphasized the importance of developing an understanding of Islam as compatible with French values if the “problem” of Muslim integration was to be solved. Indeed Islam’s presence in France was understood above all in terms of being a problem, framed as “the new state of diversity” or “the new challenge.”<sup>189</sup> In a 2002 speech addressing “Internal Security and Local Freedoms” at a COMOR meeting, Sarkozy celebrated the progress made towards building what he called “a French Islam and not Islam in France.”<sup>190</sup> Furthermore, in linking Islam with questions of national security, Sarkozy, like President Chirac and Prime Minister Raffarin, framed Islam not only as a problem, but a threat to French society, thus adding fuel to anti-Muslim sentiments in France. Due to fears of foreign Islamic powers dominating Muslim life in France, Sarkozy aimed to seize control of Islam in France by taking deliberate action to eliminate the flow of foreign aid for mosque construction as well as seeking to limit the number of foreign imams admitted to France, as estimations revealed that about 90% of all imams in France were foreign nationals.<sup>191</sup> Additionally, the composition of French Muslims is replete with foreign influence with nearly all of France’s estimated 4.5 million Muslims being either immigrants or the children of immigrants, about half of whom hold foreign citizenship.<sup>192</sup>

In the eyes of the French government, the “problem” of Islam then became one of identity. The government judged it necessary to inculcate “French values” among these

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<sup>189</sup> Murat Akan, *The Politics of Secularization*, 98.

<sup>190</sup> Bosco, *Securing the Sacred*, 79.

<sup>191</sup> Bowen, *Why the French Don’t like Headscarves*, 61.

<sup>192</sup> *Ibid.*, 51.

communities in order to maintain a sense of social homogeneity in the midst of an increasingly heterogeneous national demographic. Furthermore, in the wake of the 9/11 attacks, the U.S.'s "War on Terror" spurred on French Republican concerns of Islamic extremism and Muslim integration. As the children of Muslim immigrants increasingly proclaimed Islam as central to their identity, French authorities took it upon themselves to change such attitudes by creating an insulated form of moderate "French" Islam that was congruent with their understanding of Western values.<sup>193</sup> Prime Minister Dominique de Villepin—Raffarin's successor—noted the global rise of religion as an identity marker for individuals and communities, explaining this trend as a reaction to globalization. In the face of cultural, political, and social homogenization, he said, religion offered "a more authentic and meaningful identity."<sup>194</sup> What Villepin feared, however, was that association with a religious identity over a French national identity circumvented social homogenization and constituted a fundamental departure from French values.

Scholars have been quick to underscore the neocolonial and discriminatory dimensions of the CFCM's creation. Given this context, Alejandro Caeiro explains that the CFCM can be understood as a neocolonial approach to Islam whereby the government collated "securitizing actors" with the goal of formulating what one scholar explained as Sarkozy's hope for a "'good Islam' in France" which disseminates a "liberal doxa" and marginalizes "radical elements."<sup>195</sup> "Radical elements" or "fundamentalism" as invoked by Sarkozy and other political actors is defined as a loyalty to Islam over one's loyalty to the Republic, or refusing to "reconcile their convictions with the limits of political obligation."<sup>196</sup> Such a formulation runs contrary to

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<sup>193</sup> Bowen, "The Republic and the Veil," in *The French Republic*, 273.

<sup>194</sup> Bosco, *Securing the Sacred*, 68.

<sup>195</sup> Alejandro Caeiro (2005, 78) cited in Bosco, *Securing the Sacred*, 80.

<sup>196</sup> *Ibid.*

*laïcité*'s guarantee of freedom of conscience, though as Baubérot points out, "We must dispose of the fiction that 'republican laicity' established equality among religions."<sup>197</sup> Rather, *laïcité* has frequently been invoked in defense of governmental actions that limit the autonomy of individuals and communities (specifically religious minorities) and regulate religious practices. *Laïcité*'s division of the public and private sphere was developed in the context of a majority-Christian nation. Other religions that are more entwined with ethnic communities, such as Judaism and Islam, are perceived as threatening this public-private divide, which leads the government to limit their religious expression in France's *laïque* society. In order to understand why the government deemed it necessary to take rights away from religious communities that were present in public space we must take a step back and consider why religious communities present such a challenge to Republican universalism.

### **Communalism vs. Universalism: Securing Republicanism by Removing Particularisms**

Though my thesis deals primarily with Islam in France, it is important to note the experience of French Jews in order to portray the historical presence of other non-Christian religions in France. It is also useful for drawing connections to the Muslim experience about the grounds on which both groups were persecuted. During the French Revolution, anti-Jewish sentiments manifested in the debates that surrounded the enfranchisement of French Jews in 1791. Due to antisemitism's racialization of Jews, Jews were seen as an "other," "a community apart, a nation within a nation."<sup>198</sup> It was ultimately determined that Jews earned citizenship not as members of their religious community, but as individuals abstracted from this feature of their identity. In the century that followed, many Jews assimilated to French culture, yet anti-Semitic

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<sup>197</sup> Baubérot, "Laicity," 134.

<sup>198</sup> Scott, *The Politics of the Veil*, 75.

undercurrents remained, revealing that the Revolutionary promise of universalism was not fully actualized. As the 1880s brought larger numbers of Jewish immigrants from Eastern Europe, heightened tensions led to the Dreyfus affair: a political scandal in which an innocent Jewish army captain was accused of espionage and finally exonerated in 1906.<sup>199</sup> The Dreyfus affair generated nationalist, anti-Semitic feelings among those who viewed Dreyfus, a symbol for all Jews, as “an enemy within,” generating an image of “the Jew as a representative of a foreign nation.”<sup>200</sup> Needless to say, the Vichy Regime that reigned in German-occupied WWII France also advanced extremely anti-Semitic politics by contributing to the Holocaust. In the aftermath of these atrocities, France’s admission of fault has led to a decline in anti-Semitism and a belief that the full integration of Jews is possible, despite the pre-WWII insistence that Jews’ communalism prevented them from becoming fully “French.”<sup>201</sup> Just as this integration was not deemed possible in the years before and during WWII, today many argue that Muslims’ strong ethno-religious identities preclude their integration into French society. Similarly, historical racism against Jews has today shifted into racism primarily directed towards Muslims. The story of French anti-Semitism evidently draws many parallels to the experience of Muslims today, who, regardless of where they were born or how they identify themselves, are also seen by the nationalistic French as members of foreign nations who, through their presence in France, threaten the unity of French society.

Growing numbers of Muslim-identifying French residents and citizens generated fears of *communautarisme*, a term I will translate as “communalism” in keeping with the majority of scholars who write on this topic, though it may be alternatively translated as

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<sup>199</sup> Roussellier, “La première laïcisation républicaine: l’enjeu de l’école,” *La Laïcité en France* (class lecture, Middlebury Centre Madeleine, Paris, France, February 20, 2019).

<sup>200</sup> Scott, *The Politics of the Veil*, 77.

<sup>201</sup> *Ibid.*, 78-79.

“communitarianism,” which expresses one’s responsibility to their community, whereas “communalism” expresses a commitment specifically to one’s ethnic group. The concept of communalism is rather obscure in the American imagination. While there has certainly been fear, racism, and distaste towards various religious and/or ethnic groups throughout American history, such fears are usually not expressed in terms of a fear of communalism, as they generally are in France. There, charges of communalism generally target Muslims, Arabs, and North Africans. Republican critiques of communalism perceive such groups as a threat to the French Republican project of universalism, in that affiliating with religious and ethnic groups pushes an individual into *un repli communautaire*, literally “a withdrawal into one’s own community.” Rather than accepting the politics of integration, the communalist maintains their ethnic identity over their identity as a French citizen.<sup>202</sup> Closely tied with French political philosophy and Republicanism, *laïcité* stands as an “emblem of specific French identity” whereby commitment to *laïcité* outweighs individual religious affinities.<sup>203</sup> As the newest major religion to arrive in France, Islam was not present during the period in which *laïcité* developed as this central French value, whereas Christianity and Judaism were present during this shift. Therefore as soon as one is identified as Muslim, they are assumed to lack this cultural and historic background through which one may at once uphold *laïcité* and exercise their religious beliefs in private.

With this as a base, Muslims (as well as members of any other group) merit citizenship only as individuals abstracted from all of their external associations, including and especially their religious communities. However, Muslims were seen as incapable of abstraction from their religious communities, rendering them incapable of assimilating or becoming fully “French,”

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<sup>202</sup> Ibid., 156.

<sup>203</sup> Baubérot, “The Evolution of French Secularism,” in *Making Sense of the Secular*, ed. Ranjan Ghosh (New York: Routledge, 2013), 51.



even if they manage to attain the legal status of citizen.<sup>204</sup> The *voile*, for instance, was seen as an insistence on one's difference, a challenge to the notion of a homogeneous citizenry that undergirds the French understanding of "a nation one and indivisible."<sup>205</sup> By displaying one's identity so conspicuously, political figures argued that these veiled women distorted the vision of a unified populous, presenting themselves first and foremost as members of a community, implicitly positing that their Muslim identity was more important than their French, or national identity. This threatened the very fabric of French society by suggesting that identities were in fact fragmented, and there did not exist one insular French identity to which all citizens subscribed. To wear the veil was a profound violation of the social contract, a statement that one was resistant to French values and Western culture, preferring to remain within the values held by their religious and ethnic communities.

This question of Muslim communalism emerged as a major topic of debate in the political landscape of the early 2000s. In the face of increasing evidence of a no longer homogeneous society, Republican politicians reacted with a "defensive insistence" on preserving that lost homogeneity.<sup>206</sup> In this way, the government maintained a semblance of national unity by refusing to recognize difference, a standpoint they claimed exemplified neutrality. This position marked the political discourse of President Chirac. For the sake of guaranteeing that social differences do not fracture national unity, he insisted on strict adherence to the 1905 law; the result, however, was the denial of the existence of differences altogether.<sup>207</sup> Taking a different route than most other politicians, Sarkozy, however, acknowledged the new state of cultural diversity in France, arguing in *The Republic, Religions, and Hope* that these differences

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<sup>204</sup> Scott, *The Politics of the Veil*, 118.

<sup>205</sup> *Ibid.*, 2.

<sup>206</sup> *Ibid.*, 120.

<sup>207</sup> *Ibid.*, 115.

amongst citizens must not be ignored, for such an approach merely exacerbates strong preexisting tensions. He writes:

In reality, and it's here which lies the entire problem, France has become multicultural, multiethnic, multireligious[...] We must integrate [the Muslim population], that is to say to accept their specificities which enrich the republican crucible. Integration is not assimilation, the latter imposing on the last arrived that he renounce his identity in order to be accepted. To say "the Muslims of France" [...] [is] to give a name to a part of French society whose integration we must organize in order to avoid succumbing to their withdrawal, a communalist temptation which is sadly already very present.<sup>208</sup>

Sarkozy's more nuanced approach towards dealing with multicultural France recognizes the antagonistic nature of Chirac's rhetoric which denies the legitimacy of community ties, explaining how this approach can lead only to a communal withdrawal of Muslims from the public sphere. While Sarkozy posits an important counter-voice to Chirac, it is notable that his engagement of Muslim communities remains justified insofar as such engagement pertains to national security and the maintenance of order rather than a moral imperative to upholding religious liberty. Sarkozy's fear of communalism is evident in his insistence on Muslim representation as a means of deterring them from withdrawing from society and developing extremist views. The CFCM's first and foremost purpose, he stated, was to represent the Muslim faith in order to "appease" Muslims by "making their voices heard."<sup>209</sup>

In articulating the meaning of the CFCM, Sarkozy had to do some philosophical and semantic gymnastics: it represented the Muslim faith, but not Muslims as a group or entity—that

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<sup>208</sup> Sarkozy et al., *La République, les religions, l'espérance*, 22. Original text: "En vérité, et c'est bien là tout le problème, la France est devenue multiculturelle, multiethnique, multireligieuse[...] Il nous faut l'intégrer [la population musulman], c'est-à-dire l'accepter avec ses spécificités qui enrichiront le creuset républicain. L'intégration n'est pas l'assimilation, cette dernière imposant au dernier arrivé qu'il renonce à son identité pour être accepté. Dire les 'musulmans de France' [...] c'est] donner un nom à une composante de la société française dont nous devons organiser l'intégration afin d'éviter une tentation de repli, une tentation communautaire, hélas déjà fort présente."

<sup>209</sup> Ibid., 69. Original text: "la représentation apaise[...] elle rend audible une parole."

would be communalism. The CFCM amassed Muslims into a council, but not as representatives of Muslim communities. Yet, Sarkozy expressed his aim of “ameliorating the daily reality of France’s believing Muslims,” which, though not articulated as such, essentially entailed a series of social measures that targeted a specific sub-set of French citizens and residents, addressing such topics as education, housing inequality, employment inequality, etc.<sup>210</sup> These problems were due to racism, sexism, the conflation of Islam and extremism, and the notion that those of non-European origin came from a culture so different that they were not predisposed to assimilation. More generally, Muslims, Arabs, and those of non-French heritage were classified as “other,” thus pitting them against the “us” that was France’s idea of its historical homogeneity. Though initially developed during the French Revolution, this French identity of “oneness” with the nation was reiterated and further developed by distinguishing it from what it is *not*, a process that Edward Said’s *Orientalism* describes as emerging through French colonial history.

The Orient, or the metaphorical “East,” proves essential to understanding the development of modern French identity, as it is in the French encountering of such foreign and non-European cultures that a French identity was articulated and reaffirmed. In the words of Denys Hay, “orientalism is never far from...*the idea of Europe*, a collective notion identifying ‘us’ Europeans as against all ‘those’ non-Europeans [emphasis mine].”<sup>211</sup> In the context of orientalism, Islam was always the mythological “Other.” When Islam made its way into France, it arrived with this designation that linked all Muslims with a vague but deeply entrenched “foreignness,” a foreignness that, in the French imagination, rendered these individuals incapable of integration and out of line with French national identity. Deeply embedded in the abstract

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<sup>210</sup> Ibid., 69. Original text: “améliorer la réalité quotidienne des musulmans croyants de France.”

<sup>211</sup> Said, *Orientalism*, 7.

“other,” a Muslim could thus never be French unless he or she relinquished their ties to Islam. Recalling the period of French colonialism in Algeria, French citizenship was available to Algerians only upon the renunciation of their Islamic status.<sup>212</sup>

While the neocolonial governmental approach towards Muslims on French soil may not be as explicitly anti-Islam as the former policy in Algeria, a colonial mentality has certainly informed France’s present actions and attitudes towards Muslims. In fact, Islam became so widely understood as the antithesis of “Europeanness” that newer Eastern European members of the EU, such as Bulgaria—a country with a significant Muslim minority—have considered headscarf bans similar to France’s 2004 law in order to be viewed as “acceptable Europeans.”<sup>213</sup> In 2016, Bulgaria followed through on these long-standing debates when the Parliament passed a ban on face-covering garments in “government offices, schools and cultural institutions.”<sup>214</sup> This example, modeled after many similar laws in other European countries such as France and Turkey (itself modeled after France), shows how the Muslim headscarf has become a symbol of “non-Westernness,” the embodiment of difference that precludes Muslim integration in European societies.

### **Negotiating Universalism, Multiculturalism, and French Heritage: Integration or Assimilation?**

Whereas prior to 1970 many men came to work in France in order to take money back to their families in their home countries, the 1970s and 1980s witnessed a diversification of the residency and citizenry of France as entire immigrant families began immigrating to and settling

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<sup>212</sup> Bowen, “The Republic and the Veil,” in *The French Republic*, 273.

<sup>213</sup> Scott, *The Politics of the Veil*, 2.

<sup>214</sup> Liam Stack, “Burqa Bans,” *The New York Times*, October 19, 2017, <https://www.nytimes.com/2017/10/19/world/europe/quebec-burqa-ban-europe.html>.

in France. These communities often faced discrimination in housing, work, and overall social opportunity. Despite these challenges, the French government largely refrained from taking action to aid immigrant groups, as such actions would recognize them as a community or subgroup within the nation. Actions to help immigrants would not only constitute government-sanctioned communalism, but also violate the Republican ideal of the abstract citizen who identifies with the Nation above any communal ties. The State thus maintained a stance of so-called neutrality by which it refused to recognize difference, even though in doing so it often exacerbated social inequalities. This State-sponsored neutrality was mobilized expressly in defense of the French model of Republican citizenship in contrast to multiculturalism, which “officially recognized cultural differences and undermined the foundations of republican citizenship: liberty, laicity, equality, fraternity (implying transcendence of particularism in the name of the common interest).”<sup>215</sup> In this case, by denying claims of group identities and resisting a discourse of multiculturalism, the continued aspiration of maintaining a homogeneous national population that embodies universalism began to operate at the expense of diversity.<sup>216</sup> Bertrand Guillaume brutally points out that the position “which makes a principle out of ignoring the existence of groups...can easily be transformed into an ideology of the general interest whose principal function is to hide the fact that the republican State serves the interests of dominant groups.”<sup>217</sup> In this context, the Republican ideal of universalism is clung to as the defining characteristic of France, though its function and applicability has changed according to the historical context. Instead of fostering equality, universalism today “looks more and more like a form of European ethnocentrism, and thus like a form of domination rather than an invitation to

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<sup>215</sup> Laborde, “Citizenship,” 140.

<sup>216</sup> Jennings, “Universalism,” 147.

<sup>217</sup> Bertrand Guillaume cited in Jennings, “Universalism,” 151.

liberation.”<sup>218</sup> It is thus essential to distinguish universalism as an ideal from universalism in practice, as the refusal to recognize difference does not prevent discrimination and community divisions, but actually intensifies them. Abstract philosophical discourse on the nature of the citizen as a decontextualized being thus loses its utility in the face of real-life inequalities that demonstrate the fallacy of universalism, which, despite obstinate Republican support, does not hold a mythical position outside of the constraints of time and place. A French model of integration that is rooted in the universalist ideal is thus inherently flawed. As Dominique Schnapper argues, the idea of “transcendence through citizenship appears to a humiliated people [immigrants and their descendants who have been systematically excluded from French society] as something purely formal that has the function of consecrating the domination of the other under the guise of universality.”<sup>219</sup> This integration model is Euro-centric and hegemonic, involving an imposition of a historically-understood “French” identity that necessarily separates those of non-European origin from their other ethnic, national, and religious affiliations.

Throughout his term as Minister of the Interior and during his 2007 presidential campaign’s emphasis on French national identity, Sarkozy’s discourse surrounding religion and *laïcité* repeatedly drew on the ideas of universalism (despite France’s multicultural status which Sarkozy himself recognized) and the importance of French Catholic heritage in shaping this universal national identity. Sarkozy recognized the dangers of turning a blind eye to cultural differences, acknowledging that “by erasing specificities, by denying differences, we encourage them. Those who claim to fight communalism do not realize that, often, they make it take

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<sup>218</sup> Jennings, “Universalism,” 149.

<sup>219</sup> Dominique Schnapper cited in Jennings, “Universalism,” 151.

root.”<sup>220</sup> However, rather than accepting that the long-held Republican value of universalism was no longer applicable in a multicultural nation, Sarkozy often insisted on policies that can be read as assimilationist rather than integrationist, seeking to modify and regulate religious practice by establishing “a pacified, modern, and open Islam developing in harmony with the art of living in the French Republic.”<sup>221</sup> For example, in his book *La République, les religions, l’espérance*, Sarkozy recalls a televised discussion he participated in, boasting that he had “the opportunity to say frankly to a veiled women: ‘When I enter a mosque, I remove my shoes. When you enter a school, remove your veil,’” remarking, “This is what French Islam should be.”<sup>222</sup> In this rather bald declaration, Sarkozy makes an incommensurate comparison between shoes and headscarves. By suggesting that removing one’s veil in public is an act no more difficult than removing one’s shoes, he fails to acknowledge the veil’s importance as an individual’s expression of their religious identity. In saying this, Sarkozy fails to show true respect for multiculturalism and instead insists that Muslims adapt to the French way by attending school bare-headed.

Recognizing that French *laïcité* frequently assumed a hostile position towards Islam, UOIF President Fouad Alaoui declared that “Just as Islam is asked to change, *laïcité* must change.”<sup>223</sup> In response to Alaoui’s argument, Sarkozy posited that while the essential principles of *laïcité* must remain unchanged, a change was in order by which the French government must

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<sup>220</sup> Sarkozy et al., *La République, les religions, l’espérance*, 108. Original text: “...en gommant les spécificités, en niant les différences, nous l’encourageons. Ceux qui prétendent combattre le communautarisme ne se rendent pas compte que, souvent, ils l’enracinent.”

<sup>221</sup> Ibid., 84. Original text: “un islam apaisé, moderne, ouvert, se développant en harmonie avec l’art de vivre dans la République française.”

<sup>222</sup> Ibid., 78. Original text: “Lors d’un dialogue télévisé, j’ai eu l’occasion de dire franchement à une femme voilée : ‘Quand je rentre dans une mosquée, je retire mes chaussures. Quand vous rentrez dans une école, retirez votre voile.’ Voilà ce que doit être l’islam de France.”

<sup>223</sup> Fouad Alaoui cited in Sarkozy et al., *La République, les religions, l’espérance*, 87. Original text: “De même que l’on demande à l’islam de changer, la *laïcité* doit changer.”

assume what he called a more active stance towards *laïcité* as opposed to its historically passive position.<sup>224</sup> He proceeded rather tactlessly to insist that Alaoui must denounce “*laïque* fundamentalism and Muslim fundamentalism” with an equal intensity in order to make a valid claim.<sup>225</sup> This stance is problematic in that it fails to recognize Alaoui’s point of view. Coming from a culture that (as Sarkozy himself recognizes) largely lacks representation and acceptance in France, to demand that Alaoui champion the rejection of both fundamentalisms is to miss the point. In saying this, Sarkozy demonstrated a desire first and foremost to instill a *laïque* identity in Muslims rather than a genuine desire to address Muslim concerns. In other words, Sarkozy only reached his hand out to the Muslim community as a function of their willingness to adopt secular French values. As a Muslim, Alaoui was speaking for his own experience and that of his community in defense of their rights. While Sarkozy may have been right that all fundamentalisms should be cast aside, the argument was misplaced in this context, serving to further antagonize Muslims seeking to enter the national dialogue on *laïcité* and integration in order to secure their place in French society.

Sarkozy further antagonized French Muslims through his repeated emphasis on the Christian heritage of France and its important role in the formation of modern French identity. In a 2007, Sarkozy was given the title of Honorary Canon of the Basilica of Saint John Lateran in Rome, a title held by many French heads of State since Henry IV in the sixteenth century.<sup>226</sup> In a

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<sup>224</sup> Sarkozy et al., *La République, les religions, l’espérance*, 87. Original text: “Je dis que nous devons revenir à une *laïcité* active, et non passive ou honteuse parce qu’il s’agit de religion.”

<sup>225</sup> Ibid., 88. Original text: “Si Fouad Alaoui dénonce deux intégrismes, l’intégrisme *laïque* et l’intégrisme musulman, je ne peux ni veux lui donner tort. Mais il doit le faire avec la même force, et non pas attendre que l’un s’affaisse pour dénoncer l’autre. Les deux doivent être rejetés avec une égale intensité!”

<sup>226</sup> Sarkozy, “Discours au Palais du Latran” (speech, Lateranese Palace, Rome, December 20, 2007), *Le Monde*, [https://www.lemonde.fr/politique/article/2007/12/21/discours-du-president-de-la-republique-dans-la-salle-de-la-signature-du-palais-du-latran\\_992170\\_823448.html](https://www.lemonde.fr/politique/article/2007/12/21/discours-du-president-de-la-republique-dans-la-salle-de-la-signature-du-palais-du-latran_992170_823448.html).



speech accepting this honor at the Lateranense Palace in Rome, Sarkozy essentially declares that France's Christian roots run deeper than *laïcité*:

*Laïcité* cannot be a negation of the past. *Laïcité* does not have the power to cut France from its Christian roots[...] I consider that a nation which ignores the ethical, spiritual, and religious heritage of its history commits a crime against its culture, against this mixture of history, heritage, art, and popular traditions, which permeate so deeply our way of life and our thinking. To pull out the root is to lose its significance, it is to weaken the cement of national identity, it is to further dry out social relationships which are so desperately in need of symbols of memory. This is why we must hold together the two ends of the chain : accept the Christian roots of France, and even valorize them, all while defending *laïcité*...<sup>227</sup>

In this speech Sarkozy typifies the Catholic-*laïcité* that undergirds what is usually heralded by Republicans simply as *laïcité* in a rather overt manner. By declaring that France's Christian roots must be honored despite the principle of *laïcité*, he implicitly makes the opposite statement that Islamic heritage does not need to be preserved because it is only a part of France's recent history and does not have the same weight in forming the national consciousness, it is not a "symbol of memory." Through this implicit claim Sarkozy reveals his belief that Christian values form a central piece of French identity and that Muslims must assimilate not only to a secular society, but to a society that is imbued with Christian heritage. Murat Akan argues that in this speech Sarkozy "did everything but explicitly say, 'I am the Catholic president of a Catholic nation,' although he conveyed as much."<sup>228</sup> From this excerpt of his speech, we can see how Sarkozy capitalizes on the ambiguity of the concept of *laïcité*, which, never being strictly defined by the constitution or French government, allows for a variety of interpretations and invocations

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<sup>227</sup> Ibid. Original text: "la laïcité ne saurait être la négation du passé. La laïcité n'a pas le pouvoir de couper la France de ses racines chrétiennes[...] je considère qu'une nation qui ignore l'héritage éthique, spirituel, religieux de son histoire commet un crime contre sa culture, contre ce mélange d'histoire, de patrimoine, d'art et de traditions populaires, qui imprègne si profondément notre manière de vivre et de penser. Arracher la racine, c'est perdre la signification, c'est affaiblir le ciment de l'identité nationale, c'est dessécher davantage encore les rapports sociaux qui ont tant besoin de symboles de mémoire. C'est pourquoi nous devons tenir ensemble les deux bouts de la chaîne : assumer les racines chrétiennes de la France, et même les valoriser, tout en défendant la laïcité..."

<sup>228</sup> Akan, *The Politics of Secularization*, 99.

depending on the social and political context and the aim of the speaker.<sup>229</sup> In this instance, Sarkozy exploits *laïcité* for two ends: to reassert the Christian dimension at the core of French identity and to impose an identity on the “new French” (the descendants of immigrants) that is steeped in Christian values.<sup>230</sup> In this way, though Sarkozy claims to advocate integration over assimilation, his true position is one of assimilation by which “foreigners” must demonstrate their secularism by submitting to a set of State-sponsored values that valorize France’s Christian roots, hence forming a “French Islam” rather than “Islam in France.” As Baubérot argues, Sarkozy’s argument that *laïcité positive* permits the valorization of France’s historic Christianity signifies the putting back, “under the cover of patrimonialization, a certain religious dimension in French political identity.”<sup>231</sup>

In her chapter on “Citizenship,” Cécile Laborde points out how Sarkozy’s “tendency to treat the national past as a ‘heritage,’ in the defense of the ‘French exception’ against intrusive ‘foreign models’” is merely a cover-up for the way in which Sarkozy attempted to re-center Republican citizenship “on a vision of society more communalist than universality, and associated with particular histories, memories, traditions, and locations.”<sup>232</sup> In defining French identity, Sarkozy thus delineated what counted as “French” and what did not, a division that heavily favored those of historic French descent and required all “foreigners” to prove that they had become *laïc* and embraced French values in order to be considered truly French. Despite claiming that immigrants did not have to relinquish any part of their identity in order to be

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<sup>229</sup> Amélie Barras, “Secularism in France,” in *The Oxford Handbook of Secularism*, ed. John R. Shook and Phil Zuckerman (New York: Oxford University Press, 2017), 148.

<sup>230</sup> Baubérot, “Identité nationale, pour une laïcité de sang-froid,” *Le Monde*, December 21, 2009, [https://www.lemonde.fr/idees/article/2009/12/21/identite-nationale-pour-une-laicite-de-sang-froid-par-jean-bauberot\\_1283620\\_3232.html](https://www.lemonde.fr/idees/article/2009/12/21/identite-nationale-pour-une-laicite-de-sang-froid-par-jean-bauberot_1283620_3232.html). Original text: “‘nouveaux Français’ (les descendants d’immigrés).”

<sup>231</sup> Baubérot, “Identité nationale, pour une laïcité de sang-froid.” Original text: “...le président de la République, au nom d’une ‘laïcité positive,’ veut ‘valoriser les racines essentiellement chrétiennes’ de la France. Cela signifie remettre, sous couvert de patrimonialisation, une certaine dimension religieuse dans l’identité politique française.”

<sup>232</sup> Laborde, “Citizenship,” 141-142.

accepted, Sarkozy advanced a *laïcité* centered on French Catholic heritage which clearly delineated an us-them opposition between the “old French” and the “new French.”

This French Catholic-*laïcité* that privileged Christian heritage is exemplified by the approximately forty-five thousand Catholic churches which, due to the 1905 law, are presently maintained by the State.<sup>233</sup> Michel Troper argues that this situation is highly revealing of the ambiguities of *laïcité*, as the 1905 law that set the rules regarding the separation of Church and State was drafted in light of the contemporary religions of France: Catholicism, Protestantism, and Judaism.<sup>234</sup> While these religions benefited from receiving places of worship that are public property and therefore paid for by the State, Muslims, arriving in France after 1905, found themselves in the situation of needing to construct and maintain mosques without any of the governmental assistance that France’s other religions had received. The 1905 law thus inherently favored Catholicism, upholding its presence as a tenet of French *patrimoine*, or heritage, while failing to support Islam, which quickly emerged as the nation’s second largest religious group. In light of the emergence of a new religious group after 1905, the principle of secularism could be interpreted in two ways: “either as requiring the state to treat all religions equally, and therefore to provide Muslims with aid for the construction of mosques, or, on the contrary, as a general obligation of abstention on the part of the state.”<sup>235</sup> France chose the latter option, which it defended on the grounds of State neutrality and non-recognition of difference. Out of necessity, French Muslims then largely turned to foreign donors for funds to construct mosques, with many imams and religious leaders coming from overseas as well. In turn, many French politicians viewed this phenomenon as a communalist threat that endangered national unity, which

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<sup>233</sup> Kuru, *Secularism and State Policies Toward Religion*, 112.

<sup>234</sup> Michel Troper, “French Secularism, or Laïcité,” *Cardozo Law Review* 21 (1999-2000): 1280.

<sup>235</sup> *Ibid.*

ultimately led to governmental movements such as Sarkozy's creation of the CFCM that attempted to rebrand Islam as French, not because the government wished to grant Islam the same accommodations as France's other major religions, but because it was seen as central to national security.

## Conclusion

In conclusion, I would like to draw our attention back to a quote from Sarkozy himself on the importance of dealing with the "Islam problem" in an appropriate and sufficient manner. In his book, Sarkozy warns that "those who claim to fight communalism do not realize that, often, they make it take root."<sup>236</sup> As I argued in this chapter, Sarkozy's attempt to fight Muslim, Arab, and "immigrant" communalism by reconceptualizing *laïcité* and speaking openly about the issue of Muslim integration actually served to reinforce the social divisions he sought to eliminate. Sarkozy's engagement with Muslims during his term as Minister of the Interior, notably through his creation of the CFCM, reflected an overarching fear that disaffected, socially excluded Muslims in France would become more radical in their religious views if the government did not do something to prevent this communalism. Government actions regarding Muslim integration in French society were thus grounded in a desire to stabilize Islam in France by placing the government in a privileged position to define a new, French-style Islam in collaboration with religious practitioners. By portraying Muslims as the antithesis of "Frenchness," needing to be modified in order to become French, Sarkozy advanced a nationalistic and antagonistic *laïcité* founded on exclusion that in fact turned French Muslims away because they felt that organizations such as the CFCM did not represent their reality. The *laïcité positive* approach did

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<sup>236</sup> See footnote 220.

not mark a significant departure from Chirac's interpretation of *laïcité*, as Sarkozy claimed, but merely activated the term in a way that appeared to advocate inclusion. It did so only on a surface level. This chapter shows yet another example of how *laïcité* has taken on different meanings at different points in history as a function of sociopolitical circumstances and the personal agendas of those invoking it. *Laïcité* proves itself yet again to be constantly evolving to suit the needs of French politicians, capable of filling so many roles precisely because there has never been a national discussion that stepped back to nail down what it means.

## Conclusion

This thesis has investigated the function and uses of *laïcité* in modern France as the nation finds itself with a substantial Muslim population after of several decades of significant immigration flow from former colonies. Focusing on the era of Jacques Chirac and Nicolas Sarkozy, I have uncovered the ways that both figures mobilized *laïcité* in order to advance their respective agendas, both of which bore the marks of racist and Islamophobic thinking but were couched in the language of Republicanism. Both presidents demonstrated a desire to make Muslims assimilate to French culture that greatly outweighed any efforts to dismantle prejudice towards Muslims and Arabs, or to adapt *laïcité* in a way that truly honors multiculturalism. These two leaders' adherence to a historical myth of *laïcité* prevented critical reexamination of *laïcité*'s import and operative function in a new social and political context.

Furthermore, insistence that *laïcité* is an immutable principle failed to reflect its instability from its beginnings in the French Revolution to the modern day. *Laïcité* was evoked and hinted at for over a century before a law officially separated Church and State, and another fifty years went by after that before the term was added to any government documents. To this day, *laïcité* lacks any legal or official definition, yet political discourse treats it as so obvious and quintessentially French that its meaning is understood without being spelled out. However, my thesis shows how the lack of definitional specificity has allowed the term to take on various inflections and incarnations throughout history. There are far too many examples to point them all out, but by focusing on the specific issue of Muslim integration, my thesis has drawn attention to a few of the most glaring contradictions in the way *laïcité* has been employed both historically

and in modern times. To name just one of many possible examples, Sarkozy distinguished himself from Chirac's hardline interpretation of *laïcité* through his new *laïcité positive* approach that framed *laïcité* as a protector of individual liberties that treats all religions equally insofar as they conform to the rules set forth by *laïcité*, i.e. remaining in the private sphere. However, Sarkozy repeatedly and publicly recalled the centrality of Christian values and heritage to French national identity, thus showing how *laïcité positive* aimed to address the "Muslim problem" while Christianity remained exempt from certain protocol. In this way, *laïcité*'s adaptability continues to serve conflicting political ends. In the era of Chirac and Sarkozy, *laïcité* functioned to encourage assimilation and suppress multiculturalism.

In failing to adapt the ideology of *laïcité* and Republicanism in the face of significant demographic change, these two administrations effectively contributed to the forming of a combative *laïcité* that intensified the emphasis on the public-private divide as a means of barring signs of Muslim religiosity from French consciousness. On the surface, this process aimed to integrate Muslims by making them abstract individuals capable of full participation in civic life by adopting a *laïque* French identity and leaving their other identities behind. Underneath, however, Republican politicians aimed to remove all non-French aspects of Muslim and Arab citizens to render them the same as all other French citizens, removing "foreign" differences that threatened social unity and stability. In this context, politicians revealed that while Republicanism as an ideal is supposed to apply to all people, it applies only to those who are already imbued with a certain Republican understanding of "Frenchness."

Republicanism's "abstract citizen" can thus be used as code for secular French Christian. In order to integrate into French society, the Republican integration model requires "immigrants" to adopt Western modes of being in a way that, at least to some degree, puts individuals at odds

with other parts of their identities. The flaws of this integration model are well-demonstrated by the extensive discourse on the veil. Long before the 2004 law outlawed the wearing of the *foulard* in schools, such symbols were met with Republican distaste for their allusions to an individual's religious participation. To defenders of *laïcité*, the headscarf was an object of proselytism and a communalistic pronouncement. While the 2004 law was passed on the grounds of ensuring the neutrality of schools and public functionaries, the definition of neutrality was highly subjective, mobilized in an attempt to specifically exclude manifestations of Muslim religiosity. In this instance, the concept of neutrality was used to advance the acceptability of Christianity, which allows for the compartmentalization of religion into the private sphere, thereby pitting Islam in conflict with both modernity and Western values through the very visible affirmation of faith that is the veil. The passing of the 2004 law was an insistence on the incompatibility of Islam with French Western values and manifested as an attempt to regulate and control Muslims. Ironically, this law functioned to *radicalize the distinction between public and private* by forcing Muslim women to retreat into the private realm and out of public spaces if they wished to express their religious identity freely and enjoy true freedom of conscience.<sup>237</sup> In this way, the 2004 law became a sponsor of the communalism it so feared and sought to eradicate. In this new context, Muslim women found themselves in a social position that severely limited their ability to participate in civic life without removing their veils and suppressing a piece of their identity.

Just as the period treated in this thesis demonstrates how women were the most common targets of Republican criticisms on the basis of *laïcité*, the politics of *laïcité* continue to disproportionately affect women in increasingly severe ways. In 2010, the French Senate and

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<sup>237</sup> Laborde, "Citizenship," 138.



National Assembly almost unanimously passed a law banning face-covering Islamic veils, or burqas, in all public spaces, not just the school, as the 2004 veil law targeted. Just as there were in reality only a small number of Muslim girls wearing veils in public schools (yet a law was created to specifically target them), there were even fewer French women wearing burqas, with estimates at about two thousand women.<sup>238</sup> Punishments for violating the law could include fines and *citizenship lessons*, demonstrating how Islam continues to be framed as a religion in direct conflict with Republican values that even hinders one's ability to become a full citizen or to understand what that citizenship represents.<sup>239</sup>

A few years later in the summer of 2016, controversy arose in the French Riviera regarding the wearing of the burkini, a swimming garment that complies with Islamic modesty standards.<sup>240</sup> During this summer, several French towns implemented bans on the burkini due in part to increased fears of Islamic terrorism following recent attacks. These bans rather outrageously insisted that women wear less if they wished to enjoy public beaches. While these bans were eventually overruled by France's highest court, the *Conseil d'État* (State Council), for their violation of civil liberties such as religious freedom, it is extremely telling that desire to control Muslim women's bodies ever went this far.<sup>241</sup> The burkini bans demonstrate the way that

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<sup>238</sup> Lizzy Davies, "France: Senate votes for Muslim face veil ban," *The Guardian*, September 14, 2010, <https://www.theguardian.com/world/2010/sep/14/france-senate-muslim-veil-ban>.

<sup>239</sup> Steven Erlanger, "France Enforces Ban on Full-Face Veils in Public," *The New York Times*, April 11, 2011, <https://www.nytimes.com/2011/04/12/world/europe/12france.html>. For more on the burqa ban, also see: Kim Willsher, "France's burqa ban upheld by human rights court," *The Guardian*, July 1, 2014, <https://www.theguardian.com/world/2014/jul/01/france-burqa-ban-upheld-human-rights-court>.

<sup>240</sup> Amanda Taub, "France's 'Burkini' Bans Are About More Than Religion or Clothing," *The New York Times*, August 18, 2016, <https://www.nytimes.com/2016/08/19/world/europe/frances-burkini-bans-are-about-more-than-religion-or-clothing.html>.

<sup>241</sup> Aurelien Breenen and Lilia Blaise, "Court Overturns 'Burkini' Ban in French Town," *The New York Times*, August 26, 2016. <https://www.nytimes.com/2016/08/27/world/europe/france-burkini-ban.html>. See also: Bénédicte Jeannerod, "France's Shameful and Absurd Burkini Ban: Banning Burkini in Wake of Terror Attacks Creates Dangerous Confusion," *Human Rights Watch*, August 25, 2016, <https://www.hrw.org/news/2016/08/25/frances-shameful-and-absurd-burkini-ban#>.

*laïcité* is becoming increasingly combative—linking burkinis to terrorism!—and is mobilized in a way that stigmatizes Muslim women and works to exclude them from public spaces.

Turning to even more recent events, an amendment to the 2004 law was proposed in July 2019 that would extend the veil ban to parents accompanying children on school field trips.<sup>242</sup> The proposed amendment drew widespread public attention in October when Julien Odoul, a far-right politician from the *Rassemblement National* party (National Rally, formerly the Front National), publicly humiliated a veiled mother accompanying schoolchildren on a field trip to attend a regional assembly meeting by requesting that she remove her veil in the name of *laïcité*.<sup>243</sup> President Macron firmly opposed this bill, and the dominance of his center-left *La République en Marche!* party in the National Assembly ultimately barred the adoption of this amendment, but the controversy marks yet another example of France’s continued affront of Muslim women on the grounds of *laïcité*. In this age of burqa bans, attempts to give the Republic control over women’s attire, and efforts to expand the scope of the 2004 law, France is at a crossroads. Now more than ever, the nation must consider the impact that combative *laïcité* has on Muslim women and construct a new *laïcité* that represents the true spirit of *vivre ensemble* by accepting the multicultural reality.

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<sup>242</sup> Tom Wheeldon, “French move to extend ban on religious symbols sparks fears of ‘radical’ secularism,” *France 24*, October 30, 2019, <https://www.france24.com/en/20191030-french-move-to-extend-ban-on-wearing-religious-symbols-sparks-fears-of-radical-secularism>. See also: Aurelien Breeden, “Another Hijab Furor Hits France, Over a Mother on a School Trip,” *The New York Times*, October 19, 2019, <https://www.nytimes.com/2019/10/19/world/europe/france-hijab-school-trip-mother.html>.

<sup>243</sup> Julien Odoul (@JulienOdoul), “Au nom de nos principes républicains et laïcs,” Twitter video, October 11, 2019, <https://twitter.com/JulienOdoul/status/1182654779316678657?s=20>.

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