

## 8 From Empire to Republic, the French Muslim dilemma<sup>1</sup>

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### Introduction<sup>2</sup>

France has long been acknowledged as a principle destination country for migrants<sup>3</sup> where the process of incorporation (known in French as '*intégration*' until the mid-1990s) is framed by two pillar principles: republicanism and secularism (*laïcité*).<sup>4</sup> Where France was once viewed as the prototypical model of republican integration, it is now viewed as simply one model among others, including those of Britain and Germany. The convergent elements of these historically different traditions could certainly be better addressed, in particular when looking at what could be called Muslim politics, that is, the set of rules, political decisions and provisions addressing the needs expressed by Muslims. As has occurred in other European settings, Islam and Muslims have become priorities on the political agenda, as a result of both domestic dynamics and international events. The main distinction between France and its European neighbours lies in a different definition of nationhood (ethnic versus territorial, if comparing France and Germany) and with the development of a multicultural conception of politics, articulating race and ethnicity as central criteria for the implementation of justice in the British context. In recent years, and in particular following the transposition of European anti-discrimination provisions, the French political formula of incorporation is not very radically challenging when compared with other European 'philosophies of integration' (Favell 1998). Indeed, it has been described recently as convergent with other historically defined Anglo-Saxon traditions of accommodation and recognition of ethnic diversity (Amiraux, *et al.* 2008).

The questions raised by the presence of Muslims in France was (as in most other EU countries) conceived as a consequence of migration waves that lasted up to the end of the 1980s and have slowed down since then. These Muslim migrants, in their majority, came from the former French colonies of North Africa and the sub-Saharan region. The issue is nowadays defined more as a post-migration issue even if migration moves continue to contribute to the demographic evolution of the Muslim population.<sup>5</sup> In 2004–5, the official numbers were the following: 1.5 million immigrants came from North Africa (an increase of 17 per cent compared with 1999), mostly from Algeria and Morocco, while a comparable 1.4 million persons originated from other parts of the world. For the most part, these people came from

Asia (48 per cent, of which 16 per cent came from Turkey) and sub-Saharan Africa (40 per cent). Natives from sub-Saharan Africa were 570,000 in 2004 – a 45 per cent increase if compared with 1999. Seven out of ten of these persons came from a country that used to be administered by France.<sup>6</sup>

Though Islam is undeniably the second religion in France, opinions diverge regarding the exact number of Muslims living in France, which could be anywhere between 3.5 million and 7 million. This uncertainty about the numbers is *per se* a first indication of an important dimension that characterizes the French context, namely, the refusal to legitimize the elaboration of public indicators helping to identify the population according to its identity markers (not only religious, but also ethnic and racial, for instance). This Muslim population with a post-colonial migration background has in large part acquired French citizenship<sup>7</sup>. The 'Islam and Muslims' question is thus simultaneously considered to be a political, social and cultural question. Lately it also encompasses security aspects, though well before 9/11 and roughly since the mid-1990s, that have intensified with the 2009–10 public discussions related to the legitimacy of the presence of women wearing the burqa in public spaces. All these interrelated issues have appeared to expose French society to the complex challenge of having, on the one hand, to continue to promote equality as part of the republican project of integration, while simultaneously safeguarding the religious aspect of individual identity.

In France, the public discussions surrounding the 'Islam and Muslims question' is mostly related to the way secularism as a principle had to be reaffirmed as a core value and a regulatory principle.<sup>8</sup> It has also been shaped recently as a post-colonial issue, bringing back the internal contradiction of the long-term history of the republican French ideals: producing the conditions for equality and freedom among citizens,<sup>9</sup> while having treated people differently during the colonial period. The issue of Islamophobia, which we here briefly define as hostility towards the culture, religion and believers of Islam, made a relatively recent entry into the public discussion, compared for instance to the British context, but the existence of religious discrimination as distinct from ethnic discrimination still remains something both stakeholders and Muslim leaders do not investigate seriously.<sup>10</sup> As Muslims have been 'going more public' since 2001,<sup>11</sup> questions of representation and the difficulty (or social cost) of presenting oneself as Muslim are indeed a constant reminder of the historic basis for this stigmatization dating to the colonial period, which has long remained at the periphery of French historiography. Suspicions regarding Muslims and Islam as a faith, for instance, are part of an old republican tradition from long before 9/11 (Geisser and Zemouri 2007). A reading of the administrative vocabulary provides further evidence for this (Le Pautremat 2003; Laurens 2004).

This chapter aims at explaining the interaction between Muslim populations and French society through the analysis of the cultural and structural factors that shape this interaction, with a strong emphasis on history. We therefore at this point need to review the hypothesis of continuity between the colonial imagination, discourse and practice, on the one hand, and their contemporary counterparts on the other, in dealing with diversity in France. To do this, we will first consider the treatment of Islam as a religion by public authorities back in the colonial experience, then



at later attempts to control the Muslim religion by public authorities, and at the hostility of the Republic to particular figures seen as typifying the day-to-day problems of interaction between society and Muslim otherness. Secular France (with 5 million Muslims, of whom 3 million are French) differs indeed from other European contexts where Muslim populations have settled, mostly by virtue of the increasingly passionate and almost visceral nature of the debates that have taken place over the past 20 years about Islam and Muslims, with most of those taking part voicing intense emotions (hatred, scorn, resentment, love, admiration) and enthusiastic militancy, that have been again illustrative of the general irrationality of the national identity discussion since summer 2009. The main purpose of this chapter is to suggest that the categories assigned from a religious point of view to Muslims have themselves become sources of discrimination in the public arena, marking them as 'deviant' from norms of behaviour for citizens of the Republic. These endure in the republican context in France because they have been preserved by the historical account linking the colonial Empire with the larger history of the French Republic. In this chapter, I wish to identify a series of nodes or key points in migration history, politics of integration, and Muslims and Islam as part of being a French citizen with multiple identities. What are the specific policies implemented towards Islam and Muslims? This leads us to a further important point assembling a historical perspective on the situation of Islam and Muslims: that there is a historical pattern of mistreatment of Islam and Muslims,<sup>12</sup> which changed from an institutional point of view only recently (2003, the year during which the CFCM was created, elected and implemented<sup>13</sup>) and still is, from a social and more inter-subjective perspective, the background for hostile and somewhat racist attitudes that lead to the unequal consideration and possible discrimination of Muslim French citizens.

### **Problems of numbers and categories**

Before entering into our argument, it is essential to give a brief account of demographics. Let's start with two numbers: first, that Muslims are estimated to represent between 3.5 million and 7 millions Muslims in France;<sup>14</sup> second, that one out of three French people has at least one foreigner among his/her ancestors – in Paris it is one inhabitant in seven.<sup>15</sup> What do these numbers indicate? To begin with, they highlight the historical diversity of the French population, indicating also that migration is part of the family history of one-third of the Parisian population. Additionally, they illustrate how far France is from knowing about the religious identity (self-declared) of its population (foreign and national), for Muslims but for others as well.<sup>16</sup> Globally and in relation with the ethnic and colour blindness policy perspective, knowledge about the origins and belonging of the national population is based on proxies that work as indicators of the demographic situation without really allowing for a discussion of their relevance.

The first numbers (speaking of 3.5–7 million Muslims potentially settled in France) reflect the uncertainty, not to say the ignorance (as in the range 3.5 to 7 and 1 to 2) when trying to map the real numbers of Muslims in France, and of

any population of believers whatever denomination they may be affiliated with. For instance, when trying to assess how many Muslims are living in France, there are usually two tendencies. The first, based on statistical regression, grounds the assessment on the idea that ethnic criteria can be used for determining who the Muslims are. The ethnic criteria is often based on the place of origin of the parents or the grandparents – that is, of the first person who moved to France. Practically, this means that the last individuals registered as members of a family with a Muslim background, and living on French soil, would be considered *ex ante* Muslim. This is usually the kind of statistical regression that is done starting from public statistics where the origin of the first migrant is available. Of course, this is done in complete ignorance of the most recent account of the sociology of religion insisting on the volatility of belonging, the individualization of the relation to one's religious family heritage and the multiplicity of identifications that can lead an individual to convert and to change religions several times in his/her life, especially in a non-Muslim surrounding. What matters though is rather the migration trajectory as the place of birth of the elders. The categorization of people as French opens a Pandora's box of issues over the validity of nationality as a criterion by which to identify whether or not certain individuals have a particular relationship to cultural or ethnic groups. The genealogical criterion does not properly reflect the migration dynamics that impact on the life of people.

In other type of surveys, not based on the census, which are conceived by people aware of the limits of this ethnic statistical regression, the criteria for identifying Muslims relies on what we call an institutional perception of what defines a believer – that is, his/her relationship to practice and more generally to worship.<sup>17</sup> Practice refers here to an institutional reading of religious belonging where religion is associated with faith and worship – that is, with practices related to collective rituals, fasting, consuming halal food or praying. Many illustrations of this trend, the most recent one being the quantitative study published in 2005 by Brouard and Tiberj (Brouard and Tiberj 2005) that – while useful for qualitative scholars unable to produce quantitative data and relying in most cases on qualitative typologies, because it offered a point of comparison with non-Muslim populations – ended up being quite vague in the definition of the categories used to situate the individuals of the sample, and still relied on an institutional definition of people's belief (places of worship as indicators of practices) crossed with ethnic origins (names, country of origin of the parents, place of birth). This can be interpreted as a sign of a larger problem that is dominating the field of study of religious diversity and in particular of Muslims minorities in France. This problem is mostly a definition issue.

The Muslim population in France is, in 2009, quite heterogeneous. This statement stems from the considerable amount of qualitative and often descriptive literature on Muslims that has developed since the 1980s. What is known about Muslims in France is the way they settled in the country over an extended time span (Kepel 1986; Leveau, Kepel 1988; Cesari 1994), the number of places of Muslim worship (Frégosi and Boubeker 2006), the complex network of associations that are active in it (Godard and Taussig 2007; Laurence and Vaisse 2006; Geisser and Zemouri 2007), and the extreme variety of profiles (Césari 1994; Venel 2004;



Weibel 2000). A particularly vast literature has developed since the 1990s around the issue of gender relationships and the headscarf (Gaspard and Khosrokhavar 1995; Lorcerie 2005; Guénif and Macé 2004). Two trends of research have to be mentioned. The first one connects to Muslim voices so as to enrich knowledge about Muslims from the inside. The second is linked to the emergence of a Muslim NGO activists' front that has published several reports dealing with stigmatization and discrimination of Muslims in France.<sup>18</sup> The literature by scholars and academics has been recently joined books written by Muslims or writers with a migrant background who take their distance with the public discussion focusing on Islam and activism (Bouzar 2004; Bouzar and Saïda 2003; Chouder *et al.* (2008); on this literature see Amiraux, 2006). This 'authentic testimony literature', as in other European countries such as Germany or the Netherlands, has emerged following the intensification of the discussion on headscarves in public schools. It has contributed to the constitution of a map of Islamic voices, mostly female, that have not yet really found a way to the public stage. When they have done, they have defined the limits of a quasi-normative iconography of good versus bad Muslims that relies on a strong gender differentiation. The women wearing the full head-to-toe headscarf – called 'voile intégral' or 'burqa' in the French debates – embody the climax of this gender differentiation.

### **The ties binding the colonial Empire to the French Republic: one history, many stories**

In the public challenges experienced by Muslims living in France today,<sup>19</sup> issues of portrayal and self-presentation are at work, inviting direct links to be made with colonial history, otherwise a fairly peripheral factor in the historical account of the nation.<sup>20</sup> The persistence of colonial images of people whose countries of origin have since gained their independence, and the echoes of these attitudes in the debate over integration and citizenship have been central to work in social sciences since the end of the 1990s, and to political views (Breviglieri 2001). For some people, post-colonialism is recognized everywhere, expressed either through political condemnation (such as the movement for Indigènes de la République [Indigenous People's Movement]), or through mockery (Stavo-Debaugue 2007). Others see the focus on colonial history and its insertion into the present debate on racism and discrimination to be based on the theory that 'contemporary forms of the social issue would be racial, since they would originate in practices and ways of thinking from the colonial era (Saada 2006: 64).<sup>21</sup> Post-colonial approaches in France are dominated by an accusatory tone, capitalizing on the trajectory followed from indigenous to immigrant, and stressing both amnesia and culpability in regard to the republican colonial past. A few voices are raised against such 'facile indignation' (Stavo-Debaugue 2007) summoning up the 'colonial imagination which neatly combines in the memory [...] both guilty soul-searching and self-critical exoneration' (Merle and Sibeud 2003). Hostility to the exploitation of the past is understandable, particularly in the face of attempts to make it an overarching explanatory cause and the tendency to turn the past into a national heritage.

It is not a question of reducing a complex colonial experience of difference and individual classification to a simple account of racism and exclusion that casts Muslims as victims today, as they were under colonial rule. The artificial insertion of a causal relationship between the way in which the Muslim religion was administered in Algeria in 1830, and the organization of its representation in France in 2003 is not the issue. The work on the 'post-colonial' approach undertaken recently in France rarely focuses on the religious issues. Nonetheless, the way in which these Muslim issues are framed invokes the idea of suspicion, the need to control people and places (Geisser and Zemouri 2007), the subversive potential of Islam and the Muslims as a primary source of insecurity and public disorder. They appear as tangible continuities, located especially within the administrative vocabulary (Le Pautremat 2004). Sarah Mazouz provides a subtle account of how, in the naturalization ceremony she describes in Doucy, even at the point of transition from foreigner to French citizen, there remains a kind of embarrassment associated with the intrinsic paradox of the republican ritual. Through the confusion of representatives of the public authorities in attendance, this ritual becomes a real test of qualification:<sup>22</sup>

At the very moment the newly naturalised citizens are actually integrated, assimilated, they are still being spoken of and marked out as different and illegitimate. [...] There is a real paradox involved, since the way in which these ceremonies are constructed, and the reappropriation by the State's representatives of categories of law marks even more boldly the boundary separating those things that are given by right, and those things that are never given by right.' (Mazouz 2008)

### Muslim policies and *laïcité*

While the dream of an ideal colonial Empire is cast in the image of the Third Republic (Bancel, *et al.* 2003), the colonial experience does not prove to be a reliable implementation of republican ideals. Conquest was indeed in the name of republican principles, particularly the universal egalitarian project, but it brought about a coexistent set of dissonant practices, with the inequality among citizens of different status being one of the best known. The end of the nineteenth century marked the seminal moment in the republican mystique projected into the colonial experience.<sup>23</sup> Colonial practice as regards religion embodies these ambivalences. The Separation Law of 1905 thus becomes a factor in the rhetoric of the civilizing emancipatory mission in the colonies, and a resource for colonial domination. Indirect in its spirit as in its letter, the law of 1905 will never actually apply to Muslim religious associations created all the same under the terms of the 1907 decree. 'At this time, the ulemas highlighted the inherent contradiction of the Republic ready to turn *laïcité* into a dogma in France itself, and to distort it in Algeria as soon as the control of the indigenous population was at stake' (Achi 2007). Despite being one of the foundation stones of the Republic and its political culture, *laïcité* rings hollow in the colonial context, in particular in Algeria (Achi



2004: 81–106). It would not be applied in Algeria until 1947 (although it was transposed by decree from September 1907) and became a point challenged by Muslim reformers. There are therefore different wordings, drafted mainly on the republican citizenship model, and practices, depending on whether they are used for France or the colonized territories. In mainland France, the Third Republic put in place a democratic process integrating the various components of the French population, while in the extra-European world that the French Republicans aim at dominating, the vision of advancing civilization is formed as and justified by an exceptional colonial situation.<sup>24</sup> These contradictions are brought to a climax in the Algerian context, and made possible by the volatility of legal regulations relating to citizenship. Until 1946, indigenous Algerian people, although of French nationality, were denied citizenship (and hence voting rights) even though in French legal tradition race and ethnicity are not categories for awarding citizens' rights.<sup>25</sup> In Algeria, a French *département*, there is a two-tier citizenship process, depending on the group concerned – French Muslims or French from France.

There has never been a uniform policy towards Muslims in lands under colonial rule. Tensions between the republican project and the complex and unequal architecture of the colonial administrative system became ever more complex with further conquests and clashes with very disparate environments in the various territories (Egypt, Morocco, Tunisia, and Algeria). French Muslim policy was therefore not officially established until 1890 and implemented mostly during the following century. As a product of the twentieth century, it remains haunted by the idea that everything associated with Islam is potentially subversive and a risk to the unity of the French Empire. To put it briefly, the aim of the policy for Islam was mainly to create systems of control for protecting the republican project and the colonial Empire from the threat of 'Islam' in every area of society. The Algerian conquest was the ideal incarnate of France's Arab policy, where a strategic assimilation was made of new territories into French law, while the status of indigenous people was kept separate (French but not citizens). The status of '*Français Musulmans d'Algérie*' (French Muslims from Algeria, hereafter FMA) is the most typical illustration of the bifurcation between citizenship and nationality in the French colonial context.<sup>26</sup> In the end, it contributed to 'making citizenship irrelevant as criteria of national identity' (Kepel 1994:135).<sup>27</sup> Later on came the '*politique des égards*' (consideration politics), a term used at the end of the nineteenth century to describe the French practice, within its colonial control policy, of making use of some of the indigenous people, and respecting traditional institutions.<sup>28</sup> The Muslim policy, a kind of '*policing of souls*' (Lyauzu 1994: 61) thus combined the expertise of university academics, particularly orientalist, with that of the administrative authorities of the Muslim territories of the French Empire, and from 1910, that of the indigenous people (Laurens 2004: 251–80). The Arab Bureaux, from 1833 in Algeria, and the Interministerial Commission for Muslim Affairs (CIAM), created by the decree of June 1911, thus relied on local contacts to mediate with central authorities. Managed initially by the Ministry of Foreign Affairs (Morocco, Tunisia and Syria administrator) and the Ministry of the Interior (responsible for Algeria), CIAM had the task of further integrating French Muslim policy. It was



designed as a coordination department, in which indigenous representation was a constant issue from 1915.<sup>29</sup> The posts of Muslim advisers ('intermediaries able to convey the grievances and complaints of the Muslim people'<sup>30</sup>) were created in 1931 as trustworthy vectors with the mainland: it was very important to show that the Republic was not hostile to Islam.

The obsessive control and organization of the Muslim religion in accordance with republican principles, which came to the surface during the 1980–1990s, is therefore not just an invention of the Fifth Republic. It had a much longer history than that, despite having had different aims in the past. After independence, during the mass labour migrations in the 1970s, a period of relative *laissez-faire* temporarily prevailed, where the pragmatic vision of the issues involved intersected with security concerns and diplomatic attitudes towards the Arab world. From 1989 to 1990, the period culminating in the establishment of the CFCM in 2003, there were alternating periods of tension and of harmony marking the progress of the institutionalization of representation for Islam.<sup>31</sup> For many Muslims involved in the consultation process set up by Jean-Pierre Chevènement, when he was Minister of the Interior (from 1997 to 2000), discussions with public authorities bore signs of colonialism. The accusation of illegitimacy that hangs over Muslim religious needs, or rather the suspicion of disloyalty that follows them, emerges in the definition of the legislative framework in which discussions take place. The invitation offered to representatives of the Islamic religion to 'join us at the table of the Republic'<sup>32</sup> was difficult to accept in January 2000 because of the '[d]eclaration of intent on the rights and obligations of members of the Muslim faith in France', subsequently renamed the '[l]egal principle', which affected the foundations governing relations between public authorities and the Muslim religion in France. The advisers responsible for Islam who succeeded one another alongside the ministers from 1989 alternated between idealists (desiring to 'civilize the Muslims') and pragmatists (assuming 'a sociological and demographic realism') explains Vincent Geisser (Geisser and Zemouri 2007: 71–99). There were mixed feelings among the representatives included in the consultation process, with some of the younger ones experiencing the invitation from successive Ministers of the Interior as a 'paternalistic, colonial command', while the older ones swung between feelings of helplessness and distrust.<sup>33</sup> The 18 months during which Sarkozy, then Minister of Interior, succeeded in getting Muslim leaders and associations to sit down and together organize a national board to represent them in the dialogue with the state about the conditions of worship, witnessed a rather long and infuriating process taking place. It came to a rather inconclusive end in April 2003 with a first mandate to a freshly elected board of Muslim representatives. Indeed, Muslims were finally represented in a centralized institution (CFCM) based on a coordination of regional boards (CRCM). On 19 April, Sarkozy made a speech during a yearly Muslim fair that took place in Le Bourget (close to Paris) during which he solemnly praised Muslims for having achieved this unique result,<sup>34</sup> and made a series of statements reminding Muslims of the way to become 'des Français comme les autres' in a manner that does not require them to receive any different treatment as far as their religious traditions are concerned.<sup>35</sup>



The 'homo islamicus' (Tezcan 2007: 51–74) emerging at the junction between public regulation and the requirements of Muslim associations in this process of institutionalization is a Janus figure, as it was in the colonial context. One face is the product of the institutional adoption of the Muslim religion as worship, cast in the bronze of civic *virtù* and loyalty to the Republic. The other face, the face of challenge, is that of resistance to the pressure on representatives of Islam to conform when they sit down at the table of the Republic. Over and above the altercations and scuffles among the various representatives of Muslim associations and federations (Frégosi 2005: 99–114), increasing supervision by public and political authorities observed over the period 2002–3 will be maintained. The story of the relationship between the French state (colonial and post-colonial) and the Muslim religion is *in fine* one of interference rather than neutral indifference. While state interference may be desirable for the sake of ensuring common freedoms, this would only be risk-free if there were guaranteed to be no arbitrary intervention in the lives of vulnerable people (Pettit 2004).

### **The indigenous and Muslim citizens in antithesis?**

The tension between principles and ideals, on the one hand, and praxis and action, on the other, also appears in daily life. The problem of the coexistence of multiple definitions of the good can then lead to the appearance of unease, hostility, discrimination or even explicit racism. Other than at the institutional just outlined, the start of the twenty-first century has seen the emergence of a renewed iconography of deviation from the republican ideal, no longer a fantasy but in male and female figures that typify behaviours considered hostile to the Republic. The connection is made between an iconic fantasy of otherness, and a much more ordinary unease, arising from day-to-day interactions between people ignorant of or unfamiliar with Islam. This daily discomfort does not lead us away from the central hypothesis of this chapter (that of the continuity between pre- and post-colonial imagination, discourse and practice in handling Muslim otherness in France). Rather, it makes its typical content more ethnographic than historiographic, considering the way in which the 'governmentality' of the body (in the sense of the struggle engaged to control modes of integration and social reproduction between state and organized social forces, via the governance of the bodies of young female and male Muslims) highlights lines of continuity in the stigmatization of particular practices.<sup>36</sup>

There are two standard reconstructions of the figure of the 'other' in the colonial context: that of the 'savage' and that of the 'indigenous' person (Bancel and Blanchard 2008: 149–62). This combination of fantasies is embodied in the archetypes of the Muslim savage (the barbarian) portrayed as the opposite of the civilized, Catholic white man.<sup>37</sup> More specifically, among the many faces of the native, 'that of the horseman of the Maghrib, perpetuating a magnificent tradition of the brave "Arab" warrior, firmly establishing its function, perception and the fears it inspires (particularly Islam) in the narrow political field' (Bancel and Blanchard: 150) is situated in the world of politics and protest, launching a stereotype still operating in very similar ways today. The Arabs' skill in combat, brought under

control by the Republic, and the notion of their violent nature and uncontrollable impulses, remain enduring elements in a historical pattern of stigmatization during which the 'indigenous Muslim' does not appear to be quite as 'teachable' as he has been depicted. In passing, we should note that, in this context, Islam is understood more as culture than as theology, or even as a lack of culture or ignorance. The 'Arab boy' (the product of Maghrib immigration), painted vividly in the media in the last few years as a troublemaker and source of danger within and outside his own community, 'is a ghost from the colonial past [...] one of the avatars of the indigenous immigrant who becomes the Muslim' (Guénif 2006: 118), sometimes welcomed in colonial times, but now despised.<sup>38</sup> The idea of Arab cruelty, an archetypal pillar of colonial culture, is now fostered by new scenes of confrontation around barbarous sexual practices which dominate the news<sup>39</sup> – though very different from the transnational repertoire suggesting the connection between Islam and terrorist violence.<sup>40</sup> Stigmatization here revolves around the incapacity of men to control their rough nature, 'their inability to interiorize in their own bodies the rules of propriety and courtesy that have always governed interaction between men and women, the expression of the French exception' (Guénif 2005: 204). In this context, Zinedine Zidane's head butt during the World Cup final in 2006, a public breach of sporting rules and codes, was for some the admission of an inability to control personal emotions, a complete distortion of the noble behaviour expected of the best athletes. Yasmin Jeewani emphasizes the orientalist and especially the animal imagery invoked by journalists of the international media to describe and interpret the event, concluding that the sportsman's performance was a failure in terms of integration (Jeewani 2008: 11–33). The same construction is also found elsewhere in the media coverage of this event, typically of a racialized image of the heterosexual Arab man (here a Kabyle), one of whose vocations is to protect the honour of the women in his family, insulted by the player in the opposing team. Nacira Guénif, in her analysis of the various stances towards the controversy over the wearing of the headscarf in 2003–4, provides a subtle description of the reassuring, successfully integrated characters, the '*beurette*' (slang term for a liberated Arab girl) and '*the lay Muslim*', in contrast to their negatively connoted opposites (the bearded fundamentalist and the young, veiled woman) (Guénif 2006: 111). The individual miraculously saved by sport (Z. Zidane) or the exceptionally successful student (Rachida Dati appointed Minister of Justice by Sarkozy in May 2007) were found to be fallible, and described as entangled in their 'roots', causing them to become transgressors rather than conformists in the lay moral context, even though Islam is not one of the identities either claims. The tension reaches its peak between the concrete formality of citizenship inherent in basic rights and principles, and the ideal citizen who has never taken root, to the point of abstraction, which in some eyes is an admission of incompetence. Between the cult of virginity and the inclination to rape, the danger of the indigenous individual, his lack of submissiveness and his resistance have gained the upper hand, independent of his gender, it should be said. Gender equality is in some way achieved through ordinary racism, which from now on does not stigmatize just the male figure (the Muslim Arab), but also his female counterpart (the young veiled woman). For men and women,



the ‘‘integration gap’’ for these post-colonial French people does not result from their social inadequacy, nor from their failure to adapt to the employment market. It lies within their own bodies, in their inability to submit to the rules of self-control required by the civilizing process in France’’ (Guénif 2006: 120).

The stigmatization of the Islamic headscarf over the past 20 years follows similar lines. There have been many phases in the argument, focused on the wearing of the headscarf in France, from the politicization to the ‘juridicization’ of discussions on either side (Amiriaux 2009; Bowen 2006; de Galember 2008). The consensus that dominated in 2003–4, when the controversy on wearing of the headscarf in state schools came to a head, was marked by the assumption that the headscarf is a polluting factor, damaging to the Republic and to the young women who wear it. Its presence offends several principles seen as central to the balance of the republican plan: it exports private signs into the public space, thereby identifying religious affiliation; the believer’s identity takes priority over the citizen’s identity, fracturing equality among students by introducing a visible, distinguishing feature; it thus harms the school’s civic mission and leads to ‘school à la carte’ in which authorities other than teachers are involved; finally, the Islamic headscarf foils religious freedom by offending the freedom of conscience of others (Laborde 2005: 327–8). For the defenders of the lay republican stronghold, the headscarf is therefore an obvious sign of a threat to public order and to the symbolic ecology in which the sensitivities of the citizens are shaped and make sense. Separation of Church and State remains the main thrust of the Act of March 2004, onto which are grafted arguments relating to the protection of young veiled women and republican values, of which the school is the main channel of transmission.

The public controversies questioning the legitimacy of wearing the Islamic headscarf in public schools since 1989 illustrates the implementation of a governance of bodies that is very much anchored in the republican tradition of control of private space (Iacub 2008). The public obsession with the headscarf results from the convergence of different dynamics, from politicization to judicialization of the debates (Amiriaux 2007; Bowen 2006; Lorcerie 2005; De Galember 2008). Schools are no longer sanctuaries. Reading the headscarf controversies as a ‘normative account of the relationships between citizenship and identity’. Laborde distinguishes two forms of criticism, mostly from the political left. One the one hand, culture-blind universalism was blamed for being an ideological mystification perpetuating the structure of post-colonial domination (Laborde 2001). The type of discourses this criticism ends up producing can best be illustrated by the Indigènes de la République movement, or the MIB (Mouvement de l’Immigration et des Banlieues). On the other hand, says Laborde, culture should be understood as an integral part of individual identity that cannot just be left behind when discussing political participation or going public. This second criticism of the French republican tradition pushes towards a more multicultural republicanism, considering the recognition of cultural elements of distinction as part of an egalitarian public sphere. For the defenders of the republican fortress, the headscarf embodies the threat to public order and the symbolic urban ecology through which citizens make sense of their experience. The governance of private manners and of modesty is



not a new tradition of republicanism. Marcella Iacub, examining the secularization of civil law, illustrates how the erection of a 'wall of modesty/decency' between the private and the public spaces in nineteenth-century France led state authorities to govern previously purely private issues of sexuality and modesty (Iacub 2008). This tension has been exacerbated with the passing of the March 2004 law on religious signs in public schools: if religion should remain a private matter in the secular Republic, should the legislator and the state take care of it?

In secular republican France, the personal and private sphere makes no difference, politically speaking, to the way in which the state understands those it administers. In all secular, liberal democracies, religion is confined to the world of the personal and private. It may briefly be said, therefore, that secularism, from which *laïcité* has partially been derived, emerges from a liberal desire to protect individual freedoms as well as the various concepts of the good cohabiting in a pluralist society. The heart of secularism in a liberal context consequently incorporates religious freedom, equality of all citizens and state neutrality into a common plan. *Laïcité* in France is proposed in turn as a way for the administration to regulate differences in the public space, or as a context for recognizing<sup>41</sup> and even accommodating a real social pluralism. The contemporary version of *laïcité*, however, goes further than the nodal benchmark for separation. French *laïcité* combines two important factors: on the one hand the part played by institutions in implementing equality and neutrality, and on the other the 'doctrine of conscience', which lays down behavioural codes and standards for the attention of both religious organizations (internal laicization) and individuals, who are expected to exercise religious reserve in public (Laborde 2001: 716–35). These are therefore the infra-political foundations of republican attitudes that make justice and tolerance possible, not just through the law itself but also through a deeply etched ethical sense within a personal political culture.

In the end, Muslims in France stand at the crossroads of two contradictory commands: one requiring personal invisibility, eulogizing 'the invisible immigrant' (Noiriel 2007), the other inviting gratitude for the equality of treatment given to the various denominations in the country. The expectation of invisibility combines with the liberating plan for privatizing cultural identities in the name of equality for all in the citizen's public space, free of emotional attachment to contingent cultural features. This invisibility remains ambiguous and has even some legal consequences. For instance, while the concept of discrimination (including discrimination over the religious belonging of the victim) became a central notion of the legal and political arena in terms of promotion of equality and respect for differences, it has remained largely ignored and absent from the discourse about Muslims and Islam in France. This has been recently changing, in particular thanks to the legal interpretation given by the Halde (Haute Autorité de Lutte contre les Discriminations et pour l'Égalité) on specific circumstances (Ast 2010). So the acknowledgement of a continuous hostile feeling towards Muslims has been treated distinctively from the practices of discrimination vis-à-vis Muslims. This pertains to a certain logic of the political philosophy of integration and equality in France: religion is private, intimate and invisible. When dealing with Muslims though, the question becomes: do they have something more (or something less) than an ethnic minority? Significant



forms of identification for particular groups of people individually and collectively are thus maintained in the absence and denial of recognition or invisibility. As Joan Stavo-Debaugue explains, with regard to black people in France, this constitutes 'the most paradigmatic of experiences of humiliation, scorn and denial. Being invisible means being excluded from full, authorized membership of a community or even of a situation. It also means not being considered as someone who can participate by right to make a contribution that may be recognized and welcomed for its own merits by the other participants in the community.' (Stavo-Debaugue 2007). The invitation to recognition itself comes from a European convergence of attitudes around multiculturalism and the fight against discrimination as a political means of handling diversity. This second point is also equivocal in the French context, where among the attributes discredited by the republican model of integration and conquest, religion takes pride of place. The 'indigenous Muslim tends to become a Muslim client, the subject of all the concerns of the public authorities, to the points of becoming trapped in religious identity at the expense of other social memberships' (Geisser and Zemouri 2007: 11).

### **Some conclusions**

Islam's place in France is still not stable. Its fate is decided on the basis of a number of issues (historical, political, legal, social) which all converge on an apparent loss of trust in the lay republican system. As Habermas describes in conversation with the Pope Benedict XVI, the lay (or for Habermas, the 'secular') state relies on assumptions of uncertain reliability and durability. The inclination to the common good assumes more than simple obedience to law and involves a more costly undertaking in terms of political virtue, he explains; it is not possible to act only through interest or constraint in order to deploy values such as those of solidarity, tolerance and recognition. The consistent historical hostility to particular expressions of diversity, even in the innermost recesses of the personal life of individuals, raises echoes of an unacknowledged nationalism around the republican discourses and its publicly expressed hostile reflexes. The thoroughly modern, anti-Muslim racism that characterizes European public opinion relies in the French context on republican universalism, 'the new incarnation of post-colonial imperialism, which makes Islam into the "other" who cannot be assimilated, confusing the self-determination of the autonomous subject with the subjectivity of the white, European male' (Laborde 2001: 721). The current French context, as far as Muslims' incorporation is concerned, can probably best be defined as a moment of simultaneous invention of vocabulary and categories to fit in with a new European governance that has made of discrimination a central term in the development of a politics of difference, and the redefinition of a political grammar to articulate this new situation with a longer historical perspective (Fassin 2002; Amiraux and Simon 2006). Since 2006 this evolution has taken place in a slightly tense context, marked by the virulent public discussions (2003–4) that concluded with a law banning conspicuous religious signs from state schools (March 2004), urban riots all over France that lasted three weeks (November 2005) and lastly the upsurge of a

wide discussion opposing experts and politicians on the legitimacy of adopting the collection of ethnic data in public statistics.<sup>42</sup> The challenge for political leaders and public agencies seem to be a double headed one, underlining the evidence of, first, the growing gap between historical narratives and practices, and second, the conflict between ideal political principles and their pragmatic implementation.<sup>43</sup>

Historically, post-revolutionary republicanism was established in France particularly around the recognition of the need to privatize cultural factors, especially religion, so that all citizens are treated equally in the public domain. Freedom of conscience, mutual incapacity for both politics and religion, equality of religion and personal belief before the State form some of the fundamental benefits of this republican plan, which also represents itself as secular. In theory, the keystone of the structure (meaning the set of rules and institutions governing the framework of its application) lies in the neutral practice of power and exercise of public authority. Neutrality then becomes the indicator of the political reality of *laïcité* in its capacity to face constant protests and claims (Koussens 2008). In practice, a separation from these ideals is gradually viewed as a normal state of affairs, with the tensions around issues relating to politics to be discussed in multicultural France contributing to the assumption that *laïcité* would naturally be a factor in a national political culture that is constantly under threat, but at the same time always an ideal goal towards which to aim. In other words, *laïcité*, more honoured by some in the breach than in the observance, remains a founding concept of the republican spirit, a shared conviction, despite its many possible interpretations. Since March 2004, the passing of the law regarding the wearing of symbols or clothing demonstrating religious affiliation in state schools and colleges, in application of the principle of *laïcité*, has made it a 'moral fact' in the sense of a mandatory '*rule of behaviour to be penalised*', independent of the diversity of consciences forming a society.<sup>44</sup> In at least one sector of public life, breaching *laïcité* is therefore now punished.<sup>45</sup> Is this enough to maintain the primary meaning of the post-revolutionary secular plan for peace-making and reconciliation?

Over the past years, French politics of difference have been a mixture of hesitation, inconsistency and faithfulness to historical ghosts and abstract principles. The most apparent elements in recent evolution are the institutional responses by the state to integration-related issues in terms of anti-discrimination policy – more and more use of categories and references to the law and to the European perspective – and a new visibility of collective mobilization around questions of recognition. The current context is illustrative of the tensions resulting from the temptation to remain at a high level of abstraction rather than switch to more local levels of observation of social difficulties. 'The citizen is not a concrete individual. One does not meet the citizen. It is a subject of law' (Schnapper 2004: 27). There is a need to invent a new type of tie binding individual citizens to the political, since national belonging (citizenship) is increasingly disassociated from cultural belonging. Citizenship and nationality are not equivalent. Many scholars have used quantitative or qualitative approaches to illustrate this non-equivalence (Duchesne 1997; Safi 2008). The republican paradigm needs to be somehow updated so that elements of multiculturalism can be introduced, starting with the recognition of the cultural and ethnic



diversity of French society also in the statistic approach of diversity.

The present is nevertheless characterized by certain positive elements. First, state authorities are more and more active in regulating private religious issues of certain groups of people, with migrant background or/and Muslims.<sup>46</sup> Second, the conjunction of international events (9/11) with top-down input from transnational political institutions (the European Union) in the implementation of equality of treatment of all religions accelerated in April 2003 the creation of a board of representatives of Islam as a religion (Godard and Taussig 2007). However, even if this institutionalization of the Islamic representation has granted more space to a discussion of Muslim issues in the public sphere (Amiriaux and Jonker 2006), it did not 'neutralize' the stigmatization and racialization (Fassin and Fassin 2006) of Islam-related elements of diversity that can be observed in today's France. The historical permanence of hostility towards certain forms of diversity, even when purely part of the private life of individuals, echoes an unspoken nationalism. Anti-Muslim racism, common all over Europe, in France is based on republican universalism. A rigidity of ideas and principles when dealing with citizenry and 'what it means to be a French man or woman' continues to dominate the public image of the French nation, which perceives itself as universal and abstract. French MPs from different political backgrounds have voiced several positions in favour of an extension of the current March 2004 law to 'the public space' at large.<sup>47</sup> The discussion of how to be *laïc* in a pluralist France has still a long way to go. The recent 2009 re-opening of a discussion related to the wear of the burka in France further confirms the iconic place of Muslims, more particularly Muslim women, in this endeavour.<sup>48</sup>

## Notes

- 1 The author wishes to thank Joanna Waller for her translation into English of most parts of this chapter.
- 2 This chapter was drafted before the French debate on the 'national identity' started during Fall 2009, and the parallel work conducted by the Mission d'information parlementaire sur le port du foulard integral sur le territoire, which was already implemented in June 2009.
- 3 For a historical synthesis see Noiriél (1988).
- 4 There is always hesitation when coming to the translation into English of words such as *laïcité* and into French of word such as race or ethnicity. The way categories are defined/selected/applied are never neutral processes. Laicity is increasingly used to refer to the separation between State and Church as a condition for freedom of conscience and equality of rights. "Secular state" or "secularism" is the translation given by the Council of Europe and other international institutions, and mostly the one preferred by lawyers too. These are institutional uses of the word that do not encompass sociological perspectives on 'secularization processes' for instance (further definition can also be found in Baubérot 2007: 19–20).
- 5 For updated data see [www.insee.fr](http://www.insee.fr) (Institut national de la statistique et des études économiques (INSEE)).
- 6 See INSEE 1999 census, updated through the yearly census survey (INSEE 2004 and 2005), [http://www.recensement-1999.insee.fr/RP99/rp99/page\\_accueil.paccueil](http://www.recensement-1999.insee.fr/RP99/rp99/page_accueil.paccueil) (with English version), updated through the yearly census survey (2005 to 2009),

available at <http://www.insee.fr/fr/bases-de-donnees/default.asp?page=recensements.htm>

- 7 There is no official data cross-referencing religious identification with the national origin of the prime migrants. For mid-2004, 2 million immigrants were said to have French nationality, i.e. 40 per cent of the total number of migrants. They acquired nationality through marriage or naturalization. See *Enquête annuelle de recensement*, INSEE 2004.
- 8 This chapter was written before the national debate on the national identity was launched by Minister Besson in October 2009, and before the publication of the report by the parliamentary mission regarding the wearing of the burqa in France (January 2010).
- 9 Article 1 of the French Constitution 1958 states: 'France shall be an indivisible, secular, democratic and social Republic. It shall ensure the equality of all citizens before the law, without distinction of origin, race or religion. It shall respect all beliefs. It shall be organized on a decentralized basis. Statutes shall promote equal access by women and men to elective offices and posts as well as to professional and social positions.'
- 10 The current context of discussion about ethnic statistics may change that position. Comité pour la mesure de la diversité et l'évaluation des discriminations (COMEDD) under the direction of François Héran, *Inégalités et discriminations. Pour un usage critique et responsable de l'outil statistique*, présenté à M. Yazid Sabeg, commissaire à la diversité et à l'égalité des chances, 3 February 2010 (available at: <http://www.scribd.com/doc/26484593/Inegalites-et-discriminations-COMEDD-2010>).
- 11 Going public refers here to the simultaneous intensification of discourses on the incompatibility of Islam and democracy, Islam and secularism, the increased designation of Muslims as potential suspects following 9/11, the politicization of the notion of Islamophobia and the establishment of a double-standard discourse regarding Muslim mobilization in European contexts at large.
- 12 Impressive work has been carried out by historians on that matter: first on the different juridical categories invented to cope with the variety of status in the Muslim societies under French administration; second, to point out the non-application of the 1905 law on separation in part of the colonized territories, i.e. Algeria (though a French department). On the post-colonial categorization and its impact on housing policies for instance, see de Barros (2005).
- 13 CFCM stands for *Conseil Français du Culte Musulman* (French Council for the Muslim Religion) that, since 2003, is a representative institution of Muslims, both at the national and regional levels, in matters mostly related to practices, ritual and institutional life.
- 14 This '*querelle des chiffres*' has been going on for years among scholars studying Islam and Muslims in France. A good illustration is the first chapter in Kaltenbach and Tribalat (2002). For a recent update on Muslims in France (with statistics), see Godard and Taussig (2007).
- 15 The data comes from Atelier Parisien d'urbanisme (APUR), *La population étrangère à Paris*, n. 7, janvier 2003 which is a synthesis of a larger survey conducted by APUR for the Paris City Hall.
- 16 There are no statistics for Catholics, Protestants, Jews, Sikhs, Buddhists, only estimations.
- 17 This has to do with the legal framework on religion in the French context where religion is barely defined independently from worship.
- 18 Probably the more active on the subject of religious discrimination and Islamophobia are Comité 24 mars et libertés; Collectif Contre l'Islamophobie en France (CCIF).
- 19 By this 'public confrontation' I mean the overlapping of several different processes operating at a number of levels. First of all, there is the historical and sometimes imaginary connection drawn between Islam and the French Republic, in terms of their incompatibility, particularly around values of equality and *laïcité*. Then there is the gradual ethnicization over the past 20 years (since 1989) of the denominational difference of Muslims living in France to the point where factors of insecurity become inculturated, at the international level as well as with regard to internal policy. This movement may



for instance be associated with the phenomenon of Islamophobia. Finally, as a corollary to these, there is the generalized suspicion of all Muslims, demanding of them demonstrations of loyalty and knowledge of the rules, down to the most mundane interactions of daily life. The initial aspects of this analysis have been described in Amiraux (2004: 209–45).

- 20 The political foundations of social science discussions are indisputable. Several authors have recently developed these themes, to the point of speaking of state xenophobia, particularly as regards the creation of the Ministry of National Identity and Immigration. 'By "xenophobia", we mean all the speech and actions that tend to identify the foreigner as a problem, a risk or a threat to the receiving society, keeping him or her distanced from this society, whether before arrival but preparing to come, or after arrival, or even once settled for some time. This preliminary definition can be further refined into a government xenophobia with a history, characteristics and specific forms of expression, distinct from the far right's anti-establishment xenophobia which Europe has been experiencing again for over two decades' (Valluy (2008: 12); *Asylon* (2008); *Journal des Anthropologues* (2007); *Raisons Politiques* (2007).
- 21 For views on recent developments in French debates about these issues, see *Genèses* (2003) edited by Alexis Spire and *Genèses* (2007) edited by Emmanuelle Saada.
- 22 It is hardly surprising to learn that an abusive (in the sense of beyond the scope of the law) extension of the law of March 2004 imposing the principle of *laïcité* in state schools resulted in women being banned from wearing veils in city halls when receiving their citizenship decree from an elected representative or assistant. In this regard, see resolution 2006–131 5 June 2006 from HALDE (Haute autorité de lutte contre les discriminations et pour l'égalité) [High authority for the fight against discrimination and for equality].
- 23 On the subject of the weaknesses of the French model of integration, a more contemporary expression speaks of the violence of the abstract universal, which excludes rather than integrates, while helping to stigmatize the 'other' (see Khosrokhavar 1996: 113–51).
- 24 The French term 'civilization' shares its legacy in the French colonial context with its equivalent in the British context. The English term 'civilization' emerged around 1830, and its later use in the plural (1860) was contrasted with the idea of 'barbarians' and 'savages' (Williams 1983).
- 25 Williams (1983).
- 26 The Indigenous People's Code was imposed in Algeria in 1881. It was repealed in 1946. The indigenous Muslims, who therefore had French nationality but not citizenship, then became French Muslims. The ruling of March 1944 applying the principle of equal rights and duties to French Muslims and non-Muslims was only very tardily applied, and during the Algerian war legal distinctions continued to be made among categories of French citizens, with the law and its usage relating to various practices (see Spire 2003: 61).
- 27 Algerians, though of French nationality, did not have the right to vote and were, to use the contemporary word, denizens. This denial of citizens' rights applied while race and ethnicity were not legitimate categories in the matter of civic rights. After 1946, French citizenship was extended to all persons living on French territory, but the distinction between civil and personal status survived in colonized Algeria, and the French Muslims in Algeria were those who did not renounce their religion but were French citizens.
- 28 In the act of surrender in 1830, the French authorities undertook to respect local customs, particularly retaining a personal status founded on religious law, and identifying the various denominations present in Algeria. Following the Crémieux decree of October 1870, indigenous Jews from Algerian *départements* became French citizens, with only the Muslims retaining their indigenous status.
- 29 We used the work of P. Le Pautremat (2003), on this point.
- 30 'It is impossible for us to claim any immediate influence over people to whom we are



strangers. In order to handle them we need intermediaries: we have to give them leaders, otherwise they will choose their own. I preferred the ulemas and doctors of the law: first, because they were natural leaders, secondly because they were interpreters of the Koran and our greatest obstacles have been and will continue to be found in religious ideas, and thirdly because these ulemas have gentle ways, they love justice and they are guided by a fertile moral conscience. [...] I have involved them in my administration. I made use of them to speak to the people.' Extract from *Mémoire sur l'administration intérieure de l'Égypte* de Bonaparte, quoted by Laurens (2004: 54).

- 31 The institutionalization of Islam in April 2003 resulted in the formation of a representative authority, the CFCM, a part-elected, part-nominated body. For a useful summary, see Laurence and Vaisse (2006: 135–62); Zeghal (2005).
- 32 The expression is taken from Jean-Pierre Chevènement when he was Minister of Interior (1997–2000), and has been used almost liturgically since then by his successors.
- 33 Geisser and Zemouri 2007: 86–7.
- 34 'C'est une victoire pour les musulmans de France qui ont témoigné ainsi de leur volonté de vivre leur religion dans la paix et le respect des valeurs de la République. La France est la première démocratie à avoir accompli ce progrès. Il vous appartient maintenant de le faire vivre.' (Sarkozy 2003).
- 35 The precise illustration dealt with the obligation to be bare-headed in photographs on official ID documents: 'La loi impose que sur une carte nationale d'identité, la photographie du titulaire soit tête nue que ce soit celle d'une femme ou d'un homme. Cette obligation est respectée par les religieuses catholiques, comme par toutes les femmes vivant en France. Rien ne justifierait que les femmes de confession musulmanes bénéficient d'une loi différente', *ibid.*
- 36 For a parallel account of the stigmatization of personal practices associated with religion (prayer, wearing the headscarf) and their integration in sport, see Silverstein (2004: 121–50); Guénif (2005: 199–209).
- 37 Perhaps more interesting than particular details of national history is the image of Islam that existed in medieval Western Europe and has altered little since. On the long history of the construction of mutual images, inspired by an ideological confrontation, by animosity and hatred (Islamophobia, as it is now called), as well as by love or fascination, see Daniel (1993); Goody (2004); Dakhli (2005).
- 38 Post-colonial studies in France have not yet examined issues of gender in depth. In his splendid work *Desiring Arabs*, Joseph Massad outlines a history of gay tourism to expose the interactions between issues of 'culture', sexual practices and colonial power. He supports Stoler's criticism of Foucault: 'why have we been so willing to accept his history of a nineteenth century sexual order that systematically excludes and/or subsumes the fact of colonialism within it?' A. Stoler (1995) quoted in Massad (2007: 7).
- 39 Referring here to the media coverage of mass rape, also known as 'gang-bangs'. See Muchielli (2005). On popular imagery and the stigmatization of the 'Arab boy' as a violent, polygamous heterosexual, a circumciser of women, see Guénif and Macé (2004).
- 40 On the media construction of these characters, see Delthombe (2005).
- 41 'that is, a *laïcité* which while respecting the separate independence of the State and religion, and taking care to ensure the fundamental principles of liberty and non-discrimination implied, acknowledges the social, educational and civil contributions made by religions and incorporates these into the public sphere' (Willaime 2006: 89).
- 42 Again a series of public reports in respect of the French tradition on controversial issues: 'Report of the Reflection Committee on the Constitution Preamble' (*Rapport du comité de réflexion sur le Préambule de la Constitution*, December 2008). Commission Yazid Sabeg and its report on the promotion of diversity and equality (May 2009).
- 43 For an update on the field of discrimination see Amiraux and Guiraudon (2009).
- 44 Durkheim later states that the moral facts follow rules that are distinguished by two features: society responds in the event of an action deviating from the moral rule to



which it must conform; the reaction follows the breach of the rule 'with a real need'. And further, 'the only possible progress is that which society makes collectively' (Durkheim 1893: 16, 19).

- 45 'So the reality of an obligation is certain only if it is manifested by some sanction', *ibid.*, p. 20.
- 46 One thinks for instance of the hardening of the laws dealing with family reunification, of the public campaigns against 'forced/arranged marriages' (two practices that are definitely not synonymous but still confused), of the unanticipated effects of new migration policies in Europe (Guild 2008).
- 47 By a decision on 27 June 2008 (Mme Machbour, n°286798), the French Council of State denied French nationality to a Moroccan woman living in France, married to a Frenchman and mother of three children, because it considered her religious practice as radical and incompatible with the core values of French community. See also the draft Law n. 1121 proposed on 23 September 2008 by Jacques Myard banning burqas in public.
- 48 See Koussens (2009); Laborde (2008b).

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