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ACCEPT
PLURALISM

Tolerance and Cultural Diversity Discourses in France

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CERI-Sciences Po

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1. Overview National Discourses Background Country Reports



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ROBERT SCHUMAN CENTRE FOR ADVANCED STUDIES

Tolerance and Cultural Diversity Discourses in France

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**Work Package 1 – Overview of National Discourses
on Tolerance and Cultural diversity (Literature and
Realities)**

**Deliverable 1.1 Country Reports on Tolerance and
Cultural diversity Discourses**

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Responding to the Challenges of the 21st Century in Europe**
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Tolerance, Pluralism and Social Cohesion: Responding to the Challenges of the 21st Century in Europe (ACCEPT PLURALISM)

ACCEPT PLURALISM is a Research Project funded by the European Commission under the Seventh Framework Programme. The project investigates whether European societies have become more or less tolerant during the past 20 years. In particular, the project aims to clarify: (a) how is tolerance defined conceptually, (b) how it is codified in norms, institutional arrangements, public policies and social practices, (c) how tolerance can be measured (whose tolerance, who is tolerated, and what if degrees of tolerance vary with reference to different minority groups). The ACCEPT PLURALISM consortium conducts original empirical research on key issues in school life and in politics that thematize different understandings and practices of tolerance. Bringing together empirical and theoretical findings, ACCEPT PLURALISM generates a State of the Art Report on Tolerance and Cultural Diversity in Europe, a Handbook on Ideas of Tolerance and Cultural Diversity in Europe, a Tolerance Indicators' Toolkit where qualitative and quantitative indicators may be used to score each country's performance on tolerating cultural diversity, and several academic publications (books, journal articles) on Tolerance, Pluralism and Cultural Diversity in Europe. The ACCEPT PLURALISM consortium is formed by 18 partner institutions covering 15 EU countries. The project is hosted by the Robert Schuman Centre for Advanced Studies and co-ordinated by Prof. Anna Triandafyllidou.

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Executive Summary

This report describes the diversity of the French population and presents the institutions that accommodate diversity in France. **Drawing on historical analysis and recent surveys on immigrant populations in France, it shows the main dimensions of cultural diversity that are perceived as challenging and explains why.** It recalls some of the main events in recent decades when cultural diversity emerged as an issue and how this has been dealt with. It maps out the state of the institutional arrangement that is in place to accommodate cultural diversity in order to define the main axes of analysis for the subsequent stages of this research project.

The diversity of the French population

The demographic fact of diversity in France is a product of both labour and post-colonial migration in the post-war period. On the one hand, France established recruiting offices in Southern European countries (Spain and Portugal) to attract European workers and their families. On the other hand, the dismantling of the colonial empire between 1953 and 1962 led the French government to sign bilateral agreements to secure its economic interests that also favoured the circulation of former colonial subjects to France. Successive immigration waves created **a diverse society, i.e. a society that encompasses populations with various origins from a geographical and cultural point of view.**

The diversity of French society is, however, hard to capture in figures. The official census only classifies the resident population under three categories: French by birth, French by naturalisation, Foreigners.

In 2007, there were 61,795,000 people living in France, of whom:

- 89.9% were French by birth,
- 4.3 % were French by naturalisation,
- 5.8% were Foreigners.

The fact that official statistics only record nationality results in statistically concealing the diversity of the population after a few generations.

This leads us to distinguish two levels of analysis of cultural diversity in France:

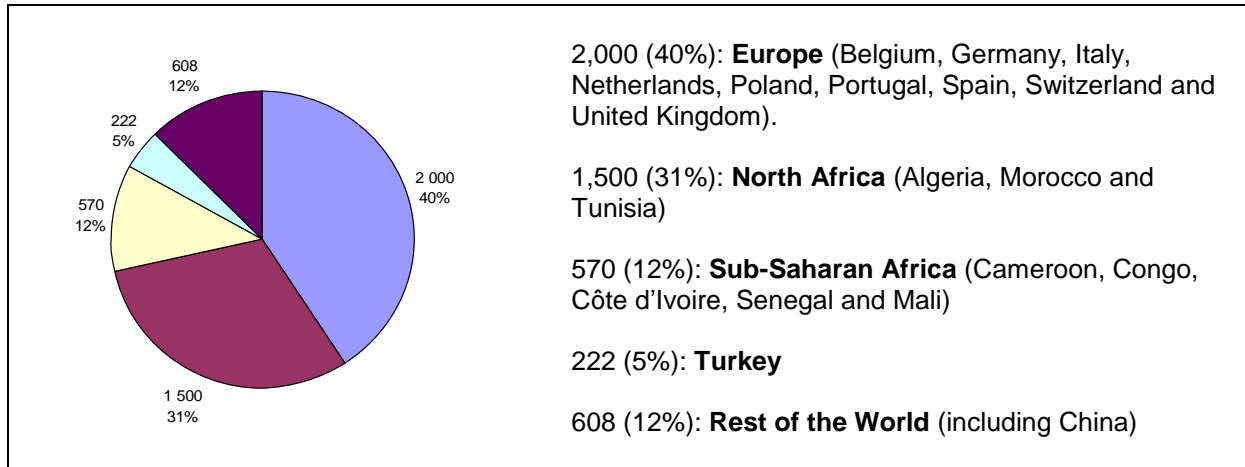
- the first level of analysis is objective; it looks at the breakdown of **immigrants** according to their nationality in the national census (see *Figure 1*) and it includes the **historical minority** of the Roma community in France;
- the second level of analysis is subjective; it looks at **visible minorities** in France, i.e. French people of immigrant descent who are perceived as different by the majority population and are likely to be the target of discriminatory practices (their numbers are not recorded in official statistics); another category is that of **regional identities**, individuals who identify themselves as belonging to a regional identity and who may be challenging for the State on account of their practice of a regional language.

Individuals of North African descent, albeit French citizens, are targeted as different by the larger society, authorities, etc. which leads to their *ethnicisation*. This process dates back to colonial times. French people who are 'black' are also targeted as different by the rest of the society. We argue that **physical appearances and the ethnicisation of North African origins are challenging dimensions of cultural diversity in France.**

Even though the figure of 6 million Muslims in France is often presented in the media, we would take this figure with caution, as it derives from the number of foreigners and French nationals of immigrant descent from North Africa, Turkey and Sub-Saharan Africa. According to a 2006 survey, only 59% of French people of immigrant descent identify themselves as Muslims. Moreover, the notion of 'Muslim immigrants' is mainly in use in the English-speaking world. This is also due to the fact that, in France, there is a low level of religious identification as a political identity.

Country diversity profile

Figure 1: Largest immigrant groups in France in 2004 by country of origin (in thousands)



Source: National Census, INSEE (National Institute of Statistics and Economic Studies)

Figure 2: Dimensions of difference

Dimensions of difference	Citizenship	Racial	Ethnic	Religious	Cultural	Linguistic
Immigrants						
North Africans	X		X	X	X	
Sub-Saharan Africans	X	X	X		X	
Turkish	X		X	X	X	
Asian migrants (China, Cambodia)	X	X	X	X	X	
Native minorities						
Roma community			X		X	X
Regional identities *						
Occitan, Breton, Alsatian, Corsican						X
Visible minorities *						
French citizens of North African descent			X	X		
French blacks (French citizens of African descent or Caribbean ancestry)		X				

*These are subjective categories. They are identified for the purpose of the research only. They are not recorded as official categories in French statistics.

Understanding diversity in France

The formation of the French State is connected to the idea of national identity in a manner that emphasizes the notion of the individual over the group and leaves membership of a minority group (whether on the basis of religion or culture) to the private sphere. This dates back to the French Revolution of 1789, when the idea of the nation emerged from the unification of citizens as opposed to the addition of groups (which characterised the *Ancien Régime*). It is expressed in the French notion of citizenship, which is civic and not ethnic, and encompasses all citizens regardless of their origin, race or religion. Immigrants have been able to become French citizens through an open code of nationality and the naturalisation process has been a pivot of their integration in France. The French strategy to guarantee equality among the citizens is to make difference invisible. **In the process of immigrants' integration, their belonging to different cultural and religious groups has been kept in the private sphere.**

Two essential features can be highlighted to clarify the understanding of cultural and religious diversity in France: the scope of nationality and *laïcité*.

- The questions of citizenship and the naturalisation process have been at the core of debates on diversity and integration for 30 years now. In response to the debate over immigration issues, the French government modified the nationality code successively in 1986, 1993 and 1998.
 - **1986:** the Chirac government (right-wing) introduced a new bill to bring automatic naturalisation of second generation immigrants to a halt.
 - **1993:** the Pasqua laws were passed (right-wing government), including the requirement that second generation immigrants actively declare their desire to be French.
 - **1998:** the Guigou law (left-wing government) suppressed the requirement for the second generation to make an express declaration that they desired to be French.

In 2007, the government created a **Ministry of Immigration and National Identity**, clearly articulating the link between the two notions. The same year, it introduced a New Reception and Integration Contract for newly arrived migrants to follow (it consists in language learning and knowledge acquisition). In 2010, however, having launched a series of debates over national identity and having received many criticisms, this Ministry was dissolved and the administrative units to oversee the regulation of immigration flows were reassigned to the Ministry of the Interior.

- *Laïcité* is the French understanding of secularism and it guarantees that religious beliefs are kept in the private sphere. It is enshrined in the 1905 law separating Church and State, and it stipulates that the State will not fund any activity related to a religious community. It also rules out any official representation of religion in public spaces. It is an active principle to protect the right to belief and disbelief in the society.

Accommodating religious diversity in France

The reassessment of *laïcité* has been used to tackle the challenge of Islam since the first affair of the veil in 1989, when two girls in a Paris suburb (Creil) insisted on wearing an Islamic veil in class. The State Council then recommended a flexible understanding of the *laïcité* law and left it to the school head to decide whether or not to allow pupils to wear religious symbols in the classroom. In 2004, however, a law was passed laying down a more restrictive understanding of *laïcité* and banning the conspicuous display of religious signs in schools (including Islamic veil, Jewish kippah and large Christian cross).

The fact that *laïcité* has been presented as the main institutional arrangement to deal with the challenge of religious diversity in France will have to be analysed in a critical perspective. As a matter of fact,

some analysts have argued that the debate on *laïcité* has fostered a sharp return of assimilationism and forms part of an increasing rise of ‘Islamophobia’.

Accommodating cultural diversity in France

Following the impetus of the EU, the French government established a High Authority to fight discrimination and promote equality (*Haute autorité de lutte contre les discriminations et pour l'égalité*, HALDE) in 2004. Despite a change in framing (from the promotion of equality to anti-discrimination), the High Authority remained reluctant to adopt a strategy to acknowledge differences among individuals. Furthermore, the racial construction of visible minorities is little acknowledged, in the sense that the category of race is barred from scientific discourse on differences.

Axes for further analysis

In the subsequent stages of the project we will attempt to analyse the state of tolerance or acceptance or respect in French society.

- In one axis of analysis, we will take the example of *laïcité* to see if it is a code word for tolerance in the sense that the presence of religious expressions is only tolerated, or if it qualifies as an instrument of acceptance or even respect as a means to recognise religious affiliation. In particular, we will see if *laïcité* operates as an organisational tool that contributes to the process of institutionalising differences and can represent an instrument of official recognition.
- Our understanding of diversity will encompass religious and cultural diversity. In a second axis of analysis, we will tackle the recognition of immigration as a valuable input to the French national narrative. Here the analysis of how immigration and cultural minorities are introduced in educational curricula will help clarify what place is assigned to the immigrant experience in the general understanding of the national culture.

Keywords

Immigration, national identity, tolerance, cultural diversity, equality, minority claim, cultural pluralism, post-colonial, Islam, *laïcité*

1. Introduction

France is a country of immigration and diversity is an important component of the society. Immigration waves from 1900 to the Second World War included flows from Northern Europe (Belgium), Eastern Europe (Poland) and Southern Europe (Italy and Spain). After the Second World War, while a significant number of immigrants came from Southern Europe (Spain and Portugal), the post-colonial component of immigration increased (Algeria, Morocco and other African countries).¹ The demographic fact of diversity in contemporary France is a product of both labour and post-colonial migration. In the post-war period, France signed bilateral agreements with Southern European countries to attract European immigrants whom the French authorities regarded as more likely to adapt to French society than post-colonial workers.² However, the dismantling of the colonial empire and the treaties that France signed with the newly independent countries³ included articles that favour the circulation of former colonial subjects to the Métropole.⁴ As a result, the post-colonial input represents an important part of French cultural diversity today.

The State's response to the diversity of the French population has been to make difference invisible, or more precisely to leave ethnicity and religious expressions in the private sphere. It is based on the French conception of citizenship, inherited from the 1789 Revolution, which is civic and not ethnic, and it is anchored in the Republican values that structure the national discourse on diversity. Moreover, since the 1905 law separating Church and State, it has been argued that by keeping official differences in the private sphere everyone will be considered the same and will, therefore, enjoy equality. Religious affiliations are kept private, and *laïcité* (the French version of secularism) is a central principle of the modern State. It maintains a strict separation between religious matters and public life. As a consequence, discourses on cultural and religious diversity are hard to pin down in the French public space and are usually understood as conflicting with Republican values.

This report describes the diversity of the French population and explores the institutions that try to accommodate diversity in France. It also shows how the notion of cultural diversity has emerged in national debates and when. First, we will outline the main historical events in the formation of the State and national identity to understand the challenge of cultural diversity in the French context. It will be seen that the formation of the French State is connected to the idea of national identity in a manner that emphasizes the notion of the individual over the group and, formally, does not allocate space for the acknowledgement of diversity in the public arena. Secondly, we will explore how issues have emerged which were perceived as resulting from the diversity of the population and how they have been approached and dealt with. This will lead us to identify what kinds of identities are perceived as different and/or challenging in the French context. Thirdly, we will explore the concept of tolerance in France. We will look at the concept of *laïcité* and see how it has been used to accommodate religious diversity in France. Does it foster tolerance towards religious expression? We will see that *laïcité* has been used to deal with tensions resulting from the purportedly religious character of post-colonial migrants and we will discuss its reassessment in response to the concern

¹ The French colonial empire consisted of colonies, protectorates and mandates in Africa, the Middle East and South-East Asia. Migrants of former colonial countries came mainly from Algeria, Morocco, Senegal, Mali, Mauritania and Cambodia.

² Attempts to sign agreements with Portugal in 1963, and bilateral agreements with Yugoslavia on 25 January 1965.

³ Independence of Cambodia (1953), Vietnam (1954), Tunisia and Morocco (1956), Benin, Burkina Faso, Cameroon, Chad, Congo-Brazzaville, Côte d'Ivoire, Gabon, Mali, Senegal, Mauritania, Niger, Togo, Central African Republic and Madagascar (1960), Algeria (1962).

⁴ The term Métropole refers to French territory in Europe (continental France and the adjacent islands such as Corsica) as opposed to French territories that are located outside Europe ('Overseas Territories').

about Islam. In conclusion, we will draw the main axis of analysis that we believe should be pursued to enhance the understanding of tolerance towards cultural diversity in France.

2. State formation and national identity

2.1. *Historical elements on the formation of the French Nation-State*

The formation of the French nation dates back to the French Revolution of 1789. It is based on the idea of a nation composed of citizens as opposed to the addition of groups that characterised the *Ancien Régime*: the nobility, the clergy and the Third Estate. As argued by Gerard Noiriel: '[the] context of anti-aristocratic and anti-clerical mobilisation explains, far beyond the philosophy of the Enlightenment, the essential aspects of the Declaration of the Rights of Man and Citizens. Behind the haunting theme of equality is found a violent rejection of all privileges (and all stigmatisations) based on origin' (Noiriel 1999: 46). The French conception of citizenship is civic and implies a vertical relation between the citizens and the State. It does not recognise the intermediate level of a group or a specific community *based on origin*. The State should consider each individual regardless of his/her origin, race or religion. Even though the events took place two centuries ago, this universalist principle is considered as guiding the understanding of the relationship between each citizen and the State (cf. article 1 of the Constitution of 1958: 'All citizens shall be equal before the law, regardless of their origin, race or religion'). The myth of the French Revolution that embodied the victory of the people over the nobility laid the emphasis on the universalist principles that linked citizens with one other, rather than their original membership of a group.

The 19th century was marked by an effort to unify French territory and French culture (mainly through the teaching of French as the first language for all French people) and suppress regional identities. Transforming 'peasants into Frenchmen' (Weber 1976) was the goal of the Third Republic from 1870 to 1940. It anchored the conception of a French population as a product of a *fusion* of people into one common language and identity. Ethnic specificities – understood as regional identities – were to be subsumed in the larger French national identity through the practice of the French language. From this founding period of French society there has remained until today the conviction that additional forms of identity such as regional, religious or immigrants' origin are to be kept in the private sphere. As a result, little room is left for the articulation of minority claims in the public sphere.

However, throughout the 19th and the 20th centuries, the creation of the colonial empire induced a breach in the universalist principle of French equality. The French State allocated differential status to indigenous populations and European expatriates. Nowhere was this differentiation stronger than in Algeria, where European settlers from Italy, Spain or France were granted French nationality and citizenship whereas the indigenous populations were kept in a specific status with different political and legal rights. In the colonies, indigenous populations were nationals but not citizens. Ethnicity, then, worked as a 'juridical category' to distinguish the 'Metropolitan' from the 'Indigenous' (Kastoryano 1999: 67). After the Second World War, the French Empire was renamed the French Union and colonial subjects became citizens of the French Union. They only enjoyed a truncated version of citizenship, however, and they did not have any political rights in the colonies (Weil 2008).

The case of differential status in the French colonies offers an example of a breach in the continuity of the universalist principle. It demonstrates that, in the colonial context, the Republic made distinctions between individuals on the basis of their belonging to a specific group considered as ethnically different. Furthermore, post-colonial immigrants who came to France in the second half of the 20th century carried this complex system of status with them. Being born in a French colony gave them

special access to French nationality.⁵ The story of the various colonial statuses established during the French Empire is still important today to understand the post-colonial migrants' complex relationship with French nationality and identity.

2.2. France and the European Union

France was a founder member of the European Economic Community and signed the 1957 Treaty of Rome. It was an active member of the Community until 1993, when it became the European Union. Since 2000, France has been the target of many criticisms regarding issues of diversity and pluralism. In the first case, when confronted with the imperative to open civic rights to European citizens, France was one of the slowest countries to adapt article 8 of the Maastricht Treaty (Strudel 2007). The French authorities argued that the link between nationality and citizenship was primordial and prevented the granting of civic rights to non-nationals. Furthermore, France was also slow to implement anti-discrimination legislation even though some of its architects were French politicians (Guiraudon and Geddes 2004).

Finally, France is proud to see itself as a country of Human Rights. The number of refugees who are granted political asylum each year is high and, in 2008, France was in third place after the US and Canada.⁶ However, it has been criticised for its actual application of Human Rights. For instance, in 2010, the French government was admonished by the members of the European Parliament for its treatment of the Roma people coming in from Eastern Europe.⁷ Voices of protest are also emerging in French civil society that criticise policies seen as contrary to the European Declaration of Human Rights. The European Union serves as a constitutional recourse in cases of Human Rights violations related to discrimination.

3. The main cultural diversity challenges that France has faced in the last 30 years

3.1. The formation of a diverse population

A diverse population is one that encompasses groups with various origins from a geographical and cultural point of view. In the case of France, its long experience in receiving and incorporating immigrant populations makes it a diverse country. Limited population growth and a shortage of labour have made it a migration destination – and not a country of departure – since 1880. For instance, when the United States imposed quotas to limit entries (1924), the flow of immigrants from Southern Europe was 'diverted' towards France, and by 1931 the increase in foreigners in France was greater than in the United States (Noiriel 2006: 21).

Moreover, like most of its neighbours in Western Europe (Belgium, Germany, Great Britain), France experienced massive post-war immigration flows during the period of reconstruction, coming, in her case, from Southern Europe (mainly Spain and Portugal) and North Africa (mainly Algeria, but also Morocco) (see Figure 2 below).

⁵ For instance, children born in France of Algerian immigrants born in Algeria when it was a French colony are automatically French when they reach 18 (Weil 2004b: 368).

⁶ Ranking of the top 10 receiving countries in UNHCR, *Asylum Levels and Trends in Industrialized Countries*, 24 March 2009, p. 7.

⁷ 'Roms: La Commission et le Parlement européen rappellent la France à l'ordre', *Le Monde*, 7 September 2010.

Figure 2: Foreign-born people in France, from 1954 to 1968 (in thousands)

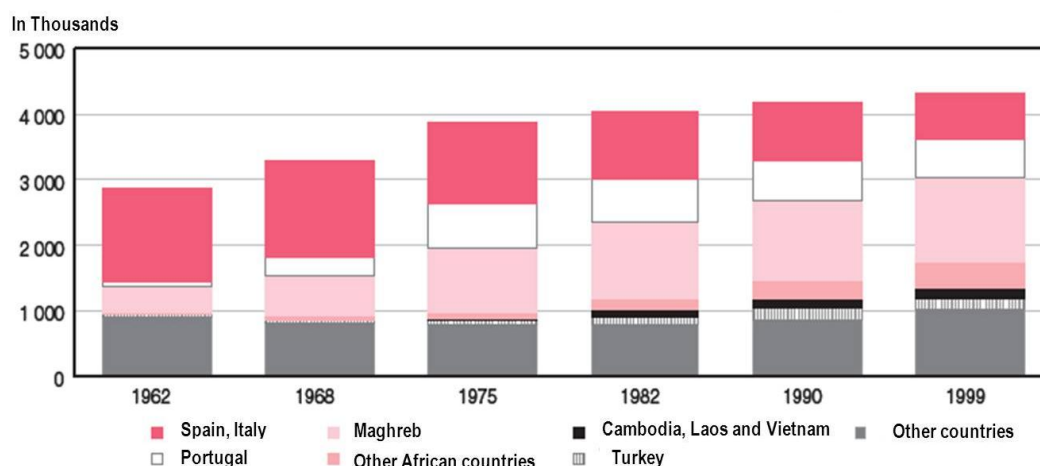
Nationality	1954	1968	Increase
Belgian	107	65	42
Italian	508	572	64
Polish	269	132	137
Spanish	289	607	318
Portuguese	20	296	276
Algerian	212	474	262
Moroccan	11	94	83

Source: National Census, INSEE (National Institute of Statistics and Economic Studies)

In 1974, in line with other industrial countries, the French government brought economic migration to a halt and the authorities ceased to deliver work permits to immigrants. After this ‘closing’ of economic migration, family members of immigrants could still come to France under the family reunification regime. However, immigrants who had no family ties in France started coming illegally or, if coming from countries in conflict, they tried to enter under the refugee regime. Despite the official ‘closure of immigration doors’, the migration influx has continued over the past decades, with a diversification of immigrants’ origin. In addition to constant flows of immigrants from Europe, the arrival of immigrants from North Africa has continued to be significant and there has been a slight increase in immigrants coming from other African countries.

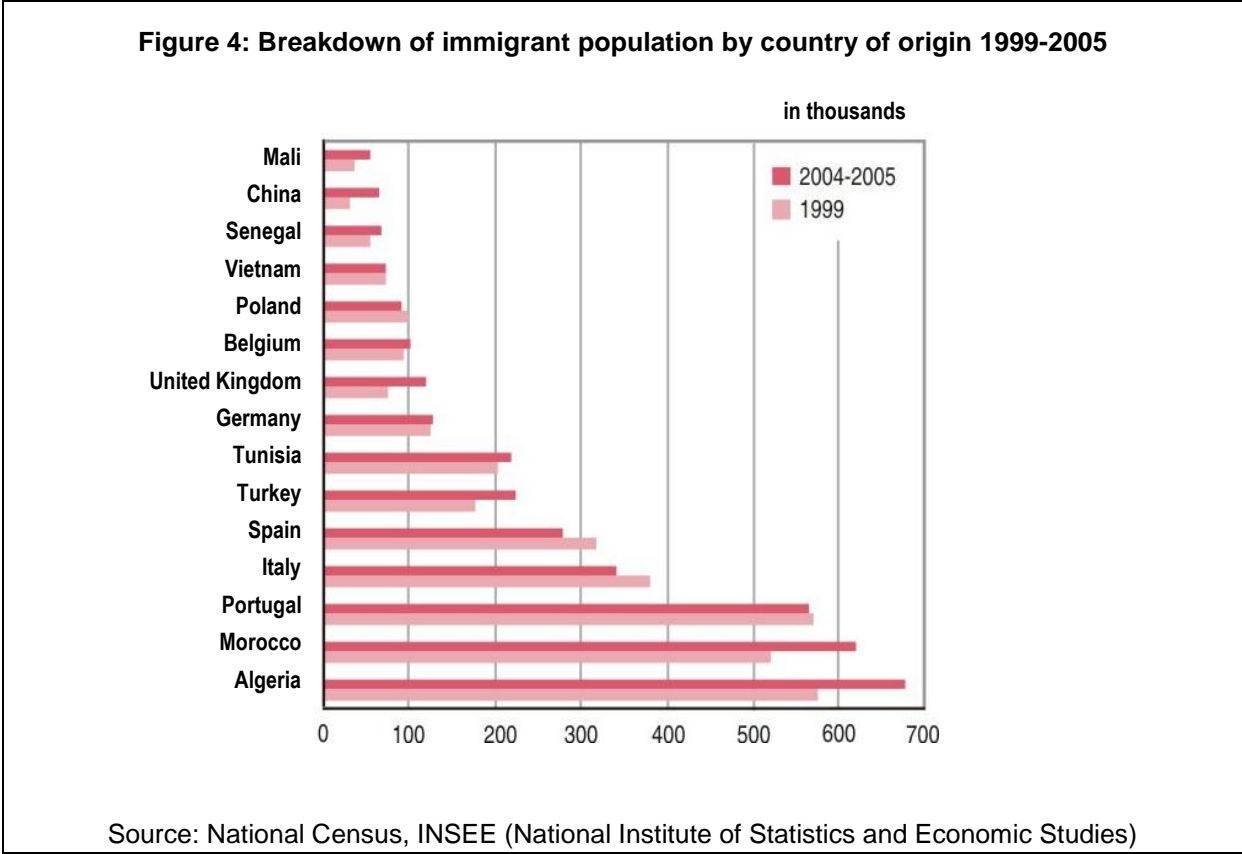
Successive waves of immigrants have settled in the country and increased the diversity of the French population. However, official statistics only record nationality, and the progressive integration of immigrants into French nationality results in statistically concealing people’s origin. There are, therefore, few means to reflect the diversity of the French population that results from decades of immigration. Official statistics only identify immigrants who still hold foreign nationality. Figure 3 shows the development of the immigrant population according to country of origin from 1962 to 1999. Countries of origin, however, are grouped together for clarity: Spain and Italy; Portugal; Maghreb (Algeria, Morocco and Tunisia); other African countries; Cambodia, Laos and Vietnam; Turkey; and other countries.

Figure 3: Breakdown of immigrant population from 1962 to 1999



Source: National Census, INSEE (National Institute of Statistics and Economic Studies)

Since 1999, the proportion of sub-Saharan immigrants in total inflows rose from 10% to 17% (Beauchemin, Lessault 2009). The migration of sub-Saharan Africans is, however, still vastly outnumbered by immigrants from Europe and North Africa. Figure 4 below shows how the numbers of immigrants coming from Mali and Senegal are far behind immigrants from Algeria, Morocco and Portugal.



These are the latest figures issued by the National Institute of Economic and Statistic Studies (INSEE) on the immigrant population. A subsequent estimation by EUROSTAT reckoned that, in 2009, foreigners made up 5.8 % (i.e. some 3,675,000) of the French population and that 2% came from the EU27 countries and 3.8% from outside EU27.⁸

3.2. The understanding of cultural diversity through the lens of nationality

3.2.1. The French naturalisation process tends to conceal cultural diversity

In France, the official census classifies the resident population under three categories:

- French by birth;
- French by naturalisation (*Français par acquisition*);
- Foreigners.

In 2007, 89.9% of the population were born with French nationality, 4.3% were naturalised French and 5.8% were foreigners (INSEE 2007). The Nationality Code establishes statistical categories that exclude ‘origin’ once French nationality is obtained. Thus, once foreigners are naturalised, they are no

⁸ Eurostat, ‘Les ressortissants étrangers dans l’UE27 en 2009’, Press release, 16 December 2009.

longer referred to according to their origin; they have become French by naturalisation. As for their children, they become French automatically when they reach the age of 18 (provided that they have lived in France for five years by that age).

Therefore, ethnicity is invisible in French official statistics (Kastoryano 2007: 69) and the very idea of recording ethnicity is usually deprecated with the argument that this would go against the universalist principle guaranteeing the equal treatment of individuals regardless of their religion, origin or race. However, the census of 1999 did introduce a distinction of origin in the sense that the 'previous' nationality of immigrants who had acquired French nationality started to be recorded in the system. In French statistics, *nationality matters*: officials draw lines between French nationals, naturalised French, and French with foreign ancestry. Instead of ethnicity, French official statistics make nationality, and to a certain extent national origin, visible.

The statistical device chosen by the State authorities to render the features of the French population reflects the framing of French discourse on immigration in the sense that it focuses on the question of nationality. According to the French model of integration, becoming a French national remains the pivot of the integration process (Guiraudon 2005: 163). France keeps an open code of nationality allowing for a sizable number of foreigners to become French nationals according to several criteria (essentially five years' residence, legal status and knowledge of the French language).

From the *possibility* of becoming a French national given to foreigners, the official discourse on immigration in France has shifted to the *necessity* for immigrants to become French. Adrian Favell has demonstrated how a 'philosophy of integration' spread out in French national discourse on immigration during the 1980s (Favell 1998). He also points to the novelty of such a framing: 'previously [before the mid-1980s], there was no connection of immigration with the idea of republican citizenship' (Favell 1998: 46). This can be explained by the fact that, before the 1980s, immigrants were essentially perceived from a socio-economic point of view and their incorporation in society was mainly an issue from an economic perspective (they were unskilled and more likely to be unemployed). Moreover, their stay in France was considered temporary.

Having said that, it is necessary to distinguish, on the one hand, immigrants from southern Europe, such as Portugal and Spain, whom the French authorities regarded as an important input for the population of the country at the beginning of the century and between the two wars; and, on the other hand, post-colonial migrants who were considered temporary workers and were not expected to assimilate easily, such as Algerians.⁹ In the early 1980s, when it became clear that post-colonial migrants would stay in France, their presence started to be perceived as problematic. The fact that their children automatically became French when they turned 18 became a focus of political discussion. Issues related to nationality and the process of nationality acquisition started to represent an important dimension of immigration issues.

3.2.2. Immigration and the 'national question'

The topic of immigration publicly emerged in connection with the 'national question' in the late 1980s.¹⁰ Subsequent events testify to a reading of immigration issues that focuses on the process of nationality acquisition. In 1986, the government of Jacques Chirac (right-wing) introduced a new bill that would stop the automatic naturalisation of second generation immigrants when they turned 18. A strong mobilisation followed and the National Assembly did not proceed with the bill. In 1993,

⁹ For demographic studies on immigrants conducted by the National Institute for Demographic Studies, see Girard, Stoezel 1954.

¹⁰ G. Noiriel argues that the interpretation of immigration through the national lens started in the late 19th century (Noiriel 1988). Here we would point to the novelty of the discourse in the 1980s *in contrast* with the 1960s and 1970s. However, a *longue durée* perspective does reveal earlier manifestation of such a nationalist reaction against immigration issues.

however, the so-called Pasqua Laws were passed: they included the requirement that second generation immigrants ‘actively declare their desire to be French’ by going to their town hall and requesting French nationality.¹¹ In 1998, the need to make a declaration was removed by the Guigou law under the government of Lionel Jospin (left-wing) (Weil 2008).

These developments regarding nationality laws on the part of right-wing and then left-wing governments also demonstrate how the issue became politicised: on the one hand, the right-wing parties who advocate a more selective approach to nationality acquisition and on the other hand, the left-wing parties who stress the need to preserve open access to French nationality for the children of immigrants born in France.

The questions of citizenship and the naturalisation process have been at the core of the debates on diversity and integration for 30 years now. After the necessity for second generation immigrants to ‘declare’ their desire to be French, the French government tackled the possibility for all foreigners who have been living legally in France for a minimum of five years to acquire French nationality. With an open code of nationality, France does not grant nationality automatically to those requesting it: the average rate of acceptance from 2000 to 2004 was 77.4% and in 2004, for instance, 64,695 requests were granted out of 81,680, i.e. 79% (Ministère de l’Emploi 2006: 81). The administration expects applicants to fulfil ‘assimilation criteria’ such as knowledge of the French language, stable financial resources and current residence in France, and also loyalty to and sharing of Republican values.

A 2003 law reinforced these conditions and added the requirement of proving sufficient knowledge about the rights and responsibilities of French citizenship. These rules leave major discretion to officials, and applicants can be subject to judgement as to whether their application is ‘suitable’ or not (Spire 2005).

Regarding the possibility of adding new requirements to demonstrate the applicant’s commitment to French nationality, one should note that this is in constant discussion. Following a European trend, the French government considered the possibility of introducing civic tests when implementing the New Reception and Integration Contract (*Nouveau contrat d’accueil et d’intégration*).¹² The tests were not introduced but, since 2007, the integration of immigrants has been supervised by the National Office for Immigration and Integration (*Office français de l’immigration et de l’intégration*). Newly arrived immigrants – with a legal status – are encouraged through this ‘contract’ to learn French and acquire knowledge of French laws. While naturalisation is not obligatory the compulsory steps that each foreigner should take make it clear that it is a desirable outcome.

In 2007, the newly elected President Sarkozy created a Ministry of Immigration and National Identity, clearly articulating the link between the issue of immigration and that of nationality. However, the Ministry oversaw activities pertaining to immigration regulation and social aid that had previously been dealt with by existing administrative units. In 2009, the Minister launched a series of debates to take place in all regions of the country on French national identity.¹³ The creation of such a ministry was much criticised¹⁴ and the campaign of debates attracted considerable negative coverage. After

¹¹ Although the declaration was easy to make, studies have shown that children of immigrants born in France did not always do so, for lack of adequate information on the issue (Weil 2008: 272). Indeed, the belief that being born in France is *sufficient* to make one French (*jus soli*) is widespread among French people and second generation immigrants (Simon 2010).

¹² 2007 law on immigration, integration and asylum (*Loi du 20 novembre 2007 relative à l’immigration, à l’intégration et l’asyle*).

¹³ ‘Le débat sur l’identité nationale ouvert sur le net et dans les préfetures’, *Le Monde*, 2 November 2009.

¹⁴ ‘Démission d’universitaires opposés au ministère de l’Immigration’, *Reuters*, 18 May 2007.

three years, the Ministry of Immigration and National Identity was abolished and the regulation of immigration flows was re-assigned to the Ministry of the Interior in November 2010.

Finally, in a speech delivered in response to violence which occurred during the summer of 2010 in Grenoble (south-east France), President Nicolas Sarkozy announced the possibility of stripping offenders of their French nationality provided that they had been naturalised in the previous ten years.¹⁵ This last attempt not only to limit access to nationality but to threaten to withdraw it shows how the process of nationality acquisition is again and again called into question in response to what is perceived as a challenge related to the diversity of the society.¹⁶

3.3. The understanding of religious diversity through *laïcité*

3.3.1. The enforcement of *laïcité* aims at organising the co-existence of various religious faiths

There are no official statistics that record religious affiliation in the French population. However, it is fair to say that the French population is mainly Catholic. Jews, Protestants and Muslims are ‘religious minorities’ in France. As a matter of fact, according to D. Lochak while the official discourse rejects the notion of minorities, the term ‘minority’ has appeared in legal texts in reference to ‘religious minorities’ since the 1789 Revolution (Lochak 1989).

Laïcité, defined as the separation of Church and State in all things pertaining to public life, seems to be the principle that provides for the co-existence of various religious faiths in French society. It is embodied in the 1905 law separating Church and State and rules out any official representation of religion in public places. It also implies that religious affiliations are not considered a legitimate basis for the identification of groups.

In other words, there is no official recognition of religious affiliation. This is understood as a way to guarantee the neutrality of the State and the equal treatment of individuals on the basis of citizenship.

3.3.2. The reassessment of *laïcité* to tackle the challenge of Islam

In a context where the acknowledgement of various religious affiliations is little articulated in the public sphere, the formation of a Muslim minority is mainly tackled through the scope of *laïcité*. As such, although *laïcité* as a principle emerged from the Enlightenment and was designed to diminish the power of the Catholic Church over French society,¹⁷ the notion has been increasingly discussed in connection with Islam in the past two decades. It is given a narrow interpretation in the public debate: although it is a tool to deal with religious diversity in general, it is mainly used as a mean to target Islam. This focus on Islam when *laïcité* is discussed is an important feature to understand how religious diversity is perceived in French society.

The approach to issues pertaining to Islam in terms of *laïcité* can be traced back to the first headscarf affair that took place in 1989 in Creil, an outer suburb of Paris, when the principal of a secondary

¹⁵ ‘It should be possible to withdraw French nationality from any person of foreign origin who has deliberately harmed the life of a police officer or gendarme or any other person with authority to enforce public order (...) We are going to reassess the criteria under which a person might be stripped of his or her nationality’, speech by President Sarkozy in Grenoble on 30 July 2010 *Libération* 30 July 2010).

¹⁶ In this case gunshots fired at policemen in the suburbs of Grenoble attributed to children of immigrants.

¹⁷ *Laïcité* was first affirmed by decree in 1871 and later enshrined in the Ferry law of 1882. In 1905, the law separating Church and State was passed. Today, Article 1 of the French Constitution of 4 October 1958 states that ‘France shall be an indivisible, *laïc*, democratic and social Republic’.

school took the decision to exclude three girls because he considered that their Muslim headscarves were religious symbols and undermined the principle of *laïcité*. The State Council,¹⁸ however, ruled that the wearing of the headscarf was ‘not contradictory to the values of the secular and republican school’ and left it to the teachers and school heads to decide whether or not pupils were using this as an instrument of proselytism and disturbance of school activities.¹⁹ The 1989 interpretation of *laïcité* by the State Council was later challenged and given a more restrictive twist with the establishment of the Stasi Commission in 2003 and the passing of the 2004 law forbidding the wearing of ‘ostentatious’ religious signs such as Muslim headscarves in schools.

The restrictive interpretation of *laïcité* was confirmed in 2010 with the debate and the passing of a law banning the wearing of the full Islamic veil in public.²⁰ Despite the limited number of women reported as wearing the full Islamic veil,²¹ the phenomenon was widely constructed as an issue by the media and politicians. In contrast with the headscarf affair and the sequels that first arose from the practice of teachers in school and then reached the political agenda, the ‘burqa affair’ was brought about by members of parliament (on the initiative of André Guérin, Communist deputy from the Lyon region of south-east France), in connection with a declaration in 2009 by President Sarkozy, who was reported saying that ‘the burqa was not welcome in the Republic’. That the media played an important role in spreading the image of a threatening Islam in the previous headscarf affairs has already been demonstrated (Deltombe 2005; Lorcerie 2005; Tevenian 2005). However, in the case of the ‘burqa affair’, the role of the media and politicians is even stronger in the sense that the number of women wearing the full Islamic veil is limited.

Moreover, it is important to note that the wearing of the full Islamic veil is advocated mainly by *Salafist* groups. These are Islamic groups who advocate a strict observance of Islam developed in the past ten years and come from Saudi Arabia. Their practice of Islam has little to do with the more traditional forms of Islam practised by North African immigrants (Roy 2010). The presence of women wearing the full Islamic veil in France is thus related to the internationalisation of fundamentalist forms of Islam rather than with the successive waves of immigrants who came from North Africa. Yet the presentation of the ‘burqa ban’ in connection with immigration and the question of national identity point at the Muslim population in France and contribute to their construction as foreign to French identity.

The difficulties in accommodating Muslims in France stem from this construction of Islam as foreign to French identity. Even though the French State has found ways to accommodate Jews and Protestants in the past, it is making it harder for Muslims. It has been integrating Islam in a ‘pragmatic handling of differences’ that consisted of ‘gradually introducing the minimal dose of institutionalisation needed for a concrete resolution of the practical problems created by the existence of “minority groups”’ (Lochak 1989). As such, the Council of Moslems of France was recognised by Interior Minister Charles Pasqua in 1994 and, in 2003, the French Council for the Muslim Religion (*Conseil Français du Culte Musulman*) was created.

Although the principle of *laïcité* emerged in 1789 as a way to exclude the power of the Catholic Church from the French State and has been associated with a strong anti-Catholic stance in France, it is now increasingly discussed in connection with Islam. The reassessment of *laïcité* in public policies

¹⁸ The State Council (*Conseil d'Etat*) is the highest administrative authority advising the French government. It is composed of 350 senior Civil Servants, of whom 80 can be assigned outside the State Council in high administrative positions.

¹⁹ State Council ruling of 27 November 1989.

²⁰ 2010 law banning face covering in public places (*Loi du 11 octobre 2010 interdisant la dissimulation du visage dans l'espace public*).

²¹ A group of members of the National Assembly were charged with enquiring into this issue and concluded that it is a limited practice (*Rapport d'information fait en application de l'article 145 du Règlement au nom de la mission d'information sur la pratique du voile intégral sur le territoire national*, National Assembly, January 2010).

and public debate is an important feature of the understanding of religious diversity in France. It also shows how Islam is perceived as a challenging dimension of French religious diversity.

3.4. Challenging identities in the French context

In this part, we list the different groups that contribute to the diversity of the French population in order to bring out the types of identities that can be considered as challenging. In the French republican context, there is no recognition of the existence of sub-groups and the only difference recorded in official statistics is that of nationality (cf. *supra*). Thus, with these constraints in mind, we will detail the various groups of immigrants according to their nationality, but we will also go beyond this juridical view and discuss the existence of ‘visible minorities’ in French society that are not recorded by the census. We will discuss Islam and skin colour as essential features of the construction of the Other in France. Lastly, we will detail the specific case of the Roma community in France.

3.4.1. Immigrants

Immigrants are individuals who were born abroad to non-French parents and are currently residing in France. Immigrants may hold French nationality that they acquired after immigrating to France (in 2004-05, 2 million immigrants held French nationality).²² There were 4.9 million immigrants in 2004 (INSEE 2006), i.e. 8.1% of the population.²³ Of those immigrants, 1.7 million are from Europe (40%), 1.5 million from the Maghreb (31%) and 1.4 million from the rest of the world. 570,000 are from sub-Saharan Africa (of which 70% come from a former colonial country); 48% are Asian immigrants and 16% are Turkish immigrants. (See Figure 1 *supra*.)

Immigrants from the EU are the largest category but fall into a variety of nationalities. Moreover, considering the construction of the Other in the French context, immigrants coming from outside Europe are the most likely to be seen as different and as tending to challenge the perception of diversity in French society. The largest groups are therefore: North-African immigrants, Sub-Saharan Africans, Asians and immigrants from Turkey.

3.4.1.1. North-African immigrants (1,500,000 in 2004)

North-African immigrants are mainly composed of nationals from Morocco and Algeria and, in smaller numbers, nationals from Tunisia.²⁴ During the colonial time, Algerians, but also Moroccans, were identified as the indigenous population and were recruited to work in low-skill jobs (construction, mines, agriculture) starting in the interwar period. The end of colonial rule, in 1956 for Tunisia and Morocco and in 1962 for Algeria, did not stop the influx of immigrants to France, because of difficult economic conditions in the newly independent countries and the fact that former colonial subjects enjoyed a specific status in France (especially Algerians).²⁵ Despite common representations of immigrant populations as essentially composed of male workers, families settled, starting in the 1960s. The end of economic migration in 1974 only intensified immigrants’ recourse to family reunification but did not start the process of settlement *per se*. Despite the restrictions on immigration into France, the number of Algerians and Moroccans is still growing: + 100,000 since 1999, for each nationality. The family members that nationals from Algeria and Moroccans may have in France allow

²² On the criteria to acquire French nationality, cf. *supra*, part 3.2. of this report.

²³ In 2005, the French population amounted to some 60 million.

²⁴ In 2004, foreigners living in France from Algeria, Morocco and Tunisia numbered 483,000, 469,000 and 146,000 respectively (INSEE 2006).

²⁵ The Evian agreements of 1962 which ended the Algerian War of Independence stated that Algerians could circulate freely between Algeria and France. Two years later, the Nekkache-Granval agreements limited the number of Algerians who could come to France (Weil 2004a: 87).

them to come to France under the family reunification regime. This can account for their growing number, along with the strong links that the countries still have in the economic and educational fields.²⁶

3.4.1.2. Sub-Saharan African immigrants (570,000 in 2004)

Seven out of 10 immigrants from sub-Saharan Africa come from country formerly ruled by the French State (Mali, Senegal, Cote d'Ivoire and Cameroon).²⁷ In the 1960s, France signed bilateral agreements with the newly independent countries that secured French economic interests in those countries, while, in exchange, it guaranteed the free circulation of their nationals (Viet 1998: 219)²⁸. This favoured the migration of African immigrants to France, although in small numbers. In 1962, there were 22,000 immigrants from sub-Saharan Africa against 570,000 in 2004. Today, Senegalese and Malian nationals account for the larger groups of immigrants from sub-Saharan Africa (57,000 and 48,000 in 2005 respectively).

Sub-Saharan African immigrants have been present in small number in the past decades. Their number has however been increasing since the last census of 1999 (+45%) and they have attracted much media and political attention, with the common figure of the clandestine immigrant who embarks on a long and dangerous journey to reach France, often illegally. However, it is important to note that contrary to the common image circulated by the media, sub-Saharan African immigrants only accounted for 30% of the illegal immigrants who applied for a regularisation procedure between 1999 and 2006; 30% were from North Africa, 16% from Asia and 12.3% from America (Beauchemin, Lessault 2009).

3.4.1.3. Asian immigrants (258,000 in 2004)

The number of immigrants from Asia has been increasing since the last national census of 1999. While the number of immigrants from Vietnam is stable, the Chinese community is growing (from 27,826 in 1999 to 61,000 in 2005). Immigrants coming from South East Asia and political refugees fleeing the conflict in Sri Lanka also account for a growing number of Asian immigrants in France (mainly concentrated in the Paris region).

3.4.1.4. Immigrants from Turkey (222,000 in 2004)

Immigrants from Turkey account for 4% of the immigrant population as a whole. Since France signed a bilateral agreement in 1966, there has been a constant and growing community of immigrants in France (see Figure 2).

3.4.2. Visible minorities: French of North African and African descent, French of Caribbean ancestry

As French nationals, descendants of immigrants and people from the overseas departments are not recorded in official statistics. Yet surveys on portions of this population show that they can be the target of discriminatory practices (Beauchemin, Hamel, Lesné, Simon 2010). We argue that they belong to 'visible minorities' and for this reason should be analysed as carrying challenging identities. What are their main features? Why are they perceived as different from the rest of the society? We argue here that skin colour and a construction of Muslims as ethnically different from French identity have created visible minorities in France that are perceived as challenging identities.

²⁶ Although Algerians born before 1962 (Algerian Independence) held French nationality at the time of their birth, if they chose to take the nationality of the independent country in 1962, they no longer had French nationality.

²⁷ African countries that were not under French rule during the colonial period but that are represented in the immigrant population in France are Democratic Republic of Congo and Mauritius.

²⁸ Bilateral agreements with Mali, 8 March 1963 ; Mauritania, 15 July 1963 ; Senegal, 21 January 1964 ; Niger, 16 February 1963 ; Togo, 25 February 1970 ; Benin, 12 février 1971 ; Ivory Coast, 21 February 1971 ; Gabon, 12 February 1974.

The example of a recent survey on discrimination in France is an interesting case in point to outline the main features that are regarded as challenging for the rest of French society.²⁹ According to this survey, children of French persons born in the overseas *departments* and also sub-Saharan African immigrants mention skin colour well ahead of ethnic origin or nationality (73% and 88% respectively) (Beauchemin, Hamel, Lesné, Simon 2010: 4). This shows that when French people are black they are perceived as different from the rest of the society and that this might expose them to discriminatory practices. It confirms that being 'black' in France is perceived as a challenging identity (Ndiaye 2008). Furthermore, second generation immigrants who are not black declare that ethnicity – phrased in terms of origin or nationality in the survey – is the main reason why they suffer discrimination. Among these second generations, the majority were born of North African parents.

Can we speak of a North-African minority in France, and what is the role of Islam as a distinctive feature for this minority? Can we speak of a Muslim minority in France?

In France, North Africans are perceived as different because of a process of differentiation that dates back to the colonial period and the decolonisation wars (Stora 1998). Islam played an important role and was used more as an ethnic marker than in reference to a religious practice in constructing North Africans as essentially different (Weil 2008). Ethnicity and religious affiliation have been used to differentiate North Africans from the French population in a manner that parallels a process of racial construction. The category 'race' is seldom used in the French context. However, considering that race is a social construct that has a close connection to 'racism' as an ideology or an attitude, one may argue that North Africans have been 'racialised' because of their ethnicity and religion in France. Moreover, in current political and media discourses the category 'Muslim' operates as a 'neo-ethnic' rather than a religious category to refer to immigrants with an African or Asian background (Roy 2010).

However, we would point out that the category 'Muslim' belongs largely to the English-speaking world.³⁰ Only 59% of French people with North African, African and Turkish descent identify themselves as Muslim (Tiberj, Brouard 2006). This stems from the fact that there is a low level of assertion of religious affiliation as a form of political identity in France and respondents mainly link Islam to a religious practice. When they do not consider themselves practising Muslims they tend not to identify themselves as Muslims (Tiberj, Brouard 2006). This should lead us to take the figure '6 million Muslims living in France' with caution.³¹ This number derives from the number of immigrants and their descendants who come from a country where Islam is the predominant religion (Algeria, Morocco, Tunisia, Turkey and to a certain extent Senegal). It does not, however, entail that 6 million people in France identify themselves as Muslim, or as belonging to a Muslim community. It is therefore difficult to speak of a Muslim minority in France and it seems more accurate, historically, to speak of a North African minority.

Finally, regarding Blacks, African immigrants may be Muslims or Christians, and so, as a visible minority, they overlap with the Muslim minority. Despite attempts to identify a 'Muslim effect' among Africans in France (Adida, Laitin, Valfort 2010), skin colour might be a stronger marker than their religion.

²⁹ TeO - Survey on the impact of origins: life histories of immigrants, immigrants' descendants and native French people. Launched in 2005, the TeO survey covered a large sample of 24,000 individuals composed of immigrants, descendants of immigrants, French citizens from the overseas departments and members of the majority population. For more information, see: http://www.ined.fr/en/current_researchs/research_projects/majors_projects/bdd/projet/P0835/ [last access: 31/01/2011]

³⁰ 'Whereas studies published in French talk of "people of immigrant origin", those carried out by English-speaking institutes routinely speak of "young Muslims", or of "Muslim riots".' (Roy 2010: 83)

³¹ Ministry of the Interior, 'La France compte entre cinq et six millions de musulmans', Press release, 27 June 2010.

Therefore, it is appropriate to talk about a North African minority (immigrants from North Africa and French people of North African descent) on the one hand, and a 'black' minority (immigrants from sub-Saharan Africa, French people of African descent and French people from the overseas *départements*) on the other hand. Furthermore, the emergence of a recent discourse on diversity in France has been connected to the affirmation of a black identity.³²

3.4.3. The Roma community

The Roma community in France is composed of French nationals who are usually referred to as 'travellers' (*gens du voyage*) in administrative documents so as to avoid the derogatory term 'gypsies' (*gitans*). It also refers to one of their specific traits, which is to be nomadic and to have no permanent residence – although this is changing and 85% of them are settled. While they may be referred to as the 'Roma community' of France, the 'travellers' encompass various minorities (*Rom, Gitan* and *Manouche*). They trace their roots to the nomadic people who came originally from India and speak a language different from French.

There are no official statistics that record the number of people from the Roma community in France and estimations vary. A 1969 law defines a specific status for 'travellers', who can hold a 'travel pass' (*titre de circulation*). In 2002, 156,282 people held this document. However, pass holders have to be older than 16 and some settled families do not have passes. The number of 156,282 is therefore an underestimation of the Roma community in France. Estimates for the total Roma community vary from 250,000 to 400,000 people, that is 0.5% of the population (Robert 2006: 11).

The Roma community of France is not homogenous but composed of different minorities; they are, however, all exposed to discrimination and suffer from socioeconomic disadvantages (Robert 2006: 9). The expulsion of Roma people of Romania by the French government has introduced some confusion regarding the different Roma communities and there has been an increase in the stigmatisation of the community in general.³³

4. How are tolerance and equality understood in France?

4.1. *Notions of equality and tolerance towards diversity*

In France, it is usually assumed that the best way to achieve equality is to ignore cultural and religious differences. There should be no recognition of differences. This is linked to the belief that all matters pertaining to public life should be considered outside of the articulation of group identities, in a vertical relationship between the individual and the State.

4.1.1. The French strategy to reach equality: making difference 'invisible'

The Republican creed is that equality will be achieved by making difference invisible. This is generally done by excluding any means of recording differences among individuals in their interaction with public authorities (social security, local office for social housing, education, employment). By rendering difference invisible, the official discourse bypasses the acknowledgement of differences.

³² See for instance, the creation of the Representative Council for Black Associations in France (*Conseil représentatif des associations noires de France, CRAN*).

³³ *Le Monde*, 20 October 2010

One may point out to an exception to this prevailing view: in 1981, the Socialist Party won the presidential election with a programme that advocated the 'Right to be Different'. This discourse did not directly designate immigrant groups. It was used to implement various types of policy (for instance, giving more power to regional governments in a perspective that valued the 'regional differences' of the country). Yet it had implications for the acknowledgement of the diversity of the population resulting from immigration to France. At the level of political discourse, the recognition of the multicultural character of the society emerged, especially when the demand for equal treatment of second generation immigrants made itself heard (Leveau, Wihtol de Wenden 2001; Escafre-Dublet 2010).

At the level of public policies, one may observe a higher level of concern for minority issues. The expression of regional cultures, for instance was favoured by the Ministry of Culture (Giordan 1982). A report to establish the cultural needs of immigrants in school was commissioned by the Ministry of Education (Berque 1985). Claims for the representation of minority interests were able to be articulated and this resulted in the emergence of a prolific anti-racist movement with organisations such as SOS-racism and France plus.³⁴ The experience was short-lived, however. The extreme right parties turned the discourse on the Right to be Different against anti-racist groups and claimed the 'Right to be Different, yes, but at home', calling for the exclusion of immigrants and their return to their country of origin.

The short-lived experience of the promotion of the Right to Difference in France had a long lasting effect. It was marked by the success of the extremist party, the National Front (*Front national*), whenever difference is acknowledged. Today, it remains an important dynamic to bear in mind when considering discourses on difference in France: the racist discourse articulated by the *Front national* is still seen as the reverse side of the recognition of cultural differences. This is, for instance, exemplified in the distrust towards communitarianism (*communautarisme*), i.e. a form of cultural separatism considered as the inevitable outcome of group recognition and the promotion of cultural differences.

4.1.2. The French understanding of tolerance towards religious diversity: *laïcité*

The notion of tolerance is linked to religious tolerance. The Edict of Nantes (1598), for instance, was labelled an Edict of Tolerance and it recognised freedom of religious belief for Protestants in France. Subsequently, the concept of *laïcité* has been the main notion through which to understand tolerance for religious diversity in France. It is not a passive acceptance of the practice of the Other, but an active principle that keeps all religious expressions in the private sphere (Kintzler 1998).

The concept of *laïcité* emerged from the thinking of the Enlightenment and the need to expel the power of the Church from all matters pertaining to public life. Throughout the 19th and the 20th centuries, advocates of the implementation of *laïcité* in France have also been anti-religion militants. They have conveyed the idea that by making religion *invisible* in French public life, the State could ensure that individuals could be treated equally. Because of the power that the Catholic Church used to represent in French society, they have contended that religious expressions are a threat to the good functioning of democracy. As such, *laïcité* provides for the right to belief and disbelief of all individuals, so that no member of a religious group can be favoured over individuals who do not profess any religious faith. It is also a way to protect individuals from the intolerance of religions. The state of tolerance in France is seen as best achieved through the invisibility of religious expressions in public debates and political life. This guarantees the neutrality of the State and makes the equal treatment of individuals, regardless of their religious affiliation, possible.

³⁴ The creation of anti-racist groups has been criticised as spearheaded by institutional parties (Juhem 2001). However, they are still a distinctive feature of this period.

4.2. *Laïcité and equality in practice*

Despite a well-articulated discourse on equality in France, instances of discrimination are reported (Meurs, Pailhé, Simon 2006). Moreover, strategies to implement positive actions towards specific groups have been deployed, although they have targeted individuals identified mainly on socioeconomic criteria. The analysis of policy results and attitudes towards difference demonstrates the downside of making difference invisible: a low level of articulation of ethnic and cultural difference lead to situations of double standards and ethnic ascriptions.

4.2.1. The policies to promote equality and combat discrimination

In practice, a long history of racist incidents³⁵ and the recent exposure of discrimination on the labour market through statistical surveys have pointed to the difficulty of guaranteeing equal treatment of individuals in French society (Meurs, Pailhé, Simon 2006). Already in 1998, the left-wing government of Lionel Jospin had acknowledged the failure of the strategy of integration (Haut Conseil à l'Intégration 1998) and a critique had emerged (Belorgey 1999). Following the impetus of the EU, the French government established a High Authority to fight discrimination and promote equality (*Haute autorité de lutte contre les discriminations et pour l'égalité*, HALDE) in 2004. Despite a change in framing (from integration to anti-discrimination), the High Authority remains reluctant to adopt a strategy to acknowledge differences among individuals (Lépinard, Simon 2008).³⁶

Moreover, the EU directive advocates the monitoring of discrimination practices, which is difficult given the lack of ethnic data in France. The debate that emerged in 2008 on the collection of ethnic statistics is another example of the challenge to address issues resulting from the diversity of the population (Simon 2008). In a country where colour blindness is the rule, the difficulty of identifying individuals according to their ethnic traits prevents the measurement of the scale of discrimination practices. The difficulty of collecting ethnic data stems from the fact that the racial construction of visible minorities is little acknowledged because the category of race is banned from scientific discourse on differences (Badinter, Lebras, eds: 2010).

Finally, in the implementation of policy to enforce equality, France has designed positive actions targeting specific groups, but policy makers have relied exclusively on social criteria. This is the case for Priority Education Zones (*ZEP*), which were created in 1984 to bring more educational resources to specific areas that were identified as disadvantaged (Glasman 2000). It was in keeping with the official discourse on republican integration and the refusal of any specific treatment according to ethnic or cultural difference. The policy consisted mainly in a redistribution of resources (concretely, schools that fell into the *ZEP* category had extra budgets) and did not entail tackling difference from a cultural or even a religious point of view. However, sociological studies have shown that educational practitioners resort to powerful categorisation in terms of ethnicity, cultural traits and religious affiliation (Lorcerie 2003). One may therefore argue that the official silence on migration-related diversity has favoured the unofficial development of ethnic and cultural categorisations in educational practices.

³⁵ Despite the 1973 law condemning racist speech and acts, anti-racist movements have denounced the consistency of racist crimes over the past decades, regularly pointing at specific cases that did not receive the adequate penalty (for instance the LICRA, la Ligue contre le racisme et l'anti-semitisme, www.licra.org).

³⁶ In May 2011, the HALDE disappeared and the fight against discrimination is now included in the remit of the new Defender of Human Rights.

4.2.2. *Laïcité* in practice

In practice, *laïcité* means that there are no religious signs in public places. Civil servants, also, should not wear religious signs because the exercise of public service should be done regardless of any political or religious affiliation. *Laïcité* does not only apply to the expression of religious faith, it is a law that is linked to the notion of freedom of expression and therefore also applies to the expression of political opinion. As such, the application of *laïcité* in French state schools prevents teachers from expressing religious and political opinions in class.

However, *laïcité* has been put into practice in a mainly Catholic country. This means that since its inclusion in the Ferry law of 1882 and its institutionalisation in the 1905 law, the Catholic Church has fought to maintain some of its positions (for the preservation of its patrimony and its network of parishes). Protestants, Jews and Muslims were not as numerous and as powerful. This explains why Catholicism is more present in French society. For instance, while religious education cannot take place in state schools, it has been the practice to establish chaplaincies for Catholics where pupils can discuss religion and have prayer groups as long as they do not proselytise or disrupt the normal functioning of the school.

Moreover, although the application of *laïcité* is incumbent on all citizens in France, exceptions were made in the colonies. For instance, *laïcité* was not applied as such in Algeria. The State had a say on the organisation of Islam because the colonial administration wanted to keep its control over the administration of the Muslim religion (Achi 2004). Thus, from a historical perspective, the enforcement of *laïcité* has had slightly different applications depending on the religion (Weil 2007).

The fact that the application of *laïcité* is currently mainly targeting Islam in France is therefore a manifestation of the different treatment that each religion receives and shows that the state is not neutral towards all religions (Laborde 2008). Some argue that it is problematic because the debate on *laïcité* has fostered a sharp return of assimilationism and has formed part of a growing 'Islamophobia' (Geisser 2003). One can observe that *laïcité* has been mentioned several times by government officials to address the question of Islam in France. This was the case with the President's advocacy of a 'positive *laïcité*' (*laïcité positive*), arguing that *laïcité* was not enough. Philosophers and political theorists, however, have answered that the concept of *laïcité* is in itself positive, in the sense that it is substantial and protects the right of belief and unbelief (Kintzler 2008).

Furthermore, public opinion surveys show a change in the understanding of *laïcité* in the French population. Whereas *laïcité* used to be linked to leftist political orientations and mainly associated with people who were in opposition to the Catholic Church, in recent years, people who recognise *laïcité* as an important value for them are also people who declare anti-immigrant feelings and position themselves on the right of the political spectrum (Barthélemy, Michelat 2007).

5. Concluding remarks

France's response to the formation of a diverse population has been to leave particular identities outside the public sphere and promote the neutrality of the State towards any kind of religious and ethnic affiliations. This has been seen as the best way to guarantee the equal treatment of individuals, in a vertical relationship between them and the State. In practice it has prevented the expression of religious and ethnic affiliation in many instances of public life, such as education and politics. The promotion of equality through invisibility has had some shortcomings, however, and the exposure of discrimination or the identification of racial bias against Muslim populations in France shows how processes of ethnic ascription and racial construction are in play.

In this report we have listed the different groups that contribute to the diversity of the French population and put in historical perspective the various features that make the identities of these

groups challenging (from a religious or ethnic point of view). We have identified the elements of French discourse that pertain to the question of diversity and tolerance. In particular, the notions of national identity and *laïcité* have been put forward in recent years to deal with issues that are related to the diversity of the French population.

The analysis of the discourse and of historical developments regarding national identity and *laïcité* makes it possible to identify the main elements that structure toleration and the logic of recognition in France.

- **Toleration**³⁷ in France is not so much about passively accepting that others may have practices that the majority population disapproves of. Rather, the practice of tolerance, toleration, is an active principle that excludes the expression of religious and/or ethnic affiliation from the public space in order to guarantee its neutrality. This is, for instance, conveyed through the notion of *laïcité*.

- The exclusion of religious practices from the public sphere should not be mistaken for the disapproval of religious affiliation in general. The goal is first and foremost to guarantee the equal treatment of all individuals in the public sphere; in the private sphere one is free to express any kind of religious or ethnic affiliation. However, due to the special position of the Catholic Church in the implementation of *laïcité*, one may identify a difference of treatment towards minority religions in France (Islam, Protestantism and Judaism). This may lead to claims of **non-toleration**³⁸ of certain religious practices in specific cases.

- The promotion of equality through invisibility represents a challenge in analysing the question of **recognition** in the French context. There is no such thing as the identification of groups, and the recognition of groups' affiliations or the acknowledgement of their specific needs is not relevant for how the society operates. To develop the discussion beyond the notion of toleration therefore requires extending the concept of recognition to the notion of respect as equal and admission as normal.³⁹ The challenges then lies in the acknowledgement that the diversity of the population is represented in the national community and is seen as normal. The value discourse on national identity, for instance, is deeply connected to that logic: by pointing to differences that are not compatible with the national identity, actors are drawing invisible boundaries. Islam does not make up the whole challenge of diversity in France. Cultural diversity encompasses broader challenges such as the recognition of immigration as a valuable input to the French national narrative.

Beyond the discourse on national identity and *laïcité*, the subsequent stages of the research project will bring forward empirical material to investigate the practice of tolerance and recognition in the French context.

³⁷ 'Toleration: Individuals, groups and practices who seek or for whom/which claims of toleration are being made *and* to whom/which toleration is granted, and the reasons given in favour of or against toleration' (Dobbernack, Modood 2011: 32).

³⁸ 'Non-toleration: Individuals, groups and practices who seek or for whom/which claims of toleration are being made *but* to whom/which toleration is *not* granted, and the reasons given in favour of or against toleration' (Dobbernack, Modood 2011: 31).

³⁹ 'Recognition, respect as equal and admission as normal: Individuals, groups and practices who seek or for whom/which it is claimed that toleration is not enough and other normative concepts, namely those that focus on majority-minority relations and the reform of institutions and citizenship, are or should be more relevant. They also include claims and processes towards the reconsideration of difference as a 'normal' feature of social life. Such concepts include equality, respect, recognition, accommodation and so on, and the reasons given in favour of or against these propositions' (Dobbernack, Modood 2011: 32).

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