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ROBERT SCHUMAN CENTRE FOR ADVANCED STUDIES

ACCEPT PLURALISM

CONCEPTS AND PRACTICES OF TOLERANCE IN FRENCH POLITICAL LIFE

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ROBERT SCHUMAN CENTRE FOR ADVANCED STUDIES

Concepts and practices of tolerance in French Political Life

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Challenges to Tolerance in Political Life**

**D4.1 Final Country Reports on Concepts and
Practices of Tolerance Addressing Cultural Diversity
in Political Life**

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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 Program. 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 thematise 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

Background Elements on the Political Mobilisation of Minorities in France

French political life is relatively **immune to ethnic demands** and claims for group rights, should they come from immigrant or native minorities (such as regional minorities or the Roma community from France). Article 1 of the 1958 constitution reads that the French Republic “shall ensure the equality of all citizens before the law regardless of their origin, race or religion” and this has been generally understood as invalidating any mobilisation on the basis of ethnic or religious belonging. This is regarded as opposed to the civic understanding of French citizenship that guarantees a vertical relationship between the state and the citizen. **Any political claim articulated in ethnic or religious terms is considered favouring the pursuit of particular interests over general interest.**

Moreover, **non-nationals do not hold political rights** (to the notable exception of European citizens who can vote in local and European elections since 1992) and cannot participate formally to political life. As for immigrants who acquired French nationality and French people of immigrant descent, they hold political rights but surveys have demonstrated their low participation and lack of presence in French political life.

However, there has been a **tradition of immigrants’ mobilization** in organisations since the post war period that can be seen as instances where to study the articulation of ethnic interests. France counts numerous immigrant associations that have learned to articulate their claim and negotiate their identity in Republican terms. In this process, the state has played a significant role in channelling the articulation of their claim. By drawing a line in between what could be considered as a reasonable claim from a minority group and what was regarded as leaning towards a separatist claim that would contradict Republican universalism, public institutions and policy makers greatly impacted the expression of minority interests. **Activists have learned to navigate French political life** and articulate their claim in Republican terms.

The Focus of the Study on Minority Claims of Laïcité

The mobilisation of associations defending the interest of Muslim community in terms of *laïcité* is an instance of the adaptation of minority group to Republican universalism.

Laïcité is the French understanding of secularism that ensures the strict separation of church and states, and confines religious expressions to private matters. It is considered as a Republican value. However, **the discussion of laïcité has been repetitively used to respond to the perceived increase of religious diversity in France, and more specifically to the challenge of Islam.** This was the case in 2004 when a law recalling the principle of *laïcité* banned the wearing of the Islamic veil in French public school¹. This was also the case in 2011 when Interior Minister Eric Besson decided to launch what he called an “Official Debate on Islam” and that the debate was quickly relabelled an “Official Debate on Laïcité”.

In response to this, minority organisations such as immigrant based associations or Muslim organisations, stroke back with a mobilisation in “defence of *laïcité*”. They argued that the governmental use of the principle was **a distortion of its original meaning** and was **not protective of religious freedom**. For instance, a collective of associations –including Muslim associations – gathered on 2 April 2011 to demonstrate against the governmental “Official Debate on Laïcité”. It is

¹ Law 2004-228 of 15 March 2004 controlling the wearing of religious signs and clothes in primary, secondary and highschools.

interesting to note that minority activists chose not to oppose *laïcité* but rather to *reclaim laïcité* and therefore articulate their demand in Republican terms.

Minority claims of *laïcité* pertain to claims for equal treatment and tolerance. However, from a research point of view, **investigating minority claims of *laïcité*, as such, appears as a valuable angle to discuss the state of tolerance in French political life.** First, the direct link of this principle with notions of equality and tolerance allows for a direct entry into a value discourse that is not as easily discussed otherwise. Second, the frequent use of the term in link with Islam is a convenient topic to announce when contacting interviewees while the issue of religious diversity or tolerance to Muslim identity could be seen as infringing Republican correctness (namely the neutrality of the public space where religious expressions are not to be discussed).

Methodology

The **case study** on minority claims of *laïcité* consisted in a literature review, a press review, a collection of secondary sources on the issue and material collected during fieldwork.

The **fieldwork** consisted in the attendance to meetings organised in reaction to the governmental decisions regarding *laïcité* (demonstrations and public meetings) and a selection of interviews (n=7). Interviews were conducted with activists of different organisations in an effort to keep an equal repartition in terms of gender, origin and religious belonging.

The **organisations were selected** so as to keep a balance in between old organisations mobilised on the issue of *laïcité* and new organisations (organisations that are specifically mobilised against the passing of restrictive laws pertaining to *laïcité*; organisations whose mobilisation on the issue of *laïcité* is part of a larger objective to defend Islam and French people associated with the Muslim faith). However, the mobilisation involves few people and some activists participate in several of these organisations, which explain the limited number of interviews.

Interviewees were asked about their understanding of *laïcité* as a value and if they saw *laïcité* as a necessary frame to articulate any minority-related claim in the French context, and if this was the case, what other options they would see. We paid attention not to impose the frame of *laïcité* on the interviewee and interviews also dealt with resources of mobilisation and individuals' understanding of issues pertaining to diversity. The point was not to define *laïcité* but to analyse its use to articulate claims with respect to the acceptance of religious diversity in French political life.

Main findings

1. **Minority organisations** that are mobilised on the issue of Muslim discrimination and anti-Islam discourse **articulate their claim for equal treatment in terms of *laïcité* to make themselves heard** in the French context. Although Muslim people in general may be reluctant to adopt the notion of *laïcité* (perceived as anti-religious and also systematically used by the media to condemn their practices), Muslim activists identify *laïcité* as a French tradition and use it to render their mobilisation compatible with French political life.

Beyond the strategic use of the term *laïcité* to articulate a claim in Republican terms, **minority organisations are reclaiming *laïcité* and participating in a larger discussion** on the definition of the notion and its link with the fundamental value of religious freedom.

2. In this discussion, they are joined by **majority organisations** such as **human rights associations and feminist groups.**

How did this happen? In fact, the initial framing of the first headscarf affair of 1989 was essential in linking the issue of Islam with *laïcité* and feminism. The wearing of the veil was interpreted as a sign of religious extremism and women oppression, which prompted the mobilisation of organisations mobilised on the defence of *laïcité* and feminists, respectively. However, with the

growing stigmatisation of Islam and the systematic use of *laïcité* to pass laws restricting the practice of Islam, **some defenders of laïcité and feminist activists** shifted their position to rally with Muslim organisations and denounce an intolerant interpretation of *laïcité*.

3. French feminist positioning on the issue of *laïcité* is complex. Most French feminists support a restrictive interpretation of *laïcité* because they interpret the wearing of an Islamic veil as a sign of discrimination against women. Only a limited number of feminist activists contest the **manipulation of a discourse on laïcité to discriminate Muslim women** and situate the issue at the intersection of gender and racial discrimination.
4. By rendering their mobilisation adapted to the French context, Muslim organisations have contributed to the articulation of a Muslim consciousness. They are highlighting the specificity of a **Muslim identity in France** and the post-colonial construction of Islam in France.

As such, minority claims of *laïcité* also qualify for claims of **acceptance and recognition of Islam** in France.

Concluding remarks

By focusing on the mobilisation in the defence of Muslim rights in France, the case study encompasses **a limited number of activists**. It allows analysing the implications of a mobilisation in terms of *laïcité* for individuals who distinguished themselves from the rest of the population by their religious belonging (real or perceived). However, **this should not overshadow the restrictive turn in the interpretation of laïcité in the current French discourse** and the fact that both right-wing and left-wing parties tend to follow this path. The change in positioning that we observed among a number of activists of the Human rights league and eminent specialists on *laïcité* such as Jean Baubérot, could inaugurate a broader change in discourse. However, the politicisation of the issue of *laïcité* in reaction to the Muslim presence is pervasive and appears as the most favoured strategy by politicians right now.

Policy recommendations

- Policy makers should pay more attention to **NGOs** and organisations that are organised on the defence of Muslim rights in France.
- It is necessary to raise the awareness of French citizens on the issue of religious discrimination. Because the public expression of religious identity is seen as illegitimate in France, there is a tendency to justify or downplay the importance of religious discrimination.

Keywords

Political Mobilisation, Minority, Discrimination, Muslim organisations, *Laïcité*, Feminism

1 Introduction

1.1 Main Political Challenges in Relation with Immigrants and Migration-Related Diversity

French political life is relatively **immune to ethnic demands** and claims for group rights, should they come from immigrant or native minorities (such as regional minorities or the Roma community from France). Article 1 of the 1958 constitution reads that the French Republic “shall ensure the equality of all citizens before the law regardless of their origin, race or religion” and this has been generally understood as invalidating any mobilisation on the basis of ethnic or religious belonging. This is regarded as opposed to the civic understanding of French citizenship that guarantees a vertical relationship between the state and the citizen. Any political claim articulated in ethnic or religious terms is considered favouring the pursuit of particular interests over general interest.

Moreover, the French political model **excludes non-nationals from participating to political life**. Nationality and citizenship are compounded and access to political rights is conditional on the acquisition of French nationality. Foreigners can acquire French citizenship after a five years’ residence, but naturalisation is not granted automatically to those requesting it: 70 to 80 per cent of requests are granted and the average wait is 18 months. In 2005, 40% of the 5 million foreign-born living in France were French citizens (INSEE 2006). The administration expects applicants to fulfil assimilation criteria such as knowledge of French language, stable financial resources and current residence in France, along with loyalty and sharing republican values. These rules leave major discretion to administration employees and applicants can be the target of judgement as to whether their application is suitable or not¹. Immigrants who have not been through the process of naturalisation have therefore no political rights and access to political decisions.²

As for **immigrants who acquired French nationality and French people of immigrant descent**, they **hold political rights but their presence and participation in political life is limited**. Surveys demonstrated that registration rates³ among second generation immigrants are low in comparison with French people with no immigrant background, of the same group age (Richard 1998). This has had the consequence to convey the image that French people of immigrant descent are not interested in politics and has discouraged political parties to appeal to that type of electorate. As such, the low participation rate of French people of immigrant descent in political elections did not encourage political parties in addressing ethnic interests. Moreover, for those who embarked in a political career, their presence did not necessarily translate in the increased representation of minority interests in French political life. First, French political parties proved to be particularly reluctant in incorporating minority members and allowing them to reach leadership positions. In depth studies of the party system demonstrate the difficulty encountered by minority activists to be allowed to run for elections at local, and even more, at national level (Garbaye 2005, Geisser El Sum 2008). Second, should minority activists be elected at a representative position, the chances are limited that they would articulate any minority-specific claim, owing to the general disapproval towards the articulation of particular interests in politics. Therefore, the **increased participation of minority activists in political representation** might be encouraged as a sign that the population is accepting

¹ Starting January 2012, however, the administration is to ask the result of a language test administered by a certified institute according to Decree 2011-1265 of 11 Octobre 2011 (Decret relatif au niveau de connaissance de la langue française requis des postulants à la nationalité française).

² Non-nationals have no voting rights to the exception of the right to vote in union elections. Arguably, this has encouraged the integration of immigrant in the labour movement. However, the low rate of unionisation in France and the fact that not all immigrants work in unionised jobs make it a limited venue to participate in political life.

³ Registration on voting list were compulsory up until 1997 when it became automatic (law of 10 november 1997).

representatives of minorities as regular member of the political body. However, it **can hardly be seen as a way to increase the representation of minority interests.**

Finally, regarding the possibility that political candidates may address minority interests for electoral purposes (i.e. appealing to a specific electorate such as the Muslim vote or the Black vote), it would only be possible if statistics were available. Yet, voting results in France are broken down into age, sex and occupational activities, and not in ethnic group. Political parties have little visibility on voting behaviour among ethnic groups and few incentives to address their specific interests.

Despite the difficulty to articulate ethnic claims in the French context, there has been a **tradition of immigrants' mobilization** in organisations since the post war period that can be seen as instances where to study the articulation of ethnic interests, especially in their interaction with the institution. From 1929 until 1981, people who wanted to create an association and obtain an official status had to hold French nationality. However, this has not prevented immigrants to mobilise and defend their rights in the 1970s when immigration laws became more restrictive. French activists have also created associations in solidarity with immigrant workers and their families.¹ What's more, when the association right was extended to foreigners in 1981, numerous associations were created, that held cultural, social and political objectives. France, therefore, counts numerous immigrant associations that have learned to articulate their claim and negotiate their identity in Republican terms (Kastoryano 2002).

Conversely, the state contributed greatly in **channelling the articulation of immigrant claims** in the French context (Ireland 1994). Two years after the law passed that allowed foreigners to create their own associations, immigrant leaders were appointed to sit in the administrative council of the Social Action Fund that allocates the funding of most immigrant associations (1983). A consequence of this has been the co-option of immigrants in the functioning of the state: some immigrant associations' leaders are granted the right to represent immigrant interests in a consultative body, without being given access to the political process. The practice of co-opting associations' leaders or militant activists is often regarded as a way to neutralise groups that are perceived as a threat by giving them symbolic rewards. A recent example of this is the creation of a Council for the Citizenship of Parisian Foreigners in compensation for their absence of political rights in local elections: although the council is designed as a place for the discussion of all kinds of issues, it ends up being specifically dedicated to matters that concerns foreigners primarily (Escafré-Dublet, Simon 2009:14-15). In a way, one could argue that foreigners' specific interests are addressed in such a Council. However, as a consultative body, the Foreigners Council has no effective power and the actual City Council can or cannot take into account their specific concern. It is the responsibility of the member of the Foreigners Council to articulate their demand in a way that the actual members of the City Council may follow up on it.

In sum, **an essential challenge of French political life, with respect to migration-related diversity, lays in the illegitimacy of articulating ethnic and/or religious claims.** To the articulation of an ethnic claim, the French political model opposes the danger of national disunity and, to the articulation of a religious claim; it opposes the strict separation of religious and public matters anchored in the principle of *laïcité*. **However, the adaptation of immigrant organisations to the Republican ethos led to the articulation of ethnic and religious demands in suitable terms for the institution. Has this been a way for immigrants and religious minority to have their claim accepted or just tolerated by the state?** This will be the main theoretical question that we will address in this report with regard to the specific question of *laïcité*.

The emergence of a debate on *laïcité* can be seen as a response to **the perceived increase of religious diversity in France, and more specifically that of the Muslim community.** To be sure, Muslims have been present in France for decades, not to mention that the French empire has ruled over

¹ For instance, the National Federation of the Associations in Solidarity with Immigrants (la *Fédération nationale des associations de soutiens aux immigrés* www.fasti.org)

numerous countries that had mainly Muslim populations (e.g. Algeria, the Moroccan and Tunisian protectorates, Mauritania and Senegal). However, the Muslim component of French religious diversity has raised greater attention since the first headscarf affair of 1989, when, for the first time, a head teacher invoked *laïcité* to exclude two schoolgirls wearing an Islamic veil. Since then, it has become a constant feature of French political debates.

There are no official statistics that record religious affiliation in the French population. **There can only be estimations of the number of Muslims in France.** The figure of ‘6 million Muslims living in France’ announced by the Interior Ministry in 2010 should be considered with caution.¹ It 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) and does not, necessarily, mean that 6 million people in France identify themselves as Muslim, or as belonging to a Muslim community. In fact, there is a low level of assertion of religious affiliation in France and only 59% of French people with North African, African and Turkish descent identify themselves as Muslim (Tiberj, Brouard 2006). Moreover, a recent survey showed that 11.8 million French people in between 18 and 50 year old identify themselves as Catholics, 2.1 million identify themselves as Muslims, 500 000 as Protestants, 150 000 as Buddhists and 125 000 as Jewish (Simon, Tiberj 2010:124). The number of 4 million Muslim people in France appears therefore as a more reasonable estimate.

The state’s response to the growing concern towards the presence of a Muslim community in France has been **the institutionalisation of Islam** with the creation of the French Council of the Muslim Cult (*Conseil Français du Culte Musulman*) in 2003². The Council is elected by Mosque representatives from all over the country and is intended to regulate religious activities. Although it is sometimes regarded as an interlocutor between the French state and Muslim people in France, it is chiefly concerned with religious matters and cannot be considered as an official representation of the Muslim community. In its first election, French Interior Ministry at the time, Nicolas Sarkozy, was concerned that the French Union of Islamic Organisations (*Union des organisations islamiques de France*, UOIF), which he considered close to more extremist movements, would be too largely represented in the Council. However, this was not the case and different organisations are represented in the Council.

The practice to create an institutional body to regulate Muslim activities and have organisation leaders elected can be regarded as a way to co-opt religious elites in the institutional process and better control them. At the time of the creation of the French Council of the Muslim Cult, it was debated whether this was a way to include Islam on an equal footing with Judaism and Protestantism, which already had their own state-recognised organisations, or if this was an attempt by the government to tighten its control over Islam in France. The tension was in between an interpretation of the creation of the Council as **a sign of acceptance of Islam as an equal religion** (as Protestantism and Judaism) or as a sign that Muslims activities were disapproved and that the state had to control them. An analysis of the associations that are mobilised on the issue of *laïcité* and, more broadly, on the perception of Islam in France helps understand this tension and evaluate **the state of acceptance of Islam as a component of French religious diversity.**

1.2 Debates on Laïcité and the Articulation of Minority Claims in the Republican Context

The difficulty to articulate diversity-related claims is a challenge for the participation and the representation of minority interests in French political life. To explore this challenge, we look at **the mobilisation of NGOs and activist groups, and their positioning on the specific issue of *laïcité*.** It

¹ Ministry of the Interior, ‘La France compte entre cinq et six millions de musulmans’, Press release, 27 June 2010.

² There is, however, a larger movement to institutionalise Islam in European countries should it be through top-down processes such as in the case of France and Spain or with a bottom-up approach such as in the case of the United Kingdom.

appears as a valuable angle of approach for two practical reasons. First, the direct link of this principle with notions of equality and tolerance allows for a straight entry into a value discourse that is not as easily discussed otherwise. Second, the frequent use of the term in link with Islam is a convenient topic to announce when contacting interviewees while the issue of religious diversity or tolerance to Muslim identity could be seen as infringing Republican correctness (namely the neutrality of the public space where religious expressions are not to be discussed).

However, investigating **claims of laïcité** in the French context requires taking into account the **long tradition of collective mobilisations** in support of this idea. A number of organisations are particularly emblematic of this mobilisation such as the French education league or the Human Rights League in France. The French education league (*La Ligue de l'enseignement*) was created in 1866 to support education for all, free of religious belief. It was instrumental in passing the Education laws of 1882 that made French schools compulsory, free and laïc. It is still a very active and central organisation in the field. Moreover, numerous organisations defend *laïcité* as part of their mobilisations for the freedom of expression and fight for equal treatment of individuals, such as the Human Right League (*Ligue des droits de l'homme*) or the Movement Against Racism and for People's Friendship (*Mouvement contre le racisme et pour l'amitié entre les peuples*). The Human Right League was created in 1898 and the Movement Against Racism was created in 1949, in the aftermaths of the Second World War.

Since the first headscarf affair of 1989, these organisations have incorporated elements in link with Islam in their activities. For instance, together with the Human Rights League, the Education League created a specific commission entitled Islam and Laïcité in 1997, and the Movement Against Racism decided on the creation of a specific commission on anti-Islam racism in 2004. Moreover, **minority organisations and anti-racist groups have also embarked in the mobilisation for laïcité** and contested the increasing stigmatisation of Islam. SOS-racism, for instance, contended that *laïcité* had to be implemented but that the law might enhance anti-Muslim feelings (Rochefort 1989).

In addition to these existing initiatives, **new groups were formed to oppose the passing of the law** such as A School For All (*Une Ecole pour tou-te-s*, 2003) the Collective against Islamophobia in France (*Collectif Contre l'Islamophobie en France*, 2003), Words Are Important (*Les mots sont importants*, 1999). It is interesting to note that these new minority organisations have not necessarily opposed the principle of *laïcité* but have, rather, integrated it in their discourse. The same goes for faith-based organisations that were created before or after the law (Presence and Muslim Spirituality in 1999 or the Women Muslim League created in 2005) and the official representation of the Muslim community.¹

We look at this diverse set of organisations and analyse their positioning on *laïcité* in response to the governmental activity on the issue (laws, debates, official declarations).

Since the passing of the March 2004 law banning the conspicuous display of religious signs in French public schools, numerous events in French political life have maintained the **debate on laïcité at the top of the political and media agenda**. In 2007, the case of mother wearing veil accompanying school outings was brought up and the argument that *laïcité* had to be enforced was proposed. In 2010, the passing of a law that banned the wearing of full Islamic veil renewed the debate on *laïcité*. It should be noted that the argument of the law is a security one; the formal objective of the law is to prevent the covering of one's face in the public space (law of October 2010). Nonetheless, the political and media debate that accompanied the passing of the law articulated elements pertaining to the enforcement of *laïcité* and the tolerance of religious signs pertaining to the Muslim faith. Eventually it

¹ The French Council of the Muslim Faith did not adopt any official position on the law due to its internal divisions: some organisations represented in the Council were in favour of the law (the Coordination of Turkish Muslims from France, the French federation of Islamic Associations from Africa, the Comoros and the Antilles, and the Parisian Great Mosque) while one was against the law (the French Union of Islamic Organisations).

resulted in the articulation of a renewed discussion on *laïcité* and, in April 2011, the French ministry of Interior launched an “official debate” on *laïcité*.¹

In all these circumstances, **mobilisations took place** that opposed what has been regarded as an increased stigmatisation of Islam. For instance, when the French ministry of Interior announced its intention to launch a debate on *laïcité*, a collective of several imams (some represented in the French Council of the Muslim Faith) wrote an op-ed article in *Le Monde* and expressed their concern that the debate might prove that Islam is incompatible with Republican values, notably *laïcité*. They contended that “Muslim’s faithfulness to their religion do not prevent them from being fully committed to the principle of *laïcité*”². Minority organisations gathered around the minority media Respect Mag and Saphir News to march against what they called a shameful debate on 2 April 2011. One flyer calling for the demonstration stated the organisation’s intention to “assert loud and clear [their] Republican and *laïc* beliefs”³.

While **minority organisations and official representations of the Muslim community** in France have opposed the increasing restrictions on the display of religious signs, it is interesting to note that they have constantly, and increasingly, **asserted their commitment to *laïcité***. This may stem from a need to adapt to the political and institutional structure of French society. However, we would like to analyse these discourses as **claims for acceptance of Islam** as a component of French religious diversity, on an equal footing with Protestantism and Judaism.

Laïcité can be regarded as a notion that guarantees the toleration of religious diversity. However, when minority or religious organisations articulate their claim in terms of *laïcité*, they are not only asking for tolerance, they usually insist on the application of *laïcité* regardless of the religion at stake. In this paper, we demonstrate that the mobilisation with reference to *laïcité* is one that argues that Muslims are equal citizens who are suffering discrimination. Minority **claims of *laïcité*** can be understood as **claims for equality and acceptance of Islam** in France.

2 Methodology

The analysis draws on a **literature review**, a **press review**, a collection of **secondary sources** on the issue (reports published on line) and material collected during **fieldwork**.

The fieldwork consisted in:

- The attendance to **meetings** organised in reaction to the governmental decisions regarding *laïcité*: one demonstration in opposition to the debate on *laïcité* (Paris, April 2, 2011) and one public meeting organised by All Equal Moms (*Mamans toutes égales*) in reaction to the issuing of a law proposal to ban women wearing veils from all educational activities, including childcare at home (Bagnolet, Paris Region, February 9, 2012).
- A selection of **interviews** (n= 7). Interviews were conducted with activists of different organisations in an effort to keep an equal repartition in terms of gender, origin and religious belonging (provided that the interviewee clearly articulated his or her religious belonging or absence of religious belonging).

¹ “Laïcité: trois heures de débat pour clore deux mois de polémiques” *Le Monde*, 5 April 2011.

² “... la fidélité des musulmans à leur religion ne les empêche pas d’être pleinement attachés au principe de la *laïcité*” (Abdelkrim F., Eddouk A., Gaci A., Kechat L., Miktar A., Minta M., Najah M., Oubrou T., Sahri R., “Islam, le débat de trop”, *Le Monde*, 4 March 2011)

³ « ...nous tenons à réaffirmer haut et fort nos convictions républicaines et laïques », Etudiants Musulmans de France – Grenoble, *Non au débat-procès de l’Islam* [Retrieved 4 July 2011].

The organisations were selected so as to keep a balance in between old organisations mobilised on the issue of *laïcité* (n=2: interview with two members of the Human Rights League) and new organisations (n=5). Among these new organisations, one should distinguish the ones that are specifically mobilised against the passing of, what they interpret as, more restrictive laws on *laïcité* (n=2 : Words are important and All Equal Moms) and the organisations whose mobilisation on the issue of *laïcité* is part of a larger objective to defend Islam and French people associated with the Muslim faith (n=3 : Council Against Racism and Islamophobia, Collective against Islamophobia in France and Presence and Muslim Spirituality).

Organisations were selected so that to have a representation of each kind of organisation mobilised on the issue. They all share a common commitment to the principle of *laïcité* although for some it is part of a larger project to defend human rights (e.g. the Human Rights Leagues) or Muslim people in France (e.g. the Committee against Racism and Islamophobia in France) or Muslim women (e.g. All Equal Mothers) .¹ The rather limited number of interviews (n=7) comes from the fact that the mobilisation involve few people and after a few interviews we noticed that some activists were common to several organisations and could speak for the positioning of each.

Interviewees were asked about their understanding of *laïcité* as a value and if they saw *laïcité* as a necessary frame to articulate any minority-related claim in the French context, and if this was the case, what other options they would see.² As mentioned earlier, the idea to **focus the interview on the notion of *laïcité*** was a convenient angle of approach to speak about the place of Islam in France in a context where religious matters are not easily discussed. Moreover, owing to the current debate on the notion of *laïcité* and the fact that its meaning is constantly debated, it offered a direct entry into a value discourse that pertains to equality and tolerance, in general. We paid attention not to impose the frame of *laïcité* on interviewees but rather to take it as a point of discussion. Interviews also dealt more broadly on their mobilisation, resource of mobilisation and understanding of issues pertaining to diversity in the French context, in general.

Interviews were analysed using **discourse analysis** with the aim to identify **interpretative frames for claim making**. The concept of *laïcité* was left as an open concept to be filled with varied meanings to highlight the different points of view of the actors and their different interpretation of what is the problem: is a mobilisation in defence of *laïcité* a way to defend Equality? Muslim rights? Religious freedom? Women rights? As argued by Verloo: “normative assessment criteria with all their ideological and political implications , are not absolute models of reference fixed once and for all, but rather open to periodical revision and transformation in order to better adapt to the variegated nature of policy texts and to the changes in researchers’ theoretical perspectives” (Verloo 2007:38). In this fieldwork the point was not to define *laïcité* but to analyse its use in political claim-making with respect to religious diversity.

The data collected during this fieldwork are relevant to **compare** with other minority organisations mobilised on the specific issue of accepting Islam as a regular religion in **other European countries**. Despite a wide range of context specific issues such as the strict separation of religious matter from the public life and the fact that religion is not regarded as a legitimate basis of mobilisation, the various issues that activists address are articulated in response to the discrimination of Muslim people, which is observed in other countries. Moreover, some of the activists who we met are in touch with other organisations in Belgium, the UK and Austria, which shows that they believe there are some commonalities in their experience (e.g. the network around the Cordoba Initiative³).

¹ See Annex for a List of the organisations we interviewed in this case study.

² See Annexe for an Interview Guide

³ (www.cordobainitiative.org)

3 Case Study: Minority Claims of *Laïcité* in the Republican Context

- “At first I thought *laïcité* was something antireligious, atheist, and then, after the first headscarf affair, in the 1990s, I met with these organisations that defend *laïcité* - the Human Right League, the Education League - and I understood that it was something to protect, it was an idea that defended the freedom of religion.”¹

In this case study, we analyse **how minority organisations, and especially minority organisations who are mobilised on the defence of the rights of Muslim people in France, adopted the notion of *laïcité***, for which reasons and with which implications. In these few words by a political activist who has long been mobilised on the defence of minority rights – specifically French people of North-African descent – and who choose to articulate a Muslim identity as a political activist (he was the founder of Muslim Youth Union in 1986), one can clearly understand that this was not an obvious choice to make. And yet, a quick look at the websites of most of the organisations that identify themselves as defending the interests of French people of Muslim origin today show their intention to display their commitment to the principle of *laïcité*². How did this happen and **what are the implications for the defence of minority interests?**

First, we trace the mobilisation of organisations on the issue of *laïcité* starting from the first headscarf affair of 1989 to the latest mobilisation in defence of women wearing veils in educational activities. We clarify the positioning of several organisations (human rights associations, minority associations and feminist associations) so as to highlight the **emerging consensus on the defence of *laïcité*** that we could observe among minority associations. Second, we analyse minority associations’ commitment to *laïcité*. In particular, we discuss whether the articulation of their claim in terms of *laïcité* tends to put a strain on the defence of their interest or if this provides **a useful space for the rise of a Muslim identity in France**. We argue that the mobilisation for the defence of *laïcité* is understood by the actors as **a claim for equality and a call to be accepted as equal** in the face of a political discourse perceived as intolerant towards Islam.

3.1 The Emergence of a Minority-Specific Mobilisation on *Laïcité*

In this part, we present the main organisations mobilised on the issue of *laïcité* in link with Islam at three crucial moments: the first headscarf affair of 1989, the passing of the law banning the conspicuous display of religious signs in school in 2004 and the approval by the Senate of a law proposal to extend the application of *laïcité* to childcare (and thus, prevent women wearing an Islamic veil to work as nanny in their own house) in January 2012. We show that minority organisations went from being rather absent from the mobilisation to occupy the forefront of the debate, as the use of the principle of *laïcité* became more evidently a tool to reject Islam and exclude Muslim people.

3.1.1 Majority organisations mobilised on the issue of *laïcité* and the 1989 headscarf affair

At the time of the first headscarf affair in 1989, **majority organisations mobilised on the defence of *laïcité*, were the most vocal on the issue**³. When a school principal of a secondary school in Creil (North of Paris) excluded three young girls who wore an Islamic veil on the ground that they infringed the principle of *laïcité*, the first local associations to condemn the exclusion at the local level were the local representations of the Human Rights League, the Movement Against Racism and the Parent

¹ Interview with A.C., 27 January 2012, Collectif Against Racism and Islamophobia, former founder of Muslim Youth Union.

² See the list of associations and their websites in Annexe.

³ By « majority » organisation we refer to organisations that comprise people from the majority population as opposed to the minority population under scrutiny in this case study, i.e. Muslim people

Association FCPE, an association founded in 1947, known as left-wing and strongly attached to the defence of *laïcité*¹. The local Women Rights Centre also condemned the exclusion.

However, the issue went from being a local event to stir a national debate on the wearing of the veil by girls going to French public schools². The position of groups mobilised on the issue of *laïcité* or the defence of women's right quickly evolved to oppose the wearing of the veil by school girls on the ground that it was infringing the principle of *laïcité* and the Islamic veil was an expression of religious extremism and a sign of women oppression.

The reading of the issue that emerged at the time of the first headscarf affair proved essential: it inaugurated a new **articulation in between the *laïc* point of view that opposes all religious extremists and the feminist imperative to fight women oppression** (Rochefort 2002). One can observe the articulation of a counter position based on the idea that all religions have to be tolerated and that the exclusion of some is a threat to social cohesion, but it was highly criticised³. Among feminists, a few raised a concern that it might be patronising to think of the Islamic veil as a sign of oppression and the western understanding of women liberation as the right one (Boons-Graffé, Colin 1989). But this positioning was minor in comparison with most French feminists – and among them, notorious figures such as Elisabeth Badinter and Gisele Halimi – who opposed the wearing of the Islamic veil⁴.

Minority organisations such as immigrant associations were less vocal on the issue. One can observe the mobilisation of the *Nana beurs* collective composed of women of North-African descent, but they opposed the wearing of the Islamic veil by young girls on the ground that it was a symbol of oppression. At the time, the opposition to the veil was not interpreted as a rejection of Islam, but rather as a rejection of an extremist form of Islam.

This is further illustrated by the fact that the most visible mobilisation on the part of the Muslim community was a demonstration on 22 October 1989, organised by the Islamic organisation, Voices of Islam, which gathered only a few hundreds Muslim people in Parisian streets. The media coverage highlighted that the demonstrators were extremists and foreigners (naming them by their country of origin: Pakistan, Iran, Lebanon and most notably, not the country of origins of most immigrants in France such as Algeria or Morocco)⁵. Journalists also pointed at the participation of Mohamed Mouhajer as leader in the demonstration. An Iranian activist, Mouhajer had earlier been linked to a series of planned terrorist attacks in 1986 (Bigo 2002). The demonstration was not perceived as representing the voice of Muslim people from France and accredited the argument that schoolgirls wearing veil were being manipulated by groups of extremist Muslims.

Furthermore, minority organisations were very limited to be mobilised on the ground of their religious affiliation at the time and there was no such thing as a Muslim voice, or a Muslim representation, to articulate a specific claim on the issue. The difficulty to mobilise on a Muslim identity in the French 1980s is reflected in the words of an activist who founded a Muslim Youth Union in 1986:

¹ *Témoignage Chrétien*, 30 Oct - 5 Nov. 1989.

² Although the number of girls wearing a headscarf in schools has never been determined, it could be estimated to a few hundreds. In 2005, after the law was passed and a report was issued by the government, 300 cases of girls wearing a headscarf were signaled (Cherifi 2005)

³ See for instance the strong critique against President's wife, Danielle Mitterand who wrote: "If *laïcité* can not welcome all religions and all expression in France, then we are moving backward" *Le Monde*, 22-23 October 1989.

⁴ " Profs, ne capitulons pas!", Elisabeth Badinter, Régis Debray, Alain Finkielkraut, Elisabeth de Fontenay, Catherine Kintzler, *Nouvel Observateur*, 2-8 November 1989.

⁵ To see images of the demonstration: <http://www.ina.fr/economie-et-societe/vie-sociale/video/CAB89044984/mohamed-mouhajer.fr.html>

- “When it came to give a name to our collective, we labelled it Muslim Youth Union. We could have used the M for Maghrebian [North African], this was much more accepted at the time, and we hesitated. But, we decided to be provocative and go all the way through it and have the M stands for Muslim. As a result I lost my job several years later; because my boss saw I had been part of some organisations that had the name Muslim in the title.”¹

In 1989, the wearing of an Islamic veil by some school girls was interpreted as a sign of extremism and its interdiction the best bulwark against fanaticism and women oppression. This translates in the mobilisation of the most active organisations on these issues: feminist movements and organisation that defend the enforcement of *laïcité* (Education League, Human Rights League and the parent association FCPE). **Minority organisations were less represented in the debate. This was partly due to their lack of mobilisation on religious issues and the perception that the issue was limited to a few schoolgirls wearing veils.**

The first headscarf affair did not lead to the strict interdiction of the wearing of an Islamic veil in public schools, anyway. The State Council (*Conseil d’Etat*)² then ruled that the wearing of the headscarf was “not contradictory to the values of the secular and republican school” and let it to the teachers and school directors to decide whether or not pupils were using this as an instrument of proselytism and disturbance of school activities.³

3.1.2 *Laïcité* and its discontent: the mobilisation against the 2004 law banning the conspicuous display of religious signs in schools

By contrast, the mobilisation to oppose the passing of the 2004 law banning the conspicuous display of religious signs in schools gathered a variety of **new organisations and collectives**.⁴ They had to confront the still ever pervasive argument that the Islamic veil is a sign of religious extremism and interviews with members of several of these organisations reveal **the difficulty to mobilise on issues pertaining to Islam and *laïcité***. However, the networking around that period **paved the way for further mobilisations for the defence of *laïcité* in the name of Muslim rights**.

The opposition to the passing of the 2004 law gathered around the collective A School For All (*Une école pour tou-te-s*) where members of various organisations met: majority organisations mobilised on the defence of *laïcité* such as the Human Right League or the parent association FCPE; feminists such as the Feminist Collective for Equality; anti-racist organisations such as the Movement against racism (MRAP); minority associations such as the Movement of Immigration and the Suburbs (MIB) and Muslim organisations such as Participation and Muslim Spirituality, to name only a few. What account for this change in positioning among majority organisations and for the mobilisation of Muslim organisations?

3.1.2.1. Feminist groups

Among feminist activists, there was a change in positioning because some of them felt there was **a manipulation of a discourse on gender equality to discriminate Muslim women**. However, this

¹ Interview with A.C., 27 January 2012, Collectif Against Racism and Islamophobia, former founder of Muslim Youth Union.

² The State Council, (*Conseil d’Etat*) is the highest administrative authority in charge of advising the French government. It is composed of 350 High Civil Servants, among which 80 can be assigned outside the State Council at high administrative positions.

³ State Council ruling of November 27, 1989.

⁴ LAW number 2004-228 of 15 March 2004 controlling the wearing of religious signs and clothes in primary, secondary and high schools. Article 1 (...) “In public schools (primary, secondary and high schools), the wearing of signs or clothes by which pupils signal conspicuously their religious belonging is forbidden

change did not happen easily, nor massively. Christine Delphy, a long-time feminist activist and theorist, was a founding member of a feminist collective that opposed the law¹. She explained that it was a difficult position to hold and that few feminist activists followed.

- *“At the time, few feminist were against the law. In fact, I actually think there were more of them, but they were scared to say it. Many times some feminist activists came to talk to me telling me they agreed with me but did not want to say it...they should have, that would have helped me!”*²

It was difficult to oppose the law because this was generally interpreted by other feminist activists as agreeing to the oppression of women through the veil. The perception that Muslim women are victim of discrimination when the Islamic veil is criticised (or banned, for that matter) is often overshadowed by the conviction that the Islamic veil is an instrument of women oppression. It all happens as if the most important form of discrimination is that imposed by Islam on women, and not that of the French society on Muslim women.

The difficulty to acknowledge the discriminatory dimension of a discourse opposing the Islamic veil can be interpreted as a general difficulty to apprehend issues of discrimination at the intersection of race and gender. As Duchen argued, the French feminist movement emerged from extreme left groups in the 1970s and activists were more used to articulate issues of gender and class, than issues of gender and race (as opposed to Second Wave Feminism in the US that emerged from the mobilisation of women activists in the Civil Rights movement, for instance) (Duchen 1986). Lepinard further demonstrated that the mobilisation of feminist groups for the equal representation of women and men in politics, in the 1990s, contributed to define white women’s interest as the interests of all women and to overlook the heterogeneity of the category of women. This had the further consequence to pit feminists against minority group rights and when issues related to the Islamic veil surfaced, French feminists supported the law banning the veil and “participated in racialising migrant women’s culture as well as perpetuating the colonial stereotype of Muslim women as victims to be protected” (Lepinard 2007: 396). Feminist positioning on the issue of *laïcité* is complex and a clear divide among French feminist groups.

3.1.2.2. Human rights organisations

For human rights organisations, what was perceived as **a manipulation of the concept of *laïcité* to the detriment of a group of people** (namely, French people of Muslim origin) **and**, in turn, to **the general idea of individual freedom**, was central to their change in position. A member of the commission specialised on *laïcité* in the Human Rights League and former school principal clarifies his change in position and subsequent opposition to the passing of the 2004 law:

- *“In 1989, and later in 1994, I had understood that we had taken the wrong decision. Our decision was funded, sure, because it was not right that these girls wanted to wear a veil. However, we had wanted to apply a principle that usually applies to institutions, to individuals. So, **the laws that we were applying were going contrary to the liberal principle of *laïcité***, they were restricting the freedom of and from religion”*³

3.1.2.3. Muslim organisations

As for Muslim organisations, meeting with *laïc* organisations such as the Human Rights League or the Education League sensitized them to the benefit of the application of the principle of *laïcité* i.e. its

¹ Collectif féministe pour l’égalité

² Interview with C.D., 13 february 2012, Paris, member of the All Equal Mother collective.

³ Interview with A.B., 10 february 2012, Paris, member of Human Rights League and the Commission Islam and Laïcité

value as a protection of religious freedom, and the possibility to **articulate a claim in defence of their religious expression in the framework of *laïcité***. The collective A School for All encompassed activists from the Council of Muslim French, Participation and Muslim Spirituality, along with two other associations¹. Moreover, since 2002, practising Muslims are represented through the French Council of the Muslim Cult. This official representation is contested, however, as following the governmental lines. Most likely, the existence of such an official representation of Islam in France prompted the formation of Islamic organisations that did not feel represented by such Council and meant to articulate a different point of view.

To be sure, the reunion of activists from *laïc* and anti-racist organisations (mainly composed of white people), leftist and feminists organisations (composed of activists who, for some, felt deeply anti-religious) and Muslim organisations (who felt that *laïcité* was something antireligious) was not an easy venture. Activists remembered having to put aside some of their preconceptions, should it be against religion or against *laïcité*². However, **the concept of *laïcité* proved to be useful to gather various organisational strengths and allowed to articulate a claim for equality and recognition of Muslim people in the French society**. The Charter adopted by the collective A School for All states their commitment to *laïcité*³. As such, if the mobilisation against the law of 2004 failed in the sense that the law passed and has been enforced since then, the mobilisation proved successful in the sense that the network of activists could be reactivated later on, in the face of further developments regarding the application of *laïcité* in and around public schools.

3.1.3 The mobilisation of Muslim organisations and the defence of *laïcité*

With the restrictions applied to women wearing veils and a debate linking Islam to *laïcité* in France (cf. Timeline of recent decisions pertaining to *laïcité* below), any attempt in reaffirming the enforcement of *laïcité* has been interpreted as targeting Muslim people and lead to a mobilisation in reaction to it. By contrast with the first headscarf affair, when it appeared as a few cases of schoolgirls wearing a veil - who did not represent the majority of the Muslim community in France - there is now a concern that the whole Muslim community is under suspicion and that veiled women are but a pretext. To quote Ismahane Chouder, member of Participation and Muslim Spirituality, “*They aim at Islam, but they hit women*”⁴.

¹ Union de jeunes musulmans (UJM) et Etudiants musulmans de France (EMF).

² Interview with C.D., member of a feminist collective, 13 February 2012; .interview with I.C., member of a Muslim organisation, 17 February 2012

³ Charte des collectifs Une école pour tou-te-s/ Contre les lois d'exclusion, July 2004 (<http://lmsi.net/Charte-des-collectifs-Une-ecole>)

⁴ As quoted in the meeting of All Equal Moms (*Mamans toutes égales*) 9 february 2012, Bagnolet, France.

Timeline of decisions pertaining to the application of *laïcité* in France (2003-2012)

- July 2003: President Jacques Chirac appoints Bernard Stasi at the head of a Commission to reflect on the application of *laïcité* in France
- March 2004: Law Banning Religious Signs in Public Schools
- October 2005: Cherfi report states that the law is well understood (Cherfi 2005)
- March 2007: The case of mothers wearing veil taking part in school activities is brought up. The High Authority against Discrimination (the Halde) recommends to stick to the 2004 law that only applies to pupils and adds that it could qualify as discrimination on religious criteria
- October 2010: Law banning the covering of one's face in public space. The law aims at preventing the wearing of the full niqab but it is based on the principle of security in the public space and not the principle of *laïcité*.
- March 2011: Education Minister Luc Chatel declares that parents taking part in school activities are associated with educational staff and are therefore obliged to follow the principle of neutrality in the public sector. He announces that a decree preventing mother wearing veils to take part in school activities will be passed (has not happened yet).
- April 2011: Interior Minister Claude Guéant launches a debate on *laïcité*.
- September 2011: Interior Minister Claude Guéant forbids the practice of praying in the streets under the justification that it goes against *laïcité*.
- October 2011: Interior Minister Claude Guéant announces that a code on *laïcité* needs to be issued.
- January 2012: Law proposal to prevent nanny wearing veils to exert at home or in a private institution is approved by the Senate

A closer look at **the mobilisation in support of mother wearing veils** helps understanding the current mobilisation of minority organisations in reaction to the debate on *laïcité*. After Education Minister Chatel opposed the participation of mother wearing veils in school outings the collective All Equal Moms was created and organised its first demonstration on May 2, 2011.¹ It reactivated the network of activists mobilised against the 2004 law (*laïc* organisations, feminist organisations, minority organisations and Muslim organisations)². The population under scrutiny, however, is different: mother wearing veils are not schoolgirls who could be suspected of being manipulated by their family³, some of them are taking a part in the mobilisation and are part of the collective All Equal Moms.

When mother wearing veils justify their mobilisation, they underline the discrimination they think they are victim of (as opposed to the affirmation of a Muslim identity, for instance):

- *"I have three kids and they go to nursery and primary school. I am allowed to accompany the one in the nursery school but not the two in the primary school, because it is a different director who applies a different rule. When I asked why a mother who was wearing a Christian cross could accompany pupils in their activity outside school I was told this was not a religious sign in comparison with an Islamic veil. I refuse this discrimination."*⁴

¹ Demonstration of Monday 2 May 2011, in Montreuil, Paris Region "All Equal Moms: against the exclusion of mother wearing veils from school activities outside schools".

² A listserv encompassing 90 subscribers and an average of 30 people attending their weekly meetings. (Interview with I.C., member of the collective, 17 February 2012, Paris)

³ See the pervasiveness of this argument in the treatment of the first headscarf affair and afterwards.

⁴ Speech by Anissa Fathi, from Montreuil, Paris region, at a public meeting organised by All Equal Moms, 9 February 2012, Bagnolet, France.

- “It’s hard for me to have my children understand that this society **rejects me**, hates me, and that their mother is illegal because she wears a veil”¹

According to Christine Delphy who joined the collective, it might be that for these women who are not working (hence their availability to accompany children in school activities), they are experiencing discrimination for the first time², and to make it worst, are affected in their function as mothers.

In the mobilisation in support of mother wearing veils, **the argument that *laïcité* is diverted from its legal meaning and that it needs to be defended is central**. The website of All Equal Moms features an informative document detailing what the law of 1905 defining *laïcité* “says and does not say”³. The meeting organised in February 2012 gathered members of *laïc* organisations such as the Human Rights League and a specialist on *laïcité*, Jean Baubérot, former member of the Stasi commission of 2003 and recent author of a book entitled *Falsified Laïcité (La laïcité falsifiée*, Baubérot 2012). Among the interventions, *laïcité* was often mentioned as distorted from its legal meaning and a concept to mobilise around:

- “*Laïcité tends to mean ‘no-religions’ but that is not what it means*”⁴
- “*Laïcité is being **confiscated**; we should not let this happen*”⁵
- “*Laïcité is used as a **euphemism** for a society that does not want Islam*”⁶
- “*We need to appropriate ourselves the principle of *laïcité* as a principle of **equality***”⁷

Arguably, the principle of *laïcité* corresponds to the **common ground** on which all these collectives can gather. *Laïc* organisations denounce the distortion of a fundamental value that is central to the preservation of individual freedom. Feminist denounces the manipulation of *laïcité* to oppress Muslim women. Muslim organisations denounce the use of the principle of *laïcité* to reject Islam. The principle of *laïcité* appears as a useful frame to articulate a claim in defence of Muslim people in France: it draws on the principle of equality that is central to the legislation, it defends religious freedom and it helps gather members of the majority population to the Muslim cause.

*The initial framing of the first headscarf affair was essential in linking the issue of Islam with *laïcité* and feminism. The wearing of the veil was interpreted as a sign of religious extremism and women oppression, which prompted the mobilisation of organisations mobilised on the defence of *laïcité* and feminists, respectively.*

*However, with the growing stigmatisation of Islam and the systematic use of *laïcité* to pass laws restricting the practice of Islam, some defenders of *laïcité* and feminist activists shifted their position to rally with Muslim organisations and denounce an intolerant interpretation of *laïcité*. They have used the concept of *laïcité* to articulate a claim for respect and recognition of Islam in France.*

¹ Speech by an elected representative of the parent association FCPE from Montreuil, Paris Region, at a public meeting organised by All Equal Moms, 9 February 2012, Bagnolet, France.

² Interview with C.D., 13 February 2012, Paris, member of the All Equal Moms collective.

³ Accessible: <http://www.mamans-toutes-egales.com/who-we-are>

⁴ Speech by Zined, Feminist Collective for Equality

⁵ Speech by Jean Baubérot, Sociologist, Ecole Pratique des Hautes Etudes.

⁶ Speech by Joël Romain, Human Rights League

⁷ Speech by Rokhaya Diallo, *Les Indivisibles*

3.2 *Mobilisations on Laïcité and the Articulation of Muslim Identity in France*

In this part we discuss the implication of a mobilisation in defence of *laïcité* for the articulation of Muslim interests and a Muslim identity in France. We show that the mobilisation of Muslim organisations was not likely, considering the general distrust of Muslim believers towards *laïcité*, but they found it **a useful frame to articulate their demand in terms that are compatible with French political life**. We argue that this has had the further consequence to highlight the commonality of their French experience as Muslims and that Muslim mobilisation can be regarded as a relevant venue for the articulation of a Muslim identity in France.

3.2.1 Conflicted feelings towards *laïcité*

Laïcité appears as something negative to the Muslim community in France with its use in the discourse to reject Muslim practices. It started with girls wearing veils in schools (forbidden by the law of 2004) and went on with mother wearing veils who want to take part in school activities (forbidden by some schools). But *laïcité* was also called upon when Claude Guéant threatened to forbid the praying of Muslims in the streets (a common practice when mosques are full on Fridays). This prompted numerous commentators to point that *laïcité* applies to the public space, in the sense that the public space means the space that the state rules (e.g. schools, administrations) but not just streets as Claude Guéant implied (Delphy 2011). As stated by a member of the Human Rights League who is not Muslim but organised meetings on the question of *laïcité* in the Northern region:

- *“Among people who are identified as Muslims in France, laïcité is considered as a word-trap. They do not see it positively.”*¹

Moreover, there is a tendency to see *laïcité* as something anti-religious or atheist among Muslim people². According to one Muslim activist who we interviewed, the reason for this preconception on *laïcité* comes from the use of the concept in Islamic countries such as Algeria and Tunisia. She confirmed that it is an obstacle when she addresses Muslim audiences in France.

- *“Because of the time that I spent with specialists on laïcité during the mobilisation against the passing of the 2004 law, I became a kind of specialist on laïcité among my organisation [Participation and Muslim Spirituality]. I find it hard to convince Muslim people that laïcité is not something anti-religious. I think it comes from countries in North Africa who used the principle of laïcité to fight against Islamist organisations, in Tunisia, and also in Algeria a lot...but we are talking about authoritarian regimes! Nonetheless, that is what people think, they think that laïcité is something opposed to Islam.”*³

As such, we may operate **a distinction in between, on the one hand, members of Muslim organisations who may have sharpened their understanding of the philosophy of *laïcité* and use it to articulate a claim for equal treatment and recognition and, on the other hand, French people of Muslim faith who rest suspicious about *laïcité***. In this context, the current use of *laïcité* by governmental politics is to consolidate a general distrust.

And yet, organisations who address Muslim people in France have adopted the principle of *laïcité* and thrive to assert their commitment to the law of 1905. Regarding the official representation of Muslim believers, the French Council for the Muslim Cult, it is no surprise that they claim their commitment

¹ Interview with G.V., 25 January 2012, Human Rights League, Paris.

² Cf. *supra*. “At first I thought *laïcité* was something anti-religious”, (Interview with A.C., 27 January 2012, Collectif Against Racism and Islamophobia, former founder of Muslim Youth Union.)

³ Interview with I.C., 17 February 2012, Paris, representative of PSM, member of the Feminist collective CFPE and member of All Equal Moms.

to *laïcité* as a state-created organisation¹. When the French government announced the launching of a debate on Islam and *laïcité* in France, imams who are members of the regional representations of the Council for the Muslim Cult wrote an op-ed article published in *Le Monde* to reiterate their commitment to *laïcité*². It is more surprising to see less official organisations (and even organisations who oppose the French Council and present themselves as providing an alternative representation of Muslim people in France) adopt the principle of *laïcité*. The president of the French Council against Islamophobia explained:

- “*Laïcité is a strong belief and it is a principle that we base our mobilisation on. Laïcité is what protects Muslim and their freedom of religion. It is central to our mobilisation.*”³

This is indicating a process of frame alignment, when organisations are adapting their discourse to fit the political opportunity structure. Are Muslim organisations using the concept of *laïcité* strategically to make their claim easier to be listened to in the French context?

3.2.2 Meeting standards of reasonableness in claim-making

Activists involved in Muslim organisation clearly asserted that *laïcité* is a French value. In the interview guide, we asked interviewee whether they saw *laïcité* as a traditional, a national or a liberal concept. Although members of *laïc* organisations or feminist organisations identified *laïcité* mainly as a liberal value and, in doing so, clearly identified their involvement on the issue as part of a larger mobilisation for the advancement of liberal values, three members of Muslim organisations identified *laïcité* as a French concept. This can be interpreted as reflecting their idea that *laïcité* is a French value and mobilising on the defence of *laïcité* is a way to **frame their claim in French terms**.

This observation supports the hypothesis of the political opportunity structure influencing the framing of minority claims and the argument of **frame alignment**. Frame alignment occurs when individual interpretations of the issue at stake concur into a general interpretative frame that match with the larger belief system (Snow 1986). The centrality of the notion of *laïcité* in the French value system makes it fitting for Muslim activists to articulate their claim along this line and secure support in the French social movement. As such, Muslim organisations adopt the discourse of the institution on *laïcité* to make themselves heard as Muslims in France.

The imperative to rest in the limits of French institutions and French legal system is well reflected through the strategy adopted by the Collective against Islamophobia in France, which provides legal assistance for people who feel they were discriminated as Muslim. The collective was created in 2003 as an internet group to react to what was perceived as discrimination towards Islam in the media and later provided a legal assistance through a hotline. A legal advisor answers phone calls and the collective is also in touch with lawyers when discriminated people need to file a law suit against the offender. According to the legal assistant, in most of the cases they are able to provide the offended with mediation that helps solve the issue⁴. Numerous cases involve a woman who has been prevented from entering a school in the name of the 2004 law although it is a private school or an institution of higher education (the law only applies to primary, secondary and high public schools). She outlined that by helping fighting discrimination against Muslim people in France, the organisation stays “in the framework of the law”.

¹ The creation of the French Council of the Muslim Cult is the result of a top-down process initiated by Interior Minister Sarkozy in 2003.

² “... la fidélité des musulmans à leur religion ne les empêche pas d’être pleinement attachés au principe de la *laïcité*” (Abdelkrim F., Eddouk A., Gaci A., Kechat L., Miktar A., Minta M., Najah M., Oubrou T., Sahri R., “Islam, le débat de trop”, *Le Monde*, 4 March 2011)

³ Interview with S.D., 25 January 2012, Paris President, CCIF

⁴ Interview with F.E., 25 January 2012, Paris, legal advisor, CCIF

The strategy to frame a claim according to a concept, such as *laïcité*, that is clearly identified as French, and in a manner that stays strictly in the framework of the law can be regarded, along with other claims made by Muslims in Europe, as thriving to meet standards of **reasonableness** (Meer 2012). As such the mobilisation of Muslim people for the defence of their interests (namely the fight against discrimination) is operating in the framework of French politics and demonstrates their ability to adopt the standards of French political life.

3.2.3 A raising Muslim consciousness

Beyond the fight against islamophobia and the reassessment of a commitment to *laïcité*, we observe that organisations are thriving to maintain a network of associations nation-wide. The Collective against Islamophobia in France is connected to two reformist networks with regional branches: Participation and Muslim Spirituality and the French Muslim Council. Notably, the Collective is contacted by local Muslim representatives or associations or even a mosque, when someone reports discrimination. But, these contacts also help to network and gather strength when in a situation to prepare a **mobilisation of Muslim people**. As such, the Collective against Islamophobia in France launched an appeal to the presidential candidates and ask about their positioning on issues pertaining to Muslim people in France. It states:

- *“We aim to synthesize the expectations of Muslims in France in view of the Presidential Election and to transmit them to each candidate so that they position themselves clearly on the issue and allow all citizens to vote knowingly”¹.*

In fact, attempts to appeal to Muslim votes were absent from the presidential campaign. President Sarkozy tried this strategy in the last presidential campaign of 2007 because a technical advisor had suggested that the Muslim electorate amounted to three millions and the right-wing majority would not be able to win the election without appealing to this electorate (Escafré-Dublet, Simon 2009: 9). Nicolas Sarkozy had positioned himself as a defender of an Islam of France with his efforts in creating the French Council of the Muslim Cult in 2003. Moreover, he sent positive signs to Muslim people in the year preceding the election, with the nomination of a “Muslim *Prefet*”, for instance. The strategy was different for the 2012 campaign. The government adopted a restrictive stance towards Muslim practices that was not sending positive signs to the Muslim electorate. The main opposition party, the Socialist Party did not address Muslim practices or a Muslim electorate, either. Mainly, the candidate, François Hollande, announced his will to anchor *laïcité* in the Constitution². The relative neglect of the Muslim electorate could be explained by the fact that surveys demonstrated the strong commitment to left-wing parties of people who identify themselves as Muslims³. For right-wing parties, it is too hard an electorate to conquer and the anti-Muslim stance might be catching more votes among the majority electorate. As for the left-wing parties, they might consider that they can take this vote granted.

The call of the Collective against Islamophobia might not be met by the concerns of the presidential candidates. However, the very fact that a collective is able to launch such a strategy and rely on the support of several Muslim organisations demonstrates the existence of a **Muslim mobilisation in**

¹ « Synthétiser les attentes des musulman-e-s de France en vue de l'élection présidentielle, les transmettre à chaque candidat-e afin qu'il ou elle se positionne clairement et permettre ainsi à chaque électeur de voter en toute connaissance de cause. » Collectif Contre l'Islamophobie en France (2012) « Appel pour une initiative citoyenne des musulmans de France », [<http://ccif.mailerlite.fr/n0g6v9/15453067>]

² Furthermore, the law proposal to prevent women wearing veil to exert as nanny at home or work in private day care was issued by a left-wing majority Senate. The law was proposed by an independent left-wing party, leaning towards center left. However, the Socialist Party's position is not in favour of the liberalisation of the interpretation of *laïcité*. Only the Green party can be considered an ally of the mobilisation in the defence of women wearing veils.

³ There are 68% to 86% more chances that immigrants and descendants of immigrants from Muslim countries such as Turkey and North Africa position themselves on the left than the majority non-religious population (Tiberj, Simon 2012a: 24).

France that offers a contrasting picture with the situation of 1989 when only a few foreign-based extremist organisations were able to gather demonstrators in the streets. One interviewee who is not a Muslim activists support this view: the emergence of a debate on *laïcité* and the way Muslim people react to the attack might be the opportunity for France to realise that believing in the vertical relation of the individual with the state is a fiction and that minorities do exist¹. Arguably, not all Muslim organisations support this strategy and the Muslim community cannot be regarded as speaking with one voice; other Muslims activists denounced what they see as a separatist strategy when, in their view, Muslim mobilisation has to be articulated with other citizens' concerns². However, the very fact that these tensions exist demonstrates the vivacity of the mobilisation and supports the hypothesis of the emergence of a Muslim consciousness in France.

3.3.4 What Muslim identity in Republican France?

Will Muslim people who are discriminated as a group mobilise as a group? The common experience of discrimination in France might have built a sense of commonality among the Muslim community that may be able to surpass the factionalism of French Muslim community (Cesari 1994). The Muslim community is usually divided according to immigrants' country of origin. The creation of the French Council of the Muslim Cult was symptomatic of these phenomena and all attempts to create a representation of Islam in France exhibit similar patterns.³ The creation of such an organisation as the Collective against Islamophobia in France is remarkable from this point of view; it departs from the usual group representation of Islam and gathers French people who experienced discrimination as Muslim (should it be when they applied for a job or because they could not register to a school). This fits the general movement towards the **emergence of a Muslim individual in a post-migration society** that Cesari identified: "First generation Islam, hampered by an uprooted sense of national identity and a weak organisation structure, is increasingly giving way to new forms of religiosity, characterised by individualism, secularism and privatization" (Cesari 2003: 259).

By laying the emphasis on discrimination of people who are identified as Muslims, mobilisations in defence of islamophobia are able to draw on the individual experience of Muslim people in France and on **how Islam is seen in France**. Despite the framing of the issue in terms of *laïcité*, they identify clearly that the question of the presence of Islam in France is not only a question of religion. **The fact that they lay the emphasis on the egalitarian dimension of *laïcité* is evidence that the issue is not just the protection of religious freedom but also the necessity to fight the unequal treatment of Muslim people**, should they be believers or simply identified as Muslims by the majority population.⁴

The discrimination of Muslim people in France is not only a question of religion but also part of a larger process of **racial construction of Islam**. The systematic attacks on Islam and the way they are able to be justified by a reference to the Republican principle of *laïcité* participates in a larger process of Othering that can be traced back to the colonial period (Amirault 2010). As such, the collective All Equal Moms are preparing a mobilisation to bring the case of mother wearing veils to the United Nation in Geneva on the ground of racism and not religious intolerance. This strategy has been recommended to them by a lawyer and legal specialist of the United Nation as relevant in their case⁵. The objective is to prevent the law proposal of January 2012 to be passed in the months to come and this is one more instance of a mobilisation that adopts the argumentation of discrimination to gather

¹ Interview with A.B., 10 February 2012, Human Rights League, Paris.

² Interview with C.I., muslim activist, 17 february 2012.

³ See on this about the creation of Marseille Espérance, an interreligious bureau in the City administration of Marseille (Geisser, Lorcerie, 2011: 60-61).

⁴ On the importance of being seen as French as opposed to being ascribed to one's ethnic origin, see Simon and Tiberj, 2012b.

⁵ Intervention of Mireille Fanon Mendès France, public meeting organised by All Equal Moms, 9 February 2012, Bagnolet, France.

Muslim voices. The choice of race as opposed to religion in the building of a discrimination case might be justified by the fact that religion is not recognised as a ground for discrimination to the same extent as race. However, it is also a way to underline the racial construction of Islam in France and demonstrates **the understanding of Muslim identity in France as shaped by its historical past.**

Despite the reluctance of Muslim people towards laïcité (perceived as anti-religious and also systematically used by the media to condemn their practices) Muslim organisations have found it a useful frame to articulate their claim in French terms and render their mobilisation compatible with French political life.

What's more, by rendering their mobilisation adapted to the French context, Muslim organisations have also contributed to the articulation of a Muslim consciousness. They are highlighting the specificity of the Muslim identity in France and the post-colonial construction of Islam in France.

4. Concluding Remarks

4.1 *Analysing minority claims for laïcité in terms of tolerance, intolerance or respect*

The manipulation of the principle of *laïcité* for discriminatory purposes (against Muslims) tends to undermine the egalitarian dimension of *laïcité*. In response, human rights activists join Muslim organisations to defend the rights of Muslim people in France. They articulate their claim in terms of *laïcité* arguing that *laïcité* is, currently, distorted by some politicians, and that its liberal and egalitarian dimension is under threat. In doing so, minorities and their allies are articulating a claim that asks for the acceptance of Muslim people as equal.

Moreover, the articulation of a minority claim in terms of *laïcité* helps anchor its demand in the French context. One could argue that the necessity to articulate a Muslim claim in terms of *laïcité* demonstrates that minority have integrated the intolerance of the majority towards minority claims. However, we could also observe that the framing of the demand in French terms helps underline the specificity of the Muslim experience in France and contribute to raising Muslim consciousness.

Finally, intolerant practices that are manifest in discrimination appear as a valuable ground for the articulation of claims for acceptance. One interviewee pointed to the necessity of tolerance to open a dialogue (even if tolerance supposes that X disapprove of Y). However, the growing mobilisation in defence of Muslims' right to be treated equally demonstrates that **in the face of practices of intolerance, minority do not reply with a claim for tolerance but move on directly to a claim for acceptance.** When discourses on *laïcité* are manipulated by politicians to criticise Islam, Muslim activists do not reply by asking to be able to practice their religion even if the majority population disapprove of it. Instead, they ask for the equal treatment of Islam as a minority religion in France (with Protestantism and Judaïsme). This may come from the fact that Muslim people who would ask to be able to express their religious belonging despite the disapproval of others could be considered as pursuing a separatist agenda. This would not be adapted to French Republican context. In other words, claims for toleration are invalid in the French context, while claims for acceptance are more adapted.

However, the fact that individuals interpret intolerant discourse towards Muslims as discriminatory might also be crucial. Discrimination appears as a meaningful frame to articulate their concern: it is condemned by the legislation and is a legitimate basis of policy making (cf. the EU directive to combat discrimination of 2000 and the subsequent creation of a High authority to fight discriminations in France that existed from 2005 until 2010). What's more, the notion of discrimination is deeply linked to that of equality: discrimination is defined by the distance between equality in principle and unequal treatment in practice. It then makes sense that if individuals interpret intolerant practices as instances of discrimination, they articulate their response in terms of equality and ask to be accepted as equals. The interpretative frame of discrimination is, therefore, key and since it is present in other countries, may have the same result elsewhere.

4.2 The small scope of the case study in comparison with the intolerant discourse towards Muslim people

By focusing on the mobilisation in the defence of Muslim rights in France, we have voluntarily narrowed down our research scope to a limited number of activists. It helped us analyse the implications of a mobilisation in terms of *laïcité* for individuals who distinguished themselves from the rest of the population by their religious belonging (real or perceived). We could see that this has an impact in their identification as Muslim people in France. However, **this should not overshadow the restrictive turn in the interpretation of *laïcité* in the current French discourse** and the fact that both right-wing and left-wing parties tend to follow this path. The change in positioning that we observed among a number of activists of the Human rights league and eminent specialists on *laïcité* such as Jean Baubérot, could inaugurate a broader change in discourse. However, the politicisation of the issue of *laïcité* in reaction to the Muslim presence is pervasive and appears as the most favoured strategy by politicians right now.

4.3 Recommendation to policy makers

Policy makers should give more audience to NGOs and organisations that are organised on the defence of Muslim rights in France. It is **necessary to sensitize the population on the issue of religious discrimination and the construction of racism on the basis of people's religious belonging** (real or perceived). A tendency to see the articulation of religious identities as illegitimate in France has contributed to undermine the understanding of discrimination on the basis of religion, or even, to justify discrimination on the ground that religious expressions are incompatible with French society. The initial interpretation of the first headscarf affair of 1989 is pervasive in this sense. Muslim people, and more specifically women wearing veils, are usually perceived as extremists and therefore incompatible with *laïcité*. One interviewee who wears a veil explained that she had difficulty in identifying herself as *laïc*; so much so, that she has to argue and demonstrate at length the compatibility of *laïcité* with religious beliefs when she is in a situation of defending her position in a meeting¹.

4.4 Comparative perspective with European countries

Minority organisations articulate their claim in terms of *laïcité* in an attempt to adapt their demand to French political life. However context-related their strategy is, it does allow for comparative perspective in the sense that all minority groups tend to articulate their claim in order to fit the political opportunity structure they are addressing. What is the **impact of the national discourse** on the neutrality of the state **on the articulation of minority claim in other European countries**? Is it a claim to be treated as equal in the face of what is perceived as an intolerant position of the majority population? Moreover, in this case study we analysed the opportunity of the re-articulation of Muslim identity in France. Can we see comparable situation in other post-migration countries with Muslim minority groups?

¹ Interview with I.C., 17 February 2012, Paris.

Annexes

List of Organisations

Associations	Creation	Criteria for mobilisation			
		<i>Laïcité</i>	Gender	Discrimination against Muslim people	Muslim Participation
All Equal Moms <i>Mamans toutes égales</i> www.mamans-toutes-egales.com	2011	X	X	X	
Collective Against Islamophobia in France <i>Collectif contre l'Islamophobie en France</i> http://islamophobie.net	2003	X		X	
Coordination against racism and Islamophobia <i>Coordination contre le racisme et l'Islamophobie</i> www.crifrance.com	2008	X		X	X
Human Right League <i>Ligue des droits de l'homme</i> www.ldh-france.org	1898	X			
Muslim Participation and Spirituality <i>Participation et spiritualité musulmane</i> www.psm-enligne.org	1999	X	X		X
Words Are Important <i>Les mots sont importants</i> http://lmsi.net/	1998	X	X		

List of interviews:

1. 23 January 2012: one member of Human Rights League, also member of the commission on Islam and *laïcité*.
2. 25 January 2012: President of Collective against Islamophobia in France
3. 27 January 2012: Founder of Coordination against Racism and Islamophobia
4. 10 February 2012: one member of Human Rights League, co-founder of the special commission on Islam and *laïcité*
5. 13 February 2012: one member of All Equal Moms
6. 14 February 2012: one member of Words Are Important
7. 18 February 2012: member of Muslim Participation and Spirituality

Interview Guide

- When do you talk about *laïcité* in your association? In which situations?
- How do you understand *laïcité*?
- According to you, *laïcité* is a traditional, liberal or national value?
- Do you think that *laïcité* is about tolerance, intolerance or respect (...or equality)?
- Do you frame your claim in terms of *laïcité* to make it compatible with French political life? What could be a different framing of your claim?
- More broadly, do you think that your claims are compatible with French political life?

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