ACCEPT PLURALISM

CONCEPTS AND PRACTICES OF TOLERANCE IN FRANCE

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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 PLULARISM 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

1. Introduction

As an old country of immigration, France is characterized by a diverse population resulting from more than one century of immigration. However, in recent times, the tension between the national majority and postwar immigrant groups has been perceived as challenging in link with their religious belonging to Islam. In this context, the aim of this research is to identify the value discourse in link with tolerance in France and to analyse its implication in the way issues are articulated and addressed.

The research is concerned with the various dimensions of diversity: cultural, ethnic and religious. However, an important emphasis is put on religious diversity and the notion of *laïcité* as a value that directly links to notions of equality and tolerance

The report argues that one reason for the tensions observed between the national majority and immigrant groups comes from the distance between the original message of tolerance that the value of *laïcité* is supposed to convey and the political use of the concept to exclude Islam from French national identity. The empirical data collected for this research demonstrate that when *laïcité* is used as a mean for non-toleration, the targeted group strikes back to reclaim its meaning, not only of tolerance, but also of acceptance.

2. Discourses on Tolerance and Cultural Diversity in France

The diversity of the French population

The demographic fact of diversity in France is a product of both labour and post-colonial migration in the post-war period. Successive immigration waves created a diverse society, i.e. a society that encompasses populations with various origins from a geographical and cultural point of view.

The diversity of French society is, however, hard to capture in figures. The official census only classifies the resident population under three categories: French by birth, French by naturalisation, Foreigners.
In 2007, there were 61,795,000 people living in France, of whom:
· 89.9% were French by birth,
· 4.3 % were French by naturalisation,
· 5.8% were Foreigners.

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

This leads us to distinguish two levels of analysis of cultural diversity in France:
- The first level of analysis is objective. It looks at the breakdown of immigrants according to their nationality in the national census (see *Figure 1*) and it includes the historical minority of the Roma community in France.
- The second level of analysis is subjective. It looks at the visible minorities in France, the French people of immigrant descents who are perceived as different by the majority population and are likely to be the target of discriminatory practices even if their numbers are not recorded in official statistics. Another category is that of regional identities, comprised of the individuals who identify themselves as belonging to a regional identity and who may be challenging for the State on account of their practice of a regional language.

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

Even though the figure of 6 million Muslims in France is often presented in the media, we would take this figure with caution, as it derives from the number of foreigners and French nationals of immigrant descent from North Africa, Turkey and Sub-Saharan Africa. According to a 2006 survey, only 59% of French people of immigrant descent identify themselves as Muslims. Moreover, the notion of 'Muslim immigrants' is mainly in use in the English-speaking world. This is also due to the fact that, in France, there is a low level of religious identification as a political identity. The number for 4 million is a more reasonable estimate (6% of the total population).

Country diversity profile

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

2,000 (40%): **Europe** (Belgium, Germany, Italy, Netherlands, Poland, Portugal, Spain, Switzerland and United Kingdom).

1,500 (31%): **North Africa** (Algeria, Morocco and Tunisia)

570 (12%): **Sub-Saharan Africa** (Cameroon, Congo, Côte d'Ivoire, Senegal and Mali)

222 (5%): **Turkey**

608 (12%): **Rest of the World** (including China)
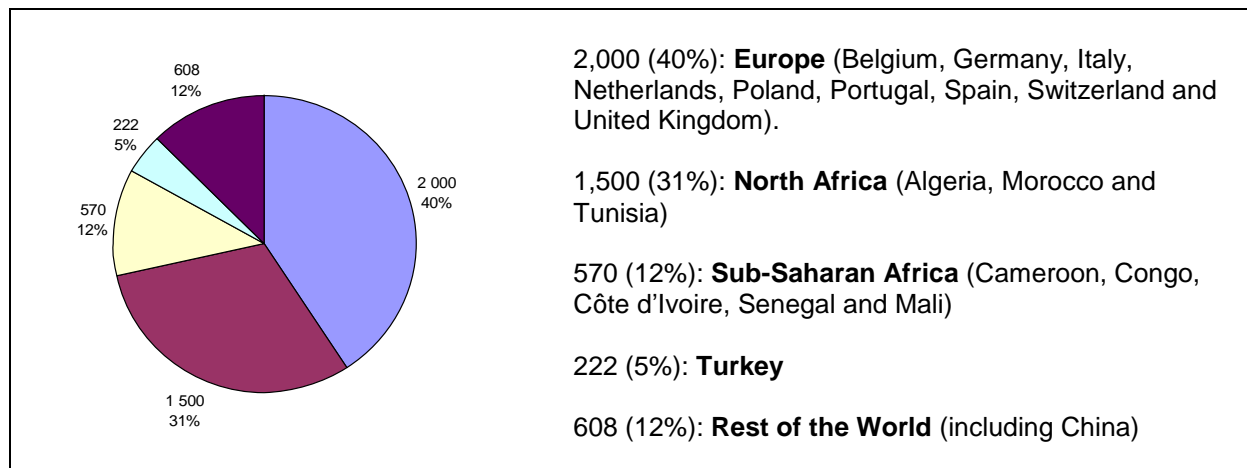
Source: National Census, INSEE (National Institute of Statistics and Economic Studies)

Figure 2: Dimensions of difference

Dimensions of difference	Citizenship	Racial	Ethnic	Religious	Cultural	Linguistic
Immigrants						
North Africans	X		X	X	X	
Sub-Saharan Africans	X	X	X		X	
Turkish	X		X	X	X	
Asian migrants (China, Cambodia)	X	X	X	X	X	
Native minorities						
Roma community			X		X	X
Regional identities*						
Occitan, Breton, Alsacian, Corsican						X

Visible minorities*						
French citizens of North African descent			X	X		
French blacks (French citizens of African descent or Caribbean ancestry)		X				

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

Understanding diversity in France

The French State is founded on the idea of national identity in a manner that emphasizes the notion of the individual over the group and leaves membership of a minority group, whether on the basis of religion or culture, to the private sphere. It is expressed in the French notion of citizenship, which is civic and not ethnic, and encompasses all citizens regardless of their origin, race or religion.

The French strategy to guarantee equality among the citizens is to make difference invisible. In the process of immigrants' integration, their belonging to different cultural and religious groups has been kept in the private sphere.

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

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

  Moreover, in 2007, the government created a Ministry of Immigration and National Identity, clearly articulating the link between the two notions. The same year, it introduced a New Reception and Integration Contract for newly arrived migrants to follow, which consisted of language learning and knowledge acquisition).

  In short, the borders around French political identity has been continually constructed and reconstructed over the past few decades, reflecting the ambiguity in the public understanding of French identity and the role of diversity in it.

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

Accommodating religious diversity in France

The reassessment of *laïcité* has been used to tackle the challenge of Islam since the first affair of the veil in 1989, when two girls in a Paris suburb, Creil, insisted on wearing an Islamic veil in class. The

State Council then recommended a flexible understanding of the *laïcité* law and left it to the school head to decide whether or not to allow pupils to wear religious symbols in the classroom. In 2004, however, a law was passed laying down a more restrictive understanding of *laïcité* and banned the conspicuous display of religious signs in schools, including the Islamic veil, Jewish kippah and large Christian crosses.

The fact that *laïcité* has been presented as the main institutional arrangement to deal with the challenge of religious diversity in France is analysed in a critical perspective in this report. As a matter of fact, some analysts have argued that the debate on *laïcité* has fostered a sharp return of assimilationism and forms part of an increasing rise of 'Islamophobia'.

Accommodating cultural diversity in France

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

3. Tolerance in Discourses and Practices Addressing Cultural and Religious Diversity in French Schools

The discrepancy between discourse and reality is seen in the case study of the French education system.

As a place where the discourse on national identity intersects with a diverse population, French public schools are appropriate sites in which to analyse responses to diversity. The French education system is centralised and 90% of the school population is enrolled in state-funded public schools. The system and curriculum content are all decided at the national level by the Ministry of National Education. Even private schools receive public funding and has their education content monitored by the state. The education system is thus, a powerful instrument that conveys national representations of French identity.

However, it is also applied to a population where diversity is widespread and unevenly distributed. Although there are no statistics to measure the diversity of the school population, it is fair to estimate that 9% of pupils are children of immigrants. This does not even encompass, however, the totality of pupils with immigrant backgrounds. Moreover, the unequal repartition of wealth and space makes it likelier to find a higher level of diversity in disadvantaged areas, on the outskirts of major cities. As a result, the French education system reflects a response to diversity within the discursive belief in the single national identity.

These schools are also where the concept of laïcité is enforced, making them relevant sites to analyse concrete responses to religious diversity as well. The principle of *laïcité* was first and foremost enforced in public schools with the 1882 Ferry laws that made education free, compulsory and *laic*. Concretely, this meant excluding religious teaching from public schools. The teaching of moral values, previously taught as a part of religious classes, was replaced by civic education. During these civic education classes, pupils at the primary and secondary level learnt about *laïcité*, equality, and their rights as citizens instead. Civic education is also taught by history and geography teachers who dedicate 25% of their curriculums to it. However, the recent issuing of a 2004 law that reassessed the application of *laïcité* and prevented all pupils from wearing religious signs inside public schools, reignited the debate on the toleration of religious diversity.

The chapter studies French schools to analyse how cultural and religious diversity is managed in practice, given the discursive belief in invisibility. How is diversity approached in the curriculum content and interactions with pupils? Is there a specific discourse on the tolerance or acceptance of diversity? If there is such a discourse, how does it operate in practice? Do teachers feel that they are fostering tolerance or acceptance in their teaching and interactions with pupils? What is the perception of pupils on the matter?

To answer these questions, two case studies were selected, for which literature reviews, press reviews and interviews with key actors were conducted (n=14). Participation in school activities was also used to explore the perception of pupils. The first case study focused solely on religious diversity while the second case study concentrated more on ethnic diversity to encompass a broader sense of diversity in relation to the immigration history of French society.

To analyse our findings, we referred to three different notions: intolerance, tolerance and acceptance. While *intolerance* is about the majority population rejecting the beliefs and practices of a minority population, *tolerance* is about letting them happen but still with disapproval. We contended that *acceptance*, on the other hand, dismantles the pre-structured hierarchy in tolerance by considering others as equal and cultivating an open admittance into the norm. So while the first case study dealt with tolerance, intolerance and acceptance, the second case study focused more exclusively on the inclusion of immigration in national narratives and the acceptance of everyone as equal.

➢ The first case study looked at the issue of religious expression in schools by focusing on the implementation of the 2004 law, which banned the conspicuous display of religious signs in French schools. The enforcement of the 2004 law was considered a success by its proponents because it put a halt to the difficult situations encountered by schools principals everywhere, who had to decide if students displaying religious signs, such as the Islamic veil, were allowed to enter schools. With the law, these difficult negotiations seemed to end. Even if they wore religious signs elsewhere, pupils stopped wearing religious signs in schools. Moreover, according to the Ministry's figures, few pupils opted out of schools, which, to them, demonstrated a good understanding of the law.

However, upon further investigation, the situation had actually led laïcité further into ambiguous territory. Although teachers agreed that theoretically, *laïcité* guarantees the neutrality of the classroom and equal treatment of each individual, they expressed concern that in practice, French public schools were fostering a 'two-tier *laïcité*' by allocating a disproportional amount of room to Catholic expressions while limiting the accommodation for Muslim practices. Ultimately, although laïcité seeks to treat everyone neutrally regardless of religious affiliation, in practice, it had become somewhat of a two-tier concept that either excluded practices from the norm (*toleration*) or banned them completely (*non-toleration*).

Thus, the chapter recommends that the policy governing education staff and curriculum reassess its interpretation of laïcité. This requires training administrative staff in their enforcement of *laïcité,* and adding explicit explanations in civic education textbooks of what *laïcité* entails because laïcité does not sum up to discriminating or the banning of all other religious expressions except Catholic ones.

➢ The second case study analyses the response to ethnic diversity by examining curriculum content and why immigration issues were only introduced into history programs in 2008. The difficulty was supposedly due to the topic's lack of legitimacy in the historical field and the construction of immigration as a *problem* in the public debate. Furthermore, when the history of Islam was taught in the past, teachers remained reluctant to approach issues that sounded politically controversial. However, a lesson and discussion in the ninth grade on immigration

in post-war France showed that the topic was well received by pupils and had valuable pedagogical resources for teaching.

Therefore, it was concluded that the challenge in teaching immigration history was not because of the subject itself, but because it did not incorporate immigration into the whole spectrum of national history and was taught selectively. Immigration history should not be taught in connection with current events but rather included in the whole spectrum of historical events. The contribution of immigration history cannot be limited to a specific chapter. Moreover, it should not be targeted only to populations with immigrant backgrounds, or taught exclusively to schools with ethnically diverse populations since the contribution of immigration to national history is a topic that equally concerns minority and majority populations. Through the mainstreaming of immigration history in curriculum content and teaching practices, a more *accepting* culture towards diversity can be cultivated.

The chapter recommends that immigration history become mainstreamed by providing ready-made material for teachers to teach immigration history to students, offering and rendering teacher training on immigration history accessible, and financially supporting and promoting community initiatives that organise workshops on immigration history with primary and secondary students (e.g. Association Citoyenneté Jeunesse).

Basically, the French discourse of equality, achieving neutrality by making all religious and cultural differences invisible, is also applied in schools. However, it is widely criticised that a distorted version of *laïcité* is used to stigmatise Islam and that religions are, in fact, not treated equally. The introduction of immigration history in the curriculum also attempts to admit immigrants into the French normative. However, in practice, instances of exclusion or processes of ethnic ascription might be at play. There is clearly a gap between the discourse on neutrality and the reality of equality. Hence, it is crucial that teaching practices are monitored, and that teachers become trained in this area in order to cultivate a culture of acceptance rather than intolerance.

4. Concepts and Practices of Tolerance in French Politics

Background of the Political Mobilisation of Minorities in France

French politics are relatively immune to ethnic demands from immigrant or native minorities (e.g. regional minorities or Roma communities) or claims for any other group rights. This is because 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". This has generally been understood as an invalidation of any mobilisation based on ethnic or religious affiliation.

Non-nationals do not hold political rights and cannot formally participate in politics, with the notable exception of European citizens who have been allowed to vote in both local and European elections since 1992. Immigrants who acquired French nationality and children of immigrants born in France hold political rights, but surveys have shown that they tend to participate less and have less of a presence in political life.

However, since the post war period, a proliferation of organisations has allowed immigrants to mobilise and articulate what could be regarded as ethnic interests. There are now numerous immigrant associations that can seemingly articulate their claims and negotiate their identities. But during that proliferation, the state actually still held a significant role by channelling those claims. By determining which claims were reasonable and which were separatist and contradictory to Republican universalism, the state still reserved the power to shape expression according to its standards. Consequently, public institutions and policy makers have greatly influenced the articulation of minority interests.

The Focus of the Study on Minority Claims of Laïcité

This adaptation of minority groups to Republican universalism is exemplified by the mobilisation of associations defending Muslim people in the *laïcité* debate. The term Muslim people is used in this chapter to refer to people who are identified as such in the political and media debate although they may not identify themselves as Muslims or as practising Muslims. We contend that the stigmatisation of Muslim people in France has the indirect impact to foster the emergence of a Muslim identity that is distinct from the formal religious practice of the individuals.

As discussed previously in this report, the concept of *laïcité* has repetitively been used to respond to the increase of religious diversity in France, and more specifically to Islam. This was seen in the 2004 law[1], and was seen again in 2011, when Interior Minister Eric Besson launched what he called an "Official Debate on Islam", which quickly got relabelled to "Official Debate on Laïcité".

In response to this, minority organisations (e.g. immigrant and Muslim based associations) mobilised in the "defence of *laïcité*". They argued that the governmental use of the principle distorted its original meaning and did not protect religious freedom. It is significant that they did not seek to oppose *laïcité* but rather to *reclaim* it. They were articulating their demand in Republican terms and using Republican grounds on which to mobilise. This adaptive style of mobilisation reveals much about the current state of tolerance in French politics.

Methodology

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

The fieldwork consisted of demonstrations and public meetings organised in response to the governmental decisions regarding *laïcité,* and a selection of interviews (n=7). Interviews were conducted with activists from different organisations in order to keep equal repartitions in gender, origin and religious affiliation.

The organisations were selected with a balance of older organisations with conventional stances in the *laïcité* debate, and newer organisations specifically mobilised against the restrictive laws justified by *laïcité*. The newer organisations mobilise against the issue with the larger objective of defending Islam and French nationals associated with it. However, the mobilisation involves only a 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, whether they saw *laïcité* as the only frame by which a minority-related claim could be articulated in France, and whether they saw any other options. The researcher paid special attention not to impose a discussion of *laïcité* on the interviewee, and dealt with resources of mobilisation and other issues pertaining to diversity as well. The aim was not to define *laïcité* but to analyse its use in the acceptance of religious diversity in French political life.

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

Main findings

> ➢ Minority organisations mobilised against Muslim discrimination and anti-Islam discourses articulate their claims for equal treatment through *laïcité* to make themselves heard in the French context. Although practising Muslims may generally be reluctant to adopt the notion of laïcité because they perceive it to be 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.
>
> Besides the strategic use of the term *laïcité*, minority organisations are also reclaiming *laïcité* and participating in the larger discussion to define the notion and its link with the fundamental value of religious freedom.

- In this discussion, they are joined by majority organisations like human rights associations and feminist groups. How did this discussion start? The initial interpretation of the first headscarf affair in 1989 was essential in linking Islam with *laïcité* and feminism. Wearing the veil was initially seen solely as a sign of religious extremism and the oppression of women, which prompted most organisations to mobilise in defence of *laïcité* and feminism. However, since the growing stigmatisation of Islam and the increasing systematic use of *laïcité* to restrict Islamic practices, some defenders of laïcité and feminist activists have shifted to align their positions with Muslim organisations to denounce intolerant interpretations of laïcité.

  Most French feminists support the restrictive interpretation of *laïcité* circulating in discourse because they interpret the Islamic veil as a sign of discrimination against women. A limited number of feminist activists contest this interpretation because they believe that *laïcité* is being manipulated to support the discrimination of Muslim women. They situate the issue more at the intersection of gender and racial discrimination.

- By adapting their mobilisation to the French context, Muslim organisations are contributing to the articulation of a Muslim consciousness. They are highlighting the distinctiveness of the Muslim identity in France and the constructed elements of Islam since post-colonial France.

  As such, minority claims of *laïcité* can also qualify as a claim for the acceptance and recognition of Islam in France.

By focusing on the mobilisations taking place to defend Muslim rights in France, the case study could only encompass a limited number of activists. But concentrating on these mobilisations allowed the researcher to analyse the bottom-up contribution of individuals to the laïcité discourse. However, this should not undermine the current top-down restrictive turn in the discursive interpretation of *laïcité*. The fact is that both right and left wing parties are following this path. The change in positioning that we observed among a number of activists in the Human Rights League and eminent *laïcité* specialists such as Jean Baubérot, could inaugurate a broader change in discourse. But nevertheless, the politicisation of *laïcité* in response to the Muslim presence is pervasive and appears as the most favoured strategy by politicians right now.

The chapter recommends that policy makers should pay more attention to NGOs and organisations founded on the defence of Muslim rights in France. It advocates raising the awareness of French citizens on religious discrimination. Because the public expression of religious identity is seen as illegitimate in France, there is a tendency to justify or downplay the existence of religious discrimination.

Keywords
France, tolerance, diversity, immigration, mobilisation, schools, visible minorities, Islam

1.   Introduction[1]

As an old country of immigration, France is characterized by a diverse population resulting from more than one century of immigration. Already in the interwar period when a high proportion of foreigners lived in France (6% in 1931) and the economic situation was difficult was the presence of immigrants conceived as problematic. However, in recent times, the **tension between the national majority and postwar immigrant groups** is perceived as challenging in link with their religious belonging to Islam. Although no official statistics record religious belonging in France, a recent survey estimated that 2.1 million French people in between 18 to 50 years old identify themselves as Muslim, against 11,8 Catholics, 500 000 Protestants, 150 000 Buddhists and 125 000 Jews (TeO Survey, INED 2008). Moreover, estimation brings to 4 million the number of Muslim people in France (6% of the total population). Most people who identify themselves as Muslims in France have immigrants background (mainly from Algeria, but also Morocco, Sub-Saharan Africa and Turkey). However, the number of converts among the natives also increased.

In this context, the report investigates **whether France became more or less tolerant** during the past twenty years, in comparison with other European countries. It analyses the political discourse on the diversity of the French population, the implementation of public policies to redress inequalities and the practice of the actors in contact with immigrant groups.

The aim of the research is to identify the value discourse in link with tolerance in France and to analyse its implication in the way issues are articulated and addressed. An important part of the demonstration lies in the critical understanding of the French Republican context and an assessment of the ways in which diversity is approached and dealt with. In principle, there is no recognition of differences among individuals. The French Republic ensures equality of all citizens before the law "regardless of their origin, race or religion" (Article 1 of the 1958 Constitution) and this has generally been understood as invalidating any official recognition of group identity (should it be regional identities or migration-related identities). In practice, however, not only does discrimination among individuals take place, but also, a discourse on diversity was able to find some expression in the implementation of public policies and in the practice of the actors. They are the practices and the discourse that are investigated in this report.

For conceptual, as well as empirical reasons, **the research focuses mainly on *laïcité***. Firstly, *laïcité* is a philosophical concept that directly links to the notion of tolerance and allows for an analysis of the French value discourse. It is the French understanding of secularism that strictly confines religious matters to the private sphere and the French term will be used throughout the report so as to outline this specificity. Secondly, in a context where difference is not easily spoken about and religious belongings are supposed to be kept outside of the public sphere, *laïcité* has become the topic to discuss to tackle issues pertaining to religious diversity and the place of Islam in France. It is therefore a good angle of approach to tackle issues pertaining to religious diversity in the French context.

However, the research is not only concerned with the religious component of French diversity. It is more broadly addressing **the various dimensions of diversity**: cultural, ethnic and religious. Firstly, the construction of Islam as a problematic component of post-immigration diversity is the product of an ethnic construction of postcolonial migrants as essentially different from the French natives. It is not only a question that a minority of French citizens identify themselves with another religion than the majority religion (Catholicism) but also that this minority of French citizens are constructed as different from the majority population. The challenge of Islam in France can not only be understood as

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[1] The authors wish to thank Rosa Ng for her careful editing of this text.

a question of religion. Secondly, the research is also concerned with the acceptance of pluralism in general and the inclusion of immigration in national narratives. This does not only concern the religious input of immigrants, but rather their overall contribution to French national identity and history.

The following report brings together an analysis of the political discourse on tolerance and diversity in France and the empirical findings of two successive case studies: one on the implementation of public policies of education and one on the mobilization of minority actors in the past ten years[1]. It investigates the emergence of identities that are seen as challenging by the majority population: French people of non-European background and French people of Muslim faith, and analyse the policy response to this perceived challenges. It identifies different uses of *laïcité* by various actors:
-   *laïcité* as a *topoi* in political discourses to problematize Islam as essentially different (chapter 2);
-   *laïcité* as a principle of public policy to justify the implementation of a restrictive legislation in schools (chapter 3)
-   *laïcité* as a political frame for the mobilization of minority organization in defense of their interest (chapter 4).

Although each of this "use" of *laïcité* is investigated more specifically in each chapter, they are operating in conflict with one another and helps understand the tensions arising from the increasing religious diversity of the population. We will argue that one reason for these tensions come from the distance between the original message of tolerance that the value of *laïcité* is supposed to foster and the political use of the concept to exclude Islam from French national identity. We will see that when laïcité is used as a mean for non-toleration, the targeted group strikes back to reclaim its meaning, not only of tolerance, but of acceptance.

Chapter 2 describes the diversity of the French population and presents the institutions that accommodate diversity in France. Drawing on historical analyses and recent surveys on immigrant populations in France, it shows the main dimensions of ethnic diversity that are perceived as challenging and explains why. It recalls some of the main events in recent decades when cultural diversity emerged as an issue and how this has been dealt with. It maps out the institutional arrangement currently in place to accommodate cultural diversity in order to define the main axes of analysis for the subsequent chapters.

Chapter 3 studies French schools to analyse how cultural and religious diversity is managed in practice, given the discursive belief in invisibility. It shows that although teachers agree that theoretically, *laïcité* guarantees the neutrality of the classroom and equal treatment of each individual, they express concern that in practice, French public schools are fostering a 'two-tier *laïcité*' by allocating a disproportional amount of room to Catholic expressions while limiting the accommodation for Muslim practices. Moreover, it analyses how diversity is approached in the curriculum content and if there is a specific discourse on the tolerance or acceptance of diversity in schools. It analyses how the introduction of immigration history in the curriculum attempts to admit immigrants into the French normative. However, in practice, instances of exclusion or processes of ethnic ascription might be at play. It underlines the gap between the discourse on neutrality and the reality of equality.

Chapter 4 explores how minority organisations adopted the notion of *laïcité* to defend their interests. It shows that although Muslim people in general may be reluctant to adopt the notion of laïcité (perceived as anti-religious and 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

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[1] For a list of the interviews, group discussion and participatory observation conducted in the fieldwork for this project, see Appendix.

French political life. It allows them to articulating claims for acceptance of Islam as a component of French religious diversity. In doing so, they are also negotiating their identity as Muslims in France.

2.   Discourses on Tolerance and Cultural Diversity in France

2.1.   Introduction

France is a country of immigration and diversity is an important component of the society. Immigration waves from 1880 to the Second World War included flows from Northern Europe (Belgium), Eastern Europe (Poland) and Southern Europe (Italy and Spain). After the Second World War, while a significant number of immigrants came from Southern Europe (Spain and Portugal), the post-colonial component of immigration increased (Algeria, Morocco and other African countries).[1] The demographic fact of diversity in contemporary France is a product of both labour and post-colonial migration. In the post-war period, France signed bilateral agreements with Southern European countries to attract European immigrants whom the French authorities regarded as more likely to adapt to French society than post-colonial workers.[2] However, the dismantling of the colonial empire and the treaties that France signed with the newly independent countries[3] included articles that favoured the circulation of former colonial subjects to the Métropole.[4] As a result, the post-colonial input represents an important part of French cultural diversity today.

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

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

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

[2] Attempts to sign an agreement with Portugal in 1963, and signing of a bilateral agreement with Yugoslavia on 25 January 1965.

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

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

accommodate religious diversity in France. Does it foster tolerance towards religious expression? We will see that *laïcité* has been used to deal with tensions resulting from the purportedly religious character of post-colonial migrants and we will discuss its reassessment in response to the concern about Islam. In conclusion, we will clarify the main elements that structure toleration and the logic of recognition in France.

2.2 State formation and national identity

2.2.1 Historical elements of the formation of the French Nation-State

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

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

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

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

special access to French nationality.[1] The story of the various colonial statuses established during the French Empire is still important today to understand the post-colonial migrants' complex relationship with French nationality and identity.

2.2.2   *France and the European Union*

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

Finally, France is proud to see itself as a country of Human Rights. The number of refugees who are granted political asylum each year is high and, in 2008, France was in third place after the US and Canada.[2] However, it has been criticised for its actual application of Human Rights. For instance, in 2010, the French government was admonished by the members of the European Parliament for its treatment of the Roma people coming in from Eastern Europe.[3] Voices of protest are also emerging in French civil society that criticise policies seen as contrary to the European Declaration of Human Rights. The European Union serves as a constitutional recourse in cases of Human Rights violations related to discrimination.

2.3   *The main challenges in cultural diversity that France has faced in the last 30 years*

2.3.1.   The formation of a diverse population

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

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

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

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

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

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

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

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

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

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

Figure 3: Breakdown of immigrant population from 1962 to 1999
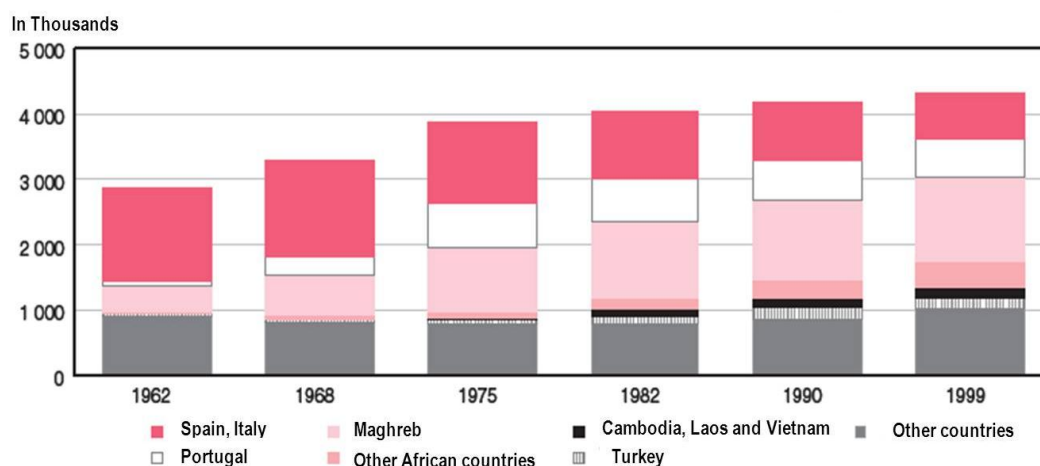
Source: National Census, INSEE (National Institute of Statistics and Economic Studies)

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

Figure 4: Breakdown of immigrant population by country of origin 1999-2005

Source: National Census, INSEE (National Institute of Statistics and Economic Studies)
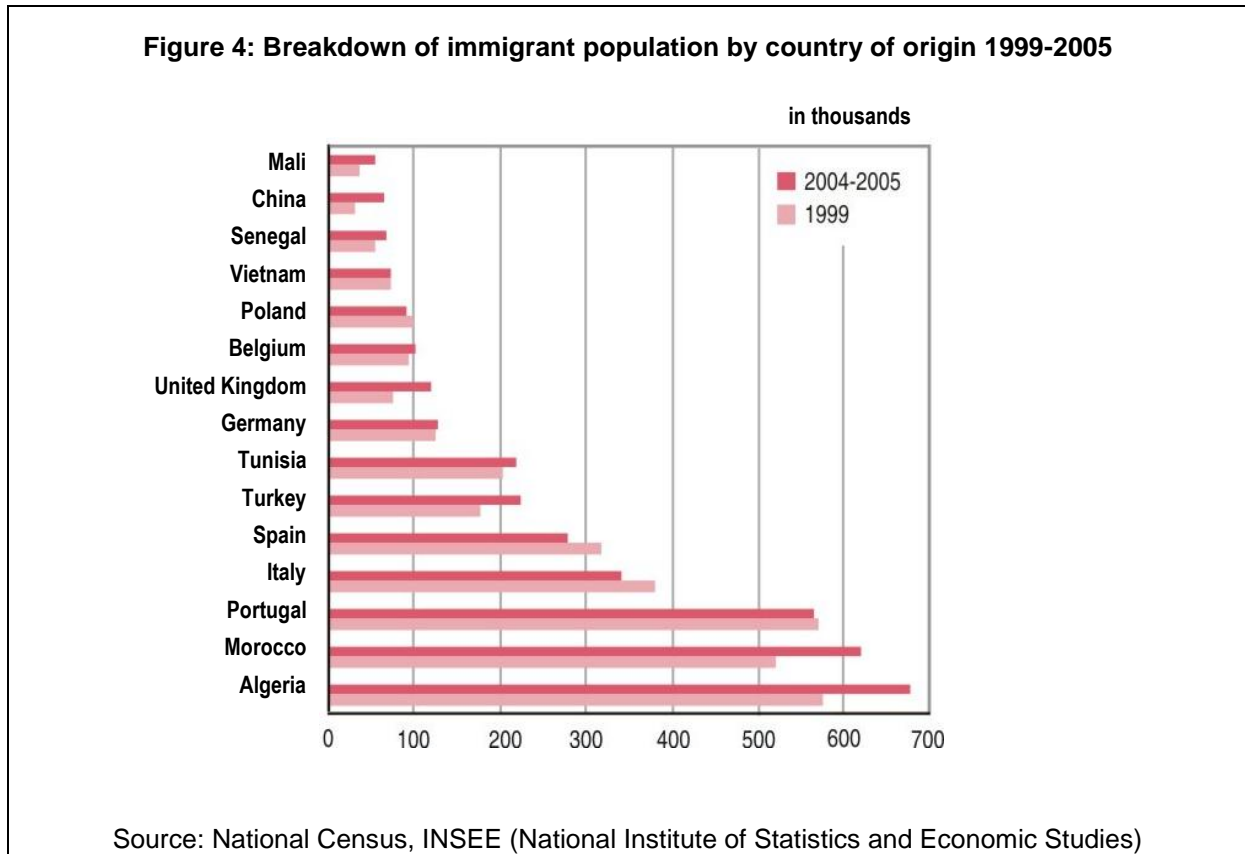
These are the latest figures issued by the National Institute of Economic and Statistic Studies (INSEE) on the immigrant population. A subsequent estimation by EUROSTAT reckoned that, in 2009, foreigners made up 5.8 % (i.e. some 3,675,000) of the French population and that 2% came from the EU27 countries and 3.8% from outside EU27.[1]

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

2.3.2.1. The French naturalisation process tends to conceal cultural diversity

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

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

In 2007, 89.9% of the population were born with French nationality, 4.3% were naturalised French and 5.8% were foreigners (INSEE 2007). The Nationality Code establishes statistical categories that exclude 'origin' once French nationality is obtained. Thus, once foreigners are naturalised, they are no longer referred to according to their origin; they have become French by naturalisation. As for their

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[1] Eurostat, 'Les ressortissants étrangers dans l'UE27 en 2009', Press release, 16 December 2009.

children, they become French automatically when they reach the age of 18 (provided that they have lived in France for five years by that age).

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

The statistical device chosen by the State authorities to portray the French population reflects the French emphasis of nationality in the discourse on immigration. According to the French model of integration, becoming a French national remains the pivot of the integration process (Guiraudon 2005: 163). France keeps an open code of nationality allowing for a sizable number of foreigners to become French nationals according to criteria such as five years of residence, legal status, and knowledge of the French language.

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

Having said that, it is necessary to distinguish, on the one hand, immigrants from southern Europe, such as Portugal and Spain, whom the French authorities regarded as an important input for the population of the country at the beginning of the century and between the two wars; and, on the other hand, post-colonial migrants who were considered temporary workers and were not expected to assimilate easily, such as Algerians.[1] In the early 1980s, when it became clear that post-colonial migrants would stay in France, their presence started to be perceived as problematic. The fact that their children automatically became French when they turned 18 became a focus of political discussion. Issues related to nationality and the process of nationality acquisition started to represent an important dimension of immigration issues.

2.3.2.2. Immigration and the 'national question'

The topic of immigration publicly emerged in connection with the 'national question' in the late 1980s.[2] Subsequent events testify to a reading of immigration issues that focuses on the process of nationality acquisition. In 1986, the government of Jacques Chirac (right-wing) introduced a new bill that would stop the automatic naturalisation of second generation immigrants when they turned 18. A strong mobilisation followed and the National Assembly did not proceed with the bill. In 1993, however, the so-called Pasqua Laws were passed: they included the requirement that second

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

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

generation immigrants 'actively declare their desire to be French' by going to their town hall and requesting French nationality.[1] In 1998, the need to make a declaration was removed by the Guigou law under the government of Lionel Jospin (left-wing) (Weil 2008).

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

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

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

Regarding the possibility of adding new requirements to demonstrate the applicant's commitment to French nationality, one should note that this is in constant discussion. Following a European trend, the French government considered the possibility of introducing civic tests when implementing the New Reception and Integration Contract (*Nouveau contrat d'accueil et d'intégration*).[2]. The tests were not introduced but, since 2007, the integration of immigrants has been supervised by the National Office for Immigration and Integration (*Office français de l'immigration et de l'intégration*). Newly arrived immigrants – with a legal status – are encouraged through this 'contract' to learn French and acquire knowledge of French laws. While naturalisation is not obligatory the compulsory steps that each foreigner should take make it clear that it is a desirable outcome.

In 2007, the newly elected President Sarkozy created a Ministry of Immigration and National Identity, clearly articulating the link between the issue of immigration and that of nationality. However, the Ministry oversaw activities pertaining to immigration regulation and social aid that had previously been dealt with by existing administrative units. In 2009, the Minister launched a series of debates to take place in all regions of the country on French national identity.[3] The creation of such a ministry was much criticised[4] and the campaign of debates attracted considerable negative coverage. After three years, the Ministry of Immigration and National Identity was abolished and the regulation of immigration flows was re-assigned to the Ministry of the Interior in November 2010.

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

[2] 2007 law on immigration, integration and asylum (*Loi du 20 novembre 2007 relative à l'immigration, à l'intégration et l'asyle).*

[3] 'Le débat sur l'identité nationale ouvert sur le net et dans les préfectures', *Le Monde,* 2 November 2009.

[4] 'Démission d'universitaires opposés au ministère de l'Immigration', *Reuters*, 18 May 2007.

Finally, in a speech delivered in response to the violence, which occurred during the summer of 2010 in Grenoble (south-east France), President Nicolas Sarkozy announced the possibility of stripping offenders of their French nationality provided that they had been naturalised in the previous ten years.[1] This last attempt not only to limit access to nationality but to threaten to withdraw it shows how the process of nationality acquisition is again and again called into question in response to what is perceived as a challenge related to the diversity of the society.[2]

2.3.3. The understanding of religious diversity through *laïcité*

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

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

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

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

2.3.3.2. The reassessment of laïcité to tackle the challenge of Islam

In a context where the acknowledgement of various religious affiliations is little articulated in the public sphere, the formation of a Muslim minority is mainly tackled through the scope of *laïcité*. Although *laïcité* as a principle emerged from the Enlightenment and was designed to diminish the power of the Catholic Church over French society,[3] the notion has been increasingly discussed in connection with Islam in the past two decades. It is given a narrow interpretation in the public debate: although it is a tool to deal with religious diversity in general, it is mainly used as a mean to target Islam. This focus on Islam when *laïcité* is discussed is an important feature to understand how religious diversity is perceived in French society.

The approach to issues pertaining to Islam in terms of *laïcité* can be traced back to the first headscarf affair that took place in 1989 in Creil, an outer suburb of Paris, when the principal of a secondary school took the decision to exclude three girls because he considered that their Muslim headscarves

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

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

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

were religious symbols and undermined the principle of *laïcité*. The State Council,[1] however, ruled that the wearing of the headscarf was 'not contradictory to the values of the secular and republican school' and left it to the teachers and school heads to decide whether or not pupils were using this as an instrument of proselytism and disturbance of school activities.[2] The 1989 interpretation of *laïcité* by the State Council was later challenged and given a more restrictive twist with the establishment of the Stasi Commission in 2003 and its passing of the 2004 law forbidding the wearing of 'ostentatious' religious signs such as Muslim headscarves in schools.

The restrictive interpretation of *laïcité* was confirmed in 2010 with the debate and the passing of a law that banned wearing of the full Islamic veil in public.[3] Despite the limited number of women reported as wearing the full Islamic veil,[4] the phenomenon was widely constructed as an issue by the media and politicians. In contrast with the headscarf affair and the sequels that first arose from the practice of teachers in school and then reached the political agenda, the 'burqa affair' was brought about by members of parliament on the initiative of André Guérin, Communist deputy from the Lyon region of south-east France, in connection with a declaration in 2009 by President Sarkozy, who said that 'the burqa was not welcome in the Republic'. The importance of the media's role in spreading the image of a threatening Islam in the previous headscarf affairs has already been demonstrated (Deltombe 2005; Lorcerie 2005; Tevenian 2005). However, in the case of the 'burqa affair', the role of the media and politicians is even stronger in the sense that the number of women wearing the full Islamic veil is limited.

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

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

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

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

[2] State Council ruling of 27 November 1989.

[3] 2010 law banning face covering in public places (*Loi du 11 octobre 2010 interdisant la dissimulation du visage dans l'espace public*).

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

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

2.3.4. Challenging identities in the French context

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

2.3.4.1. Immigrants

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

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

North-African immigrants (1,500,000 in 2004)
North-African immigrants are mainly composed of nationals from Morocco and Algeria and, in smaller numbers, nationals from Tunisia.[3] During the colonial time, Algerians, but also Moroccans, were identified as the indigenous population and were recruited to work in low-skill jobs in construction, mines, agriculture during the interwar period. The end of colonial rule, in 1956 for Tunisia and Morocco and in 1962 for Algeria, did not stop the influx of immigrants to France, because of difficult economic conditions in the newly independent countries and the fact that former colonial subjects enjoyed a specific status in France (especially Algerians).[4] Despite common representations of immigrant populations as essentially composed of male workers, families settled, starting in the 1960s. The end of economic migration in 1974 only intensified immigrants' recourse to family reunification but did not start the process of settlement *per se*. Despite the restrictions on immigration into France, the number of Algerians and Moroccans is still growing: + 100,000 since 1999, for each nationality. The family members that nationals from Algeria and Moroccans may have in France allow them to come to France under the family reunification regime. This can account for their growing

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

[2] In 2005, the French population amounted to some 60 million.

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

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

numbers, along with the strong links that the countries still have in the economic and educational fields.[1]

Sub-Saharan African immigrants (570,000 in 2004)
Seven out of 10 immigrants from sub-Saharan Africa come from countries formerly ruled by the French State (Mali, Senegal, Cote d'Ivoire and Cameroon).[2] In the 1960s, France signed bilateral agreements with the newly independent countries that secured French economic interests in those countries, while, in exchange, it guaranteed the free circulation of their nationals (Viet 1998: 219)[3]. This favoured the migration of Sub-Saharan African immigrants to France, although in small numbers. In 1962, there were 22,000 immigrants from sub-Saharan Africa against 570,000 in 2004. Today, Senegalese and Malian nationals account as one of the larger groups of immigrants from sub-Saharan Africa with 57,000 and 48,000 in 2005 respectively.

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

Asian immigrants (258,000 in 2004)
The number of immigrants from Asia has been increasing since the last national census of 1999. While the number of immigrants from Vietnam remains unchanged, the Chinese community is growing (from 27,826 in 1999 to 61,000 in 2005). Immigrants coming from South East Asia and political refugees fleeing the conflict in Sri Lanka also account for a growing number of Asian immigrants in France (mainly concentrated in the Paris region).

Immigrants from Turkey (222,000 in 2004)
Immigrants from Turkey account for 4% of the immigrant population as a whole. Since France signed a bilateral agreement in 1966, there has been a constant and growing community of Turkish immigrants in France (see Figure 2).

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

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

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

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

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

The recent survey on discrimination in France is an interesting case that exemplifies the main features that are regarded as challenging for the rest of French society.[1] According to this survey, children of French persons born in the overseas *departments* and Sub-Saharan African immigrants both mention skin colour well ahead of ethnic origin or nationality (73% and 88% respectively) (Beauchemin, Hamel, Lesné, Simon 2010: 4). This shows that when French people are black they are perceived as different from the rest of the society and that this might expose them to discriminatory practices. It confirms that being 'black' in France is perceived as a challenging identity (Ndiaye 2008). Furthermore, second generation immigrants who are not black declare that ethnicity – phrased in terms of origin or nationality in the survey – is the main reason why they suffer discrimination. Among these second generations, the majority were born of North African parents.

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

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

However, we would point out that the category 'Muslim' belongs largely to the English-speaking world.[2] Only 59% of French people with North African, African and Turkish descent identify themselves as Muslim (Tiberj, Brouard 2006). This stems from the fact that there is a low level of assertion of religious affiliation as a form of political identity in France and respondents mainly link Islam to a religious practice. When they do not consider themselves practising Muslims they tend not to identify themselves as Muslims (Tiberj, Brouard 2006). This should lead us to take the figure '6 million Muslims living in France' with caution.[3] This number derives from the number of immigrants and their descendants who come from a country where Islam is the predominant religion (Algeria, Morocco, Tunisia, Turkey and to a certain extent Senegal). It does not, however, entail that 6 million people in France identify themselves as Muslim, or as belonging to a Muslim community. It is therefore difficult to speak of a Muslim minority in France and it seems more accurate, historically, to speak of a North African minority.

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

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

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

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

Therefore, it is appropriate to talk about a North African minority with immigrants from North Africa and French people of North African descent on the one hand, and a 'black' minority with immigrants from sub-Saharan Africa, French people of African descent and French people from the overseas *départements* on the other hand. Furthermore, the emergence of a recent discourse on diversity in France has been connected to the affirmation of a black identity.[1]

2.3.4.3. The Roma community

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

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

The Roma community of France is not homogenous but composed of different minorities; they are, however, all exposed to discrimination and suffer from socioeconomic disadvantages (Robert 2006: 9). The expulsion of Roma people of Romania by the French government has introduced some confusion regarding the different Roma communities and there has been an increase in the stigmatisation of the community in general.[2]

2.4 How are tolerance and equality understood in France?

2.4.1. Notions of equality and tolerance towards diversity

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

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

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

One may point out to an exception to this prevailing view: in 1981, the Socialist Party won the presidential election with a programme that advocated the 'Right to be Different'. This discourse did

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

[2] *Le Monde,* 20 October 2010

not directly designate immigrant groups. It was used to implement various types of policy. For instance, it was used to give more power to regional governments in a perspective that valued the 'regional differences' of the country. Yet it had implications for the acknowledgement of the diversity of the population resulting from immigration to France. At the level of political discourse, the recognition of the multicultural character of the society emerged, especially when the demand for equal treatment of second generation immigrants made itself heard (Leveau, Wihtol de Wenden 2001; Escafre-Dublet 2010).

At the level of public policies, one may observe a higher level of concern for minority issues. The expression of regional cultures, for instance was favoured by the Ministry of Culture (Giordan 1982). A report to formally recognise the needs of immigrants in school was commissioned by the Ministry of Education (Berque 1985). Minority interests could be represented and this resulted in the emergence of a prolific anti-racist movement with organisations such as SOS-racism and France plus.[1] The experience was short-lived, however. The extreme right parties turned the discourse on the Right to be Different against anti-racist groups and claimed the 'Right to be Different, yes, but at home', calling for the exclusion of immigrants and their return to their country of origin.

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

2.4.1.2. The French understanding of tolerance towards religious diversity: laïcité

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

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

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

2.4.2. *Laïcité* and equality in practice

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

2.4.2.1. *The policies to promote equality and combat discrimination*

In practice, a long history of racist incidents[1] and the recent exposure of discrimination in the labour market through statistical surveys have pointed to the difficulty of guaranteeing equal treatment of individuals in French society (Meurs, Pailhé, Simon 2006). Even back in 1998, the left-wing government of Lionel Jospin had acknowledged the failure of the strategy of integration (Haut Conseil à l'Intégration 1998) and a critique had emerged (Belorgey 1999). Following the impetus of the EU, the French government established a High Authority to fight discrimination and promote equality (*Haute autorité de lutte contre les discriminations et pour l'égalité,* HALDE) in 2004. Despite a change in framing from integration to anti-discrimination, the High Authority remains reluctant to adopt a strategy to acknowledge differences among individuals (Lépinard, Simon 2008).[2]

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

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

2.4.2.2. *Laïcité in practice*

In practice, *laïcité* means that there are no religious signs in public places. Civil servants, also, should not wear religious signs because the exercise of public service should be done regardless of any political or religious affiliation. *Laïcité* does not only apply to the expression of religious faith, it is a

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

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

law that is linked to the notion of freedom of expression and therefore also applies to the expression of political opinion. As such, the application of *laïcité* in French state schools prevents teachers from expressing religious and political opinions in class.

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

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

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

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

2.5   *Concluding remarks*

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

In this chapter we have listed the different groups that contribute to the diversity of the French population and put in historical perspective, the various features that make the identities of these groups challenging from a religious or ethnic point of view. We have identified the elements of French discourse that pertain to the question of diversity and tolerance. In particular, the notions of national identity and *laïcité* have been put forward in recent years to deal with issues that are related to the diversity of the French population.

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

- Toleration[1] in France is not so much about passively accepting that others may have practices that the majority population disapproves of. Rather, the practice of tolerance, toleration, is an active principle that excludes the expression of religious and/or ethnic affiliation from the public space in order to guarantee its neutrality. This is, for instance, conveyed through the notion of *laïcité*.

- The exclusion of religious practices from the public sphere should not be mistaken for the disapproval of religious affiliation in general. The goal is first and foremost to guarantee the equal treatment of all individuals in the public sphere; in the private sphere one is free to express any kind of religious or ethnic affiliation. However, due to the special position of the Catholic Church in the implementation of *laïcité*, one may identify a difference of treatment towards minority religions in France (Islam, Protestantism and Judaism). This may lead to claims of non-toleration[2] of certain religious practices in specific cases.

- The promotion of equality through invisibility represents a challenge in analysing the question of recognition in the French context. There is no such thing as the identification of groups, and the recognition of groups' affiliations or the acknowledgement of their specific needs is not relevant for how the society operates. To develop the discussion beyond the notion of toleration therefore requires extending the understanding of recognition to include the notion of respect as equal and admission as normal rather than just one of differentiation.[3] The challenges then lies in the acknowledgement that the diversity of the population is represented in the national community and is seen as normal. The value discourse on national identity, for instance, is deeply connected to that logic: by pointing to differences that are not compatible with the national identity, actors are drawing invisible boundaries. Islam does not make up the whole challenge of diversity in France. Cultural diversity encompasses broader challenges such as the recognition of immigration as a valuable input to the French national narrative.

Beyond the discourse on national identity and *laïcité*, the following chapters bring forward empirical material to investigate the practice of tolerance and recognition in the French context.

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

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

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

3. Tolerance and Diversity Challenges in French School Life

3.1 Introduction

3.1.1. The French school system: public, state-funded and laic

Since the enactment of the Ferry laws of 1881-1882 in the late 19th century, school has been free, secular and compulsory for all between 6 to 16 years of age. This implies that children of foreigners, both legal and illegal residents in France, must start school in the first grade at 6 years old. School then remains compulsory until 16 years of age, meaning that children cannot be home schooled. Furthermore, this means that the large majority of the population is educated by the state in state-run public schools while the development of faith-based or private schools following alternative pedagogical models, stays limited. Even those few private schools receive partial public funding.

Figure 5: Breakdown of school population and number of schools public/private

School Population	Schools
Breakdown of School Population Public/ Private 9.952.684 pupils in public schools 2.026.136 pupils in private schools **Total School Population:** 11.978.820	**Breakdown of Schools Public/Private** 56.877 primary, secondary and high schools 8.970 primary, secondary and high private schools **Breakdown of Private High-Schools According to Religions** 818: Catholic high schools 3: Jewish high schools 1: Muslim high school

Source: Ministère de l'Education nationale, *L'Education national en chiffres*, Edition 2010

This school system is managed nationally by the French ministry of National Education. The notion of a National Education system emerged with the French Revolution. The first Ministry of Public Instruction was created in 1828 and was later entitled the Ministry of National Education in 1932. It is one of the oldest ministries in place in the French government, and was the first employer of the country. Now, it is the ministry with the largest budget with 60 billion euros in 2010 relative to the Defence Ministry's 40 billion euros in 2009.

Therefore, because education is directed by the state and applied to the large majority of the population, it theoretically wields top-down influence and is in a position to instil unifying representations of French identity across France.

3.1.2. Cultural and religious diversity in the French education system

Under this unifying mission of French schools, cultural and religious diversity were supposedly able to find little expression in the French education system. However, the cultural and religious diversity of the school population has actually challenged the institution from bottom-up in a number of ways that we will examine in the following paragraphs.

3.1.2.1 Religious diversity and French schools

There are no official figures for the religious affiliations of the school population. Religious diversity is not recorded in French public schools and the majority of private schools are Catholic[1]. Among the 821 private high schools, only three are Jewish (Paris, Lyon, Nice) and one is Muslim (Lille), which is clearly unrepresentative of the population. A notable exception however, to the absence of religious expression in public schools is the two Regions of Alsace and Moselle (*see below*).But as a place

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Figure 6: The Regions of Alsace and Moselle (North-East of France)

Because these two regions were not French but part of the German Empire when the major *laïcité* laws were passed (1882 Ferry Law and 1905 Separation of Church and State), the Concordat law of 1801 signed by Napoleon I is still enforced today. This law separates religion from the public sphere in a different manner. In these public schools, religious classes are taught about all religions that were existent at the time the Concordat was signed, which were Catholicism, Protestantism and Judaism. The classes are not mandatory, and pupils can choose to opt out of these religious classes.

However, with an increasing number of people practicing Muslim in the two regions, estimated now to be 100 000, there has been a call for Islam to be integrated into the Concordat law. This would mean that Islam would too be taught in religious classes at public schools. This demand was exemplified in 2006 by Metz (Moselle) François Grosdidier who proposed a law that included Islam in the Concordat law, named Law proposal number 3216. It argued that the failure to update the 1905 law, particularly the state support for religious buildings erected before 1905, had created a situation of inequality for practising Muslims and that this situation was even more blatant in Alsace and Moselle. This law proposal, however, has not been followed up so far.

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where religious expressions should supposedly be prohibited; the French public school system has been seriously challenged by the religious beliefs of its school population. Over the past two decades, a reassessment of *laïcité* has even been needed to assuage the escalating contestation over public Muslim practices, such as wearing the Islamic headscarf. This may be understood in the larger context of the "school war" (*la guerre scolaire*), which is a continuous series of debates and mobilisations that resumes anytime legislations pertaining to private and religious schooling are at stake, as seen in 1882, 1959 and 1984. Indeed, it is worth noting that the separation of the school system from Catholicism in 1880 also did not take place without a series of heated debates and conflicts, which lasted up until the end of the 20th century. That instance had on the one hand, defenders of the freedom of conscience who had advocated for the prohibition of any religious expression in public schools. On the other hand, it had the defenders of private schools and the clergy who supported the freedom of education. The following is an outline of the major turning points in that 'war'.

- The debate that arose following the Ferry law of 1882 concerned the termination of religious teaching and expression in French schools. Opponents of the Ferry law had been concerned that public schools would lack moral guidance. Hence, the French education system of the Third Republic (1870-1940) invested heavily in teaching Republican values and replaced religious education with civic education (Deloye 1996). Originally labelled as "moral instruction" and replaced in the 1950s by "civic education" (*éducation civique*), this part of the curriculum aimed to explain to pupils what their roles as citizens were.

- Following the Second World War, the General de Gaulle and the government of the Fifth Republic extended their jurisdiction to private school funding as well since state aid to the Catholic Church had already been discussed several times regarding the financial plight of

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[1] Since the 1959 Debre law, all parochial schools have to allow all pupils regardless of their religious belongings.

some parochial schools. However, debate then arose over the extent of state control that church schools would accept in return for financial support. After much debate, the 1959 Debre law was passed with a provision stipulating that the state could control any school accepting state support and that, schools had an obligation to open their doors to all pupils regardless of their origin, belief or opinion.

- In 1981, François Mitterrand and the socialist government attempted to take another step in the so-called "school war". The left-wing government proposed a law that would merge private and public schools in a unified and laic education system based on the reasoning that private schools received public funds anyhow. However, it was heavily criticised by the defenders of private schools, mainly Catholic private schools, who saw this as a threat to their freedom of education. It led to the 1984 Movement for Free Schools (*Mouvement pour les Ecoles Libres)* with numerous demonstrations taking place in Paris, Bordeaux, Lyon, Rennes and Lille. Consequently, the law proposal did not go through and the Socialist Education Minister had to resign. However, this debacle revealed how strongly the issue of *laïcité* in education could polarise French public opinion if religion was at stake, given that it was members of the Catholic clergy who took part in these demonstrations.

It is evident that this series of debates revolving around laïcité has been rooted in a contestation between state control and parochial schools, mainly religious ones. It demonstrates that the application of *laïcité* in French public schools is a politically charged issue. However, so far the "school war" had mainly only involved practising Catholics and the institutional power of the Catholic Church. It was only after the first headscarf affair broke out in 1989, that the debate on laïcité in schools shifted from Catholicism to Islam. As such, the issue of Muslim displays in French schools is not a new phenomenon, it is actually located within a long "school war" and its contestation over the boundaries of laïcité.

The first "Muslim headscarf affair" took place in 1989 in Creil, a distant suburb of Paris. The director of a secondary school had decided to exclude three young girls from school because he considered their Muslim headscarves to be religious symbols and their wearing of them to undermine the principle of *laïcité.* When called upon the issue, the State Council (*Conseil d'Etat*)[1] ruled that the wearing of the headscarf was "not contradictory to the values of the secular and Republican school" and left it up to the teachers and school directors to decide whether or not pupils were using this to disturb school activities or as an instrument of proselytism[2].

However, this liberal interpretation of *laïcité* was later invalidated by the 2004 law that banned the wearing of conspicuous religious signs (such as Islamic veils, Jewish kippah, large Christian crosses and Sikh turbans) in French public schools on the grounds that it goes against the principle of *laïcité*. One year after the law passed, a report was issued, stating that 649 cases of pupils wearing religious signs were reported during the 2004-2005 academic year. Out of this number, 496 took it out, 71 registered for distance learning and 72 opted out of schools, either because they had registered in private schools or because pupils were over 16 and could stop going to school[3]. The report concluded that the law was effective (Cherfi 2005).

When the 2004 law passed, it was said that this would be the only law targeting the display of Muslim signs and that it would be limited to the education system. However, recent developments have proven that the passing of the 2004 law only opened the door for further restriction of religious expression. In

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[1]   The State Counsil, (*Conseil d'Etat)* is the highest administrative authority in charge of advising the French governement. It is composed of 350 High Civil Servants, among which 80 can be assigned outside the State Counsil at high administrative positions.

[2]   State Council ruling of November 27, 1989.

[3]   School is compulsory until 16 in France.

2010, a group of deputy officers proposed a law that would forbid the wearing of the full Islamic veil. The law was passed in October 2010 and started to be enforced in April 2011[1]. Even though this did not relate to schools specifically, one of the arguments used was that mothers in Islamic veils who came to pick up their children from school would not be recognised by teachers. This argument was contested by school teachers who said that, in practice, mothers wearing full Islamic veils would uncover themselves to female-staff. Nevertheless, this introduced the issue of mothers wearing Islamic veils to the discussion. Following this, a new development occurred in March 2011 when a school director, Luc Chatel, complained to the Education Ministry that mothers wearing veils accompanied children to school activities. The ministry, at the time, suggested that a decision might be taken to forbid this practice, but no official directive has been issued so far[2].

It is clear therefore, that while the challenge of religious diversity in French schools has mostly been publicised in connection to the wearing of the Islamic veil, it actually lies within a larger historical context. This context consists of the enforcement of *laïcité* in French public schools that condemned all expressions of religious belonging, and the long "school war" fought over the separation of parochial and public schools. This context is important to keep in mind because actors may try to justify that debates around *laïcité* and Islam are contentious today because it has always been this way when it comes to religious expression in French public schools, as *"with Catholics too, it was not simple"[3]*.

3.1.2.2 Cultural diversity in French schools

It is hard to assess the diversity of the school population because of the limited data that the Education Ministry gathers and disseminates on the issue. The Education Ministry issues data on the social background of pupils, with 6% pupils in secondary education benefitting from scholarships based on social criteria, data on the repartition of the school population between private and public institutions, with 90% in public and 10% in private, data on the results of the *baccalaureate*, with 85% of pupils graduating from High School in 2010, which is 65% of their age group, but no data on the breakdown of ethnic origins[4]. The only figure available is the number of pupils who benefitted from the adaptation program for newly arrived migrants (Initiation Classes, CLIN), which was 3% of the total school population in 2003 (18.600 pupils). It is possible to estimate though that 9% of the school population are children of immigrants since 9% of the French population were immigrants in 2005.

How does the French education system deal with diversity in its school population? Prior to accommodating immigrant populations, the French school system had to manage the regional diversity of its population. It was in fact, one of the goals of French education in the 19th century (Weber 1976). However, it has remained an ever present challenge since then. Nevertheless, even between 1879 and 1940, historian Jean-François Chanet found that a universal imperative was not always imposed unilaterally on local realities (Chanet 1996). When looking at schools during that time, he found that teachers accommodated regional identities while teaching. They also organised activities while school staff arranged for the celebration of local festivities. This showed that, even then, there was a certain margin of interpretation in between the legal framework and its implementation when dealing with diversity.

Similarly, a certain amount of room has been allocated for the cultural diversity resultant from immigration in the 1970s. This can arguably be seen in several establishments. First, emigration states,

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[1] www.visage-decouvert.gouv.fr

[2] *Le Monde,* 4 March 2011.

[3] Interview with Union representative for secondary and high school - UNSA Education, 3 May 2011.

[4] Ministère de l'éducation nationale, *L'éducation nationale en chiffres,* 2010. Available at : http://www.education.gouv.fr/pid338/l-education-nationale-chiffres.html [last access May 21, 2012]

such as Algeria, Morocco, Spain, Portugal, Italy, Turkey and Yugoslavia, obtained, through bilateral agreements, the guarantee that the children of their nationals growing up in France could attend language and culture classes in addition to their usual curriculum (Falaize 2008:47). This, however, has to be understood in terms of a relationship between foreign authorities and their nationals. Should any economic or national concerns arise, the policy of foreign authorities was to keep in touch with their nationals. Thus, these classes were set up in a limited number of primary schools, and taught after school by employees paid by the consulate of those respective countries. Even though these programs can be presented as an acknowledgement of the cultural diversity of the French population, it is rather an action taken by the emigration states to maintain the links between children of immigrants and their parents' country of origin. Some of these classes are still running today but the French education system does not invest in them and they do not qualify for a policy of recognition.

Second, the concept of intercultural education was introduced to teachers inside the education system between the 1970s-80s (Lorcerie 2003). The notion of intercultural education came from theoretical reflexions on Action Research, which implied that teachers had the responsibility to put the discovery of other ethnicities into practice in schools. Hence, they would often have pupils tell their family stories, and would organise festivities where culinary and traditional costumes could be displayed (Falaize 2005). These practices developed alongside the management of diversity in French schools up until the mid-1980s, until it started to be criticised for too strongly constructing the Other and essentializing foreign ethnicities (Berque 1985). The introduction of training demonstrated an attempt to manage ethnic diversity. But it did not address the challenges in a realistic manner.

However, since then, it has not been replaced by any other training that would provide tools for teachers to manage the cultural diversity of the school population. Hence, the paradigm of integration started to replace the *culturalist* approach of the 1970s. Moreover, recent reforms have even decreased the amount of training given to teachers, leaving them less opportunity to learn teaching techniques as compared to when they had a preparatory year, during which they would only teach for a few hours under the tutelage of a senior professor and attend specific classes on teaching techniques. As such, given the underdeveloped training programs, the qualification of current teachers to teach diverse populations with differing academic, social or ethnic backgrounds, can be called into question.[1] While training proved ineffective, a lack of training is equally ineffective.

Finally, the French government designed positive actions targeting specific school populations. But policy makers have relied exclusively on social criteria. Priority Education Zones (*ZEP*) were created in 1984 to bring more educational resources to specific areas that were identified as disadvantaged (Glasman 2000). It kept in accordance with the official discourse on Republican integration and the refusal of any specific treatment according to ethnic difference. But, as such, the policy consisted only of a redistribution of resources, meaning that schools in ZEP categories were given extra budgets, and did not tackle differences from a cultural or even a religious point of view. However, sociological studies have shown that educational practitioners resort to powerful categorisations in terms of ethnic traits and religious affiliation anyhow (Lorcerie 2003). One may therefore argue that the official silence on migration-related diversity has actually favoured the unofficial development of ethnic categorisations in educational practices.

All these establishments took steps to manage diversity in a certain manner; proving that there is a challenging dimension to diversity in schools. However, each establishment either failed to address these challenges effectively or were not direct actions of the Republican state.

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[1]   UNSA, *Reconstruire une authentique formation professionnelle des enseignants,* Février 2011 Available at : http://www.unsa-education.org/telechargement/education/Formerdesenseignants.pdf (last access May 2011)

Since 2000, the European directive to combat discrimination was established to monitor the discriminatory practices in the French education system[1]. However, the limited data issued by the Ministry of National Education on the ethnic origins of the school population allows for little analysis. The only finding is that children of immigrants make more progress in school. But this could mainly be explained by their starting academic level, which tends to be lower than the majority of pupils (Caille, Valet, 1996), and that educational disadvantage can be explained by their parents' socioeconomic condition (Brinbaum, Kieffer, 2005). The Trajectoire and Origin survey of 2008 also shows that discrimination is mainly perceived by pupils in curriculum counselling (Brinbaum, Moguerou, and Primon 2010).

Therefore, while the diversity of the school population is a demographic reality, the absence of data and the lack of specific training for teachers leave little means for researchers to have a clear and documented knowledge of the issue. Moreover, the lack of acknowledgement not only fails to address the challenges raised by ethnic diversity to the school system, it also propagates them to a certain extent. There is clearly a gap between the local realities and the framework derived to manage it. The normative assumptions guiding the handling of cultural and religious diversity also explain this situation.

3.1.3. The normative assumptions motivating the handling of cultural and religious diversity

Central to the handling of cultural and religious diversity in French public schools are the notions of neutrality and equality. It is believed that limited expressions of diversity guarantee the equal treatment of individuals.

3.1.3.1 Laïcité and the neutrality towards religious diversity in schools

Laïcité is put forward when it comes to dealing with what is perceived as a display of religious belonging, such as the Islamic veil in French schools. *Laïcité* promotes the neutrality of all public spaces including public schools, which means that signs of religious affiliation should be absent from them[2]. It is seen as a guarantee that all individuals are treated as equal, regardless of their belonging to any religious faith. It is also seen as a guarantee that religious dogmas do not influence the education of other pupils. As such, *laïcité* is seen to foster the freedom of conscience.

Laïcité is usually presented as inherently belonging to a broader set of ideas, known as the Republican principles. However, one should recognise *laïcité* as a philosophical principle inherited from the period of the Enlightenment, and historically constructed through its institutionalisation in French legislation, its use in political debates, and its perception by public opinion.

As a principle, *laïcité* goes beyond toleration because it aims at the equality of all citizens and their respect as equals (Pena-Ruiz 2005: 67). However, the successive headscarf affairs in schools led to a more restrictive interpretation of the principle of *laïcité* in the legislation. In the first headscarf affair, the State Council ruled that female-pupils could wear headscarves in schools as long as they were not proselytising, in which case freedom of conscience would be at stake. However, the 2004 law banning the wearing of religious signs took out this proselytism clause, which lead to what may be regarded as a less liberal interpretation of *laïcité*. Finally, one may identify an increasing use of the concept of

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[1] European Directive 2000/43

[2] On the notion of public space see Bowen 2005; for a critique of the over-stretching of the concept of public space in the political debate, see Delphy (2011) "Il existe déjà un code de la laïcité" *Contretemps,* 2 April. http://www.contretemps.eu/interventions/il-existe-d%C3%A9j%C3%A0-code-la%C3%AFcit%C3%A9.

laïcité as an argument for the limitation of religious practices in France, and in particular Muslim practices[1].

3.1.3.2 Cultural diversity and the universalist principle in schools

The normative assumptions motivating the handling of cultural diversity in the French school system is hard to pin down. The level of acknowledgment among the administrative staff and teachers over the cultural diversity of a school population is very low. The Republican principle of equality implying that no distinction of origin, race and religion may be articulated in the public space, acts as an important obstacle. As a place where young generations learn what it is means to be a citizen, it is considered important that the category of ethnic origin is not mentioned. This principle of neutrality is pervasive in the discourse of the actors, as we will see in the interviews conducted for this research. This is yet another challenge of cultural diversity in the French school system: it is one hard to track it down in the discourse of its actors.

The notions of neutrality and equality that guide the management cultural diversity in French society are meant to ensure that people with ethnically diverse origins are not just tolerated but considered as equal. The philosophy is arguably an acceptance of the other as an equal in a civic sense (Dobbernack, Modood 2011). However, the case studies give insights into a range of practices that differ from the philosophical principles. In this chapter, we identify whether these practices pertain to toleration[2], non-toleration[3] or acceptance[4].

3.1.4   Motivation for the case selection and methodology

The evolution of the interpretation of *laïcité* in French schools and the debates that it induced in response to the increasing religious diversity of the population makes it an interesting case with which to analyse the state of tolerance and acceptance in French schools. However, it deals mainly with the religious dimension of diversity only. The challenge of ethnic diversity in France must be analysed differently by looking at the curriculum content and the interactions between teachers and pupils.

The analysis draws on a literature review, a press review, a collection of secondary sources on the issue and collected fieldwork material. The fieldwork consisted of:

- A selection of interviews (n=14).
- One group discussion that was organised so that three teachers could give their perspectives on teaching to diverse populations and their opinions on the curriculum content. They were chosen with a balance in different genders, origins, amounts of experience in the field, and populations that they taught to.
- One session of participatory observation was organized on the 7 April 2011 in a secondary

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[1]   Claude Guéant (Interior Ministry), " Les prières de rue sont une entorse au principe de laïcité", *L'Express*, 15 avril 2011.

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

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

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

school outside Paris.
* Half a day of observation of history lessons was organized on the 10 May 2011 in a high school outside of Paris.

3.1.4.1 *The implementation of the 2004 law on laïcité*

The first case study of this chapter focuses on the discourse of actors in the education system in order to assess the impact of the 2004 law on school practices and the understanding of *laïcité*. We distinguish between the political discourse on *laïcité,* which operates as an important contextual element in this discussion, and the different points of view of school practitioners like principals, teachers and school staff.

For this case study, 8 interviews were conducted from January to May 2011 with two principals, three union representatives, one NGO representative, and one community organiser. Another interview was conducted in the Paris region with three administrative officials in charge of education policy at the department level[1]. Interviews with teachers from the second case study who referred to laïcité were also used in the analysis.

3.1.4.2. *The extension of the history curriculum to the contribution of immigration to national history*

To be able to discuss the acceptance of cultural diversity in schools in a context that has a low level of articulation of the issue, we look at curriculum content and teaching practices, and evaluate the extent to which there are instances of recognition. The recent introduction of immigration in history programs is a starting point, although the change was decided only in 2008 and not yet implemented. The case study clarifies the context during which the program change was conducted and with what political aim. It also provides the point of view of teachers and pupils on the issue.

For this case study, six interviews were conducted from January to May 2011 with one principal, one education officer in charge of overseeing the teaching of history at the district level, one person in charge of promoting the teaching of immigration history at the French Museum of Immigration in Paris, and three history teachers. One group discussion was organised with three other history teachers in secondary schools and several sessions of participatory observation were conducted in secondary and high schools to discuss the issue with pupils[2].

The initial phase of discussion with history and geography teachers was a way to establish contact and for the researcher to be able to go and attend some classes. The organization of participant observation in French public schools was difficult because it required the approval of the administration. With the initial agreement of the teachers, it facilitated the process. Also, the current lack of teaching on immigration history made it possible to justify the presence of the researcher as a "specialist" on immigration history in schools. Schools appeal to external speakers for a number of activities, typically artistic ones.

One difficulty of this fieldwork is that teachers and school administrators are trained to avoid being specific about minority identities, such as identifying students by their parents' origin or religious belonging, or naming minority groups, etc. However, they are all confronted by the reality of a diverse school population. As such, the introduction of immigration in history programs, although not yet in practice, made a valuable starting point to discuss matters pertaining to diversity in general.

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[1] See Annexe for a complete list of the interviews and interview guide.

[2] See Annexe for a complete list of interviews, discussion groups and participant observation.

In a context where the limited recognition of diversity is seen as a guarantee for the equal treatment of pupils, French schools are a difficult topic of analysis. However, an investigation into the understanding and practice of **laïcité** *allows this chapter to capture the ways in which the French education system deals with the challenge of religious diversity. As a value that aims at fostering equality and freedom of conscience, it is a useful means by which to explore the practice of tolerance in French schools. As for the cultural diversity of the school population, it is best captured through an analysis of curriculum contents and the extent to which they are able to give an equal representation of all, regardless of race, origin or religion.*

3.2 Case Study 1: Religious Signs and Expressions in Schools

3.2.1 Introduction to case study 1

The issue of religious symbolism in French schools is best exemplified with the debate that arose following the wearing of the Islamic headscarf. Five years after the passing of the 2004 law[1], it is worth analysing how the law has affected perceptions of toleration in schools. In this case study, we will first distinguish between the various types of actors involved to understand the different levels of discourse and positions on the issue. Second, we will analyse how practitioners see the impact of the 2004 law at the school level. Third, we will analyse the recent developments that pertain to the application of the law and how this has been used as a springboard for demanding more restrictions towards women wearing veils. We will show that **the challenge lays in the meaning that actors give to *laïcité*** in their approach to religious symbols in schools, not necessarily laïcité itself.

3.2.2 Types of groups and actors involved

3.2.2.1 Principals

Instrumental to the passing of the 2004 law were principals, who are the heads of secondary and high schools, and more precisely, SNPDEN (*Syndicat national des personnels de direction de l'éducation nationale*), the professional organisation representing principals. Principals were first concerned by the issue because they were the ones who had to decide whether or not female-students were wearing headscarves in conspicuous ways as according to the 1989 decision of the State Council, and later reaffirmed in the 1994 Bayrou directive. These put them on the front line to, first, speak with the student and to, second, negotiate with the parents who may defend their daughter(s).

3.2.2.2. Teachers and pupils

Unlike principals, teachers do not have to decide whether or not to exclude a student wearing the veil. So from their point of view, teachers were not on the front lines of the mobilisation for the law. However, history and geography teachers were put in charge of teaching civic education and taught the 2004 law when pupils arrived in secondary school in the 6th grade at 11 years old. Moreover, teachers may have had to deal with situations in which pupils would refer to their own religious beliefs, for instance, during a lesson on the history of the three monotheist religions.

3.2.2.3. Governments

At the political level, it is worth noting that the law was proposed by the government following the Stasi report, which was commissioned by President Chirac himself (right-wing). It is a top-down

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[1] LOI n° 2004-228 du 15 mars 2004 encadrant, en application du principe de laïcité, le port de signes ou de tenues manifestant une appartenance religieuse dans les écoles, collèges et lycées publics

process even though the Commission based its recommendation on a selection of hearings from civil society, practitioners, political representatives and pupils[1]. The law was therefore arguably a result of government politics and a decision influenced by the consultation with a number of experts.

3.2.2.4. Civil society

At the level of civil society, the passing of the law raised debates, polarised civil society and led to the creation of new groups. On the one hand, proponents of the law claimed that it reaffirmed the principle of *laïcité* given the previous pressures that religious groups had put on French public schools (*cf. supra* Introduction, the Movement for Free Schools in 1984). Professional unions that valued laïcité, such as the Educational branch of the left-wing union UNSA, were one of these proponents. Moreover, some feminist activists argued that the Islamic veil represented the domination of men over women in the Islamic religion[2].

On the other hand, proponents of *laïcité* argued that the principle was already in the 1958 French Constitution (article 1) and did not need to be reasserted (e.g. the NGO, Ligue de l'enseignement). New groups were formed to criticise the law for stigmatising Islam (e.g. Collectif Contre l'Islamophobie en France) and/or contended that the Islamic veil was not necessarily an instrument of domination of men over women (e.g. Collectif une Ecole pour Tout-Es). Moreover, they expressed concern that the law might discourage young girls from practising Islam.

3.2.2.5. Public opinion

Surveys showed that **public opinion** was supportive (80%) of the 2004 law banning the conspicuous display of religious signs in schools (Tiberj 2008:62)[3]. Surveys also showed that people who recognize *laïcité* as an important value for them were also people who declared anti-immigrant feelings and positioned themselves on the right side of the political spectrum (Barthélemy, Michelat 2007). This is a major change from laïcité history in France. Over the 19th and the 20th century, *laïcité* had been a value mainly defended by left-wing political parties. This is important because it indicates a change in the understanding of *laïcité* and the set of values it is associated with. In the following part, we will see that actors all reference *laïcité* but their understanding of it may vary.

3.2.3 The 2004 law: a case of tension between toleration and non-toleration

During the debates that took place when the law was passed, associations expressed the concern that girls who would like to keep wearing their veil would opt out of school and, since the option of private school was expensive, that the schooling of female-pupils was at threat. This concern is best exemplified by the gathering of activists from secular, religious and feminist organisations under the title Collectif une Ecole Pour Tout-Es (CEPT). However, one year later, the report that was issued as part of the monitoring of the law (see Article 4 of the law below), stated that they were only 47 exclusions of pupils among the 639 religious signs that were listed by principals as forbidden. For the students who did not want to take out the Islamic veil or Sikh turban, half of them switched to distance learning[4].

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[1]   The Commission composed of 18 members proceed to 81 public audition and 51 auditions behind closed doors. One audition included the particiaption of 220 pupils from 6 different high schools (Stasi, 2003).

[2]   Françoise Gaspard (1989), « Pensons aux musulmanes qui se battent ! », Le Nouvel Observateur, 26 octobre-1er novembre

[3]   Opinion poll on a representative sample. The questions was: "Some young girls wants to keep their veil in class. Some think that this should be accepted because all religions should be respected. Some other think that this should be forbidden because in a *laïc* school there should be no religious signs" RAPFI Survey (Tiberj 2008)

[4]   The 2005 report on the law stated that:

Figure 7: The 2004 Law Banning Religious Signs in Public Schools[1]

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. The rules of the schools entail that the implementation of the law through disciplinary action is preceded by a dialogue with the pupils. **Article 2** The law applies on all French territory (including overseas departments and overseas territories) **Article 3** The law comes into effect with the new school year (2 September 2004) **Article 4** A monitoring of the law shall be executed one year after the law

Source: Journal Officiel n° 65 du 17 mars 2004 page 5190

Some cases of tension were reported, notably, from families who thought that by "dialogue", the law meant there was a possibility of negotiation (Cherfi, 2005: 13). This was actually not the case since it was stated in the circular providing guidance for the application of the law that, "dialogue does not mean negotiation and is, of course, unlikely to justify that the law does not apply"[1]. Some cases were unexpected too, as stated by the representatives of the SNPDEN. For instance, they did not expect that the law would prevent the schooling of Sikh pupils[2].

Nonetheless, overall, from the small number of exclusions that were reported by the end of the first year after the application of the law, the report concluded that there was a good understanding of the 2004 law. It went so far as to argue that a "law effect" (*effet loi*) made laïcité understood as a principle that guaranteed the freedom of people and more importantly, their freedom of belief (Cherfi 2005: 36). Did the 2004 law increase understanding of laïcité? What exactly does it mean to say that a law works? The following interviews that were conducted for this case study help us clarify some of these questions.

3.2.3.1. For whom does the law work?

For principals who had to decide whether or not to exclude a student wearing an Islamic veil, the passing of the law and its implementation solved the issue. During one interview, a principal acknowledged this change:

> "After the passing of the law, it is clear that we enjoyed a blissful peace. Before, you had to deal with the pupil, the family and even some religious associations. You had to negotiate. After the law; no more of that…"[3]

Principals have different arrangements with students wearing Islamic veils *outside* school. In one of the schools where the researcher conducted an interview, the administration had arranged for a changing room *inside* the school so that students could come in veiled and change into non-religious

(Contd.) ———

- 639 religious signs (2 Christian crosses, 11 Sikh turban and 626 Islamic Veil) were listed in 2004-2005

- 96 of these pupils opted out of schools before any disciplinary measure was taken (50 registered to distance-learning, the rest of them enrolled in private schools, went abroad or stopped going to school when they were older than 16 year old)

- 47 of these pupils were excluded by the disciplinary board of their school for wearing Islamic veil (39) or Sikh turban (3). Half of them (21) registered to distance-learning. (Cherfi 2005)

[1] Circulaire N.2004-084 of 18-5-2004.

[2] Interview with a representative of the SNPDEN, 18 April 2011.

[3] Interview with a principal of a high school in Seine Saint Denis

clothes. According to the administration, it was a way to show respect to these pupils. However, this arrangement is left up to the principal. In practice, principals do not know the number of pupils wearing veil outside schools.

For teachers who thought the 2004 law publicized laïcité, the passing of the law made it "easier for them to teach"[1]. They recalled that it became easier to teach issues pertaining to religious history *after* the law passed, because it reaffirmed the principle of laïcité and made it easier to ban the expression of religious beliefs in the classroom. For instance, some teachers organised a visit to a church when they taught about the birth of Catholicism and they recall encountering more opposition by students and their families before the law passed than after because before, students would argue that they did not want to go to a Catholic church because of their own religious beliefs[2].

However, some other teachers did not consider the law instrumental in reaffirming *laïcité* in schools and thought that the law was not necessary. They thought that *laïcité* was part of their teaching already and that the law did not change anything. Their point of view goes against the report that was issued a year after the law was passed, which mentioned a "law effect". Teachers who expressed this point of view thought that the law was not necessary because issues of students wearing Islamic veils were already solved with the intervention of principals. Furthermore, they tend to distinguish between the meaning given to *laïcité* in the public debate and their own understanding of *laïcité* as a guarantee for freedom. Some even went so far as to contend that the law had a negative effect because it stigmatized Islam and it made it more difficult to pass on this value positively to pupils[3].

It is important to note that these teachers did not criticize the notion of laïcité as such; they were actually convinced that it can convey a message of tolerance. However, they wanted to dissociate themselves from the discussion on *laïcité* going on at the level of government politics, which they saw as fostering intolerance to other religions.

3.2.3.2. What is the impact of the law on the understanding of laïcité?

An important dimension of the implementation of the law relied on its explanatory power. The law was designed to allow for a time of dialogue and "pedagogy" before the principal took any disciplinary measures, namely the decision to expel a pupil from school. The directive mentioned that the dialogue was meant to "convince the student to respect the principle of laïcité"[4]. Here, we can argue that the issue was not so much the understanding of laïcité but the prevention of too much exclusion. It was vital to limit the exclusionary power of the law. It should not push pupils out of the school system because it would be a breach to their legitimate rights to education in France. As such, the focus was not on promoting an understanding of laïcité but on implementing the law with the least amount of collateral damage. It was therefore in the interest of the policy-makers who would want to promote the efficacy of the law, to state, after one year, that the value of *laïcité* was better understood with the law, which implied in other words, that forced exclusions were little.

In the interviews conducted with principals and their representatives in the union (SNPDEN), the researcher observed that they often recalled situations when girls took out their veils before entering a school. This report interpreted this as a sign that their intent was to emphasise that the law did not prevent these pupils from going to school but rather made them understand what *laïcité* meant in French public schools. This is why the cases of pupils getting expelled for wearing Sikh turbans appeared to them only as unfortunate side effects. But in these cases, pupils could not take out their

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[1]   This element was mentioned during the group discussion.

[2]   This element was mentioned during the group discussion.

[3]   Interview n. 2 with history teacher on 10 May 2011.

[4]   Circulaire N.2004-084 of 18-5-2004.

turbans. The fact that they had to opt out of school was really a failure of the law. The interviews also show that the law targeted specific religions with the given examples always being large Christian crosses, Jewish skull-caps and Islamic veils only. So while principals seemed to believe in the efficacy of the law to explain laïcité, they also prove that the law was ineffective for certain religions. This reflects how the law was in actuality, encouraging a two tiered understanding of laïcité, rather than one of equality.

Moreover, from what we could observe, the meaning of laïcité varied among different actors. For instance, two Sikh pupils who were excluded from a high school in Saint-Ouen were interviewed. One of them said: "For me, the neutrality of the State lies in the neutrality of the institution, notably in education content, and not on personal appearances"[1]. The fact that the two pupils distinguished between education content and personal appearance is interesting. It shows that despite all the attempts made by legislators to prevent negotiation, individuals found ways to change the means by which laïcité was enforced, while not departing from its core principle of neutrality. This proves that actors at the local level have different interpretations of laïcité and recognise that the current means by which laïcité is enforced is not the only way to secure neutrality.

Given the intent behind declaring an increased understanding of laïcité, the two tiered laïcité fostered, and the variation of interpretations at the local level, it is difficult to say that the law had any unifying top-down impact on a universal understanding of laïcité.

3.3.3.3. Does laïcité foster toleration, non-toleration or acceptance?

Thus, instead of arguing that the law led to a better understanding of laïcité, this report would rather argue that it sparked a debate over the meaning of *laïcité* that continues today. "*Laïcité* is a preservation of freedom" or "laïcité is a guarantee of neutrality" were phrases that were articulated by teachers, union representatives and activists encountered during fieldwork. This report will analyse those discussions by referring to the three notions of intolerance, tolerance and acceptance[2].

First, we found teachers who were convinced that laïcité could convey the message of tolerance. These teachers were convinced of the necessity of not articulating any religious or political opinions in class. An example of this is that they insisted on remaining neutral regarding their own religious belongings. One secondary school history teacher, who had a name commonly associated with Muslim backgrounds, said he made it a point not to answer questions from pupils about his own religious belonging. This extended to other identities, such as regional origins for instance. One teacher who spoke with a southern French accent said she does not tell pupils which region she comes from in France.

Second, we asked most of these interviewees if laïcité was a value of tolerance. They all answered positively, with the exception of two who found "tolerance" a negative value because it implies that one has the power to approve of the other's actions, which in fact matches our definition of tolerance for this research. In these cases, they argued that *laïcité* went beyond tolerance and that it was a way to treat all pupils equally. For them, *laïcité,* as a principle, could be seen as a tool for acceptance in the French understanding of equality: all are treated equally regardless of their origin or religious belonging. The absence of signs to identify these religious belongings is the condition to equality.

However, some of these teachers also contested the actual practice of *laïcité* in French public schools because of the accommodation that it makes for Catholicism. They recalled that pupils often ask

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[1] Rym Nassef « Signes religieux : 'On regrette ce qui s'est passé', *Respect Mag,* 8 November 2010.

[2] As a reminder, we consider that, while *intolerance* is about the majority population rejecting the beliefs and practices of a minority population, *tolerance* is about letting them happen but disapproving them. Furthermore, we contend that *acceptance* is about considering the others as equal and admitting them as normal.

questions about the academic calendar and criticised the fact that Catholic holidays are still the rule, with Christmas and Easter as notable examples.

> *"The principle of laïcité is not applied fully. Pupils, they compare all the time between Catholicism and Islam. (...) For them, it is an acknowledgment that does not exist"[1].*

One teacher further argued that pupils may have the impression that laïcité, in practice, is a two-tier concept: it bans the expression of religious symbols that pertains to Islam but allows for the expression of Catholicism[2].

Furthermore, one principal argued that *laïcité* as is institutionalised in the 2004 law, could be regarded as an instrument of intolerance. He suggested that, even though he could see the benefit of the law for his own sake, he could also see how this was not sending the right message to the French population. He said he could feel the "frustration" among young girls and young boys. He mentioned that some female-pupils in his school wore large headbands to cover most of their head as a way to by-pass the law:

> *"Up until now, no young girls came wearing a veil in the school, but I can see that some of them wear headbands. There were already some headbands right after the law passed, but now these headbands are bigger… Personally, I wonder now… I was supportive of the law... But, lately, you can tell there are raising debates. (...)*
> *We are, right now, in a moment where neutrality rules. We live quite well. But for some, we can see frustrations, for girls and for boys. So we can accept that there are some plural expressions or that people can express themselves through what they wear. We can also shift to the English way and have people wearing veils or kippah and live together. I don't know[3]."*

The reference to the "English way" shows that the principal identified two ways to deal with the expression of religious affiliations. On the one hand, there is the French way, which is the absence of religious signs and on the other hand, there is the English way, which is the allowance of religious signs. The reference to the English or the Anglo-Saxon type of politics of difference is a consistent rhetoric phrase in the French discussion on difference. It does not necessarily reflect an acute knowledge of the way politics of difference are put in practice in the United Kingdom or in the United States, but rather an acknowledgment that things can be done differently and that banning the display of religious signs is a choice that the French legislation made, to bear with its Republican principles. *Laïcité* is in fact, far from being only applied in France. There is a growing trend to separate religion from public matters on the impetus of the European Union (Baubérot 2009). In fact, by alluding to the "English way", this principal was suggesting that the comparison with other countries could be a resource for change. In which case, his statement indicated that the restrictive interpretation of *laïcité* that was enforced with the 2004 law. can evolve. The meaning of laïcité is not fixed and so, can be shifted away from promoting intolerance.

The main benefactors of the 2004 law were the principals. The female-pupils wearing Islamic veils were the main targets of the law, but they did not opt out from French public schools in drastic numbers but removed their veils when entering their schools. The discursive notion of **laïcité** *is the main lens through which issues pertaining to religious diversity are approached. The implementation of the law, however, sparked a debate on* **laïcité** *because some criticised it as stigmatising Islam. One may distinguish between* **laïcité** *as a principle, which seeks the acceptance*

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[1] Interview with a teacher of history and geography, 11 May 2011

[2] Interview n. 1. with history teacher, 10 May 2011

[3] Interview with a principal of a public high school, Seine Saint Denis, 8 April 2011

of individuals as equal and **laïcité,** *in practice, which is two-tier, or even, in some instances, an instrument of non-toleration.*

3.2.4 Recent developments regarding religious symbols: between exclusion and demands of inclusion

3.2.4.1. School girls summoned to wear less conservative outfits

The passing of the law delineated attempted to define the space of religious expression. But, as exemplified by the following incidents that took place in Saint-Ouen (Department of Seine Saint Denis) in March 2011, the boundaries of that space are a continuing negotiation.

A number of young girls were summoned to the assistant principal's office just because they had worn long dresses. Support groups who publicised the incident on the internet, argued that the school supervisor went beyond the scope of the law and expressed discriminatory point of views[1]. According to them, the assistant principal pointed at the women wearing long dresses up to the ground and said that they had Muslim sounding names. During one of our interviews, a representative of one union expressed regrets that, as a professional organisation, they were told not to give an official response to these events[2]. According to the representative, what had happened was part of the normal proceedings of the law. What was presented as a summon, was in fact the phase of dialogue as specified by the law. However, these pupils did not attempt to enter the school wearing a veil. To this, the representative of the union objected that the attitude of some of these pupils had been provocative: they had made it clear that they were wearing Islamic dresses (although not covering their head) and one of them was the niece of a new Imam who had arrived in town. The assistant principal reportedly referenced the circular attached to the law, which does mention that the "wearing of a sign or a dress that can be immediately recognizable as a religious sign of belonging (…)" applies. According to her, the long dresses qualified as religious dress.

This incident over the dress of young women with "Muslim sounding names", demonstrates the tension that exists in the ambiguous areas surrounding the law, such as the type of dress, procedures, etc. The law and its prescription provide elements for various actors to use to negotiate their claims to exclusion, like the school supervisor, and inclusion, like the pupils.
Moreover, when the law was passed, it was stated clearly that it applied only to pupils and it *did not apply* to pupils' parents'[3]. However, even that aspect of the law has been challenged recently.

3.2.4.2. Mothers taking part in school activities threatened to be excluded when wearing veils

In 2007, the case of mothers wearing veils taking part in school activities was brought up. This is especially applicable in primary schools where every outing outside the school requires the adult supervision of one adult to every fifth child, hence making the role of parents crucial. When called upon on the issue, Education Minister Xavier Darcos had followed the recommendation of the Halde[4] to stick to the 2004 law, which had only applied to pupils up to that point, and added that any further action could qualify as discrimination on religious criteria[5]. This has also been described to us as a

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[1]   « Musulmanes, ôtez cette robe longue qui nous insupporte !!! » *Soutien Palestine,* mardi 15 mars 2011.

[2]   Interview with repersentative of SNPDEN 18 april 2011.

[3]   As for education staff, they should not wear any religious signs as part of the regulation concerning all public servants

[4]   The High Authority for the Combat against Discrimination and for the promotion of Equality was created in 2004 in application of European directive 2000/43, article 13: "Member States shall designate a body or bodies for the promotion of equal treatment of all persons without discrimination on the grounds of racial or ethnic origin."

[5]   Stéphanie LeBars, « Luc Chatel interdit aux femmes voilées d'accompagner des sorties scolaires », *Le Monde,* 04/03/2011

common practice by representatives of a union specialising in primary schools[1]. However, in March 2011, a school director banned a mother wearing a veil from accompanying children to some school activity. Although the mother received the support of the parent association, the school director wrote to Education Minister Luc Chatel who supported her decision[2]. Luc Chatel grounded his decision on a proposition of the High Council for Integration to extend the obligation of neutrality that is expected of all public agents, to mothers occasionally accompanying pupils.

The decision of Education minister Luc Chatel to extend the obligation of neutrality to mothers accompanying children proves that there is a growing trend towards an intolerant interpretation of *laïcité*. It should be noted that the High Council for Integration is not a legal body such as the Halde was and the discriminatory dimension of the decision cannot be ignored[3]. Moreover, the decision of this Minister has not yet been followed by any actual director or- staff that organise outings. Finally, it has been criticised as unpractical since the number of parents available and willing to accompany school outings is limited. Nevertheless, it demonstrates how the boundaries of this law are negotiated by different parties with different interpretations of laïcité.

This case of mothers accompanying children to school activities also shows how the 2004 law has become a springboard for further claims against women wearing veils in France. The shift from pupils to mothers is illustrative of this. This is also shown by the law forbidding the wearing of the *niqab*. It was mentioned that mothers wearing full veils that covered their faces would not be able to be identified by school staff when they came to pick up their children, which causes a security problem. However, during one interview with primary union representatives, they claimed that this was "imagination" because in practice, mothers would uncover their faces to female-school staff[4]. Plus, they added that the relationship with the pupils' family at this early age is fundamental and so they required school staff to learn to remember the parents of their pupils. They would not give away children to parents they did not know.

Recent developments such as the pressure exerted on girls wearing headscarves outside schools and the threat to exclude mothers wearing veils from taking part in school activities, exemplify how schools have become the main battle ground to debate issues of religious diversity in France through the lens of laïcité*. The contestation over the boundaries of the law is a manifestation of the changing interpretations of laïcité. In fact, events that took place in the winter of 2011 indicate a trend towards an intolerant interpretation of* laïcité*, a laïcité that limits the wearing of the Islamic veil and identifies certain practices, such as the wearing of long dresses, as proselytism.*

3.2.5. Conclusion to Case Study 1

The presence of religious symbols in French school is problematized as infringing upon the neutrality of a public space. The discursive understanding of laïcité is deeply entrenched in the teaching in primary, secondary and high school. However, understanding is heavily reliant upon the interpretation of the instructors. Furthermore, when looking at the arguments surrounding the 2004 law, it was not so much the neutrality of the school that was at stake than the necessity to counter Islamist strategies by pressuring families and female-pupils (Weil 2005). The focus was not actually on fostering an

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[1] Interview with a representative of a primary school union, 13 April 2011

[2] Stéphanie LeBars, « Luc Chatel interdit aux femmes voilées d'accompagner des sorties scolaires », *Le Monde,* 04/03/2011

[3] In May 2011, the HALDE (the High Authority for the Combat against Discrimiantion and for the promotion of Equality) disappeared as such. However, the fight against discrimination is included in the remit of the Defender of Human Rights and most of the legal service of the former HALDE is now operating under his authority (Dominique Baudis was appointed Defender of Human Rights in 22 June 2011).

[4] Interview with two representatives of SNUIPP

increased understanding of laïcité for all, but on curbing the religious expression of certain pupils. This can be seen in the case of the young girls wearing long dresses. The idea that one of them is akin to the Imam of the city was quickly brought up to confirm that it was a situation of provocation or proselytism.

The comparison between different religions is always present. On the one hand, the long history of conflicts between proponents of *laïcité* and Catholics justifies that this current contestation is not specific to Islam. Interestingly enough, in our interviews, the researcher found that interviewees often gave more concrete examples related to Catholicism than Islam. It was their attempt to show that the law applies equally to all. But this also shows that Islam is not a topic easy to talk about for the interviewees. So claiming that Islam is just part of the Catholics versus laïcité debate downplays the challenges the Muslim religion faces in being in a minority position. For example, the call for neutrality that is implied in the implementation of *laïcité,* contrasts with the presence of Catholic habits in the school with the academic calendar being the most visible example. It draws a clear line between one established, majority religion, Catholicism, and one minority religion, Islam. From this, one teacher concluded that his pupils may get the impression of a "two-tier *laïcité*".

Even though the argument of *laïcité* is at the top of the agenda, the argument of gender equality has also been put forth in regards to the Islamic veil. When the first mobilisation took place around the first headscarf affair, some feminist activists took a position against the wearing of the Islamic veil in solidarity with feminist women leading similar struggles in the Muslim world (Rochefort 2002:150). However, since 2004, some feminist groups have taken a different position and criticised the claim that female-pupils wearing veils were necessarily responding to outside pressures (Collectif Ecole pour Tout-Es). They have argued that it is patronizing to eliminate the possibility that female-pupils wearing veils did not do it of their own choice and that it is paternalistic to focus all the attention on the female body and dress. Thus, while the argument of gender equality is used as a tool for proponents of an intolerant interpretation of *laïcité,* there is also a growing critique that they do not articulate a legitimate concern for gender equality[1].

While conducting the fieldwork, which took place during the interview but also during the time the researcher spent in secondary and high schools, it was found that, despite the strict application of *laïcité* in the French education system, alternative arrangements were being made. In some of these schools, girls could enter wearing their veils and change to plain clothes in a cloakroom, alternatives to red meat would be made available for those that would not like to eat red meat that was not *Hallal,* , and teachers would not schedule any assignments on the day of *Aïd*, the Muslim New Year.

Lastly, concerns were expressed that the interpretation of *laïcité* as a value that guarantees neutrality, freedom, and equality is threatened by the intensifying debate about *laïcité* at the political level, mainly with the government and extreme right politicians. This debate on *laïcité* is seen as laying too strong of an emphasis on Islam and negatively conveying a Republican value.

These incidents of discrimination or evidences of a two-tier laïcité in French public schools are a threat to the Republican promise of equal treatment regardless of pupils' origin, race or religion. For this reason, the enforcement of **laïcité** *in French public schools should be reassessed to realign with its core principles of equality and neutrality towards all religious beliefs.*
This requires:
- *Training administrative staff in their enforcement of* **laïcité** *(enforcing* **laïcité** *does not sum up to banning expressions of all other religious faiths except for the Catholic faith in schools);*
- *Adding explicit explanations about* **laïcité** *in textbooks for civic education classes (***laïcité**

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[1]   For more development on the dimension of gender in link with diversity, see chapter 4 and the mobilization of feminist groups on the question of *laïcité*.

entails the absence of religious expression in the classroom but not the discrimination of one religious faith and the prioritisation of another).

3.3 Case study 2: tolerance and diversity in the school curriculum

3.3.1 Introduction to case study 2

Considering that the mission of the French education system is to unify, the content of the curriculum is a crucial component of the transmission of national representations. In this case study, this chapter will mainly focus on the teaching of history, geography and civic education as a relevant site in which to analyse issues pertaining to the recognition and acceptance of cultural diversity. Since the establishment of the French education system in the 19th century, curriculum content and practices have been considered the main conveyor of Republican values such as equality and *laïcité*. As mentioned in the introduction, the necessity to replace religious education resulted in the creation of a specific curriculum entitled **civic education**. In secondary and high schools, civic education is taught by history and geography teachers[1].

Moreover, following the creation of a Museum of Immigration in 2007, (*Cité nationale de l'histoire de l'immigration*) a commission composed of historians and teachers was appointed to discuss the possibility of introducing immigration history into the French curriculum. As a result, higher officials in the Education ministry decided to add immigration history to the history curriculum for secondary and high schools[2]. Even though this curriculum extension was announced in 2008, it is not yet in effect. However, the decision-process, the successive phases of implementation and the opinions of teachers provide the elements needed to identify and discuss the main challenges related to the curriculum extension.

In this case study, we posit that curriculum content is directly related to issues of acceptance because anything that explains the formation of a diverse society and presents the various components of a population as part of a comprehensive whole, are likely to foster the acceptance of all individuals, regardless of their ethnic or social backgrounds. However, this analysis will also take into account the variations that occur in the implementation of the curriculum and will question teaching practices.

First, this part identifies the type of actors involved in the decision to extend the curriculum. Second, it lists the main challenges of implementing a curriculum that includes the history of immigration. Third, it discusses the purported difficulty in teaching immigration issues. And, finally, it analyses how teachers link issues of diversity to curriculum content and civic education.

3.3.2. Types of actors and groups involved

3.3.2.1. Education officers and academics in charge of curriculum content

Curriculum content is decided at the central level of the state by higher education officers in the Ministry of Education. In August 2008, the Education ministry announced new programs for the history, geography and civic education classes in secondary school, which are to be implemented

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[1]   The exact title is 'Education civique' in secondary schools and 'Education civique, juridique et sociale' in high schools.

[2]   For a detailed description of the content of the new program regarding immigration history, Annexe "Immigration history in secondary and high school curriculum"

starting September 2012[1] . In September 2010, new history and geography programs for high schools were announced. They will be implemented starting in September 2011[2].

New programs are decided with consultation from a selection of academics. As such, the establishment of a Pedagogical Commission in the French Museum of Immigration (*Cité nationale de l'histoire de* l'immigration) headed by Historian Philippe Joutard and the commission of a report on the teaching of immigration history, might have influenced the decision to introduce immigration into history programs (Falaize 2008). Historians have also criticised the difficulty to channel curriculum change, especially on a topic such as immigration history that is already suffering from a lack of legitimacy in its own field (Noiriel 2002: 160-162).

Finally, education officers at the regional level are in charge of evaluating the history and geography teaching in secondary and high schools. They are the ones who inform teachers of the new programs and the ones who organise sessions so that teachers can familiarize themselves with new content and methods.

3.3.2.2. Teachers

Teachers are in charge of translating the prescribed curriculum into concrete teaching methods and lessons. Handbooks are published according to the programs and are lent to pupils for the duration of the school year or, alternatively, are left in the classroom at the students' disposal. However, there can be a strong discrepancy between the prescribed content and the actual teaching. In depth surveys have demonstrated that there is a margin of interpretation in between the two (Falaize 2008). In the following, we will indicate what some of these teaching practices are, given what the researcher could gather from interviews with teachers and observations conducted in class[3].

3.3.2.3. NGOs and institutional support

A number of NGOs work with schools to teach tolerance by facilitating related intra or extra-curricular activities like the Association Leo Lagrange)[4], or visits to museums like the Immigration Museum (e.g. Citoyenneté Jeunesse[5]).

The Museum of Immigration (*Cité nationale de l'histoire de l'immigration*) acts as institutional support for the teaching of immigration history in schools. It has specific services in charge of building a network among teachers and teachers' organisations. It also provides trainings and online resources for teachers[6].

3.3.2.4. Political debate

Curriculum content is occasionally a topic of debate in France, especially when it comes to history. In 1979, a project inspired by the Annales School of History and the work of Fernand Braudel, had been designed to change the history curriculum from a succession of events and characters into a structuration around themes, bringing together various approaches of the social sciences. But it received strong criticism by conservative thinkers on the ground that such a curriculum did not teach the "History of France" and it was not implemented.

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[1] Bulletin Officiel spécial n°6, 28 August 2008.

[2] Bulletin Officiel spécial n°9, 30 September 2010

[3] See Methodology Note for more details.

[4] http://www.leolagrange-fnll.org/ (last access June 2012)

[5] http://www.citoyennete-jeunesse.org/thematiques/histoire-de-l-immigration-en-france (last access June 2012)

[6] http://www.histoire-immigration.fr/education-et-recherche/la-pedagogie (last access June 2012)

Similarly, the publication of a new history curriculum in 2010 raised numerous critiques. Opponents criticised the cutting of chapters on Louis XIV and Napoleon to accommodate new chapters on Hans China and the Malian Empire. They argued that children needed to know French history before learning about the history of other continents. The addition of immigration history however, attracted less attention, and as a result, less criticism. But the two topics are sometimes used interchangeably in discourse, which is problematic because they are two distinctive events. More precisely, we argue that, while the inclusion of immigration history is about acceptance, *explicitly* teaching African history because of the presence of pupils with African backgrounds contributes to ethnic ascription and is not about recognition.

The question of curriculum content is also linked to a broader debate on national memory and Memory Laws that has emerged in the past decade. Memory Laws in the French context are usually linked to the role of history in the construction of national identity (Thiesse 2010). There are four Memory Laws (*lois mémorielles*):
- *Gayssot Law of 13 July 1990*: first Memory Law to ban the expression of revisionist statements on the Holocaust;
- *Law of 29 January 2001*: "France acknowledges publicly the Armenian Genocide of 1915"
- *Taubira Law of 21 May 2001*: this law acknowledges that the slave trade was a crime against humanity. It added that "school curricula and research projects should pay attention to the slave trade and slavery in the proportion that those events deserve";
- *Law of 23 February 2005 on the French presence overseas*: this law proposal initially included an article stipulating that school curriculum should acknowledge the positive role of colonisation mainly "the French presence overseas and notably in North Africa". That article, however, did not pass. The proposal sparked a controversial debate (Bertrand 2006). It revealed a general tension over how colonisation should be remembered and made it clear that there were groups, powerful enough, to defend a positive vision of colonisation all the way to the National Assembly (Scioldo-Zürcher 2010).

3.3.3. The challenge of introducing immigration history into the national curriculum

3.3.3.1. The topic of immigration in the historical discipline

When Gerard Noiriel published *The French Melting –Pot* in 1988, he argued that, while immigration was a major component of the French population, in comparable proportions to the United States, it was not considered a legitimate topic of study for historians and social scientists, nor was it recognized as a constitutive feature of French national identity (Noiriel 1988). This is why he called it a Denial of Memory (*un non-lieu de mémoire)*, borrowing the expression from Pierre Nora's series on France's Places of Memory (*Les Lieux de Mémoire*) (Nora 1984).

In the two decades that followed, research on immigration history in 19th and 20th century France developed. Following up on a tradition of labour history, historians worked on the successive waves of immigration, at the turn of the 20th century and during the interwar period. The literature produced in the 1980s and the 1990s laid the emphasis on immigrants' integration because historians wanted to use immigration history to respond to the rising xenophobia (high score of the National Front in local elections of 1995). Moreover, historians and social scientists have researched the social and administrative management of public actions towards immigrants. Central to all this has been the call for the recognition of immigration issues as a valid way to approach the study of the French state and the construction of national narratives. These successive calls for recognition reveal that the topic of immigration in the field of history remains to be acknowledged.

3.4.3.2. The politics of immigration history

The opening of a museum of immigration in 2007 is further evidence of the difficulty in establishing the topic of immigration in national representations. The project had begun to be formulated by immigrant associations with the support of historians, since the beginning of the 1980s (Escafré-Dublet 2008). However, it took the first round results of the Presidential election in 2001 and the presence of an extreme-right candidate to prompt President Jacques Chirac into appointing a specific commission to reflect upon the creation of an immigration museum. After much discussion and debate (Blanc-Chaléard 2006, Green 2007), the museum finally opened in 2007, but President Nicolas Sarkozy did not come to its opening, which may have reflected his disagreement with a project that intended to celebrate French immigration history.

During fieldwork, when the researcher asked teachers, why, in their opinions, immigration history was introduced into the French curriculum and how they interpreted this choice, they responded that the political dimension of the decision was pervasive. First, they expressed the idea that it was a response to a "social demand". They made reference to the debate surrounding the Memory Laws described earlier on in this chapter. Second, one of them pointed to the contradiction between this change in program and the repressive turn of immigration policies, which creates "a double injunction"[1]. This chapter would like to note however, that curriculum changes are decided by administrative officers in the Ministry of Education and it can be suspected that they result from a different process than the process used by the current state of government to draft policies towards migrants. Although, it is true that the change was decided at the central level of the administration, by this remark, the teacher was reflecting a general belief that curriculums are national issues and changes in curriculum are political. It shows how instructors of the French education system, interpret the direct impact of government politics through their teaching.

3.3.3.2. National identity in French curriculum

The decision to introduce immigration history into the curriculum contributes towards constructing national narratives that are more inclusive. In a similar fashion to immigration history seeking to gain legitimacy as a topic of historical inquiry, a number of historians have argued for change in the teaching of national history in school. Among them, Suzanne Citron has published and campaigned for the necessity to convey a sense of "us" in the national history curriculum instead of pointing at immigrants' ethnicities as different (Citron 1989) or as 'the Other'. She has argued for a better introduction to issues such as slavery, colonisation and decolonisation. The idea is that, for children whose parents or grand-parents may have been linked to these dark moments of French history, it is hard for these children to get a clear grasp of what their past is; they are left with conflicting accounts from various actors (Liauzu 2005).

The literatures on the construction of national narratives in the school curriculum are also concerned with the teaching of sensitive topics in schools. In France, this discussion may apply to the Algerian war, the Holocaust and the Second World War (Ernst 2008). Beyond the idea that official narratives are reluctant to reveal the 'dark side' of history, the general argument is that those topics may be hard to teach because teachers may have to compete with alternative versions expressed by pupils or external actors such as families, associations and the media. Curriculum designs have usually responded to this challenge by providing extra pedagogical material and specialised trainings. However, we contend that immigration history should not be regarded as a sensitive topic on par with the Holocaust, the Second World War and the Algerian War. For this reason the issue of immigration history should be considered separately from these literatures.

The challenge of introducing immigration history into the national curriculum stems from the topic's lack of legitimacy in the historical discipline and the construction of immigration as a politically charged topic in the media. So, there have been calls for the construction of national

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[1]   Interview teacher of history and geography, 11 May 2011.

narratives that are more inclusive and immigration, along with decolonisation and slavery as one of the topics at stake.

3.3.4. Is teaching immigration issues problematic?

3.3.4.1. The political dimension of immigration issues today

Immigration is often presented as a problem. The media regularly associates immigration with illegal immigration, violence or poverty. No matter how long standing these representations are, they are mainly political constructions of the issue rather than an objective analysis (Hmed, Laurens, 2008). However, when it comes to teaching immigration history, the idea that it could be problematic was mentioned repeatedly in the interviews.

Two types of difficulties are mentioned, which should be distinguished as they are not expressed by the same teachers:
- 1. Media conveys a negative image of immigration and the voice of the teacher is only one out of the many others that pupils will hear.
> *"They are much more exposed to the political discourse, to what is said on television about it, or even the family discourse on the issue…Me, I have a few hours of class with them"*[1]
This difficulty in teaching is to be taken in perspective with the new reflections that are emerging about teaching practices in the internet era. Teachers are not the only conduits of knowledge for pupils so the teachers' role is transforming into one that guides students in their collection of information rather than acts as their sole source[2]. The difficulty mentioned therefore, can be overcome by providing extra training on the use of new technologies in addition to traditional teaching methods.
- 2. Teachers will face contestation from pupils when this topic is discussed. One education officer in charge of implementing the new programs said:
> *"I can foresee that some teachers, not all of them, but some of them, will tell me 'I can't teach this'"*[3].
Even though the researcher could not find any teacher articulating such a statement, it was mentioned to researcher that some colleagues have articulated similar concerns[4]. Even if immigration history has not yet been introduced in the program, teachers made this comment in reference to the existing part of the program in the seventh grade that introduces Islam in an historical perspective. In his study on the teaching of immigration in schools, Falaize demonstrated that difficulties in teaching topics connected to immigration issues may arise when they are taught in link with current events (Falaize 2008: 185). The challenge therefore lies in teaching immigration history as a *regular* topic of history in line with other historical events. It should not be treated from a perspective of the present, also what Falaize calls "presentism". The difficulty described can hence be overcome by providing readymade pedagogical materials that deal with immigration history as a part of the regular succession of events taught in class.

3.3.4.2. A specific topic for a specific group of pupils?

The idea that teachers may find it more difficult to teach immigration issues carries the assumption that there are specific difficulties that arise with certain groups, namely pupils with immigrant backgrounds. Even though immigration history is yet to be part of the program, one teacher mentioned

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[1]   Interview with teacher of history and geography in secondary school, 11 May 2011.

[2]   *Cf.* The creation of an association of teacher of history and geography to gather and promote knowledge on new technologies in support of teaching methods, http://www.clionautes.org/ (last access 21 May 2011)

[3]   Interview with education officer.

[4]   Interview with teacher of history and geography in secodnary school, 11 May 2011

how he had already heard similar complaints when it came to teaching the history of Islam. To him though, they were problems more related to discipline than religion:

> *"I heard it 'I'm freaking out because I have to teach on the history of Islam'...or the ones who wants to avoid it and say they do not want to teach it because of* laïcité. *I remember one teacher who told me that one pupil did not want to read an extract of the Bible in a literature class for religious reasons. I had this pupil in class myself and I had him work on the history of Christianity and he did not object. My impression is that he used the religious argument or the teacher used the religious argument, but in fact this was more a question of discipline than a question of belief."[1]*

In other words, the problem did not truly result because of the child's religious background, but because of discipline issues, which generally apply to all children. What is problematic therefore about saying that it is difficult to teach immigration issues to children with immigrant backgrounds, is that it ascribe themes with specific traits. Similarly, the person in charge of immigration history training at the Immigration Museum noted that it was problematic that teachers would come and attend the training only "because they had a lot of children with immigrant backgrounds" in their school population[2]. Immigration history should be taught as every other topic of French history to all pupils and not taught specifically to children of immigrants. There is, otherwise, a risk of ethnic ascription that does not foster acceptance but rather exclusion.

3.3.4.3. Results from participatory observation in a secondary school

During the fieldwork for this case study, the researcher organised a session of participatory observation during which, a secondary school history and geography teacher taught one hour on post-war immigration in France to ninth grade pupils between 15 to 17 years of age, and in the second hour, held a discussion with these pupils on their interests in immigration history. The teacher used documents with numbers and graphs to have pupils describe the successive waves of immigrants to France in the post-war period and their concentration in specific economic sectors. One text described the difficult housing conditions in the 1970s. A second text described the political mobilisation of second-generation immigrants against discrimination in the early 1980s and pupils were also able to see a video capture of these events online[3].

It is true that when the national origins of immigrants were first brought up during the exercise, some pupils started referring to each other by the nationalities of their parents. However, the teacher was able to put these specific origins in perspective with the help of the graphs. Moreover, pupils also identify each other by foreign nationalities in their routine interactions outside class.

Finally, when the researcher engaged in the discussion on the teaching of immigration history, it was found that pupils saw it as an opportunity to give immigration an alternative image to the negative one that they see being conveyed by the media. One of them however, noted that they were "good things and bad things" about immigration but the main problem was that people "need to know". The pupil was referring to the bad image of immigration as the one she saw conveyed in the media and the positive aspect of immigration as what had just been mentioned, such as the economic contribution for instance. However, the fact that she ended her statement by the need to know about immigration in general goes beyond positive or negative dimensions of immigration. It was rather a demand for the

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[1]   Interview with a taecher of history and geography, 11 May 2011.

[2]   Interview with the person in charge of promoting immigration history among teachers of history and geography at the Immigration Museum in Paris, 12 April 2011.

[3]   A selection of archives of the French television are available on line: http://www.ina.fr/ (last access September 2011)

legitimate recognition of immigration history as a part of the other historical events that are usually taught in class.

The main challenge in the introduction of immigration to the history curriculum is giving it full legitimacy as a regular topic. This necessity is identified by both the initiator of the change in curriculum and the demand of the pupils that were observed.

3.3.5. The cross-disciplinary approach to tolerance teaching

During the fieldwork, the new programs including immigration history were not yet implemented. The change was decided in 2008 and although the new programs were available on line, not all teachers knew about or had looked at the programs. However, they identified three curriculum elements already in place that were related to the cultural diversity of the French population (in different order):

- Immigration flows in geography (8th grade) ;
- The history of Islam (7th grade) ;
- Citizenship rights in civic education (7th grade).

In this respect, the new chapter on immigration history as is defined in the program for the ninth grade will have a different input: "Immigration and the French society in the 20th century (as part of "Changes in the society, 10% of History teaching").

Teachers' description of the content related to diversity revolves around the teaching of civic education and is centred on two core notions: citizenship and *laïcité*. One important element is the definition of French citizenship as civic and the articulation of ethnic or religious origin as dissociated from this. In echo with what we observed for Case Study 1, it is imperative for these teachers that religious and ethnic forms of belonging are kept private and not articulated in the classroom on both the parts of the pupil and teacher.

Civic education is conceived as the main tool to approach questions of cultural diversity. One should add that the teaching of civic education comes with a different pedagogy than with other disciplines. Teachers have to launch debates and the format of teaching is participative[1]. This is part of the new core pedagogy that was implemented in 2005 (*socle commun de compétence*). It assigns to the history teacher, the task of training pupils to participate in debates. The traditional French education system is characterised by a form of teaching that is close to the format of lecture. As such, while we could observe that college pupils were reactive in class, high school pupils were taking notes most of the time[2]. Criticism of this system has been formulated and has prompted the introduction of new requirements in pedagogy such as the ability to debate, albeit in a limited proportion since only the teaching of history and geography is currently concerned by the capacity to debate. Nevertheless, the content of the teaching that the researcher observed was a little interactive. This is also in consideration that the curriculum is heavy and that teachers are often worried that they will not be able to cover it all if they give too much time to pupils' opinions.

Finally, the value of tolerance was understood as guiding the teaching of issues such as the history of religion, the principle of *laïcité* and the rights of citizens. Moreover, the requirement to launch projects with outside partners has been imposed on all secondary and high schools by a 2005 law (*les projets d'établissement*). This led principals to run educational projects with various education NGOs, such as

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[1]   One teacher did refer to that dimension of the teaching practice and how he usually took the opporunity to let pupils speak freely during that hour of class (one every two weeks of class). An other teacher, however, said she had them reacted on texts but the format of the teaching was still close to a lecture. Group discussion, 16 March 2011.

[2]   Observation of three lessons of history in high school, Seine Saint Denis, 10 May 2011.

the organisation, Leo Lagrange, who runs specific activities to combat prejudices inside schools[1]. The theme of tolerance and antidiscrimination is favoured by heads of school. While the impact of such activities is hard to appreciate, the fact that these projects have to take place opens more avenues for tolerance teaching in schools.

3.3.6. Conclusion to Case Study 2

The challenge of introducing immigration history into curriculum content is presenting this topic as a legitimate topic of historical inquiry and not as an addition connected to the current state of immigration, namely the repressive turn of immigration policies and the presentation of immigrant populations as problematic. This challenge has some major implications for the actual practice of teaching, which researchers have pointed out. The pitfall is taking immigration history from the perspective of the present and not in line with other historical events. In fact, the history of immigration can reveal important pedagogical resources for the teaching of history (Joutard in Falaize 2008: 9).

While the concern for the integration of immigration history among regular historical events has been identified as a way to increase understanding of the issue, it is also interesting to put it in perspective with the notion of recognition. The extension of the French curriculum to immigration history should not be understood as a demand to accommodate minorities nor the specific representation of a group. On the contrary it should aim to address the school population without pointing at specific groups. This approach to the topic fits in with the universalist argument and the quest for equality regardless of one's religious, racial or ethnic belonging. But, one may point out that so far, all movements have been specific towards groups. The mobilisation around the Memory Laws and the creation of the Immigration Museum indirectly addresses specific demands. The 2011 Taubira Law resulted partly from the mobilisation of groups in favour of the recognition of the history of slavery. The project of a Museum of Immigration was also supported by immigration associations. Teachers and education officers did mention that the extension of the curriculum is accessing a "social demand".

Why is there a sense that the curriculum extensions still cater to specific problems? The argument for curriculum extension in the French context has been to access the demand to produce national narratives that are more inclusive for new generations, and therefore more accepting. That dimension appears important considering the feedback that was obtained from pupils during the fieldwork. However, the literature on education to tolerance or the experiments that have been run on the teaching of black history in the United States show mixed results: pupils had different ways to assimilate teaching contents[2]. Furthermore, as was pointed out earlier, the margin between prescribed curriculum and the actual content of the teaching can be large.

As such, it is recommended that curriculum contents be changed to mention the contribution of immigration to the history of France within the whole spectrum of historical events, and not in a specific chapter. In practice, the teaching of immigration history should not be targeted at populations with immigrant backgrounds but introduced to all of the school population. Through the mainstreaming of immigration history, curriculum content and teaching, practices may become more acceptant of the diversity of the French population.
It requires:
- *Providing ready-made material for teachers to teach immigration history to students;*
- *Extending and rendering accessible the offer in teacher training on the topic of immigration history;*

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[1] Interview with principal of secondary school 7 April 2011 and May 2011

[2] Conference on the Memory and Public Use of History in Europe, Centre d'Etudes Européenne, Sciences Po, Paris, 25 March 2011.

- *Financially supporting and promoting community initiatives that organise workshops on immigration history with primary and secondary students like the Association Citoyenneté Jeunesse.*

3.4. Conclusion

3.4.1. Instances of non-toleration and calls for acceptance of religious symbols in schools

The first case study on religious symbols in schools touches upon issues of toleration and non-toleration. The implementation of the 2004 law concerns practices that are formerly described as expressions of religious belonging. However, considering that it applied disproportionally to girls wearing Islamic veils (Cherfi 2005), in practice, the law only pertained to elements of religious diversity that were regarded as foreign.

Does the practice of the law correspond to non-toleration, toleration or acceptance? The answer can hardly be straightforward. It is true, considering the recent development on girls wearing veils outside school and mothers taking part in school activities, that the law has become an instrument to express non-toleration on the part of some actors, like principals, government, and politicians. In support of this perspective, one principal expressed his concern that the law was sending a signal of exclusion to some parts of the population and "creating frustration".

It is also important to distinguish between opinions of laïcité and opinions in the debate of laïcité[1]. The interviewees distinguished in many instances between the principle of laïcité that they saw as guaranteeing a form of freedom through neutrality, and the use of *laïcité* in the public debate, which they said is *"a form of laïcité that is distorted"*[2]. Many teachers and principals expressed a firm belief that laïcité could be a principle to follow to insure equality for all, and in turn, acceptance. But some of them also criticised the current debate on laïcité as stigmatising to Islam.

One even interviewee asserted that laïcité could be a path towards recognition[3]. Interestingly, his assessment was immediately followed by the acknowledgement that 'recognition' is an Anglo-Saxon concept that does not apply to the French context and that it was 'daring' to articulate it as such. As a matter of fact, the French interpretation of difference is reluctant to consider political representation as a mean to reach equality. In this sense, it is not surprising that very little mention of strategies to reach acceptance through recognition and representation of religious diversity can be found.

In sum, it is not *laïcité* itself that is problematic but the differing interpretations of it that are used to cause non toleration and discrimination in practice. The case study on religious symbols in France demonstrates that there is a firm belief that acceptance as equals can be reached through the neutrality of religious expression in schools. This conviction, however, does not go without criticism because of the use of a distorted version of *laïcité* to stigmatise Islam and the contention that religions are not treated equally.

3.4.2. Accepting immigration history as a regular topic of teaching

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[1] "Laïcité: trois heures de débat pour clore deux mois de polémiques" *Le Monde,* 05 April 2011.

[2] « Une laïcité dévoyée », interview with teacher of history and geography, 10 May 2011.

[3] Interview with representative of La Ligue de L'enseignement, 5 May 2011.

The second case study touched upon issues of recognition by focusing on the inclusion of immigration history in the ninth grade history programs in secondary schools and the eleventh grade history programs in high schools.

What is at stake is the acknowledgment of immigration as a legitimate historical topic that should be taught to all, and not as a matter that is only relevant for a specific group of the population. Studies have been done on how to teach immigration issues as part of the regular curriculum and why immigration and integration are topics that help develop other pedagogical skills in history, such as the ability to distinguish what might be common to the immigration experience and what might be different depending of the context of the migration.

The challenge clearly exists at the academic level, given the late development of immigration history as a disciplinary field. It can also be observed by the need to create a museum of immigration in Paris (2007). They are both linked to the difficulty of recognising immigration as an inclusive part of the national narrative.

It is hard to assess the impact of the extension of the curriculum as of yet. The change in program was decided in 2008 but has not been yet implemented. It will be implemented in 2012 for ninth graders and in 2011 for eleventh graders. However, in the way the issues are presented, the necessity to legitimise immigration history as a regular history topic is still vital for its admittance as 'normal'. This demand is pervasive in the introduction of immigration history into the French curriculum. Instances of exclusion or processes of ethnic ascription might still be at play in practice. The necessity to monitor teaching practices will be crucial along with the training of teachers on this part of the curriculum.

3.4.3. Further inquiry on instances of non-toleration and admission of minority as equal

An analysis of tolerance in schools allows this chapter to identify some further topics of inquiry. We identified that with the 2004 law banning religious signs in schools, a new window of opportunity opened up for politicians to further restrict the access of public space to women wearing veils. Attempts to apply an even more restrictive interpretation of *laïcité* has been contested and led to the mobilisation of various groups that will be further investigated in the following chapter.

4.   Tolerance and Diveristy Challenges in French Politicial Life

4.1   Introduction

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

French politics are relatively immune to ethnic demands from immigrant or native minorities (e.g. regional minorities or Roma communities) or claims for any other group rights. This is because 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". This has generally been understood as an invalidation of any mobilisation based on ethnic or religious affiliation. Such mobilisation is regarded as an action opposed to French citizenship because in France, the vertical relationship between the state and the citizen must be prioritised above all other group memberships. Any political claim articulated in ethnic or religious terms is considered as the pursuit of particular interests over the public interest of society.

Moreover, non-nationals are excluded from participating in political life. Nationality and citizenship are combined, so access to political rights is conditional upon the acquisition of French nationality. Foreigners can acquire French citizenship after five years of residence, but naturalisation is not automatically granted to those who request 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 residents in France were French citizens (INSEE 2006). The administration expects applicants to fulfil assimilation criteria such as knowledge of the French language, stable financial resources, current residence in France, civic loyalty, and the embodiment of Republican values. These rules leave a major marginal area for the subjective discretion of administrative employees, forcing applicants to become targets of judgement when the suitability of their application is determined[1]. Immigrants who have not been naturalised will then have no political rights or access to political decisions.[2]

Immigrants who acquire French nationality and French nationals with immigrant backgrounds hold political rights but their presence and participation in political life tends to be limited. Surveys showed that the registration rates[3] of second-generation immigrants were lower than those of French nationals in the same age group with no immigrant backgrounds (Richard 1998). Consequently, this has created an image that French nationals with immigrant backgrounds are not interested in politics. As such, political parties are not encouraged to appeal to that type of electorate and so, do not address any ethnic-related interests in the process.

Moreover, for those who do embark on political careers, their presence does not necessarily translate into an increased representation of minority interests in French political life. First, French political parties have been particularly reluctant to incorporate minority members and allowing them to reach leadership positions. In-depth studies of the party system demonstrate the difficulty encountered by minority activists when they attempt to run for local elections, and the even higher difficulty encountered at national level (Garbaye 2005, Geisser El Sum 2008). Second, should any minority be elected as a representative, chances are that they would not articulate any minority-specific claim

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[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 October 2011 (Décret 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 was compulsory up until 1997 when it became automatic (law of 10 November 1997).

because of the general disapproval in politics of the articulation of particular interests. Therefore, while the increased political representation of minority activists can be seen as a sign that the population is becoming more accepting towards minority representatives, it can hardly be seen as an increased representation of minority interests.

Finally, it is not possible for political candidates to address minority interests for electoral purposes like appealing to a specific electorate such as the 'Muslim' or 'Black vote', because statistics are not available. Voting results in France are only broken down by age, sex and occupational activity, and not by ethnic group. Political parties have little visibility for voting behaviours among ethnic groups and thus, few incentives to address their specific interests.

Despite the difficulty in articulating ethnic claims in the French context, since the post war period, a proliferation of organisations has allowed immigrants to mobilise and articulate ethnic interests. From 1929 to 1981, people who wanted to create an association and obtain an official status for it had to hold French nationalities. However, this did not prevent immigrants from mobilising and defending their rights in the 1970s when immigration laws became more restrictive. French activists also created associations in solidarity with immigrant workers and their families.[1] When the association right was extended to foreigners in 1981, numerous associations were created, which even held cultural, social and political objectives. France, therefore, now counts numerous immigrant associations that have learned to articulate their claims and negotiate their identities in Republican terms (Kastoryano 2002).

The state contributed equally greatly to this development by channelling these immigrant claims (Ireland 1994). Two years after the law that allowed foreigners to create their own associations passed, immigrant leaders were appointed to sit in the administrative council of the Social Action Fund, which allocated the funding to most immigrant associations (1983). A consequence of this has been the co-option of immigrants in the functioning of the state. Some immigrant association leaders were granted the right to represent immigrant interests in a consultative body, without being given access to the political process. Co-opting association 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 was designed as a place for the discussion of all kinds of issues, it ended up only being dedicated to matters that concerned foreigners (Escafré-Dublet, Simon 2009:14-15). One could argue that the specific interests of foreigners are addressed by such a Council. However, as a consultative body, the Foreigners Council has no effective power and the actual City Council retains the power to ignore their concerns. It is even considered the responsibility of Foreigners Council members to articulate their demands in a way that encourages the City Council to follow up on it.

In sum, the essential challenge of French political life, with respect to migration-related diversity, is overcoming the perceived illegitimacy in articulating ethnic and/or religious claims. With ethnic claims, the French political model dismisses them on the account of national disunity. With religious claims, it dismisses them based on the principle of *laïcité*. With the adaptation of immigrant organisations to the Republican ethos however, ethnic and religious articulation was deemed suitable for the institution. But has this been a way for immigrants and religious minorities to have their claims accepted or has it just been tolerated by the state? This will be the main theoretical question that this report addresses in regards to *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 presence. Muslims have actually been

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[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)

present in France for decades, not to mention that the French empire has ruled over numerous countries with dominantly Muslim populations (e.g. Algeria, the Moroccan and Tunisian protectorates, Mauritania, and Senegal). However, the first headscarf affair of 1989 brought the Muslim component of French religious diversity into greater attention[1]. Since then, it has become a constant feature of French political debate.

There are no official statistics that record religious affiliation in the French population. The number of Muslims in France can only be estimated. The figure of 'six million Muslims living in France' announced by the Interior Ministry in 2010 should be read with caution.[2] It was derived from the number of immigrants and their descendants who came from a country where Islam was the predominant religion (Algeria, Morocco, Tunisia, Turkey, and to a certain extent, Senegal). It 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 descents identify themselves as Muslim (Tiberj, Brouard 2006). Moreover, a recent survey showed that 11.8 million French people between 18 and 50 years old identified themselves as Catholics, 2.1 million identified themselves as Muslims, 500 000 as Protestants, 150 000 as Buddhists, and 125 000 as Jewish (Simon, Tiberj 2010:124). Four million Muslim people in France therefore appear to be a more reasonable estimate.

In this chapter we will use the term Muslim people to refer to people who are identified as such in the political and media debate although they may not identify themselves as Muslims or are not practising Muslims. We contend that the stigmatisation of Muslim people in France has the indirect impact to foster the emergence of a Muslim identity that is distinct from the formal religious practice. We will also use the term Muslim community for analytical purposes although we do not assume that the solidarity and the sense of community is a given among French people with a Muslim background.

The state's response to the growing concern towards the Muslim presence in France was to institutionalise Islam by creating the French Council of the Muslim Cult (*Conseil Français du Culte Musulman*) in 2003[3]. 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 state and Muslim people in France, it is chiefly concerned with religious matters and cannot be considered as an official representation of a Muslim community. In its first election, the French Interior Minister at the time, Nicolas Sarkozy, was concerned that the French Union of Islamic Organisations (*Union des organisations islamiques de France*, UOIF), which he considered to be closely associated with extremism, would be too largely represented in the Council. However, this was not the case and different organisations were represented in the Council.

This practice of creating an institutional body to regulate Muslim activities and having organisation leaders elected can be regarded as a way for the state to co-opt religious elites and better control them. At the time the French Council of the Muslim Cult was created, it was debated whether the Council was a way to include Islam on an equal footing with Judaism and Protestantism, who 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 Council's creation was either a sign of the acceptance of Islam as equal to other minority religions (Protestantism and Judaism) or a sign that Muslim practices were disapproved of and required state control. An analysis of the associations mobilised in this debate and a broader analysis of the perceptions of Islam in France will help the understanding of this tension and the evaluation of the country's acceptance of Islam as a part of French religious diversity.

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[1] For more information on the first headscarf affair of 1989, see Chapter 3 of this report

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

[3] 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.

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

The difficulty in articulating diversity-related claims is the main challenge for the representation of minority interests in French politics. To explore this challenge, this report looked at the mobilisation of NGOs and activist groups, and their positions on *laïcité*. It was a valuable angle and approach for two practical reasons. First, the direct link of *laïcité* with notions of equality and tolerance allowed for a straight entry into a value discourse that would not easily have been discussed otherwise. Second, the term's discursive link with Islam allowed the researcher to discuss religious diversity and tolerance to Muslim identities in interviews, without infringing upon the prohibition of public religious expression and Republican neutrality.

However, investigating claims of *laïcité* required taking into account the long history of collective mobilisations taken in support of this principle. A number of organisations were particularly emblematic of this mobilisation, such as the French Education League or the French Human Rights League. The French Education League (*La Ligue de l'enseignement*) was created in 1866 to support religion-free education for all. It was instrumental to passing the Education laws of 1882, which made French schools compulsory, free and laïc. It is still a very active and central organisation. Moreover, numerous organisations defended *laïcité* as part of their mobilisations for the freedom of expression and equal treatment of all, such as the Human Rights League (*Ligue des droits de l'homme*) and the Movement Against Racism and For the People's Friendship (*Mouvement contre le racisme et pour l'amitié entre les peuples*). The Human Rights League was created in 1898 and the Movement against Racism was created in 1949 in the aftermath of the Second World War.

Since the first headscarf affair in 1989, these organisations constructed components to address the issue of Islam. For instance, together with the Human Rights League, the Education League created a specific commission entitled Islam and Laïcité in 1997, and Movement against Racism created a specific commission on anti-Islam racism in 2004. Moreover, minority organisations and anti-racist groups also embarked on the mobilisation for *laïcité* and contested the increasing stigmatisation of Islam. SOS-Racism, for instance, contended that while *laïcité* had to be implemented, the law would propagate anti-Muslim sentiment (Rochefort 1989).

In addition to these existing initiatives, new groups were formed to oppose 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), and Words Are Important (*Les mots sont importants*, 1999). It is interesting to note that these new minority organisations did not necessarily oppose the principle of *laïcité* but rather, integrated it in their discourse. The same went for the faith-based organisations created before and after the law (Presence and Muslim Spirituality in 1999, or the Women Muslim League in 2005), and the official representatives for practising Muslims.[1] This report looked at this diverse set of organisations and analysed their perspectives of *laïcité* in relation to the governmental activity on the issue (laws, debates, official declarations).

Since passing the March 2004 law that banned the conspicuous display of religious signs in French public schools, numerous events in French politics have continued to fuel the *laïcité* debate in politics and in the media. In 2007, the issue of mothers wearing veils to accompany school outings was brought to attention and it was argued that *laïcité* had to be enforced. In 2010, the passing of a law that banned the wearing of the full Islamic veil once again reignited the debate on *laïcité*. It should be noted that the justification for the law was security-related; the formal objective of the law was to prevent the covering of one's face in a public space (law of October 2010).

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[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).

Nonetheless, the debates that accompanied the law in politics and the media, articulated arguments related to the enforcement of *laïcité* and the tolerance of Muslim signs. Eventually, it resulted in a renewed discussion on *laïcité* and, in April 2011, the French Ministry of Interior launched an "official debate" on *laïcité*.[1] During these circumstances, many mobilisations took place against an increased stigmatisation of Islam. For instance, when the French Ministry of Interior announced its intention to launch a debate on *laïcité*, 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 decide that Islam is incompatible with Republican values, notably *laïcité*. But they contended that the "Muslim faithfulness to their religion does not prevent them from being fully committed to the principle of *laïcité*"[2]. Minority organisations also gathered with minority-based media outlets like Respect Mag and Saphir News, to march against what they called a "shameful debate" on 2 April 2011. One flyer calling for that demonstration stated that the protest's intention was to "assert loud and clear [their] Republican and *laïc* beliefs".[3]

While minority organisations and official representatives of practising Muslims 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 have stemmed from a need to adapt to the political and institutional structure of French society. However, this report contended that these discourses were also claims for the acceptance of Islam as a part of French religious diversity, and for Islam to be equal to other minority religions like Protestantism and Judaism.

Laïcité is generally regarded as a concept that guarantees the toleration of religious diversity. However, when minority or religious organisations articulate their claims using *laïcité*, they are not only asking for tolerance, they are usually insisting that *laïcité* be applied regardless of the religion at hand. In this chapter, it is thus demonstrated that the minority claims of *laïcité* can be understood as claims for equality and the acceptance of Islam in France.

4.1.3 Methodology

The analysis draws upon 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 of:

• Meetings organised in response to the governmental decisions regarding *laïcité*: one demonstration in opposition to the official debate on *laïcité* (Paris, April 2, 2011), and one public meeting organised by All Equal Moms (*Mamans toutes égales)* in reaction to the 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 in different organisations in an effort to keep equal repartitions in gender, origin and religious affiliation, provided that the interviewee articulated his or her religious affiliation or absence of religious affiliation.

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[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 with a balance of older organisations with conventional stances on the *laïcité* debate (n=2: interview with two Human Rights League members) and newer organisations (n=5). Among those newer organisations, there were the ones specifically mobilised against passing, what they interpreted as, more restrictive laws justified by *laïcité* (n=2: Words are Important and All Equal Moms), and there were the ones whose mobilisation on the issue was part of a larger objective to defend Islam and French nationals associated with it (n=3: Council Against Racism and Islamophobia, Collective against Islamophobia in France, and Presence and Muslim Spirituality).

Organisations were selected so as to have a representation of each organisation that held a different stance on the issue. They all share a common commitment to the principle of *laïcité,* although for some, it is part of a larger objective to defend human rights (e.g. the Human Rights Leagues), practising Muslims 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) is because the mobilisation involved very few people and after a few interviews, the researcher noticed that some activists were members of several organisations and could speak for the positions of several.

Interviewees were asked about their understanding of *laïcité* as a value, whether they saw *laïcité* as the only frame by which a minority-related claim could be articulated in the French context, and whether they saw any other options.[2] As explained earlier, focusing the interview on *laïcité* was a way to speak about Islam in a context where religious matters are not easily discussed. Moreover, because of the current debate on *laïcité* and *its* ever-shifting meaning, focusing on it offered a direct entry into a value discourse pertaining to equality and tolerance. The researcher paid special attention not to impose a frame of *laïcité* on the interviewees but rather took it as a point of discussion with them. Interviews also dealt more broadly with their mobilisations, resources of mobilisation and their understanding of other issues pertaining to diversity in the French context.

Interviews were analysed using discourse analysis in order to identify the interpretative frames in claim making. The concept of *laïcité* was left as an open concept in order to highlight the different perspectives of actors and their different interpretations on what the problem is. Was a mobilisation in defence of *laïcité* truly a way to defend equality, Muslim's rights, religious freedom, or women's 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). Laïcité is not a fixed value, but in fact, subject to the political and ideological perspectives situated in the discourse at the time. Thus, in this fieldwork, the point was not to define *laïcité* but to analyse its use in political claims with respect to religious diversity.

The data collected in this fieldwork can be compared to the minority organisations in other European countries also mobilised for the acceptance of Islam. Despite a wide range of context specific issues in France, such as the strict separation of religious matter from public life and the fact that religion is not regarded as a legitimate basis for mobilisation, the various issues that the interviewees addressed were all related to the discrimination against Muslims, which is also observed in other countries. Moreover, some of the activists interviewed were in touch with organisations in Belgium, the United Kingdom and Austria, showing that they too believed there are commonalities in their experiences (e.g. the network Cordoba Initiative[3]).

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[1] See Appendix for a List of the organisations we interviewed in this case study.

[2] See Appendix for an Interview Guide

[3] (www.cordobainitiative.org)

4.2 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 Rights 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, the researcher analysed how minority organisations, especially minority organisations mobilised in the defence of Muslim's rights in France, adopted the notion of *laïcité*, why they did so, and what implications this had. As is demonstrated by the quote above, the adoption of laïcité is clearly not an obvious choice to make. The words were even spoken by a political activist who has long been mobilised in defence of minority rights, specifically those of French nationals with North-African backgrounds. He chose to articulate a Muslim identity as a political activist and was the founder of the Muslim Youth Union in 1986. Yet, most of the websites of current organisations who identify themselves as defendants of French nationals with Muslim backgrounds show a commitment to the principle of *laïcité*[2]. How did this happen? What are the implications for the defence of minority interests?

First, this chapter traces the mobilisation of organisations on the issue of *laïcité* from the first headscarf affair of 1989 to the latest defence taken for women wearing veils in educational activities. This report outlined the positions of several minority organisations (human rights associations, minority associations and feminist associations) so as to highlight their emerging consensus on the need to defend *laïcité*. Second, this report analysed the commitment of minority associations to *laïcité*. In particular, it was discussed whether articulating their claims in the terms of *laïcité* tended to put a strain on their claims or whether it provided a useful space for the rise of Muslim identities. This report argued that the mobilisations taken in defence of *laïcité* are understood by its actors to be claims for equality and calls to be accepted as equals in the face of an increasingly intolerant political discourse of Islam.

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

This part presents the main organisations in link with Islam, who mobilised on the issue of *laïcité*. These organisations will be studied at three crucial turning points: the first headscarf affair in 1989, the passing of the 2004 law, and the Senate approval of a law proposal in January 2012 that extended *laïcité* to childcare and prevented women who wore Islamic veils from working as nannies in their own homes. This part will show that when it became increasingly evident that *laïcité* was being used as a tool to reject and exclude Islam, these organisations went from being rather absent from mobilisation to occupying the forefront of the debate.

4.2.1.1 The 1989 headscarf affair

When the first headscarf affair occurred in 1989, majority organisations mobilised in defence of *laïcité*, were the most vocal on the issue[3]. At the time, the school principal of a secondary school north of Paris, in Creil, had excluded three young girls who wore Islamic veils from school on the allegation that they infringed upon *laïcité*. The first local associations to condemn the exclusion were the local representations of the Human Rights League, the Movement against Racism and the Parent

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[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, a left-wing association founded in 1947 who was strongly attached to the defence of laïcité[1]. The local Women Rights Centre also condemned the exclusion.

However, the issue quickly went from being a local event to becoming a national debate on whether girls going to French public schools were allowed to wearing Islamic veils[2]. The groups mobilised in support of laïcité or women's rights quickly evolved into groups that opposed schools girls from wearing Islamic veils. They argued that it infringed upon *laïcité* and that the Islamic veil was an expression of religious extremism and the oppression of women.

The reading on the issue that emerged during this time is essential. It inaugurated a new perspective besides the *laïc* point of view that opposes religious extremism and the feminist imperative to fight the oppression of women (Rochefort 2002). A counter position was articulated 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 criticised[3]. Similarly, a few feminists articulated the possibility that it might be patronising to think of the Islamic veil as a sign of oppression because this assumes that the western understanding of female liberation is the only right one (Boons-Graffé, Colin 1989). But most French feminists did not hold this position. In fact, among the majority were notorious figures such as Elisabeth Badinter and Gisele Halimi, who both opposed the wearing of the Islamic veil[4].

Minority organisations, such as immigrant associations, were less vocal on the issue. Although there was the mobilisation of *Nana beurs,* a collective group of women with North-African backgrounds, they actually too opposed the Islamic veil on the grounds that it was a symbol of oppression. At the time, opposing the Islamic veil was not interpreted as a rejection of Islam, but simply as a rejection of the extremist forms of Islam.

This was further exemplified by the fact that the most visible mobilisation taken by practising Muslims at the time was a demonstration on 22 October 1989, organised by the Islamic organisation and Voices of Islam, which gathered only a few hundred Muslim people in Parisian streets. The media coverage highlighted that the demonstrators were extremists and foreigners who were mostly from Pakistan, Iran, and Lebanon, and most notably, not from Algeria or Morocco, the countries of origins for most immigrants in France[5]. Journalists also pointed out that Mohamed Mouhajer was a leader in the demonstration. He was an Iranian activist, who had been linked earlier to a series of planned terrorist attacks in 1986 (Bigo 2002). Thus, the demonstration was not perceived as a representative for the voices of practising Muslims in France, which accredited the argument that schoolgirls wearing veils were only being manipulated by groups of extremist Muslims.

Furthermore, minority organisations were very limited in their ability to mobilise based on religious affiliation because at the time, there was no such thing as a Muslim voice or representation to articulate specific claims. The difficulty in mobilising based on a Muslim identity in 1980s' France was reflected in the words of an activist who founded the Muslim Youth Union in 1986:

"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

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[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 signalled (Cherifi 2005)

[3] See for instance the strong critique against President's wife, Danielle Mitterrand 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, Regis 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

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 the Islamic veil by school girls was interpreted as a sign of extremism and its interdiction was the best bulwark against fanaticism and the oppression of women. This translated into the mobilisation of the most active majority organisations, including feminist movements and organisations, to defend the enforcement of *laïcité* (Education League, Human Rights League, and the parent association, FCPE). Minority organisations, on the other hand, 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 local schoolgirls wearing Islamic veils.

Nevertheless, the first headscarf affair did not lead to the strict interdiction of the Islamic veil in public schools. The State Council (*Conseil d'Etat*)[2] ruled that wearing the headscarf was "not contradictory to the values of the secular and Republican school" and left it to the teachers and school directors to decide whether or not pupils were using this to disturb school activities or as an instrument of proselytism.[3]

4.2.1.2 *The 2004 law that banned the conspicuous display of religious signs in schools*

In contrast, passing the 2004 law that banned the conspicuous display of religious signs in schools inspired a variety of new organisations and collectives to mobilise.[4] These organisations had to confront the still pervasive argument that the Islamic veil is a sign of religious extremism. Interviews with members of several of these organisations revealed the difficulty in mobilising for issues pertaining to Islam and laïcité. Nevertheless, the network created during that period paved the way for future mobilisations to defend *laïcité* on behalf of Muslim's rights.

All those opposed to passing the 2004 law gathered together in the group, A School For All (*Une école pour tou-te-s*), where members of various organisations met. Majority organisations mobilised in defence of *laïcité* (e.g., Human Rights League, and the parent association, FCPE), majority feminists (e.g., the Feminist Collective for Equality), majority anti-racist organisations (e.g., the Movement against racism, MRAP), minority associations (e.g., the Movement of Immigration and the Suburbs, MIB), and Muslim organisations (e.g., Participation and Muslim Spirituality) all met together. What accounted for this change in positioning for majority organisations and for the mobilisation of Muslim organisations?

Among feminist activists, there was a change in positioning because some of them felt that the discourse on gender equality was being manipulated to discriminate against Muslim women. However, this change did not happen easily nor massively. Christine Delphy, a long-time feminist activist and theorist, was a founding member of a feminist group that opposed the 2004 law[5]. She explained that the opposition was a difficult position to hold and that few feminist activists followed.

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[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

[5] Collectif féministe pour l'égalité

"At the time, few feminists 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!"[1]

It was difficult to oppose the law because this was generally interpreted by other feminist activists as support for the oppression of women. The conviction that the Islamic veil was an instrument for the oppression of women overshadowed the perception that the criticism of the Islamic veil was an instrument for the discrimination of Muslim women. It all happened as if the most important form of discrimination was that which was imposed by Islam on women, and not that of French society on Muslim women.

The difficulty in acknowledging the discrimination behind the discourse opposing the Islamic veil can be interpreted as a general difficulty in apprehending 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 so activists were more used to articulating issues of gender and class than those of gender and race. This was unlike the Second Wave Feminism in the United States, which emerged from the mobilisation of female activists in the Civil Rights movement, for instance (Duchen 1986). Moreover, Lepinard demonstrated how feminist groups in the 1990s, who stood for gender equality in political representation, defined white women's interests as representative of all women, and overlooked the heterogeneity within the category of women. Consequently, this pit most feminists against minority groups when issues related to the Islamic veil, a divergence in race and gender, surfaced. Most French feminists supported the law 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 thus complex. There is a clear divide among French feminist groups.

For human rights organisations, what was perceived as a manipulation of the concept of *laïcité* to cause detriment to a group of people, namely, French nationals with Muslim backgrounds, was also perceived as detrimental to the idea of individual freedom. This was central to their changes in position. A member of the commission specialised in *laïcité* at the Human Rights League, and former school principal explained his change in position and opposition to passing 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"[2]

As for Muslim organisations, meeting with *laïc* organisations such as the Human Rights League or the Education League sensitized them to the theoretical benefits of *laïcité* such as its protection of religious expression. This allowed Muslim organisations to realise the possibility of articulating claims in defence of their religious freedom, using *laïcité*. The group, A School for All, encompassed activists from the Council of Muslim French, and Participation and Muslim Spirituality with two other associations[3]. Since 2002, practising Muslims are also officially represented through the French Council of the Muslim Cult. Whether this is an official representation is contested, however, because it seems to just follow government majority orders. Most likely, Islamic organisations outside of that Council currently exists because they did not feel represented by them and needed to articulate different point of views. Nonetheless, during this time, it was evident that an increasing number of Muslim organisations did interact with other organisations.

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[1] Interview with C.D., 13 February 2012, Paris, member of the All Equal Mother collective.

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

[3] Union de jeunes musulmans (UJM) et Etudiants musulmans de France (EMF).

The union of activists from *laïc* and anti-racist organisations, which were mainly composed of white people, from leftist and feminists organisations, which were composed of activists who, some had felt, were deeply anti-religious, and from Muslim organisations, who had felt that *laïcité* was antireligious, was not an easy venture. Activists remembered having to put aside their preconceptions, regardless of whether they were against religion or *laïcité*[1]. However, the concept of *laïcité* proved to be unifying, as it became the cornerstone on which various organisational strengths gathered and articulated a claim for the equality and recognition of Muslim people in French society. The Charter adopted by the group, A School for All, stated their commitment to *laïcité*[2]. While the mobilisation against the 2004 law failed in the sense that the law passed, the mobilisation proved successful in the sense that this network of activists formed and could be reactivated later on, in the face of further developments with the application of *laïcité* in and around public schools.

4.2.1.3 The mobilisation of 2011

Since restrictions have been applied to women wearing veils and the debate has continually linked Islam to *laïcité* (cf. Timeline of recent decisions pertaining to *laïcité* below), any attempt in enforcing *laïcité* has been interpreted as a targeting of Muslim people. As such, this has led to a mobilisation. In contrast with the first headscarf affair, when it just appeared to Muslim organisations as a few minor cases of schoolgirls wearing veils whom did not even represent the majority of the Muslim community in France, they are now concerned that the whole Muslim community is under suspicion and that the moral panic surrounding the veil is but a pretext. To quote Ismahane Chouder, a member of Participation and Muslim Spirituality, *"They aim at Islam, but they hit women"*[3].

A closer look at the mobilisations that have taken place in support of mothers wearing veils helps depict the current mobilisation of minority organisations in the <u>*laïcité*</u> debate. After Education Minister Chatel opposed the participation of mothers wearing veils to school outings, the group, All Equal Moms, was created and organised its first demonstration on May 2, 2011.[4] It reactivated the network of activists mobilised against the 2004 law, which consisted of *laïc* organisations, feminist organisations, minority organisations and Muslim organisations[5]. In this case, the population under scrutiny, however, is different. Mothers wearing veils are not schoolgirls who could be said as being manipulated by their extremist families[6], some of them are actively taking part in the mobilisation themselves and are part of the group, All Equal Moms.

When mothers wearing veils tried to justify their mobilisations, they underlined the discrimination that they faced, as opposed to articulating a need to affirm their Muslim identities, 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*

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

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

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

[4] 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".

[5] 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)

[6] See the pervasiveness of this argument in the treatment of the first headscarf affair and afterwards.

> *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."*[1]

- *"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"*[2]

According to Christine Delphy who joined the group, these women are most likely not working and hence, why they are available to accompany children to school activities. These women might be experiencing discrimination for the first time[3], and to make it worse, have their functioning as mothers affected as a result.

In the mobilisations that have taken place in support of mothers wearing veils, the argument that *laïcité* has been diverted from its legal meaning and that it needs to be defended was central. All Equal Moms' website features an informative document detailing what the law of 1905 defining laïcité "says and does not say"[4]. The meeting organised in February 2012 was comprised of members from *laïc* organisations, such as the Human Rights League, and a specialist on *laïcité*, Jean Baubérot, who was also a former member of the Stasi Commission in 2003 and recent author of a book entitled, "Falsified Laïcité" (*La laïcité falsifiée,* Baubérot 2012). In this meeting, the current use of *laïcité* was repeatedly mentioned as a distortion of its legal meaning and a concept on which they needed to mobilise around:

- *"Laïcité tends to mean 'no-religions' but that is not what it means"*[5]

- *"Laïcité is being confiscated; we should not let this happen"*[6]

- *"Laïcité is used as a euphemism for a society that does not want Islam"*[7]

- *"We need to appropriate ourselves the principle of laïcité as a principle of equality"*[8]

The principle of *laïcité* was arguably the common ground on which all these groups could unite upon. *Laïc* organisations denounced the distortion of a fundamental value that is central to the preservation of individual freedom. Feminist organisations denounced the manipulation of *laïcité* to oppress Muslim women. Muslim organisations denounced the use of *laïcité* to reject Islam. Thus, the principle of *laïcité* seemed to be a useful frame through which to claim a defence for practising Muslims in France. It drew upon the principle of equality that was central to the legislation, it defended religious freedom, and it helped gather members of the majority population to what was originally a Muslim-specific cause.

The initial framing of the first headscarf affair was essential in linking the issue of Islam with laïcité *and feminism. Wearing the veil was interpreted as a sign of religious extremism and the oppression of women, which prompted organisations to mobilise in defence of* laïcité *and feminism.*
However, since the growing stigmatisation of Islam and the increasing systematic use of laïcité *to restrict Islamic practices, some defenders of* laïcité *and feminist activists have shifted to align their positions with Muslim organisations to denounce intolerant interpretations of* laïcité*. They have used the concept of laïcité to articulate claims for the respect and recognition of Islam in France.*

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

[2] 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.

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

[4] Accessible: http://www.mamans-toutes-egales.com/who-we-are

[5] Speech by Zined, Feminist Collective for Equality

[6] Speech by Jean Baubérot, Sociologist, Ecole Pratique des Hautes Etudes.

[7] Speech by Joël Romain, Human Rights League

[8] Speech by Rokhaya Diallo, *Les Indivisibles*

4.2.2   Mobilisations on Laïcité and the Articulation of Muslim-Specific Interests in France

In this part, this report will discuss the implications of a mobilisation that defends *laïcité* for the articulation of Muslim-specific interests in France. It will be shown that while it was not likely given the general distrust Muslim believers had of *laïcité*, they had ended up finding it as **a useful frame through which to articulate their demands in terms that were compatible with French politics**. It will be argued that this mobilisation also highlighted their common experiences as Muslims in France, which helped to foster realisations that Muslim mobilisation could be a relevant venue in which to negotiate Muslim identity in France.

4.2.2.1 Conflicted feelings towards laïcité

Laïcité has a negative connotation to French people with a Muslim background in France because of its common use in discourse to reject Islam. It started with forbidding girls from wearing veils to schools and then went on to forbidding mothers from wearing veils to school activities in some schools. *Laïcité* was also mentioned when Claude Guéant threatened to forbid Muslims from praying in the streets, which was a common practice when mosques were full on Fridays. This prompted numerous commentators to point out that *laïcité* applies to public spaces, which only include spaces that the state rules (e.g. schools, administrations) and not also streets like Claude Guéant implied (Delphy 2011). Nonetheless, laïcité has clearly been used repeatedly to justify targeted actions towards practising Muslims. A member of the Human Rights League who is not Muslim but did organise meetings in the Northern region on *laïcité,* stated:

"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 among practising Muslims to see *laïcité* as something anti-religious or atheist[2]. According to a Muslim activist who was interviewed, the reason for this preconception comes from the use of the concept in Islamic countries such as Algeria and Tunisia. She confirmed that it continues to be an obstacle when she addresses Muslim audiences in France.

"Because of the time that I spent with laïcité specialists *during the mobilisation taken against passing the 2004 law, I became a kind of laïcité specialist in 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, this report should **distinguish between, on the one hand, members of Muslim organisations who have sharpened their understanding of the *laïcité* philosophy and used it to articulate claims for equal treatment and recognition, and, on the other hand, French nationals with Muslim faiths who remain suspicious of *laïcité*.**

The current use of *laïcité* in government consolidates this general distrust. Yet, organisations who address Muslim nationals have adopted the principle of *laïcité* and asserted their commitment to the law of 1905. As a state-created organisation, it is no surprise that the official representation of Muslim believers, the French Council for the Muslim Cult, also claimed a commitment to *laïcité*[4]. Moreover,

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[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.

[4] 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.

when the French government announced the launch of a debate on Islam and *laïcité* in France, imams, members of the regional representations of the Council for the Muslim Cult, wrote an op-ed article in *Le Monde* to reiterate their commitment to *laïcité*[1]. What however, is surprising was seeing less official organisations, and even organisations who opposed the French Council and presented themselves as alternatives, adopt the principle of *laïcité* too. 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 Muslims and their freedom of religion. It is central to our mobilisation."*[2]

This was describing frame alignment, a process by which organisations adapt their discourses to fit into the structure of political opportunity. Are Muslim organisations using the concept of *laïcité* strategically to make their claims heard in the French context?

4.2.2.2 Meeting standards of reasonableness in claim-making

Activists involved in Muslim organisations clearly asserted that *laïcité* is a French value. In the interview guide, interviewees were asked whether they saw *laïcité* as a traditional, national or liberal concept. Although members of *laïc* and feminist organisations identified *laïcité* as a liberal value and, in doing so, classified their involvement as part of a larger mobilisation for the advancement of liberal values, three members of Muslim organisations identified *laïcité* specifically as a French concept. This can be interpreted as reflectant of their beliefs that *laïcité* is a French value, and that laïcité is simply a way to **frame their Muslim-specific claims in French terms**.

This observation supports the frame alignment hypothesis that the political opportunity structure influences the framing of minority claims. Frame alignment occurs when individual interpretations of the issue agree with the general interpretative frame aligned with the larger belief system (Snow 1986). The centrality of the concept of laïcité to Republican values makes it fitting that Muslim activists would articulate their claims in this manner to secure support in the French social movement. As such, Muslim-based organisations have adopted the discourse of *laïcité* to make themselves heard.

This imperative to rest within the limits of the French institutions and French legal system is well reflected through the strategy adopted by the Collective against Islamophobia, who provides legal assistance for people who feel that they have been discriminated against as Muslims. The group was created in 2003 as an internet group to react to what was perceived as Islam-specific discrimination in the media. The group later expanded and also started providing legal assistance through a hotline. A legal advisor would answer phone calls and the group would also be in touch with lawyers when these victims of discrimination needed to file lawsuits against the offenders. But, according to the legal assistant, in most cases, they were able to provide mediation that solved the issue at hand before it would escalate to that level[3]. These cases were in private schools and institutions of higher education even though the law only applied to primary, secondary and high public schools. She emphasised that by helping fighting discrimination against practising Muslim in France, the organisation was staying within "the framework of the law".

Framing claims according to a concept clearly seen as French, such as laïcité, and done in a manner that stays strictly within the framework of the law can be regarded as a strategy to meet standards of **reasonableness** (Meer 2012). As such, the mobilisation of practising Muslims is actually operating within the framework of French politics and demonstrating their abilities to adapt to standards of French political life.

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[1] "… 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)

[2] Interview with S.D., 25 January 2012, Paris, President, CCIF

[3] Interview with F.E., 25 January 2012, Paris, Legal advisor, CCIF

4.2.2.3 A rising Muslim consciousness

Besides the fight against Islamophobia and the reassessment of a commitment to *laïcité*, the researcher observed that organisations also strive 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, associations or even mosques when someone reports discrimination. But, these contacts also help to prepare a strong network if the mobilisation of Muslims is ever needed. Knowing the strength of these networks, the Collective against Islamophobia in France launched an appeal to the presidential candidates and asked about their positions on issues pertaining to practising Muslims in France. It stated:

"We aim to synthetize 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].

But nevertheless, attempts to appeal to the Muslim vote were absent from the presidential campaign. President Sarkozy had notably tried this strategy in the last presidential campaign in 2007 when a technical advisor suggested to him that the Muslim electorate amounted to three million and that the right-wing majority would not have been 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 by creating the French Council of the Muslim Cult in 2003. He also sent positive in the year preceding the election, for instance, by nominating, what he called, a "Muslim *Prefet*"[2]. But the strategy changed for the 2012 campaign. The government adopted a restrictive stance towards Muslim practices, which did not send positive signs to the Muslim electorate. The main opposition party, the Socialist Party, did not address Muslim practices or appeal to the Muslim electorate either. The candidate, François Hollande, announced his plans to anchor *laïcité* in the Constitution[3]. The relative neglect of the Muslim electorate could be explained by the fact that surveys showed that people who identified themselves as Muslim had strong commitments to left-wing parties[4]. For right-wing parties, it was too hard of an electorate to conquer. Holding the anti-Muslim stance would have earned more votes from the majority electorate. As for the left-wing parties, they might have just taken the Muslim vote for granted.

The demand made by the Collective against Islamophobia might not have been addressed by the presidential candidates. However, the very fact that a collective was able to release such a statement and rely on the support of several other Muslim-based organisations, demonstrates the existence of **a Muslim mobilisation in France.** Notably, the Collective uses the term "Muslims in France" without specifically targeting practicing Muslims. It shows that as a Muslim organization they are targeting what they think represent a group of individuals, whose common point is to experience discrimination on the ground that they are identified as Muslim by the rest of the population.

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[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] « Nacer Meddah nommé préfet de l'Aube », *Le Monde*, 20 juillet 2006

[3] 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 centre 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.

[4] 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, Simon2012a: 24).

The current mobilisation offers a contrasting picture relative to the conditions in 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 supported this view: the emergence of the laïcité debate and reactions from practising Muslims might be the opportunity for France to realise that the vertical relationship between the individual and state is a fictional myth and that in reality, minorities do exist[1]. Arguably, not all Muslim organisations support this strategy, and the Muslim community cannot be homogenised under one, unified voice. There are other Muslims activists who have denounced what they have seen as separatist strategies when Muslim mobilisation should be articulated along with other citizens' concerns[2]. However, the very fact that these tensions exist shows the vivacity of the mobilisation, which supports this chapter's hypothesis that there is a Muslim consciousness emerging in France.

4.2.2.4 *What Muslim identity in Republican France?*

Will Muslim people, who are discriminated against, mobilise as a group? The common experience of being discriminated against in France has built a sense of commonality among practising Muslims, which might have surpassed the factionalism in the French Muslim community (Cesari 1994). The Muslim community is usually divided according to the immigrants' countries of origin. The creation of the French Council of the Muslim Cult was symptomatic of this phenomena and all other attempts to create a representation of Islam in France exhibited similar patterns.[3] The creation of an organisation like the Collective against Islamophobia, in France was thus remarkable in that sense. it departed from the usual way of representing Islam and gathered French nationals based upon who had experienced any type of discrimination as a Muslim, whether this was in job applications or job registrations. This exemplifies the **emergence of a Muslim individual in a post-migration society.** Cesari explains this phenomenon: "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 the discrimination of people who are identified as Muslims, mobilisations against Islamophobia are able to demonstrate the individual experiences of Muslim nationals in France and **how Islam is seen in France**. Despite the framing of their claims with *laïcité*, these activists identify clearly that the question of Islam in France was not only a question of religion. **The fact that they laid the emphasis on the egalitarian dimension of *laïcité* is evidence that the issue was not just about the protection of religious freedom but also the necessity to fight the unequal treatment of Muslim nationals** who are either believers or simply identified as Muslims by the majority population.[4]

The discrimination of Muslim people in France is not only an issue of religion but also part of a larger process in the **racial construction of Islam**. The systematic attacks on Islam and the way they are justified by references to the Republican principle of *laïcité* are clearly asymptomatic of a process of Othering that has been existent since the colonial period (Amiraux 2010). It is why the group, All Equal Moms, has been preparing to bring the mother wearing veils case to the United Nations in Geneva on grounds of racism and not of religious intolerance. The strategy was recommended to them

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[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.

by a lawyer and legal specialist in the United Nations[1]. The objective was to prevent the law proposal of January 2012 from being passed. It was one more instance of a mobilisation that had adopted the discrimination angle in order to gather Muslim voices. Choosing race as opposed to religion to build a discrimination case made sense in that religion was and continues not to be recognised as a legitimate basis for discrimination quite in the same extent as race. However, this also demonstrates the racial construction of Islam in France and how **the French-Muslim identity has been shaped by its historical past**.

Muslim people tend to see laïcité as an anti-religious tool systematically used by the media to condemn their practises. But despite their scepticism of it, Muslim organisations have found it a useful frame through which to articulate their claims in French terms and render their mobilisations compatible with French politics.

By doing so, Muslim organisations have also fostered an articulation of a Muslim consciousness. It is an assertion that the Muslim identity in France is existent and unique to other French identities. This in turn, highlights the post-colonial construction of Islam in France.

4.3   Concluding Remarks

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

The manipulation of *laïcité* for discriminatory practises against Muslims has undermined the egalitarian dimension of the principal of *laïcité*. In response, human rights activists have joined Muslim organisations to defend the rights of Muslim nationals in France. They have articulated their claims in terms of *laïcité* arguing that *laïcité* is, currently, distorted by some politicians, and that its values of liberty and equality are under threat. In doing so, minorities and their allies have actually been articulating a claim asking for the acceptance of Muslims as equal.

Moreover, articulating minority claims in terms of *laïcité* has helped anchor its demand in the French context. One could argue that the necessity in doing so just demonstrates how minorities have embodied the intolerance of the majority. However, this case study brought evidence that the framing of the demand in French terms has also helped to underline the uniqueness of the Muslim experience in France and contributed to a rising Muslim consciousness.

Finally, intolerant practices and other manifestations of discrimination are the reasons that claims for acceptance have been articulated. One interviewee pointed to the necessity of tolerance in an open dialogue, even if tolerance supposes that X has the inherent power to disapprove of Y. However, the increasing mobilisations taken to defend the Muslims' right to be treated equally demonstrates that **in the face of intolerant practices, minorities do not reply with claims for tolerance but directly with claims for acceptance**. When discourses of *laïcité* were manipulated by politicians to criticise Islam, Muslim activists did not reply by asking for permission to practice their religion. Instead, they asked for the equal treatment of Islam as any other minority religion in France (Protestantism and Judaism). This may have been because any claim for the expression of religious affiliation in spite of the disapproval of others, was considered separatist. Claims for toleration are seen as un-Republican, while claims for acceptance are seen as more aligned with Republican values. As such, Muslim-based organisations may have been trying to portray an adaptation to this French Republican context

However, the fact that individuals interpreted intolerant discourse towards Muslims as discriminatory is crucial. Discrimination was a meaningful frame through which to articulate their concerns as it was

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

and still is condemned by the legislation and a legitimate basis for policy making. Examples include the EU directive formed in 2000 to combat discrimination and the existence of a High Authority to fight discrimination in France between 2005 and 2010. But the notion of discrimination is also deeply linked to that of equality. Discrimination is defined by the distance between equality in principle and inequality in practice. If individuals interpret intolerant practices as instances of discrimination, they are actually articulating their responses in terms of equality and asking 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 connotation elsewhere.

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

By focusing on the mobilisation taken to defend of Muslim rights in France, the scope of the research was voluntarily narrowed down to a limited number of activists. But this has helped to analyse the implications of this mobilisation for individuals who have differentiated themselves from others by their religious affiliations because of real or perceived difference. The mobilisation has definitely impacted their identities as Muslim people in France. In fact, this stance has even been prevalent among a number of activists in the Human rights league and eminent *laïcité* specialists such as Jean Baubérot. This could inaugurate a broader change in discourse. But this bottom up splintering and reaction however, **should not undermine the influence of the current restrictive turn in political discourse** over the interpretation of *laïcité*. Both right-wing and left-wing parties have followed this path. The politicisation of *laïcité* in response to the Muslim presence has been pervasive and appears as the most favoured strategy by politicians right now.

4.3.3   Recommendation to policy makers

Policy makers should consult NGOs and organisations defending Muslim rights in France, more. The French population should also be more **sensitized to religious discrimination and the construction of religious racism**. The French tendency to see any articulation of religious identity as illegitimate, has contributed to the undermining of religious discrimination, and has even, been used to justify discrimination on the grounds that religious expression is incompatible with French society. The initial interpretation of the first headscarf affair in 1989 is pervasive in this sense. Practising Muslims, and more specifically women wearing veils, are usually perceived as extremists and therefore incompatible with *laïcité*. One interviewee who wore a veil explained that she found it difficult to identify herself as *laïc*. She encountered so much difficulty that she had to justify and demonstrate the conceptual compatibility of *laïcité* with religious belief when she had to defend her position in a meeting[1].

4.3.4   Comparative perspective with European countries

Minority organisations have articulated their claims through terms of *laïcité* in an attempt to adapt their demands to French politics. However context-related their strategy is though, comparatively, most minority groups tend to articulate their claims in manners that fit the political opportunity structure they address. Thus, what is the **impact of the national discourse on the articulation of minority claim in other European countries**? Moreover, in this case study we analysed the opportunity in the re-articulation of Muslim identity in France. Can we see similar situations in other post-migration countries with Muslim minority groups?

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

5.   Concluding Remarks

By researching the value discourse underlying the state of tolerance in France, the project was able to identify a gap between the message of tolerance conveyed by the principle of *laïcité* and the discursive use of the notion in politics to stigmatize Islam in France. The empirical data collected also demonstrated a strategic use of *laïcité* by actors to mobilise and articulate minority-specific interests in the French context. The different value discourses in politics and minority-based organizations regarding *laïcité* reflects the underlying tension and disagreement in France over the general tolerance of diversity.

While highlighting the main findings of this research, this concluding chapter will also discuss the different articulations of tolerance, intolerance and acceptance that characterize the French context. Firstly, the chapter will revisit the implications of a Republican discourse of invisibility taken in response to the perceived challenges of cultural and religious diversity. Secondly, it will once again confront the disparity between the top-down approach taken by the education system and the splintering of practices taken by schools to manage diversity. Thirdly, it will highlight the analyses explained previously in this report of the response of minorities and their strategic use of the concept of *laïcité* to articulate claims for acceptance as equal in French society. Fourthly, it will analyze the articulations of tolerance, intolerance and acceptance in France.

5.1   Research Scope

From a methodological point of view, the research has been based on a series of case studies that involved literature reviews, press reviews, participant observations and interviews with actors (administrative officials, organization leaders, teachers and activists).

In terms of content, the interviews were analyzed using discourse analysis and specific attention was paid to framing the discourse on diversity with value terms such as *laïcité*, tolerance or recognition. Because of the current debate on *laïcité* and its ever-shifting meaning in reference to religious diversity, focusing on it offered this research a direct entry into a value discourse pertaining to equality and tolerance. The researcher paid special attention not to impose a frame of *laïcité* on the interviewees but rather took it as a point of discussion with them. The concept of *laïcité* was left as an open concept in order to highlight the different perspectives of actors and their different interpretations of what the problem is. The point was not to define *laïcité* but to analyse its multiple uses. It was not considered as a fixed value, but in fact, considered as subject to the political and ideological perspectives situated in the discourse at the time. This is why the case study on mobilisations in chapter 4 focused more specifically on identifying the interpretative frames used by organisations to make claims around the issue of *laïcité*.

In terms of representation, although the number of interviews was limited (n=21 for the whole project), it was complemented by a collection of secondary sources and put in historical perspective. Specific attention was paid to balancing the various points of view so that neither the majority's or minorities' perspectives were exclusively presented. Thus, in spite of the limited number of interviews, the combination of these various inputs fostered a broad understanding of the perceived challenges of diversity in France, how they have been tackled by public policies and what the responses of minorities have been. Although this report would benefit from some further inquiry, especially on the experiences of Muslim people in regards to the changes in legislation, this report has brought new evidences in to discuss the level of acceptance towards diversity in 21st century France.

5.2   *A Discourse of Invisibility*

Because of the discrepancy between discourse and reality, diversity in France is hidden beneath a veil of invisibility. It is not that difference is in fact, invisible, but that **cultural differences are subsumed** under a dominant signifier of "nationality". Migration-related diversity has become statistically concealed as an increasing amount of immigrants continue to acquire the French nationality and the naturalization process continues to be considered as the cornerstone of integration in France. However, the official absence of ethnic or racial signifiers in civic identity does not prevent discrimination and inequality from existing. There has been a demographic reality of ethnic and religious diversity in France since the post-war influx of labour and post-colonial migration. Because of the processes of ethnic and racial constructionism, these visible minorities have been perceived as different by the majority population and have thus been more susceptible to discrimination. In theory, they have been protected by a legal system that has guaranteed the equality of all citizens before the law regardless of origin, race or religious affiliation. In practice, however, the efficacy of that guarantee is hard to monitor given the absence of ethnic data to measure the extent of discrimination towards visible minorities with French nationalities.

In a similar fashion, under the principle of *laïcité* (separation of Church and State), **religious differences are ignored** and confined to the private arena. However, the historical dominance of the Catholic Church has pre-structured the implementation of *laïcité* and weakened the possibility of all religions being treated equally. Given the differential treatments of religions and the stigmatization of Islam as fueled on by the media and state, the recent uses of *laïcité* have actually alienated the Islam Other from the boundaries of French identity and have not guaranteed equality. In practice, *laïcité* does not always guarantee an equal tolerance of all religions just like how the veil of invisibility does not always guarantee invisibility but in fact, fuels the Othering process.

In France, the practice of tolerance, **toleration**, is seen as an extension of *laïcité.* Both seek to as the guarantee the freedom of the public space from any religious or ethnic affiliation. The neutrality of the state is supposed to be secured by the absence of such group affiliations, as opposed to having the equal support of each group. As such, the exclusion of religious practices from the public sphere is not considered as the disapproval of religious affiliation in general, but on the contrary, as a guarantee of the freedom of belief and disbelief. Its goal is to ensure the equal treatment of all individuals in the public sphere. In the private sphere, one is free to express any kind of religious or ethnic affiliation. Therefore, tolerance in France can theoretically be found in the principle of *laïcité*.

However, due to the special position of the Catholic Church in the implementation of *laïcité*, there is a differential treatment of minority religions in France (Islam, Protestantism and Judaism). Evidence of this is found in the claims made about the non-toleration of certain religious practices. Furthermore, when political actors point to the religious practices that they disapprove of (e.g., public praying on the streets) and say that these practices infringe upon the principle of *laïcité,* they are actually using the principle of *laïcité* to justify a political act of **intolerance** (e.g., banning praying on the streets). Whether it is because of Catholic dominance or selective implementation, in practice, *laïcité* sometimes shows intolerance rather than tolerance. As such, the discussion about *laïcité* is actually a vehicle by which one can observe the state of tolerance and intolerance in France.

However, extending the discussion from tolerance to recognition is relatively challenging. The promotion of equality through invisibility makes it more challenging to analyse the possibility of recognition in France than in other European countries. There is no such thing as the identification of groups, the recognition of group affiliations, nor the acknowledgement that the specific needs of groups are relevant to how society operates. Thus, in order to move the discussion beyond the boundaries of toleration, the understanding of recognition must be extended to include the respect of

all as equal and admission of all as normal.[1] To do so, the diversity of the population must be accepted and represented in the national community. The value discourse on national identity, for instance, is not deeply connected to that logic. By pointing to differences that are supposedly not compatible with the national identity, actors are drawing invisible boundaries. Challenging this process of boundary making would allow actors to better articulate claims for **acceptance**.

5.3   *The Splintering of Diversity in Educational Practices*

The education system is a top down instrument with which to convey unified national representations of French identity, but it is also a site of the bottom-up splintering of diversity. In spite of the national discourse that ethnicity is invisible, the fact remains that ethnicity is a factor in inequality. This can be seen for example, in the differing socioeconomic conditions of ethnic groups. But the lack of terms that can be used to describe the situation has limited the public understanding of these social conditions that foster inequalities (Brinbaum, Moguerou, Primon 2010). As a result, poorer social conditions have become the signifier for ethnic inequality, which cements the link between them and further favours the development of ethnic categorisations. It has fostered the preconception that ethnic groups share the same profiles as those with disadvantaged social conditions, despite the fact that the ethnic dimension of inequality cannot be reduced to the social dimension of inequality. Blanket applications of invisibility and nationality not only fail to hide the reality of inequality, but also further the chasms between ethnic groups.

Another example of this bottom-up splintering of ethnic diversity can be found in the history curriculum. Curriculum content is seen to convey the national representation of French identity, which is supposedly free from ethnic affiliation. Nevertheless, calls were made, demanding that the positive input of immigration to French history be recognised. This resulted in the introduction of several chapters in the curriculum on immigration history in 20th century France. However, ethnic diversity has continued to be seen as a challenge. Interviews with teachers showed that they anticipated teaching immigration to be difficult because of the controversial way it has been portrayed in politics and the media. It is evident therefore that the challenge in ethnic diversity is existent, and in fact, is more constructed than inherent. As such, education officers contended that immigration history be incorporated into the whole spectrum of historical events rather than as a separate chapter. This, they said, will avoid presenting immigration in link with its present political construction. Second, it is vital that immigration history be taught to all pupils and not only to those with immigrant backgrounds. Third, specific trainings have to be put in place so that teachers incorporate immigration history into the whole spectrum of history taught in class. The incorporation of chapters on immigration into history program is not enough. The topic has to be mainstreamed in the whole history curriculum in order to deconstruct ethnic diversity as a challenge and cultivate acceptance. Not recognising ethnic diversity does not make the challenge disappear.

Similarly, the implementation of *laïcité* fails to limit the expression of religious diversity in French public schools. The invisibility of religion in French public schools is actually challenged by *laïcité,* given that its meaning is more variable and constructed than is commonly acknowledged. The boundaries of *laïcité* have in reality, been in continual negotiation, as exemplified by the decades of

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[1]

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

(Dobbernack, Modood 2011: 32).

struggle in what is commonly referred to as the "school wars". School wars refer to the series of negotiations and protests that have been taken by the Catholic Church since 1882 in response to the implementation of secular public education. This struggle for authority over education is a prime example of how the meaning of *laïcité* can vary when religious groups and the state are in a power struggle. Similarly, the pre-structured inequality created from a state that favours Catholicism has recently pushed certain actors to articulate claims of *laïcité* for the total absence of Catholic expressions in schools. Consequently, the meaning of *laïcité* has varied among these actors as they each worked to claim it for their own agendas.

Within the state, the first interpretation of *laïcité* by the State Council allowed it to rule that school principals had to decide whether or not wearing the Islamic veil qualified as proselytism. A second interpretation by the Stasi Commission of 2003 then allowed it to rule that the ostentatious signs of religious expression, such as the Islamic veil, had to be banned from schools. A third, even more restrictive, interpretation led to the law of March 2004, which banned the wearing of religious signs and clothes in primary, secondary and high schools altogether (law 2004-228).

Following the passing of the 2004 law, official monitoring stated that there was a "law effect" and an increased understanding of *laïcité* (Cherfi 2005). However, given the empirical data collected, this report found it difficult to conclude that the law had a unifying top-down impact. Interviews with teachers and school staff showed that there was a continuing belief in the ideal principle of *laïcité*, but there was concern that, in practice, a two-tiered *laïcité* was being fostered. Teachers referenced the extra room allocated to Catholicism in French schools (e.g., the calendar of holidays) and the little means taken to accommodate Muslim practices (e.g., absence of *Aïd* and *Hallal* food). They also expressed reservation in having to teach the value of *laïcité* as part of the civic education curriculum in a context where *laïcité* is often used by political and media discourses to stigmatise Islam. Furthermore, a school principal had mentioned the frustrations that the 2004 law has possibly been creating among certain groups. These variations in the interpretations of *laïcité* in French schools demonstrate how diversity can splinter from bottom-up at the local level in spite of a top-down effort to define *laïcité* a certain way.

5.4   *The Meanings of Laïcité in French Political Life*

French political life is driven by the principle of universalism and *laïcité*. Non-civic memberships, such as religious affiliations, are not seen as legitimate grounds on which to organise and defend public interests. However, as demonstrated in this report, the meaning of *laïcité* varies when it is used to further different agendas. This is especially evident when the top-down political discourses of *laïcité* are placed in contrast with the bottom-up minority views of *laïcité*. These different uses reflect the state of religious tolerance in French society. They show that *laïcité* is not a fixed value but in fact, subject to the political and ideological perspectives of diversity situated in the current discourse.

It is important to recognise that the state ultimately holds influence over what is "French" and that they determine what discussion is considered legitimate in the political forum. Religious matters are not officially discussed. Even if they are, they are only done so through the medium of *laïcité*. In recent times, however, the official stance on *laïcité* has taken a restrictive turn in both left and right-wing governments. The passing of the 2004 law that banned religious signs in public schools was a milestone because from then on, *laïcité* has only been used to further more restrictive agendas. It was followed by the 2007 debate over whether or not mothers were allowed to wear veils to school activities, which led to the 2010 law banning the full Islamic veil. In 2011, the debate on Islam was renamed to the debate on laïcité. In 2012, a proposal was made to prevent women from wearing veils when working as nannies in their own homes. This restrictive turn and variability in interpretation show how the official state discourse does not always guarantee the neutrality that is advocated by the principle of laïcité.

Ethnicity is also considered as neutral in French political life and is henceforth not legitimate grounds for expression. As such, the political representation of minority interests is low. Furthermore, the little visibility of voting behaviours categorised by ethnicity gives politicians few incentives to address ethnic-specific interests. The few surveys that have researched this question have shown that political participation of second generation immigrants is low anyhow (Richard 1998). Other surveys have shown that the large majority of people with immigrant backgrounds vote for left-wing parties (Simon Tiberj, 2012a), and so, right winged parties do not attempt to address this electorate and left wing parties take that vote for granted. The lack of data also means that parties have little knowledge of ethnic-specific interests in the first place. Moreover, when members of visible minorities do manage to reach leadership positions, they cannot easily address minority-specific interests for fear of being seen as particular and not oriented towards the common good.

5.5 Meanings of *Laïcité* in Minority-Based Organisations

In Muslim-based organisations and NGOs, contestations between bottom-up claims and top-down regulations can be found. They are the only transit by which minority interests can be expressed. Although, even here, a process of institutional channelling takes place and associations have to articulate their minority-specific demands in terms that are acceptable by the state (Ireland 1994).

The mobilisation of Muslim-based organisations and NGOs in defence of *laïcité* is an example of adaptation in political claim-making. Empirical findings showed that, although practising Muslims and groups generally perceive *laïcité* to be antireligious because it has been commonly used in French discourse to reject Islam and in North Africa to fight against Islamic organisations, they have begun to use *laïcité* to adapt their claims to Republican terms and to strategically render their mobilisation compatible with French political life. This is otherwise known as the process of frame alignment, which is when individual interpretations of an issue concur with the general interpretative frame that matches with the larger belief system (Snow 1986). It is characteristic of a political context where the opportunity structure determines minority claim-making. The imperative to rest within the limits of French institutions is exemplified by this mobilisation.

Moreover, the centrality of *laïcité* in the French value discourse makes it easier for Muslim activists to secure support in French social movements. Empirical findings have shown that, although majority-based NGOs (e.g. Human Rights League) and feminist activists have traditionally seen Muslim expressions as religious extremism and oppressive of women, some of them are now rallying with Muslim-based organisations because they see it as a fight against discrimination and a defence of a fundamental value, *laïcité,* which is central to the preservation of individual freedom. This was seen already in 2004 when a number of them united in the creation of the group, A School for All. In the more recent mobilisations against the so-called "Official Debate on Laïcité" (April 2011) and the banning of mothers wearing veils from school activities, a rising number also rallied with Muslim organisations in denouncing the use of *laïcité* to reject Islam.

Minority associations can be a site for the unhindered negotiation of particular identities in the French context (Kastoryano 2002). An analysis of the interviews in this research showed that Muslim activists have articulated their claims in terms of *laïcité* because they have seen *laïcité* as a French value. By using a French value, they were able to demonstrate how Muslim-specific interests could adapt to the standards of French political life. This adaptation actually also articulated a Muslim consciousness. Muslim activists were showing distinctiveness about the Muslim identity in France that was based upon the common experience of being discriminated against. One could go so far as to argue that discrimination operates as the foundation of a French Muslim identity because of the political and social construction of the 'Muslim Other' in France. Evidence of this social construction is found in the historically constructed image of Muslim people through colonisation and decolonisation wars, and the overestimation of the number of Muslims (cf. the Interior Ministry issuing the number of 6 million in 2010 although recent estimates only convey 4 million). Moreover, the focus on discrimination has

led to the articulation of claims for acceptance and equality as full-fledged French citizens. In both using the term *laïcité* and shaping it (i.e. claiming that *laïcité* is being distorted), Muslims have not only been asking to be tolerated as religious minorities, but have been asking to be accepted as equal citizens. The emergence of a minority-specific mobilisation on *laïcité* has therefore been a negotiation for the recognition of a Muslim identity in France.

5.7   Articulating tolerance, intolerance and acceptance in France

The way tolerance is supposed to be secured in the French context is by keeping non-civic specificities in the private sphere. Official statistics do not record people's membership to any ethnic or religious group. With the state not being able to classify people by their ethnicity, race, religion or culture, intolerance is supposedly avoided. Concretely, this ensures that if the administration wanted to specifically identify those that were Muslim, Jewish or Black, they would not be able to do so. This is often presented as an amendment for the traumatic experience in the Second World War when the specific identification and listing of Jewish people actually helped the Vichy regime to organise their deportations to Germany. However, invisibility is also deeply ingrained in the collective understanding of French identity, as exemplified by the numerous controversies that have emerged each time the collection of individual data has been discussed (Simon 2003, Fassin 2008).

There are other means by which tolerance is supposed to be secured. For instance, in political life, ethnic or religious affiliations are not regarded as legitimate bases for identification and mobilisation. Thus, religious groups or ethnic groups cannot claim specific rights. Whatever religious, ethnic and/or cultural affiliations people may identify with, they are not supposed to interfere with matters of public life either positively or negatively. The state supposedly guarantees tolerance via invisibility.

The implementation of this type of tolerance is well exemplified in public education. Here, perhaps more than anywhere else is where the belief that individuals should be free from having religious and or other beliefs imposed upon them, is most prevalent. The strict confinement of religious matters to the private sphere is implemented in French schools via the principle of *laïcité*. It was first implemented with the 1882 Ferry law, even though the law separating the Church and State passed in 1905. In order to secure a *laïc* environment of education, religious beliefs as well as cultural specificities such as regionalism and immigration were not to find any expression in French public schools. For instance, a teacher was not supposed to express his or her own religious, political, or cultural affiliation. Likewise, a teacher was not supposed to ask a pupil about his or her ethnic, cultural or religious background. Religions were taught as a part of the history curriculum but were not supposed to be linked with the religious backgrounds of students who were taking that class. All these practises, which were seen by teachers as necessities, were seen to foster tolerance because, in that way, children could feel that they were free to believe or not believe in any religion they wanted to.

The dominance of secularism as an ideology in French public schools is therefore undervalued. What operate as a dominant frame are the Republican principles, centrality of citizenship and normative injunction of integration, which are imposed upon pupils through civic education. Civic education was designed to replace religious education when French public schools became *laïc* (1882) and was conceived to transform pupils into active citizens. Hence, it is not fair to say that there is an absence of ideology in the French education system. Republican ideals are in fact, conveyed. They are considered as legitimate and central to the creating national cohesion. The same could be said of public life in general in France, where Republican values are regarded as central to national identities and considered legitimate. This is why other expressions, such as religious expressions, are seen as illegitimate. It is not because the French context does not foster a moral ideology.

Hence, neutrality in France is seen to be achieved through the invisibility of non-civic identities in the public space. This is, for instance, different to Germany where neutrality is guaranteed by the equal representation of religions. In German schools, religions are taught and the challenge is more about

having Islam be taught in comparable proportions to Protestantism (Mühe 2011). In French schools, religions are kept invisible. It is based on the belief that the absence of religious expression fosters toleration.

But, the empirical data collected in this research demonstrated that the Republican values that are supposed to foster tolerance, were in practice, used to justify the intolerance of religious identities. Instances of intolerance occurred because of the inherent difficulty in guaranteeing equality through invisibility. An example of such an instance was reported in the media when Interior Minister Claude Guéant announced the banning of Muslim prayers in the streets, on the grounds that this type of practice infringed upon the principle of *laïcité* (September 2011). Practising Muslims were reported to have had to pray on the streets adjacent to a Mosque in Paris' 18th arrondissement because of a lack of space. Although the issue comes from the lack of places for Muslims to worship in France, the political response was to appeal to *laïcité* and to argue that the streets qualified as a public space. This was done so, despite the fact that a public space technically only refers to state-owned jurisdictions, which includes public services, state administration and public schools, but not all open spaces (Delphy 2012). Moreover, prior to the debate, religious events have indeed been carried out in open spaces. Catholic processions and masses have taken place publicly (e.g. the mass of 13 September 2008 given on the Square des Invalides, in downtown Paris, upon the visit of Pope Benedict XVI). Thus, the framing of the issue with *laïcité* was actually an instance of a legitimate Republican value being distorted to further intoleration and further undermine the equal treatment of all religions.

Furthermore, the recent systematic use of the term *laïcité* to restrict Muslim practices has cultivated an intolerant, two-tiered *laïcité*. This was seen in the interviews with actors. Activists reported that people with Muslim backgrounds saw *laïcité* as a trap word, a concept that they did not regard as protective of their individual freedoms. Teachers reported that pupils did not think that the equal invisibility of religions in schools was being guaranteed. They also pointed to how most of the school holidays given were Catholic ones. Activists, who were mobilised against forbidding veiled women from working in their own homes as child care providers for others, also denounced an intolerant use of *laïcité*. They either argued that *laïcité* has been used to attack Islam or that it has been a euphemism for a society that tends to reject Islam.

Finally, the research highlighted how activists, in the face of intolerant attacks of Islam, responded with claims for acceptance. The empirical data collected during the fieldwork on minority mobilisation demonstrated that they did not respond to the attacks of Islam by asking to be tolerated but by asking to be accepted as equals. They articulated their claims in terms of *laïcité* and based their demands on their rights as citizens. Two interpretations can be drawn from this decision. Firstly, the articulation of their claims in terms of *laïcité* can be seen as strategic and even pragmatic. It has been a way to adapt their claims to Republican standards and a way to make them heard in the French context. It has been a process of frame alignment which is characteristic of all social movements, as explained by the sociology of mobilisation (Snow 1986). Secondly, the articulation of their claims in terms of *laïcité* has been a way to express their unique identities as Muslims in France. The sociology of ethnic mobilisations demonstrated that although the Republican context is relatively immune to the articulation of ethnic claims, immigrant-based associations have learnt to negotiate their identity in Republican terms (Kastoryano 2004). By making claims that meet the standards of reasonableness, Muslim-based associations have been negotiating for a position that can allow for the open articulation of their unique identities as Muslims in France. The assumption behind such a claim is therefore much more about acceptance than about tolerance.

Moreover, a comparative analysis of Muslim mobilisations in France and the United Kingdom demonstrates that, although they operate in very different political contexts, they are confronted with comparable obstacles (Dobbernack, Meer, Modood 2012). In both cases Muslim claim-making is often portrayed as exceptional, and, as a result, Muslim activists feel the need to "normalise" their

demand. The reaction to articulate claims of acceptance is common to both mobilisations in France and the UK.

The fact that intolerant attacks towards minorities have led to their claims for acceptance demonstrates that tolerance is no longer a valid ground on which to mobilise in a 21ˢᵗ century liberal society. French nationals with minority affiliations embody the liberal promise of citizenship and equality, and as such, do not ask to be tolerated but accepted.

In conclusion, this research has sought to determine the value discourse underlying the political discourses, public policies, and reactions of actors regarding ethnic and religious diversity. The value discourse has been found to be one of invisibility. However, when specific instances of nationality and *laïcité* have been examined, the research has found a disparity between the tolerance advocated by the theoretical principle of neutrality and the intolerance that exists in practice. Hence this is why the discourse has been more like a veil of invisibility rather than one that has guaranteed true invisibility. This disparity is a direct reflection of the tension that exists in France over the tolerance of diversity. This report contends, along with other recent calls from schools and organisations, that in order to move past this discrepancy, a discourse of acceptance must be cultivated in which all people are respected as equals and all are admitted in positions to shape the normative.

6.   Appendix

Chapter 3

Fieldwork

Case study on religious signs in school

1. 15 March 2011: Three administrative officials in charge of the education policy at the Council of the Seine Saint Denis
2. 7 April 2011: Principal secondary school Seine Saint Denis
3. 8 April 2011: Principal high school, Seine Saint Denis
4. 13 April 2011: Two union representatives for primary schools SNUIPP – FSU
5. 18 April: Union representative for principal of secondary and high schools SNPDEN
6. 13 April 2011: Community organiser for NGO Léo Lagrange
7. 3 May 2011: Union representative for secondary and high school - UNSA Education
8. 5 May 2011: Representative of NGO Ligue de l'enseignement
9. 5 May 2011: Principal of public secondary school in Seine Saint Denis

Case study on curriculum extension

1. 11 March 2011: District inspector for the teaching of History and Geography
2. 12 April 2011: Person in charge of promoting immigration history among teachers of history and geography at the Immigration Museum in Paris
3. 10 May 2011: Teacher of History and Geography in high school
4. 10 May 2011: : Teacher of History and Geography in high school
5. 11 May 2011: : Teacher of History and Geography in secondary school

Group Discussion

16 March 2011: Three teachers of History and geography.

Observation:

- 7 April 2011: One class, 9th grade, Secondary school in Seine Saint Denis

- 10 May 2011: Three classes in a row (10th grade, 11th grade and 12th grade) High school in Seine Saint Denis

Interview Guide

Case study number 1 on religious signs in school

- What types of issues related to diversity emerge in schools?
- What are the decisions that are taken to deal with these issues?
- How do you evaluate the solution adopted?
- According to you, what were the values that informed the solution adopted?
- Do you think that the decision adopted solved the issue or that it persists? Why?
- What could be an alternative decision to solve the issue?
- According to you, what does it mean to 'tolerate' cultural diversity in school?
- What are the practices and the norms that structure tolerance in school?

Case study number 2 on curriculum extension

- What do you think of the decision to introduce immigration history in French history curriculum?
- Do you think this decision was taken to solve a specific issue? And if yes, what kind of issue?
- According to you, what were the values that informed this decision?
- Are there tensions in relation with the content of the curriculum that you may link to the diversity of the school population?
- What could be a better alternative than introducing immigration history in French curriculum?
- According to you, what does it mean to 'tolerate' cultural diversity in school?
- What are the practices and the norms that structure tolerance in school?

Immigration History in Secondary and High school Curriculum

		h/week	Civic Education	History	Geography
Secondary					
Year 6	6e	3h	Teaching on the presentation of self: enforcement of laïcité. *Since 2009*		
Year 7	5e	3h	Teaching on Equality and Diversity *Since 2010*		
Year 8	4e	3h			Migration and Tourism in the World (10% of Geography Teaching) *Starting 2011*
Year 9	3e	3h30		20th Century History: Labour migration. **A century of immigration in France** (5% of History teaching) *Starting 2012*	
High School					
Year 10	2nde				
Year 11	1ère			Immigration and the French society in the 20th century (as part of changes in the society, 10% of History teaching). *Starting 2011*	
Year 12	Terminale				

Chapter 4

List of Organisations

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