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# French Republicanism and Pluralism:

## CAN THEY CO-EXIST?

John R. Bowen | Washington University in St. Louis

May 2017

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### I. INTRODUCTION

France provides an excellent case to ask questions about the possibilities for pluralism in the interplay of social conditions, policy and political theory. Indeed, ideas play a particularly large role in France's approach to diversity, with respect to language as well as ethnic and religious identities. Republican theory and a particular sense of its historical importance explicitly drove French policy arguments, and to some extent policies themselves, throughout the 20th century and now into the 21st century. At the same time, sharp socio-economic inequalities as well as France's social diversity make it difficult for policy-makers to simply fall back on assumptions about a common will and the unity of the French people.

From this perspective, republican political theory itself is a "driver of pluralism," not in the abstract, but as it has been formulated with respect to, and

in response to, specific policy challenges. These challenges include the major domains important for promoting pluralism, including economic opportunity and fairness, political representation, and openness to social and religious difference. This paper considers two major and related ideas integral to French republican theory that have had direct effects on the policy and political space for pluralism. The first is the idea of "the public," including conceptions of boundaries of public space and "common life," and which in France gives a major role to the state. Here I look at the historical development of ideas and policies about religion and space, developed in the long-running contest between the state and the Catholic Church. I also discuss how policy-makers apply these ideas to signs of Islam in public space. The second is the related idea of an indivisible French people. The two ideas are connected in French theories about France. Guaranteeing a common life in public space facilitates the recognition by each of the other person as a member of a shared French peoplehood.

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This paper is part of a new publication series from the **Global Centre for Pluralism** called **Accounting for Change in Diverse Societies**. Focused on six world regions, each "change case" examines a specific moment in time when a country altered its approach to diversity, either expanding or eroding the foundations of inclusive citizenship. The aim of the series – which also features thematic overviews by leading global scholars – is to build global understanding of the sources of inclusion and exclusion in diverse societies and the pathways to pluralism.

This normative idea has made it difficult to recognize categories of religion, race or ethnicity, and therefore can hinder efforts to “respect and value diversity,” as the Global Centre for Pluralism defines pluralism.

These theory-and-history-driven ideas shape policy, but they also shape public discourses about diversity, which are part of the situation of pluralism itself. The goal here, then, is to trace historically embedded and shaped political theory that has real social effects regarding forms of “tolerable” diversity.<sup>1</sup> More specifically, by tracing these ideas it is possible to do three things: first, to better understand the French political tradition both in its broadest sense, and in the ways it has been recently interpreted and applied; second, to identify alternative interpretations of that tradition that might be desirable and plausible; and third, to identify the policy effects of current dominant interpretations of that tradition regarding pluralism.

Thus the paper looks first at the ideas of public space and people in republican theory. It then traces the utilization of the two ideas in debates around religion and schools, around post-colonial immigration and its socio-economic consequences, including approaches to tackling discrimination, and to categorizations of difference via the statistical mapping of ethnic and religious difference. The two ideas also continue to influence narratives and policy around the manifestation of religious practice in public space. This paper concludes with reflections on the possibilities for a republican inflection of pluralism in France.

## II. TWO KEY IDEAS: PUBLIC SPACE AND INDIVISIBLE PEOPLE

An examination of any issue in France regarding diversity will bring up a wide variety of discourse on the notion of “public.” For instance, controversies take on heightened tension when they concern the public school, accorded a near-unique position as a universal agent of socialization in public life. State venues are also “public” in the sense of incarnating an abstract idea of the people—even if they might be tightly closed off to ordinary people. The broader sense of “in public,” whether meaning on the street or in a café, infuses sentiments and laws about what people should or should not do “in public,” meaning civic publicness, i.e., a common life. The fluidity of meanings attached to the word public is an essential feature of its use in French political and policy debates.

Indeed, one could say that all French political theory revolves around a long-standing tension between the principle of guaranteeing individual liberties—the legacy of the Revolution, the *Declaration of the Rights of Man and of the Citizen*—and the principle of safeguarding the public interest or public moral order. After all, the 1789 *Declaration* states that “No one shall be disturbed for his opinions, even religious ones, provided that their manifestation does not trouble public order (*ordre public*) as established by law” (Article 10), and that “the law is the expression of the general will” (Article 6). The general will then might trump the individual’s opinions. And how do we know the general will?

It is somehow public. In its Old French meanings, “public” either pertains to the state, or to the people, or it means open to general observation. The people are understood as a single unit, capable of manifesting a general will. Legally, Article 1 of the 1958 French Constitution expresses this principle when it declares that France is “an indivisible, secular, democratic and social Republic. It shall ensure the equality of all citizens before the law, without distinction of origin, race or religion. It shall respect all beliefs.”<sup>2</sup> Thus, the state does not recognize fractions of the French people, nor are group rights granted. This said, one might ask how, concretely, particular uses made of public space take on political meanings. Should public matters—*res publica*—be visible? Should visibility be in the public interest?

Public space and the people intersect at moments of national gatherings, such as on 11 January 2015, when the largest gathering since the 1944 Liberation assembled at the Place de la République in Paris to stand for unity after the *Charlie Hebdo* and kosher grocery massacres.<sup>3</sup> Many experienced this event as the public manifestation of the people. Politicians and many others criticized those who did not attend or who expressed dissenting sentiments as out-of-step. School children in the poor outer suburbs of Paris who declined to observe a moment of silence were seen as a sign of the danger posed by poorly-integrated Muslims, not as an instance of legitimate dissent, and several public figures vowed to double-down on the teaching of secular values (*laïcité*) in the schools to correct the problem.<sup>4</sup>

The French linkage of these two basic ideas marks out a space of debates and distinctions that are

not at all those of the Anglo-American world.<sup>5</sup> They concern the tension between a liberal strain in French thought, one emphasizing the rights of expression, of association and of belief, and a republican one, sometimes called Jacobin, that links the state, the general will, and visible space by way of the notion of “the public.” Shared by people located at different points in this space of debate are the ideas that public space is moral space, and that preserving its character is essential to preserving the public moral order. Part of that preservation involves a continual policing of its boundaries.

Although most of the contemporary issues related to pluralism discussed in this paper have to do with immigration and religion, one should note that much of the controversy in France has been about regional demands for recognition, including Corsican claims to be a separate people and demands by linguistic minorities in several regions for recognition of their languages. The indivisibility principle of the French Constitution is not so much about French territory—overseas territories which are French territory, and even Corsica, have been allowed juridical specificities—as it is about the indivisibility of the French people.<sup>6</sup>

It is important to remember that France is a country where the state constructed a nation despite strong regional variations in language, culture and political allegiances. In that sense, the proclamations in successive constitutions of the undivided nature of the French nation and people tracks a constant horizon of aspiration. If we trace this aspirational unity to the Revolution, it was also shaped by the centralizing monarchy, most notably, of course, by the efforts of Louis XIV to break the economic and

military power and independence of the nobility. This project was first and foremost a state project, not a nationalist one, in which the continued existence of regional languages was no hindrance. Indeed, in 1871, when President Adolphe Thiers successfully sent the non-French-speaking Breton troops against the Paris Communards, whose pleas for solidarity fell on non-comprehending ears, an absence of cultural unity could serve the state. Thus the well-known story of “making peasants into Frenchmen” (from historian Eugen Weber’s title)<sup>7</sup> cannot hide the fact that regionalisms continue to foment and, from time to time, flourish in protests against the state, particularly in Brittany. Indeed, we do not know enough about possible imbrications of contemporary regional protest and Far Right populism.

Yet, the relative success of French nation-building, especially when compared to its neighbours, does not keep France from exerting controls on regional languages, on the pretense that encouraging regional multi-lingualism would contravene the Constitution. France signed but has not yet ratified the European Charter for Regional and Minority Languages. Indeed, in 1999, the Constitutional Council ruled that doing so would violate the Constitution’s stipulation that “the language of the Republic is French.” Although the state tolerates some efforts to promote regional languages—in signage, for example—it gives these languages no official recognition or support. And there are 75 of them. Many of even the major ones, such as Breton, are quickly losing speakers, with few incentives for inter-generational transmission. The situation might have changed, if President François Hollande had been able to pass the constitutional amendment

he had promised in his 2012 electoral campaign, stipulating that recognizing regional languages did not contradict the official place of French.<sup>8</sup>

### III. RELIGION AND SCHOOLS: ANY SPACE FOR PLURALISM?

The Republic was born out of a struggle with the Catholic Church as well as the nobility, and this origin has coloured French politics ever since. Schooling has been one of the major terrains upon which the struggle between the Church and the Republic has been fought. As a consequence, the visibility of Islam in schools frequently becomes a key arena for debates about French identity and the place of religion with respect to that identity.

French ideas and practices of governing religion have a longer history, of which I will briefly consider two pivot points. The first point introduced the idea of state control of the physical church at the turn of the 14th century, when the rather bloody king nonetheless called Philippe le Bel asserted his political control over the physical Church (leaving doctrine to the Pope), and in particular his right to tax the churches. Despite the sharp changes that occurred thereafter—the Edict of Nantes (1598) allowing the practice of Protestantism, the Revolution of 1789, Napoleon’s Concordat system, and the succession of Empires and Republics—this Gallican Church model of state regulation has continued to shape French politics, down to Nicolas Sarkozy’s efforts, as minister of the Interior in 2003, to control Muslims by creating a single

national association to represent the religion. Across this long span of time and multiple religions, the governance structure has remained one in which the *cultes* (organized religions) are controlled, and in varying ways supported, by the state.

These historical forces and patterns differentiate French forms of religious tolerance, as a matter of royal, and later Republican regulation of a recognized religion, from those in Britain (and therefore from much of the English-speaking world), as a gradual and generalized recognition of freedom of conscience and worship for individuals. In France, the object of regulation is not the individual worshipper, but the *culte*, with its buildings and its officials. Control was and is defined in spatial terms.

This Gallican model was further inflected by three developments. One was the appearance, in the late 18th and early 19th centuries, of a philosophical and political tension between two conceptions of society, both to be found in the writings of Rousseau.<sup>9</sup> The first holds that in public space a general will may emerge and be captured in laws, and that intermediary bodies or “corporations” should not deflect it. The second is that individuals are free to associate. Over the course of two centuries this second strain has only gradually asserted itself.

The second development, during the same years, was that the sharp conflict between the Catholic Church and the Republic led some to see religion as opposed to the public interest, and made more likely an insistence on sharp boundaries between the public and the religious. These conflicts and boundary policing were especially acute regarding

the public schools, created in the 1880s. Third, the domination of Muslim-majority lands by French troops and administrators starting in the 1830s, and the bloody Algerian War for Independence (1954–62), both left a sense of a national integration crisis second only to the aftermath of the Franco-Prussian War in the 1870s. Anxieties about national belonging have ever since made Muslims and Islam a “problem.”

The second important pivot point came in 1905, and it grew out of battles over the control of the schools in the Third Republic (1870–1940). The schools became a major battleground between the Republic and the Catholic Church for conceptual and historical reasons. French public schools were given the task of socializing individuals into Republican citizens. Historically, they provided the central mechanism to produce citizens over, and against, cleavages of region and religion. Schoolteachers were the designated agents to make “peasants into Frenchmen” and to fight against the Church’s efforts to control the minds of primary school pupils. From the reforms promoted by Minister of Education Jules Ferry in the 1880s to the negotiations with the Vatican in the mid-1920s, the Third Republic succeeded, through a series of decrees, laws and negotiations, in removing the Church from the public schools and in depriving the Church of its public status.<sup>10</sup>

The crucial year was 1905. After a strong set of anti-Church policies, including momentarily expelling thousands of priests and nuns from France and closing all religious schools, the government passed the law on the separation of state and religion. Today this law is celebrated for enshrining *laïcité*,

or secularism, and for establishing the neutrality of the state with respect to religions. In fact, the word *laïcité* is not used in the text of the law, nor does the law set out any general political philosophies, although it has become a kind of Rorschach test for every author's normative fancy on the subject.

With the law of 1905 as the touchstone for all debates about religion and secularity in France, it is worthwhile lingering for a moment on its historical details. What the law says, after guaranteeing “freedom of conscience and the free exercise of the *cultes*,” although these liberties were “subject to restrictions specified below in the interest of *ordre public*”, is that the state “neither recognizes, nor pays the salaries of, nor subsidizes any religion.”<sup>11</sup> The bulk of the law concerns church buildings and the objects within. The law ended the use of state monies to salary priests and build churches. The state took direct control of most existing churches, but said that if citizens created private religious associations, they could take over church buildings and properties; if they did not, the property would be given to local municipal welfare organizations. This was the liberal dimension of the law. However, such associations would also have to conform to the rules of each religion. In other words, the state would pass judgment on their religious correctness before they could take over the building and property. Here, the state reasserted its control.

In the immediate aftermath of the law, everything that happened in a church was considered public, in the sense that it was policed by the state. And it was forbidden to place any “religious sign or emblem” in public places, except for churches, cemeteries or museums. The law also gave prefects, the state's

representatives throughout the country, the right to ban the posting of church notices in non-church space, and to ban the ringing of church bells. This is why one hears bells almost constantly in certain parts of France, and not at all in others.

No religious instruction could now be given in a public school, except outside of school hours. All non-*culte* activities were prohibited in churches, although people could create non-religious associations to print religious books or organize youth groups, for example.<sup>12</sup> At the same time, anyone preventing a worshipper from worshipping—by threatening to fire someone from her or his job, for instance—could be imprisoned.

As with French judicial decisions, the reasoning and justifications that shaped the 1905 law are intelligible only through reading contemporary commentaries and debates, and in particular the responses provided by the major architect of the law, the liberal Aristide Briand.<sup>13</sup> The radical socialist deputy Charles Chabert proposed forbidding priests from wearing priestly garb, on the grounds that this clothing signaled a status they no longer had, that wearing it endangered the *ordre public* by provoking demonstrations and that it infringed on the human dignity of the priest, who was a captive of the Church: “Of this adversary of modern society, let us, by dressing him like everyone else, make him a partisan of our beliefs, a servant of progress. Of this serf, of this slave, let us make a man.”<sup>14</sup>

His arguments prefigured those made for banning full-face veils in 2010, or indeed in banning headscarves in public schools in 2004: that scarf-



wearing schoolgirls disrupted class by forcing the presence of ostentatious religious signs; that a woman contravened human dignity and gender equality by the act of wearing a scarf, or, *a fortiori*, a burqa; and that wearing either made her a captive of Islamists, from whose grasp she needed to be saved.<sup>15</sup> We can almost hear the modern-day Chabert proclaim: “Of this submissive victim, let us make a French woman!”

To Chabert’s arguments for banning priests from wearing clerical garb, Briand, the liberal architect of the law, replied that: “The bill’s silence on the subject of the clerical uniform is not the result of an omission but rather, on the contrary, of mature reflection and deliberation. It seemed, to the committee, to run too great a risk, for too questionable a result, of accusations of intolerance, and to run an even greater risk, that of ridicule, to attempt to impose, through a law which claims to have as its primary goal to install in this country a regime of religious liberty, upon religious ministers an obligation to change the cut of their vestments.”<sup>16</sup>

Precisely the same arguments were made against banning Islamic headscarves a century later, among others, in appeals made to the European Court of Human Rights on the basis of Article 9 of the European Convention on Human Rights.<sup>17</sup>

More important for the eventual text of the law were the restrictions on the presence of religious signs and symbols in public space. Although he took a relatively liberal position, Briand nonetheless denounced oppressive publicity. “The street and the public square belong to everyone. Why do you claim the right, you Catholics, under a regime of

separation, to violate this religious neutrality by exhibiting, in full view of citizens who may not share your beliefs, objects that exalt your faith and symbolize your religion? Is your own conscience capable of being free only so long as it can oppress the conscience of others?”<sup>18</sup> Note how visibility is assumed to be oppressive.

Yet, the 1905 law is also ambiguous. Although Briand clearly had in mind oppression by municipal displays, the law as passed prohibits any “exhibiting” by anyone. In 1905, this broad interdiction attracted the support of many strong anti-Catholics in Parliament. Today, this wording continues to prevent a church, for example, from posting any notices about upcoming church events outside church grounds, although a concert in a church could be considered “in the local public interest” and thus could be advertised anywhere.

But the 1905 law hardly settled matters. In the years before 1940, when the French government was weak, the Church had a lot of clout. The Vatican refused to accept the terms of the 1905 law, according to which church properties would have become the property of citizens’ associations, without church involvement. The state capitulated, and transferred all church buildings to municipal ownership (the *communes*), while also granting priests and the faithful the free use of the buildings. Cathedrals, however, remained the property of the state. Churches continued to run private religious schools, and, in 1919, obtained state financing for religious schools that taught the national curriculum. This remains the case today.

Boundaries subsequently were policed by the state.

Gradually, for example, priests were no longer allowed to wear their vestments while providing catechism instruction, and then catechism could not be taught in the school building. Priests would teach it, therefore, sometimes in small, separate buildings built on school grounds or just across the road. Similarly, until the 2004 anti-headscarf law was passed, some school principals allowed headscarves in school, but not in the classroom, or not in the building, but on the grounds. In all these instances, at stake was how and where to erect concrete boundaries that would best reflect ideas about religion and public space.<sup>19</sup>

Measures that were passed between 1905 and 1920, and many adjustments thereafter, continued the older model of governance, in that they set out the means for the state to support and control religious institutions, through laws regulating religious associations, private schools and the use of religious buildings. We can see how poorly the notion of “separation” characterizes these policy decisions: defunding, control, eventual compromise and support was the succession of steps taken.

This early debate about the space for pluralism demonstrates that notions of what is public space, and what space is legitimately controlled by the public (represented by the state) were central to the early structuring of the relationship between religion and the state, with both public and private schools being a terrain of conflict.

## IV. POST-COLONIAL IMMIGRATION

In the previous sections, I traced the development and early application of the French republican idea of public space and then the emergence of a focus on spatial boundaries of legitimate expression of religious ideas, and the model of support and control for religious organizations. In this section, I turn to considerations of the situation of post-1945 Muslim immigrants and their descendants, particularly the consequences of the political idea of an indivisible French people.

Since the Revolution, the French citizenship apparatus has processed incessant waves of immigrants. In the 19th century, they came mainly from other European countries. In the 20th century, men, and eventually women, from former colonies joined them, including Algerians arriving to rebuild after the Second World War, while their compatriots were back home fighting France for independence. Later, numerous immigrants from sub-Saharan Africa followed, many of whom were also Muslim. All this while, large numbers of immigrants from other European countries arrived, most of all from Portugal. Thus, immigration is an integral part of modern French history, although it is not always recognized as such.<sup>20</sup> Former President Nicolas Sarkozy’s father was of the Hungarian lesser nobility, former Paris mayor Bertrand Delanoë was born in Tunisia and his successor, Anne Hidalgo, was born in Spain, as was Manuel Valls, prime minister in part of François Hollande’s presidency. In French political discourse about immigrants, however, it is not Sarkozy or Hidalgo



that come to mind, but the visibly different, non-Catholic Muslims who are still, even into the third generation, labeled “immigrant.” While Sarkozy is not described as a descendant of immigrants; the grandson of an Algerian factory worker who arrived in the 1960s most certainly is.

I look at examples of how those ideas shape political and policy responses to issues of diversity and integration. These examples cut across domains of economic, political and social exclusion. To summarize what will be developed through these examples, patterns of social exclusion and discrimination, as well as manifestations of anger at both, are sometimes treated as a “problem of immigration,” and contrary to republican ideas about education, interaction in civic life and French values. The public sphere is seen to be threatened. In the economic domain, shops that make visible their efforts to attract Muslim (for example by featuring halal food) are seen as signs of communalism, or folding in on oneself rather than participating in the wider public arena. Efforts to gain information on discrimination against minorities are stymied on grounds that such a search violates the constitutional principle of the French as an indivisible people, as do efforts to promote the political representation of minorities. The combined effects of these attitudes and policies can be seen in continued discrimination in jobs and housing against persons with Arabic-sounding names, and in a hard-to-quantify sense of civic discrimination and exclusion on the part of some citizens—a sense that may aid jihadi recruiting.

## Social exclusion and discrimination

In the years after the Second World War, workers were recruited to work in factories and help rebuild France. Many came from elsewhere in Europe, but large numbers came from France’s overseas territories, colonies and what eventually were former colonies, especially from Algeria and elsewhere in North Africa, and then, somewhat later, from sub-Saharan francophone West Africa. Muslim arrivals made their homes where the factories were, in peripheral areas of large cities. In addition, France’s labour and housing policies encouraged poorer populations to live on the geographical and thus social margins of French cities. However, just as the workers’ families were joining them in large numbers in the 1970s, factories began shutting their doors in the face of recession and longer-term de-industrialization.<sup>21</sup>

This story is not of unbroken gloom, but it is full of unintended consequences. Physical conditions for poor migrants and their families had improved markedly during the 1960s and 1970s, when the state built huge complexes of apartments as low-rent social housing (HLM, *habitations à loyer modéré*), which each housed thousands of families. These new complexes were heartily welcomed at the time. They were clean, had toilets, and, at first, they housed together native French and immigrants from all parts. Better-off families (especially native French and Asians) were able to move out and buy small homes, and as the nearby factories closed their doors in the 1970s and 1980s, those who stayed found themselves increasingly without work.

They are likely to be young people of color: about 18% of all people in France live in HLMs, but 50%

of North African immigrants, 37% of other African immigrants, and 36% of Turkish immigrants live in these projects. The projects became traps rather than springboards, and it is the children who grew up in them who participated in riots in 2005 and 2007.<sup>22</sup>

Perpetuation of inequality works in myriad and sometimes subtle ways, starting with interactions between housing and schooling. Residential concentrations of poor minorities make income disparities worse. The concentrations of immigrants in certain neighbourhoods had their beginnings in state policies toward immigrant labour and have persistent effects on schooling and employment. Who sits in the school desk next to you has significant effects on how likely you are to complete school. These effects help explain why 20 years of special state investments in poorly performing school districts (the ZEP, *zones d'éducation prioritaires*) have had no measurable effect on school success. The concentration effects continue after school: immigrants earn much less than native-born French with the same level of education.<sup>23</sup>

Ironically, the social housing projects, though often blamed for social problems, serve to counteract ethnic self-segregation even as they reinforce economic segregation. It is very difficult to find a place in an HLM. People compete to get out of unsafe and filthy privately run apartments. The result is that you end up wherever the housing office sees fit to put you. As a result, blacks, North Africans and “native” French live side by side in the projects. But they observe boundaries. You date across those lines at your own risk.

There are bright spots where institutions and associations thrive and gloomy spots where they do not. Within the *département* of Seine-Saint-Denis, where the 2005 and 2007 riots were concentrated, the cities of Saint-Denis and Clichy-sous-Bois, at first glance, seem similar: high unemployment rates, social housing, foreign residents and poor schools. Saint-Denis, however, is a bustling market centre with easy access by subway or train to the centre of Paris, a campus of the University of Paris, private Islamic schools and associations, and the Basilica, a major tourist attraction. Clichy-sous-Bois (where the riots began) has isolated housing projects, few cafés or bistros, no educational institutions beyond the mediocre public schools, and inadequate public transport.

Public schools are supposed to be the major French mechanism for integration. However, in principle, schools take their pupils from the surrounding neighbourhoods, thus reinforcing residential segregation. Parental strategies exacerbate these effects because many of the better-off parents manage to place their children in schools in a better district—40% of Paris-area parents are estimated to have done so through legal methods and an unknown number through illegal ones. These strategies for getting around the rules make the concentration of immigrants in any one school two to two-and-a-half times what it otherwise would be.<sup>24</sup>

Within schools, teachers channel pupils very early on toward those professions that seem to best fit their social and cultural profile. High schools were created by Napoleon in 1802 in order to form an elite, and they have never lost their essential gate-

keeping quality. Social-class differences show up massively in the schools children attend, which tracks they pursue (math, arts, technology), whether they take the baccalaureate or a less demanding exam, and what they do afterward.<sup>25</sup>

Outer cities have higher unemployment rates, but the official numbers understate the realities youth face. A town may have 20% unemployment, twice the national average, but for younger residents the rate may be 30%, and for those who left school and live in social housing, the rate may be 50 or 60%.

Discrimination makes already poor chances worse. A number of studies using job résumés matched for studies and experience have examined the difference ethnicity or neighbourhood reputation makes. One study found that a good address can triple the chance of being invited to a job interview. Others have found that having an Arabic-sounding first name makes you between two and three times less likely to be interviewed.<sup>26</sup> Compounding these structural features is constant harassment by the police. Police officers use the informal *tu*, received and intended as an insult. Citizens with darker skin report being stopped frequently, some four or five times a day.<sup>27</sup>

Between geographical separation, massive unemployment, job discrimination and poor police treatment, the experience of French Muslims is difficult, but has little to do with religion. When riots erupted in 2005 and again in 2007, economic and social issues, not Islam, were at stake. As long as diversity could be framed as a matter of the integration of “immigrants,” that was the frame used. As “immigrants” became citizens, and their

children and grandchildren were born in France, a new frame had to be found to discuss the problems of discrimination at work and in housing. If people were French, “lack of integration” hardly worked to analyze the problems. It became increasingly difficult to deny that there existed widespread discrimination. The trick was how to understand it within a political ideology committed to the idea of an indivisible people. Indeed, it could not even be mapped because that idea itself prohibited identification of religious, racial or ethnic characteristics in the census or in state-sponsored surveys.

The riots of 2005 and 2007 brought an increased sense of urgency to the matter. To their credit, security forces and the media generally concurred that the conflicts were not with “immigrants” or with “Muslims”, but with the persistent isolation and discrimination faced by people living in poor outer cities. A recent inter-ministerial strategic plan finds that almost nine of ten “descendants of immigrants” living in the most deprived areas in urban France feel French, but half of that group say that they others do not treat them as such.<sup>28</sup> Where political theory and the law assume an indivisible people, many ordinary French are unwilling to accept participation in the primary republican institution—education—or even citizenship as a basis for full inclusion.

## Ethnic statistics and political representation

The political idea of an indivisible French people has effects on efforts to gather sociological and

economic data, and on efforts by ethnic minorities to gain political representation. During the 2014–16 immigration crisis, which is, in essence, to a great degree a refugee crisis, former Prime Minister François Fillon (and now right-wing presidential candidate) argued for revisiting the “taboo on ethnic statistics.”<sup>29</sup> But his goal was to use them in order to screen refugees.<sup>30</sup> Others have supported this idea of ending the taboo, but by “ethnic statistics,” they mean only counting the country of origin, or perhaps that of the parents.

Asking French residents about their religion, race or ethnicity has been held to be contrary to French law, based on the 1958 Constitution and 1978 legislation. When in the 1990s, some researchers at the National Institute of Demographic Studies (INED) began distinguishing between “native French” (*Français de souche*) and people of “other origins,” they were attacked for reviving Far Right distinctions between “peoples,” used by the Vichy regime of the 1940s German occupation. At the same time, very few would contest the claim that discrimination against fellow French citizens on the basis of perceived race or religion is rampant. Even Prime Minister Manuel Valls, in his speech after the *Charlie Hebdo* shootings, said that France had “an apartheid that is territorial, social and ethnic,” and denounced “daily discriminations because someone had the wrong skin color.”<sup>31</sup>

Testing by sending out pairs of job résumés that differ only by last name shows this clearly. Patrick Simon, one of the leading proponents of loosening the ban on collecting information about race and ethnicity as part of the fight against discrimination, has estimated, on the basis of such tests, that

someone with an Arabic-sounding last name on a submitted résumé is two and a half times less likely to be called for an interview than someone with a “native French”-sounding name.<sup>32</sup>

Things are murky because the 1978 law restricting large-scale gathering of data on racial or ethnic origins, or on religious “opinions” also allows for exceptions for purposes of research. But because many, perhaps most, public figures consider such information to be suspect at best, and “tainted” by Vichy at worst, few such studies are carried out. For example, after the Constitutional Council in 2007 declared using any fixed set of ethno-racial definitions contrary to the Constitution (and yet left open the possibility of posing subjective questions), an INED study in 2008–9 removed questions about how respondents thought others perceived them. The collective effect of these regulations is that more positive uses of race—for example, the use of affirmative action to improve the status of minority groups—are equated with more invidious ones, both being viewed as illegitimate.<sup>33</sup>

Thus, when researchers in France wish to measure the over- or under-representation of minorities (with the exception of first-generation immigrants) in a prison or at a university, for example, they have no data to draw on, either for the percentage of a category in the population at-large or in the institution in question. As a result, fictive figures abound, such as the frequently mentioned statistic that 60% of France’s prisoners are Muslims, which derived from a rather imprecise reference by the sociologist Farhad Khosrokhavar to “50 to 80%.” Yet, even that figure was based on counts he made in only four prisons close to poor cities.<sup>34</sup> In the

absence of good statistics, someone will produce bad ones.

The case for gathering data is best made by considering the information gathered from British censuses and surveys that allow policy makers to track relative changes in income or school exam scores for people by self-ascribed ethnicity. Although such data do not themselves identify social mechanisms that lead to these changes, they are useful indicators for policy making as well as public discourse.

For the same reasons, calls for political representation of ethnic minorities have been non-starters. Not only are there no positive provisions for ethnic representation, but political parties also view the idea as illegitimate.<sup>35</sup> However, women do benefit from “positive discrimination.” A constitutional amendment passed, in 1999, opened the way for French lawmakers to require equal representation of women and men on electoral lists (*parité*); such a law passed in 2000.<sup>36</sup> Advocates of the reform successfully argued for recognition that the abstract universal citizen had “two sexes.” Sex was the universal difference that cut across all other categories, whereas minorities (including sexual minorities) were held to be multiple, partial and shifting.<sup>37</sup> Provisions denied to minorities could be accorded to women, despite the idea of an indivisible people.

## V. MUSLIMS IN PUBLIC SPACE

We now turn from immigrants and their descendants to Muslims and Islam, a shift that returns to the analysis of religion and the boundaries of public space. In the 1920s, the French government developed a practical paradigm for claiming a status as a “great Muslim power.”<sup>38</sup> The state financed a Muslim Institute that had cultural facilities as well as a mosque, and that became the private domain of a public entity, so as not to violate the 1905 law.<sup>39</sup> If the institute was to be technically a private, French institution for legal reasons, its mosque had to have a very public, international presence for political ones, and indeed was inaugurated in one fashion or another several times: by a representative of the Moroccan Sultan, by the president of the French Republic and finally by the ruler of Tunisia.

If France cannot convincingly proclaim itself today a “great Muslim power,” it does continue to pursue a “control through support” logic that supports simultaneous foreign policy goals of showing support for Islam as a *culte*, and domestic policy goals of controlling Muslims, with the continued policing of Islamic affairs from the Interior Ministry, the continued espionage in mosques for Friday prayer and occasional interventions in the name of *ordre public*.<sup>40</sup> When, in 2010, the National Front denounced Muslims praying in the street in the northern neighbourhood of La Goutte d’Or, the Interior Ministry closed the mosques for Friday prayer, opened up a former military barracks somewhat nearby, and ordered the two main rival

imams (who detest each other) to alternate their weekly roles of sermon-giver. This is not separation of state and religion, but hands-on governance.<sup>41</sup>

State officials have also drawn on the ideas already present in Prime Minister Aristide Briand's speeches in the first decade of the 20th century, about presenting *laïcité* (secularism) as a protected social space. President Jacques Chirac expressed this idea in his address on religious signs in public schools on 17 December 2003.<sup>42</sup> He noted that *laïcité* protects the freedom to believe or not to believe, to express and practice one's faith, but also that "it is the privileged site for meeting and exchange, where people find themselves and can best contribute to the national community. It is the neutrality of the public space that permits the peaceful coexistence of different religions."<sup>43</sup>

Now, if *laïcité* defines the character of public space, then it can be cited as the justification for excluding any signs (and not just religious signs) deemed dangerous to the free exchange of ideas. Then what is meant by "public space"? For Briand in 1905 it was streets, parks and all spaces related to the state or the municipality. The prohibition of the headscarf by the 2004 law only concerned religious signs in public schools.<sup>44</sup> Yet, the generality and slipperiness of the idea of public space has made it easy to move from the prohibition specified in one law to a broader ban. One sometimes hears of elected officials invoking the 2004 law to justify banning women in headscarves from entering city hall or accompanying children on school field trips, or even eating in university cafeterias.

In 2010, the French parliament passed another law

(Law #2010-1192) prohibiting concealment of one's face in public space. Public space was given a broad definition, including any space open to general use or for the provision of a public service. Before its passage, the *Conseil d'État* (State Council) had rendered its own judgment, finding such a law to be disproportionate to any possible problem and thus in violation of Article 9 of the European Convention on Human Rights. But the *Conseil constitutionnel* affirmed the legislation's constitutionality. The Constitutional Council's decision accepted Parliament's argument "that those women who conceal their face, voluntarily or otherwise, are placed in a situation of exclusion and inferiority patently incompatible with constitutional principles of liberty and equality."<sup>45</sup> This is a position that French courts had been developing since 2008. The Council also participated in expansion of the moral content placed on public space, when it accepted that "Parliament has felt that such practices are dangerous for public safety and security and fail to comply with the minimum requirements of life in society."<sup>46</sup>

This second justification was new. By accepting the legislator's claim, the Constitutional Council also asserted that covering one's face violated principles of sociability, and that these were part of public moral order, *ordre public*. In this way, the Council assigned to the idea of *ordre public* basic elements of reciprocity needed to live together in society. Burqa wearers threatened sociability, and thus public moral order, by creating a visible boundary between themselves and others. This argument is very weak on jurisprudential grounds, but it echoes long-standing claims about ways in which Muslim "communalism" has hindered full



civic participation. According to this logic, “normal citizens” are presumed to be civil; they interact in the shared life of civic France.

An excellent exponent of this position is sociologist Dominique Schnapper, a committed adherent to French Rousseauian principles. In July 2010, she had just stepped down as a member of the Constitutional Council, which meant both that she understood its reasoning and could talk about it. She summed up her own justification for banning the face covering: “France is the country where everyone says ‘*bonjour*.’” She unpacked this remark: you cannot really greet another person from behind a veil. Here we have essentially the same claim about communication made in 2006 by Jack Straw, the Labour leader of the House of Commons.<sup>47</sup> While Straw made it on personal grounds—he felt uncomfortable speaking with someone whose face was covered—Schnapper made it on grounds of a theory of civic life.<sup>48</sup>

## Scandals of Public Halal

The disapproval of visible signs of Islam extends to the economic domain as well. An example of “public space” in the barest sense is retail shops, which are neither marked religious spaces nor do they receive state support. It is also ironic that some elected officials are quick to see an illegitimate exclusion and discrimination exercised by those who themselves have suffered from such mechanisms.

The examples come from halal food. In 2010, the Quick fast-food chain dedicated eight of its restaurants in Roubaix, a northern city near Lille with a large Muslim population, to serve only

halal hamburgers (and other food, but the “halal hamburger” became the symbol of the case). The mayor of Roubaix objected to the fact that halal was all that was offered and accused Quick of “discrimination,” in a complaint to the courts. This was a difficult case for politicians, in that it was unclear what law or norm the shops were violating. Fadela Amara, then state secretary for Urban Affairs and also a crusader against “communalism,” defended Quick, saying that there was no state involvement and it was up to the consumer to make a decision to eat there or not. In disagreement with this representative of the government led by their own party, a group of seven deputies, all on the right end of the UMP (*Union pour un mouvement populaire*, the right-wing party of President Sarkozy), denounced Quick for “imposing on all clients halal food without the possibility of choice,” which they added was “contrary to the secularism of French society” and a “step toward the balkanization and ghettoization of our society.” *Le Monde* noted that there seemed to be large numbers of non-Muslims as well as Muslims (however they determined this fact) in the establishment.<sup>49</sup>

This was not an isolated experiment: Kentucky Fried Chicken and Flash Burger also opened all-halal restaurants, and there are, of course, many food shops that had always been halal. It seemed to be media attention that polarized the matter and made it into an *affaire*. Indeed, in 2009, the same mayor of Roubaix had applauded the plans to open a halal Quick. Of interest is the political sensibility that in the mainstream repertoire of slogans, the terms *laïcité*, ghettoization and communalism were ready at hand for those wished, for whatever motivations, to do battle. These three terms and

ideas all have to do with public space and its boundaries, or absence thereof. A halal restaurant or shop, in this line of thinking, creates ghetto walls where they did not exist before, and inserts religious elements into what had been space unmarked by religion.

Nor was the matter entirely new. Eight years earlier, the same arguments were heard after the opening of a Franprix convenience store in a neighbourhood of Evry, a municipality on the southern outskirts of Paris. The shop sold no alcohol or pork products. The mayor, Manuel Valls (later to be Interior Minister and then Socialist Prime Minister), threatened the proprietor with police intervention (legally an empty threat) if he did not convert the shop to “normal functioning,” meaning stocking it with beer and sausages. Again, the argument was that a halal-only shop sent a signal that non-Muslims should leave the neighbourhood, and would mean “the neighborhood will become a ghetto.”<sup>50</sup> Although some commentators noted that there was a Parisian Franprix that sold only kosher food, and that if the stock had been only organic food there would have been no scandal, and although the mayor’s efforts to close the shop were blocked by the courts, the brothers who had opened the Franprix soon threw in the towel. Ironically, later and on a different topic, Valls said that, “the State does not bother with dietary rules of the French.”<sup>51</sup>

We can see that certain deep assumptions about the moral quality of public space provide the material for practical schemas concerning religion, state and public interaction. Much of what Aristide Briand said in debates in 1905 could have been said in

2015—as could many of the justifications put forth by his more anti-clerical opponents. These “deep schemas” draw on philosophical and historical roots: the Revolution as seen through Rousseau’s (rather than de Tocqueville’s) eyes, the tradition of state corporatism, the deep enmity between Church and Republic, the centrality of the public school for moral cohesion, and the more recent “moral panic” concerning Islam and communalism.

The above discussion has identified long-term features of French political reasoning that shape policy responses to current social issues. These issues shape the place of possible pluralism by cutting across three major domains: social, political and economic inclusion. Social and economic inclusion are threatened by the spatial and economic separation of many ethnic minorities from other French, which exacerbates discrimination (for among many other reasons by making it possible to discriminate on the basis of neighbourhood and builds a sense of rejection by the “native French” population. These two kinds of separation have their roots in colonial and immigration policies, but they create feedback loops when where you live predicts the quality of your school and the likelihood of finding employment. Layered onto that separation are the effects of specific applications of ideas of public space that lead to treating expressions of religious preference in public space as un-French, whether in the contents of a food shop, restaurant or the choice of clothing.

## VI. CAN THE FRENCH POLITICAL PROJECT BE MODESTLY INFLECTED?

Is there but one, unchanged French political tradition? To the contrary, for centuries, the French have continually adjusted the relation of state to nation, amidst efforts by the Church to regain its lost influence. The Jacobin response to that challenge was radical: use Rousseau's idea of the general will as a blueprint for building a centralized state apparatus, which could take in the thoughts and desires of citizens, and return them back to those citizens by way of the institutions and processes of schooling, judging and administering. Jacobin logic led to abolishing all "intermediate corporations," such as guilds and independent churches. This ban enjoyed only partial success: keeping up the standards of Parisian bread, a *sine qua non* of political order, required active guilds, for example. Nonetheless, the Jacobin political imaginary continues to shape policy, inspiring a political instinct to solve problems through central control. The Jacobin answer was never the only one. Historian Pierre Rosanvallon points to a founding contradiction between the centralizing Jacobin state and a French civil society that had always valued the principle of free association. Rousseau himself maintained that tension in his writings. The republican project thus turned out to be more complex and capacious than initially envisioned, as the state gradually extended the right to form associations to guilds, labour unions, and, in 1901, to any association formed by French citizens.<sup>52</sup> Catholicism's peace with the Republic came in part

by the gradual public acceptance of its schools and cultural associations. Other religions, too, have thrived this way. Another form of free association, the Masonic order, has penetrated into all walks of life, particularly the government and the judiciary, a fact both celebrated and denounced in the media. There are also myriad neighbourhood associations. So thoroughly have civil society organizations been embraced that there is often a ministerial portfolio for associational life.

What about *cultes* themselves, and not just the allied associations of civil society that flank them? Since 1789, the republican project, with its competing Jacobin and associative tendencies, has generated not a consistent policy of secularism, but diverse and shifting institutional forms for the governance of religion. The rise and fall of anti-clericalism, and the waxing and waning of Church power, have produced a series of sharp turns and compromises, as described here. The Republic began by continuing a long royal tradition, known as the Gallican Church, whereby the king ruled the temporal affairs of the Church and the pope set doctrine. In the 19th century, a republican variation on this theme generated four associations organized under the auspices of the state and representing Catholics, Lutherans, Calvinists and Jews. These state-administered bodies pay the salary of the clergy and cover the costs of repairing religious buildings.<sup>53</sup> This corporatist model lives on in the republican mind. In 2003, it led the Minister of the Interior to create an equivalent body for Muslims, the French Council for the Muslim Religion, which, given the decentralized nature of Islamic authority, does little.<sup>54</sup>

Even after the law of 1905, the Church won a compromise on religious schooling. When applied to schools, Rousseau’s plan meant that all young French women and men would sit in similar buildings and hear the same lessons at the same time, year after year. However, the Church held out for its “free schools,” and at each challenge to these, it has flooded the streets with protestors. In a compromise that holds today, under contract with the state, Church schools teach the national curriculum, limit religious teaching to one hour per week and admit pupils regardless of religion. The state pays the teachers’ salary, and municipalities may provide their own subsidies. About one-third of French parents will at some point send a child to a Catholic school, where they receive roughly the same education as students in secular schools, but in a religious atmosphere. Similar arrangements apply to the far smaller numbers of Jewish and Islamic schools that enter into this contract with the state. Thus, uniform education has been largely preserved by granting financial support and a small degree of autonomy to those associations—almost always religious—that wish to create their own, private alternatives. Compromise produced a workable result.

While France maintains fairly strict oversight of curriculum, even in religious schools, the state also feels obligated to guarantee citizens’ capacity to practise their religions, including Islam. It meets this obligation through the Ministry of the Interior’s Central Bureau of Religions. For decades ministers and local officials have worked with Muslim leaders to find ways to provide halal food, and, in particular, to guarantee a supply of fresh-killed meat on major feast days. Locally, Muslims have formed religious

associations to win mayoral support for acquiring land on which to build mosques. Every public school has a parents’ association, and in places with large Muslim populations, the associations sometimes succeed in getting halal or vegetarian options into the school cafeteria—precisely the sort of inclusive initiative denounced by those who favor doubling-down on secularism.

Three aspects of the French political project with respect to pluralism should now be clear. First, it has never been only centralizing; it has also supported bottom-up associative efforts to meet legitimate goals. Second, the Republic has been deeply involved in religious affairs, even as it defends its actions against those who, citing the 1905 law, argue that the state should remain aloof. Third, if the major goals of the French political project can be defined in general, its specific institutions and rules adapt in response to new circumstances.

One such potential adaptation would be to take seriously the defenders of the 2004 law on headscarves, who claim that it was about protecting school girls from pressures that would prevent them from developing their own ideas about ethics, religion, history and so on. Indeed, this defense of the 2004 law is given by historian Patrick Weil, who was a member of the Stasi Commission (2003), established to study the issues related to *laïcité* and that proposed the law.<sup>55</sup> That no girls testified to such pressure at the public hearings held by the Stasi Commission, and only one such testimony appears to have been taken even in private, has not deterred Weil and some others from claiming that the Commission’s recommendations were necessary

and proper on liberal grounds.<sup>56</sup> Teachers and officials are quite right to denounce violence and the intimidation of teachers or students, and to insist that teachers not promote any particular religion—or, for that matter, the rejection of religion. This argument can be justified on republican and on liberal grounds.

Indeed, republican arguments could address many of the issues raised above. Cécile Laborde's critical republicanism, for example, would emphasize the importance of a broad idea of citizenship, and would reject the major French arguments for the headscarf ban, but accept, for example, an argument against state-supported private religious schools, as long as state schools were made sufficiently inclusive.<sup>57</sup> One could imagine, in a different version of republicanism, policies that, for example, would encourage students to draw on the religious ideas and norms learned outside of school in their efforts to critically reflect on what they are taught in the classroom and to develop ideas of their own, as long as they respected the rules of open and deliberative discussion.

From this perspective, one can argue that the two major social problems identified above—social exclusion and an intolerance of a Muslim visible presence—are not the inevitable results of republicanism, but the failure to make good on promises of equal treatment. That said, once we move from considering possible versions of republicanism to considering the long-term ideas shaping French politics and policies, matters prove more difficult. The hyper-concern with the removal of religious signs from public space developed out of the long conflict between the Republic and

the Catholic Church, and is not merely a mistake, but an ingrained set of habits and approaches. The reluctance to allow discussion of religion in classrooms is also the result of that history.<sup>58</sup> Social exclusion is the outcome of the long history of colonial rule, labour migration and de facto segregated residential situations. The French insistence on not naming ethnic groups grows out of policies pursued in Algeria.

What of the argument that liberal multiculturalism would respond better to these issues?<sup>59</sup> Presumably this position would lead one to argue that individuals ought to be free to develop their ideas of the good life, for example in the classroom. Schoolteachers seek to teach pupils how to develop their thoughts and values. Perhaps they could accomplish this task more effectively if students were encouraged to come to class ready to express those thoughts freely, with a sense of self-respect, including respect for their own norms of proper dress and piety. The major pressing issues we have discussed are not about respect for cultures, but about social exclusion and religious expression, and it is unclear that one needs to move out of the theoretical realm of republicanism in order to address those.<sup>60</sup>

## NOTES

<sup>1</sup> My approach differs from that of political philosopher Cécile Laborde in her *Critical Republicanism* (2008), who also seeks to trace republicanism through contextualized debates. Laborde is primarily interested in developing a normative argument, but recognizes that French republican arguments are themselves put forward in response to historically specific issues. Her approach requires an analysis and then an eventual transcendence of that context. I am primarily interested in tracing a line of debate through successive issues, more interested in identifying the concepts and arguments that consistently appear than in making an eventual abstraction. We share an interest in “contexts of justification” (p. 6), but in two completely different senses: hers is as a normative argument to be made for a position; mine is as an observed justification by, in this case, a French public figure. In this second sense, see Luc Boltanski and Laurent Thévenot (2006 [1991]), *On Justification: Economies of Worth*, trans. by Catherine Porter (Princeton: University of Princeton Press); Cécile Laborde (2008), *Critical Republicanism: The Hijab Controversy and Political Philosophy* (Oxford: Oxford University Press).

<sup>2</sup> French Constitution, Article 1, accessed 13 January 2017, <http://www.conseil-constitutionnel.fr/conseil-constitutionnel/english/constitution/constitution-of-4-october-1958.25742.html#PREAMBLE>.

<sup>3</sup> *The Guardian* (2015), “Huge Crowds Gather for Paris Unity Rally—As It Happened,” 11 January, accessed 18 April 2017, <https://www.theguardian.com/world/live/2015/jan/11/1m-expected-for-anti-terror-rally-live>; *Reuters* (2016), “France Pays Tribute to 2015 Terrorism Victims in Silent Ceremony,” 10 January, accessed 18 April 2017, <http://www.reuters.com/article/us-france-shooting-ceremony-idUSKCN0U0oHJ20160110>.

<sup>4</sup> See Eric Nunès (2015), «Dans les collèges et lycées, le soutien à «Charlie Hebdo» loin de faire l’unanimité,» *Le Monde*, 15 January, accessed 17 April 2017, [http://www.lemonde.fr/societe/article/2015/01/14/a-l-ecole-il-faut-faire-comprendre-que-la-laicite-est-notre-fondement\\_4555679\\_3224.html](http://www.lemonde.fr/societe/article/2015/01/14/a-l-ecole-il-faut-faire-comprendre-que-la-laicite-est-notre-fondement_4555679_3224.html).

<sup>5</sup> For example, in the United States, “We the People” established the Constitution. But they did not rely on a state to proclaim the people’s desires; they were the autonomous corrective to government overreach. The trope of “people versus government” has had a lively American history ever since. Public space is caught up in the tensions as well: should federal lands be returned to “the people” or at least to the states? On contrasts between French and American ideas about lands, people and government, see Marion Fourcade (2011), “Cents and Sensibility: Economic Valuation and the Nature of ‘Nature,’” *American Journal of Sociology* 116 (6): 1721–77.

<sup>6</sup> Nor were colonies indivisible. The colonial administration of Algeria depended on distinguishing between Muslims and Europeans. On the occlusion of a discourse of separate peoples



by one about separate legal regimes in Algerian colonial administration, see Todd Shepard (2008), *The Invention of Decolonization: The Algerian War and the Remaking of France* (Ithaca, NY: Cornell University Press).

<sup>7</sup> Eugen Weber's *Peasants into Frenchmen* (1976) is the classic account of this process. One survival of the role of newspapers in fostering a sense of national belonging is *Le Monde's* (France's newspaper of record) practice of dating its edition the day after its appearance on the streets of Paris, so that readers in Bayonne or Nice are also participating in the day's debates. See Eugen Weber (1976), *Peasants into Frenchmen: The Modernization of Rural France* (Stanford: Stanford University Press).

<sup>8</sup> See Laure Equy (2015), «Le Sénat enterre la charte des langues régionales,» *Liberation*, 27 October, accessed 17 April 2017, [http://www.liberation.fr/france/2015/10/27/le-senat-enterre-la-charte-des-langues-regionales\\_1409281](http://www.liberation.fr/france/2015/10/27/le-senat-enterre-la-charte-des-langues-regionales_1409281).

<sup>9</sup> For the analysis of these two sides of Rousseau's writings, see Pierre Rosanvallon (2004), *Le Modèle politique français* (Paris: Seuil).

<sup>10</sup> I draw here on analyses by Jean Baubérot, especially his *Laïcité 1905–2005, entre passion et raison* (Paris: Seuil, 2004).

<sup>11</sup> Norman Doe (2011), *Law and Religion in Europe: A Comparative Introduction* (Oxford: Oxford University Press), 34.

<sup>12</sup> This is why there is a sharp distinction in France

between religious associations, which may only be involved with religious affairs, and cultural associations, which may undertake almost anything but religious activities.

<sup>13</sup> The Briand and Chabert quotations are taken from Pierre-Henri Prélôt (2011), “Religious Symbols and the Law of 1905: Reflections on the Prohibition of the Full Veil in Light of the French Law on Religious Practices,” in *THE FINANCIAL CRISIS OF 2008: FRENCH AND AMERICAN RESPONSES —PROCEEDINGS OF THE 2010 FRANCO-AMERICAN LEGAL SEMINAR*, edited by Martin A. Rogoff, Michael Dixon and Eric Bither, p. 83, accessed 17 April 2017, <https://ssrn.com/abstract=2013366>.

<sup>14</sup> As quoted in Prélôt (2011), 87.

<sup>15</sup> Kim Willsher (2014), “France's Burqa Ban Upheld by Human Rights Court,” *The Guardian*, 1 July, accessed 18 April 2017, <https://www.theguardian.com/world/2014/jul/01/france-burqa-ban-upheld-human-rights-court>; Caroline Wyatt (2004), “French Headscarf Ban Opens Rifts,” *BBC*, 11 February, accessed 18 April 2017, <http://news.bbc.co.uk/2/hi/europe/3478895.stm>.

<sup>16</sup> Prélôt (2011), 87.

<sup>17</sup> For arguments and the European Court of Human Right's (ECHR) decision, see the ECHR's (2009) review of several cases, “The Court Gives Several Decisions on Conspicuous Religious Symbols,” 17 July, accessed 27 April 2017, [http://hudoc.echr.coe.int/eng-press#%22itemid%22:\[%22003-2801594-3071237%22\]](http://hudoc.echr.coe.int/eng-press#%22itemid%22:[%22003-2801594-3071237%22]).

- <sup>18</sup> Prélot (2011), 93.
- <sup>19</sup> See John R. Bowen (2008), *Why the French Don't Like Headscarves: Islam, the State and Public Space* (Princeton: Princeton University Press)
- <sup>20</sup> The often-heard estimate that a quarter of French people have immigrant origins is usefully given a more refined analysis in Pascale Breuil-Grenier, Catherine Borrel and Bertrand Lhommeau (2011), «Les immigrés, les descendants d'immigrés et leurs enfants,» *Insee*, accessed 17 April 2018, [www.insee.fr/fr/ffc/docs\\_ffc/ref/FPORSOC11d\\_VE22Immig.pdf](http://www.insee.fr/fr/ffc/docs_ffc/ref/FPORSOC11d_VE22Immig.pdf). See also notes 23 and 24.
- <sup>21</sup> For housing trends, see Jacques Barrou (2002), *L'Habitat des immigrés et de leurs familles* (Paris: La Documentation Française).
- <sup>22</sup> On the history of housing, see Barrou (2002). On the figures cited for HLM residents, see Jonathan Laurence and Justin Vaisse (2006), *Integrating Islam: Political and Religious Challenges in Contemporary France* (Washington, DC: Brookings Institution Press), 36.
- <sup>23</sup> Roxane Silberman, Richard Alba and Irène Fournier (2007), "Segmented Assimilation in France? Discrimination in the Labour Market against the Second Generation," *Ethnic and Racial Studies* 30 (1): 1–27, accessed 27 April 2017, <http://www.tandfonline.com/doi/abs/10.1080/01419870601006488?src=recsys&journalCode=rers20>.
- <sup>24</sup> Luc Bronner (2005), «Paris, capitale du contournement e la «carte scolaire»», *Le Monde* 2 September, accessed 27 April 2007, [http://www.lemonde.fr/societe/article/2005/09/02/paris-capitale-du-contournement-de-la-carte-scolaire\\_684906\\_3224.html](http://www.lemonde.fr/societe/article/2005/09/02/paris-capitale-du-contournement-de-la-carte-scolaire_684906_3224.html).
- <sup>25</sup> For estimates of parental strategies, see Caroline Beyer (2013), «La course au contournementde la carte scolaire bat son plein à Paris,» *Le Figaro*, 14 April, accessed 17 April 2017, <http://www.lefigaro.fr/actualite-france/2013/04/15/01016-20130415ARTFIG00702-la-course-au-contournementde-la-carte-scolaire-bat-son-plein-a-paris.php>. More generally, see Stéphane Beaud (2002), «80% au bac» et après? *Les enfants de la démocratisation scolaire* (Paris: La Découverte).
- <sup>26</sup> Mathieu Bunel, Yannick L'Horty and Pascale Petit (2015), "Discrimination Based on Place of Residence and Access to Employment," *Urban Studies* 53 (2): 267–86; E. Cédiey and F. Foroni (2008), "Discrimination in Access to Employment on Grounds of Foreign Origin in France," International Labour Office, International Migration Papers 85E, Geneva.
- <sup>27</sup> Julia Pascual and Jean-Baptiste Jacquin (2017), «Le Défenseur des droits dénonce les contrôles «au faciès,»» *Le Monde*, 20 January, accessed 27 April 2017, [http://www.lemonde.fr/police-justice/article/2017/01/20/le-defenseur-des-droits-denonce-les-controles-au-facies\\_5066029\\_1653578.html](http://www.lemonde.fr/police-justice/article/2017/01/20/le-defenseur-des-droits-denonce-les-controles-au-facies_5066029_1653578.html).
- <sup>28</sup> *Convention Triennale d'Objectifs Pour les Quartiers Populaires, 2013–15, entre le Ministre de l'Intérieur et le Ministre Délégué Chargé de la*

Ville, 27 September 2013, p. 8.

- <sup>29</sup> Nicholas Vincour (2015), “Former French PM Breaks Taboo on Ethnic Statistics,” *Politico*, 21 September, accessed 18 April 2017, <http://www.politico.eu/article/former-french-pm-breaks-taboo-on-ethnic-statistics/>.
- <sup>30</sup> *Le Monde* (2015), 22 September.
- <sup>31</sup> Eric Fassin (2015), «Apartheid: aveu ou déni?», *Libération*, 1 February; Maïa de la Baume (2015), “French Premier Says ‘Apartheid’ is Leaving Minorities on the Fringe,” *New York Times*, 20 January, accessed 17 April 2017, [https://www.nytimes.com/2015/01/21/world/europe/paris-attacks-suspects.html?\\_r=0](https://www.nytimes.com/2015/01/21/world/europe/paris-attacks-suspects.html?_r=0); Helene Fouquet and Mark Deen (2015), “Valls Evokes Apartheid a la Francaise after Fox’s ‘No-Go’ Zones,” *Bloomberg*, 20 January, accessed 14 January 2017, <https://www.bloomberg.com/news/articles/2015-01-20/valls-evokes-apartheid-a-la-francaise-after-fox-s-no-go-zones>.
- <sup>32</sup> Patrick Simon (2008), “The Choice of Ignorance: The Debate on Ethnic and Racial Statistics in France,” *French Politics, Culture & Society*, 26 (1): 7–31.
- <sup>33</sup> On these debates, see Simon (2008).
- <sup>34</sup> Farhad Khosrokhavar (2004), *L’islam dans les prisons* (Paris: Balland). I am grateful to Thomas Piketty for pointing out the sampling error.
- <sup>35</sup> Vincent Tiberj and Laure Michon (2013), “Two-Tier Pluralism in ‘Color-Blind’ France,” *West European Politics* 36 (3): 580–96.
- <sup>36</sup> Caroline Lambert (2001), “French Women in Politics: The Long Road to Parity,” *Brookings* [Brookings Institution], 1 May, accessed 18 April 2017, <https://www.brookings.edu/articles/french-women-in-politics-the-long-road-to-parity/>.
- <sup>37</sup> Joan Wallach Scott (2005), *Parité!: Sexual Equality and the Crisis of French Universalism* (Chicago: University of Chicago Press).
- <sup>38</sup> John R. Bowen (2013), “Contested Secularisms in Turkey and Iran,” in *Contesting Secularism: Comparative Perspectives*, edited by Anders Berg-Sørensen (Surrey: Ashgate).
- <sup>39</sup> Marcel Maussen (2007), “Islamic Presence and Mosque Establishment in France: Colonialism, Arrangements for Guestworkers and Citizenship,” *Journal of Ethnic and Migration Studies* 36 (6): 989–90.
- <sup>40</sup> Alain Gresh (2008), «Les musulmans sous surveillance», *Le Monde Diplomatique*, 20 June, accessed 27 April 2017, <http://blog.mondediplo.net/2008-06-20-Les-musulmans-francais-sous-surveillance>; and the author’s conversation with sermon-givers in Paris between 2003 and 2010.
- <sup>41</sup> *BBC* (2011), “Paris Ban on Muslim Street Prayers Comes into Effect,” 16 September, accessed 17 April 2017, <http://www.bbc.com/news/world-europe-14945467>; Henry Samuel (2011), “Praying in Paris Streets Outlawed,” *The Telegraph*, 15 September, accessed 18 April 2017, <http://>

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<sup>42</sup> *Le Monde* (2007), «Les discours de Jacques Chirac,» 15 May, accessed 14 January 2017, [http://www.lemonde.fr/societe/article\\_interactif/2007/05/15/les-discours-de-jacques-chirac\\_910136\\_3224\\_8.html](http://www.lemonde.fr/societe/article_interactif/2007/05/15/les-discours-de-jacques-chirac_910136_3224_8.html).

<sup>43</sup> As quoted in Bowen (2008), 29.

<sup>44</sup> This was Law #2004-228 (15 March 2004), whose title translates as “An application of the principle of secularism (*laïcité*) to the wearing of symbols or clothing which show religious affiliation in primary and secondary public schools.” It is sometimes described as a law forbidding “conspicuous symbols.”

<sup>45</sup> For the decision in English, see Act Prohibiting the Concealing of the Face in Public (2010), accessed 17 April 2017, [http://www.conseil-constitutionnel.fr/conseil-constitutionnel/root/bank/download/2010613DCen2010\\_613dc.pdf](http://www.conseil-constitutionnel.fr/conseil-constitutionnel/root/bank/download/2010613DCen2010_613dc.pdf). These two statements are both from paragraph 4.

<sup>46</sup> Decision #2010-613 DC, 7 October 2010, accessed 14 January 2017, [http://www.conseil-constitutionnel.fr/conseil-constitutionnel/root/bank\\_mm/anglais/en2010\\_613dc.pdf](http://www.conseil-constitutionnel.fr/conseil-constitutionnel/root/bank_mm/anglais/en2010_613dc.pdf).

<sup>47</sup> See Jack Straw (2006), “I Felt Uneasy Talking to Someone I Couldn’t See,” *The Guardian*, 6 October, accessed 14 January 2017, <https://www.theguardian.com/commentisfree/2006/oct/06/politics.uk>. In this article, Straw also takes pains

to explain that he is not in favour of banning full-face veils, a position quite different from the Constitutional Council.

<sup>48</sup> From John R. Bowen (2011), “How the French State Justifies Controlling Muslim Bodies: From Harm-based to Values-based Reasoning,” *Social Research* 78 (2): 337.

<sup>49</sup> Soren Seelow (2010), «Les hamburgers halal de Quick passent mal», *Le Monde*, 17 February, accessed 17 April 2017, [http://www.lemonde.fr/societe/article/2010/02/17/quick-teste-les-hamburgers-halal-dans-huit-restaurants\\_1307527\\_3224.html#elshWX8WO25d1vWC.99](http://www.lemonde.fr/societe/article/2010/02/17/quick-teste-les-hamburgers-halal-dans-huit-restaurants_1307527_3224.html#elshWX8WO25d1vWC.99).

<sup>50</sup> *Libération* (2002), «Le Franprix Halal Ferme Ses Portes,» 23 December, accessed 17 April 2017, [http://www.liberation.fr/societe/2002/12/23/le-franprix-halal-ferme-ses-portes\\_425579](http://www.liberation.fr/societe/2002/12/23/le-franprix-halal-ferme-ses-portes_425579).

<sup>51</sup> *AFP* (2012), March 18.

<sup>52</sup> Rosanvallon (2004). On the last point, see John R. Bowen (2009), *Can Islam be French? Pluralism and Pragmatism in a Secularist State* (Princeton: Princeton University Press), 179–98.

<sup>53</sup> Other faiths, such as for evangelical Protestants, for example, did not have these rights and in some places faced persecution.

<sup>54</sup> A Gallican/liberal tension continually surfaces. See the analysis of a recent quarrel in Jean Baubérot (2016), «Gare aux laïcards extrémistes,» *Le Monde*, 22 January.

- <sup>55</sup> Patrick Weil (2009), “Why the French Laïcité is Liberal,” *Cardozo Law Review* 30 (6): 2699–2714.
- <sup>56</sup> Jean Baubérot (2011), «L’acteur et le sociologue. La commission Stasi,» in *Des Sociologues sans Qualités?*, edited by Delphine Naudier and Maud Simonet (Paris: La Découverte), 99–116; Weil (2009).
- <sup>57</sup> Laborde (2008), 14–15.
- <sup>58</sup> That same reluctance has led officials in charge of de-radicalization in French prisons to organize sessions around issues of civic engagement, and to avoid any discussion of religious ideas, unlike parallel programs elsewhere in Europe. See Cécile Bouanchaud (2016), «Rapport sur la déradicalisation: «il n’y aura pas de miracle,»» *Le Monde*, 22 February, accessed 17 April 2017, [http://www.lemonde.fr/societe/article/2017/02/23/rapport-sur-la-deradicalisation-il-n-y-aura-pas-de-miracle\\_5084014\\_3224.html](http://www.lemonde.fr/societe/article/2017/02/23/rapport-sur-la-deradicalisation-il-n-y-aura-pas-de-miracle_5084014_3224.html).
- <sup>59</sup> As developed, for example, by Will Kymlicka (1996), *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Oxford University Press), and elsewhere.
- <sup>60</sup> See the exchanges in a recent issue of *Le Débat* on the issue. The argument presented for multiculturalism concerns encouraging exchanges and respect between cultural and ethnic groups, which does not respond to the specific issues facing France. Alain Renaut (2015), «Débattre du pluralisme culturel en France,» *Le Débat* no. 186 (septembre–octobre): 153–58.

## CASE AUTHOR

**John R. Bowen** is the Dunbar-Van Cleve Professor in Arts & Sciences at Washington University in St. Louis. His current research focuses on comparative social studies of Islam across the world, and how Muslims work across plural sources of norms and values, including diverse interpretations of the Islamic tradition, law, codes and decisions, and local social norms.

### Acknowledgements

The Centre gratefully acknowledges the collaboration of Will Kymlicka, of Queen's University, Jane Jenson of Université de Montréal and the other members of our international research advisory group. The Change Case Series was developed with generous support from the International Development Research Centre.

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This work was carried out with the aid of a grant from the International Development Research Centre, Ottawa, Canada.

The views expressed herein do not necessarily represent those of IDRC or its Board of Governors.

This analysis was commissioned by the Global Centre for Pluralism to generate global dialogue about the drivers of pluralism. The specific views expressed herein are those of the author.

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