Laïcité and the Discrimination of Maghrebi Muslims in France (2019)

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Laïcité and the Discrimination of Maghrebi Muslims in France

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Abstract

This paper addresses the discriminatory features and applications of *laïcité* in France, specifically as they pertain to French Muslims of Maghrebi descent. It seeks to answer why Muslims are targeted by policies regarding *laïcité* and by what means. This is done by analyzing how *laïcité* has been used, at times, to include populations and at other times to exclude certain populations. By using a postcolonial theory as a guiding theoretical approach, this research addresses the power imbalance and biases present in discussions surrounding *laïcité*'s uses. This paper argues that the reasons for *laïcité*'s effectiveness in othering French Muslims of Maghrebi descent are threefold: that different statuses were given to religions established prior to the 1801 Concordat and those established afterwards; two, that this distinction has created a perception of "good" religions in line with French values of universal republicanism, and all other religions; and three, that this understanding of the two differing groups of religions in France leads to the conclusion that Islam is not compatible with a French identity. This interpretation of *laïcité* has significant implications for Muslims that include a lack of representation in positions of power, higher unemployment rates than the general population, and difficulties integrating their identity as followers of Islam into French society because of anti-Muslim and xenophobic rhetoric in the press and in politics.

Keywords: France, *laïcité*, Muslim, Maghrebi

Introduction

Immigrants in France continually face discrimination and social limitations. As in most societies, they do not have the right to vote nor participate in political decisions, even though the results of elections have direct impacts on their livelihoods and adaptation to French society and culture. Prime Minister Edouard Philippe announced in November 2018 that non-European students would have to pay higher tuition prices for *licenses* (bachelor's degrees) and master's (although many universities are currently contesting this) starting the following fall.[1] This is just one example of the challenges non-EU immigrants face that French citizens do not.

In addition, Muslim immigrants from the Maghreb specifically face additional difficulties, specifically relating to citizenship and integration. Adding on to the low citizenship rates present among Algerian, Moroccan, and Tunisian immigrants, they face discrimination on the basis of religion and xenophobia.[2] Of the estimated 5 million Muslims living in France, only approximately 200 women wear the *burqa* and *niqab* (Abilmouna 2011, 124). This is equivalent to roughly 0.003% of the total French population. Why, then, was the banning of the veil seen as an appropriate response to French politicians' mounting concerns about safety during periods of terrorism? Joan Wallach Scott argues that this is due to, "the symbolism of the veil [which] reduces differences of ethnicity, geographic origin, and religion to a singular entity, a 'culture' that stands in opposition to another singular entity, republican France," (2007, 17). The veil and headscarf incidents (*l'affaire foulard*) are only two instances of such discrimination.

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[1] The price of a master's program for non-EU students is now 3,770 euros (a 15-fold increase from the current price that both EU and non-EU students are paying of 243 euros).

[2] "[As of 2006] It is estimated that only 15% of Algerian and Moroccan immigrants, and one-third of Tunisian immigrants have become French citizens" (Abilmouna 2011, 123).

The guiding research question aims to answer how and why does *laïcité*'s current interpretation discriminate against Maghrebi Muslims in France, symbolically and materially? How might this discrimination be mitigated or otherwise reduced?

This paper seeks to understand the ways in which discrimination has systemic roots in France by specifically analyzing how *laïcité* has disproportionately impacted Muslims of Maghrebi descent. Instead of helping to protect religious liberties as it was intended, *laïcité* has led to an infringement on French Muslims' rights to practice their religion. The aims of this research seek to explore how *laïcité* has been implemented to place boundaries on French identity and to exclude a Muslim identity; further, this study places an emphasis on the systemic inequalities and biases prevalent in French society and politics.

With this knowledge, there can be further understanding of France's bias against its Muslim population and its possible connection to a more pluralistic understanding of French society. France's Muslim population is the second biggest religious community and it represents a sizeable portion of the French population. Understanding the existing discriminations can help to identify what policy changes need to be made so that French Muslims are guaranteed the same rights as their non-Muslim counterparts.

Historical Background

Laïcité

Before the French Revolution in 1789, large class distinctions existed in France. The ancient regime was made up of three sectors, or estates. The majority of the wealth was held by the first two estates, which were comprised of nobility and the clergy, while the third estate was the largest in terms of population but the smallest in terms of wealth held. In addition to holding immense material wealth, the clergy also held important political power. During the French Revolution of 1789, speculation arose about selling the incredibly wealthy Church to lift the French state out of debt. This marks an important shift in French history and, "the first time in European history since the days of the Emperor Julian the Apostate [that] a state deliberately embarked on a policy of de-Christianization," (Green 1969, 2). La loi de Séparation des Eglises et de l'Etat (the law of separation of Church and State) was adopted into the Constitution in 1905 during the Third Republic. This law was seen as a more moderate version of secularism and prevented the public funding and official recognition of religious communities, yet it allowed for the maintenance of existing religious buildings to be undertaken by public funds (Laurence 2001, 5). This replaced the Regime concordataire de 1801, also known as the Concordat and hereby referred to as such in this paper, during which the Holy See (headed by Pope Pius VII at the time) reached an agreement with France (led by First Consul of the French Republic Napoleon Bonaparte) that the Roman Catholic Church was the majority church of the French (Gouvernement.fr, 2018).

The French government defines *laïcité* as this:

Laïcité rests upon three principles and ideals: the freedom of conscience and the freedom to express one's convictions within the limits of respecting public order, the separation of public institutions and religious organizations, and the equality of all before the law, regardless of one's convictions or beliefs. *Laïcité* guarantees the same right to freedom of expression of one's convictions to believers and non-

believers alike. It ensures the right to have or to not have a religion, to change one's religion or to leave one. (Gouvernenment.fr, 2018, translation by author)

Racialization of Islam

There are approximately 5 million Muslims living in France, out of a total population of 67 million. Between 1960 and 2000, as Catholic numbers fell from 48 to 42 million, the populations of Muslims in France grew exponentially, from half a million people to more than 5 million (Laurence & Vaïsse 2006, 7).

While they belong to diverse practices, speak different languages, and hail from a variety of countries, they are often viewed in a singular way in rhetoric and in the media. This is known as the racialization of Islam. According to Simmons College sociologist Saher Selod, "Racialization is when you identify somebody based on what you see—not on their behaviors or belief system… It is not to say that *Muslim* has become a racial category. It's just that a Muslim identity has been *racialized*. It has imposed newer racial meaning to these bodies of people who already occupy a specific racial category." (Schulson 2016, 5). It is important to understand this and its relations to the recent rise of hate crimes, specifically incidents of Islamophobia and xenophobia.

Postcolonial immigration in France

Immigration of Muslim North Africans began around the First World War, when Algeria, Morocco, and Tunisia were still under French control when there was a need for labor in France. Over 2 million Algerians lived in France from 1914 to 1954, most of them single men. Later, both European and non-European immigration was encouraged to help rebuild France's economy and infrastructure post-World War II. The foreign population jumped from 4.4% in 1946 to 5.3% in 1968, and 6.8% in 1982 (Stangler 2018, 19). However, the majority of immigrants came from

other European countries such as Spain, Italy, and Portugal. Non-European immigration did not catch up to European immigration until the process of independence and decolonization had set in during the mid-1950s for Morocco and Tunisia, and in 1962 for Algeria, and it wasn't until 1982 that the majority of the foreign population in France came from non-European countries (Stangler 2018, 21).

Starting in the 1970s, however, the demographic of North African immigrants changed from single men, providing for their families abroad, to now include spouses and children. This is due to French government stopping inward immigration in 1974 as a response to the growing economic crisis caused by the oil crisis and war in the Middle East (Kalev 2012, 356). This tightening of France's immigration policy led immigrant workers from the Maghreb who were already in France to bring their spouses under the law of family reunification (regroupement familial). This marks the start of a permanent Muslim population in many of France's larger cities.

It must be noted, though, that Maghrebi immigrant women's experiences in France differed greatly from those of Maghrebi immigrant men. One challenge Maghrebi immigrant women faced during the 1970s was a difficulty integrating to French life, especially if they were not fluent in French. Also, many women had, "broken with systems of solidarity and affiliation in their countries of origin and have to reconstruct their social position in a foreign society," (Freedman 2001 13). New challenges that have arisen include isolation within communities and navigating in male-dominated spaces. Often, Muslim women's roles were limited within their own communities because, "Muslim men control access to the *quartiers sensibles* (sensitive urban zone), as well as women's attire and codes of conduct," (Avenel 2007, 356).[3] This meant

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[3] Sensitive urban zones (ZUS) are infra-urban territories defined by the authorities as being priority targets for urban policy, according to local factors relating to the difficulties that the inhabitants of these territories are experiencing ("Sensitive urban zone/ZUS", 2016).

that Muslim women often had to rely on men and were unable to form their own social links and communities.

There continue to be significant hurdles preventing immigrants from integrating into French culture and society. Approximately 40% of third-generation immigrants from the Maghreb ages 16 to 25 are unemployed (Kalev 2012, 358). In addition, while, "female immigrants from the Maghreb have higher rates of employment than their male counterparts, yet remain less employed than native French women," and there is also significant underemployment. A large part of the work female Maghrebi immigrants is taking is contractual or part-time – not full-time employee contracts known as CDIs (Contrat de Duration Indeterminée) (Kalev 2012, 357).

Islamophobia:

Carmen Teeple Hopkins argues that Islamophobia in France must be understood through a sexist lens. She uses the definition found in "Islamophobie: Comment les élites françaises fabriquent le 'problème musulman'": "a social phenomenon that engages the totality of society and its institutions (political, juridical, administrative, economic, media, and intellectual). Islamophobia implicates individuals and social groups consciously or unconsciously which helps to explain the many controversies around the 'Muslim question'" (Hopkins 2015, 156). Observations by Hopkins noting that the majority of Islamophobic acts in France are against women, veiled or not, and laws against religious dress disproportionately impact Muslim women more than men, led her to centralize gender into the discussion of French Islamophobia (Hopkins 2015, 156). In addition, French politicians', including President Nicolas Sarkozy and then-Minister of the Interior Manuel Valls, comments denoting the veil and other articles of religious dress as a means to oppress Muslim women has pushed gender into the center of discussion around Islamophobia (Hopkins 2015, 156). Contextualizing this is necessary in order

to understand the realities of life in France for Muslim women. Muslim women from the Maghreb have a lower rate of labor force participation than immigrants from other parts of Western Europe, Sub-Saharan Africa, Asia, and French-born women (Hopkins 2015, 157). In spite of their high rates of unemployment, Hopkins argues that Muslim women have been used a scapegoat for the overall unemployment in France. Hopkins offers three reasons for this: neoliberal economic insecurity, rise of right-wing political parties, and political unpopularity (Hopkins 2015, 157). Periods of economic slumps often see an increase in xenophobia, from both sides of political parties. This is especially prevalent in the right, however, as radical right-wing parties are inherently xenophobic and often blame immigration for poor economic conditions. This is evident in the growth of the neofascist Front National party, which started in 1972 but grew significantly between 1984 and 1997, and again, under Marine Le Pen's leadership since 2011 (Hopkins 2015, 157).   President François Hollande had historically low approval ratings and, in 2013, he proposed potentially banning the burka in the private sector on public television, in an effort to appeal to anti-immigrant and anti-Muslim sentiment (Hopkins 2015, 157). To summarize, neoliberal economic insecurity is shown to be a significant force behind both xenophobic and racist political discourse and policy (Hopkins 2015, 157). This is seen throughout France's period of neoliberalism which lasted from the 1980s to the 2000s, during which the general perception of second-generation North African immigrants underwent a shift from positive to negative (Hopkins 2015, 157).

France's relation with the Maghreb

The Maghreb (originating from the Arabic word for "western") is comprised of modern-day Algeria, Morocco, and Tunisia. Before the arrival of the French, there were four main ethnic groups: Berbers, the group indigenous to the region; Arabs, Jews, and some European merchants hailing from the Iberian Peninsula. French presence in the Maghreb began in 1830, with the conquest of Algiers (Alba 2002, 1171). In Algeria, European settlers expropriated land

from the native inhabitants, allowing them to form large farms and grow in population from 110,
000 in 1845 to approximately 1 million in 1962 (Alba 2002, 1172). In contrast, Morocco and
Tunisia had a much smaller European population and were more akin to protectorates than an
actual colony like Algeria was. Algeria's sizable Euro-descendant population opposed reforms
which would have improved the political status of existing indigenous groups and were against
any changes which would modify the country's relation to France, which made the case for
independence much more complex and lengthier than in Morocco or Tunisia.

In order for the French to maintain order and control oversea territories (especially those
set up with direct rule), a social hierarchy had to be installed. In Algeria, Christian Europeans
and "native" French peoples ranked highest on the social ladder followed by Jews, and Berber
Muslims, and Arab Muslims at the bottom (Scott 2007, 48). Although both Berber Muslims and
Arab Muslims were subject peoples (meaning they had not vote nor a right to representation),
Scott identifies that Berbers were seen as superior to Arabs due to their "European looks" and
several factors including their view of private property and legal proceedings and high rate of
conversion to Catholicism that made them supposedly more likely to assimilate to French
culture than Arabs (2007, 48). This hierarchy was established after Algerian Jews were
extended citizenship in 1870, but it has had a continued legacy in France and in the Franco-
Algerian and Franco-Muslim relationships almost 150 years later.

Literature review

Laïcité

Scholars understanding of when *laïcité* formed as a concept is divergent. While Véronique Altglas explains *laïcité* emerged in 1789 with the Declaration of the Rights of Man and the Citizen and later became cemented with other legislative documents such as Law of Separation of Church and State in 1905 during the Third Republic (2010, 495), Eoin Daly proposes it was actually created in the late 19th century as the, "dissociation of public authority from any religious basis or legitimation, or simply, state neutrality towards religion, (2012, 584).

Both Altglas and Daly note that *laïcité* has become associated with ideas of republicanism. Altglas argues that it is entrenched in French culture and identity and is seen as central to French republican values. Additionally, by characterizing it as a core value, *laïcité* is then used as an argument for neutrality in face of "accusations of religious discrimination" (Altglas 2010, 496). Moreover, its use to deter the rise of "cults" in France is seen as a 'Republican combat' (Altglas 2010, 496). Daly specifies that, "it is associated with a unitary civic identity under which citizens' rights and duties are defined in abstraction from their religious affiliations…it espouses a formalist, individualist equality, based on the abstraction from non-institutional identity to unitary civic status," (2012, 584). He also adds that *laïcité* has been used in recent decades to, "project civil-republican values more broadly across society," (Daly 2012, 586).

Defining *laïcité* has proven to be complicated as scholars do not agree on one central, unifying definition. Altglas agrees with French sociologist Jean Baubérot's definition that *laïcité* as a legal term and as an ideology seem to contradict themselves:

> According to Baubérot (1997, 319), *laïcité* paradoxically combines the freedom of conscience with the freedom of thought; that is to say, religious freedom is combined with emancipation from any doctrine, thanks to Reason and Science. Religion therefore

> becomes a matter of free choice at the same time as it is deprived
> of legitimacy because of its alleged incompatibility with progress.
> As a result, *laïcité* is said to be torn apart by two divergent
> perspectives: a legal approach that tends not to intervene in
> religious issues, while an ideological *laïcité* tends to denounce
> ignorance and obscurantism in the shape or religious beliefs.
> (Altglas 2010, 493)

Daly disagrees with Alglas' position on *laïcité* as a legal approach. He believes that *laïcité*, "constructed as going beyond mere denominational neutrality, commits the State to protecting against the domination of religious choice, in private spheres, not just its coercion – giving religious freedom sufficiently robust social protection to withstand intimidation within private and familial sphere," (Daly 2012, 586). His stance on *laïcité* from an ideological perspective also differs from Altglas'. He describes *laïcité* as a system in which religion exists but is not defined by the "social and political order" (Daly 2012, 584).

While Daly views *laïcité* as inherently religiously neutral, Altglas opposes that stance. Altglas argues that *laïcité* is neutral only in theory; its implementation, however, systematically distinguishes between the religions recognized during the Concordat (Catholicism, Protestantism, and Judaism) which are deemed as 'acceptable' within the framework of Republican values, and newer religious movements (NRMs) and cults which are rendered as 'inassimilable' (Altglas 2010, 496).

The juxtaposition that Altlgas describes in her understanding of *laïcité* is similar to other scholars' views on its varying forms or shifts. Carmen Teeple Hopkins, for instance, distinguishes between the 1905 law of separation of Church and State and the anti-headscarf law of 2004 as two separate forms of *laïcité*:

> The anti-headscarf law can thus be understood as an exclusionary
> form of *laïcité* (Atkan, 2009; see also Barras, 2010, ps. 230),
> whereas the 1905 law represented an inclusionary form of *laïcité*
> (Atkan, 2009). The 1905 law was a success against Catholic wealth
> and control in government and education (Atkan, 2009). In contrast,
> the 2004 law has emerged from a different socio-political context:

Islamophobia post 9/11 in Europe…In theory, the anti-head-scarf law impacts young Muslim women in the name of *laïcité* (Koussens, 2009, p. 333). In practice, the law inhibits Muslim women who wear the headscarf from accessing public school spaces. This latter form of *laïcité* thus excludes based on race and gender. (Hopkins 2015, 156)

By understanding *laïcité* as exclusionary at times, and inclusionary at others, Hopkins allows for a more nuanced view of the concept and also helps to attest how *laïcité* can be beneficial to the French people but has also been used to marginalize and hinder the lives of certain groups of French people.

Contributing Factors to the Interpretations of *Laïcité*

Laïcité has been weaponized to protect and defend the French value of universal republicanism. Its interpretations see Islam as immiscible with the French identity. This is done through perception of Islam as a "new" religion, which greatly undermines the perception of the legitimacy and credibility of the Islamic faith. Attempts to bring rectify this have resulted in the creation of the French Council of the Muslim Faith (CFCM), amongst other things. However, the CFCM has fallen into the similar pattern of creating a distinction between Islam and France.

Islam as a "new" religion

Islam's perceived status as a "new religion" has been an instigator for unfair treatment and discrimination. Religions excluded from the Concordat have been viewed through a different, often derogatory lens. Due to this, Islam is often seen as a "bad" religion, making it possible for the French public and for French politicians to utilize Islam and French Muslims as scapegoats for various domestic issues. One of the ways in which this manifests itself is by associating Islam and French Muslims with the larger global problem of terrorist attacks and Islamism. The Algerian Armed Islamic Group (GIA in French) bombing of the Paris metro in protest of France's support of the Algiers military regime, as well as the rise of anti-Semitic incidents (assumed to have been committed by Muslims) have led the French public to associate Muslims with insecurity (Giry 2006, 91). Although France's Muslim population is diverse in country of origin and religious practice, the racialization of Islam has also contributed to the uniform view of Muslims in a negative light and associating all Muslims with radical Islamist terrorism. Scott illustrates this in *the Politics of the Veil*, noting that,

> "Banning the headscarf or veil is a symbolic gesture; for some European nations it is a way of taking a stand against Islam, declaring entire Muslim populations to be a threat to national integrity and harmony. The radical acts of a few politically inspired Islamists have become a declaration of the intent of the many; the religious practices of minorities have been taken to stand for the

‘culture’ of the whole; and the notion of a fixed Muslim ‘culture’ obscures the mixed sociological realities of adaptation and discrimination experienced by these immigrants to the West” (2007, 3).

The damages of flattening Muslims to one monolith are expansive. Catherine de Wenden reached the conclusion that immigrants of North African descent faced discrimination in the army because, “immigrants were assumed to be Muslims, Islam was conflated with Islamism, and delinquency was seen as a byproduct of radicalism,” (Giry 2006, 94). It also means that there is a lack of diversity in representation and in the media, which can lead to an oversimplification of the Muslim experience.

Negative perceptions of Islam

Owing to Islam’s presence in France post-Concordat, it has become associated with newer religious movements (NRMs) that are seen as incompatible with French values. Due to this, Islam is viewed as a “unfit” religion that needs to be amended in order to fit the French standard of acceptable religious activity. Instead of France promoting religious diversity in an effort to integrate Muslims into society, there is an active push for assimilation and abandonment of practices that are seen as contrary to Frenchness. This, coupled with a neocolonialist attitude of European superiority, led to the *affaire foulard* and banning of the *burqa* in the public sphere. The French often view the hijab as a symbol of oppression and patriarchal domination, as described by Carmen Teeple Hopkins: “feminists in favor of the law often believe that girls who wear the headscarf are victims of patriarchy and male family members” (2015, 156). A possible analysis of this is that French feminists and political actors feel a responsibility to combat patriarchy, which is somehow viewed as a uniquely Islamic issue. This can also be critiqued as the Global North imposing regulations on the Global South’s cultural beliefs, an extension of the French colonialist goal to educate and civilize its colonies. It also marks a certain level of ignorance regarding the role of headscarves and veils in Islamic tradition. “The ban of the *niqab* was premised on the notion that Muslim females needed to be

liberated and emancipated from family, male, and cultural pressures to cover their face," yet this fails to grasp that the *niqab* and other forms of preserving modesty as described in *āyāt* (verse) 24:30-31 of the Qur'an are less about conceding to familial and cultural pressures, and more an expression of faith and Muslim identity (Abilmouna 2011, 124).

It should be noted that Maghrebi Muslims in France were not always regarded as Muslims. During the 1960s and 1970s, Maghrebi immigrants were seen first and foremost as workers, rather than by their demonym, but by the mid-1980s were perceived as Arabs, and soon after as Muslims (Giry 2006, 91). The change of perception closely matches a rise in anti-immigrant rhetoric in French politics, highlighting the significance of the transformation in outward identification and categorization. This same population, many of whom came from Algeria (a country that was viewed as an indivisible part of France), was no longer viewed as something neutral or an identifier that could be incorporated into Frenchness, but as Muslims and inherently not French.

Islam seen in opposition to the French identity

France's practice of immigration emphasizes the French identity above all else. This idea of republicanism is instilled from an early age in public education, both in the metropole and in the oversea departments. Religion in France must not be displayed in the public sphere outwardly or obviously, but especially not in school – the genesis for "republicanisation" (Scott 2007, 15).

The insistence on *laïcité* being a central factor to the French identity has significant implications. It means that combatting public displays of religion is no longer simply an enforcement of law, but rather the protection of the French identity. This argument has been used by right-wing parties, most notably the Rassemblement national (previously called the Front national) to push for xenophobic and Islamophobic policies and stances. By arguing that a

Muslim identity cannot be harmonious with a French one, it also decentralizes Muslims from the conversation, seeing them as an issue which needs to be addressed by French, for the French.

The Conseil Francais du Culte Musulman (le CFCM)

The CFCM was created in 2003 by then-Minister of the Interior Nicolas Sarkozy. The role of the CFCM was to serve a mediator between the French state and the Muslim populations. It was, in many ways, France's solution to the "Muslim question" and a means to solve or repair the fragmentation occurring in French society between Muslims and non-Muslims. Dr. Malika Zeghal summarizes the three main objectives of the CFCM as:

> 1- To rectify the historical discrepancy between Islam and other cults by supporting a Muslim population which uses few material means to organize its collective practices and for whom the discussions with the public powers at the national and local levels are often difficult…
>
> 2 – to identify and to bring forth a spokesperson, ready to create an "official Islam", which, once installed in its function as representative of the cult, will forge its own path in the negotiations between Muslims and the public powers. By thereby offering public visibility, this launch of Islam from "the caves and garages", an expression which translates the often precarious conditions of the practices of Islam in France, is a form of not only political recognition but also one of an integration of a part of the population of Muslim origins in a transactional procedure with Muslim organizations;
>
> 3 – for the French state but also for civil society, to implement the CFCM is to create a "French Islam", which is to say to define and to integrate Islam within the frame of the nation, to give it national and civic borders but also to allow it to express itself further, in particular within the Muslim world by conceding to it a political role, at times implicit and made instrumental, of a transnational intermediary with the foreign Islam." (2005, 99, translation by author).[4]

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[4] « 1 – rattraper le décalage historique par rapport a d'autres cultes en soutenant une population musulmane qui dispose de peu de moyens matériels pour organiser ses pratiques collectives et pour qui les discussions avec les pouvoirs publics aux niveaux national et local sont souvent difficiles… 2 – d'identifier et faire émerger un interlocuteur, quitte a créer un « islam officiel », qui une fois installé dans sa fonction de représentation du culte, devra trouver de lui-même sa voie dans les négociations avec les fidèles et les pouvoirs publics. En lui offrant ainsi une visibilité publique, cette sortie de l'islam « des caves et es garages », une expression qui traduit les conditions souvent précaires de l'exercice de l'islam en France, est une forme de reconnaissance politique mais aussi d'intégration d'une partie de la population d'origine musulmane dans une procédure transactionnelle avec les organisations musulmanes ; 3 – pour l'Etat francais mais aussi la société civile, mettre en place le CFCM c'est créer un « islam francais », c'est-a-dire définir et intégrer l'islam dans le cadre de la nation, lui donner des frontières nationales et citoyennes mais lui permettre aussi de s'exprimer au-delà, en particulier dans le monde musulman, en lui concédant un rôle politique, parfois implicite et instrumentalisé, de médiateur transnational avec l'islam étranger » (Zeghal 2005, 98)

What was so distinct about Islam that there was a need to explicitly announce that it can coexist with France? Minister of the Interior Jean-Pierre Chevènement remarked that there seemed to be a need to explicitly specify that Muslims were acting in line with French laws, saying, "Not that Muslims as such can be suspected of not conforming with the laws of the republic. But it was necessary to publicly affirm that no conflict existed between the Muslim religion and the legal organization of cults in France," (Zeghal 2005, 102, translation by author).[5] From this, it can be analyzed that there was made between Islam and other religions, as well as between Muslims and other followers of faiths, and that this distinction created a gap between Islam and France that needed to be bridged.

While the idea of "rectifying the historical discrepancies between Islam and other cults" sounds optimistic in nature, most critics have argued that the CFCM has not been as effective at representing the French Muslim population as it was planned to be. This is in part because it was rejected by the majority of French Muslims on the basis that it was not recognizing Muslims and their organizations as they were but rather, was attempting to mold them into a modified version that would be in line with French laws. The CFCM pushed for two movements for Muslim organizations: "The Muslim organizations are thus both recognize and "domesticated" by the Republic in a process of dual political recognition, which has as its primary condition, to use the expression denounced by the minister, an "oath of fidelity" (Zeghal 2005, 102-3, translation by author).[6]

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[5] : J.P. Chevenement : « Non que les musulmans en tant que tels puissent être suspects de ne pas se conformer aux lois de la république. Mais il fallait que soit publiquement affirme qu'il n'existe pas de conflit de principe entre la tradition du culte musulman et l'organisation legale des cultes en France, » (Zeghal 2005, 102).

[6] Les organisations musulmanes sont ainsi a la fois reconnues et « domestiquees » par la République dans un processus de double reconnaissance politique, qui a pour condition premiere, pour reprendre l'expression pourtant deniee par le ministre, un « serment de fidélité »». (Zeghal 2005, 102-3).

The need to create a "French" Islam seems to imply that France is meddling in a person's right to practice a religion, a right that is expressly granted in the first article in the "Loi du 9 decembre 1905 concernant la séparation des Eglises et de l'Etat" which states: "The Republic ensures the freedom of conscience. It guarantees the free exercise of cults with the sole restrictions listed here below in the interest of public order" (Loi du 9 décembre 1905 concernant la séparation des Eglises et de l'Etat., translation by author).[7] Not only does this practice of "domesticating" Islam by the French Republic otherize Islam by insinuating that it somehow needs to be reined in or controlled, but it also infringes on the Muslim citizen's right to freedom of conscience.

Social and political impacts

This stigmatization of French Muslims and perception of their faith as inassimilable with French republicanism has severe negative impacts on the Muslim population. For one, French Muslims are much less politically engaged than their non-Muslim counterparts; while 23% of Muslims said they were not registered to vote, only 7% of the general population said the same (Giry 2006, 94). In addition, unemployment rates are higher for French citizens of Algerian and Moroccan descent than the general population. What jobs they do take are often temporary, part-time, or beneath their qualifications. This in turn, affects representation and visibility in higher positions in sectors like private corporations and the media (Giry 2006, 94). What's more, a study conducted by Jean-Francois Amadieu for the Observatoire des Discriminations found that job applications linked to Moroccan sounding names were six times less likely to be called for an interview than an applicant with the same credentials but with a Franco-French sounding name (Giry 2006, 94). While this could be seen as an instance of xenophobia, the conflation of

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[7] « Article 1 : La République assure la liberté de conscience. Elle garantit le libre exercice des cultes sous les seules restrictions édictées ci-après dans l'intérêt de l'ordre public. » (Loi du 9 décembre 1905 concernant la séparation des Eglises et de l'Etat).

North African and Muslim identities in France makes it difficult to decipher if the discrimination happened solely on the basis of being Moroccan, or the implication that a Moroccan is a Muslim.

An effect of Islam being seen in a different light than Protestantism, Catholicism, and Judaism is that it can often be more difficult to establish the same rights and privileges. For instance, although Muslims make up approximately 7% of the total population in France, there are only five mosques in the entire country (Abilmouna 2011, 123-124). This could be as a result of the increased difficulties of obtaining necessary permits and funding to construct mosques.

Theoretical Framework

Postcolonial theory as a critical approach emphasizes postcolonial relationships and the lasting impacts of colonialism and imperialism on experiences and ways of thinking. Its importance lies in the belief that, "critical postcolonial methodologies highlight individual and collective experiences in contexts of historical and enduring colonialism and contemporary imperialism," (Darian-Smith 2017, 224).

It began as a method to contextually analyze Western countries and areas in both the African and Asian continents that had gained their independence post-World War II (Martínez-San Miguel 2009, 190-191). The purpose of this theoretical approach was to examine how nation-states during the latter half of the twentieth century were formed, but it has been expanded to include prior forms of imperial expansion and colonial domination (Martínez-San Miguel 2009, 191). Yolanda Martínez-San Miguel expands on this, adding that while this expansion has made postcolonial theory more encompassing, it has also led to some tensions, "on the specificity of certain experiences in which a postcolonial (i.e., national, sovereign, or independent) state was never actually reached and, in some cases, was not even actually desired," (2009, 191).

Sanjay Seth adds to this understanding of postcolonialism theory. He makes an important argument about the significance of centering colonialism and imperialism in experiences:

> "The 'post' in postcolonialism, let it be noted, is not a periodisation that signals the beginning of an era where colonialism is part of the past; on the contrary, it signifies the claim that conquest, colonialism and empire are not a footnote or episode in a larger story, such as that of capitalism, modernity or the expansion of international society, but are in fact a central part of that story and are constitutive of it. The 'post' does not mark the period after the colonial era, but rather the effects of this era in shaping the world that is ours. This world was not born out of the West having an impact upon and 'awakening' a dormant non-West, but out of both of these being

> constituted in the course of multifarious (unequal, hierarchical and usually coercive) exchanges, such that neither was left untouched" (Seth 2011, 22).

I chose to use this as a framework for my research because of the imbalance power structure and relationship that exists between France and the Maghreb, as well as between French-born citizens and France's Maghrebi Muslim population. Understanding my research within this context is necessary in order to fully grasp the impact that *laïcité* has on French Muslims of Maghrebi descent. The experience of Maghrebi Muslims in France is a reflection, not simply of the immigrant experience or of a religious minority experience in France but of the legacy of colonialism in North Africa, in addition to the intersecting identities present. Joan Wallach Scott writes, "although it designated followers of the religion of Islam, 'Muslim' was also used to refer to all immigrants of North African origin, whatever their religion. Sociologist Riva Kastoryano tells us that since at least the 1980s 'immigrant' in France, has been synonymous with North African," (2007, 16-17). The use of postcolonial theory, therefore, permits one to see the situation of Maghrebi Muslims in France and how they are impacted in France not as a brand-new phenomenon, but as a continuation and adaptation of a system of colonization and domination by France.

Implications and Recommendations

Understanding how *laïcité* has been used to otherize Maghrebi Muslims is key to then addressing how French laws and policy can be amended to better represent its population. This research can help policymakers to reflect on why exactly *laïcité* has come to be valued as a part of universal republicanism and how they can work to challenge notions that Islam and France cannot coexist. I hope this research is useful in shedding light to the ways in Maghrebi Muslims, and all French Muslims in general, do not have the same freedoms as the majority religion. Also, I believe that the strategies implemented to address this issue, such as the CFCM, have not taken into consideration that the solution they are proposing of modifying Islam to fit into a French identity is very limiting and constraining.

Conclusion and Further Research

Understanding both what *laïcité* is and how it has been implemented in various situations is not only crucial to recognizing the imbalanced power dynamics at play between Muslims and non-Muslims in France, but also to recognizing the social, economic, cultural, and political effects it has on French Muslims and how they identity themselves. Analyzing the different factors in play and how *laïcité* is used to further otherize and distinguish Muslims from non-Muslims in France is necessary to seeing the issue as a whole, and not view it as a dichotomy of secularism vs. religion or France vs. Islam. Doing so would not allow for a full understanding of the complexities within French society and the variety of ways that *laïcité* can be implemented to fit a cause.

Ultimately, when *laïcité* is interpreted as a republican value and applied to Islam, it discriminates against French Muslims and exacerbates the dissimilarities which already exist between them and non-Muslim French citizens. It has been used to combat religious and cultural diversity and to ensure that only the religions present in France prior to the Concordat are viewed as in line with French identity and values. *Laïcité* can and should be used as an inclusionary practice, to provide all French citizens with equal rights and promote a practice of integration, not complete assimilation.

Discussions about *laïcité*'s impact on French Muslims ought to be centered around voices of those who are experiencing the direct impacts of *laïcité* and its effects. The individuals more affected by rulings in the name of *laïcité* are Muslim girls and women. Despite this, their voices have historically been ignored and decentralized from the conversation. In fact, despite the fact that national-level talks about headscarves had begun in 1989, it was not until 2004 that veiled girls were interviewed and their voices were heard on a larger scale (Scott 2007, 34). Allowing space for these discussions and for critical analyses of *laïcité* in France are vital to promoting equality in France. France's emphasis in protecting the *liberté* of religions and

preservation of the public sphere as a secular space means that it is sacrificing the *égalité* of 5

million of its people.

Appendix

French definitions & Key Terms

All definitions are found in the INSEE (l'Institut national de la statistique et des études économiques) under the "Definitions" section.

Foreigner: "A foreigner is a person who resides in France and does not possess French nationality, either because they possess another nationality (exclusively) or because they do not have one at all (this is the case of stateless persons). Persons of French nationality who also possess another nationality (or several nationalities) are considered in France as being French. A foreigner is not necessarily an immigrant and may have been born in France (minors, in particular). Note: Unlike that of immigrant, the status of foreigner does not always remain throughout the lifetime of a person: provided that the legislation in force so allows, it is possible to become French by acquisition of nationality." ("Foreigner" 2016)

Immigrant: "Under the terms of the definition adopted by the High Council for Integration, an immigrant is a person who is born a foreigner and abroad, and resides in France. Persons who were born abroad and of French nationality and live in France are therefore not counted. Conversely, certain immigrants may have become French while others remain foreign. The foreign and immigrant populations are therefore not quite the same: an immigrant is not necessarily foreign and certain foreigners were born in France (mainly minors). Immigrant status is permanent: an individual will continue to belong to the immigrant population even if they acquire French nationality. It is the country of birth, and not nationality at birth, that defines the geographical origin of an immigrant." ("Immigrant" 2016).

Immigrant (descendant of): "Person who is born and resides in France with at least one immigrant parent. This definition does not include the immigrants (especially those who migrated with their parents)." ("Immigrant (descendant of)" 2016).

References

Abilmouna, R. (2011). Reconciling the *hijāb* within *laïcité* France. *Journal of Islamic Law and Culture* 13(2), 117-132.

Alba, R. (2002). Decolonization Immigrations and the Social Origins of the Second Generation: The Case of North Africans in France. *The International Migration Review*, 36(4), 1169-1193.

Altglas, V. (2010). *Laïcité* is What *Laïcité* Does: Rethinking the French Cult Controversy. *Current Sociology, 58*(3), 489–510. https://doi.org/10.1177/0011392110364037

Bell, D. (2018). Europe's "New Jews": France, Islamophobia, and Antisemitism in the Era of Mass Migration. Jewish History, 32(1), 65-76.

Daly, E. (2012). The Ambiguous Reach of Constitutional Secularism in Republican France: Revisiting the Idea of *Laïcité* and Political Liberalism as Alternatives. *Oxford Journal of Legal Studies, 32*(3), 583-608. Retrieved from http://www.jstor.org.proxy.seattleu.edu/stable/41682794

Darian-Smith, E., & McCarty, P.C. (2017). The Global Turn.

Freedman, Jane (2001). Women and immigration: Nationality and citizenship. In Jane Freedman, & Carrie Tarr (Eds.), *Women, immigration and identities in France*. Oxford & New York: Berg Publishing

Giry, S. (2006). France and Its Muslims. *Foreign Affairs, 85*(5), 87-104. doi:10.2307/20032072

Gouvernement.fr. (2018). *Qu'est-ce que la laïcité ?*. [online] Available at: https://www.gouvernement.fr/qu-est-ce-que-la-*laïcité*.

Green, V. H. H. (1969). Foreword. In J. McManners (Ed.), *The French Revolution and the church*. London: The Talbot Press.

Hancock, C. (2008). Spatialities of the secular geographies of the veil in France and Turkey. European Journal of Women's Studies, 15(3), 165–179.

Hopkins, C. (2015). Social reproduction in France: Religious dress laws and *laïcité*.

Women's Studies International Forum, 48, 154-164.

Immigrant. (2016). Retrieved from
https://www.insee.fr/en/metadonnees/definition/c1328

Immigrant (descendant of). (2016). Retrieved from
https://www.insee.fr/en/metadonnees/definition/c1676

Kalev, H., & Marzel, S. (2012). Liberté, Egalité, Islamité: Coping strategies of female immigrants
from the Maghreb in France. *Women's Studies International Forum, 35*(5), 354-361.

Laurence, J., & Vaïsse, Justin. (2006). *Integrating Islam political and religious challenges in
contemporary France*. Washington, D.C.: Brookings Institution Press.

Le Breton, M. (2007). *Laïcité* in the French public school system: An exception française? *Paroles
Gelées,23*(1), 93-112. Retrieved from https://escholarship.org/uc/item/5899b43t.

Loi du 9 décembre 1905 concernant la séparation des Eglises et de l'Etat.

Martínez-San Miguel, Y. (2009). Postcolonialism. *Social Text, 27*(3 100), 188-193.

Reuters (2011, April 11). France begins ban on niqab & burqa. Retrieved from.
www.guardian.co.uk/world/2011/apr/11/france-begins-burqa-niqab-ban

Scott, J. (2007). *The politics of the veil* (Public square (Princeton, N.J.)). Princeton, NJ: Princeton
University Press.

Sensitive urban zone/ZUS. (2016). Retrieved from
https://www.insee.fr/en/metadonnees/definition/c1679

Seth, S. (2011). Postcolonial Theory and the Critique of International Relations. *Millennium,
40*(1), 167–183. https://doi.org/10.1177/0305829811412325

Spivak, G. (2013). POSTCOLONIALISM IN FRANCE. *Romanic Review, 104*(3), 223-242.
Retrieved from http://login.proxy.seattleu.edu/login?url=https://search-proquest-
com.proxy.seattleu.edu/docview/1643098505?accountid=28598

Stangler, C. (2018). *From Revolution to Rights: The Politics of Immigrant Activism in France*

(1968-1983). [ebook] Available at
https://repository.library.georgetown.edu/bitstream/handle/10822/557919/ColeStanglerT
hesis.pdf?sequence=1

Zeghal, M. (2005). La constitution du Conseil Français du Culte Musulman: Reconnaissance
politique d'un Islam français? *Archives De Sciences Sociales Des Religions, 50*(129), 97-
113. Retrieved from http://www.jstor.org.proxy.seattleu.edu/stable/30128892

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