

Islam and the Republic

In a 2015 interview on French public television (France 2), member of the conservative party Les Républicains and elected member at the European Parliament Nadine Morano stated: “[I]n order to have a national cohesion, we must keep an equilibrium in the country, meaning one’s own cultural majority. We are a Judeo-Christian country, as General de Gaulle said it, of white race. I want France to remain France. I don’t want France to become Muslim.”

In a 2016 speech, Sarkozy, then conservative candidate for the 2017 French presidential elections, declared that “wearing a burkini is a political act, militant, a provocation. Women who wear them are testing the resistance of the Republic. Doing nothing is to let everyone think that France appears weak, and it would be like showing a new setback for the Republic” (*Le Monde*, August 24, 2016). During that period, the presence of the burkini – a portmanteau word made of burqa and bikini, a type of swimsuit for women, which in some cases is worn to respect Islamic traditions of modest dress – had provoked heated public debates for weeks, and more than 30 French cities, including Cannes and Nice, had passed city decrees forbidding them from being worn in public spaces, such as beaches.

Both comments, like many other public declarations made by French politicians about Muslims or Islam in France, convey the fact that Muslim or Islam is used as a racialized category, a euphemism for race, and that such a category is located in opposition and as a threat to what is presented as the true roots of France and French identity, as well as social stability. Additionally, it is an indirect way to refer to another culturally and ideologically significant element of French national identity, namely *laïcité* (roughly translated as secularism), a law primarily about the separation of church and state but that has come to be at the center of ferocious debates and declarations about Islam in France. Thus, when examining the performativity of colorblindness in France, we must turn to the framing of *laïcité* as legally enshrined secularism, which makes religion both a gatekeeper to the assertion of French identity and a marker for ethno-racial outsiders like Muslims in France.

This chapter exposes the problematic narratives and racial framing linked to the promotion of the *laïcité* principle, of the universalist feminism frame, and the idea of republican free speech, all frames that racialize Islam in France and perpetuate discrimination against French Muslims, particularly women. The chapter will also review the different regulations in Europe, as compared with France, with regard to the Islamic veil.

Muslims in France or French Muslims?

Due to the 1978 law on personal data collection, it is forbidden to ask for someone's religious affiliation in the French census and any other institutional questionnaires. However, INSEE and INED are able to measure the level of religious practice for sociological studies. This probably explains the different estimates that can be found on the number of Muslims in France. Even without being able to establish precise figures with certainty, according to the Observatoire de la Laïcité (Sall, 2019) Muslims are estimated to number about 4.1 million of the total French population (6 percent), whereas in 2017 the Pew Research Center gave an estimate of 5.7 million (8.8 percent). However, an updated survey published by the Observatoire de la Laïcité in 2022 (with the polling institute Viavoice) shows that 37 percent of French people declare having a religious belief, against 31 percent who identify as atheists or nonbelievers and 15 percent agnostics. Among the people who consider themselves believers, 48 percent affiliate as Catholics, 34 percent say they are not affiliated with any religion, and 4 percent affiliate with Islam. In addition, it is estimated that there are between 70,000 and 110,000 converts to Islam, comprising numerous individuals of different cultural, religious, and socioeconomic backgrounds (Downing, 2019). This makes Islam the second religion in France, far behind Catholicism. At the same time, French politicians exaggerate these numbers and come up with their own estimates, closer to 10 or 15 percent of the population, but without citing their sources (notably the Rassemblement National, or RN, leaders for example, but also leaders from conservative parties). Even citing the numbers of Muslims in France is at stake.

In 2000, the French HCI report classified France's Muslim population as comprising Algerians (1.5 million); Moroccans (1 million); Tunisians (500,000); Turks (350,000); other Middle Easterners (400,000); sub-Saharan Africans (250,000).

France is the country with the largest concentration of Muslims in Europe today, most of them being of Maghrebi (North African) origin (Gray, 2008; d'Appolonia, 2009). As explained by Beaman (2016), this is a source of confusion, as regardless of whether or not they identify as Muslims, individuals of Maghrebi origin are often categorized as Muslim in the media and popular culture. What also complicates the matter is that, as

shown in previous chapters, this part of North Africa is also where France had a number of colonies (notably Algeria, Tunisia, Morocco), and these are precisely the places where most of the individuals of Maghrebi origin who live in France are from. The colonial past weighs on how the political class, the media, and White French perceive the presence and place of Muslims and Islam in France.

As well as the estimates of the number of Muslims being disputed, with official sources unable to prove or provide accurate numbers, things are rendered yet more complicated by the terminology used to refer to Muslims. Indeed, as underlined by Joseph [Downing \(2019\)](#), the choice of terms can be problematic. Should we talk about Muslims in France or French Muslims? “Muslims in France” seems to indicate that it is an entity separated from the rest of France, as if they resided in France but were not of France. On the other hand, the term “French Muslims” implies that individuals all share the same status when that may not be the case for all, and yet it isn’t just about holding a passport either. Thus, when we use the term French Muslims as I do here, we must take care not to essentialize the group “Muslims” or the identity of “being Muslim” and acknowledge that it does not represent a fixed and homogeneous category. In the same way that Frenchness, or “being French,” is a construct with a multiplicity of statuses, ideas, practices, symbols, habits, beliefs, and customs, so is being a Muslim, and Islam, which, despite being a universalist religion with somewhat central beliefs and practices, is also composed of singular and particular nuances tied to local contexts in France, as well as being connected to the different experiences of Frenchness.

Muslims and Islam

One issue when examining the discriminatory discourses against Muslims (the people) and Islam (the religion) is that, as noted by [Cheng \(2015\)](#), there is a tendency to conflate and confuse Islamophobia and Muslimophobia. **Since 2015**, terms such as Islamophobia (the most common), Muslimophobia, anti-Muslim racism, anti-Muslim hate, anti-Muslimism, and anti-Muslim prejudice have been used interchangeably, without any differentiation, in the media and public debates ([Cheng, 2015](#)).

According to Jörg [Stolz \(2005: 548\)](#), Islamophobia can be defined as the “rejection of Islam, Muslim groups and Muslim individuals on the basis of prejudices and stereotypes.” Mattias [Gardell \(2014: 133\)](#) explains that here the suffix “phobia” connotes “socially, culturally, and politically produced prejudices, aversions and discrimination against specific categories of humans, in this case Muslims.” However, [Cheng \(2015\)](#) and Burak [Erdenir \(2010\)](#) argue that the phobia does not arise from a theological conflict with the Islamic religion but rather from a secular anti-Muslim sentiment. Thus in this

sense, [Erdenir \(2010\)](#) claims that Muslimophobia is a more appropriate and accurate term to describe racist attitudes toward groups and individuals who identify as Muslims. In fact, [Cheng \(2015\)](#) argues, Muslims are racialized in that some cultural characteristics (such as physical appearance, names, and dress like the headscarf or Islamic veil) are constructed as proxies for race and used in racist discourses. In her essay, [Cheng \(2015\)](#) concludes that although Islamophobia does coexist with Muslimophobia, discourse analysis shows that some discourses are more Islamophobic and explicitly hostile toward the religion of Islam.

Mohamad [Meziane \(2021: 126\)](#) goes as far as saying that Islamophobia and the policing of Islam in France demonstrate what he calls “colonial modernity.” According to [Meziane \(2021: 128\)](#), the discourse presented and constructed by the media and some politicians in France about the threat of “Islamist separatism” allows the French state to justify and intensify its repression against Muslims through laws and regulations, particularly by “unveiling Muslim women and policing Muslim men.”

The expression “Islamist separatism” was used for the first time by French President Macron in the fall of 2019 in a speech after the Paris police headquarters attack where a police employee stabbed six colleagues, and a counter-terrorism investigation determined that the attacker was a radicalized Islamist. A year later, in the fall of 2020, Macron gave a speech explaining his vision of the fight against “Islamist separatism.” This speech was followed, on October 16 2020, by the murder of middle school teacher Samuel Paty, who was killed by a perpetrator identified as an Islamist terrorist by the police, an event that intensified public declarations regarding “Islamist separatism.”

The French government defines what it calls “Islamist separatism” or the “withdrawal into one’s own community [*repli communautaire*]” as

the will to submit a group or a social space to norms coming from the interpretation of a religion, in this case Islam. This phenomenon leads to an important part of social life being, in effect, organized and controlled by groups with religious inspiration, rigoristic and militant, and for some carrying a political project with ideas of split and secession. (From the Secrétariat général du comité interministériel de prévention de la délinquance et de la radicalisation [SG-CIPDR], or inter-ministerial committee for the prevention of delinquency and radicalization, n.d.)

It is on the basis of this somewhat vague definition that the Minister of Interior enforces the law, which was passed by the French Parliament in July 2021. Some of the aims of the law regarding “Islamist separatism” include “fighting against foreign influence, better organization of the Muslim

worship, [and] fighting against all manifestation of Islamist separatism.” The law came into effect in January 2022 with five main areas of concern:

1. The reinforcement of the public service.
2. Protection of community associations from Islamist drift.
3. Better protection of individual rights and equal rights between men and women.
4. An increase in resources to fight against online hatred.
5. Updating the principles of worship organization from the December 9, 1905 law.

One result of the law is that in order to continue receiving public funding, associations need to sign a “contract of republican commitment.” The law also gives the prefects of each department in the regions of France the authority to go to an administrative judge whenever a local public institution applies measures deemed contrary to *laïcité*: for example, differentiated opening hours at a swimming pool, school lunch menus influenced by religious considerations, renting a city building or space for free to a religious organization (*Le Monde*, January 10, 2022). As a result of this law, according to French newspaper *Le Monde* (January 10, 2022), several dozen Muslim places of worship have been closed, and the government has set up local department committees to fight against Islamism and community withdrawal (Cellules de Lutte contre l’Islamisme Radical et le Repli Communautaire, or CLIR).

The French state’s conflation of the notion of “Islamist separatism” and the representation of Muslims as “communities of fear” (Downing, 2019) is made possible by an essentialization process. Indeed, one of the ways through which essentialization supports colorblind racism is by depicting Muslims as a monolithic and coherent group with a fixed essence on the one hand, and more specifically as outsiders and a threat to European values, particularly presumed Judeo-Christian values in France, on the other. The construction of a Judeo-Christian heritage label for France has two implications: first, it allows France to present itself as a Judeo-Christian society and culture while minimizing the presence of anti-Semitism in France. This minimization has in turn become an important feature of French society and ethos, when, as seen in previous chapters, the French state has a history of anti-Semitic policies and laws, and French society has witnessed anti-Semitic acts by individuals and groups throughout its history. Second, it allows France to create a false dichotomy between two essentialized categories. Indeed, this self-proclaimed Judeo-Christian heritage enables France to present Muslims as fundamentally opposed to presumed French Judeo-Christian values by virtue of their religion. Therefore, Muslims are not only viewed as unable to integrate into French society but also as threatening social order in France

and as essentially anti-Semitic. Downing (2019) even shows that this fear of Muslim communities spills over into French literature, as seen in Michel Houellebecq's novel *Submission*, which describes France being Islamized. It was also a feature of the 2022 presidential election campaign, in which far-right candidate Eric Zemmour's campaign talking points were based, among other things, on the idea that he intended to "protect French identity against a galloping Islamization."

Except there is no Judeo-Christian France versus anti-Semitic Muslims. In this ideological framing, France is often depicted as a unified static entity with one uniform common core from a cultural, linguistic, and religious standpoint when it has never existed that way. There is no "one" republic nor "one" essentialized French identity, especially not one centered on a supposed single Judeo-Christian heritage. Second, as Downing (2019) reminds us, from the Dreyfus Affair to the deportation of Jews during the Second World War, and the 74 percent increase in anti-Semitic incidents in France in 2018, France has strong and long roots of anti-Semitism. However, constructing a group, such as Muslims, as a discrete and homogeneous entity allows them to be essentialized into a single category possessing presumed essential characteristics used to predict behaviors labeled as dangerous. Downing (2019) explains that this framing process is called securitizing. Conceptualized by the Copenhagen School in the 1980s and 1990s, securitization first implies that the notion of security is not a mere objective fact but is an idea that is socially constructed in terms of the meanings, narratives, and thus policies attached to it. Second, the concept of securitization argues that assumptions about a group's homogeneity allow the dominant group to construct others as a security threat based on the violence of a few. Such assumptions support the clash of civilizations paradigm, which makes it seem that French and Muslims are on opposite and unreconcilable ends of the social values spectrum. However, this construction of French Muslims as a security threat isn't new. The production of stereotypical and prejudiced images of Muslims goes back to the colonial era: Muslim men and women have been Orientalized and exoticized in terms of gendered roles in French popular culture, which has in turn been used to justify oppressive measures against them. The specific social construction of Muslims as a violent threat can be connected both to the colonial invasion and later the independence wars in North and West Africa, and to the idea of terrorist threats into the 21st century. Indeed, as examined in Chapter 5, during the 2005 ethnic riots, French Muslims in the *banlieues* were constructed by the French political class and by the media as a menacing, violent urban underclass. And they have more recently been represented as potential terrorists, based on presumed religiosity (and not social class), as demonstrated in the examination of President Macron's measures to fight "Islamist separatism." Thus, when in 2003 the then Minister of Interior Nicolas Sarkozy founded the French

Council of the Muslim Faith (Conseil Français du Culte Musulman), placed under the authority of the Minister of Interior, we should ask whether this was done in the spirit of openness or whether it represents yet another effort to control French Muslims.

The religion versus *laïcité* frame

On August 30, 2021, the French Minister of National Education launched a national communication campaign promoting *laïcité* in school that would last until September 2021, with eight different posters placed in the streets and as adverts on social media, as well as in schools. Per the Minister of Education's website, the campaign intended to show that the principle of *laïcité* is present in students' daily life, particularly their life at school, and that it "allows them to live free, [as] equals and united whatever their convictions." On the posters, middle and high school students of different races can be seen together in school activities (in classrooms, at the pool, or studying together). Their faces are visible, and the text printed over the images reads: "[G]iving the same course content to Romane, Elyjah and Alex, whatever their beliefs. That is what *laïcité* is." Or "Allowing Inès, Lenny, Simon and Ava to be together. That is what *laïcité* is." Another reads: "Allowing Sasha and Neissa to be in the same pool. That is what *laïcité* is." On each poster, we can see at least two children, at least one male student and one female student, and at least one White child and one child of color. From each image, along with the attached message, the implicit deduction when comparing names and genders is that a child with a presumed White Christian-sounding first name can be friends with a child of color (from their presumed non-White, non-Christian first name) thanks to the principle of *laïcité*. One of the implications of such images and messages is that students' races and possibly their religious beliefs are identified by proxies through their first names, which are implicitly linked to categorizing White people/Christians versus non-White people/non-Christians, and thus, children of color are assumed to be non-Christians. The second implication is that the *laïcité* principle seems to be devaluing or minimizing the differences, and the diversity, portrayed by the students of color. As Tariq Modood (2012) claims, when examining whether secularism is experiencing a crisis in Western Europe, the main issue is about the perceived ethno-religious identities (for example Arab Muslim) in public life, and here most specifically in school settings. Such identities are linked to multiculturalism, which the French state sees as a challenge to its secularism and more largely to its constructed ideal of universalism.

The topic of Islam in France has long received attention from scholars and in popular culture given that the practice of religion in France is at the center of the French Republic and its republican ideal, more specifically, *laïcité*. In general, *laïcité* represents principles on the place of religion in French society.

At the legal level, *laïcité* is a constitutional principle separating church and state. The ideas behind the principle come from the 1789 French Revolution, and public education has been “laïc” or secular by law since 1882. But it is the law of 1905 that codifies the principles of *laïcité* in France: among other things, it confirms liberty of conscience (which was defended during the French Revolution) and the free exercise of religion. Although the law does not specify any particular religion, at the time the law was passed, lawmakers were mostly concerned with the protection of individuals from what they saw as undue religious pressures from the Catholic Church. The law also establishes the separation in that the French Republic will not recognize, fund, or pay salaries to any religious institution, with the exception of the departments of Alsace and Moselle, where religious leaders are paid and nominated by the local governments (the rationale being that the 1905 law was signed when Alsace–Moselle was German, not French). Additionally, the law prohibits the state and any of its representatives from giving any form of public support to particular religious beliefs. Finally, one of the implications of the law is that religious expression should be kept in the home and places of worship, and not in public schools. The reason is that after the French Revolution, the Catholic Church lost its right to teach its beliefs in the public educational system. And public schools became a place where children would learn to become citizens of the French Republic, through the teachings of moral and civics education. However, [Downing \(2019\)](#) explains that, on the one hand, the term *laïcité* only appears in the French Constitution during the Fourth Republic of 1946, despite the idea for it dating back to the 1789 French Revolution. On the other hand, [Downing \(2019\)](#) argues that *laïcité* itself does not have a formal legal definition other than the fact that it has a legal effect. Indeed, on the French government webpage dedicated to the notion of *laïcité*, it is simply presented in terms of its principles and attached values: the freedom of conscience and the liberty to express convictions; the separation of public institutions and religious organizations; and the equality of all before the law no matter their beliefs or convictions. In this sense, [Downing \(2019\)](#) claims that *laïcité* is a pillar of French national identity, even if it carries no legal definition. But even this description of the spirit of the notion of *laïcité* is both very specific and rather vague. Furthermore, the way the law enforces *laïcité* is done through different mechanisms and layers of application: for example, with regard to Islam, the burqa ban is enforced at the national level, the burkini ban at the regional level, and halal food provisions are enforced on a case by case basis in schools. Thus, the way that the principles of the law are applied differ according to the specific local institutions and contexts. As [Downing \(2019\)](#) explains, from the standpoint of the law, France is made up of layers of “multiple solitudes” and therefore multiple republics with diverse stakeholders and a multitude of state actors, agencies, and departments who

all have different levels and styles of operationalization and engagement. The reality of how the law is operationalized stands in contrast with the first article of the French Constitution declaring that France is “one Republic indivisible.” Such multiplicity of actors, levels, and solitudes also implies that the French state must constantly define exactly what *laïcité* means in context, and not just as a grand principle. Thus it requires constant interpretation and operationalization in order to function.

That being said, one significant aspect of the 1905 law that would have an impact on the issue of the headscarf affair discussed subsequently is that the law guarantees individuals the right to express any religious beliefs, provided these do not disturb the “*ordre public*” (public order). Among other things, this implies that individuals are not allowed to proselytize (that is, attempt to convince others to accept a particular religious opinion) in public spaces, including schools, though they are allowed to express their opinions in such places. And so, in effect, it followed that French middle or high school students were allowed to wear crucifixes, and neither wearing such religious insignia nor expressing religious views were prohibited.

The headscarf and burkini affairs

In 1989, what has come to be known as the “headscarf affair” erupted in France, and again in 1994, and again in 2003, until a 2004 law banned the garment from French public schools.

The controversy started in October 1989, when three Muslim girls, two of Moroccan and one of Tunisian origin, were expelled by their school in Creil, 30 miles north of Paris, because they were wearing headscarves. The director of the school, Mr. Chenière, found that their headscarf was in contradiction with the *laïcité* law. His decision to suspend the female students from school was brought to the attention of the media and the antiracist organization SOS Racisme, which appealed the decision to Lionel Jospin, the Minister of Education (under the presidency of Socialist François Mitterrand). Over the following months, the headscarf affair developed into a serious political controversy. Minister of Education Jospin sought advice from the Conseil d’Etat (State Council, the highest administrative court in France) on the matter and then decided to overturn Chenière’s suspension order and to tolerate headscarves in state schools. Jospin’s decision was met with strong opposition, including from leading French intellectuals like Régis Debray and Alain Finkielkraut, who compared the decision to “Munich,” an expression referring to the 1938 Munich conference where Britain and France had submitted to the expansionist demands of Nazi Germany. This connection made by French intellectuals implied that the Islamic veil represented a comparable threat to the future of the French Republic. In fact, representatives of the right-wing party Rassemblement pour la République

(RPR, or Rally for the Republic) at the time, claimed that the headscarf was an act of provocation demonstrating the rejection of “shared values and principles of liberal individualism and secularism” (JO 25-10-1989 [Lettinga and Saharso, 2012](#)), and also as an act of self-segregation from the rest of society, also known as “repli communautaire” (withdraw into your own community), which is seen as dangerous to French integration.

Although the left and the right have a similar understanding of the universalist principles behind *laïcité* and religious neutrality in the public sphere, Socialists differed from the conservative party in their interpretation of the *laïcité* law. Minister of Education Jospin urged the students and their parents to “respect [the] principles of the state school, and not to come to school with any symbol that affirms a difference or religious distinction” (JO, 25-10-1989: 4113-4115). The Socialists believed that letting Muslim girls return to and attend school would help them integrate better into French society and emancipate them from their community’s religious traditions.

Then in the fall of 1994, François Bayrou, the Minister of Education of the then center-right government, sent out a circular to all elementary and secondary school headteachers asking them to ban “ostentatious signs” of religious belief, which was connected with proselytism (*Le Monde*, September 21, 1994). In a press interview with the conservative magazine *Le Point*, Bayrou declared that he intended the ban to apply to headscarves but not to yarmulkas or crucifixes, which he classified as non-ostentatious (*Le Point*, September 10, 1994). However, the Conseil d’Etat ruled that there was no legal basis for declaring the wearing of the Islamic headscarf to be ostentatious or unlawful (*Le Monde*, July 12, 1995) and rendered Bayrou’s circular null and void.

At the beginning of the 21st century, there had not been any increase in the number of girls wearing headscarves in state schools, and as a matter of fact, around 2003, it was at its lowest for many years ([Hargreaves, 2007](#)). And yet, in July 2003, French President Chirac (conservative party), who had previously supported a ban on the Islamic headscarf, set up a commission headed by friend and senior civil servant Bernard Stasi to review the specifics of the 1905 *laïcité* law, even though there was no particular urgency in the matter (as the number of headscarf-wearing student cases had declined). Nonetheless, in December 2003, the Stasi Commission published a report that included several recommendations, among which was a proposal to ban from state schools the wearing of religious insignia deemed to be ostentatious (Comité de Réflexion sur l’Application du Principe de Laïcité dans la République, 2004). At the same time, several members of the Socialist Party changed their perspective on the issue and decided to bring forth a legislative proposal to ban all religious, political, and philosophical symbols from school (no. 2096 in [Lettinga and Saharso, 2012](#)). Their rationale was

that the headscarf is an expression of communitarianism, which is an obstacle to integration.

Shortly after the Stasi report's publication, President Chirac announced that legislation for a ban on religious symbols deemed too ostentatious would be rushed through the French Parliament. On March 15, 2004, the French government passed the law banning students from wearing conspicuous signs of religious affiliation in public schools. Chirac defined ostentatious – or conspicuous – as “those which lead to the wearer being immediately perceived and recognized by his or her religious affiliation.” Some of the insignia to be banned included the Islamic veil (under whatever name), the yarmulka, and over-sized crosses. Other more “discreet” insignia such as a cross, the star of David, or the hand of Fatima are allowed. However, the law, and Chirac, did not give any specific definition or indication about the difference between a “manifestly over-sized” and a “discreet” insignia. In reality, the Stasi Commission had to perform some elaborate verbal acrobatics to justify the ban: a law could not solely ban the Islamic headscarf (which was the primary target) because it would have been rejected by the Conseil d'Etat as obviously discriminatory. And so, the law phrased the ban in more generally worded terms that included other religious insignia. Furthermore, interestingly, neither the Stasi Commission's report nor President Chirac gave any justification for how the wearing of such ostentatious insignia infringed the principle of *laïcité*.

However, by 2009, the French Parliament had started to debate the full face-cover or veil (or niqab). The debate originated with a decision by the Conseil d'Etat in June 2008 declaring that a Moroccan-born woman had been legitimately refused French citizenship because she was wearing a niqab, arguing that this showed an adherence to a “radical religious practice that conflicted with the values of the République,” notably sex equality (no. 286798; Bertossi, 2012) On June 22, 2009, President Sarkozy declared in front of the Parliament: “The burqa is not a sign of religion, it is a sign of subservience. It will not be welcomed on the territory of the French Republic.”

In August 2009, a woman wearing a burkini was prevented from entering a swimming pool. The decision was justified by a law preventing people from swimming in public pools with street clothes. However, despite the wish of Sarkozy to establish a law specifically banning public burqa-wearing, the Conseil d'Etat considered this possible law legally untenable. Thus, the government decided to launch a piece of legislation that would forbid all types of face-covering in all public spaces (including the street). At that point, the bill was framed in terms of maintaining social cohesion and public order, and in that regard, the face-veil could be considered an offense to the French republican social pact of living together. On June 13, 2010 at the National Assembly, a majority of 335 (right-wing and conservative representatives) voted in favor of the law, against 241 abstentions (most Socialist, Communist,

and Green representatives). A majority in the Senate (246–1) also voted in favor of the government’s legislation. Finally, the Constitutional Council declared that the law was in line with the French Constitution. More recently, in the summer of 2016, several mayors of cities in Southern France have deployed police forces to issue fines to women on public beaches, citing not wearing an “outfit respecting good morals and secularism” (*Le Parisien*, 2016).

On the one hand, despite the affirmation of Article 1 of the French Constitution that the French Republic “respects all the beliefs,” the ban on the Islamic veil and the burkini is de jure and de facto about how the life of Muslim women should be structured under a secular republic. On the other hand, these battles mark the politicization and the framing of both garments as ethno-cultural differences in a debate where religion has become racialized.

The religion versus universalist feminism frame

In addition to arguments centered on the idea of the French Republic’s cohesion through *laïcité*, the Islamic veil ban also used gender rights and supposed feminist arguments to gain support from the political and intellectual class. Indeed, as underlined by Jane Freedman (2007), one of the main arguments with regard to managing cultural differences in Western democracies is that granting group rights to minorities could be an impediment to advancing women’s rights, which are defended through what are considered universal norms. So the wearing of the headscarf by young women at school is perceived in France as a sign of failure of the French republican system and model with regard to fully integrating second- and third-generation immigrants into French society (Freedman, 2007).

State Secretary for Gender Equality Issues Michèle André showed dissent and hesitation in defending the cabinet’s tolerant stance toward the situation of the headscarf ban (JO, 8-11-1989: 4756-7). For her, the veil was a symbol of women’s oppression and should have no place in school, a key institution for integration and emancipation. The defense of women’s rights and gender rights as a central argument during the debates over the Islamic veil ban has been analyzed by Aurélien Mondon and Aaron Winter (2017b) as an imperialist, paternalistic, racist, and even sexist reassertion of the patriarchal order. Such gender rights arguments are rationalized into the supposed defense of women’s emancipation from an oppressive (Muslim) patriarchal culture. But in fact, paradoxically, the Islam veil ban, which is supported by these universalist feminists, gives Muslim women the imperative to either remove their veil or pay a penalty, or remove themselves altogether from the public sphere and remain hidden in their private sphere. Such an imperative goes against feminist principles, which would instead demand more equal access to rights and resources for disenfranchised women. By supporting the Islamic veil ban, the supposedly universalist feminist frame reinforces the

stigmatization of a gender and racial minority group of individuals without ever considering the agency of the person. As Christine Delphy (2006) shows, in the French debate over the hijab, many French feminists felt under pressure to make a false choice between racism and sexism. This is in part because women (who are not religious professionals) covering their body and face as part of their religious practice challenges the established norms of European feminism. And one of the consequences of the law itself is that Muslim women and girls are de jure excluded from public spaces, such as universities, swimming pools, public transport, and other places.

The rise of a universalist perspective against cultural relativism in French debates, particularly with regard to Islam, creates some tensions between mainstream feminists and multiculturalist feminists. We might view this as an irony, considering that feminists have long been critical of and challenged the universalizing definitions of gender. In France, this universalist egalitarian feminism is also rooted in secularism and has imposed itself as a universal homogenizing standard providing norms regarding women's emancipation. By supporting a headscarf ban, which thus imposes a hegemonic normative model (universalism), such secular feminists have denied Muslim women any form of agency. For example, French feminist Elisabeth Badinter, who defended the ban on the headscarf, believes that a secular universalism should be applied while denying women any possibility to be active agents capable of making their own choices. In a 2018 interview (*L'Express*, September 27, 2018), she also admits that the coming generation of women would be unable to accept the kind of feminism that she represents, because it is considered to be "too bourgeois, too 'white,' too inflexible on the question of universalism." In the same sentence, Badinter contradicts herself by advocating for universalism, which is presumably neutral and colorblind in her mind, while simultaneously recognizing that the racialized aspect of her "White" feminism is what would be problematic for new generations. Another French feminist, Caroline Fourest, also supports a secular republicanism and feminism and is critical of the cultural relativist approach. In particular, she has been very vocal against what she considers to be an Islamic threat. Fourest regularly attacks Islam and French Muslims in the French media, which has gained her recognition as being an expert on Islam, courageously defending the voice of universalism and feminism.

However, another French intellectual, philosopher Etienne Balibar, writes in French newspaper *Libération* (November 3, 1989) that the argument about the headscarf being a proof that women are oppressed by Islam is a frame that is used by Western societies to show their superiority over Muslim societies.

Yet, in their study assessing the effects of the French headscarf ban, Aala Abdelgadir and Vasiliki Fouka (2020) find that the ban had negative educational outcomes for the female students. Indeed, they find that the

ban has disrupted women's educational trajectories and increased drop-out rates (due to school sanctions and expulsions) as well as the time taken to complete secondary education (with higher likelihood of repeating a class), and that it has also caused long-term disruption due to negative outcomes in terms of labor force participation and employment rates. Additionally, [Abdelgadir and Fouka \(2020\)](#) claim that the ban also altered the overall environment in schools and for the women attending the schools, where they lost support. In particular, through its application and the subsequent public debates over veiling, the law further stigmatized Muslims, especially with media discourses linking the headscarf to communitarianism and sexism perceived as opposed to the universalist feminist frame in France. Finally, [Abdelgadir and Fouka \(2020\)](#) argue, one effect of the headscarf ban may have been to cast the two identities of these female students (being French and Muslim) as incompatible, since the veil is de facto presented as a violation of French values and possibly a sign of inherent non-Frenchness. Other findings have shown that when excluded from a group due to perceived discrimination, individuals may withdraw and disengage from the discriminating majority. And yet, [Abdelgadir and Fouka's study \(2020\)](#) shows that women rejected the choice between their identities and reasserted themselves as both French and Muslim. As [Beaman \(2015, 2016\)](#) argues, this may of course be because they adapt their attitude and religious practice to gain acceptance in French society while trying to maintain their religious identity.

The religion and republican free speech frame

Another area in which a colorblind frame has been articulated concerns the question of the relationship between free speech and Islam, masked as a conflict between universalist republican principles and religion.

For example, in the aftermath of the terrorist attack against the satirical magazine *Charlie Hebdo* in Paris on January 7, 2015, the slogan "Je Suis Charlie" started to spread across France and the Western world, not only representing solidarity with the victims of the attack but also with what the magazine is thought to represent, namely the French republican and Enlightenment values of free speech. This widespread reaction of support was supposed to be in response to what is perceived as a threat posed by Muslim extremists and terrorists. However, as [Mondon and Winter note \(2017a\)](#), the events took place as Islamophobia was already significant in France following the debates around the headscarf affair. So the boundaries between a critique of extremism and terrorism, the defense of secular republican values, and Islamophobia have become blurry at best. And it is in that context that the "Je suis Charlie" slogan became somewhat of a movement, or at least a movement of thought, representing a civilizational

project where France, and the Western world, stood as representatives of the values of free speech and secularism against what was presented as an attack by religion on the Republic's principles.

Hence the discussion centered on the imperative to uphold an absolute universal principle of freedom of speech against one specific threat, namely Islam, but presented as a question of a boundary between secularism and religion. For example, the justification given for publishing satirical cartoons mocking Islam was freedom of speech (which includes blasphemy). However, Roy et al (2006) claim that there seems to be a double standard in that no major newspaper would mock other groups in a similar way, more out of a fear of bad taste than of being sued for libel, and in this case it wouldn't be a matter of freedom of speech, but being able to satirize Islam and Muslims is presented as a symbolic rampart against intolerance and a defense of free speech for all. The unity behind the argument of freedom of speech comes from its colorblindness as it appeared as central to the French republican culture, identity, and democracy, and what it means to be French, which contradicts the idea of universalism. In that sense, Christophe Bertossi (2011) shows, using a national model like republican secularism to analyze and possibly justify a social and political phenomenon is in fact heavily normative. And we should be focusing on the assumptions about what is considered to be republican, how it was constructed, how it originated, and what it implies. But as Mondon and Winter (2017a) argue, such grand ideas have become mainstream and commonplace, and seem to have no historicity as well as being colorblind. This resulted in a shift of the subsequent debate after the *Charlie Hebdo* attack (and then even more after the terrorist attacks in Paris in November 2015 and Nice and Normandy in July 2016) from free speech versus religion to republican liberalism versus Islamophobia, where hardened positions against Islam by politicians and intellectuals seemed justified. In other words, colorblind arguments have allowed the justification of a colorblind racism with regard to Muslims and Islam in France, ensuring that the Muslim community was often presented as having foreign values and beliefs that were incompatible with French republicanism. In a 2015 interview (January 7, 2015), the former French Prime Minister, Mayor of Bordeaux, and runner-up in Les Républicains' primaries for the presidential elections declared after the *Charlie Hebdo* attack that it was the responsibility of French Muslims to speak up and defend an enlightened Islam. Similarly, French essayist and political commentator Eric Zemmour wrote in his 2014 book *The French Suicide*, which was widely publicized and popular (Mondon and Winter, 2017b), that the demise of France at the hands of Islam was the result of "the feminization and homosexualization of the country's population and politics, thus allowing a testosterone-fuelled and macho Muslim youth to take over." Finally, on January 6, 2016, the day before the first anniversary of the *Charlie*

Hebdo events, French feminist Badinter declared on France Inter radio that “one should not be scared to be called an Islamophobe.”

Islam and secularism in Europe

In her study on the minaret ban in Switzerland, Jennifer E. Cheng (2015) notes that in Europe, Muslims are racialized according to the country where they reside: for example, in Britain, Muslims are racialized as South Asian people; in Germany, as Turkish people; in France, as people from the Maghreb; and in Switzerland, as Turkish people, Albanians, or Bosnians. Furthermore, Cheng (2015) argues, Muslim, as a religious identifier, can actually outweigh national identities, where people from the Maghreb or from Turkey may be perceived primarily as Muslim regardless of their actual religious affiliation, especially after 9/11.

One of the reasons Islam has been a topic of heated public debate in France and elsewhere in Europe is because it is framed by politicians as a measure of integration into mainstream society. In fact, Abdelgadir and Fouka (2020) argue, the policies used by European governments to regulate women’s Islamic dress aim to achieve immigrant integration, preserve Western values, and reduce the visibility of a nonWhite religion in the public sphere.

However, studies show differences in the treatment of the Muslim populations in Europe: some countries have bans on headscarves (France, Germany, Russia), while others have laws specifically about the full-face veil (burqa or niqab) (Italy, Spain), and some countries have bans for both (France, Germany, the Netherlands), while other countries have no laws against headscarves (Sweden, the UK, Greece, Portugal, and others). Additionally, among the European countries where the ban is applied, it is done so by local governments differently depending on specific contexts, whereas the ban is applied in France by the government at the national level without any regard to specific situations. Nevertheless, a 2017 report (Howard, 2017) by the European Commission shows that even in countries that do not apply a ban on headscarves, legislative proposals may still have been put forward, and there may have been public debates on the question of the veil and/or the possibility of a ban. At the same time, the European Commission report (Howard, 2017) also indicates that several member states of the European Union have no legislation in place, no legislative proposal has been put forward, and no public debates about women wearing the veil have taken place: Cyprus, Estonia, Finland, Greece, Italy, Lithuania, Malta, Portugal, and Sweden are such examples.

In their study of the framing and regulations of headscarves in France, Germany, and the Netherlands, Doukje Lettinga and Sawitri Saharso (2014) compare the models of national citizenship in terms of their accommodating cultural differences to examine the impact on policies. France is identified

as having a republican–secularist model promoting the idea of integration into French universal values for all its citizens. Germany follows an ethno-cultural corporatist model where the nation is conceived as a culturally homogeneous community with a common history, culture, and language. As a consequence, Germany only granted legal status as public corporations to the three main historical religious communities (Catholic, Evangelical, Jewish), and the Länder governments have refused to grant Islam the status of an officially recognized religion. Finally, the Netherlands is considered to be a multicultural pluralist model where the promotion of common values coexists with groups who have their own distinctive identities, and is thus open to the idea of cultural diversity.

Lettinga and Saharso (2014) have concluded that French society is the most restrictive in terms of policies regarding Islamic headscarves, while the Netherlands is the least restrictive, and Germany has some level of tolerance, albeit with restrictions at the local level. For example, Dutch society has accommodated its law on the veil to its Muslim population, compared with France, which has prohibited the Islamic veil in its many forms. France had a hesitant stance and tolerance of the headscarf in state schools, favoring a strict policy “limiting the space for difference” (Lettinga and Saharso, 2012), justifying this position with a universalist integration model. The Netherlands experienced a retreat from its multicultural integration model but not to the point of rejecting Islamic headscarves.

Furthermore, Claire Dwyer (1999: 5) notes that in the UK, Muslim women have been wearing the headscarf actively as part of what she calls the negotiation of difference, and “in the construction of their own identities both through challenging the meanings attached to different dress styles and in the reworking of meanings to produce alternative identities.” However, Modood (2012) remarks, although Britain has no legislation against the veil, there seems to be popular support for a ban, even though none of the major political parties have put forward a legislative proposal.

Finally, with such a focus of the *laïcité* principle and law on the Islamic veil, as Meziane (2021: 125) notes in his study of systemic Islamophobia in France, “policing Islam tends to become ... the alpha and omega of state secularism itself.”

In fact, according to Downing (2019), the securitization framing has taken over in France and in other European democracies. Muslims are often described as culturally alien and incapable of integration, particularly with the argument that the so-called multicultural project didn’t work in Europe, when it was never really and thoughtfully implemented in the first place. As a result, Muslims are often viewed as a threat to the existence of Western liberal states and order. And framing them through the construction of security narratives and discourses provides ideological justification to implement racist policies.

Conclusion

Religion in France is a site of boundary construction. The role of the state in policing religion is not over, since the *laïcité* law of 1905, which demands a strict neutrality with regard to religion and religious practices, is a fundamental principle of the French Republic. At the same time, for centuries, Roman Catholicism has been the state religion in France – it has been institutionalized to the point that the recognition of major Christian holidays today is taken for granted in schools and the workplace in terms of schedules (Auslander, 2000). Furthermore, the display of nativity scenes in post offices and on public squares is not considered to violate the separation of church and state (Zolberg and Long, 1999). There is no equivalent recognition for Muslim holidays (Islam being the second religion in France, with 6 to 8 percent of the population identifying as Muslim in France, far behind the first religion, Catholicism, with an estimated 41 percent from the Eurobarometer survey of 2019). In a way, *laïcité* works to confine outsider religions to a marginal position rather than to one of parity in terms of treatment (Baubérot, 2000).

However, the absence of official data also leaves the narrative space open for politicians to use and exploit for political ends, enabling them to induce fear among the majority population by exaggerating numbers, knowing that Islamophobia has been growing throughout Europe and France for over a decade.

Laïcité can be thus analyzed as a form of fantasized neutrality, which is really a form of indirect and covert yet active state management of religion, where instead of guaranteeing freedom of belief, as expressed in the law, religious practice is heavily regulated and controlled, but only for Muslims. Additionally, this chapter showed a paradox in the rationalization of French republican principles: *laïcité* is supposed to be the grand and grounding principle of the French Republic, a sort of neutral space based on secularism, beyond the influence of a state religion. And yet, French politicians often refer to the Judeo-Christian tradition to which France fundamentally belongs. One of the reasons is that Christianity is not seen as a threat to the foundations of the French Republic because it is associated with White French culture, whereas Islam is framed as dangerous to the French Republic because of its connection to immigration from former colonies in North Africa. According to Cheng (2015), this perception of the threat posed by Islam is pervasive in France, and in much of Europe more broadly, due to the fact that Islam is conflated with a nonWhite religion, and as such, its practices and values are perceived not only as contrary to White French (White European) values and norms but also as a potential threat to a liberal-democratic country. Furthermore, Islam is also seen, by White Europeans, as a threat because it is perceived as increasingly influential on the political

and legal order in France and other European countries. In fact, depicting Muslims as a monolithic group through essentialization supports the image of a unified community threatening the state and the dominant social order.

As shown in the case of the headscarf and burkini affairs, Islam and its visible signs are framed as incompatible not only with the essence of French law but with the essence of the French Republic in its supposed neutrality and what it means to be truly French. Except that the justification for the headscarf ban is grounded in a colorblind narrative, based on the defense of the rule of law about liberal equality and rights (freedom of speech, gender rights) supposedly associated with the origins of the French Republic. This colorblind explanation can be analyzed as a clear example of colorblind racism, using the pretense of secularism to target Muslim communities in France (Tevanian, 2005; Scott, 2007). Therefore, although the laws of 2004 and 2011 banning the hijab and the burqa impose a significant stigma on certain practices, which actually tend to essentialize and equate Muslims with Arab people, they are not seen as overtly racist policies because of the focus on *laïcité*. And research actually challenges the discourse that universal rights will necessarily benefit women's status and advancement in society, especially Muslim women (Freedman, 2007). In fact, Abdelgadir and Fouka (2020) note, not only has the headscarf ban had negative effects on the women affected by it, at least in terms of educational outcomes, but it has also proven unhelpful in integrating them into French society. Similarly, Freedman (2007) notes that imposing laws specifically on certain groups of women (Muslims) does not improve the position of all women, but rather only reinforces state power over groups that are already experiencing prejudice and discrimination.

Thus, using Bonilla-Silva's colorblind racism theoretical framework, this chapter has argued that the way supporters of the laws have framed the issues of the Islamic veil, or the response to the *Charlie Hebdo* terrorist attack, is by defending a republican universalist ideal that can be declined through various repertoires. In this case, the repertoires that act as dominant racial frames providing an intellectual road map for colorblind racism are *laïcité*, gender rights, and freedom of speech. For example, secular feminism is also based on a constructed universalist ideal that contradicts a multicultural non-essentialist approach of feminism. In any case, they are all variations of republican secularism and universalism, both ideologies used to justify the exclusion of and discrimination against Muslims, as well as the racialization of religion, particularly Islam and Christianity, to delineate what it means to be French. What such a frame provides is to racialize an element of social status without having to use the term race or racial categories. That is precisely what a colorblind society does. And yet, by doing so, the state reinforces colorblind racism. Also, the systemic marginalization of Muslims in France is often presented in terms of religious exclusion or discrimination, when

it is also connected to race and class status (Downing, 2019). And indeed, the bans show that the French government is in fact tasking the courts with deciding what is considered appropriate in terms of racial difference and assimilation.

As Bertossi (2020) explains, the invention of a supposed colorblind or neutral French tradition emanating from the French Revolution and the Enlightenment, and what he calls the “crystallization of this historical repertoire,” have allowed for the emergence of key principles such as integration, communitarianism, and *laïcité*. These principles have in turn helped define “traditional national values and ideologies” (Lamont, 1992: 136). As a result of this ideological framing, Muslims have been constructed as the least valued members of French society (Bertossi, 2020).

This form of colorblind racism uses frameworks and language from the French Enlightenment to support racist ideologies, making it what I term an “enlightened racism.”