

The Muslim Headscarf Controversy in French Schools: A Sign of Inclusion or of Exclusion?

Nancy Senior
University of Saskatchewan

The question of the Muslim headscarf, *le voile islamique* or *le foulard islamique*, is more controversial in France than in other European countries, and arouses more passion for and against it.¹ To be precise, the garment in question, a form of hijab, is the scarf or shawl that covers the head but not the face.² Some Muslims say it is an essential part of the faith that women should cover their heads and hair; others say it is not a religious requirement but rather a custom in the culture of some countries. In France, a law passed in 2004 forbids the wearing of *signes religieux ostensibles* (conspicuous religious signs) in public schools. Although the law applies as well to kippas, large crosses, etc., it is generally recognized that, in practice today, the main object is the veil or scarf worn by some Muslim women.

Over the years since 1989, when the question of the veil in schools arose, an enormous amount on the subject has been written in newspapers, magazines, and books. The issue is approached from legal, historical, political, and religious angles;³ there is no clear division between the political left and right; and feminists take different stands. The arguments studied here are addressed to people having power or influence over the laws or the schools, and to the educated reading public who influence those who have such power. I have not considered any

¹ A version of this paper was presented at the Congress of the Canadian Society for the Study of Rhetoric in May 2005.

² In this article I have used “veil,” more often than “scarf” or “headscarf,” to reflect a shift in French usage. The word that used to be more common to designate the garment, *foulard*, or “scarf,” suggests a very French item of clothing usually worn around the neck. The term that is more frequent today, *voile*, or “veil,” gives a different picture; the effect is to set the wearer apart from the rest of society. (*Voile* is also used for a nun’s veil.)

³ A master’s thesis by Coryse Ciceri presented in 1998 at the Faculty of Education at the Université de Montréal analyzed articles about the veil in three daily newspapers in France and three in Quebec over a period of several months in 1994-1995. Ciceri grouped the arguments into the (partially overlapping) categories of *juridico-politiques*, *culturels*, *socio-politiques*, and *psychopédagogiques*. Although many of the same arguments that she observed are still used now, the categories in which I have grouped them are different.

arguments addressed to particular religious or ethnic groups (although the writers' religious beliefs and ethnic origin could of course be relevant to their point of view), or those in languages other than French. My study is limited to sources available to members of the general public in France, and addressed to them as French citizens.⁴

The debate that led to the law will be examined in the light of analyses of argumentation by Chaim Perelman and Lucie Olbrechts-Tyteca, particularly their discussion of the speaker's or writer's adaptation to the intended audience, and of universal values in relation to more particular ones. What I call here a debate resembles in some ways what Douglas Walton calls a forensic debate, whose purpose is to win a victory over one's opponent "by impressing the audience (or referee) of the debate," and in other ways what he calls a persuasion dialogue, in which each participant tries "to prove his own thesis by the rules of inference from the concessions of the other participant" (5). On both sides of this question, writers have accepted certain common values or premises.⁵ While these values are reaffirmed by the different participants, they are nevertheless re-examined and reinterpreted in the new context of citizenship in France.

In order to be effective, arguments used to persuade people to adhere to a certain point of view must be suited to those people. As Perelman and Olbrechts-Tyteca write, such argumentation "is, in its entirety, relative to the audience to be influenced" (19). For this reason, "knowledge of those one wishes to win over is a condition preliminary to all argumentation"

⁴ Most of my sources are books; I also cite newspapers, magazines, and some websites. Although some of the books are written by Muslims or people of Muslim background, they are addressed to the general educated French reading public (including Muslims) rather than specifically to Muslims as such.

⁵ According to Govier, premises are acceptable if they are defended in a cogent argument; if they are necessary truths; if they are common knowledge; if they are based on testimony by an appropriate, credible person; or if they are put forward by people who possess specialized knowledge in the area. They are unacceptable if they are known to be false; if they are inconsistent; if they depend on faulty assumptions; or if they are not more certain than the conclusion, for example, if they beg the question. (Govier 78-92)

(20). In sum, “There is only one rule in this matter: adaptation of the speech to the audience, whatever its nature” (25). Furthermore, as Perelman and Olbrechts-Tyteca point out, universal values such as the True, the Good, the Beautiful, and the Absolute are very general, and specifying their contents will lead to disagreements.⁶ This is certainly true in the case studied here.

In this debate about the veil, a garment with great religious and/or cultural significance, writers on both sides of the question have mainly avoided appeals to religion and called instead on principles of the French Republic, which were first proclaimed during the French Revolution and which even now appear above the entrance to government buildings: “*Liberté, Égalité, Fraternité*.” We will also see below the corollary value, specific to France, of *laïcité* (the secular nature of the state), and an anti-value, seen as dangerous: *communautarisme*.

Rhetorical Context

Muslim immigrants to France, like other people living in the midst of a culture different from their own, must situate themselves in the continuum of separation—integration—assimilation. It is sometimes a delicate balance to be both Muslim and European, that is, a Muslim member of a society that has a strong Christian tradition. Indeed, some scholars maintain that the concept of Europe was formed over the centuries in opposition to Islam (see, for example, Gresh). Other writers emphasize the question of how Muslims choose to live in the modern world (see AlSayyad, AlSayyad and Castells, Leveau, and Leveau and Hunter, among others). The special case of France and its complex history of relations between Church and State must also be

⁶ “The claim to universal agreement, as far as [universal values] are concerned, seems to us to be due solely to their generality. They can be regarded as valid for a universal audience only on condition that their content not be specified; as soon as we try to go into details, we meet only the adherence of particular audiences.” (Perelman and Olbrechts-Tyteca 76)

considered. Finally, as various authors point out, integration into French society today is not a matter of fitting into a fixed, uniform society; European life itself is changing rapidly, with immigration, globalization, and the increased importance of the European Union at the expense of the nation (see AlSayyad, Leveau and Hunter, and Lubeck). All these factors affect ideas and discourse about the veil.

Many of the voices that one hears are those of people who are not directly affected; they would not themselves have to consider whether or not to wear the veil. The majority of those who have written on the matter are white men (i.e., of European ancestry); a considerable number are women of European origin; some are Muslim men. Women who are either practicing Muslims or of Muslim tradition are a minority among those who express their opinions. There are of course exceptions; notable ones include the leaders of the movement *Ni putes ni soumises*, particularly Fadela Amara, and the writer Chahdortt Djavann. On the side of conservative Islam, one can find some female voices on various websites.⁷

Women in France may of course wear hijab in public and at universities; the question is whether it should be allowed in elementary and secondary public schools. The issue arose in 1989 in a school in Creil, a suburb of Paris, and the law that took effect in September 2004 was the outcome of the intervening years of debate about the place of Muslim immigrants in a France facing the challenges of immigration, the European Union, and globalization.

Europe, including France, “is increasingly becoming a multicultural society” (AlSayyad and Castells, Introduction, 2), and the adjustments necessary for this change are not always easy.⁸ For centuries there was little ethnic diversity in France. After World War II, and especially

⁷ For a Canadian comparison, see the thesis of Tabussum Ruby, who interviewed Muslim women in Saskatoon about their views on the hijab.

⁸ According to Bassan Tibi, both Europe and immigrants need to change: “the call for a de-ethnicization of

with decolonization, many people from the former colonies came to work in France.⁹ Most of these immigrants came from Algeria and other North African countries, later from other countries in Africa and from the Middle East. At first they were men who expected to return to their home country after a few years. Either they were single, or they left their families at home. Thus these men were a foreign presence, and little effort was made to integrate them into French life. Around the 1970s, policies changed and families began coming to France, usually with the intention of staying. Once there are families, the children have to become part of French life, to be educated and, in most cases, to enter the work force. For the majority of first- and second-generation immigrants, the process of integration has been fairly successful, and they are part of the social and economic life of the nation.¹⁰ Most are Muslims by origin, even though many of them do not practice their religion. The majority of those who practice consider their religion to be quite compatible with life in France. The fundamentalists are a minority; but they are a minority that gets a lot of attention.¹¹

The veil or its absence has increasingly been regarded as a marker of religion, and/or of political and social views. In most cases in France, it is no longer part of family tradition; in recent years, some young women have adopted it, often against the wishes of their parents.

Among the reasons given by observers or by the women themselves are identification with a

European identity” is correct, but it “must apply equally well to the identity of migrants” so as to avoid “one-way tolerance” (32).

⁹ For summaries of the history of Muslim immigration in France, see Tibi; Leveau and Hunter; Malik 120-130; and Fetzer and Soper, 62-69).

¹⁰ One problem is unemployment, which is rather high among young people in France in general and particularly high among those of immigrant backgrounds. One reason for the difference is the fact that young people of immigrant backgrounds have on average less education than those of long-established families, but there is also some discrimination based on ethnic differences (Leveau and Hunter 8-9.)

¹¹ Leveau and Hunter describe a range of tendencies among Muslims in France, in particular secular, conservative, fundamentalist, and Islamist. Islamists are similar to fundamentalists in some ways, but in addition wish to re-create “the ideal Islamic society and polity that existed at the time of the Prophet.” This movement is not very significant in terms of the number of active adherents, but it is important “because it appeals to a segment of Muslim youth who feel frustrated and excluded” (Leveau and Hunter 11).

homeland that has taken on mythic status for the young; pressure from the new fundamentalist or Islamist movements, and from young men who follow them; and a desire to protect oneself against male aggression by showing that one is modest and properly behaved, and that one should therefore be respected (Benbassa 59; Khosrokhavar 205-206.)

Because of the importance of schools in forming the values of the younger generation, questions about integration, assimilation, differentiation, and identity will naturally arise in this context. Within the schools themselves, there is supposed to be no differentiation among people for reasons of religion or ethnic origin. Thus the central part of the 2004 law specifies that the following is to be inserted in the Code de l'éducation:

Art. L. 141-5-1. - Dans les écoles, les collèges et les lycées publics, le port de signes ou tenues par lesquels les élèves manifestent ostensiblement une appartenance religieuse est interdit.

Le règlement intérieur rappelle que la mise en oeuvre d'une procédure disciplinaire est précédée d'un dialogue avec l'élève. (Loi encadrant, en application du principe de laïcité)

(In public schools, collèges, and lycées, the wearing of signs or clothing by which pupils conspicuously show their religious adherence is forbidden.

Internal rules recall that there must be a dialogue with the pupil before disciplinary measures are taken.)

The matter cannot be solved on a case-by-case basis in individual schools because the French educational system is very centralized. This is both an advantage, as it assures a fairly consistent quality throughout the country, and a disadvantage, as a problem in one school can become a problem for the whole system.

The 2004 law is based on certain fundamental principles of the French Republic. Like the French state, the French school system is *laïque* ("secular" or "neutral") in matters of religion.¹²

¹² Fetzer and Soper note the important role that *laïcité* has played in the debate on the veil in schools. They consider that France's approach in this as in other matters related to Muslims is simply wrong: "In strong

The reasoning that led to *laïcité*—and to the 2004 law—is summarized in what is informally called the Stasi report, from Bernard Stasi, chair of the Commission de réflexion sur l’application du principe de laïcité dans la République. The report states: “La République française s’est construite autour de la laïcité” (“The French Republic was constructed around laïcité”). All democratic states, it says, respect freedom of conscience and the principle of non-discrimination; but France has erected *laïcité* to the rank of a founding value. This ideal was formed by the history of France; it is not a timeless value disconnected from society and its changes.¹³

The history to which the Stasi report refers includes the sixteenth-century Wars of Religion, which were particularly harsh in France. It also includes the fact that until the French Revolution at the end of the eighteenth century, all education in France was controlled by the Catholic Church. The revolutionary government tried to establish schools, but did not get very far before the French Revolution ended. Throughout the nineteenth century, there was a struggle between what was called *les deux France* (the two Frances): on the one hand, the conservative Catholic element of society, and on the other hand, the secular republican element (see Rémond).¹⁴ A crucial step was taken in the 1880s during the Third Republic. Under the leadership of Jules Ferry, minister of Education, a number of laws were passed that made

contrast to Britain, France not only has done precious little positively to accommodate Muslims' religious practices but has also exerted all too much effort to make Muslims' life even more difficult than it already is for this largely immigrant-origin, working-class population” (90). They seem to assume that French Muslims do or should identify themselves solely with their religion, not with their country. “Indeed, the situation for Muslims in some parts of France appears so bleak that one wonders why more do not emigrate to a more hospitable country such as Britain or Canada” (97).

¹³ This statement that a fundamental French value is not timeless and universally valid contrasts with a widespread idea that French values are indeed universal ones, rational and based on the nature of things. According to Grossmann and Miclo, “Lorsque la France s’identifie à son idée de civilisation, elle ne parle jamais de ‘civilisation française’, mais de civilisation tout court” (“When France identifies itself with its idea of civilization, it never speaks of ‘French civilization,’ but simply of civilization”) (31). See also Coq on the relation between *laïcité* and the French Republic.

¹⁴ In recent times the expression *les deux France* is sometimes used to refer to the division between the rich or well-off and the poor.

education—at least in elementary schools—secular, free, and obligatory. In 1905, just over a hundred years ago, a law was passed separating Church and State. Extremely controversial at the time, it was eventually accepted and remained so until recent years.

According to Alain Touraine, a member of the Stasi commission, the reasoning behind the law on religious signs in schools may seem complicated to those who do not know the history of France; but this history, with the long struggle between Church and State, is no stranger than printing “In God we trust” on the dollar, or having the Queen as the head of the Church of England (253). Because the year 2005 was the hundredth anniversary of the law of separation of Church and State, there was much discussion of the history and present practice of *laïcité*. There were special publications, public lectures, and controversy about whether the state was really neutral towards religions.

In the debate about the veil, certain kinds of reasoning, such as arguments from religious authority (Perelman and Olbrechts-Tyteca 305-10) were avoided; in this case, appeals to religion could clearly be divisive and counterproductive. As we have seen (Perelman and Olbrechts-Tyteca 19-25, Govier 78-92, Walton 5), successful argumentation must be adapted to its purpose and intended audience, and the assumptions made must be acceptable to that audience. As they wanted to rally both longtime and new French people to their views, authors on both sides of the question—often quite explicitly—tried to show that their point of view accorded best with the three principles in the motto of the French Republic: *liberté, égalité, and fraternité*.

Liberté, Égalité, Fraternité

Liberté includes freedom of religion, which was Article 10 of the 1789 Déclaration des droits de l’homme: “Nul ne doit être inquiété pour ses opinions, même religieuses, pourvu que leur

expression ne trouble pas l'ordre public établi par la loi.” (“No one shall be disturbed for his beliefs, even religious ones, provided that their expression does not trouble the public order established by law.”) It is guaranteed in Article 2 of the 1958 Constitution of the Fifth Republic: “La France [...] assure l'égalité devant la loi de tous les citoyens sans distinction d'origine, de race ou de religion. Elle respecte toutes les croyances.” (“France [...] ensures equality before the law to all citizens without regard to origin, race or religion. It respects all beliefs.”) This provision is found in Article 1 of the Constitution as now amended. As we shall see below, women at the time of this constitution in 1958 did not in fact enjoy full equality before the law; but at least the principle of equal rights was recognized, and would later be extended to all citizens.

The most obvious argument from freedom of religion is that people should be allowed to express their religious convictions, especially if their doing so does not harm other people. This is precisely the point made in some of the demonstrations against the new law, in which veiled women carried French flags and called on *liberté, égalité, fraternité*, thus proclaiming allegiance at the same time to their religion and to France. Furthermore, some people say that forbidding the veil restricts the religious freedom of Muslims in a way that other religions are not restricted. According to Yves Sintoner, no one has been excluded from school for wearing a kippa or a cross, and the appeal to *laïcité* in the matter of the veil is only a pretext for other motives (26-29).

Other people claim on the contrary that allowing the veil would restrict the freedom, religious and otherwise, of girls of Muslim background. François Pouillon writes that the veil brings religious arguments and divisions into the schools; it divides “good” Muslims from “not-good” ones, and so puts pressure on those who do not wear it. It is an offensive by

fundamentalists, carried out in a public space from which it should be excluded (20).

Égalité means that all citizens enjoy the same rights. The French Republic considers citizens to be individuals in direct relation to the state, without intermediary bodies or institutions. All citizens should have equal access to opportunities, especially education.¹⁵ *Egalité* would also imply that religions have equal status.

As we have just seen, some people think that banning the veil is discriminating against Muslims; thus according to these people, Muslims are denied equal rights. According to Esther Benbassa, Muslims now hold the unenviable position of dangerous other that was previously held by Jews. The stigmatization, xenophobia, and racism that immigrants experience, in addition to world events unfavourable to Arabs and Muslims in general, “produce” more wearing of the veil by those who identify with their origins (18). Jean-Michel Helvig says that some see the interdiction of the veil as being in itself a stigmatization of Muslims in general. However, he goes on to say that this is not entirely convincing, considering that the great majority of Muslims in France do not object to the law (7).

The key question under the heading of equality is a particularly sensitive one: equality between men and women. It took many years to ensure equal rights before the law for all citizens, regardless of sex. French women received the vote in 1944, as compared to 1920 in the United States, 1928 in England, and various dates in Canada depending on the province. Other aspects of equality were won gradually; for example, the right of married women to administer their own property, to work outside the home, and to have a bank account without the permission of their husbands was acquired only in 1965 (Ligue des droits de l’homme).

¹⁵ According to Rémy Leveau, girls of North African origin take better advantage of the school system than do boys of the same group, and in general their attitudes are closer to those of the wider French society than those of the boys. He adds that “in a context of exclusion in which girls progress far better than boys, the latter will tend to use the traditional model in order to enforce stricter social control upon their sisters” (153).

Having established the equality of men and women and thus the inclusion of women as full participants in the state, most French people are firmly attached to this principle. Almost any religious or cultural symbol would have been easier for them to accept than one that stands for the inferiority of women. However, the principle of equality can be used on the other side as well. Some people say that to forbid the veil is to refuse to let young women make their own decisions. Others say that excluding from schools those who insist on wearing it prevents them from being exposed to ideas of equality.

The argument from equality is used mostly against the veil. For Fadela Amara, “le voile n’est pas un symbole religieux. C’est un outil d’oppression à l’égard des femmes” (“the veil is not a religious symbol. It is an instrument of oppression towards women”). According to Gaye Salom and Alain Seksig, the headscarf is “incontestablement une marque de discrimination des femmes, intolérable pour un pays de droit comme le nôtre, qui fait de l’égalité l’un des principes de base de sa république” (“unquestionably a mark of discrimination against women, intolerable for a country ruled by law such as ours, which makes equality one of the fundamental principles of its republic”). For Fethi Benslama, “Le voile [...] vise à interdire le corps de la femme, qui est pensé comme pervers et menaçant à l’égard de l’ordre social, entendu que cet ordre est masculin. Tout le reste est du blabla” (“The veil [...] aims to ban the female body, which is seen as perverse and threatening to the social order, it being understood that this order is male. All the rest is blabla”) (440). François Pouillon adds that the cultural context of the headscarf is a refusal of *mixité*, that is, coeducation of boys and girls, and a refusal of certain activities and studies for girls.¹⁶ The object is to put girls, or put them back, under the laws of a community rather than

¹⁶ Some of the young women who wore the veil to school refused to take part in physical education classes. Among the Muslim groups that supported them, some also called for girls not to study biology and other subject matters deemed unsuitable for them.

those of equality (20).

Elisabeth Badinter argues that the 1989 controversy was the first great defeat of the principle of equality, when a difference in status between men and women was accepted: “En acceptant le port du foulard dans les écoles publiques, la République et la démocratie françaises ont peut-être fait la preuve de leur tolérance religieuse, mais elles ont carrément abandonné l’exigence de l’égalité des sexes sur le territoire national” (“By allowing the veil to be worn in public schools, the French Republic and democracy may have proved their religious tolerance, but they clearly abandoned the requirement of sexual equality in France”) (191).

Probably the most hard-hitting argument against the veil is in the short book by Chahdortt Djavann, *Bas les voiles!* (“Down with veils!” or “Veils off!”). She begins, “J’ai porté dix ans le voile. C’était le voile ou la mort. Je sais de quoi je parle.” (“I wore the veil for ten years. It was the veil or death. I know what I’m talking about.”) According to her, based particularly on her experience in Iran, the veil is a mark of inferiority; women are taught to hate themselves and their bodies. Djavann believes that minors should not wear the veil at all in France, in school or out of it, and that parents who make their daughters wear it should be considered guilty of child abuse. Adults, however, should be allowed to do as they like; after all, she says, in France all kinds of peculiar behaviour are allowed (7).

According to many writers, the principle of *fraternité* implies inclusion: immigrants, or people of immigrant background, should be integrated into French life.¹⁷ They argue that public schools are the great instrument for instilling republican values in young people. From this proposition, two opposite conclusions are drawn. Some people maintain that nothing that

¹⁷ Ruby describes the hijab as “a symbol of Muslim women’s identities, a tool to oppose Western standards, and a device to resist assimilation” (8). For these women, inclusion in the group implies a deliberate separation from the wider society. Other women in the study reject the veil while valuing their identity as Muslims. Although made in a Canadian context, these observations could also apply in France.

contradicts republican values should be allowed in the schools. People from immigrant backgrounds should have every opportunity to become part of French life. Alain-Gérard Slama writes that unfortunately it is necessary to forbid the veil in school; it is a sign of *le fait identitaire*, which defines a person by the group to which he or she belongs (155-56). Benslama says that radical Islamists, unable to exclude women, now propose to “inclure cette exclusion dans l’espace public” (“include this exclusion in the public space”) (440).

The opposite point of view is that no one should be excluded from the schools. If girls who wear the veil are not allowed in state schools, either they will not go to school at all, or they will attend schools run by fundamentalists, and so will be separated even more from full participation in French life. According to Farhad Khosrokhavar and Françoise Gaspard, the girls who wear the veil are often the best integrated ones; their motto is “Françaises et musulmanes” (“French women and Muslim women”) (24). Benbassa points out that in other European countries, “L’importance de la scolarisation prime sur l’exclusion” (“The importance of schooling takes precedence over exclusion”) (77-78). Some people concede that there is indeed considerable pressure on young people to publicly profess Islam; but Helvig argues that the public schools should not exclude anyone. If young people in the schools are subject to pressure and to religious obscurantism, then public schools are the best chance for them to escape from these influences (6). According to Khosrokhavar, it is a mistake to place too much importance on the headscarf, which girls may wear for many different reasons such as family pressure or a search for identity. Often young people are attracted to radical groups for a time, then leave them. Rather than be concerned about such matters, one should insist on what is essential: regular attendance at school. These writers maintain that while the girls who wear the veil may very well not be doing so freely, it is worth letting them do it, in order to keep them in school.

This garment, often seen as a sign of exclusion and subordination, may serve to help them become full and equal participants in the wider world.

In summary, proponents of both sides of the debate make strong arguments for interpreting the values of *liberté*, *égalité*, and *fraternité* either to support or to oppose allowing the veil in schools. Public opinion was divided on the question at issue even if it was in agreement about the assumptions and values. As we know, the anti-veil view, judged to be more compatible with *laïcité* in the schools, prevailed.

Individualism or *communautarisme*

The question of the veil is part of a much wider debate on the place of immigrants in France, the extent to which they should adapt to the customs of the country, and their rights and responsibilities. The issue is often expressed in terms of the danger of *communautarisme*. This word does not mean quite the same thing as “communitarianism” in English-language political philosophy. The following contrast between the English-language view and the French one is much oversimplified, but it helps to explain why *communautarisme* is considered so threatening in France. In the English-language concept of communitarianism, human beings are seen not simply as atomistic individuals concerned only with their personal advantage. Rather, they are part of many social groups (e.g., family, neighbourhood, town, region, religion, profession, interest groups), which contribute to the formation of their values. It is through these intermediate groups that people learn to be citizens (see Mulhall and Swift, and Rasmussen).

In the French view, a citizen should be a separate individual standing in direct relation to the state.¹⁸ Loyalty to any other group, rather than contributing to citizenship, risks being an

¹⁸ Slama writes that “La laïcité à la française, en effet, n’est pas seulement une doctrine pluraliste. C’est un

obstacle to it. *Communautarisme* means, then, that a person is first and foremost a member of a certain *communauté* (religious, linguistic, etc.) rather than being a truly loyal citizen. One might say that it is the evil twin of multiculturalism. French people often associate it with the United States, to show by contrast the virtues of their own approach.¹⁹ Danièle Sallenave criticizes “la ‘visibilité’ à l’américaine,” leading to “la France des différences,” and to a “discours d’hostilité aux principes républicains” (27-29). Canada is also sometimes offered as an example to be avoided.²⁰ *Communautarisme* is feared because it is seen as directly opposed to one of the basic values of the republic: equality of individual citizens in public life.²¹ In this context, the veil is not simply a garment, not simply a religious symbol or cultural custom. According to some people, wearing it is a way of declaring one’s opposition to fundamental principles of French citizenship. It is thus a focus of debate on the question: to what group do people hold allegiance?

Later developments

The September 2004 *rentrée* (return to school) was relatively calm; almost everyone accepted the new law. Some demonstrations took place, but not as many or as large as might have been expected. There were several reasons for the acceptance, including two that I will mention here:

combat pour la liberté, pour l’idéal d’une société constituée d’individus autonomes, aussi rationnels que possible” “French-style *laïcité* is not just a pluralist doctrine. It is a combat for freedom, for the ideal of a society made up of autonomous individuals, as rational as possible”) (150-51).

¹⁹ According to Jean-François Revel, French people do not seem to realize that when a New Yorker claims to be Irish, or Jewish, or Italian, this is an ordinary piece of information in a society made up of immigrants, not a rejection of one’s nationality (165).

²⁰ René Andrau states that Canada has chosen to organize its state on the multiculturalist model. He quotes the Canadian law on multiculturalism, putting in bold type and commenting on the parts that mention multiculturalism, while ignoring the parts that insist on equality of all citizens (79-82).

²¹ Measures of affirmative action (*discrimination positive*) are also excluded by this value, because they make distinctions between different categories of citizens. Nicolas Sarkozy’s call on November 16, 2006, for help to disadvantaged groups was vigorously opposed by Michèle Alliot-Marie, minister of Defence, who accused Sarkozy of promoting *communautarisme* (see Saunders). The surprising thing about this exchange is not the reaction, but the fact that a politician of the right such as Sarkozy would consider such measures and would say publicly that racism exists in France.

the French Muslim response to the August 2004 kidnapping of two French journalists by Iraqi terrorists, and the position taken by the Union des organisations islamiques de France (UOIF) regarding the new law.

In August 2004, just before the beginning of the school year, a group of Iraqi terrorists took two French journalists as hostages and threatened to kill them unless the government of France annulled the law about religious signs at school. In response to this action, French Muslims, as well as other groups, took a stand against interference in the internal affairs of France, and the two men were released after 124 days. The hostage-takers, counting on support from French Muslims, had misjudged their target audience, and their action had the opposite effect from the one intended. Instead of turning French Muslims against their country, it pushed them to its defence, and united French people of all religions against terrorism.

Another reason was internal to France. One of the more militant organizations, the Union des organisations islamiques de France (UOIF), realized that defying the government openly was not wise. In 2003, Nicolas Sarkozy, minister of the Interior at the time, was hissed when he spoke at the UOIF Congress.²² It seems to be generally agreed that this hardened the resolve of the government, by convincing it that compromise would not work and that a law was needed. At the UOIF Congress on March 25-28, 2005, the leaders took a much more conciliatory line. One of the invited speakers was Dalil Boubakeur, rector of the Paris Mosque and considered to be a moderate. Boubakeur stated that Muslims did not want *communautarisme*; the declaration was considered important enough to be shown on the television evening news.

At the same time there seemed to be a lively controversy, in the anniversary year of *laïcité*, about whether the state really is neutral or whether there is a double standard. Benbassa

²² For a description of the atmosphere of the 2003 Congress, see Kaci (16).

quotes Charles de Gaulle as saying that “La République est laïque, mais la France est chrétienne” (“The Republic is secular, but France is Christian”) (76). Despite the intervening years since de Gaulle’s remark, and despite the fact that many French people of Christian tradition no longer practice any religion, there may still be a considerable amount of truth in it. The role of Christianity in France’s history is seen in the civil and school calendar, still based on the Christian calendar; the major Christian holy days are also holidays for school and work. An earlier version of the new law about religious signs in schools proposed the addition of two new school holidays, one Muslim and one Jewish. This move was rejected by the president, Jacques Chirac.

Another indication of religious attachment—and lack of religious neutrality on the part of the state—occurred when Pope John Paul II died on April 2, 2005. The French flag was flown at half mast; according to official sources, this was done because the pope was a head of state who died while in office. Other government reactions were not so easy to explain. The mayor of Marseille gave civic employees a half-day holiday so that they could attend mass or watch the funeral on television. More important, because more official and affecting the whole country, is the fact that Dominique de Villepin, minister of the Interior, sent a telegram to prefects all across France telling them to attend mass in their departments. The message also suggested that they should pay a condolence call on the local bishop.²³ As might be expected, this raised much controversy; one letter to *Le Monde* asked how people of other religions should be expected to react to this abandonment of religious neutrality. In addition, the pope was referred to on the state television channel as “le Saint Père” (the Holy Father) until many members of the public protested that the title was inappropriate for a channel claiming to be neutral and objective. The

²³ See articles, editorials, and letters to the editor in *Libération* on April 5, 2005, and *Le Monde* on April 6, 2005.

whole incident relaunched the question of whether *laïcité* applies only to religions other than Catholicism.

Old Values, New Meanings?

The controversy about the headscarf or veil in schools, together with the kinds of arguments used on both sides, is an episode in France's change from being a nation of almost all old-stock Catholics to one including a large component of people from other backgrounds and other religious traditions. The secular nature of the state can be a great advantage in this transition, provided that the policy is applied equally. The precise way in which this is to happen will surely be a subject of discussion in the years to come. In the case studied here, both pro-veil and anti-veil writers in France (unlike the Iraqi hostage-takers) knew their audience and addressed it capably by appealing to values cherished by the public (the inclusionary values of *liberté*, *égalité*, and *fraternité*) and warning of dangers generally feared (the exclusionary value of *communautarisme*).

Perelman and Olbrechts-Tyteca observe that notions that confirm certain universal values, or “that are compulsorily valid either as sacred texts or as legal prescriptions,” are difficult to reject: “In such cases, the whole effort has to be directed only to the interpretation of the propositions” (135). Furthermore, abstract values “seemingly manifest a revolutionary spirit.” They can readily be used for criticism because they “seem to provide criteria for one wishing to change the established order” (79). The values of *liberté*, *égalité*, and *fraternité*, proclaimed by the French Revolution and gradually integrated into the established order over the next two hundred years, still have the power to challenge that order as they are revisited and reinterpreted. In a Europe undergoing the effects of immigration and internationalization, as

Bassan Tibi maintains, both long-established inhabitants and immigrants need to change for the sake of mutual tolerance and harmony (32). Appealing to the values of the Republic, as defenders of both sides did in this debate, may in the long run help to “de-ethnicize” both sides and reinforce immigrants’ sense of belonging. It will be interesting to see whether the specific ways in which these values are understood converge or become more different.

Works Cited

- AlSayyad, Nezar. "Muslim Europe or Euro-Islam: On the Discourses of Identity and Culture." AlSayyad and Castells eds. 9-29.
- AlSayyad, Nezar, and Manuel Castells. "Introduction: Islam and the Changing Identity of Europe". Alsayyad and Castells eds. 1-6.
- , eds. *Muslim Europe or Euro-Islam: Politics, Culture, and Citizenship in the Age of Globalization*. Lanham: Lexington Books, 2002.
- Amara, Fadela. "'Ni putes, ni soumises,' un mouvement pour regagner le droit d'exister" (interview). 2004. *Les textes de référence 2005*. <<http://www.aidh.org/txtref/2005/fr-02a.htm>>.
- Andrau, René. *La dérive multiculturelle: Essai sur les formes du communautarisme*. Paris: Bruno Leprince Éditeur, 1999.
- Badinter, Elisabeth. *Fausse route*. Paris: Odile Jacob, 2003.
- Benbassa, Esther. *La République face à ses minorités: Les Juifs hier, les Musulmans aujourd'hui*. Paris: Mille et une nuits / Fayard, 2004.
- Benslama, Fethi. "La ruse du voile: Inclure l'exclusion." Zarka 439-42.
- Ciceri, Coryse. *Le foulard islamique à l'école publique: analyse comparée dans la presse française et québécoise francophone (1994-1995)*. Mémoire de maîtrise. Université de Montréal, 1998.
- Commission de réflexion sur l'application du principe de laïcité dans la République. *Rapport au président de la République* [Rapport Stasi]. Paris: Présidence de la République, 2003. *La Documentation Française: Le réflexe pour s'informer et comprendre*. <<http://www.ladocumentationfrancaise.fr/rapports-publics/034000725/index.shtml>>.

- Coq, Guy. *Laïcité et République: Le lien nécessaire*. 1995. Paris: Éd. Poche du Félin, 2003.
- Djavann, Chahdortt. *Bas les voiles!* Paris: Gallimard, 2003.
- Fetzer, Joel S. and Christopher Soper. *Muslims and the State in Britain, France and Germany*.
Cambridge: Cambridge University Press, 2005.
- Govier, Trudy. *A Practical Study of Argument*. Belmont, CA: Wadsworth, 1988.
- Gresh, Alain. *L'Islam: La République et le monde*. Paris: Fayard, 2004.
- Grossmann, Robert, and François Miclo. *La République minoritaire: Contre le
communautarisme*. Préf. Alexandre Adler. Paris: Editions Michalon, 2002.
- Helvig, Jean-Michel, ed. *La laïcité dévoilée: Quinze années de débat en quarante "Rebonds."*
Les dossiers de *Libération*. Paris: Libération / Éditions de l'aube, 2004.
- Kaci, Rachid. *La République des lâches: La faillite des politiques d'intégration*. Préf. Jean
Sévillia. Paris: Editions des Syrtes, 2003.
- Khosrokhavar, Farhad. "L'appriivoisement des radicaux." *Zarka* 205-212.
- Khosrokhavar, Farhad, and Françoise Gaspard. "L'égalité des filles, avec ou sans voile." Helvig
22-25.
- Leveau, Rémy. "The Political Culture of the 'Beurs.'" *Islam in Europe: The Politics of Religion
and Community*. Ed. Steven Vertovec and Ceri Peach. Houndmills: Macmillan / New
York: St. Martin's, 1997. 147-55.
- Leveau, Rémy, and Shireen Hunter. "Islam in France." *Islam, Europe's Second Religion: The
New Social, Cultural, and Political Landscape*. Ed. Shireen T. Hunter. Westport, CT:
Praeger, 2002. 3-28.

Ligue des droits de l'homme, section de Toulon. "Dates importantes dans l'histoire des droits des femmes en France." *LDH Toulon*. <<http://perso.wanadoo.fr/felina/doc/femm/datesfemmes.htm>>.

Loi encadrant, en application du principe de laïcité, le port de signes ou de tenues manifestant une appartenance religieuse dans les écoles, collèges et lycées publics. Loi 2004-228 of 15 March 2004. *Legifrance: La service publique de la diffusion du droit*. <<http://www.legifrance.gouv.fr/WAspad/UnTexteDeJorf?numjo=MENX0400001L>>.

Lubeck, Paul. "The Challenge of Islamic Networks and Citizenship Claims: Europe's Painful Adjustment to Globalization." *AlSayyad and Castells* 69-90.

Malik, Iftikhar H. *Islam and Modernity. Muslims in Europe and the United States*. Pluto Press: London and Sterling, Virginia, 2004.

Mulhall, Stephen, and Adam Swift. *Liberals and communitarians*. Oxford: Blackwell, 1992.

Perelman, Chaim, and Lucie Olbrechts-Tyteca. *The New Rhetoric: A Treatise on Argumentation*. Trans. John Wilkenson and Purcell Weaver. Notre Dame: U of Notre Dame P, 1969.

Pouillon, François. "Le tchador est toujours debout." *Helvig* 17-21.

Rasmussen, David, ed. *Universalism vs. Communitarianism*. Cambridge, MA: MIT Press, 1990.

Rémond, René. *L'anticlericalisme en France de 1815 à nos jours*. Paris: Fayard, 1976.

Revel, Jean-François. *L'obsession anti-américaine: Son fonctionnement, ses causes, ses inconséquences*. Paris: Plon, 2003.

Ruby, Tabussum. *Immigrant Muslim Women and the Hijab: Sites of Struggle in Crafting and Negotiating Identities in Canada*. MA thesis. University of Saskatchewan, 2003.

Sallenave, Danièle. *dieu.com*. Paris: Gallimard, 2004.

- Salom, Gaye, and Alain Seksig. "Clarté, fermeté, laïcité." *Libération* 12 November 1999. Rpt. in Helvig 30-35.
- Saunders, Doug. "French Socialists Pin Hopes on Royal." *Globe and Mail* 17 November 2006.
- Sintoner, Yves. "Un communautarisme d'État." Helvig 26-29.
- Slama, Alain-Gérard. "La peur du conflit engendre la violence." Zarka 151-57.
- Tibi, Bassam. "Muslim Migrants in Europe: Between Euro-Islam and Ghettoization". Alsayyad and Castells 31-52.
- Touraine, Alain. "Modernité et convictions." Helvig 250-54.
- Walton, Douglas. *Informal Logic*. Cambridge: Cambridge UP, 1989.
- Zarka, Yves Charles, ed. *L'Islam en France*. Paris: Cités, hors-série, PUF, 2004.