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Islam in European Political Culture: The Leading Events and the Effects of the French Headscarf Ban

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Introduction

In March 2004 President Jacques Chirac signed on the French Law of *Secularity and conspicuous religious symbols in schools and other public spaces*, which is also known as the "headscarf ban". This legislation was the French governmantal final act after a long period of growing tensions in French society between its native members and the Muslim communities, which consist mainly of migrants. But this law could also be considered as a new beginning of an old debate in France, a debate that assambles issues of human rights and migrants, church-state relations, post-colonialism, gender and multiculturalism all under one title. The complexity of the French case is very unique due to the political and social history of this state. Yet, by analyzing the historical events that led to this tension, one can learn a lot from this particular point of view about the very current all-European debate regarding multiculturalism and borders of tolerance versus secularity and borders of democracy.

Was the 2004 law an undemocratic law? Supporters of the right to wear the Islamic headscarf argue that the ban and similar prohibitions infringe a number of human rights. On the other hand, wearing the veil in public spaces threatened *laïcité,* the republican secular principle of separation in church-state relations, which was strictly kept since it was added to the French constitution in 1905. But then again, was the ban a wise political move to do in such a tense condition of the French society? Or was it a sign of panic and fear from the "Other"? Should it remain a state law or become a common EU policy? And how should the Muslims, as citizens and as social or political organizations, react to it now? In order to answer these questions, we should first figure

out some basic terms that characterize the French society, and discuss the specific historic and social roots from which the whole issue has started. In this paper, however, I will focus on some dimensions of the headscarf debate in France and the way it escalated, by analyzing both the radicalization of the French Muslim identity along the years, and the French policy and legislation process as reflected in the different affairs of the headscarf debate.

"One nation, one culture, one identity"

This ideal, enforced in the Third Republic during the end of the 19th century and the beginning of the 20th century, became a fundamental ideal of the French state building ever since. It was then when the *laïcité* principle was first added to the constitution. At that time France still consisted of many minorities; many of them did not speak French at all, or at least not as a native language.[1] In order to unite all these minorities, the state had to keep itself neutral with regard to religion. Therefore, on December 9, 1905, a law passed in France and separated church and state. It was based on three principles: neutrality of the state, freedom of religious exercise, and public powers related to the church. By avoiding recognition of any religion as an official state religion, the French could fulfill the principle of "*vivre ensemble*", living together as one nation, with one culture and one identity.

These principles are considered of high importance in France up to present days;[2] all naturalization laws were made according to them, and they all represent the assimilative attitude of the French policy along the years. This attitude is explained also as a result of the French Revolution and other historical circumstances that made the

[1] Alexander Yakobson, Amnon Rubinstein, *Israel and the Family of Nations: Jewish Nation-State and Human Rights* (Tel-Aviv: Schocken, 2003), 375 –386.
[2] For example see Jaques Chirac's speech from 17/12/2003 in Paris, about the importance of secularity of the state. Available from: http://www.elysee.fr/elysee/elysee.fr/francais_archives/interventions/discours_et_declarations/2003/decembre/discours_prononce_par_m_jacques_chirac_president_de_la_republique_relatif_au_respect_du_principe_de_laicite_dans_la_republique-palais_de_l_elysee.2.829html

naturalization process in France much shorter and simpler comparing to other states, such as Germany.[3] The consequences of this attitude began to be noticed especially by second-generation immigrants in the mid 1980's, when the extreme right politician Jean-Marie Le Pen proclaimed that "être français, cela sa mérite" ("to be French, one has to deserve it"), and started a public debate about the loyalty and the "Frenchness" of the Muslim citizens of France.[4] No surprise, therefore, that these young second-generation immigrants felt politically and socially alienated in their own country. This was the very start of the tension that could be no longer ignored between European Islam and Christian Europe.

The radicalization of the Muslim identity in France, however, has developed in three stages, due to certain waves of migrants coming to France during the last decades since 1945. Though Muslims have been living in France for centuries, this was the time when the massive immigration has started.

The First massive influx of immigrants had arrived after WW2 in order to rehabilitate France's ruined economy. By that time the North African colonies were a "natural" source for workers. Those immigrants were non-religious Muslims and were not organized in any communal frame, for they saw themselves as temporary workers and intended to return eventually to their home countries. But some of them, however, stayed in France and brought their families too.[5]

In the 1960's, after the war in Algeria was over and the old colony became an independent state, the two governments signed an agreement in order to control the flux of migrants. The 1974 global oil crisis even sharpened the necessity of such a policy towards work-migrants. Nevertheless, this tightening of the border control regulations only created the opposite affect. Many migrants have brought their families and claimed that they should be allowed to reunite with them. The second wave of migration, however, was characterized by the arrival of women and children, who needed social services such as public health, education etc. They also needed religious frames, which

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[3] Rogers Brubaker, *Nationhood and Citizenship in France and Germany* (Cambridge, MA: Harvard University Press, 1992), 75-84.
[4] Ibid. 138-164.
[5] Martin Sobier, "France, the First Islamic State in Western Europe?" *Nativ Journal of Politics and the Arts,* 4, (June 2004), 31-34.
See also: Alain Boyer, *L'Islam en France* (Paris: Presses Universitaires de France, 1998), 63.

did not exist by that time. Eventually, family members were allowed to reunite with their relatives in France, but France was the first one to understand that a migration policy is needed here. The "Law of the One Million" of 1979 was a desperate move; it offered one million French centimes, or about $1730, to every immigrant who decided to return to his country of origin;[6] but it did not work out as the government hoped (similar laws were legislated in other countries too, but were more generous and more effective: in Germany, for example, it made more than 250,000 Turks return to their home country). After the failure of the law the French government turned to a new strategy and allowed family unifications, with hope to integrate them and let them be naturalized according to the old French assimilation doctrine.

Despite what was seemed to be finally the right decision, during the 1980's the children who were born in France to those families felt lost and were "doomed to cultural orphanhood and ontological fragility", in Taher Ben Gellon's words.[7] They were not connected to their Algerian tradition and landscapes as their parents, neither to the French republican values. With no old homeland to dream of, and no hope to integrate in their country, which rejected them socially, they were alienated and expected nothing but law-life future.

At that point the North African identity switched to "*Beurs*" (The French *verlan* way of switching the syllables for Arabs); after their disappointment from the government, they started to demand their equal rights as citizens and residents. Some of these second-generation immigrants turned to political activity in the socialist parties, and others found their hope by practicing Islam and reconnection to their Muslim identity. They participated in mass lectures sponsored by Islamic organizations and read religious texts that were first translated to French. Their new Muslim identity distinguished them from their parents and from native French, and encouraged them to demand their right to practice their religion in a public way.

This shift from identity as immigrants toward an identity as Muslim can be presented also by statistics. Besides the natural demographic growth of the immigrants,

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[6] Jocelyne Cesari, *When Islam and Democracy Meet* (NY: Palgrave Macmillan, 2004), 14.
[7] John R. Bowen, *Why the French Don't Like Headscarves: Islam, the State and Public Space* (NJ: Princeton University Press, 2007) 67-68.

there was also a tremendous increase in religious devotion as well: In 1978 there were approximately 70 mosques in the whole of France; only 20 years later, in 1998, there were more than 1,500 places of worship. In 1994, 27% of the Muslims characterized themselves as "performers of religious commandments" and only 30% supported construction of mosques in France; in late 2001, 36% of the Muslims characterized themselves as "performers of commandments", 78% characterized themselves as "believers", and 83% of the Muslims supported construction of mosques.[8]

The political climate and the roots of the Headscarf affair

By the late 1980's the Muslim communities in the suburban areas of France suffered from a higher rate of unemployment, and with an equivalent diploma this rate is even higher. In general, as in other countries, Muslim immigrants were forced into the less-skilled employment categories, which are usually unstable and badly paid.

The connection between race, religion and poverty soon became a time bomb: for many Muslims, the proper response to such discrimination was to form their own associations based on their common identity and linked to Islam.[9] The creation of such an "imagined community" of ethno-familial culture shaped by Islam made the ghettoization consequence accepted and even desired, as if these suburbs were Muslim autonomies.

For the far-right political parties, it was the right moment to return to their old discourse of race, religion and ethnicity as a threat to the French republican values and ideals, and to describe foreigners as a threat to French culture and national identity. This political climate was experienced also in other countries, like Germany, Britain, Netherlands and Belgium, and proved that the rise of Islam as a social force, together with the decline of the communist block and the end of the cold war, marked a new enemy for Europe.[10]

[8] Sobier, 34-34.
[9] Cesari, 22-25.
[10] Ibid. 29-35.

The ghettoization and the despair of the second-generation immigrants on one hand, and the radicalization of the political climate, on the other hand, led the situation into an inevitable clash. The first mosques with governmental funding were established in 1989 in Lyon and Marseille, as the government recognized its minorities' freedom of cult, but many French opposed this decision loudly, claiming the mosques had a bad impact on France's architectural landscape.[11]

Outside France there were also similar incidents, though with a lesser impact on the public discourse. In 1985, in Alphen aan den Rijn, a small town near Leiden in the Netherlands, young girls were banned to wear *hijab* headscarf at schools. However, the Christian-Democrat minister for education admitted that forbidding the *hijab* is not compatible with modern society and lifted the ban.[12] In September 1988 Penguin Publishers published Salman Rushdie's *The Satanic Verses*, and a few days later a campaign has been started – led by the Ayatollah Khomeini – against the book and its author. The campaign and the *fatwa* – death sentence – against Rushdie produced a worldwide debate regarding the conflict that could be no more ignored between Islam and the Western world. Soon after the Rushdie affair there were more and more clashes between public institutions in Europe (and even in Quebec) and Islamic symbols; but the most famous incident was undoubtedly the 1989 Creil affair.

1989 was the year when France celebrated the bicentenary of the French Revolution and of its principles. It was no coincidence then when the sensitivity to any sort of undermining under any principle was at its peak. And so, at the beginning of a new schools year, one incident – later named as "*l'affaire du foulard*" – was the match that started the fire of a long debate, which swept the French state to a long period of growing tension with its Muslim citizens. This debate has been developed in some stages until the 2004 law was legislated, though one should bear in mind, as aforesaid, that the tensions were growing since the late 1970's and especially after Khomeini came to power in the Iranian revolution.

[11] Bowen, 68.
[12] Stefano Allievi, "Relations and Negotiations: Issues and Debates on Islam", in: *Muslims in the Enlarged Europe: Religion and Society*, ed. Brigitte Maréchal, et al., 338-343 (Leiden: Brill, 2003).

The three stages of the Headscarf debate

There were three stages in which the headscarf (as a symbol of Muslim identity) debate in France has been developing. In general, at the beginning, it was a question of human rights whether to wear any symbol of one's belief. Then it became a question of religious devotion that the woman could not confront in her community. Lately it became a matter of Muslim pride and of the will to express a different identity, as a reaction to the alienation Muslims felt in French society.

Many events affected this process that started in September 1989, when a schoolmaster in Creil, a small town north to Paris, expelled three female students: Samira Saidanin, Leila and Fatima Achaboun, after they refused removing their veil. The official reason was that these *foulards* violated the French constitutional law of 1905 and the laic principle of separating church and state institutions. The Ministry of education backed the decision, but advised that future affaires of that nature will proceed on a case-by-case basis.

For those young Muslim women, as for other cases in the next years, wearing the headscarf was a matter of a way to satisfy their parents, to ease their transition across the line of puberty into adolescence, and to defend themselves in Islamic terms when entering the real world of modern society. It was, above all, a way for women to demonstrate their right to make their own decisions. In 1989 it was therefore quite a classic political issue of the basic human right to have freedom of cult and of expression, versus the principle of state secularity. Leaders of all religions defended the right of anyone to express their beliefs and called the Republic to show more tolerance to other religions.

After the 1989 Creil affair young girls in France insisted to keep their right – which was anchored on republican principles no less than the principle of laïcité – to wear headscarves in schools, and some of them appealed their expulsions to higher officials in the education system. Between 1992-1994 there were 49 cases that reached the *Conseil d'État* (State Council). Out of these 49 legal disputes over headscarves, 41 ended in favor of the schoolgirl. But in some cases the Council backed the school

administration in expelling the student if it could be demonstrated that she was frequently absent from school, engaged in proselytism or refused to remove the veil for sports activities or chemistry classes for safety reasons. However neither the Council nor the Ministry of Education published a general ruling on the matter, claiming the issue of headscarves was not a matter of principle but should be judged on a case-by-case basis (*affaire d'espèce*).[13]

Many other cases that followed during these years swept away the country to a large-scale public debate, but finally the situation became more stable and the public debate has been diminished. But then in 1993, in Nantua**,** a small town northeast to Lyon**,** four girls who were allowed to keep their headscarves in class refused to remove them in gym class. While their case was in a disciplinary hearing, the teachers declared a strike, arguing not that the laïcité principle was violated, but that wearing the veil is dangerous in gym class and in science laboratories. They also claimed the veil is "discriminatory in its treatment of girls and segregationist".[14] The girls' brothers and fathers spoke for them in public and they claimed, for the first time in the media, that this is what Islam requires from Women. It became now a religious issue in general and not just individual political or legal matter, as the Islamic authorities also got involved and declared all girls must wear the veil as a symbol of loyalty to the laws of Allah.

The following year, in Grenoble, one schoolgirl declared that she had discovered Islam after reading the Qur'an, and decided to follow its message. She claimed she is too religious and refused to remove her veil. The girl, Schérazade, was expelled immediately, but after her appeal to the State Council was rejected, she went on a 22 days hunger strike in front of her school, and attracted the media while declaring that the government denied her from practicing her faith.

These two cases illustrate a new dimension of the headscarf debate. First, they polarized the supporters of the right to wear the headscarf into two different positions. According to the Grenoble case, wearing the scarf could be argued as an example of a

[13] Bowen, 83-87. For more information about the State Council decisions see: http://www.conseil-etat.fr/ce/missio/index_mi_ce01.shtml , and also: Dominic McGoldrick, *Human Rights and Religion – The Islamic Headscarf Debate in Europe* (Oxford, Hart, 2006) 34-101.
[14] Gilles Kepel, *Allah in the West: Islamic Movements in America and Europe*, (Stanford, CA: Stanford University Press, 1997) 220-227.

free choice of a woman to adopt the traditional dress code as a sign of her faith. But according to the Nantua case, some argued the opposite – that parents, elder brothers and Islamic authorities in general – dictate the norms of Islam to the girls. Second, the role of the media became more critical than ever. The mass media covered the 1993-1994 events in the same time slot as the coverage of the ongoing fighting in Algeria, and made a clear link between headscarves – Islam – terrorism.[15] The right to wear the headscarf – or the obligation to wear it, depend on who is being asked – was taken anyway now as a threat on laïcité.[16]

The intensive media coverage of the issue led Ernest Chénière, the former school headmaster from Creil and now the deputy of the National Assembly, to warn that laïcité was being compromised. The Minister for Education, François Bayrou (and future candidate for presidency, in April 2007), responded in September 1994 with a directive that required principals to ban all "ostentatious” signs from schools. He did not deny that the directive was aimed to exclude all headscarves from schools and to keep pupils under the rules of living together (*vie commune*). Most of the teachers in France applauded the new directive.

The immediate consequences were hundreds if not thousands of expulsions from schools, and they led to a similar amount of disciplinary hearings and appeals. The Ministry of Education created therefore a new office for a ministerial mediator for headscarves cases. The mediator, Hanifa Cherifi, who was of Algerian origin, intervened only in cases when the two sides could not agree on a solution. Usually she would try to convince the girl to give up the scarf for the sake of her future, and try to convince the schoolmaster to look for a compromise, such as allowing wearing a more discreet scarf.[17]

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[15] External events had contributed to the new attention to headscarves. The civil war in Algeria between generals and Islamic movements, after the elections in 1992 in which the *Front Islamique du Salut* (FIS) has won, started as soon as some military officers organized their supporters as a military group (*Groupe islamique armé [GIA]*) against the army. Five French citizens were killed during the fights in August 1994, and France found itself directly involved in a “second Algerian war”. Only few months before the 1995 elections in France, the media linked the violence in Algeria and the “Islamic problem”; it was not a coincidence when many politicians inflamed the public debate about migration laws, banning the headscarves etc. Not so many of them paid attention to the fact that the secular officers were those who started the war by refusing to hand over the government.
[16] Bowen, 87-92.
[17] Ibid.

In spite of the above, more than one hundred girls were expelled after the Bayrou directive. In one school nearly forty girls insisted on their right to wear the hijab; they were all placed in another room for about two months, but finally were expelled together as one class one year before their matriculation exams. In response, a group of Muslim women formed the Union of Lyon Muslim Sisters in order to organize courses for expelled students. Most of the cases, however, were ended by a stable status quo: schools could expel girls if they failed to attend their classes or if they case led to protests, but not merely for wearing headscarves.

In the beginning of the new century, Islam became more and more a threat for Western world: few years after the violence in Algeria reached France as bombs were exploded in Paris and Lyon (1995), there were new voices in France talking aloud about ghettoization, suburban malfunctioning schools and growing lack of contact between old ethnic France and the children of immigrants. A report of the High Council of Integration published in 2000 rejected though the banning of the scarves, claiming that young Muslim girls may now be driven into private Islamic schools where they will be exposed to a more radical influence. Integrating the girls became now less important than separating them from those girls who were already "integrated". Yet a vocal minority of the council members, who supported the ban, gained more public support. The public debate about the ban began to heat up again soon after the 9/11 attacks, and the media started over to search for internal threats.

In March 2002, in Lyon, a schoolgirl who refused to remove her scarf and was expelled returned to school after the ministerial mediator was asked to intervene. The superintendent knew that if the student would go to court she would win and it would only make her hailed as a victim, for the school could not claim the student did not attend to classes or protested in any way. After the suspension was cancelled many teachers protested and struck, as they feared of losing their backup from the education system. But above all, for them the student’s scarf was considered as a sign of demonstrating her belonging to her community, her way to attract attention and to oppose school’s rules.

A series of similar events in Lyon and in Paris followed this incident, and marked a new stage of the debate: the headscarf as a sign of social problems. The hijab became

then a symbol of ethnic tradition and pride, and as the woman's right to demonstrate her morality according to her belief. Even Chérifi suddenly changed her tone and talked about the voile as a significant reminder to a Muslim woman that Islamic morality forbids mixture of the sexes in public. When some officials of education system asked religious Muslim leaders to give an advise, the teachers went on a bigger strike as they thought it was inappropriate to let a religious representative to take part in republican state affaires. They were right, in a sense, but the claim against those teachers was that they were agitating for the girl's expulsion just because they were against Islam as a result of their own bad experiences in the past, and not because of principle. It was the first time the racial argument was heard out loud. "Underneath all the talk about laïcité there is racism", admitted Cérifi, who felt, as Muslim herself, that the real goal behind the laïcité argument was not to encourage Muslims to continue their studies, and as a result – to make their integration in public and civil service harder. Yet the reaction for this was a bigger enthusiasm to wear the hijab.[18]

The politics take over: French policy on the way to the law

By spring 2003 it seemed the confrontation was inevitable. The 9/11 attacks on USA, as on Madrid and London the following year, created public unrest, and evoked old fears about radical Islam. Many in France read about violence done to women, about schoolgirls who had little love for the Republic, anti-Semitic incidents, and they all hoped for solutions. Headscarves were even more likely than before to be seen in a negative light, as they represented all that is evil about Islam.

Finally, President Chirac has appointed the Stasi commission, in addition to a professional commission formed by the Parliament, in order to investigate the issue and advise how the French government should act. It ended, as we know, with a recommendation of both of the commissions, almost unanimity, to pass the proposed law of secularity and conspicuous religious symbols in schools and other public spaces. After

[18] Ibid. 93-97.

the law passed with large majorities in the National Assembly and in the Senate, the atmosphere has become tenser and by the end of 2003 there were demonstrations, organized by the French Muslim Party, as well as protests and petitions signed by tens of thousands of protesters against the new law soon coming into force.[19] The Muslims objected that the law would violate their right to express their beliefs, but many others doubted that banning scarves would really be able to deal with the severe problems of integration in France.

The new law went into force on September 2004,[20] with the new school year. Despite the controversy, the actual enforcement of the law was rather uneventful. 639 students showed up with distinctive religious signs in the first week of classes, 240 of them were girls who attempted to come to school with a headscarf; 170 later accepted – quite voluntarily – to take it off, and 70 "conciliation procedures" were started. At the end of the first semester, according to the Minister for Education François Fillon, 48 students were expelled under the new law. One year later, in September 2005, he reported that only 12 students showed up with religious signs in the first week of classes.[21]

Chirac's insistence of passing the law reflects the traditional conservative French attitude towards republican values, such as *laïcité* and *vivre ensemble*, and ideals like *one nation, one culture, one identity*. One can realize this from his speech in the a Élysée Palace from December 17, 2003, just few months before passing the law, in which he said:

> « Le débat sur le principe de laïcité résonne au plus profond de nos consciences. Il renvoie à notre cohésion nationale, à notre aptitude à vivre ensemble, à notre capacité à nous réunir sur l'essentiel. La laïcité est inscrite dans nos traditions. Elle est au coeur de notre identité républicaine. Il ne s'agit aujourd'hui ni de la refonder, ni d'en modifier les frontières. Il s'agit de la faire vivre en restant fidèle aux équilibres que nous avons su inventer et aux valeurs de la République. »[22]

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[19] Cesari, 1-2.
[20] The text of the law called for an evaluation by the Parliament after one year, as of September 2005, but no such evaluation has taken place yet. The riots in Paris atarted on October 2005, but of course those two events were not necessarily related to each other.
[21] *Le Monde*, 30/9/2005.
[22] Available from:
http://www.elysee.fr/elysee/elysee.fr/francais_archives/interventions/discours_et_declarations/2003/decembre/discours_prononce_par_m_jacques_chirac_president_de_la_republique_relatif_au_respect_du_principe_de_laïcité_dans_la_republique-palais_de_1_elysee.2.829html

("The debate about the principle of secularism resonates in the depths of our consciences. It refers to our national cohesion, our ability to live together, our ability to reunite on the essential grounds. The secularism is inscribed in our traditions. It is the heart of our Republican identity. It is neither about reorganizing it today, nor about modifying its frontiers. It is all about letting others live while remaining loyal to the balance that we knew to invent and to the values of the Republic.")

The French model of republican liberal democracy, as it represented in Chirac's speech, is based on civil nationalism that characterized the French state-building policy ever since the Revolution. The policy of French governments along the history, especially since the age of the Third Republic, was bound with different measures, including erasing local identities and forbidding the use of other languages but French, cultural and lingual unifying, all in the name of assimilation. The public education system of the state had a major role in doing so, and was the main tool to force the secularism of the state. Chirac saw himself as a successor executive of such a policy, and during his political career – as Meyer of Paris, Prime Minister and obviously as President – the government kept fanatically on these sacred principles of secularism and unity of the Republic.

Moreover, officially, France does not recognize any of the national minorities living in France. There is no national identity in France but the French, and therefore the state cannot allow recognition to any ethnic or lingual minority, as this is against the constitutional principles. This is why France, under the presidency of Chirac, did not sign on the Council of Europe's Convention for the Protection of National Minorities (Strasbourg 1995).[23] The Convention is the first legally binding multilateral instrument concerned with the protection of national minorities in general. Its aim was to protect the existence of national minorities within the respective territories of the parties, and to promote the full and effective equality of national minorities by creating appropriate conditions enabling them to preserve and develop their culture and to retain their identity.

France also did not join to the United Nations International Covenant on Civil and Political Rights signed in 1976, when Chirac was the Prime Minister in Valéry Giscard

[23] Available from:
http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=157&CM=8&DF=7/16/2007&CL=ENG

d'Estaing administration.[24] In 1980 France joined to the treaty, but with some reservations. Among them, France did not accept paragraph 27 of the covenant, declaring it as not applicable as far as the Republic is concerned, in which written:

> "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language."[25]

In 1999 the *Conseil Constitutionnel* (constitutional council) has made yet another decision that once again demonstrated the French conception of the French nationality. The Council has declared that the European Charter for Regional or Minority Languages (signed in Strasbourg in1992) is not compatible to the French constitution and therefore the French signature on the treaty is cancelled.[26] Though the socialist government – in opposition to Chirac as President – has added to its signature so many reservations, the Council still could not approve it. The French constitution does not confer any specific rights to groups who speak any regional or minority language, since "it contradicts the principle of the unity of the Republic and of the uniqueness (*unicité*) of the French nation". Furthermore, declared the Council, since French is the only official language of the Republic, the state cannot allow any use of any other language in the public space. It cannot also recognize any collective rights of any group defined by common origin, culture, language or belief.[27]

Nicolas Sarkozy, who cannot be considered in any case as a socialist, said similar things in April 19, 2003 as the Minister for Interior Affairs, several months before Chirac's speech. Sarkozy, France's "chief cop" as he liked to call himself, and the future President of the Republic within the next few years, made a historical visit to the annual gathering of Muslims in the Salon du Bourget. In his speech he called Islam and its

[24] Available from: http://www.ohchr.org/english/law/ccpr.htm
[25] Ibid.
[26] Available from: http://conventions.coe.int/Treaty/EN/Treaties/Html/148.htm
and also: http://www.conseil-constitutionnel.fr/decision/1999/99412/decl.htm
[27] Available from : http://www.conseil-constitutionnel.fr/decision/1999/99412/99412dc.htm

representatives to be fully integrated into the Republic, and therefore "we do not need to depend on other countries for finding *Imams* who speak not a word in French".[28] Then he mentioned the rule (that he has promoted) that all residents must have their pictures taken for official documents with their heads uncovered, and added: "nothing would justify Muslim women enjoying a different law".[29]

Of course, Sarkozy received quite a hostile response from his audience, but his speech came on a perfect timing; by that time the political atmosphere in France was drifted into anti-immigrant positions, and a poll published one week after his speech indicated that among voters on the Right, Sarkozy had an edge over Chirac for the 2007 elections.[30]

Sarkozy had launched "a new headscarf war", but actually he did not mention this matter in his speech, but only the need for a simple and clear law of removing the headscarf when taking a picture for identity cards, in order to remove the obstacle that prevent Muslims to become full French citizens. As a "chief cop" it was clear that his aim was to make it easier for the police and other security services to identify potential outlaws and to control problematic areas, but in fact the public did not care about identity cards, and other politicians could not accept it other than as an attack on scarves in schools.

On the other hand, it was no other than Sarkozy himself who challenged this kind of stance in an interview given in 2006. The interview was made due to the publication of Sarkozy's book, *La République, les religions, l'espérance*, in which the Interior Minister offered no less than to rethink about the modern meaning of laïcité and to modify the norms of 1905. Moreover, he even offered to finance other religions institutions. According to the views expressed in the book, France must confront the issue of financing for the Churches, or in the words of the Minister: "Let us admit without

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[28] Bowen, 102.
In Novemrber 2003 Sarkozy returned to this subject with a tougher expression: "I will expel...any *Imam* who delivers a speech or advocates values contrary to the speeches and the values of the Republic", implying to the French law that allowed children of immigrants to study the language of their ancestral land, and enabled Muslim institutions to take advantage of the law and introduce their representatives into the French educational system, in order to teach values opposed to the values of the Republic ("Respect de la laïcité: M. Raffarin annonce une 'disposition législative'", *Le Monde,* 28/11/2003).
[29] Ibid.
[30] Ibid. 102-103.

hypocrisy that there is a contradiction between the desire to acknowledge the religions as a positive factor in society and completely denying them any form of public financing." In his opinion, there is an insurmountable difficulty for those who "think it is natural for the state to finance a soccer field, a library, a theatre, a childcare center; but whenever it is a matter of the needs of a place of worship, the state should not spend so much as a penny." Therefore the old conception of state secularism must evolve, because "believing that the state can remain completely indifferent to the reality of religion is a position that is continually contradicted by the facts."[31]

The book in question, which was published in October 2004, won a big deal of public attention, naturally for its author was likely to be the successor to extremely secularist presidents like François Mitterrand and Jaques Chirac. But it was not just for that. Sarkozy was talking clearly and openly about his wish to create an open and serene secularism, in which each person can live out his own vision of hope and participate in building up democratic society. A return must be made to an active rather than a passive secularism, and according to him "it is more important to open places of worship in large urban areas than to inaugurate sports facilities, even though these are very useful. We must be concerned about making these the ideals that young people adopt. All of these young people have no ideals, and this is a challenge for all the religions."[32] But above all, the surprise is when he declares that his main objective of reform is the question of the financing of the major religions in France.

As he was elected in May 2007, it is too early to predict what would be Sarkozy's policy towards Islam in the social and political structure in France over the following years. Given his quite radical expressions from his political career as a Minister, one might think he would promote more legislation to keep the secular principles in the old fashioned way, but then again he is known to be a pragmatic politician who does sometimes the opposite of what he is expected to do, as seen above. We should remember he opposed in the beginning to the 2004 law, arguing it will humiliate the Muslims and

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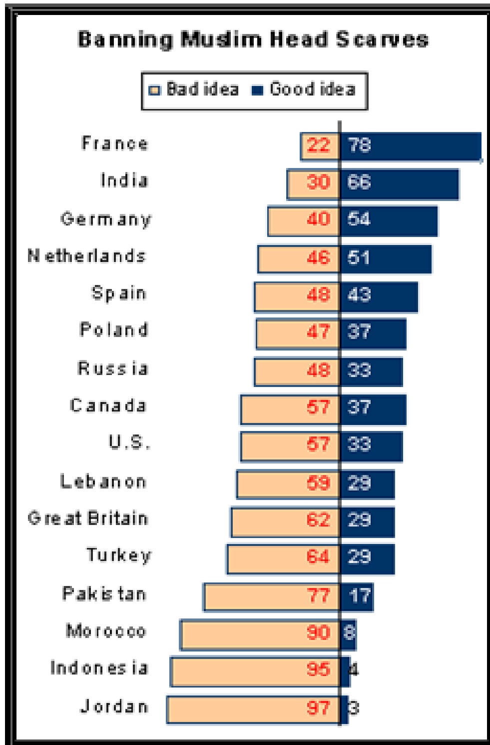
[31] Available from: http://chiesa.espresso.repubblica.it/dettaglio.jsp?id=55661&eng=y
[32] Ibid.

will provoke a general unrest, but at the same time he was very firm concerning the enforcement of similar rules.

Conclusion

Was it however a wise move to enforce the law of secularity and conspicuous religious symbols in schools, which undoubtedly increased the tensions in French society between Muslims and non-Muslims? From the public opinion point of view, the new law expressed the will of the public. But in any other case it did challenge the borders of concepts such as multiculturalism, tolerance, secularism and republican values, and confronted them with the borders of democracy. An international poll conducted in 2005 found that France has the largest majority of supporters of the headscarf ban in the general population comparing to other states, including in Europe and North America. The following table demonstrates the division between supporters of the ban and people who opposed it:[33]

[33] Available from: http://pewglobal.org/reports/display.php?ReportID=248



Obviously, in most Muslim countries we can see a wide opposition to the idea of banning the headscarf. But in non-Muslim states the public attitudes towards the issue differ sharply from one state to another. It is interesting though to realize that the French public is by far in favor of the ban; in fact, only two other European states have a majority of supporters of the ban, but neither in Germany nor in Netherlands this majority is as significant as it is in France.

Any reference to the issue of the tension between Muslims and non-Muslims, especially in France, demands a clear distinction between the concepts of integration and assimilation. Integration cannot be measured only by socio-economic parameters, but also by the ability to integrate in the cultural mainstream and in the secular social structure. The question is whether banning the visible symbols through legislation is the right solution; and what seems to be the right solution for France does not necessarily compatible with other states and societies.

The arrival of a massive influx of Muslim immigrants in the last decades has challenge the traditional republican principles as introduced above. Many of those immigrants have become French citizens, and were supposed to integrate and to be assimilated in the French society as we know it: "one language, one culture, one identity", but above all secular. But how secular is the French state really? French secularism can be considered as no more than a modern version of a culture based on Christian values: official holidays and the weekly day of rest are Christian, including Christmas, Easter etc., and the French national government continues to fund all the

facilities of four official religions (Roman Catholicism, Calvinist Protestantism, Lutheran Protestantism, and Judaism) that were established before the 1905 constitution entered into force. But since most of the mosques were built after that, the state cannot fund any of them.[34] The state is not so flexible when it is asked to consider any other religion needs; election days will not be moved if they meet Jewish or Muslim holidays, and the same for school exams and other public events. The refusal to allow wearing the headscarf is also an example of the state's will to defend its republican values (equality between sexes) and secular values. But all this makes the assimilation of Muslims in France impossible. Muslims feel that they will never be "real" French as long as the term "being French" is identified with Christian tradition that contradict, or at least do not tolerate, Islam as a legitimate identity.

Obviously, France official position would not accept Arabs as an ethnic identity group among French citizens. There are only French citizens who believe in Islam, i.e. as a religious identity. But it is obvious today there are many French citizens who can identify also with their Arab identity. It is difficult though to obtain accurate statistics on Muslims in France, since religious affiliation is not a question on population census. Yet the estimated number of France's Muslim population is 5-7 million, based on data such as place of birth and country of origin, and children born in France to immigrant parents.[35] This is the largest Muslim community in Western Europe, and therefore the French policy has a major impact on other European states and their Muslim citizens.

Even under the unique circumstances of France - the principle of laïcité and the post-colonial condition (i.e. the emotional tension in the society between the anger and frustration from one side, and the guilt from the other), as both of them are basic elements of the French national identity – France still needs to take into account the international consequences of its policy. A more flexible model of multiculturalism may be the right answer to the globalization of Islam.

Discussing the consequences of all those dimensions of the debate in France, with regards to the question of the place of Islam in the political culture of Europe, shall lead us to question how do EU leaders intend to deal with the growing challenge of

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[34] Yakobson, & Rubinstein, 375 -386.
[35] Cesari, 10-11.

Islamic radicalization combined with social problems caused by large migration waves. It is already obvious that the headscarf is just a symbol – more political than religious – to this problem, but banning it is not necessarily the solution. The "Extension Fatigue" and the growing "Community Deficit", which are the reasons why the European Union nowadays handles its immigration problems so inefficiency, require a supranational large-scale policy, and pro-EU measures, to give a proper answer to Radical Islam. A common policy is needed here precisely in order to form a better integration of Europe, to moderate the tension level and to make a secular and tolerant society for the benefit of all its members. The French model is a unique case among all the liberal democracies of the West, but it seems that the headscarf debate has just revealed its weakness; France can forbid wearing the veil, but maybe it is the French institutes and policymakers whose eyes are covered with the veil of irreality.

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