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A Failure of Laïcité:

Analyzing the Ongoing Discrimination of French-Muslims in the 21st Century

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Abstract

The question of how to deal with the “Muslim problem” has once again arisen in France, opening old wounds of colonization and cultural racism. France’s rich Christian past and the historical context of the French-Algerian conflict are key players in the modern suffering of Muslims in French Society. Its colonization of Africa included nations such as Morocco, Indochina, Madagascar and notably in this context, Algeria in 1830. In their valiant fight for independence, the National Liberation Front was launched by Algerians and resulted in a bloody struggle that still haunts the Muslim-French relations in modern France. Though Algeria achieved its independence in 1962, the overall negative attitude towards immigrants from the region remains.

Beyond the impact of colonization, the imbalanced living conditions of Muslims and their fellow Frenchmen, as seen by the French *banlieues*, have turned into a hunting ground for jihadists. The skewed standard of living, exacerbated by the predatory manner of jihadists, suggests that the French be held under a standard of collective responsibility. Thus, under the failing social constructs of the *banlieue*, Abdelmajid Hannoum’s article “Cartoons, Secularism, and Inequality,” published following the attack on Charlie Hebdo, speaks to the means by which the French ideals of fraternity and equality do not apply to the Muslim populace on the basis of historical animosity and ingrained Islamophobia.

Moreover, failure of the French government to unbiasedly enforce their policy of complete secularism plays into the discrimination against Muslims and interferes with the performance of religious traditions, such as in the case of the 2004 ban, which unjustly prevents females from wearing their hijabs, burkas and niqabs. As addressed in *The Republic Unsettled: Muslim French and the Contradictions of Secularism* by Mayanthi Fernando, there had been attempts to police the religious headwear of Muslim women previously which calls into question the validity of France’s claim to secularism. Legislation like the ban of 2004 allows for blatant discrimination. Unchecked, these factors lead to violent outbursts of extremist retaliation, which is followed by the notion of collective responsibility and pushing of a narrative that holds all Muslims as potential terrorists. Through media, unchecked publications run rampant with this damaging ideal, supporting islamophobia to help to justify discrimination. In the instance of the Charlie Hebdo attack, the common narrative pointed to the attack occurring from born and bred Muslims, but in reality, the guilty parties were driven into jihadism by a number of failings in social service programs. To supplement the research and cold fact, the novel *I Die by This Country* by Fawzia Zouari, which is based on a real French headline, speaks to the ongoing, every day struggle that French Muslims still endure.

There is an evident link between the lasting economic, political and social inequalities faced by 21st century French-Muslims and their historical conflicts with French imperialism and deep-rooted Christian attitudes. The influence of history on the struggle of French Muslims in the 21st century is displayed by the grouping of Muslims into lower income communities, as well as headlines of police violence and anti-Muslim attitudes taken on by political leaders. The conflicts faced by Muslims within the French state *is not* secularism and until all citizens are, in the eyes of the state, regarded as French first and foremost, conflicts of violence and terror will continue to gain a foothold.

A Failure of *Laïcité*: Analyzing the Ongoing Discrimination of French-Muslims in the 21st Century

Introduction

France, the land of *laïcité*, otherwise known as secularism, lives under the implication that the church and state should perform as mutually exclusive entities (Briand, et. al.). French secularism was outlined in 1905, decreeing in its second article that the “Republic does not recognize, pay or subsidize any religion” (Briand, et al.). While the Republic of France does is not, by this standard supposed to interact with religion, it doubly provides the guarantee of its citizens to have “free exercise of worship” so long as it does not interfere with the “interest of the public order” (Briand et. al.). The intent behind secularism in France was to codify and finalize its independence from the Catholic Church (Jansen 594). While the idea behind secularism is that an individual is meant to be able to practice their religion freely, there has been an ongoing trend that has spoken to quite the opposite. Religions like Judaism and denominations of Christianity have been able to function for the most part in peace within the French Republic, but the same *laïcité* has not been awarded to Islam.

Islam in the French community is not commonly accepted, as a public poll conducted by the Ipsos Institute in 2017 found that “65 percent of [participants] believe the religion of Islam is incompatible with the values of the French Republic” (Burrows-Taylor). Moreover, within the same study, 78 percent were found to hold the “view that Islam ‘seeks to impose its way of life on others’” (Burrows-Taylor). The attitudes expressed are those of a population that singles out a group for its religion, which, in theory should be impossible, as no religion is supposed to be publicly recognized. Regardless, the presence of any sect of Islam, which falls under the looming

shadow of its extremist form, Jihadism, is one that not only the public distrusts for, but the government has sought to control. Most recently, the Republic's president, Emmanuel Macron, sought to reform the law of 1905, in favor of promoting "better organization of the Muslim religion" (Chambraud). For the sake of stemming Jihadism in order to protect the public, Macron's actions seem well-intended, but organizing the "Muslim religion" is not handling the problem in its full scope.

Relations between France and Islam are far more complex than disorganization of a religion within the secular state. There is a long-standing history of French Christianity and colonialism, state failures, collective responsibility in the wake of terror attacks, and wide-spread rhetoric endorsing Islamophobia that must be considered before definitive action should be imposed upon Islam in a "secular" state.

Historical Context

France has a long-running history that is entangled in religion as do most, if not all European nations, and such is a foundation that cannot be ignored. The purpose of the law of 1905 came as a by-product of the French state wanting to liberate "France from the grip of the Catholic Church" and further the work of the French Revolution (Fernando 110). Previous to the separation of the French state and the Catholic Church, a majority of the French way of life fell under the church's domain, such as "the health and education of the population" (Fernando 111).

The undertaking of *laïcité* was no easy task. The first attempts at a division of church and state began in 1800 with the division of "souls and citizens" under The Civil Code of 1800 to 1804 (Fernando 110). However, the grip of Catholicism was reinstated by Napoleon when he signed to privilege Catholicism and other Christian denominations within the state institutionⁱ (Fernando 111). Furthermore, following his recognition of the Catholic church and re-inclusion

of Catholicism in the public of France, Napoleon established the Church as subject to state authority (Fernando 111). The manner in which the government of France catered to the church under Napoleon undermines secularism, but the withdrawal from church influence in some aspects of public order suggests a step towards separation. The early work of taking France from under Catholic control functioned as an early form of the motions made by the law of 1905, but they still functioned in a way that was suitable to Christianity.

This semi-secularism allowed for the “Christian legacy” of France to continue, with a public recognition of Christian holidays that was not extended to other religions until 2004 (Hannoum 21; Fernando 30). Within this lingering Christian influence comes the remnants of old Christian opinions, which provides a “highly negative image of Islam rooted in centuries of deep mistrust and intense hostility” (Hannoum 22). This hostility, provided by an outdated and misconstrued image of Islam, is one that still influences public opinion and the manner in which *laïcité* is enforced, as will be later discussed.

In addition to a rich, Christian history, France is one of many who has a bloody history of colonization. Algeria, initially invaded in 1830, became a major enemy of France in the fight for independence, which was the longstanding work of the National Liberation Front (Clark 75-76). From the start of France’s imposition upon the region, there was notable resistance from the locals (75). Regardless of Algerian resistance, they were placed under colonial rule and Muslim Algerians, who composed ninety-percent of the colonized population in 1909, paid forty-five percent of the total taxes, despite only producing twenty percent of Algeria’s income (76). The imbalance faced by natives was only furthered by the fact that by 1954, while the Muslim population out-weighed the French settlers, or *colons*, 8 to 1, the *colons* owned the majority of the land and dominated local politics (76). The privilege enjoyed by the *colons*, as well as the

looming hand of French colonization over the Algerian region was one that would not be long tolerated, as was marked by the formation of the Algerian National Front and their call for a “restoration of the Algerian state, sovereign, democratic and social within the framework of the principles of Islam” (“Proclamation”).

In their pursuit of Algerian independence, The National Liberation Front [FLN] battled France through coordinated attacks on French facilities within the region (Clark 77-78). The goal of the FLN was to gain external support and make their fight for freedom a spectacle in the world in order to force France out of their lands (78). Drawing attention to the conflict in Algeria put the reactions of the French state under a magnifying glass. Under the scrutiny of an external audiences, overreactions, such as “killing 1,273 guerrillas and Algerian villagers in retaliation” to an FLN-led massacre of 123, undermined France’s claim to the land and purpose for attempting to maintain it (79). In the end, French military, police forces and *colons* perpetrated more than 12,000 Muslim murders (79). The horrendous numbers of Algerians that fell victim in the fight for independence, regardless of their involvement with the FLN would prove to be a damaging narrative for France.

In the midst of the Battle for Algiers, which began in January 1957, France’s image only continued to be perceived poorly, as they “conducted roundups of entire neighborhoods” which resulted in mass detentionsⁱⁱ and executions (Clark 82). France’s continued efforts to keep Algeria, by this time had raised remarkable criticism within the metropolitan area and undermined the support of the political leaders who continued to spend state money and efforts (84). With the displeasure of French citizens and the ongoing, seemingly unending battle for Algeria, came the return of a general from the second World War. Charles de Gaulle was asked to aid in negotiations with the FLN and handle the resulting unrest from *colons*, as they felt their

privilege was being undermined (85). Following De Gaulle's return and later willingness to negotiate, there was a second resurgence of the *colons*, accompanied by an outbreak of violence among radicals who were against the withdrawal.

The attitude of the *colons* and radical groups is one that is still seen in modern French society, exhibited by those who think that Muslims should “assimilate, rather than just integrate into the French way of life” (Burrows-Taylor). The call for assimilation rather than integration is one reminiscent of the *colons*' power, as it seeks to impose and uphold French dominance over the Muslim way of life, whether it be through maintaining control over colonized lands or attempting to force a minority to conform to the majority.

Regardless of the protests, France decolonized Algeria, but the damage to their relationship with the “Muslim population in Algiers” had been established, which would haunt their later relations (Clark 89). The decolonization of Algeria is not so much in the distant past as it would appear, for the same calls for French dominance over foreign norms remains within the state. There is a call for assimilation and importance of the French way of life over the diversity that immigrants can introduce, leading the treatment of Muslim citizens as “foreigners” (Burrows-Taylor).

Legislation, State Failures and Collective Responsibility

In order to find a plausible solution to a fairer, more secular treatment of Muslims within France, one must also comprehend the existing laws that have been enacted in the years after the law of 1905 and the means by which the state has failed the existing population of immigrants and their following generations of citizens – their children and grandchildren. The most notable example of legislation that has more negatively affected the Muslim populations and Judeo-Christian denominations is the “Education Code” of 2004, or more specifically, Article L141-5-

1. The “Education Code” dictates that “the wearing of signs of dress by which pupils overtly manifest a religious affiliation is prohibited,” a principle which imposes a taboo upon the wearing of Muslim headwear for females (“Code”). The application of the “Education Code” is more often utilized to undermine Muslim traditions, which include the wearing of niqabs, burqas and hijabs, as a means to force the wearer to outwardly assimilate. The press at the time had “dubbed it ‘the law on the veil’,” thus solidifying what is blatantly obvious in regards to its effects (Fernando 87). Six years later, the impact of the “Education Code” furthered restrictions with a law that “criminalizes the wearing of clothing aimed at concealing the face in any public place” which clearly points more specifically to the niqabⁱⁱⁱ (Fernando 87).

The reasoning behind these bans cannot be attributed to attempting to further the law of 1905, as the law states in its very first article that the only state interference that would occur would be if it impacted the “public order” (Briand et. al). The only instance in which one individual’s expression would disrupt “public order” would be if it posed a threat to security or worked to disturb the way of life of others, but such is not the case for Muslim headwear. In regards to the niqab, if the intent had not been religiously charged, then there would be an exception or allowance to leave the practice of Islam unhindered by the state, therefore keeping church and state separate. Instead, the interference of the bans of 2004 and 2010 act as “a cover up for discrimination [rather] than a real separation of religion and politics” (Hannoum 21).

Alongside the biased legislation that is inflicted upon Muslim communities, they find themselves living in *banlieues*, which are “desolate, run-down neighborhoods [that were] built 50 years ago to house waves of immigrants from former French colonies in Africa” (Schram & Fredericks). There has been little to no updates to the *banlieues*, leaving them without sufficient “public transportation” that contributes to the drastically high unemployment rates that “are

around 25 percent,” which at times is “twice the national average” (Driggers; Schram & Fredericks).

These high-volume, low employment communities were originally intended to run the French factories, as is the case of the father within Fawzia Zouari’s *I Die by This Country*, who would head to work at a factory every morning, have a half-hour break and return to a small apartment (27-28). Workers like the father in Zouari’s novel had their income significantly impacted when factories turned to “off-shoring in the mid-1970s,” thus reducing the need for immigrant workers in France (Driggers). As unemployment climbed and the standard of living within these apartments steadily declined from already unsatisfactory conditions, the “stateless” *banlieues* become areas where radicals can take advantage of those in suffering (Schram & Fredericks). The radicalism that so many fear and attribute to Islam as a religion comes, in reality, as a result of people in *banlieues* who feel as if they have no other options or hope, as their neighborhood has become synonymous with everything that is “wrong with society” (Schram & Fredericks; Driggers). Association between the *banlieues* and Islam carries on to those who do not live there, as of the “5 million Muslims” in France, “most of them [live] in the housing projects surrounding Paris” and the negative connotation from the *banlieues* often follows Muslims beyond its confines (Schram & Fredericks).

The treatment of Muslims outside of the *banlieues*, is doubly damaging, as they are submitted to police violence, regardless of being responsible for a crime. In December of 2015, a headline read “French Police Brutalize Muslim Woman in Paris” and a video of the attack was recorded from a balcony of a residential building (“French Police Brutalize”). The woman was protecting her son from police abuse, resulting in her subsequently being “dragged, beaten and punched by the authorities” (“French Police Brutalize”). Within the same year, France was

accused of “abusive and discriminatory raids and house arrests against Muslims” using the state of emergency as a guise (“French Police ‘Abuse’”). The attacks endorsed a sense of collective responsibility within the Muslim community, as they came in response to the Paris attacks on November 13th and quite possibly, to the attack on *Charlie Hebdo* in January of the same year (“French Police Abuse”; Hannoum 21). Under the power of President Francois Hollande, this violence and violation of human rights was approved through the allowance of “warrantless searches” under emergency law (“French Police Abuse”).

The actions by Hollande and the police forces within France under the state of emergency allowed for blatant discrimination under the ideals of a “collective ‘punishment’” (“French Police Abuse”). The collective responsibility imposed upon the Muslim populations is not one that was held strictly to the events in 2015. Islam as the general religion has become attributed to terrorism as a whole, as forty-six percent of polled French citizens believe that it contains and contributes “seeds of violence and intolerance” (Burrows-Taylor). The *banlieues* and their record of crime as a means of survival is also cited as a contributor to terror through its riots in response to “the electrocution of two French teenagers [...] who hid in a power station in an attempt to evade pursuing police” (Driggers). The unrest of the riots was called a “guerrilla situation” and the link between the *banlieues* and their Muslim occupants was used as a means by which to verify collective blame of Muslims (Driggers).

Anti-Muslim Rhetoric by Political Leaders

The discriminatory policy enacted by Hollande and enacted by police is not an isolated incident of a political leader prompting or even supporting attitudes that place Muslim as an internal enemy. Following the attack on *Charlie Hebdo*, Nicolas Sarkozy, a former president, equated the attack to a “war on civilization,” which is a damaging conclusion to draw given the

pre-existing tone of collective responsibility (Hannoum 22). Additionally, the Prime Minister, Manuel Valls blamed the attack on “terrorism’, ‘jihadism’, and ‘radical Islam’” but failed to distinguish the line that defines Islam as “radical” (Hannoum 22).

The attitudes held by the political leaders at the time were not outright in their blaming of Islam, but their attitudes and tone within their statements were vague enough to allow the public to verify their own discriminations. Valls’ failure to define “radical Islam” leaves it dangerously subjective and the war-like attitude of Sarkozy creates a further divide that the attacks had already started (Hannoum 22).

While Valls and Sarkozy are not outright in their blaming of Muslims and Islam as a religion for the violence within France, the Front National party, later renamed the National Rally, capitalizes on this narrative (Driggers). Marine Le Pen, the leader of the National Rally, campaigned in 2016 based on the Islamophobia preexisting in the political culture of France (Driggers). In a speech given in November of the same year, Le Pen refer to the *banlieues*, synonymous with Islamic communities, as suburbs that they’ve let “go to the water” and refers to its residents as “thugs [they] will neutralize mercilessly” (Le Pen). There is a clear correlation that Le Pen is drawing between the crime that the *banlieues* are known for and the “foreign powers” that have created the chaos (Le Pen). As if her suggestive speech were not enough to blame Islam for what she deems is the problem of the *banlieues*, Le Pen further states that to save the areas, the state needs to “uproot Islamist fundamentalism to keep children in the suburbs from drifting, especially women and girls” (Le Pen). Here, Le Pen perpetuates the narrative that females must be saved from Islam, as “a French Muslim woman wearing the niqab has either been forced to do so or is not a proper citizen if she has chosen to veil herself” (Fernando 45).

Le Pen and the National Rally make their Islamophobia blatantly clear through the perpetuation of taglines such as “drain the swamp of Salafism^{iv}” and calling the Union of Islamic Organizations of France^v “the muffler of Islamist radicalism” which serves “as a Trojan horse for politico-religious claims” (Le Pen). Le Pen’s message is that Islam is the enemy of the state and the organization that works to manage its affairs is a vessel through which the religion aims to corrupt the republic. The damaging story that Le Pen produces is one that is echoed by the vice president of the National Rally, Jordan Bardella. Bardella, like the leader of his party, subscribes to the notion that Muslims “want to seize France and establish their political, cultural and religious order” (Bardella). He further paints the Muslim community as invaders on a path of “rampant phenomenon of territorial conquest,” thus cementing the image of the enemy (Bardella).

Conclusion

The terminology used by the National Rally creates the figure of the internalized other in order to displace blame for state failures and misfortunes and in doing so, makes Muslims a target. The generalization of the Muslim populace also furthers that ability for collective responsibility to be placed upon the average civilian as a result of their religion, rather than a crime they’ve actually committed. Combined with the history of conflict between Muslim states and France, as well as the skewed legislation, the Muslim communities have become alienated by society and subject to rampant discrimination.

Macron’s attempt at handling the “Muslim problem” should not just pertain to governing over Muslim courses of being, but needs to enforce true secularism. Moreover, rather than attempting to legislate the standards and manner of execution of the Islamic faith, the state needs to remain true to the original intent of the law of 1905, which dictates that there should be no

interference unless it affects public order. The state needs to consider the public order as it affects all citizens, and not just the ones who adhere to the traditionally French Christian standard or atheism. In shifting who the public order is supposed to protect, the French Republic can find the balance to enact true *laïcité*.

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Notes

ⁱ Napoleon collaborated with the Holy See to provide state payment to Catholic clergy, provided they pledge loyalty to the French state. Additionally, this concordat allowed Christian holidays to be considered public holidays, as well as Sundays (Fernando 111).

ⁱⁱ Within a nine-month span, 24,000 men were detained and 3,000 of them disappeared.

ⁱⁱⁱ The niqab is the most complete covering of Muslim headwear, as it covers the face completely, otherwise coined ‘the veil’.

^{iv} Salafism is based on following predecessors of their Islamic faith and Muhammad as closely as possible and came about in response to Imperialism (Wagemakers).

^v The UOIF works on the day to day management of Muslim affairs (Geisser).