UNVEILING LAICITE:
SECULARISM, ALGERIAN MUSLIMS, AND THE HEADSCARF AFFAIR IN MODERN FRANCE

By

Colleen Nugent

* * * * * * * *

Submitted in partial fulfillment

of the requirements for

Honors in the Department of History and Department of Political Science

UNION COLLEGE

June, 2016

TABLE OF CONTENTS

Introduction

The historical relationship between the French state and its form of secularism, laïcité, and the French Muslim population is fraught with conflict, misunderstanding, and ambivalence. Laïcité is a form of secularism unique to France, thus why it refuses to be translated from its native French. France also has a unique colonial relationship with Algeria, which was considered an integral part of France during France's colonial empire. Both the history of laïcité and the history of this colonial relationship help to explain the modern relationship between laïcité and the French Muslim population. In order to analyze this conflict, the "Head Scarf Affair" will be used as a microcosm. The Head Scarf Affair refers to a series of decisions regarding headscarves in schools that resulted in the 2004 ban on conspicuous religious symbols in schools. The Head Scarf Affair demonstrates the importance of education and gender within this conflicted relationship. France has a unique history regarding secularism and relationship to Islam. The "particular process of secularization is peculiar to France,"[1] and thus the problem with the Muslim population is unique to France.

Much of the modern rhetoric surrounding French Muslims is focused on integration. There is a debate over whether or not Islam is compatible with French society. However, this debate assumes that there is something unique to Islam that creates a special barrier to integration. This paper will demonstrate that there is nothing unique about Islam that has caused this modern conflict, but it is rather a

[1] Rada Ivekovic, "The Veil in France: Secularism, Nation, Women," *Economic and Political Weekly* 39 (2004): 117-119.

product of the French state utilizing traditional radical laïcité and the associations lingering from the colonial history.

In this paper, I will examine how the concept and actualities of French laïcité have affected and shaped the state's relationship with its citizens, specifically looking at the Muslim population, as it has been increasingly contentious in recent years. Not many scholars have looked at this relationship in depth, and the existing literature varies in its focus. This paper poses the question: why has French laïcité come into conflict with the Muslim community? This leads to secondary questions: Is the Muslim case unique? What does the history of laïcité illuminates about the current conflict? Are there differences between mainstream perceptions and realities surrounding degrees of Muslim integration? What does the headscarf affair reveal about the broader conflict? These questions help to unpack the larger issue of laïcité and its seeming conflict with the French Muslim population.

Literature Review

To understand this modern relationship, it is imperative to look at the origins of laïcité. Various sources focused on laïcité as their method of analysis. Jean Bauberot highlights the importance of the French Revolution in the formation of secularism in France.[2] Bauberot provides a discussion of the push back against religious clerics during the Revolution and secularization, and focuses on the value

[2] Jean Bauberot, "Secularism and French Religious Liberty: A Sociological and Historical View," *BYU Law Review* 2 (2003).

placed on schools. The debates surrounding human rights during the French Revolution provided many primary sources, which are useful for establishing the context of the development of laïcité and the modern understanding of human rights.[3] Similarly, John Bowen's article "Secularism: Conceptual Genealogy or Political Dilemma?," looks into the creation of laïcité in France, focusing on the conflict with the Catholic Church that spurred the Law of 1905; oft heralded as the formal separation of church and state in France.[4] Bowen analyzes the impact of the 1905 Law and how it has affected the Muslim population today. Jacques Robert, in "Religious Liberty and French Secularism," chronologically explores the evolution of the church-state relationship in France, culminating with their concrete separation by the Law of 1905.[5]

The sources provide relevant information on the evolution of laïcité into the 20th Century. Chronologically, Woodrow Wilson's Fourteen Points, from the end of WWI, is an important primary source, and helps establish the imminent change of decolonization across the world. Wilson's points demonstrate the language that spurred the spread of self-determination across the world, affecting the French colonial empire.[6] The importance of laïcité in French politics into the 20th Century and onward is explored by John Bowen. In the chapter "Remembering Laïcité"

---

[3] Lynn Hunt, *The French Revolution and Human Rights: A Brief Documentary History* (Boston: Bedford/St. Martins, 1996).
[4] John R. Bowen, "Secularism: Conceptual Genealogy or Political Dilemma?" *Comparative Studies in Society and History* 52 (2010).
[5] Jacques Robert, "Religious Liberty and French Secularism," *BYU Law Review* 2 (2003).
[6] Woodrow Wilson, "The Fourteen Points," *Documents to Accompany America's History* (1918).

from John Bowen's book *Why the French Don't Like Headscarves*, he argues that specifically French secularism (laïcité) is a significantly useful political tool, precisely because it has no agreed upon definition.[7] Bowen's article focused only on how laïcité colors French views of headscarves.

The headscarf affair, and its relationship to laïcité, underscores the overarching question of the ability of French Muslims to integrate into French society. Multiple sources looked specifically at the debate over whether or not French Muslims will be able to integrate and accept French values, including John Bowen and Stephanie Giry. Bowen argues that there is not a straightforward answer to this question, by looking at the experience of French Muslims.[8] However, Bowen explores various individual experiences of French Muslims, determining that there are obstacles to integration caused by both the French state and the French Muslims. Giry, in her article "France and Its Muslims," argues that their integration is not nearly as bad as is generally acknowledged, pointing to the similarities between the Muslim communities and their French peers.[9] Giry provides a comparison of the political concerns of the two communities, which starkly demonstrated the similarities between the groups. In a different piece, Bowen demonstrates how France's treatment of its Muslims delegitimizes the

---

[7] John R. Bowen, "Remembering Laicite," in *Why the French Don't Like Headscarves,* 11-33 (New Jersey: Princeton University Press, 2007).
[8] John R. Bowen, *Can Islam Be French? Pluralism and Pragmatism in a Secularist State* (New Jersey: Princeton University Press, 2010).
[9] Stephanie Giry, "France and Its Muslims," *Foreign Affairs* 85 (2006).

alleged consistent national ideology of secularism and a homogeneous French population.[10]

Immigration plays an imperative role in the development of this conflicted relationship. France has a longstanding relationship with Algeria, which helps to explain North African immigration. The relationship with Algeria largely shaped French views of Islam. In his article "Islam and the Colonial Legacy: Algerians in France (1945-2002)," Lucassen argues that the postcolonial relationship is at the cause of the belief that the Muslim migrants cannot integrate into French culture.[11] Lucassen emphasizes the importance of the colonial history between the two countries.

The colonial legacy has shaped the modern relationship between the French state and the French Algerian population. The perceptions of Islam by the French settlers, as well as the native Algerian struggle against colonialism have colored opinions into the present day. Mary-Jane Deeb explores the changing role and perception of Islam during colonial Algeria in her piece "Islam and National Identity in Algeria: Islam and the Political Modernization Discourse."[12] She focuses on the use of Islam as a unifying force in the Algerian resistance to colonialism; the use of a politicized Islam. The veil as a symbol of Algerian resistance to the French

---

[10] John R. Bowen, *European States and their Muslims Citizens: The Impact of Institutions on Perceptions and Boundaries* (Cambridge: Cambridge University Press, 2013).
[11] Leo Lucassen, "Islam and the Colonial legacy: Algerians in France (1945-2002)" in *The Immigrant Threat: The Integration of Old and New Migrants in Western Europe since 1850,* 171-196 (Chicago: University of Illinois Press, 2005).
[12] Mary-Jane Deeb, "Islam and National Identity in Algeria: Islam and the Political Modernization Discourse," *The Muslim World* 87 (1997): 111-128.

is also discussed; this is relevant for the later analysis of the Head Scarf Affair. The immigration during and after the Algerian War for Independence has been influential in shaping the modern relationship. In his article "Migration to Europe since 1945: Its History and its Lessons," Hansen identifies two immigration frameworks used by these countries: temporary guest worker policies and colonial migration regimes.[13] Messina uses comparative lens to identify three distinct waves of immigration into Western Europe, determining that immigrants began being received badly during the second wave, which was characterized by family reunification.[14]

The historical context provided by the aforementioned sources was necessary to study the Head Scarf Affair. Many sources discussed the head Scarf Affair, contributing various opinions on the case. In her book *The Politics of the Veil,* Joan Wallach Scott, uses the ban on headscarves to explore the current politics of the French state, exploring why the state went to such an effort to pass a law that affected a statistically unimportant number of girls.[15] There are various newspaper articles from the various instances of national debate, as well as coverage of the effects of the 2004 law. Leading up to the 2004 Law, President Chriac gave a speech on the need for a ban on religious symbols in schools, which provides the reasoning of the French state. Chriac's claims are countered by the

[13] Randall Hansen, "Migration to Europe since 1945: Its History and its Lessons," *The Political Quarterly* 74 (2003).
[14] Anthony M. Messina, *The Logics and Politics of Post-WWII Migration to Western Europe,* (Cambridge: Cambridge University Press, 2007).
[15] Joan Wallach Scott, *The Politics of the Veil*, (New Jersey: Princeton University Press, 2007).

head of the worldwide Anglican church, adding primary source opinions on both sides of the debate. Talal Asad, in his piece "French Secularism and the 'Islamic Veil Affair," provides an evolution of the media portrayal of the affair. As it became increasingly clear that many women were choosing to wear the scarf themselves, the media depiction shifted to arguing that that fact made it the most threatening.[16] The changes in media coverage of the affair help to demonstrate the various arguments within the debate. Elisa Beller chose to focus on the decisions made by the Conseil d'Etat prior to 2004, arguing that the 2004 decision contradicts the prior decisions relating to the affair made by the Conseil d'Etat.[17] The analysis of the language used by the Conseil d'Etat prepared by Beller was immensely useful.

It is hard to ignore the role of gender in the headscarf affair, and both Rada Ivekovic and Caitlin Killian use gender as their unit of analysis. In Ivekovic's article "The Veil in France: Secularism, Nation, Women," she argues that the sudden interest in women's rights surrounding the headscarf affair is being used more for political rhetoric than for sweeping social change.[18] To posit this, Ivekovic makes a comparison to her experience in the breakup of Yugoslavia, where sudden state interest in the protection of women was merely rhetoric to distinguish the state as better than the others. Caitlin Killian aims to provide the North African women's

[16] Talal Asad, "French Secularism and the 'Islamic Veil Affair,'" *The Hedgehog Review* (2006).
[17] Elisa T. Beller, "The Headscarf Affair: The Conseil d'Etat on the Role of Religion and Culture in French Society," *Texas International Law Journal* 39 (2004).
[18] Ivekovic, "The Veil in France," 1-3.

perspective on the headscarf issue because the debate has been dominated by men, both Muslim and non-Muslim, finding that age and education play an important role in the women's opinions on the affair.[19] Killian's piece highlighted the lack of any headscarf-wearing women's opinion in a debate that only directly affects them.

The existing scholarly literature regarding this topic is fairly sparse, as this issue is very current and has thus not been explored by many. The majority of scholarly literature accepts that the level of integration is better than the rhetoric of failure. However, the literature varies on the reasons for the perceived conflict and difficulties integrating. The disparity between rhetoric and reality serves to demonstrate the nuance of the relationship. In order to understand the complicated relationship between laïcité and the French Muslim population that resulted in the 2004 ban on headscarves, various perspectives on laïcité, the colonial history with Algeria, and the Head Scarf Affair are necessary. There seems to be nothing unique about Islam, as a religion, that has caused this modern conflict with laïcité, but it is a product of historical context, associations, and rhetoric.

Chapter Overview

To best demonstrate this argument, this paper will be organized into three chapters. The first will provide the historical background of laïcité, beginning with

[19] Caitlin Killian, "The Other Side of the Veil: North African Women in France Respond to the Headscarf Affair," *Gender and Society* 14 (2003).

its origins in the French Revolution. The goal of this chapter is to provide the history of the evolution of laïcité in France, looking into the concept's vagueness and internal contradictions, which help to explain the current conflict. Focusing on the importance of education and the public school in the history of laïcité serves to explain the ideological basis for the uproar regarding headscarves in schools. Starting with the French Revolution, the solidification of laïcité through the years culminating in the Law of 1905 will be discussed. It is important to demonstrate the applications of the Law of 1905 in both mainland France and its colonial Empire. The experience of applying the Law of 1905 to colonial Algeria leads into the next chapter, focusing on the history of colonial and post-colonial Algeria.

The colonial relationship between France and Algeria underscores the current relationship between the French state and its Muslim population. The goal of this chapter is to provide the historical background on the French and Algerian relationship to demonstrate the associations formed that are present in the modern Headscarf Affair. The French took Algeria in 1830, and Algeria held a unique place in the Empire, being considered an integral part of France. From the initial conquest, many Algerians resisted French attempts at colonization and assimilation. Islam existed as one of the only unifying factors across the tribal-based country, and thus Islam was politicized for colonial resistance. The discussion of the perception of Islam being synonymous to French resistance is discussed, with focus on the emergence of the veil as a symbol of Islam and

colonial resistance. The importance of education and gender in colonial Algeria is explored, as these two themes are central to the overall argument. The Algerian War for Independence left lasting impacts on both the French and Algerian populations that shape the modern relationship between them. The effects of the Algerian War are explored in the following chapter, focusing on the Headscarf Affair.

The Headscarf Affair is used as a microcosm of the broader issue regarding the relationship between French laïcité and the French Muslim population. Although not all French Muslims are of Algerian descent, they are representative of the overall population, and the lingering effects of the colonial history with Algeria underscores much of the modern perceptions. Beginning with the effects of the Algerian War, including poignant memories shaping decisions, the chapter will explore the various debates and discourse regarding headscarves in schools. The first national issue with headscarves in schools came in 1989, and the reasoning of the debates and decision will be analyzed. The subsequent decisions, in 1994 and 2004, demonstrate the importance of this issue in French society. The role that gender played in the debates is explored, with the women who wear headscarves being absent from the debate. It is important to show the use of rhetoric regarding human rights and personal freedom on both sides of the debates. Through exploring the headscarf affair, the broader context of laïcité and the Muslim population can better be understood. The chapter concludes with a look at the levels of integration of the Muslim community, and the causes of their

successes and failures. With the historical background, the analysis of the Headscarf Affair will demonstrate that it is nothing unique to Islam that has caused this apparent conflict with French laïcité, and the current place of Muslims in French society is caused by historical perceptions and social immobility; it is not caused by the religious beliefs.

Origins of French Laïcité

The origins of the modern relationship between French laïcité and the French Muslim population go back to the French Revolution, with the introduction of laïcité. Although the concept of secularism arose and manifested itself throughout the Western world, the process and manifestation of laïcité within France is unique. The peculiarities of the secularization of France illuminate the uniqueness of laïcité.

Secularism is an incredibly ambiguous term, manifesting itself differently within all the nation states that proclaim secularity. The history of secularism tends to focus on Western Europe and the Enlightenment, where secularism arose along with the rise of the sovereign state. As the Enlightenment took hold in Western Europe, states began to grapple with the difficulties of how to encompass or govern religions while not denying their social rights. The Enlightenment itself was met with great resistance from traditional institutions such as the Catholic Church whose power was challenged by the Enlightenment.[20] Secularism came about as a solution to the conflict between religious authorities and the state, both of which claimed to be the authority.

The formation of secularism in France represents an organized effort on the part of the state to wrest power away from the Catholic Church. Laïcité was a radical form of secularism, with France attempting to completely remove the Church's influence from public life. In order to understand the form that laïcité

[20] Bowen, "Secularism," 685.

has taken today, it is imperative to look to the origins of laïcité in France; a secularism deemed so unique it refuses to be translated from its original language.

Laïcité and the French Revolution

In order to understand the high place of importance given to laïcité in modern France, the importance of the French Revolution in the national memory cannot be overlooked. This relationship has caused laïcité to take on an almost religious nature, producing the state ideology of secularism that can be found in modern France.[21] There were immediate conflicts between revolutionary ideals and the Catholic Church. As illuminated by Jean Bauberot, "the rights of man, as proclaimed by the revolution, appeared as nonreligious values, even antagonistic towards Catholicism, and Catholicism was the lens through which all religion was viewed at the time."[22]

The French Revolution spurred a multitude of debates surrounding human rights, including the rights of different religions. At the time of the Revolution the Catholic Church was the dominant religion in France, thus much of the debates surrounding the rights of religious minorities focused mainly on different sects of Christianity. The only other religions in the country at the time were different sects of Christianity and a small Jewish population. The Edict of Toleration written in November of 1787 outlined the rights granted to non-Catholic religious minorities as follows:

[21] Bauberot, "Secularism and French Religious Liberty," 460.
[22] Bauberot, "Secularism and French Religious Liberty," 460.

> We will permit nonetheless to those of our subjects who profess another religion than the Catholic, Apostolic, and Roman religion, whether they are currently resident in our state or establish themselves there afterwards, to enjoy all the goods and rights that currently can or will in the future belong to them as a property title or title of successor-ship, and to pursue their commerce, arts, crafts, and professions without being troubled or disturbed on the pretext of their religion.[23]

This demonstrates how early in French history the concept of religious tolerance emerges, which is an important concept relating to the formation of laïcité. The early relationship between laïcité and religious minorities demonstrates the long-standing practice of tolerance.

With the Revolution taking shape across the country, the French state decided to subdue the power of the Catholic Church, as they centralized state power. This was achieved with the passing of the 1790 Civil Constitution of the Clergy. Priests were now required to take a new oath to the Constitution, the venerated document of the Revolution. As well as destroying monastic orders, Napoleon's Concordat stipulated that the state would recognize and finance four religious organizations: Catholicism, Reformism, Lutheranism, and Judaism.[24] Besides mere state recognition, the 1790 Civil Constitution of the Clergy also required the state to own their religious buildings and employ their ministers. Under this new system, religious tolerance meant state recognition of other religions and a subordination of the power of the Catholic Church.

The shift from a society dominated by the Catholic Church to one controlled by a secular state did not happen immediately, and was intensely

[23] Hunt, "Edict of Toleration, November 1787," 42-43.
[24] Bowen, "Secularism," 683.

radical. Although the ideals of laïcité had formed, it was a gradual change. The urban areas embraced laïcité earlier than the rural areas. Laïcité is uniquely French, in part because of how ferocious the French state attacked the Catholic Church. In an effort to fully secularize, the French state began seizing church property as national property. In particular, church bells were targeting in the confiscation. As illuminated by Alain Corbin in his book *Village Bells: Sound and Meaning in the 19th-century French Countryside*, the sound of France changed with the disappearance of the church bells, with streets once filled with the sound of church bells feeling silent.[25] The radical nature of laïcité is reflected in the French state seizing church bells to be melted down to manufacture coins for the state. The ferocious secularization process serves to demonstrate the radical nature of laïcité, helping to explain the intensity of the modern relationship.

Solidification of laïcité and the Law of 1905

The tool through which the French state cemented laïcité into French culture and society was education. The state centralization characteristic of the formation of the secular state led to a centralization of the education system. This represented the movement from Catholic Church control of education to secular state control. By the 1830s, every French commune was to have a secular school. As the power of the state grew throughout the century, so to did their emphasis on education. In 1880, the state made secular education mandatory for all children,

[25] Alain Corbin, *Village Bells: Sound and Meaning in the 19th-century French Countryside* (New York: Columbia University Press, 1998), 63.

although enforcement was very difficult and many rural areas resisted the imposition. The school was considered to be the most important place for the liberty of thought and for shaping ideal French citizens with ideal French values, as the image of the revolutionary Marianne replaced the Virgin Mary on the walls of the schools.[26] Although the initial origins of French laïcité are found in the struggle against the Catholic Church, it was also a process of the state concentrating power, which can be seen with their centralization of secular education across the country.

The system of religious tolerance created by Napoleon lasted a little more than a century. At the turn of the century, however, large changes began occurring in the policies of the French state. The liberal idea of free associations began percolating into the ethos of France, and by 1901 the French state recognized the right of citizens to form associations as a general legal right. As posited by John Bowen, "the 1901 law permitting citizens to form voluntary associations also aimed to weaken Catholic institutions by requiring that religious orders obtain authorization from parliament."[27] The state thus began closing thousands of Catholic schools, and by 1904 had banned people from teaching if they belonged to religious orders. Between 1901 and 1905, when the law often heralded as bringing about the complete separation of Church and state was passed, there was a clear and organized effort by the state to weaken the Church and to remove it from the public sphere.

---

[26] Bauberot, "Secularism and French Religious Liberty," 468.
[27] Bowen, "Secularism," 684.

Although the French Law of 1905 on the separation of church and state is often perceived as the definitive beginning of French laïcité, it is in reality just one event in the ongoing struggle between proponents of free religious association and those of strict state control. After a long struggle for power between the state and the Catholic Church, the law of 1905 was "forged in the context of a dominant religion, which was relegated to the private sphere for everyone because of the presence of small numbers of Protestants and Jews," in Rada Ivekovic's words.[28] The Law of 1905 guarantees freedom of belief within certain restrictions in the interest of public order, which refers to the operations of society functioning efficiently. The law also proclaimed that the state would not recognize nor fund any religious denomination.[29] The Law of 1905 contains two articles:

> Article 1: the Republic ensures the liberty of conscience it guarantees the free exercise of religion subject to the sole restrictions enacted hereafter in the interest of public order.
> Article 2: the Republic does not recognize, remunerate, or subsidize any religion.[30]

Under this law, religious orders are given complete control over their internal rules, and no religious order will receive recognition from the state. It is important to note that although the French state does not recognize any religious denomination, the state is not hostile towards religions as long as they remain in the private sphere.[31] The religious buildings and properties that had been

[28] Ivekovic, "The Veil in France," 119.
[29] Robert, "Religious Liberty and French Secularism," 639.
[30] Robert, "Religious Liberty and French Secularism," 640.
[31] Robert, "Religious Liberty and French Secularism," 642.

previously owned by the state, due to the 1790 Civil Constitution of the Clergy, were now available for private religious associations to take over.

Even at its founding, there existed internal contradictions in the application of laïcité. As previously discussed, the push towards secularism in France came from a desire to limit the power of the Catholic Church. Ironically, the Law of 1905 was not applied to the Catholic Church because the Vatican did not consent to it, and would not take over the religious buildings previously owned by the state. The French state was forced to maintain responsibility, giving free use of the buildings to priests and the faithful. The state only then had responsibility over Catholic religious buildings. This apparent contradiction is explored by John Bowen, who argues: "thus a law usually hailed as embodying French secularity (that of 1905) not only does not contain that term, but also was never applied to the only religion that mattered at the time, and neither of these inconvenient truths is part of the liturgy of laïcité set out in scholarly and popular publications."[32] The mainstream rhetoric surrounding French laïcité often fails to mention this seemingly large inconsistency, which continued to evolve over the 20th century. The French state's decision to begin funding religious schools in the 1950's, with the stipulation that the schools teach the national curriculum, is an example of this evolution.

Laïcité in France's Colonial Empire

The Law of 1905 did not just affect France proper. The role of French colonialism in the formation of laïcité cannot be overlooked. Rada Ivekovic notes,

[32] Bowen, "Secularism," 684.

"After all it is the wealth from the colonies that fed not only European capitalism and fabulous riches, but even the French Revolution itself and the nation state."[33] Thus the application of laïcité manifested itself much differently within French colonies. Algeria, which at the time was considered an integral part of France, was also affected by the passing of the Law of 1905 and proved to be the place where the laws application were most difficult. The religious demographics of Algeria were drastically different than those of France, with Algeria being dominated by Muslims. However, the same law was applied to both because Algeria was a part of France.

The Law of 1905 was applied much differently to Algeria than mainland France. The effect of the law in Algeria was the state was forbidden from paying the cleric's salaries anymore and the faithful were encouraged to form religious associations to take control over the buildings and services previously overseen by the state.[34] This angered many Algerian administrators who had previously "held authority over imams in Algeria, and wished to retain that authority," in Bowen's words.[35] In an attempt to create a religious association for all Muslims in Algeria, the Algiers association was formed. Unfortunately the open membership rules coupled with multitude of sects of Islam within the country lead to intense fighting within the association.

---

[33] Ivekovic, "The Veil in France," 119.
[34] Bowen, "Secularism," 689.
[35] Bowen, "Secularism," 685.

The relationship with Islam and French laïcité was difficult and fraught with inconsistencies. The implementation of the Law of 1905 in the colonial territories of France was that of politicized neutrality. There was an inherent contradiction, due to the presence of French missionaries stationed throughout the colonial empire. However, these French missionaries clashed with the French state, as they opposed laïcité. These missionaries were concerned about the effect of the Law of 1905 on their missions, while the French state had no intention of converting any Muslims. The Law of 1905 did nothing to subdue the presence of French missionaries. In the name of neutrality the French state began attacking religion in the Algeria, such as destroying mosques. The attack was focused on political Islam, which used Islam as a uniting factor for Algerian colonial resistance. The difficulty of implementing the law of 1905 in Algeria foreshadows the current difficulties faced by Muslims living in France today.

Prior to the French Revolution and the Enlightenment, the Catholic Church held an immense amount of power within France. Religion was the most important aspect of life before the rise of the Enlightenment and democracy. The link between religion and politics in France is impossible to ignore, and the creation of laïcité was born off the back of the role religion held in French society. Ivekovic argues that, "it is necessary to recognize the link between religion and politics, and particularly the theological origin of state secularism inasmuch they are the secularization of a divine concept- sovereignty itself."[36] Partially due to this

[36] Ivekovic, "The Veil in France," 117.

conceptual link, laïcité has become an intrinsically important aspect of French society. The growth of laïcité came in tandem with the rise of human rights, democracy, and sovereignty. In order to understand the current conflict with laïcité and the French Muslim population, it is imperative to understand the profound importance of laïcité in French society, as well as France's colonial history with Algeria.

History of Colonial and Post-Colonial Algeria

The historical background surrounding the longstanding relationship between France and Algeria is imperative to help understand the modern issues between the French Algerian population and the French state, especially in the realm of education and the veiling of women. The relationship between France and Algeria has been complicated, fraught with conflict and collaboration, beginning with France's conquest of Algeria in 1830. Algeria is unique compared to the rest of the French colonies, because by 1848 Algeria was not considered a colony but an integral part of France.[37] The French desired for Algeria to become another area of France and wished to transplant French culture and society into the country. By looking at the relationship between France and Algeria through the colonial period to the present, the broader context behind the modern relationship between laïcité and the Muslims in France can be better illuminated. The history of this nuanced relationship can be seen through analyzing the Head Scarf Affair as a case study.

In order to better understand the current relationship between French laïcité and the French Muslim population, it is necessary to understand the vestiges of France's colonial history that have shaped modern opinions and perceptions. Algeria was not France's only Muslim colony; at the height of their empire France fashioned itself as a 'Muslim power,' due to the wide swath of

[37] Todd Shepard, *The Invention of Decolonization: The Algerian War and the Remaking of France* (Ithaca: Cornell University Press, 2006), 15.

Muslim territories under French control, especially in North Africa. Due to this, the majority of Muslim migrants to France came from these former North African colonies, leading to a French perception of all Muslim migrants being essentially the same. Algeria also represents a special case in the French empire because of their status as an integral part of France, and thus the colonial experience in Algeria and the Algerian War for Independence greatly shaped French perceptions of Islam and the French Muslim population. For these reasons coupled with the fact that a vast amount of Muslim migrants come from Algeria is why Algeria is the focus.

Early Exposure: Cooperation and Resistance

Prior to 1830, Algeria was a part of the Ottoman Empire. The French took Algeria from the failing Ottoman Empire in 1830 and were met with immediate resistance from the native population. Much of the native resistance against colonization used religion to organize and unite. Prior to French colonization of Algeria and other parts of North Africa, France had some exposure with Islam. During the 8th Century, Muslim Spain under the Umayyad Dynasty attempted to conquer France, with an invasion of Gaul.[38] France experienced various other exposures to Islam, but France did not attempt to subjugate Islam until Napoleon. France's first attempt at colonizing Islam occurred during Napoleon Bonaparte's

[38] Timothy Parsons, "Muslim Spain: Blurring Subjecthood in Imperial Al-Andalus," in *The Rule of Empires: Those Who Built Them, Those Who Endured Them, and Why They Always Fall* (Oxford: Oxford University Press, 2010), 65-111.

campaign in the Orient, which lasted from 1798 until 1801.[39] This attempt by the French to gain colonies in North Africa failed. When France entered Algeria in 1830, the initial interactions between the French Christians and the Algerian Muslims were tense, taking the French roughly fifty years to subjugate the Algerians. After the revolution in 1848 that overthrew France's monarch Louis Philippe, the new French government of the Second Republic declared in their 1848 Constitution that Algeria was considered an integral part of France.[40]

Because of Algeria's special position in the French empire, the French state was much more concerned with implementing French culture into Algeria than any of the other colonies. Thus began the French civilizing mission of the native population, with the goal of assimilating Algerian into being competent in French society. In order to do this, the French wanted a blank slate to impose their culture and society on. According to Rick Fantasia and Eric Hirsch, "from the beginning, the French administration sought to eliminate the cultural basis of Algerian resistance, which they defined as Islam."[41] This belief by the French that Islam was the tool of potential Algerian resistance shaped much of French policy towards colonial Algeria, and thus France opposed political Islam.

---

[39] Juan Cole, *Napoleon's Egypt: Invading the Middle East* (New York: Palgrave MacMillan, 2007), 60.
[40] Roger Price, *The French Second Republic: A Social History* (Ithaca: Cornell University Press, 1972), 114.
[41] Rick Fantasia and Eric L. Hirsch, "Culture in Rebellion: The Appropriation and Transformation of the Veil in the Algerian Revolution," in *Social Movements and Culture* (Minneapolis: University of Minnesota Press, 1995): 147.

The issues of education and the veiling of women were consistently important throughout colonial history. The importance of education stems from the origins of laïcité, and the French state's effects on Algerian education helped shaped the relationship between the two. Veiling of women became linked with the political resistance of Islam, and thus the French state was opposed to it. Franz Fanon first discussed the symbol of the veil in his piece "Algeria Unveiled."[42] Fanon notes the use of the veil by revolutionary women as a means of concealing weapons. Although his analysis of the veil includes colonial stereotypes, such as the cloistered Algerian women, Fanon's contribution to the literature on veiling was incredibly influential. The rise in political Islam caused reaction from the French state. The French state attempted to depoliticize and domesticate Islam to better control the Algerian population, as well as making it increasingly difficult to practice Islam. An example of this is The Native Code, which required Algerian Muslims to acquire permits to celebrate any religious feasts and prohibited any pilgrimages to Mecca.[43] These attempts by the French to control Islam only served to strengthen its ideological and cultural importance to the Algerians.

In the 19th century, the French faced resistance to their imposition from the Sufi Brotherhoods in Algeria. As F. Colonna posits, "the Brotherhoods played an increasing part in religious and more generally cultural resistance, and also on

[42] Franz Fanon, "Algeria Unveiled," in *A Dying Colonialism* (New York: Grove press, 1965).
[43] Fantasia, "Culture in Rebellion," 147.

occasion in military resistance."[44] Various different Sufi leaders, the most famous being Amr Abd al-Qadir, led campaigns of resistance against the French until the 1870s.[45] This form of resistance was a way of asserting Algerian united identity, by using Islam as the uniting factor across the population. In Mary-Jane Deeb's words, "the attempt to stand up against an invader defined primarily as Christian, was the earliest attempt in Algeria to assert the only identity that transcended tribalism and regionalism."[46] The Sufi Brotherhoods demonstrated the first rise of politicized Islam for colonial resistance. The resistance that came from the Sufi Brotherhoods, in turn, led to the political demise of Sufi Brotherhoods in Algeria. The French state attempted to co-opt some of the Brotherhoods in an attempt to de-politicize them. This reflects the French desire to co-opt Muslim leaders and eventually govern the native Algerians through Muslim channels. The relationship between the French state and the Sufi Brotherhoods has been dynamic, filled with both conflict and collaboration. The association of resistance with Islam became solidified in the conscious of the French colonial state, and efforts were made to weaken the power of Islam within Algeria.

Uniqueness of Algeria: French Policy

Many French settlers came to Algeria, but the French population and Algerian population were kept relatively separate. The French Empire included

[44] F. Colonna, "Cultural Resistance and Religious Legitimacy in Colonial Algeria," *Economy and Society* 3 (1974): 236.
[45] Deeb, "Islam and National Identity in Algeria," 117.
[46] Deeb, "Islam and National Identity," 117.

various North African colonies with Muslim majorities, but Algeria was the only territory that was officially French soil. Due to this fact, the Algerian experience with France was different than the rest of the former French Empire. Algeria was a province of France, with a portion of the population living as second-class citizens without full rights: the native population. The French *colons* that settled in Algeria lived much better lives than the native Algerians. As Leo Lucassen illuminates, "Algerians could not vote, had to pay special 'Arab' taxes, were subjected to a special, much more repressive, judicial system, and were not allowed to move freely throughout their department, let alone travel to the mainland."[47] These policies made native Algerians lesser than the new French settlers in the eyes of the law, and bred intense dissent and dislike towards the French. The native Algerians were kept out of the French legal system and kept within the Islamic legal system. In order to become fully assimilated into the French legal system, it was required to denounce Islam. By placing a religious identity barrier to the legal system, the French state perpetuated the separation of the populations.

Genuine colonial policy began being enacted in earnest by 1871, and the French policy in Algeria was extremely assimilationist and profoundly destructive to the preexisting Algerian culture and society.[48] The French used a divide and rule approach to the different ethnic groups in Algeria, keeping the Arabs and the Berbers separate to maintain better control. As the French perceived the brotherhoods as the main source of opposition, the colonial administration began

[47] Lucassen, "Islam and the Colonial Legacy," 174.
[48] Colonna, "Cultural Resistance," 241.

enacting measures against establishing effective administrative controls within the brotherhoods. The breakup of tribal society caused the Sufi Brotherhoods to become essentially socially and politically ineffective. After the French destroyed the traditional tribal basis of the country, France began to urbanize Algeria and encouraged French-style education.

French perception as Islam as the outlet for potential resistance stemmed from the lack of separation between church and state within Islam, seeing as Mohammed was both a prophet and a statesman. Lucassen argues, "by not acknowledging the fundamental separation of church and state, Muslims were felt to be an unprecedented threat, reaching much deeper than any of the conflicts French society may have experienced in the past."[49] The influence of Islam in Algeria was not compatible with the French attempts to completely assimilate the Algerians into French society, and conflicted with the French belief of separation of church and state, stemming from the French Revolution.

Political Islam: French Fear and Symbol of the Veil

Although the French had effectively pacified the formal organizational base of Islam in Algeria, the importance of the faith seemed to grow under French colonialism. Because of France's intense attempt to domesticate Islam, the faith and practice of Islam became a form of protest and resistance. "Resistance to colonialism became synonymous with the faith and practice of Islam," according to

[49] Lucassen, "Islam and the Colonial Legacy," 171.

Fantasia and Hirsch.[50] Resistance against French culture and French colonialism led to a return to the traditional Islamic community, including traditional gender practices like veiling. The widespread return of veiled women under French colonialism was due to the return to the traditional Islamic community as a form of sanctuary.

The veil became a contested symbol of colonial resistance, shaping French policy and perceptions. For the French, the veil grew to be a symbol of their inability to fully assimilate the Algerians, thus the belief grew to be that the only way to thoroughly conquer Algeria was through the unveiling of Algerian women.[51] The veil represented, to the French, the constant reminder of the native culture they were trying to control. In Fantasia and Hirsch's words, "the non-reciprocity involved in the wearing of the veil, the 'seeing but not being seen' aspect, presumably represented to the settler an inviolable core of native resistance outside his control."[52] The powerful desire to control the native population led France to continue to pursue policies targeting Islam, and the veil. Interestingly, much of the French propaganda was devoted to "defending" these veiled Algerian women from oppression at the hands of the veil.

The symbol of the veil resonated strongly with both the French and the Algerians. Because of the French focus on the veil, the veil became increasingly important to the native Algerians. "As the veil became symbolically central to

---

[50] Fantasia, "Culture in Rebellion," 148.
[51] Fantasia, "Culture in Rebellion," 151.
[52] Fantasia, "Culture in Rebellion," 150.

colonial goals, it resulted in the revival of the cult of the veil, source of symbolic resistance to French authority," posits Fantasia and Hirsch.[53] The veil became much more than a piece of cloth for both the French and the Algerians, as it was shaped into a symbol of resistance. This memory of the veil as a symbol of resistance to French control reverberates into the present day, where the veil became so politically contested that a 2004 law banned the veil, and other conspicuous religious symbols, from public schools.

Education in French Algeria

Education was deeply important to the French state and seen as the ideal method of shaping ideal subjects; education was the sector where the French state was most active in trying to turn the native Algerians into ideal French citizens. Alf Andrew Heggoy claims, "the attempt to control Algeria through the assimilation of Algerians into French society was no more clearly demonstrated than in the field of education."[54] France controlled language, curriculum, and methods of instruction in the schools in Algeria. Qur'anic schools were seen as dangerous spaces for the formation of new potential resistance, therefore the French shut down half of existing Qur'anic schools within 20 years of ruling Algeria.[55] This follows the trend of France's policy of dismantling the existing educational system and replacing it with its own, in an attempt to assimilate the native population

[53] Fantasia, "Culture in Rebellion," 151.
[54] Alf Andrew Heggoy, "Education in French Algeria: An Essay on Cultural Conflict," *Comparative Education Review* 17 (1973): 180.
[55] Deeb, "Islam and National Identity," 117.

into French values and culture. A significant decrease in Algerian literacy occurred at the end of 19th century and beginning of the 20th, following the shut down of Qur'anic schools and Sufi Brotherhoods. The only Qur'anic schools that were allowed to stay operational were under French supervision. The French surveyed the curriculum of these Qur'anic schools, and the schools were co-opted by the French in an attempt to forge good colonial subjects.

The dismantling of the Islamic educational system in Algeria was incredibly destructive, and was not adequately replaced by a French-style education. Although France wanted to transform Algeria, the French never built enough schools to educate more than a small minority of all school-age Algerian children.[56] This failure caused a generation of Algerian to lack access to education, resulting in the aforementioned literacy decline. On top of the lack of schools, there continued to be the ideological divide between the French and the native Algerians over their identities. "The French wanted to develop their Algerian subjects, to assimilate them; the Algerians generally wanted to remain what they were, Algerian Muslims-they did not want to become Frenchmen," in Heggoy's words.[57] The efforts of the French to transform Algeria were continually met with resistance from Algerians holding tightly to their own culture and traditions. Through the turn of the century, Algerian resistance focused on a determined refusal to be affected by France's culture and civilization. This included an outright rejection of French-style education.

---

[56] Heggoy, "Education in French Algeria," 181.
[57] Heggoy, "Education in French Algeria," 196.

A Changing World: Immigration and Nationalism

The relationship between Algeria and France began to change significantly after the French state passed the Law of July 15 1914, which granted native Algerians freedom to immigrate to mainland France.[58] Until this point, native Algerians could not even move around their department freely. The opening of immigration between Algeria and France was a tactical move by France to utilize cheap labor from Algeria. With the outbreak of World War I shortly after the opening of immigration, the French state needed labor and soldiers. The immigration trends between France and Algeria were primarily single male workers. These single males began migrating to France temporarily as workers, and were thus accepted by the mainland population because they were seen as temporary.[59] Also, much of the immigrants from Algeria served the French war effort as soldiers, leading to racial conflicts within the French military.[60] The use of colonial subjects as soldiers in World War I left a lingering anger amongst the colonies towards France. It is important to note that the native French often saw these migrants often as subjects, not citizens; France viewing them through the lens of colonialism. The sense of political exclusion found in colonial Algeria was transferred to mainland France. The immigration pattern from Algeria stayed

[58] Lucassen, "Islam and the Colonial Legacy," 175.
[59] Lucassen, "Islam and the Colonial Legacy," 175.
[60] Tyler Stovall, "The Color Line behind the Lines: Racial Violence in France during the Great War," *The American Historical Review* 3 (1998): 739.

mostly single males until after the end of World War II, but many other changes occurred in the French-Algerian relationship.

The end of World War I caused a rise in nationalism across the globe. The concept of self-determination brought about by President Woodrow Wilson in his Fourteen Points, principles of world peace outlined for post-WWI peace negotiations, began to stir change across the world. Every country has a right to self-determination, which is the determination of its own statehood and form of government.[61] Nationalism began to take hold across the world, often in areas occupied by a colonial power. The Algerian migrants took strongly to the concept of nationalism, earlier than the native Algerians. Living in France, these migrants were met with discrimination and became politicized. The first Algerian Nationalist parties were founded in mainland France, during the 1920s.[62] These Algerian Nationalist parties were influential in the later founding of the National Liberation Front in Algeria in 1954.

The end of World War I brought about many changes within colonial Algeria. France gave control of local affairs in Algeria over to the European settlers, called *colons*, who had settled in Algeria in the mid-19th century. These *colons* were generally opposed to any sort of reform that benefited the native population. Throughout the 1930's, Algerians calls for educational reforms had little to no

---

61 Wilson, "The Fourteen Points," 1.
62 M. M. Knight, "French Colonial Policy-The Decline of 'Association," *The Journal of Modern History* 2 (1933), 215.

effect, due partially to the *colons* opposition to reforms in favor of the natives.[63] Algerian nationalism grew simultaneously with the demand for French-style education. However, this nationalism was vehemently anti-colonial and anti-French.[64] The Algerian call for French-style education was not due to a change in Algerian opinion on being subjects of the French Empire. These calls for education by Algerians had little effect until the end of World War II.

As their nationalism continued to grow, Algerians continued to push for better education. Following years of decreasing Algerian literacy, due to the closing of Qur'anic schools, a reformer emerged by the name of Abdelhamid Ben Badis. In 1931, Ben Badis founded the Association of Algerian Muslim Ulama, which unified many Islamic scholars from Algeria.[65] This association created a network of private schools, cultural circles and youth movements, which rapidly extended throughout Algeria. The importance of Ben Badis was the unity he provided between the rural and urban areas of Algeria. The reform movement started by Ben Badis helped to provide an outlet for Algerian nationalism to grow.

Although the Ulama had set up a network of private schools, the calls for French-style education continued. These calls fell on seemingly silent French ears "until 1944, when France announced plans to build enough schools to enroll about half of the Algerians of school-age by 1964," according to Heggoy.[66] After the end of World War II, France could focus its energy on maintaining its empire, which

---

[63] Heggoy, "Education in French Algeria," 196.
[64] Heggoy, "Education in French Algeria," 195.
[65] Colonna, "Cultural Resistance," 238.
[66] Heggoy, "Education in French Algeria," 196.

was filled with growing dissent. Announcing plans to build schools is indicative of the French state becoming aware of the dissent within Algeria and the tenuous nature of French control over the country. The French state began to give in to some of the Algerian demands, in the hopes that it would pacify the native population. This included making Arabic an official language in Algeria and providing the framework to teach Arabic at every level of Algerian education.[67]

Following World War II, Algerian immigration patterns to France began to change. The consistent system of single temporary male workers changed as it became clear these workers were not temporary, and more women and children began arriving. As demonstrated by Lucassen, "until the 1950's, the rotation system of single males prevailed, but very gradually the patterns of chain migration gave way to a form of permanent settlement in France."[68] Families of these "temporary" workers began arriving to permanently settle in France. Much of the native French population did not want the influx of permanent Algerian migrants. However, the Algerians were not foreigners coming to France but rather internal migrants. Because of Algeria's unique place as an integral part of France, the French state was powerless to curb the influx of Algerians. As tensions rose, more and more Algerians fled the potential violence in Algeria by coming to France.

[67] Heggoy, "Education in French Algeria," 197.
[68] Lucassen, "Islam and the Colonial Legacy," 177.

Outbreak of War: The Most Brutal Colonial War in Africa

These attempts by the French state did not succeed in pacifying the native Algerian population, as ideas of self-determination and a resurgence of Islam propelled Algerian nationalism forward. The National Liberation Front (FLN) was founded on November 1, 1954, with the goal of obtaining independence from France.[69] With the declaration of the formation of the FLN, the Algerian War for Independence began. This movement was secular in nature, yet the Association of Ulama declared its complete support for the FLN and merged with them in 1956, two years into the war. The reform movement transformed Islam into a powerful political tool. As Deeb argues, "it reformed Islam to stand against the French cultural onslaught, used Islamic education to unite Algerians by mobilizing all classes of Algerian society, and compromised with the secularists only when it believed it could influence them."[70] In order to ensure that Islam would not be forsaken in the struggle for independence, it was necessary for the Ulama to join with the FLN.

The Algerian War for Independence left a lasting impact on the relationship between France and Algeria, and the memory of the long bloody war has shaped much of the subsequent interactions between the two countries. The war lasted nearly eight years, from November of 1954 until March of 1962. The Algerian War for Independence was the most brutal colonial war in Africa. The brutality of this

[69] Shepard, *The Invention of Decolonization,* 23.
[70] Deeb, "Islam and National Identity," 121.

conflict represents a catalyst for the ongoing relationship between France and Algeria. In March of 1962, the French were forced to leave and Algeria gained its independence.

Following the end of the war, the responsibilities of the French state in regards to the Algerians changed dramatically. The people they once sought to control, they were now responsible for assimilating into French society. As explained by Jocelyn Cesari, "the same people who, as a ruling minority, once sought to constrain an Algerian majority on North African soil, now finds itself, as a governing majority, trying to assimilate an Algerian minority on its own French ground."[71] The colonial history helps to illuminate the basis for much of the modern struggle towards integration for Algerians in France. The relationship, fraught with conflict and collaboration, has been shaped by the colonial relationship, as much of the colonial structures and power relationships were transferred to mainland France. The associations and memories left behind from the colonial relationship of the two countries have colored the interactions between the French state and the growing French Algerian population.

[71] Jocelyne Cesari, "Islam in France: The Shaping of a Religious Minority," in *Muslims in the West, from Sojourners to Citizens* (Oxford: Oxford University Press, 2002), 36.

Head Scarf Affair in France

The current conflict between laïcité and the Muslim population can be viewed through the lens of the Head Scarf Affair as a case study. The Head Scarf Affair refers to a series of incidents regarding women wearing headscarves in schools in France across a few decades that culminated in the 2004 law, which bans all ostentatious religious symbols. The historical background on both laïcité and the colonial relationship between France and Algeria help to further illuminate the headscarf affair, especially in the realms of education and veiling of women. Although not all Muslims living in France are of Algerian descent, the majority comes from the North African region of France's old colonial empire. The Algerian case serves as a good representation of the overall issue. The perceived intrusion of religion into the schools, which are viewed as the most important place for shaping ideal citizens and upholding laïcité, serves as a microcosm for the current issues between the French laïcité and the French Muslim population.

This case study serves to illuminate various realities regarding the relationship between the French Muslim population and French laïcité. The focus is on the effect of the colonial history with France and Algeria in the Headscarf Affair and in assessing integration among French Muslims. The Algerian War for Independence had significant effects on France, including immigration, culture, and religious demographic changes. To analyze the Headscarf Affair, the effects of the war and the colonial relationship on both French Muslims and native French will be explored. The Headscarf Affair spanned 1989 until 2004, and demonstrates

many associations created by the colonial history. The Headscarf Affair is used as a case study following the focus on the France and Algerian relationship because Islam, especially political Islam, became central to both issues. The debates surrounding headscarves on both sides demonstrate the conflict existing under laïcité around religious freedom. The Headscarf Affair also serves to illuminate realities of integration among French Muslims, who are not all of Algerian descent. The Headscarf Affair demonstrates the difficulty of France to integrate a large Muslim population, due to a variety of factors including: colonial history, interpretations of laïcité, the fear of Islamic terrorism, and assumptions about Islam.

Memories of War

The effects of the Algerian War for Independence on France are lasting and far reaching. The largest influx of Algerian migrants came to France at the end of the War. These migrants were not received well by the native French population, as the memory of the long and bloody war was incredibly fresh in their minds. These Algerian migrants were put in a difficult position, in the realm of integration, because there was a sentiment that fully integrating into French culture would be betraying their fellow Algerians who had valiantly fought against French colonialism. There was a shared belief across the native French and Algerian migrants that the migration was temporary. The former colonial subjects did not want to become citizens of their former ruler. In Jocelyn Cesari's words, "They were never interested in becoming citizens of the nations that had colonized

their country."[72] This myth of return created an uneasy peace between the Muslim migrants and the French population, as the general discourse was that it would be temporary.

The memory of the brutal war is inexplicitly tied with Islam, due to the importance of Islam in the cultural unification that led to resistance towards independence. As posited by Cesari, "No first generation North African immigrant can contemplate his religion without remembering a painful time when preservation of Islam played a crucial role in his nation's struggle against French domination."[73] Because of this colonial history, French Algerians that came to France following the war often view their religious and national identity as the same. The Algerian community in France reaffirms the particular meaning Islam has gained in the course of Algerian history, which causes different Muslim ethnic groups to remain separate. The effect of colonialism in Algeria has been a solidification of national identify with religious; this effect is true in the rest of France's former North African colonies. This national-religious identity has made integration more difficult, with fragmentation within Islamic community across ethnic lines.

The memory of the war reverberated strongly with the former French settlers of Algeria, who were forced to return to France after Algeria won its independence. Many of these settlers had been in Algeria for generations, and therefore felt that Algeria was their home. These disillusioned settlers returned to

[72] Cesari, "Islam in France," 38.
[73] Cesari, "Islam in France," 39.

France, as well as the French soldiers that fought in Algeria, with anti-Algerian and anti-Muslim sentiment. It was from these disillusioned groups that the National Front, a vehemently anti-immigrant political party, was born.

The Algerian minority, as well as other Muslim migrants from other areas, felt excluded from the mainstream French. There had been rhetoric regarding the failure of the French Muslim population to integrate, as well as demonstration of their success in integrating. As the myth of these migrants returning to the country of origin disappeared, France was faced with the reality of a radically more diverse society than ever before.[74] The issue of headscarves in schools harkens back to associations of headscarves with colonial resistance and has been perceived as an attempt to infiltrate the educational system to dismantle laïcité.

Headscarves in Schools: Initial Outrage, Debate, and Decision

The issue of veiled women in school was brought to the national stage in 1989. In 1989, three Muslim schoolgirls were expelled from their school in Creil, France for refusing to remove their headscarves.[75] This event led to a national debate over whether wearing a headscarf in school violated the principles of laïcité. Issues with religious symbols were far from new for French society, with debates over symbols playing a large role in the origins of laïcité. The public debate was incredibly animated surrounding the issue, with groups like the National Front strongly opposed to headscarves in schools and groups supporting

[74] Lucassen, "Islam and the Colonial Legacy," 186.
[75] Killian, "The Other Side of the Veil," 567.

headscarves that argued for the freedom of expression. Misconceptions surrounding the debate were present from the beginning, especially surrounding the misleading language of calling it the 'veil issue.' The symbol of the 'veil' resonates strongly in France. This language implies that the Muslim girls expelled from their school in Creil for wanting to wear a veil to cover their faces. According to an opinion piece in the *New York* Times, "the three Muslim girls in this French school are asking to be allowed to wear a scarf, as required by their religion, and to practice their religion, as permitted by the French Constitution."[76] The misconceptions surrounding the differences between full veils, headscarves, and other religious garb convoluted the debate. The misleading language played on the preexisting associations and opinions about Islam and the veil present in France, such as the colonial association of the 'veil' as a symbol of resistance against the French state.

The Conseil d'Etat issued its first ruling on headscarves in 1989. According to the court's decision, headscarves were permissible in schools as long as they were not too ostentatious.[77] The consensus was that headscarves that were not too ostentatious did not negate the secularism being imparted in school, and was not a nefarious attempt to undermine laïcité. However, ultimately the Conseil gave the responsibility to the local principles of the schools to determine whether or not specific cases were too ostentatious. According to Elisa Beller, "Even as it proposed

---

[76] Khalid L. Rehman, "Muslim Head Covering Far Different From Veil," *New York Times,* December 24, 1989, 1.
[77] Beller, "The Headscarf Affair," 584.

a redefinition of laïcité, the Conseil d'Etat rendered a decision ambiguous enough to increase rather than decrease the level of conflict over the presence of headscarves in France's public schools."[78] The issue of headscarves in schools is a reaction to the perception of headscarves as a symbol for political Islam. Politicized Islam had always been the fear for French colonists, and this fear reverberates into present-day France. The debate over headscarves that began in 1989 "serves as the latest demonstration of the power of the headscarf to crystallize the controversies over Islam, immigration, and national identity that have emerged in France," in Beller's words.[79] Understanding that the headscarf is a symbol of a much larger concept is imperative to unpacking the French headscarf affair and the current conflict between the French state and the French Muslim population. Due to the Conseil passing responsibility off to the local principles, there were continuous local incidents of girls being asked to remove headscarves in schools. When brought to the Conseil, however, they generally upheld the right of students to wear their religious garb from 1989 until 1999.

The headscarf affair serves a good microcosm for the larger conflict between laïcité and the Muslim population, because it incorporates both the veiling of women and the school. Since its initial origins in the French Revolution, laïcité has relied on the public school as the most important place for creating ideal secular citizens. The importance placed on the school has not wavered in the years since its creation. Talal Asad posits that, "public school has such an extraordinary

[78] Beller, "The Headscarf Affair," 622.
[79] Beller, "The Headscarf Affair," 582.

ideological place in the Republic's self-presentation."[80] In order to preserve its Republican tradition, France relies on the public school to impart the necessary ideologies unto its citizens. The public school exists as a physical symbol of the continuation of laïcité and French Republicanism. With the public school as a symbol for laïcité and the veiling of women as a symbol for Islam, the Headscarf Affair clearly demonstrates the broader relationship between laïcité and the French Muslim population.

The Influence of Gender in Debate Over Headscarves

Following the Conseil's initial 1989 decision, the issue of headscarves in schools was not brought back for a national debate until 1994. Although the issue was not resolved in 1989, there were relatively few cases of girls being expelled from their schools for wearing headscarves. Various incidents regarding headscarves in schools occurred across France in 1994, resulting in more than 100 girls not allowed to attend public school.[81] The issue was thrust onto the national stage, and once again the Conseil d'Etat issued a decision regarding headscarves in schools. Once again, they upheld their 1989 decision. The court declared that headscarves are permissible in schools as long as they are not too ostentatious, and the responsibility for determining what qualified as ostentatious was left to the local principles. These consecutive decisions represent the balance between state and religion within France. As argued by Tala Asad, secularism is invoked to

[80] Asad, "French Secularism," 104.
[81] Killian, "The Other Side of the Veil," 568.

prevent "the perversion of politics by religious forces on the one hand, and the states restriction of religious freedom on the other."[82] The conflict over headscarves straddles this balance, with proponents on both sides arguing the balance is being tipped towards the side of the opposition.

The resurgence of the debate in 1994 was met with similar arguments to 1989, arguments that were notable for the absence of any Muslim women on either side. Headscarves are an issue that affects Muslim women directly, as they are the ones wearing it, and yet mostly men dominated the national debate surrounding headscarves in schools, beginning in 1989. The women who did factor into the debate did not wear headscarves themselves, therefore could not speak on behalf of headscarf-wearing women any better than men. Many of these French women, often prominent feminists, were opposed to headscarves because they perceived it as a symbol of the oppression and segregation of women. Anne Hidalgo, the deputy mayor of Paris with a history of support for women's rights, supported the ban, saying, "The 'evolution' of the veil here isn't about choice, or religion. Perhaps the veil once said something religious, but now it's a sign of oppression. It isn't God, it's men who want it.'"[83] The focus of the headscarf as a symbol for male control over women led many prominent French feminists to denounce the wearing of headscarves. That is not to say that all French feminists opposed headscarves, with feminists Francoise Gaspard and Claude Servan-Schreiber

---

[82] Asad, "French Secularism," 105.
[83] Jane Kramer, "Taking the Veil: How France's public schools became the battleground in a culture war," *The New Yorker,* November 22, 2004.

publicly supporting the veiling of girls in schools. However, the opinions of any headscarf-wearing women were noticeably absent.

When looking at the language of the debate, the gender difference becomes clear. Rada Ivekovic claims that, "gender clearly traverses, informs, organizes, and shapes all activity, institutions, relations, as well as minds."[84] The national debate, dominated mostly by men of all religions, used language of freedom and individual rights as the reasoning for their argument; this reasoning was used on both sides of the debate.[85] According to some of those in favor of wearing the headscarf, the right to religious freedom, as guaranteed by the Law of 1905, should extend to the right of schoolgirls to wear headscarves. Those arguing in favor of wearing the headscarf claimed that banning it would be taking away freedom of girls to express themselves, while those against it claimed that wearing a headscarf took away personal freedom. Those in favor viewed headscarves as a means of personal expression, while those opposed viewed headscarves as an oppressive practice, forced onto women by men.

Proponents of banning the headscarf from schools initially portrayed veiled women as victims of their male relatives who were "forcing" them to wear the headscarves.[86] However, this rhetoric was forced to change when studies revealed the very diverse reasons for wearing a headscarf among French women. Thus they began to rely on the concept of involuntary servitude, in order to explain those

---

[84] Ivekovic, "The Veil in France," 117.
[85] Killian, "The Other Side of the Veil," 585.
[86] Asad, "French Secularism," 103.

who were choosing the headscarf. In Asad's words, "that young French women should themselves choose to wear the headscarf is precisely what makes them even more dangerous."[87] It is interesting that when the initial claim of victimization proved to be false, those pushing for headscarf ban did not waver in their desire to ban the headscarf. This steadfast desire to ban the headscarf is indicative of the larger climate of controversies surrounding the place of Islam in France. It demonstrates Caitlin Killian's description of "the veil as a contested symbol of culture, religion, and gender."[88]

These arguments by men dominated the national stage, but the responses from women were noticeably more diverse. The diversity of opinions tended to vary depending on age, and most importantly their levels of education. Interestingly, the levels of religious participation do not shape the opinions regarding the headscarf ban, with religious and non-religious Muslim women supporting both sides of the debate. The seemingly absent opinions of women on the issue were explored by Caitlin Killian in her article "The Other Side of the Veil: North African Women in France Respond to the Headscarf Affair" through interviews with North African Women living in France. Of the women who believe veiling should be allowed in school, two distinct arguments are present, each hinging on the relevance of the veil to Islam. Some women argue the veil is not a symbol of Islam and therefore should not be a problem. Others argue the veil should be allowed because all people have the right to express their religion and

[87] Asad, "French Secularism," 104.
[88] Killian, "The Other Side of the Veil," 587.

culture. The former argument mostly comes from uneducated women contrasted with the latter argument coming mostly from college graduates.[89] Although both groups of women agree that it should not be banned, the distinction between content of argument helps to demonstrate the importance of education as a factor in North African women's perceptions of the ban.

Many of the women who support the ban on headscarves in school agree that the school is the ideal place for integration, running concurrently to French public opinion. Those who support the ban support the notion that headscarves in schools create a barrier to full integration. Of the women supporting the ban, there are many religious Muslims who migrated immediately after the Algerian War, when integration was very difficult and almost required hiding their Muslim identity to fit into French society. Killian notes that, "Older women who came to France in the 1970's have memories of not wanting to be seen on the street."[90] The difficulties surrounding integration leads many of these women to support the ban, as it is viewed as beneficial step towards more complete integration of the French Muslim population. The opinions regarding the headscarf ban are aforementioned not determined by levels of religious participation, with religious Muslims against the ban calling for religious freedom and religious Muslims supporting the ban insisting that "Islam is a matter of the heart and that its best to be a good Muslim at home in private."[91] Again it is important to note that levels of

[89] Killian, "The Other Side of the Veil," 575.
[90] Killian, "The Other Side of the Veil," 588.
[91] Killian, "The Other Side of the Veil," 588.

religious participation do not color which side of the debate women's opinions fall under, as it serves to demonstrate that religion is not the swaying factor in opinions on public issues, paralleling their French peers.

Rising Fear of Islam and Resurgence of Headscarf Debate

The decision of the Conseil d'Etat regarding headscarves as permissible if not too ostentatious was upheld throughout the 1990's. The issue would not come to another national decision until 2004. Between 1994 and 2003, around 100 female students were expelled or suspended for wearing a headscarf, but the French courts, upholding the 1989 and 1994 Conseil decisions, annulled nearly half the cases.[92] However, the conflict over headscarves remained present in French consciousness. In the wake of the 9/11 attacks in the United States, there was a growing fear and general distrust of Islam throughout the Western World. The terrorist attacks of 9/11 brought about strong calls for secularization throughout the Western world. As argued by Saba Mahmood, "The most obvious of these strident calls is Islam, particularly those practices and discourses within Islam that are suspected of fostering fundamentalism and militancy."[93] Countries began calling for stronger secularization, especially towards their Muslim populations. By viewing Islam as potentially dangerous and in need of secularization, a focus was placed on Islam that made it distinct from other religions. This created a barrier

[92] Nicky Jones, "Beneath the Veil: Muslim Girls and Islamic Headscarves in Secular France," *Macquarie Law Journal* 9 (2009): 57.
[93] Saba Mahmood, "Secularism, Hermeneutics, and Empire: The Politics of Islamic Reformation," *Public Culture* 18 (2006): 323.

for integration, as Islam was seen as unique from other religions. The general distrust of Islam harbored by some of the French population was exacerbated by the climate of fear created by the 9/11 terrorist attacks.

As the distrust of Islam grew in France, the debate surrounding headscarves in schools was ignited once again. The French public began to associate Islam with insecurity and violence. Although terrorist attacks sparked fear throughout Europe, "the problem of jihadism is largely distinct from the issue of Muslims' integration into the European mainstream," Stephanie Giry notes.[94] This distinction did not stop politicians from playing off fears of Islam to enact policy. In December of 2003, then-President Jacques Chirac was presented with an official report regarding the place of religion in French society and the importance of preserving the French Republican ideal of separation of church and state.[95] In Ahmet Kuru's words, "certain French politicians have strategically adopted restrictive policies towards Muslims to satisfy their constituents."[96] President Chirac appeared to do just that. The following week on December 17, President Chirac made a speech broadcasted live on television where he called for a new law banning the wearing of headscarves for Muslim girls, large crosses for Christians, and skullcaps for Jewish boys in public schools. President Chriac began the speech

---

[94] Giry, "France and Its Muslims," 87.
[95] Elaine Sciolino, "Chirac Wants Religious Attire Banned in Public Schools," *New York Times,* December 17, 2003, 1.
[96] Ahmet T. Kuru, "Secularism, State Policies, and Muslims in Europe: Analyzing French Exceptionalism," *Comparative Politics* 41 (2008): 3.

with reference to the importance of human rights, harkening to the French appeal to human rights, dating back to the French Revolution. President Chirac said:

> In all conscience, I believe that the wearing of dress or symbols that conspicuously show religious affiliation should be banned in schools. The Islamic veil-whatever name we give it-the yarmulke and a cross that is of plainly excessive dimensions: these have no place inside public schools. State schools will remain secular. For that a law is necessary.[97]

By mentioning yarmulkes and large crosses, President Chirac helps make the argument that the state is not creating a law against Muslims. The resurgence of the headscarf debate represents the increasing demands of France's growing Muslim population, of which the headscarf served as a symbol. As distrust towards Islam grew, the far-right National Front party, founded primarily by former settlers of Algeria and veterans of the Algerian war, garnered more and more support. The National Front party capitalized on the struggle to integrate around 5 million Muslims into French society by using it to influence President Chirac; they heavily criticized the Chirac government for not being tough enough on illegal immigration and crime.[98] Although support for a ban of headscarves grew in the early 2000's, the debate remained incredibly active with strong opinions on both sides.

Following President Chirac's call for a ban on headscarves and other ostentatious religious symbols, a fiery national debate erupted surrounding the meaning of laïcité and the role religious dress has in the public schools. Interestingly, an incredibly small percentage of Muslim schoolgirls even wore the

---

[97] Sciolino, "Chirac Wants Religious Attire Banned in Public Schools," 1.
[98] Sciolino, "Chirac Wants Religious Attire Banned in Public Schools," 1.

veil, demonstrating that the law was fueled more by perception than reality. This debate focused heavily on themes of education and gender, as well as the right to religious freedom. On December 25 of 2003, the head of the worldwide Anglican church, Bishop Rowan Williams of Canterbury publicly criticized France for its proposal to ban religious symbols from schools. Williams claimed that laïcité had created an environment of religious intolerance, where religion is looked at with suspicion and fear. "The proposal to ban Muslim headscarves in French schools suggests that there is still a nervousness about letting commitment show its face in public," Archbishop Williams said.[99] He claimed that discomfort about religion paves the way for religious intolerance and discrimination, and France's proposed headscarf ban would further legitimize the suspicion surround religions, especially Islam.

Banning Headscarves: Contradictions and Rhetoric

The question of whether or not headscarves could be worn in public schools came to a national debate for the third time on February 10 of 2004. In a vote that overturned the precedents set by the Conseil d'Etat in 1989 and 1994, a law was passed. "The French National Assembly voted 494 to 36 to pass legislation that would ban the wearing of an Islamic headscarf, or any other conspicuous religious symbol, within French public schools."[100] After passing in the Senate with a similar majority, the ban on headscarves became law. As Giry notes, many of the

[99] Anglican Leader Chides France for Moves Against Signs of Faith," *New York Times,* December 26, 2003, 1.
[100] Beller, "The Headscarf Affair," 581.

opponents of the ban on headscarves argued that, "it was based on an interpretation of laïcité that was neither philosophically necessary nor historically justified."[101] The effect of this law is homogenizing the population, at least within schools. It can be argued that the law discriminates against those who wish to express a culture different from the state-endorsed "French culture." Although the law has been passed, the debate and controversy surrounding headscarves in schools and in general has continued strongly in France.

The law was partially intended to bring clarity to the ambiguous decision made by the Conseil d'Etat in 1989. Although some protest the legality of the law, the European Court of Human Rights would be responsible for invalidating the law. The Convention for the Protection of Human Rights and Fundamental Freedoms contains the laws regarding religious freedom that would apply to the 2004 law. On the one hand, "the right to freedom of religion as guaranteed under the Convention excludes any discretion on the part of the State to determine whether religious beliefs or the means used to express such beliefs are legitimate."[102] And yet the European Court has also demonstrated its willingness to invoke an exception laid out in Article 9 of the same Convention: "Article 9 does not protect every act motivated or inspired by religion or belief. Moreover, in exercising his freedom to manifest his religion, an individual may need to take his specific situation into account."[103] In order for Article 9 to be applied, the State

[101] Giry, "France and Its Muslims," 92.
[102] Beller, "The Headscarf Affair," 622.
[103] Beller, "The Headscarf Affair," 622.

must determine whether the expressions of certain religious beliefs are legitimate, which directly contradicts the Convention's statement on the freedom of religion. This exception has been utilized by the French Conseil d'Etat as well, demonstrating the ambiguity surrounding religious freedom. As Beller demonstrates:

> The Conseil d'Etat has invoked Article 9 in a decision upholding the ruling that a woman cannot wear a headscarf in her photograph for official identification because in such an instance the interest in public order outweighs the interest in religious freedom.[104]

The willingness to utilize this exception found in the Convention demonstrates potential contradictions in how the French state deals with religious freedom. The issue of religious freedom is at the center of the debate about the legality of the 2004 law, and the use of Article 9 represents the State choosing when religious freedom is important.

The 2004 law banning headscarves and other conspicuous religious symbols in schools appears to be protecting laïcité. However, laïcité prescribes that the State has no role in religion and guarantees the free exercise of religion. Therefore, the imposition of the French state in determining what clothing is religious and what is not represents the State playing a role in the religion, which seemingly goes against the strict separation of religion and state laid out in laïcité. "The recent French law banning the display of religious symbols in public schools may be taken as another example of how a self-avowed secular state has come to define

[104] Beller, "The Headscarf Affair," 623.

what religious and nonreligious attire is in the public domain," Mahmood posits.[105] By playing a role in the freedom of religious exercise in France, the state has seemingly gone against the concept they claim to be protecting. With no agreed upon definition, laïcité is massively useful as a political tool, especially because of its ideological importance in France. Because the language of the Law of 1905 is sparse, there has never been agreement on the role religion should play in the public sphere because it is not explicitly laid out in the law. This disagreement lies at the root of the headscarf controversy, which centers on whether the state should protect or prevent public religious expression. For example, there exists a divide in public opinion regarding public religious practices, with some believing laïcité guarantees the freedom of such practices and some believing it prevents such practices.[106] Due to these inconsistencies, it is politically useful to use laïcité as rhetoric to push forward a cause, because the vagueness of laïcité can be interpreted many different ways.

Integration of Muslims: Successes and Failures

The goal of the 2004 law may have been to encourage better integration of the Muslim population into French society, but the law has had almost the opposite effect. Prior to the 2004 law, there have been difficulties for the French Muslim population regarding integration. This difficulty to integrate is not exclusively the fault of the Muslim population, and has nothing to do with any

[105] Mahmood, "Secularism, Hermeneutics, and Empire," 325.
[106] Bowen, "Remembering Laïcité," 19.

particular tenant of Islam that deems it 'incompatible with French society.' There is massive debate over the question: can Muslims integrate into France? But this question is biased in and of itself because it assumes there is something about Islam that makes it incompatible with France and French culture. Rather, to understand this groups difficulty to integrate the broader context of French society must be understood, in relation to Islam. French Muslims by and large are doing worse than their French peers. In Kristine Ajrouch's article "Global Contexts and the Veil: Muslim Integration in the United States and France," she finds that, "Arab Muslims living in Europe are poorer, less educated, and in worse health than the rest of the population."[107] This is caused by a variety of factors, including recent immigration and job discrimination. The continuation of this disparity in standard of living between the French population and the French Muslim population only serves to fuel ethnic tension and further marginalize the Muslim population.

There are various ways in which French society caters to Christians over other religious groups, and this has affected the Muslim population profoundly. The Muslim population faces perceived discrimination towards some of their religious practices, such as during Eid al-Adha where they slaughter an animal for religious sacrifice. The issue of religious sacrifice is very contentious, with the French viewing it as a health issue, and not a religious issue. In France, freedom of expression can be limited in circumstances that endanger health or order, and the French state argues that ritualistic sacrifice causes potential health issues.

---

[107] Kristine J. Ajrouch, "Global Contexts and the Veil: Muslim Integration in the United States and France," *Sociology of Religion* 68 (2007): 325.

However, it inhibits the ability of some French Muslims to fully practice their religion, in a society built by and for Catholics. French society was designed for a majority Christian population, which has left many French Muslims feeling excluded from mainstream society. Caitlin Killian's argues that, "cultural climate and calendar are conducive to practicing Catholicism, while, as we have seen, they are not conducive to practicing Islam."[108] Christian holidays are national holidays, while Muslims must find ways to celebrate their holy days. However, this exclusion is rarely perceived by the prevailing French opinion, which places Islam as the factor preventing integration, as opposed to a combination of factors including the historical importance of Catholicism in France. On top of the difficulties with practicing Islam, the French Muslim population faces far higher levels of job discrimination than their French peers. The prejudice and discrimination this population faces "causes some to abandon the job search or decide not to pursue higher degrees because they do not translate into better employment," Killian says.[109] This, in turn, forces them to focus on Islam because it is the only sense of identity the French Muslim population can seem to find in a society that seems to reject them.

However, it is important to note that the reality of the integration of Algerian Muslims is nowhere near as bad as the public discourse would indicate. In reality, much of the apparent difficulties towards integration facing this population

---

[108] Caitlin Killian, "From a Community of Believers to an Islam of the Heart: 'Conspicuous' Symbols, Muslim Practices, and the Privatization of Religion in France," *Sociology of Religion* 68 (2007): 314.
[109] Killian, "From a Community of Believers to an Islam of the Heart," 316.

are caused by employment discrimination and not unwillingness on the part of the Muslims to integrate. According to Stephanie Giry, "Muslims in France have displayed a remarkable willingness and capacity to assimilate."[110] There are various sectors to assess when determining the levels of integration, including politics and religious service. France has one of the highest percentages of intermarriage for Muslims throughout all of Europe, indicating the willingness to assimilate into French society.[111] Political participation is a good indicator of integration across different populations. The Muslims in France demonstrate a high degree of integration with their politics, with French Muslims behaving like their French peers with similar socioeconomic backgrounds. Although public opinion may lead to the belief that French Muslims care most about political issues that affect religion, in reality the four political issues most important to them mirror the issues important to their French peers. These issues are: unemployment, social inequality, education, and cost of living.[112] Religion does tend to affect the decision-making process of French Muslims more than their French peers, but it is imperative to note that they do not attend religious service any more than Christians or Jews.[113]

The French Muslim population has faced difficulty breaking into the mainstream society and this is not due to an unwillingness to integrate, but rather a product of lack of social mobility. The decline in social mobility in France has

---

110 Giry, "France and Its Muslims," 93.
111 Giry, "France and Its Muslims," 94.
112 Giry, "France and Its Muslims," 97.
113 Giry, "France and Its Muslims," 93.

exacerbated the economic problems of the Muslim population, and has served to prevent them from moving up in society. "It has trapped them at the bottom of the country's socioeconomic ladder, where they started as working-class immigrants," Giry posits.[114] The stagnation of their mobility coupled with the ethnic discrimination they face daily, especially in the employment market, has left many French Muslims disillusioned with the French state. The 2004 law banning headscarves has had far-reaching effects for Muslims, both in France and in the world.

[114] Giry, "France and Its Muslims," 96.

Conclusion

The conflicted relationship between the French state's laïcité and the French Muslim population continues into the present day. Fear mongering towards Islam has only been exacerbated since the passage of the 2004 law banning conspicuous religious symbols. With the rise of ISIS and other militant Islamic groups, the fear of Islam has risen dramatically in the West. The conflict that brought about the passage of the 2004 law is ongoing, and extremely relevant in the international climate of today.

Understanding laïcité, Algeria, and Headscarf Affair

To understand the complex relationship, the history of laïcité and the colonial history between France and Algeria set the foundations for the modern fraught relationship. Laïcité first emerged with the French Revolution as part of an attempt to wrest power away from the Catholic Church. At the time of its creation, the only significant religious minorities present in France were non-Catholic Christians and Jews. Laïcité helped to fill the immense role religion held in French society, and French highly value the concept. From the beginning, the school was seen as the ideal vessel to impart the ideals of laïcité and French republicanism, and this belief helped cause the visceral reaction to headscarves in schools at the end of the 20th century. It is imperative to note that even at its founding, there were internal contradictions in the application of laïcité and a vagueness that has allowed it to function as a lucrative political tool that lacks a concrete definition.

The application of the Law of 1905 varied greatly between mainland France and France's colonies, foreshadowing the conflict between laïcité and the French Muslim population.

The colonial history between France and Algeria has vastly shaped their relationship, and further illuminates the historical associations that, in part, led to the 2004 ban on headscarves and other subsequent conflicts. In Algeria, the only factor that existed to unite the various indigenous tribal groups was Islam, and thus Islam was politicized to unite and organize resistance to the French colonists. Due to this, the French perception grew that the only way to truly assimilate the native Algerian population was to destroy Islam. Resistance to French control became synonymous with Islam, and the wearing of the veil became a symbol of colonial resistance. These colonial associations of Islam linger into the present day, and are exacerbated by the memory of the bloody war for independence in Algeria. The process of decolonization in Algeria resulted in the most brutal colonial war in history, and the memory reverberates down to the present day. This memory clouds opinions on both sides regarding the other, especially in first-generation migrants. The French settlers who had lived in Algeria for generations coupled with the French veterans of the war returned to mainland France bitter and angry; members of these disenfranchised groups went on to form the National Front, an anti-immigrant political party. Of the Algerian who came to France, there was an internal conflict over whether assimilating into France would be a betrayal to their brethren who had fought against them. The colonial relationship between France

and Algeria created associations that linger into the present day, and stand as obstacles to a better relationship.

The Head Scarf Affair, which spanned 1989 to 2004, serves as a microcosm of the bigger issue of the conflicted relationship between the French state and its Muslim population. The importance of education in laïcité serves to explain why the public school was the center of the issue, and served as a building block for later laws, including the 2010 ban on burqas in public spaces. Colonial associations of the veil as a symbol of resistance, in part, served to incite the French reaction against them. Interestingly, arguments on both sides of the debate rely on human rights, religious freedom, and laïcité. In part due to the vagueness of laïcité, it can be used in support of both arguments; there is no consensus on whether laïcité protects or prohibits religious actions in public spaces. The inconsistencies between the rhetoric regarding Muslim integration and the reality of integration demonstrates that it is not something unique to Islam that is preventing integration, but rather employment discrimination and a lack of social mobility.

Ripple Effects of the 2004 Law

Following the passage of the 2004 law in France, there have been various cases that illuminate the fraught relationship between the French state and the French Muslim population. With the decrease in social mobility and the growing feeling of being trapped at the lowest rung of the social ladder, discontent grew among the Muslim population. The majority of the French Muslim population lives in 'suburbs' outside of cities, which resembles public housing projects in the

United States. In 2005, riots broke out in the suburbs of Paris and various other French cities. The suburbs, or *banlieues*, are filled with low-income members of the population, including Arabs, blacks, and whites. In Craig Smith's words, "France has been grappling for years with growing unrest among its second- and third-generation immigrants, mostly North African Arabs, who have faced decades of high unemployment and marginalization."[115] The riots were caused by despair felt among the *banlieue* population regarding their meager prospects, and lead to a rise in voter registration within the *banlieues* following the riots. Unfortunately, the media did not portray these riots as the result of economic unrest, but rather as proof of the failure of Muslims to integrate.

The 2004 law banning conspicuous religious symbols in schools set a precedent for the French state to become more involved in religious affairs, especially within the realm of dress. In the summer of 2010, the National Assembly of France passed a bill banning the wearing of face-covering headgear in public places. This ban applies to mask, helmets, balaclava, niqabs, and burqas. It is difficult to not perceive this law as attacking the Muslim veil. On September 14 of 2010, the Senate of France passed the bill into law. The argument supporting the ban hinges on the importance of facial recognition for both security and social communication. Prominent French feminist Elisabeth Badinter was very supportive of the ban, and has a career focusing on the importance of laïcité. She signed an open letter asking the Muslim women who had begun wearing niqabs,

---

[115] Craig S. Smith, "Immigrant Rioting Flares in France for Ninth Night," *New York Times,* November 5, 2005.

"Are we so contemptible and impure in your eyes that you refuse all contact, all connection with us, down to even a little smile?"[116] Those in support of the ban argue that it will encourage all citizens to cohabitate better. However, the infringement on individual rights and freedoms brought this law into question, and was brought to the European Court of Human Rights.[117] In the summer of 2014, the European Court rejected the claim that France's ban on the wearing of burqas and niqabs in public violates the rights of women who wear facial coverings, upholding France's argument that the law encourages citizens to live together. The European Court declared, "that the preservation of a certain idea of 'living together' was the 'legitimate aim' of the French authorities."[118] There have been multiple instances of applications of this law, including an incident in October of 2014, where a female tourist from the Gulf states wearing a full-face veil was asked to leave an opera house in Paris. "During the intermission, an attendant approached the woman and her friend, who were sitting in the second row, informing them that according to French legislation he was authorized to ask the woman either to uncover her face or leave."[119] The 2010 law is yet another instance of the secular state of France intervening and deciding what garb is religious and what is nonreligious. This law has only served to fuel anti-Western rhetoric from

---

116 Jane Kramer, "Against Nature: Elisabeth Badinter's Contrarian Feminism," *The New Yorker,* July 25, 2011.
117 Jethro Mullen, "European Rights Court Rules in Favor of French Burqa Ban," *CNN,* July 1, 2014, 1.
118 Kim Willsher, "France's burqa ban upheld by human rights court," *The Guardian,* July 1, 2014.
119 Mullen, "European Rights Court Rules in Favor of French Burqa Ban," 1.

groups such as ISIS, which gain recruits often from disillusioned European Muslims.

The importance of understanding the current conflicted relationship between the French state and its Muslim population was highlighted in 2015, after France suffered two terrorist attacks fueled by radical Islamic groups. On January 7 of 2015, there was a terrorist attack at the office of the French satirical magazine, *Charlie Hebdo*, in response to a cartoon of Mohammed published by the magazine. This was the first in a series of five attacks across the Paris region of France, leaving a total of 17 people, and wounding 22 others. At the office of *Charlie Hebdo,* the gunmen killed 11 people and injured 11 others within the building, and then killed a French National Police officer outside the building. The next day, January 8, a gunman shot a police office and took hostages at a kosher supermarket near the Porte de Vincennes. The gunmen identified themselves as belonging to Al-Qaeda's branch in Yemen, reigniting fears of Islamic terrorism. President Hollande publicly promoted secular values in the wake of the January 2015 attacks, saying:

> Secularism is non-negotiable because it allows us to live together. It has to be understood for what it is: the freedom of thought-therefore, the freedom of religion. These are values and rules of law that aim to protect not only what we share, but also what is unique to each one of use. It is France's guarantee against intolerance.[120]

Hollande's statement that laïcité is France's protection against intolerance is opposed by some of the population, especially some French Muslims who feel unfairly targeted by the 2004 and 2010 laws. Following the shooting, there was a

[120] Melodie Bouchaud, "French President Francois Hollande Promotes Secularism Following Paris Terror Attacks," *Vice News,* February 5, 2015.

reignited national debate over the principles of laïcité, especially regarding blasphemy. In an attempt to protect freedom of speech during a time when the Catholic Church held an inordinate amount of power in France, the right to satirize all people, public actors, and religions was included in laïcité. This right was argued by supporters of *Charlie Hebdo*'s decision to publish a cartoon of Mohammed. The *Charlie Hebdo* attacks served as a reminder that the violence in the Middle East was not isolated in that region.

In November of 2015, France suffered the worst terrorist attack on Western soil since 9/11. On the evening of November 13, there were a series of coordinated terrorist attacks throughout Paris and its northern suburb, Saint-Denis, resulting in the deaths of 130 people, and a staggering 368 wounded. "The Paris attacks are the 28th terrorist attack to kill more than 100 people since 2001, IntelCenter said in a bulletin released late Friday."[121] The radical Islamic terrorist group ISIS claimed responsibility for the attacks, in retaliation for France's airstrikes in Syria and Iraq targeting ISIS. Following the attacks, President Hollande referred to the attacks as an act of war and declared a three-month state of emergency to help fight domestic terrorism. The state of emergency includes: banning public demonstrations, allowing police to carry out searches without a warrant, putting anyone under house arrest without trial, and blocking websites that encourage

[121] Stephen Farrell, "Attack Is Second Deadliest on a Western City Since 9/11, Group Says," *New York Times,* November 15, 2015.

acts of terrorism.[122] This expansion of police power demonstrates the level of fear felt in France, and reflects the French government's militaristic response to the terrorist attacks. Clearly, the conflict pitting French laïcité and the French state with the French Muslim population is continuing, and a better understand of the relationship is increasingly important.

As demonstrated by the subsequent events, the issue has not been solved or even mitigated. The 2005 riots demonstrate the disillusionment towards the French state among the immigrant population. With the 2010 law, the French state has expanded its involvement in dictating what clothing is allowed in the public sphere, by determining what is religious and what is nonreligious. There is growing rhetoric surrounding the failure of the Muslim population to integrate, largely contrasting with the reality, but serving to fuel anti-Muslim and anti-immigrant sentiment. The two terrorist attacks in 2015 reignited Western fears of radical Islam, and caused France to enter a three-month state of emergency. By analyzing the Head Scarf affair using the history of laïcité and the France-Algeria colonial relationship, it became clear that there is nothing within Islam that has fueled this modern conflict, but it is rather a product of historical context and associations. However, in the current insecure climate it is imperative for a better understanding of the relationship between French laïcité and the French Muslim population to be achieved.

---

[122] Andrew Griffin, "France state of emergency declared for three months, allowing authorities to shut down websites, and giving police sweeping new powers," *Independent,* November 19, 2015.

Works Cited

Primary Sources

"Anglican Leader Chides France for Moves Against Signs of Faith." *New York Times,* December 26, 2003.

Bennhold, Katrin. "A Veil Closes France's Door To Citizenship." *New York Times,* July 19, 2008.

Bouchaud, Melodie. "French Authorities in Nice Block Muslim Wedding Over Radicalization Fears." *Vice News,* March 24, 2015.

Bouchaud, Melodie. "French President Francois Hollande Promotes Secularism Following Paris Terror Attacks." *Vice News,* February 5, 2015.

Caldwell, Christopher. "In Europe, 'Secular' Doesn't Quite Translate." *New York Times,* December 21, 2003.

Cassel, Vincent and Said Taghmaoui. *La Haine*. DVD. Directed by Mathieu Kassovitz. France: Canal+, 1995.

Chrisafis, Angelique. "Paris Riots Sparked by Police Identity Check on Veiled Muslim Woman." *The Guardian,* July 21, 2013.

Dall'Armellina, Virgile. "A Woman Wearing a Full-Face Veil Was Asked to Leave a Paris Opera House." *Vice News,* October 21, 2014.

Dall'Armellia, Virgile. "French Universities to School Algerian Imams in Secular Traditions." *Vice News,* December 19, 2014.

Farrell, Stephen. "Attack Is Second Deadliest on a Western City Since 9/11, Group Says." *New York Times,* November 15, 2015.

Fanon, Frantz. "Algeria Unveiled." In *A Dying Colonialism*. New York: Grove Press, 1965.

"Government-Enforced Bigotry in France." *New York Times,* April 12, 2011.

Griffin, Andrew. "France state of emergency declared for three months, allowing authorities to shut down websites, and giving police sweeping new powers." *Independent,* November 19, 2015.

Hunt, Lynn. *The French Revolution and Human Rights: A Brief Documentary History*. Boston: Bedford/St. Martins, 1996.

Killian, Caitlin. "The Other Side of the Veil: North African Women in France Respond to the Headscarf Affair." *Gender and Society* 14 (2003): 567-590.

Mullen, Jethro. "European Rights Court Rules in Favor of French Burqa Ban." *CNN,* July 1, 2014.

Rehman, Khalid L. "Muslim Head Covering Far Different From Veil." *New York Times,* December 24, 1989.

Sainte-Marie, Jerome. "Paris Terror Attacks: Will France Ever Be the Same Again?" *Vice News,* January 9, 2015.

Sciolino, Elaine. "Ban on Head Scarves Takes Effect in a United France." *New York Times,* September 3, 2004.

Sciolino, Elaine. "Chirac Wants Religious Attire Banned in Public Schools." *New York Times,* December 17, 2003.

Smith, Craig S. "Immigrant Rioting Flares in France for Ninth Night." *New York Times,* November 5, 2005.

Vinocur, Nicholas. "Paris Riots: France Defends Veil Ban And Conduct of Police During Violent Protests." *The Huffington Post,* September 30, 2013.

Willsher, Kim. "France's Burqa Ban Upheld By Human Rights Court." *The Guardian,* July 1, 2014.

Wilson, Woodrow. "The Fourteen Points." *Documents to Accompany America's History* (1918).

Secondary Sources

Ajrouch, Kristine J. "Global Contexts and the Veil: Muslim Integration in the United States and France." *Sociology of Religion* 68 (2007): 321-325.

Asad, Talal. "French Secularism and the 'Islamic Veil Affair.'" *The Hedgehog Review* (2006): 93-106.

Bauberot, Jean. "Secularism and French Religious Liberty: A Sociological and Historical View." *BYU Law Review* 2 (2003): 451-464.

Beller, Elisa T. "The Headscarf Affair: The Conseil d'Etat on the Role of Religion and Culture in French Society." *Texas International Law Journal* 39 (2004): 581-623.

Bowen, John R. *Can Islam Be French? Pluralism and Pragmatism in a Secularist State.* New Jersey: Princeton University Press, 2010.

Bowen, John R. *European States and their Muslim Citizens: The Impact of Institutions on Perceptions and Boundaries.* Cambridge: Cambridge University Press, 2013.

Bowen, John R. "Remembering Laicite." In *Why the French Don't Like Headscarves*, 11-33. New Jersey: Princeton University Press, 2007.

Bowen, John R. "Secularism: Conceptual Genealogy or Political Dilemma?" *Comparative Studies in Society and History* 52 (2010): 680-694.

Cesari, Jocelyne. "Islam in France: The Shaping of a Religious Minority." in *Muslims in the West, from Sojourners to Citizens*, 36-51. Oxford: Oxford University Press, 2002.

Cole, Juan. *Napoleon's Egypt: Invading the Middle East.* New York: Palgrave MacMillian, 2007.

Colonna, F. "Cultural Resistance and Religious Legitimacy in Colonial Algeria." *Economy and Society* 3 (1974): 233-252.

Connelly, Matthew James. *A Diplomatic Revolution: Algeria's Fight for Independence and the Origins of the Post-Cold War Era.* Oxford: Oxford University Press, 2002.

Corbin, Alain. *Village Bells: Sound and Meaning in the 19th-century French Countryside.* New York: Columbia University Press, 1998.

Deeb, Mary-Jane. "Islam and National Identity in Algeria: Islam and the Political Modernization Discouse." *The Muslim World* 87 (1997): 111-128.

Fantasia, Rick and Eric L. Hirsch. "Culture in Rebellion: The Appropriation and Transformation of the Veil in the Algerian Revolution." In *Social Movement and Culture,* 144-162. Minneapolis: University of Minnesota Press, 1995.

Giry, Stephanie. "France and Its Muslims." *Foreign Affairs* 85 (2006): 87-104.

Hansen, Randall. "Migration to Europe since 1945: Its History and its Lessons." *The Political Quarterly* 74 (2003): 25-38.

Heggoy, Alf Andrew. "Education in French Algeria: An Essay on Cultural Conflict." *Comparative Education Review* 17 (1973): 180-197.

Ivekovic, Rada. "The Veil in France: Secularism, Nation, Women." *Economic and Political Weekly* 39 (2004): 1117-1119.

Jones, Nicky. "Beneath the Veil: Muslim Girls and Islamic Headscarves in Secular France." *Macquarie Law Journal* 9 (2009): 47-69.

Kastoryano, Riva. "Religion and Incorporation: Islam in France and Germany." *The International Migration Review* 38 (2004): 1234-1255.

Knight, M. M. "French Colonial Policy-The Decline of 'Association'," *The Journal of Modern History* 2 (1933), 208-224.

Kramer, Jane. "Against Nature: Elisabeth Badinter's Contrarian Feminism." *The New Yorker,* July 25, 2011.

Kramer, Jane. "Taking the Veil: How France's public schools became the battleground in a culture war," *The New Yorker,* November 22, 2004.

Kuru, Ahmet T. "Secularism, State Policies, and Muslims in Europe: Analyzing French Exceptionalism." *Comparative Politics* 41 (2008): 1-19.

Killian, Caitlin. "From a Community of Believers to an Islam of the Heart: 'Conspicuous' Symbols, Muslim Practices, and the Privatization of Religion in France." *Sociology of Religion* 68 (2007): 305-320.

Kuru, Ahmet T. *Secularism and State Policies Toward Religion: The United States, France, and Turkey.* Cambridge: Cambridge University Press, 2009.

Lazreg, Marnia. *The Eloquence of Silence: Algerian Women in Question.* New York: Routledge, 1994.

Le Sueur, James D. *Uncivil War: Intellectuals and Identity Politics During the Decolonization of Algeria.* Pennsylvania: University of Pennsylvania Press, 2002.

Lucassen, Leo. "Islam and the Colonial Legacy: Algerians in France (1945-2002)." In *The Immigrant Threat: The Integration of Old and New Migrants in Western Europe since 1850*, 171-196. Chicago: University of Illinois Press, 2005.

Mahmood, Saba. "Secularism, Hermeneutics, and Empire: The Politics of Islamic Reformation." *Public Culture* 18 (2006): 323-347.

Messina, Anthony M. *The Logics and Politics of Post-WWII Migration to Western Europe.* Cambridge: Cambridge University Press, 2007.

Parsons, Timothy. "Muslim Spain: Blurring Subjecthood in Imperial Al-Andalus," in *The Rule of Empires: Those Who Built Them, Those Who Endured Them, and Why They Always Fall,* 65-111. Oxford: Oxford University Press, 2010.

Robert, Jacques. "Religious Liberty and French Secularism." *BYU Law Review* 2 (2003): 637-660.

Scott, Joan Wallach. *The Politics of the Veil.* New Jersey: Princeton University Press, 2007.

Shepard, Todd. *The Invention of Decolonization: The Algerian War and the Remaking of France.* Ithaca: Cornell University Press, 2006.

Turshen, Meredith. "Algerian Women in the Liberation Struggle and the Civil War: From Active Participants to Passive Victims?" *Social Research* 69 (2002): 889-911.