

# France : The struggle of French women of migrant Muslim descent in the defence of secular state schools

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**Note: This paper exclusively discusses secular laws in state schools in France and their most recent implementation, i.e. the 1905, 1906 and 2004 laws which have repercussion on education. It does not discuss the 2010 law banning full face covering, which has nothing to do with education and could not be justified by implementing secularism ; reasons invoked for passing this law were security and human dignity. Right wing strategies lump these different laws together in order to discredit secularism.**

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Among the most determined defenders of secularism and of secular schools today are French citizens of migrant descent, whose families came from Muslim contexts. In the words of the President of a prominent feminist organisation, ' Those of us who came from other countries benefited from secularism, and this is why we are so deeply attached to it' [1].

As 'Muslims' are portrayed the world over, in the English language media as well as in the main stream academic social science discourse [2], as the very victims of secular principles - considered as 'Western' -, such a blatant contradiction should at the very least call for a re-examination of facts.

The first source of misunderstanding is that different definitions of secularism are used on both sides of the Channel : while in the U.K., secularism is conceived of as equal tolerance by the state vis a vis all religions, in France, the laws of 1905 & 1906 [3] instituted a total separation between church and state. In Article 1 of the 1906 law, the secular state guarantees freedom of religion - i.e. both freedom of belief and of practice - to the citizens of the secular republic ; however Article 2 states that - beyond this - the state will not interfere with religions, will not grant them any recognition, nor fund them, etc... While in the U.K. the King or Queen is both the Head of the State and the Head of the Anglican Church, while in Germany the Landers collect religious taxes, while in the USA one swears in court on the Bible, - in France, more than a century ago, the state declared itself incompetent in religious matters.

Regarding what is within its area of competence, secularism rules : education for instance, which from that date was made free of charge and compulsory (quite a unique revolutionary legal provision at that time in history), is entirely secular. By way of consequence, teachers and pupils are not allowed to display any sign of religious affiliation within the premises of state secular schools : they

are there in their capacity as individual French citizens, not as representatives of divided and divisive 'communities'.

The first conclusion one can draw from this clarification of definitions is that it seems illogical to look at the application of these laws instituting 'separation' today in France through the British lens of 'equal tolerance'. To avoid any further confusion, I will thus use the French word 'laïcité', when referring to secularism in France.

The second conclusion is that it is factually wrong to refer to the 2004 law that reiterated - in a weaker version [4] - the principles set up in the 1906 law, as the 'law against the veil'.

Not only was the initial law passed at a time when the Catholic Church was the only religion in France that claimed political representation within state power (more than a century ago, Islam was not at all in the picture), but these laws banned equally all signs of religious affiliation, be it cross, kippa, headscarf or other. The fact that it is so widely adopted a label only shows the powerful ideological influence of the Muslim Right lobby, and the lack of historical knowledge on the part of left and human rights organisations, media and scholars that use this terminology.

The 1905-1906 laws on laïcité were followed by long battles with political forces of the right and the far right, and with religious lobbies of the Catholic Church. Its opponents never ceased to attempt to undermine it and weaken it [5].

The struggle for laïcité in fact never stopped. It is still going on today, albeit with new players : among the most vocal adversaries of laïcité is the Muslim Right, while among its leading defenders are the anti-fundamentalist citizens who, migrants themselves or of migrant Muslim descent, have direct or indirect experience of living under the boot of Muslim fundamentalists.

This should not come as a surprise.

An important percentage of citizens of migrant descent in France come from the Maghreb countries, mostly from Algeria. The economic migration started with WW I : many unskilled Algerian workers became active in workers unions and parties in France. As for recent migration, it is in great part a political one : in the nineties, intellectuals, artists, journalists, feminists had to flee both targeted assassinations and mass massacres committed by the Algerian Islamic armed groups (GIA, AIS FIDA, etc.) [6]. The political experience of French citizens of Algerian descent is a decisive factor in their stand for secularism.

Laïcité is presently under attack and instrumentalized by various actors : religious fundamentalists under the leadership of Muslim fundamentalism, but also the French Right-wing government, and the various political parties and organisations of the Far Right. Laïcité is also undermined by Left parties and human rights organisations in the name of religious rights, minority rights, and cultural rights [7].

Sarkozy's government, rallying to his electoral cause all conservative potential voters, and among them courting the 'Muslim vote', could not fail to give guarantees to various religious fundamentalisms.

Under the right wing government of Sarkozy, various adoptions to the concept of laïcité flourished, all aiming at weakening it [8] : 'positive laïcité', 'open laïcité', etc...very much in the line with Canada's 'reasonable accommodations'.

Sarkozy himself made several public statements that infuriated even mild secularists in France, especially during his visit to the Pope when he declared that a teacher will never be as qualified as a

priest to give moral guidance to children [9]. He also took several measures in favour of confessional schools, for instance he granted equivalence to diplomas delivered by private confessional universities.

Similarly, doing away with all secular principles, Sarkozy set up an official representation of Islam with which he can 'dialogue', as if it were an elected body. This institution, the Conseil Français du Culte Musulman [10], is supposed to represent all 'Muslims' [11] in France.

However recent studies [12] show that the vast majority of people erroneously labelled 'Muslims' are as little religiously inclined as Catholics are in France : 20% declare themselves unbelievers (vs 28% in the whole population, and among those who identify as believers in Islam, 21% barely ever set foot in a mosque or attend any religious ceremony (vs 15% in the whole population). It follows that the frequentation of mosques, on which is based the estimation of the representativity of the CFCM, is extremely low : only 5% of declared believers participate in the consultations organized by the CFCM.

In a context in which the far right parties gain momentum everywhere in Europe [13], and where the newly elected president of the National Front [14] is likely to become his main challenger in the upcoming 2012 presidential elections, Sarkozy navigates a fine line : on the one hand he must give positive signals to various religious fundamentalisms, including the Muslim Right, and on the other hand he must cater to the needs of xenophobic far right parties and newly formed fascist-like groups. Hence his political manipulations when on the one hand the government passes laws that confirm secular schools in their mandate, represses jobless youth riots, organize the deportation of illegal migrants, especially those from Muslim countries [15], set up a national consultation on 'French identity' [16], or bans full face covering in public spaces, etc..., while on the other hand, the government 'dialogues' with 'Muslims' representatives, and gives in to a lot of their demands, as we will see in more details later.

But, on the right of the traditional far Right, small but very vocal radical groups are springing up. In their views, the French state is far from taking strong enough a position vis a vis 'Muslims', be they fundamentalists or not : they demand that 'Islam' be outlawed in France, that immigration from Muslim countries be stopped, and that discussions be held with Muslim countries so as to organize for 'French Muslims' to 'migrate' to 'countries where they will be able to freely practice their religion' [17].

These groups undertake provocative street actions against 'Islam', in response to provocative street actions by Muslim fundamentalist groups. For example, Muslim fundamentalists have organized, - for years, every Friday, - public prayers in one predominantly North African area in the center of Paris, during which they completely block the streets to traffic. The reason invoked is that they lack a big local mosque - while we have seen earlier that many mosques are under-used. Extreme right groups organized in response 'pork and wine' parties on the very same location, an action which was grandly announced through the media. Both the new extreme right groups and Muslim fundamentalist groups are looking for physical confrontation that would rally and radicalize their troops. As the state's police keeps turning a blind eye on these illegal actions, one wonders whose electoral purposes will be best suited by a blood bath.

Just to complicate matters, all the factions of the Right and far Right have appropriated the language of laïcité : Sarkozy, the National Front and the Far Right groups [18] claim it as a 'French value' that needs to be preserved from and defended against aliens, while the Muslim Right (using Article 1 and forgetting about Article 2 of the 1906 law) attempts to pervert it as a legal way to claim their right to practice their religion in the way they interpret it, in public as well as in private spheres, i.e. as a legal means for religious entryism.

Today, Muslim fundamentalists in France are the spear head of attacks against laicite, while official representatives of Catholics and Jews rush in support - in the name of religious rights - of their numerous demands. It is very clear that they all hope to benefit from the weakening and eventual eradication of laicite. The policy of the common cause prevails over other antagonisms.

The 'right to veil' [19] for girls under age 18 in state secular schools should not be examined in isolation. The veil is only the visible flag of a far right political movement. It should be placed among the numerous demands made by Muslim fundamentalist groups regarding on the one hand the separation of men and women in public spaces (schools, swimming pools, hospitals, etc...) as well as, on the other hand, their struggle to replace one law for all equal citizens, - i.e. laws democratically voted by all citizens -, by specific, supposedly religiously inspired, non-voted legislations regulating separate communities.

And it must also be seen as a replication of the steps [20] taken by fundamentalist groups in Algeria, which led them to become one of the major political players in that country today.

What is at stake ? : women's place in the city, mixity, violence against women being legitimized by culture and religion, the visibility of a far right political fundamentalist movement, strategies to inflecting the principle of democratically voted laws towards religious laws. All of it challenges the very principles of laicite and of democracy.

Launched towards the end of the 80's and throughout the 90's, the battle around the veil/head scarf deeply challenged the very roots of the French secular republic, by demanding for girls under age to veil in state secular schools. Despite the fact that only a dozen girls fall into the trap, international media build this into a major issue.

Under the growing pressure of small but very vocal Muslim fundamentalist groups, the law on secularism was put into question and a Parliamentary Commission, the Stasi Commission [21], was appointed to advise the government about what was to be done with the girls who came to school harboring headscarves. Women of Muslim descent volunteered and lined up to testify : not just experts were heard by this commission, but also women's organisations, writers, journalists, and ordinary women from Muslim descent. It is on their advice that France passed the 2004 law that reaffirms the principles of the 1906 secular laws [22].

Following this controversy, new demands were made for separation of men and women in the public space, for instance in schools, in swimming pools [23], in hospitals [24], etc... Major cities in France bent to the demand for sexual segregation by granting women-only hours (or days) in municipal swimming pools.

As for hospitals, the scarcity of personnel does not allow to allot exclusively female personnel to female patients ; numerous incidents of physical violence occurred, when husbands or brothers refusing to allow even gravely ill women to be treated by male doctors, punched them in the face. On one occasion a child died in delivery and the father was taken to court for deliberately risking the life of wife and child [25].

Various attempts were made to induce tribunals to accomodate or endorse religious views, for instance there was a demand for the anulment of a marriage between two French citizens of Muslim descent, instead of a divorce by mutual consent, for the reason that the bride was not a virgin ; virginity was qualified as 'an essential quality of the bride', and the anulment was a disguised repudiation [26].

Under the influence of fundamentalist groups one witnesses a rise in 'honor crimes' in the poor

suburbs around major cities. Teenage boys and young adults started to impose an 'Islamic' dress code and 'Islamic' behavior upon their sisters and neighbours ; transgression was severely punished, by beating, burning, stoning, sometimes ending by the death of the girl [27]

In this context, the school has been at the heart of the battle field. This is where the future generations are trained as citizens.

Muslim fundamentalist groups demanded to put an end to co-education. The teaching of graphic arts, music, biology [28] and sports were to be eliminated from the curriculum, - 'for Muslims'. They demanded the introduction of the teaching of Islam within secular schools : it was to be delivered not by historians as can be done for other religions and ideologies, but by imams.

In Algeria too, the school has been hijacked and instrumentalized by Muslim fundamentalism. Between 1962 (independence) and 1965 (fall of the first president Ben Bella by a military coup by our second president Houari Boumediene), imported teachers [29] of Arabic language who were in fact part of the Muslim Brotherhood in Egypt came to help build the new post independence education system.

Not only did they teach a backward version of religion, creationism, the inferiority of women or the hatred of Jews accused of drinking the blood of Muslim children, but they also trained pupils in primary school to denounce their parents as 'bad Muslims'. For instance, children were asked to report whether or not their parents were praying or fasting at appropriate times, they were shown corks so as to detect which parents were drinking wine [30]... Adults started fearing their own children : being branded *kofr* could bring a death sentence.

These 'teachers' trained the young generations who, exhausted by the lack of perspective in terms of access to the labour market or to any personal accomplishment, and desperately reacting to the contempt [31] displayed by the Algerian government and elites vis a vis them, turned to extreme right political fundamentalist parties, listened to the teachings of the Islamic Salvation Front (FIS), rioted and took arms.

One witnesses exactly the same process taking place in France, where citizens of migrant Muslim descent are faced with acute discrimination in housing and jobs [32]. Like in Algeria, fundamentalist groups invest into the social work [33] that the state is no more delivering and they build on the discontent of the people.

French citizens of Algerian origin do not need any imagination to fear what schools could produce if fundamentalist groups were to make further endentment into the French education system. They have already lived it, either directly for those who migrated recently, or through family stories for previous waves of emigration. They do not want to be confronted again, in their new country, to the very same political forces of the Muslim right they hoped to have left behind. They do not believe that social and political problems can be solved through 'religious' means. This is why they fiercely defend laicite and more specifically secular schools.

As the theme of this conference suggests, secularism/laicite and racism are often seen as being in conjunction with one another : either because one expects secularism to put an end to racism - and blames it for failing to do so -, or because one sees secularism as eroding religious particularisms and freedom of thought.

Laicite only defines the place of the state vis a vis organized representations of religions. It is not per se a sufficient condition to put an end to discrimination and racism. But it could well be a necessary condition for doing so (as one witnesses, for instance in the U.K., the dramatic erosion of

citizenship to the benefit of 'communities' which target one another.)

Laicite regulates the position of the state a. vis a vis individuals' beliefs, by asserting and protecting their right to holding these beliefs, and b. vis a vis organized entities that pretend to represent these individual beliefs in the political sphere, by having no interaction with them.

Laicite makes the distinction between individual beliefs and self appointed unelected political representatives. It made this distinction in France a century ago, at a time when the Catholic Church was an overpowering political institution, that dictated laws and curtailed people's power to draft their own social regulations through their vote.

It is still a very valid distinction to be made today, when the Muslim Right demands from the European states that separate laws, separate courts, etc...be instituted for presumed Muslims (presumed on the basis of their origin and names). The principle of one law for all the citizens of a country, the democratic principles that representatives of the people should be democratically elected, rather than self appointed, and that laws should be voted rather than god-given (god's will being re-interpreted by clerics) are deeply threatened.

Isn't it ironical that democrats in Europe do not stand anymore for these hard-won basic rights ?

The very concept of belonging raises the question of choice. Does one only belong to one's past and birth-given identity ? Is one jailed and trapped for ever into one's history ? And in that case, when in the past have history and culture been frozen ?

Forging a new concept on the model of 'under house arrest', I recently heard an Algerian man complain publicly that he felt 'under culture arrest' [34]. By this he meant that he was forced to 'belong' to something he could not identify with any more, old rules that did not match the evolution of his own thinking, nor the times and place he lived in.

Once upon a time, men used to beat their wives, once upon a time, men used to kill the unbelievers, once upon a time, men used to have the genitals of their daughters removed, once upon a time... that was 'their' culture. Did those who fought against such rules and succeeded in bringing about transformation betray their culture ? Or did they contribute to its living evolution ? Did those who struggled for democracy - against theocracy - 'belong' less to their people ?

Today, the rightist dominant ideology condemns people to one single ethnico- religious identity : acknowledging our multiple, concomitant, non antagonistic identities and the different possibilities of belonging makes one a traitor, or a 'kofr'.

French citizens of 'Muslim' origin made the choice to belong to the secular republic. Will one be enough of a democrat to respect the will and choice of the people and to acknowledge that, today, secularism is their culture ?

**Marieme Helie Lucas**

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**P.S.**

\* Source : <http://www.siawi.org/article3423.html>

\* A slightly different version of this article was published by Runnymede, London, April 2012:  
<http://www.runnymedetrust.org/publications/175/32.html>

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## Footnotes

[1] With the notable exception of the brilliant 2008 article by Karima Bennoune, Law Professor at Rutgers University, entitled 'The law of the Republic versus the law of the brothers'.

[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1411873](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1411873) Published in WLUML, Dossier 30-31, edited by Marieme Helie Lucas, 2011.

[2] Sihem Habchi, president of 'Ni Putes Ni Soumises' ( Neither Whores Nor Submissive) speaking to the media on April 11, 2011.

[3] For a thorough discussion on the foundation of the secular state in France, with the laws on separation between state and church, with the Law on Separation between State and Church (December 9 1905 published in Journal Officiel on December 11 and the following series of laws on separation in 1906, see Henri Pena Ruiz : ' France : Secularity and the Republic', siawi.org

[4] While the 1906 law banned 'all signs' of religious affiliation in secular state schools, a new law passed on March 15, 2004 only refers to 'ostentatious' ones, thus leaving space to interpretation and controversy about what is ostentatious and what is not. (Published in Journal Officiel on Lay 27, 2004 : article L.141-5-1).

[5] These ongoing attempts by Christian Church to challenge the law on separation between church and state, over the past century in France, were discussed at length during the celebration of the centenary of the law in Paris in 2005.

[6] The decade of the nineties is known among Algerians as 'the dark decade', or 'the war against civilians'. The battle between an indeed undemocratic government and a ruthless extreme right fascist-like political force working under the guise of religion and its various armed organisations, made approximately 200 000 victims. It is interesting to note that although men were the victims both of fundamentalist armed groups and of state forces such as police and army, women were massively victims of non-state actors armed groups.

[7] Women Human Rights Defenders Consultation, Colombo, Sri Lanka, December 2005.

[8] For various statements undermining laïcité by Sarkozy or his government, see the web site of [laïcité-république.org](http://laicite-republique.org)

[9] Déclaration de Latran : Quotations from the Statement by the President of the French Republic in the Palace of Latran, Italy, December 20 2007 : ' The school teacher could never replace the priest or the reverend' ; 'France's roots are fundamentally Christian' ; 'laïcité does not have the power to sever France from its Christian roots'. See [www.laicite-republique.org/Sarkozy-au-latran](http://www.laicite-republique.org/Sarkozy-au-latran)

[10] Conseil Français du Culte Musulman was set up in 2003 with the support of Sarkozy, then Minister of Interior. Details about its finances and composition can be found at [fr.wikimedia.org/wiki/conseil\\_français](http://fr.wikimedia.org/wiki/conseil_français)

[11] France does not allow ethnic and religious statistics since WWII, when the German

occupation authorities and the French police used such data to arrest and deport Jews. In most 'studies' and surveys, Muslimness is assumed on the basis of the country of origin or of the first name of people ; a 'racial' category is created by assuming religious belief, as was done in the past with 'Jews'.

The serious academic study referred to in note 12 took pains to ask French citizens whether they believed in a specific religion or not and if so which one - not assuming any religious belief on the basis of family origin. Its findings show a quite different picture of the so-called Muslims in France.

[12] Patrick Simon, Trajectoires et Origines, joint study by INED-INSEE, 2008. Available on [www.ined.fr](http://www.ined.fr)

[13] 'Traditional' far right xenophobic parties are fast rising in Western Europe : they score around 15% of votes in France, Denmark, the Netherlands, Norway, Austria and Hungary, and more than 30% in Switzerland and Serbia.

[14] Marine Le Pen, daughter of the founder of the National Front party.

[15] This refers to a recent example of borders being closed to Tunisian refugees coming by train and buses from Italy after the fall of Ben Ali, in breach of European agreements.

[16] Consultation sur l'Identite Francaise : a national consultation on what is french identity was initiated on October 26, 2009 by the Ministry of Immigration, Integration and Identity. Available at : [www.immigration.gouv.fr/spip.php?page=Dactus%26id\\_rubrique](http://www.immigration.gouv.fr/spip.php?page=Dactus%26id_rubrique)

[17] Published on the web site of Riposte Laique. Quotation from Fabrice Robert, former adviser to the city council of La Courneuve ( a predominantly North-African poor suburb of Paris) as an elected representative of the National Front Party, now president of far-right group Bloc Identitaire. Presidents of two other such groups, Christine Tasin from Resistance Republicaine and Pierre Cassen (incidentally her husband) from Riposte Laique took part in the same national radio interview.they were demanding 'measures of public salvation', a terminology which echoes pro-'OAS army generals who fomented the 1958 Coup in Algiers.

[18] Note the name of one of these groups : Riposte Laique'.

[19] It sadly reminds us of 'the right to FGM' that was defended in the 70s, in the name of cultural rights, by part of the feminist movement in Europe and the USA.

[20] For details on steps taken by fundamentalists in Algeria, see Marieme Helie Lucas, Wluml Dossier 30-31, 2011.

[21] For information on the Stasi Commission, see [en.wikipedia.org/wiki/Stasi\\_Commission](http://en.wikipedia.org/wiki/Stasi_Commission)

[22] Having lost this battle within the limited space of secular schools, Muslim fundamentalist groups immediately engaged the battle around propagating the burqa in the public space.

[23] Segregation in swimming pools, see : [worldhaveyoursay.wordpress.com/2008/06/20/women-only-swimming-pool](http://worldhaveyoursay.wordpress.com/2008/06/20/women-only-swimming-pool)

[24] Regarding physical violence against male medical doctors and nurses in state hospitals. In



March 2011, the President of the Hospitals Federation of France stated that there was a 25% rise in acts of aggression in hospitals between 2008 and 2009. The National Observatory of violence in hospitals shows a 80% rise between 2009 and 2010. See :

[www.denecessitevertu.fr/2011/03/30/integrism-et-violence-a-lhopital](http://www.denecessitevertu.fr/2011/03/30/integrism-et-violence-a-lhopital), and [www.lexpress.fr/actualite/societe/fait-divers/prison-ferme-pour-le-musulman-fundamentaliste-qui-a-agresse](http://www.lexpress.fr/actualite/societe/fait-divers/prison-ferme-pour-le-musulman-fundamentaliste-qui-a-agresse)

[25] A father who refused the assistance of a male doctor when his wife was delivering a child, and whose infant subsequently died, was charged with homicide.

[26] Annulment of a marriage for non virginity of the bride : judgments in April 2008 and November 2008. See : [www.lefigaro.fr/actualite-france/2008/11/17/01016-20081117ARTFIG00496-l-annulation-du-mariage-pour-non-virginite](http://www.lefigaro.fr/actualite-france/2008/11/17/01016-20081117ARTFIG00496-l-annulation-du-mariage-pour-non-virginite)

[27] Numerous cases of stoning or burning to death for 'unislamic behaviour' can be found on the website of Ni Putes Ni Soumises. One such case is at the inception of this organisation.

[28] Creationism was to replace evolutionism.

[29] Under colonial occupation, education as entirely in French, only two 'medersa' with a bilingual teaching existed for the whole of Algeria, for boys only. A hasty political decision to 'arabize' education in Algeria was made under the first President of independent Algeria, Ben Bella, while no one could teach in this language. This led to recruiting teachers of Arabic language from the Middle East. Nasser sent many Muslim Brothers to Algeria, who were not even trained teachers.

[30] Numerous personal testimonies were collected by RAJD (Rassemblement Algerien des Femmes Democratiques) and by myself during the 1990s.

[31] what people call 'hogra'.

[32] While the average percentage of jobless youth in France is 10%, it raises to 16% for the youth of migrant descent, and in some poor suburbs of Paris, it is estimated around 50%.

[33] For instance, fundamentalist groups set up martial arts clubs, youth camps, organize free tuition for students in difficulty, bring relief, (including financial relief) to needy families. With other relief comes the free distribution of 'the Islamic veil' for women and incitations to attend religious discussions at the local mosque for both sexes. How to refuse one part of the gift, when one is dependant on their help ? Replacing the failing state is a strategy they tested in Algeria with much success. Novels by Orhan Pamuk describe very similar strategies in Turkey.

[34] in French : être assigné à résidence / être assigné à sa culture.