

This article was downloaded by: [Pennsylvania State University]

On: 08 November 2013, At: 11:46

Publisher: Routledge

Informa Ltd Registered in England and Wales Registered Number: 1072954

Registered office: Mortimer House, 37-41 Mortimer Street, London W1T 3JH, UK



Ethnic and Racial Studies

Publication details, including instructions for authors and subscription information:

<http://www.tandfonline.com/loi/rers20>

Keeping Identity at a distance: Explaining France's new legal restrictions on the Islamic headscarf

Elaine R. Thomas

Published online: 20 Aug 2006.

To cite this article: Elaine R. Thomas (2006) Keeping Identity at a distance: Explaining France's new legal restrictions on the Islamic headscarf, *Ethnic and Racial Studies*, 29:2, 237-259, DOI: [10.1080/01419870500465355](https://doi.org/10.1080/01419870500465355)

To link to this article: <http://dx.doi.org/10.1080/01419870500465355>

PLEASE SCROLL DOWN FOR ARTICLE

Taylor & Francis makes every effort to ensure the accuracy of all the information (the "Content") contained in the publications on our platform. However, Taylor & Francis, our agents, and our licensors make no representations or warranties whatsoever as to the accuracy, completeness, or suitability for any purpose of the Content. Any opinions and views expressed in this publication are the opinions and views of the authors, and are not the views of or endorsed by Taylor & Francis. The accuracy of the Content should not be relied upon and should be independently verified with primary sources of information. Taylor and Francis shall not be liable for any losses, actions, claims, proceedings, demands, costs, expenses, damages, and other liabilities whatsoever or howsoever caused arising directly or indirectly in connection with, in relation to or arising out of the use of the Content.

This article may be used for research, teaching, and private study purposes. Any substantial or systematic reproduction, redistribution, reselling, loan, sub-licensing, systematic supply, or distribution in any form to anyone is expressly

forbidden. Terms & Conditions of access and use can be found at <http://www.tandfonline.com/page/terms-and-conditions>

Keeping identity at a distance: Explaining France's new legal restrictions on the Islamic headscarf

Elaine R. Thomas

Abstract

Since 1989, France has endured repeated, contentious debates about the 'Islamic' headscarf. In February 2004, French legislators approved a new law prohibiting students from wearing conspicuous 'religious signs' in public schools. Contrary to some observers' assumptions, this measure was not caused mainly by new efforts to combat terrorism or by pro-Christian prejudice. Explaining France's decision to pass this surprising new legislation requires attention to both historical continuities of French political thinking and the changing French and international context. French republican understandings of citizenship and secularism have long made the headscarves issue peculiarly sensitive in France. However, the new law marks a clear departure from previous French policy. Explaining that rupture requires attention to more immediate social and political factors, most importantly: dissatisfaction with the previous policy; effective mobilization of public sympathy by new feminist groups; concern about rising anti-Semitism; and, somewhat paradoxically, developments in international human rights law.

Keywords: France; Muslims; veil; secularism; schools; feminism.

The French National Assembly on 11 February 2004 approved a new law prohibiting 'the wearing signs or dress by which students ostensibly express a religious belonging' in the nation's public schools. While formally applicable to signs of all religions — headscarves, yarmulkes, and overly large crosses will all be banned — the law was clearly passed mainly in response to concerns about Muslim students wearing headscarves. The proposed law was drawn, selectively, from the recommendations of a special investigatory commission appointed by Jacques Chirac in July 2003 to investigate 'the application of the principle of secularism (*laïcité*) in the Republic' and led by immigration

expert Bernard Stasi. The widely publicized conclusions of this commission sought to harness *laïcité's* broad public legitimacy to the project of developing a new shared consensus about how best to integrate France's sizable, and increasingly visible, Muslim religious minority.¹ In reality, however, the new law provoked a national public debate of rare intensity, one that has visibly divided France's leading pro-secularist organizations, political parties, and other major political groupings (17 January 2004, *Le Monde*; 24 January 2004, *Le Temps*).

Both the intensity of controversy surrounding the headscarf issue and the new law itself have astonished many observers outside of France, not only in the United States and Arab countries, but even within the rest of Europe (Vidal 2004, pp. 6–7; 11 December 2003, *Le Monde*; 18 December 2003, *Le Temps*; 2 January 2004, *Le Point*). What accounts for the peculiar excitement surrounding this question in France and the determination of the French government, supported by a clear majority of French public opinion² and many French intellectuals from across the political spectrum, to pass such controversial and restrictive new legislation on this issue?

In reality, this question can be seen as having two rather different faces. The first face of the question has to do with the apparent disparity between cause and effect, with the fact that (mere) headscarves have provoked such a seemingly disproportionate reaction in France. Students can readily be found wearing headscarves to school in the US, Canada, Britain, and many other countries where they generally pass almost unnoticed, their relative novelty and a non-Muslim majority population notwithstanding. To explain France's adoption of its surprising new law, one must therefore first explain why the headscarves issue has proved so peculiarly sensitive in France, regularly occasioned such public furor since its first emergence in 1989, and now commanded the attention of a prestigious national commission of experts. In responding to this first face of the question, an appreciation of French understandings of citizenship and secularism and the particularities of French history and tradition associated with those concepts is essential.

The second face of the question, however, has to do with why, now, this law was adopted. The new law marks a break in existing French policy, and cannot be accounted for by reference to long-term continuities of French political tradition alone. In order to understand the departure marked by this law, as opposed to France's ongoing interest in the headscarf issue, one needs to look more closely at the practical difficulties associated with earlier policy responses and at the changing social, political and legal context within which the Stasi Commission was appointed and arrived at its decisions. The factors most worthy of note in this regard were dissatisfaction with earlier policy responses; an effective mobilization of public sympathy by new

feminist groups organizing within disadvantaged neighbourhoods; concern about the rise of anti-Semitism and the spill-over of conflicts in the Middle East into French schools; and, paradoxically, developments in international human rights law.

The peculiar intensity of the headscarf issue in France

France has reacted like no other country of immigration to the presence of headscarves in its public schools. According to official French sources, a total of 1,256 *foulards* were reported in France's public schools at the start of the 2003–04 school year. Only twenty of these cases were judged 'difficult' by school officials themselves, and only four students were expelled (10 December 2003, *Le Monde*). Considering that France's Muslim population is currently estimated at 5 million and is predominantly young, French public reaction to the problem of students in headscarves appears strikingly disproportionate.

France's peculiar and seemingly overblown reaction to this issue has been significantly shaped by France's republican tradition of thinking about citizenship, the relationship of citizenship to membership in social and religious groups, and most importantly secularism or *laïcité*. The terms of public 'common sense' on these issues in France form a peculiar political cultural backdrop against which the headscarves issue has repeatedly emerged as a leading national issue.

Citizenship and group membership

Among French proponents of the law, citizenship is commonly exalted as a realization of individuality. For supporters, this individuality of the citizen is further equated with emancipation of the individual as a rational agent from groups seeking control of their members through force or superstition.³ As a passage of the Stasi Commission's report tellingly declared:

The secular state, guarantor of freedom of conscience, protects not only freedom of religion and of speech but also the individual; it allows all freely to choose, or not, a spiritual or religious option, to change it, or to renounce it. It makes sure that no group, no community can impose on anyone a belonging or a denominational identity, especially because of his or her origins (*Commission de Réflexion sur l'Application du Principe de Laïcité dans la République* 2003, p. 14).⁴

Many proponents of the new law point to growing numbers of students in 'Islamic' attire as evidence of sexual oppression and rising

religious and traditional pressures on Muslim girls in France. Some influential French feminist critics have recently likened these pressures to those forcing women to wear the veil in Iran or other parts of the world (e.g., Djavann 2003).

Among the new law's critics, by contrast, one finds those seeking to articulate an understanding of citizenship more compatible with individuality as expressed in and through membership in particular social and religious groups. Demonstrations against the new law organized by the small, extremist Party of the Muslims of France (*Parti des musulmans de France*, [PMF]) and joined by one of France's largest Muslim organizations, the Union of Islamic Organizations of France (*Union des organisations islamistes de France*, [UOIF]), appealed to this alternative view of individuality in relation to group membership. Marches in Paris and provincial cities, which assembled between 5,000 and 10,000 participants, featured slogans such as 'Neither brother, nor husband, we have chosen the headscarf' and 'the veil is my choice' (18 January 2004, *Le Télégramme*; 18 January 2004, Agence France Press; 19 January 2004, *Le Temps*). Certainly, it could be argued that these demonstrations were unrepresentative of the views of France's Muslim population. According to recent surveys, 81 per cent of Muslim women in France never wear headscarves outdoors.⁵ Of 300 women from Muslim families interviewed in November 2003, 49 per cent actually favoured a law against visible religious and political symbols in the schools, while only 43 per cent opposed it (Ifop 2003). Nonetheless, the message sent by these protests attests tellingly to the savvy of even relatively 'fundamentalist' Muslim groups in France in understanding, and frontally challenging, the underlying theoretical premises about citizenship, individuality and (religious) group membership shaping the positions of their republican adversaries.

Interestingly, however, the message of these new social actors actually shared significant common ground with that of their opponents. Both camps present the individual as external to, and thus capable of choosing, even its closest social, cultural, and religious ties. Neither side has championed the more communitarian position of American thinkers like Michael Sandel, sceptical for his part of the very possibility of the individual as an agent of choice fully external to his or her 'constitutive attachments' (1982, pp. 175–83). Still, this shared ground has by no means resolved the debate given widely differing views of why, whether and at what age girls may be 'freely choosing' to don their headscarves.

Laïcité, and its explanatory limits

The French concept of *laïcité* and the peculiar historical tradition associated with it are also undeniably key to understanding the

peculiar intensity of this debate in France. The peculiar bearing of *laïcité* as understood by many of its French supporters, on rights to freedom of public religious expression is particularly important in this regard. The liberal tradition of separation of church and state, more familiar to American observers, historically developed largely to protect religion from the state, to ensure the state's neutrality and protect each individual in his or her faith from undue state pressure or interference. State neutrality and freedom of religion are thus key to what secularism is understood to be about in the liberal tradition.

By contrast, the French republican conception of *laïcité* developed primarily in reaction to the traditional political power of the Roman Catholic Church. Thus, whereas Americans historically sought to protect religion from the state, France's combat for *laïcité* sought to free the state from undue religious influence. The historical circumstances that contributed to forming the notion of *laïcité* as it developed in France gave the notion of secularism a much more anti-clerical and less 'anti-state' emphasis there. That republican emphasis continues to significantly mark the instinctive reactions of the French public today to issues concerning the place of religion in the public sphere and, above all, within public institutions charged with forming citizens. In its report, the Stasi Commission clearly distinguished the meaning and entailments of *laïcité* from other (more liberal) notions of separation of church and state, explaining :

According to the French conception, *laïcité* is not a mere "boundary keeper" that should be limited to ensuring that the separation between the state and religions, between the political and spiritual or religious spheres, is respected. The state permits the consolidation of shared values that establish the social bond (*le lien social*) in our country (p. 15).

As presented by the Commission, this understanding of *laïcité* is in turn closely tied to the republican model of citizenship's relation to group membership. The Commission thus presented defence of *laïcité* as grounds for setting limits to citizens' expression of 'difference', and even to cultural and religious identification itself. The Commission argued:

...the exacerbation of cultural identity should not become a fanatical defence of difference, bringing with it oppression and exclusion. In a secular society, each person must be able to take some distance with regard to tradition. That does not involve any renunciation of oneself but rather an individual act of liberty that

allows one to define oneself in relation to one's cultural and spiritual references without being subjected to them (p. 16).

In another particularly striking passage, just after remarking that 'secularism can allow the full intellectual blossoming of Islamic thought free from the constraints of power', the report continued:

Beyond the status of religions, the requirement of *laïcité* also calls on everyone to work on him or herself. Through secularism, the citizen gains protection of his freedom of conscience; in return, he must respect the public space that everyone can share. Demanding state neutrality does not seem very compatible with the display of an aggressive proselytism, particularly within the schools. Being willing to adapt the public expression of one's religious particularities and to set limits to the affirmation of one's identity allows everyone to meet in the public space (p. 16).

In contrast with this tradition, in Britain, Denmark and other European countries with established state churches, separation of church and state was never so clearly instituted. Such historical differences have no doubt also contributed to the sometimes puzzled reactions of other Europeans to recent French discussions (Vidal 2004, pp. 6–7). As comparatively oriented scholars have rightly emphasized, these diverse historical traditions continue to play an important role in shaping political choices related to the recognition of religious differences in the public sphere, choices again coming to the fore as Europe's Muslim population grows and becomes more settled (Soper and Fetzer 2003).

The particularities of France's tradition of *laïcité* alone cannot explain the surprising recent decision to legally restrict the wearing of religious signs, however. Were that the case, such legislation should already have been passed in response to France's first national controversy over students in headscarves, the '*affaire du foulard*' of 1989. In reality, however, that *affaire* led to a very different, more decentralized, case-by-case approach to addressing the issue.

Also tellingly, the present law was not supported by several leading French organizations widely known for their long-standing firm support of *laïcité*.⁶ Like French feminists, the teachers' syndicates, and France's major political parties, the *laïque* camp itself was quite divided internally by the issue (Tevanian 2004, p. 8; 17 January 2004, *Le Monde*; 24 January 2004, *Le Temps*). Also remarkably, Jean Bauberot, a leading French expert on *laïcité*, was the one member of the Stasi Commission who abstained from endorsing its recommendations (11 December 2003, *Le Monde*). However important the French republican model of citizenship and secularism was for turning

students' headscarves into a major national issue, these ideas alone do not explain the remarkable recent change in French policy.

Why France's approach to headscarves is changing

The new law actually marks a clear departure from France's existing approach to the headscarves issue. Such a decided change cannot be explained solely in terms of the French republican tradition of *laïcité*, a constant since the first '*affaire du foulard*' began in 1989. Why then did the Stasi Commission opt to recommend a departure from standing policy and practice on this issue?

Answering this question requires one to look beyond French understandings of citizenship and *laïcité* and other constant features of the French republican model. More contextual factors are essential to explaining France's new resolve to legislate against headscarves and other religious signs. Most significantly, practical problems associated with existing policy, the role of new feminist groups in changing public perceptions of Muslim women's interests, concerns about rising anti-Semitism, and perceived openings in European human rights law must be taken into account.

The alternative, case-by-case approach

For the last fifteen years, French policy regarding headscarves has been based on the 1989 opinion of the Council of State. In contrast to the new prohibition on religious signs, the approach associated with the Council of State decision was one of qualified *laissez-faire*. The decision underscored students' rights to freedom of religion and religious expression, including through the wearing of religious signs. These rights could be abrogated only where overridden by other considerations. The decision allowed for school officials to prevent a student from wearing her headscarf only if and where required by the schools' obligation to prohibit 'acts of pressure, provocation, proselytism, or propaganda', to ensure safety and security, to prevent 'any perturbation of the course of teaching activities, [or] of the educational role of teachers and any troubling of order within establishments', and to ensure that students fully followed their required courses of study (Commission 2003, pp. 29–30; 10 December 2003, *Le Monde*). This policy clearly left generous room for discretion by local school officials and sometimes permitted expulsion of students who refused to uncover their heads. Notably, however, this approach did *not* deny students' rights to wear headscarves on grounds of any *a priori* conflict with the principle of *laïcité*.

By contrast, what the Stasi Commission's report initiated was a new legal delimitation of freedom of religious expression based directly on

upholding the French tradition of *laïcité*. Under the new policy, moreover, *all* headscarves are to be banned in public primary and secondary schools. This decision marked a clear break with previous reasoning, a break that can only be explained by reference to developments in the practical, social, and legal context that contributed to shaping the Commission's reasoning and the policy that followed from it.

Dissatisfaction with existing policy

In 2004, the 1989 Council of State decision still had its supporters. Intellectuals often praised the decision for duly recognizing the inherent multiplicity of symbols' potential meanings and effects. Some also praised it for delegating authority to the local level, and for promoting constructive negotiation and discussion between local educational authorities, parents, and students (10 and 11 December 2003, *Le Monde*; 19 and 23 December 2003, *Le Figaro*; 14 January 2004, *Le Monde*).

Despite its long list of considerations that could, in principle, trump students' rights to religious expression, the 1989 decision did not grant headscarf opponents very much. In practice, few headscarves could be shown to cause any of the specific problems mentioned. The Council of State decision kept school officials' reaction to headscarves within bounds, forcing teachers and administrators to show that particular headscarves really did pose irresolvable problems before expelling students wearing them.

Many teachers and school administrators were clearly dissatisfied with this approach, which posed a variety of difficulties for them. Although decision making was delegated to the local level, schools were not allowed to pass stricter local rules of their own that simply prohibited headscarves from being worn. French courts repeatedly ruled that such blanket prohibitions, which many schools tried to pass in the interest of clarity and simplicity, were contrary to the Council of State's decision (Commission 2003, p. 30; 10 December 2003, *Le Monde*). Any punishment of a student for wearing a headscarf thus had to be justified on a case-by-case basis. Some principals resented the way this requirement forced them to play the 'bad cop' vis-à-vis particular students and their families. Nor did they relish having to make the highly contestable case-by-case judgement calls that the 1989 Council of State ruling required (Public Senat 2003). Indeed, a number of local administrators' decisions made within that framework were legally challenged, with decisions sometimes overturned in court (10 December 2003, *Le Monde*).

The 1989 framework allowed expulsions of students wearing headscarves on the basis of generous loopholes. It therefore gave principals

grounds for making expulsions, and also gave expelled students and their families grounds for legal recourse. Repeated lawsuits were a predictable consequence. Not surprisingly, this proved an approach with which the very school officials to whom the ruling sought to devolve greater authority were largely dissatisfied. While the leading public education sector syndicates were divided on whether to support the law, those representing school principals and school inspectors voted in favour (17 January 2004, *Le Monde*). A CSA survey of French teachers subsequently found some three-quarters of them also in support (5 February 2004, *Le Monde*).

The Stasi Commission was, by its own account, particularly moved by testimony solicited from teachers and administrators (Commission 2003, pp. 40–4). Three-quarters of the Commission's members themselves were or had been teachers, school administrators, or professors. In favour of a stricter and clearer approach, the Commission stressed the need to support public teachers and school principals abandoned by the state in difficult local situations which they often faced with great difficulty in managing on their own (pp. 40–4). Prime Minister Jean-Pierre Raffarin expressed hope that the law would help 'to protect state servants who feel vulnerable'. (Quoted in 16 December 2003, *Le Monde*.) As Commission member Patrick Weil explained after the Commission's report was issued, 'We felt that it [the school system] had been overtaken, that it was no longer in control of the situation. That incited us to act'. (Quoted in 13 December 2003, *Libération*.)

Pro-Christian prejudice thinly veiled?

It seems unlikely, however, that a majority of the French public rallied behind the new law mainly in the interest of helping school principals avoid legal challenges. One might very well ask whether French public support for the law was not simply guided by widespread hostility towards the country's Muslim minority. It would doubtless be rather naïve to think that negative attitudes regarding Muslims and resentment against the departure from tradition that the growing public presence of a Muslim minority in France represents played no role in generating support for the new law.

Indeed, many derided the new law as an attack on Muslims thinly disguised as an even-handed prohibition of religious signs in general (e.g., 16 December 2003, *Le Monde*; 18 December *Le Temps*). Large crosses, as critics quickly pointed out, are not particularly in vogue, and wearing a cross is not a religious obligation. One might therefore be tempted to argue that the French were really just seeking a way to permit only typical symbols of Christian identity (such as small

crosses), selectively protecting France's Christian majority without admitting it.

Clever though this may seem, this reading did not square very well with the actual pattern of support and opposition that developed. Catholic, Protestant, and Orthodox church officials all criticized the proposed law for being anti-religious and warned Chirac against passing it (9 December 2003, *Le Temps*). Nor was the law supported by the far-right National Front [FN], which preferred to see Christianity's privileged position in France upheld much more overtly. When the new law was proposed, FN leader Jean-Marie Le Pen denounced it as an effort to delude the public into focusing on the veil while ignoring the 'real' problem: 'massive immigration' (5 December 2003, *Libération*). Similarly, an editorial in the FN weekly *National Hebdo* argued:

The solution to this problem rests in assimilating those who accept being assimilated and returning to their countries of origin those who do not. Legislating about the veil at school is legislating on the accessory. It is taking a measure that risks resolving nothing, but just exacerbating the conflicts and turning itself back against the French loyal to the religion of their father.... (Quoted in 26 December 2003, *Le Figaro*.)

The new measure did not appease the FN and was opposed by Christian religious leaders. To explain support for it, one must look to the mobilizing role of other new social actors.

The headscarf as a symbol of women's submission

To explain public support for the law, one must look at the part played by other actors, particularly new feminist groups. To make sense of their role, one needs to understand how French observers have come to 'read' the headscarf. Unlike political t-shirts, headscarves do not come inscribed with words specifying the messages they are intended to convey. Such messages are thus imputed to them by those who see or imagine the garment, and patterns of interpretation are culturally variable. This situation generates considerable potential for cross-cultural misunderstandings. French and non-French observers, for example, often tend to 'read' the scarf as a sign conveying very different messages.

Non-French observers often imagine a student attending class with her hair covered as someone willingly engaged in a freely chosen expression of her religious identity or cultural tradition, or as guided by personal modesty. Thus, they often imagine the headscarf as a t-shirt reading, 'I believe in Allah', or 'I'm proud to be a Muslim!'

Why, they wonder, would the French prohibit such declarations of piety and cultural pride?

By contrast, when the French picture such a student, they more often tend to imagine her as an unwilling victim of sexist familial or community pressures. For many French observers, a headscarf looks more like a t-shirt that says, 'I'm just a girl, and I know my place', or 'Don't hit me! I accept my submission'. Deciphering the message that way, they are more indignant at the idea of girls being forced to wear such signs.

Who is right? The available evidence fortunately allows us to go beyond such generalizations as the fact that signs have multiple meanings, or that all signs may be subject to discrepancies between the message emitted and the one received. On the basis of interviews conducted with French wearers of the clothes in question, we can fairly reach some conclusions about why they are worn and what they mean. In reality, it is fairly clear that there are *both* students in France wearing headscarves as a matter of personal religious conviction *and* those who do not want to wear headscarves but are forced to do so by familial or community pressure (Gaspard and Khosrokhavar 1995).⁷

It is the fact of female students being forced to wear signs read as saying, 'I'm just a girl and I know my place' that particularly galls many people in France. In contrast to its position in 1989, the French Council of State in early 2004 expressed its support for a law prohibiting such signs. Explaining this change, members of the Council of State characterized sexually unequalitarian community pressures on girls as a factor marking a significant change from the situation in 1989 (28 January 2004, *Le Figaro*).

It is difficult to say whether such pressures at the local level really have increased. The phenomenon of *parents* pressuring their daughters to wear the *foulard* was also widely noted back in 1989. However, there was little or no discussion then of the role of *community* pressure and intimidation by other students, or local gang leaders, in pushing girls to dress this way. Since 1989, the terms of the French national discussion of the issue have clearly changed in this regard.

In particular, the issues of sexism and unwanted community pressures on girls to wear 'signs' allegedly expressing acceptance of a subordinate and submissive social role have grown significantly. As the Commission's report noted (p. 29), the 1989 Council of State decision made no reference to issues of sexual equality. The new centrality of those issues in the headscarves debate of 2003–2004 reflected the effective mobilization of French public sympathy during and just prior to the latest wave of French debate on the headscarves by groups representing women from the underprivileged suburban areas (*banlieues*) where North African immigrants are concentrated.

The activities of the organization *Ni putes, ni soumises* [NPNS] and the network of local associations affiliated with it were especially important in this respect. On 4 October 2002, Sohane Benziane, an adolescent from the public housing projects of Vitry-sur-Seine was burned alive in a cellar, a victim of local male aggression. Reports of this horrifying incident played an important role in heightening public attention to violence against women in France's poor neighbourhoods. A few weeks later, a movement calling itself '*Ni putes, ni soumises*' ('Neither Whores Nor Submissives') was launched. The launching of NPNS also roughly coincided with publication of NPNS leader Samira Bellil's widely read autobiography, *Dans l'enfer des tournantes* (In the Hell of the Gang Rapes), a hard-hitting account of years of abuse at the hands of oppressive male youth from the disadvantaged district where she grew up.⁸

NPNS soon won considerable attention from the media and French officials. In its first year, the group organized numerous conferences and debates and undertook a vast consciousness raising campaign (Budry 2004; Mouedden 2004). In February to March 2003, NPNS mobilized between 10,000 and 30,000 participants for a march across France 'against the ghettos and for equality', departing (symbolically) from Vitry-sur-Seine (Fadela n.d.). NPNS leaders were then invited in March 2003 to meet Prime Minister Jean-Pierre Raffarin, who embraced NPNS demands congruent with the united right UMP's own emphasis on security (10 March 2003, *Le Monde*). Leaders from NPNS were then invited to present their testimony to the Stasi Commission.

The message conveyed by NPNS has been highly critical of traditional Islam, machismo, and sexist family and community pressures to which many young women of France's immigrant suburbs are subject. (e.g., see Macité Femmes n.d.). Calling for a 'generational struggle', the movement has decried such pressures as impeding the emancipation of France's 'women from below'. The recent rise of this movement has drawn public attention to divisions within 'immigrant' groups in France, particularly tensions between more conservative elements and feminists sharply critical of tradition.

Given this context, the French public has become acutely aware that the veil, or even the headscarf, is far from being consensually accepted within France's Muslim population. Cases of girls forced to wear *foulards* or veils by community pressure, threats, or intimidation have been widely publicized. Just before the Stasi Commission's report was released, the popular magazine *Elle* published an open letter by sixty well-known women, Muslim and non-Muslim, calling on Chirac to ban the 'veil' (12 December 2003, *New York Times*). *Elle*'s publication of this letter also contributed to rising public awareness of sharp divisions among Muslims themselves in France. This pattern of

organizational activity, popular mobilization and media coverage has thus played a key role in shaping French public perceptions of ‘the veil’ and of the constraints leading some girls to wear it. While France’s response to this perceived situation may be misguided, it is not at all surprising in this context that demands for public intervention to ‘save’ girls from veiling have arisen.

For its part, the Commission heard not only from representatives of NPNS but also from several other French feminists militantly opposed to the veil, including Chahdortt Djavann, the French-Iranian author of *Bas les voiles! (Down with the Veils!)*. By contrast, though they were the main group targeted by the Commission’s recommendations, only two students actually wearing Islamic headscarves were invited to testify. Nor did other feminists opposed to the new prohibition receive the same attention. As one commission member later noted, an atmosphere developed within which it became almost impossible to defend the right to wear headscarves without casting oneself as sexist and reactionary (Bauberot 2004).⁹

If feminist concerns about the meaning of headscarves factored so heavily in French policy-making, one might then ask why headscarves were not also then banned on the street, or even in public universities. There are two main answers to that question, neither of them related to hypocrisy. First, the ‘headscarves issue’ was durably framed in its current terms — as an issue about students’ rights to wear headscarves in public classrooms — years before feminist arguments about headscarves took on their current salience, and the established framing of the issue has not changed readily in response to changing arguments. Second, France is also committed to freedom of religious expression, and reconciling that commitment with concerns about headscarves *is* a source of obvious tension. It is accepted that preventing adult women from publicly wearing headscarves would unduly contravene religious rights. However, many argue that minors are not yet adequately equipped to make their own autonomous decisions and must, at least while at school, be protected from community pressures that could abridge their free mental development and achievement of autonomy. The fact that feminist concerns have not translated into an even broader ban on headscarves thus need not be read as indicative of any hidden insincerity.

France’s domestic war on terrorism?

One could be tempted to regard France’s new law as a delayed response to 11 September and related fears about connections between Islamic fundamentalism and international terrorism. As one recent American article on the background to the new law noted, after September 2001 in particular, ‘Many journalists and politicians began

to worry that the French housing projects (*cités*) had become nodes in a global jihad network stretching from Algeria to Chechnya to Afghanistan' (Silverstein 2004, para. 8). In a similar vein, Kramer (2004) argued, rather questionably, that it was after September 2001 that 'an increasing number of Muslim schoolgirls started attempting to enter classrooms draped in clothing that had less to do with the places their families came from than with a kind of global ur-Islam' (p. 66).¹⁰

In support of this interpretation, one might also point to France's expulsion of several foreign-born fundamentalist imams shortly after the new law was recommended. Do these deportations not suggest that the law emerged largely from new state concerns about terrorist threats associated with fundamentalism's rise in French *banlieues*?¹¹ A dramatic front-page article in *The Wall Street Journal* (9 August 2004), in part entitled, 'Trying to Pre-empt Terrorism',¹² clearly invited that interpretation. It presented the deportations of eight imams during the first months of 2004 as a 'new' practice driven by a far-reaching French 'campaign against extremism'.¹³ The headscarves law, in turn, was characterized as part of the same hardheaded crackdown.

Such explanations of the background to the new headscarves law have been well calculated to appeal to the American reader. They conform neatly to prevailing perceptions of '9/11' as a watershed moment in world history and reinforce familiar claims that Al Qaeda's attacks inaugurated a scared new world joined in a global war on terror, terrorism and 'radical' Islam. Even the French were, after all, on board.

Fears of terrorism associated with radical, transnational Islamic movements are certainly familiar in the French context, but they have not followed exactly the same chronology. September 2001 was arguably less of a new turning point in this regard in France, where recent fears of this kind date back to the 1995 bombings in Paris by French-born supporters of the Algerian *Front islamique de salut*, [FIS]. The principal French response to these concerns was a new policing policy, the 'Vigipirate' programme. Implemented just after the 1995 bombings, that programme has deployed large numbers of extra police in the *cités* where disadvantaged Muslims are concentrated (Silverstein 2004, para. 9).

Moves towards a new law banning religious signs in schools arose from a somewhat different, if not unrelated, set of concerns. Fears about radical, intentionally provocative and disruptive, expressions of Islam and, above all, fundamentalism (*intégrisme*) were frequently mentioned during public discussions of the law. By contrast, however, concerns regarding transnational Islamic networks sowing the seeds of terrorism did not figure in the Stasi Commission's report, and they played almost no part in the public debates that followed. Arguments

for the new law clearly did not centre on preventing such developments. In fact, in striking contrast to the terms of recent American discussion of the dangers of Islamic fundamentalism, there was no mention of ‘terror’, ‘terrorism’, or ‘terrorists’ at all in either the Stasi Commission’s seventy-eight page report or Chirac’s key speech on it (19 December 2003, *Le Monde*).

If preventing terrorism had been a driving motivation behind the quest for a new law, then one would expect to have heard that reason clearly invoked, if not by leading public figures, then at least by some important supporters of the policy. After all, pointing to dangers of terrorism is generally thought to be quite effective for boosting public support of potentially repressive and controversial new measures. Yet, such appeals were notably absent. Contrary to what some US reports have suggested, the idea that the new headscarves law arose from a concerted new French effort to crack down on potential terrorists is unwarranted. More than anything, such reports have reflected tendencies of the American media to interpret current tensions surrounding Islam in France through a terrorism-centred ‘post-9/11’ lens thought likely to engage American readers.

Of course, the French media have also tended to perpetuate certain stock ways of framing issues. These framings have been somewhat different from those common in other countries, however, and are far more influential when it comes to how the French public thinks and what its elected representatives are inclined to do. The French media were quick to invoke ‘republican’ values and closely linked the issue of Islamic fundamentalism to women’s subordination and well-known French historical conflicts over Church-State relations, for example. More surprisingly perhaps, some French decision-makers also linked the headscarves issues closely to recent problems of anti-Semitism.

Fighting anti-Semitism by fighting the headscarf

Along with desires to aid educators and defend girls, European and French concerns about rising anti-Jewish violence also factored significantly in the government’s efforts to renew and reinvigorate *laïcité*. In his speech following the Stasi Commission’s report, Chirac stressed the need to fight tirelessly ‘against xenophobia, racism *and, in particular, anti-Semitism*’. (Quoted in 21 December 2003, *New York Times*, my emphasis.) The Commission itself reported being particularly shocked by testimony of a group of 220 high school students, one of whom remarked that a Jewish student wearing a yarmulke to his school would be immediately ‘lynched’. While perhaps sensational by intent, this comment was not contradicted or qualified by other students present, as the Commission noted with dismay (Commission 2003, p. 48). A school director in the 11th arrondissement of Paris and

a parent's letter she read for the record at the Commission's hearings also testified to an atmosphere in which Jewish students actually feared being identified lest other students physically attack them (Public Senat 2003).

This evidence culled from the Commission's own hearings was reinforced by research and findings from other sources. A draft report on anti-Semitism recently prepared for the European Commission reported abundant evidence of increasing problems in France (Bergmann and Wetzel 2003, pp. 62–9). The report linked the rise in anti-Semitic violence, peaking in mid-2002 in France and other European countries, to resurgence of the Israel-Palestinian conflict. Its authors also attributed responsibility for many attacks to 'Muslim youth', supporting the hypothesis of a partial turn in France from an anti-Semitism originating in organized far-right groups to a new '*banlieue*' variety of anti-Semitism. These aspects of the report proved highly controversial and even led to a disclaimer on the part of the European Commission, but they reflected and reinforced changing European beliefs about the roots of anti-Semitism. Reports in the media, and a recent book said to have deeply impressed Chirac (Brenner 2002) have also pointed to an alarming spill-over of the Israel-Palestinian conflict within French public schools, with both anti-Jewish insults and physical abuse of Jewish students reported. One might well ask, however, how and why rising concern about anti-Semitism would translate into a new proposed legal restriction on the wearing of religious signs in the schools, especially given that Jewish signs are also prohibited.

First, one needs to bear the numbers in mind. Estimated at between 550,000 and 700,000, France's Jewish population is the largest in Europe and the third largest in the world. However, French Jews are still outnumbered by French Muslims by approximately ten to one. Should conflict along lines of religious identification erupt, Jewish students stand to be the main victims. For their safety and welfare, it is therefore important to keep violent hostility between Jews and Muslims out of the French schools, something local school authorities have thus far apparently not fully succeeded in achieving.

While such concerns appear to be warranted, the prevailing terms of discussion in France have encouraged a reductionist symbolic equation between fighting potentially violent manifestations of anti-Semitism and fighting headscarves. Stasi Commission member Alain Touraine's explanation of his ultimate support of the Commission's recommendations was particularly revealing in this respect. Touraine's support for the Commission's report surprised many observers; he was initially opposed to new legislation and well known for defending the potential positive effects of a modernizing Islam. Justifying his apparent change of position to *Le Monde*, Touraine explained:

Since the intifada, France has become a communitarian country . . . It is not fair to say that I have changed my mind. It is France that has profoundly changed: in the high schools, one is Jewish or one is Arab. One no longer identifies oneself by one's social class . . . but by religion.

(Quoted in 18 December 2003, *Le Monde*).

This framing of the problem symbolically equated student rancour against Jews and the headscarf issue in several ways. Both problems are understood as matters of over-privileging one's ethnic or religious identity, and of *division* along religious lines. This concern is captured in the notion of *communautarisme* (communitarianism, or more accurately, 'community-ism'), a touchstone of recent French discussion. In the letter introducing its findings, the Stasi Commission's report also warned of 'the risk of a drifting toward *communautarisme*' (Commission 2003, p. 2). '*Communautarisme*' was judged to be a danger, the sort of thing toward which one risked 'drifting'¹⁴ by virtue of the assumption that, once divided into different firmly defined groups with mutually exclusive identities, groups were inherently prone to conflict. The linking of this development to the spill-over of the intifada in French public schools reinforced this association, despite the fact that one could argue that it was the (external) conflict that fuelled the mutually exclusive pattern of identification rather than the reverse in this case. There was some truth in the French view, however; the identification of the French Jewish and Muslim students with their Middle Eastern counterparts was indeed a *sine qua non* for replaying the international conflict on a reduced scale in French school yards.

Why was banning headscarves seen as a relevant response to this problem? A series of symbolic equations linked the two issues. First, fighting anti-Semitism and fighting headscarves were both seen as being about preventing students from bringing overt expression of religiously-based identities associated with conflicts in the larger world *into the schools*. Both became a matter of fighting the dangerous entry of 'Oriental', Middle Eastern, or Arab issues and identities into French schools. Banning headscarves also came to stand for fighting violent anti-Semitism in the schools because both causes were framed as being about ensuring a proper submission of 'young Muslims' to 'the law'. As the prime minister argued in presenting the bill before the National Assembly, 'This bill is not directed against a religion but it must respond to those who would like to put their community membership above the laws of the Republic'. (Quoted in 4 February 2004, *Sud Ouest*.)

The questionable element of this parallel consisted in the fact that for 'the law' to be defended against excessive expression of Muslim identity in the case of headscarves, a law first had to be enacted to

defend! No matter that, unlike attacking Jewish students, wearing a headscarf was not directly harmful to others. For the headscarf ban to enact a satisfying symbolic response to the problem of violent anti-Semitism, what was essential was, simply, that the law set limits to the expression of (dangerous and divisive) religious and social identities in the schools.

The proceedings of the January 2004 meeting of Licra (*Ligue internationale contre le racisme et l'antisémitisme*), to which Interior Minister Nicolas Sarkozy was invited, also exhibited this pattern of thinking. The meeting was largely devoted to highlighting anti-Semitism's troubling recent rise in France and its changing character. Anti-Semitism, participants heard, was no longer mainly a problem coming from traditional racists on the far-right; instead it increasingly stemmed from the situation in the Middle East.¹⁵ At this same meeting, Licra's president, Patrick Gaubert, staked out a clear position in favour of the new rule prohibiting religious signs. Sarkozy, in turn, stressed his commitment to aggressively fighting anti-Semitism, noting a series of recent prosecutions. Concerning the new law, the minister stressed the need to remind everyone that the rules were the same for all; Muslims were not above the law (27 January 2004, *Le Monde*).¹⁶ The influence of this pattern of reasoning helps to explain the course of recent French decision-making, which in many ways follows logically from widespread implicit assumptions in France about the nature and causes of ethnic and religious conflict. French diagnoses of rising anti-Semitism as a problem of Muslim students' excessive *communautarisme* has lent otherwise surprising credibility to officials' efforts to fight anti-Semitism by fighting the headscarf.

The European Court of Human Rights

One might well ask why the rising influence of international and European human rights law did not prevent France from passing its unusual new restrictions on the right to freedom of religious expression. In reality, the authority of the European Court of Human Rights [ECHR] did influence the Stasi Commission's reasoning and conclusions, but not as one might have expected. The Commission was clearly concerned that any new French legislation should be able to pass eventual scrutiny by ECHR. The Commission's official report therefore discussed relevant precedents and how a national law prohibiting religious signs in public schools could be made to satisfy the European court's standards. The Commission noted that the European Convention on Human Rights and Fundamental Freedoms protects religious liberty, but that this right is not absolute. Moreover, the Commission stressed, the approach of ECHR to interpreting this requirement has involved 'a recognition of the traditions of each

country, without seeking to impose a uniform model of the relationship between church and state' (p. 21).

Notably, one of the recent precedents identified by the Commission as relevant in this respect was the court's February 13, 2003 decision on the case *Refah Partisi* [Prosperity Party] *and Others v. Turkey*. This case challenged the Turkish government's banning of the Islamic Prosperity Party. ECHR decided in favour of the Turkish government in this case, ruling that the party's political project posed dangers to the rights and liberties guaranteed by the Turkish constitution, including that of *laïcité*. In other words, where *laïcité* is constitutionally guaranteed — as it also is in France — ECHR was, this precedent suggested, willing to allow state measures to defend *laïcité*, even if they contravened other basic liberties (Commission 2003, p. 21).

Is it a coincidence that the Commission's own recommendation of a new law banning the wearing of conspicuous religious signs in the public schools was set forth in the context of a report on the French tradition of *laïcité* and the conditions for its continued application in France today? Awareness of ECHR and the need to satisfy its standards thus helps to explain why defence of the new law prohibiting headscarves and other religious signs centred to such an extent on reference to the principle of *laïcité*, despite the fact that France's tradition of *laïcité* actually does *not* by itself account for the recent change in policy. Paradoxically, the European court's influence did not lead to a more liberal policy. On the contrary, raising objections about the wearing of headscarves to a level of principle sufficient to satisfy ECHR standards took regulations restricting headscarves off the relatively pragmatic terrain that the Council of State had insisted upon in its 1989 decision. In practice, France's concern about the ECHR's standards favoured official emphasis on *laïcité* and the republican tradition, thus reinforcing the most inflammatory, and symbolically charged, dimensions of the headscarves issue.

In short, French assumptions about the nature of citizenship and its relation to group membership and the peculiar historical tradition of *laïcité* in France are undoubtedly essential for understanding why the wearing of headscarves or other religious signs in the nation's schools has repeatedly emerged as such a hot issue. Nonetheless, one must look beyond the republican model to explain the rupture with previous practice marked by the new law in France. Practical problems with the existing approach, the recent effective mobilization of public sympathy by feminist groups representing '*les filles de banlieue*', concern regarding the recent rise of anti-Semitism in France, and recent precedents in international human rights law were vital factors in bringing about this controversial recent change in French policy.

Conclusion

The recent French decision on headscarves is in many ways more rational than many foreign observers have assumed, but the decision is nonetheless risky. The new law aims to promote integration and bolster social consensus regarding the terms on which France's ethnic and religious minorities of postwar immigrant origin are to be integrated. However, it runs the risk of producing effects directly opposed to those intended. Whether the policy will effectively promote integration or, on the contrary, further entrench emerging divisions between 'communities' depends in large part on how Muslims in France will react to the new measure. An outspoken minority has, predictably, emerged in clear opposition. More surprisingly perhaps, other segments of French Muslim opinion have proved to be much more sympathetic to the government's strategy.

Still in question are many moderate Muslims who are not particularly committed to wearing headscarves themselves but who may see France's latest 'scarf hunt' as evidence of a certain public, officially sanctioned, 'islamophobia'. Publicity regarding the law's purpose and rationale, beginning with the report of the Stasi Commission itself, has aimed to discourage such a reading. By contrast, some of France's more radical new Islamic organizations, such as the PMF and the UOIF, have sought to encourage it. Will already relatively secular and moderate French Muslims be encouraged to pursue a course of continued secularization by the new law adopted in the name of *laïcité*? Or will the latest attack on Islamic headscarves alienate such citizens and turn them towards radical organizations seeking to rally them as outcast victims? Will such radical organizations' followings swell, and will they gain greater sway within the French Council for the Muslim Religion [CFCM] recently constituted by the French government to represent the French 'Muslim' population as a whole? Recent debates over the proposed law have already occasioned struggle between the UOIF and more quiescent elements within the CFCM. Will reception of the recent debate and the new regulations contribute to tipping the existing balance in a more radical direction?

As self-conscious organization of France's Muslim minority proceeds and new groups claiming to represent it develop greater ability publicly to voice their perspectives and to diffuse an alternative message to their existing and potential members, the French mainstream media and French intellectuals are likely to lose some of their former ability to set the terms of national debate, and thus to control the 'spin' given to measures like the new ban on religious signs. At the same time, other countries appear to be much more closely attuned to France's handling of its diversity issues than they were a few years ago,

and they have been much quicker to comment on French decisions in this area than they were during the first headscarves debate back in 1989. Paradoxically perhaps, so far neither of these changes has led to any liberalization of French policy; instead, it has taken a somewhat more restrictive turn. Even the widely noted influence of the European Court of Human Rights does not for now prevent France from pursuing its distinctive national policy course in this area. If anything, it has pushed the most conflictual, symbolic dimensions of the issue to the forefront. Ultimately, however, these underlying domestic and international changes are bound to make France's handling of its diversity issues ever more challenging.

Acknowledgements

I would like to thank the *Chaire de Recherche du Canada en Mondialisation, Citoyenneté et Démocratie*, directed by Jules Duchastel at the *Université du Québec à Montréal*, for supporting the research and writing of this article. I am grateful to the *Chaire's* research associates, other participants at its public lecture series, and to this journal's two anonymous reviewers for their helpful comments on earlier versions of this article.

Notes

1. France's Muslim population, Europe's largest, is estimated at approximately five million. Wholly reliable figures are lacking, however, since France prohibits the collecting of census data on religion. A 1994 survey by *Le Monde* found that 27 per cent of Muslims in France were 'believing and practising' (Caldwell 2000).
2. Surveys of CSA, Ifop, and BVA before the law was passed in the Assembly found anywhere between 57 per cent and 72 per cent in favour (8 December 2003, *Libération*).
3. In the words of Commission member Ghislaine Hudson, '*Le fait de demander que l'école soit un milieu protégé des influences religieuses et politique, parce que c'est un lieu de formation d'esprit, ne vise pas à exclure mais à s'intégrer et donc à s'émanciper.*' (Quoted in 11 December 2003, *Le Monde*.)
4. Here my analysis closely follows that of Pierre Birnbaum. (See 13 December 2003, *Libération*.) All translations from French sources are my own unless otherwise noted.
5. Results reported in *Elle*, 15 December 2003. Also see the very diverse reactions to the proposed law on the part of Muslim women questioned in "*Si c'est ça, je ne me sens plus française*", 18 December 2003, *Libération*.
6. Important pro-secular groups opposing the law included the *Ligue de l'enseignement*, *Ligue des droits de l'homme*, *Mouvement contre le racisme et pour l'amitié entre les peuples* (MRAP), and *Fédération des conseils de parents d'élève* (FCPE).
7. It is unfortunately impossible on the basis of this work to put any percentages to these different possibilities; for that, a more representative study with a larger sample would be required.
8. Bellil's book was released on 9 October, just five days after the murder of Sohane Benziane. On Bellil's role in NPNS, see Mouedden 2004.
9. I refer here to Bauberot's oral presentation at Acfas rather than the text of the paper.

10. Cf. Kepel (1994)'s much subtler, and earlier, account of the connection between veiled students and international Islamic currents.

11. I would like to thank one of the journal's anonymous referees for bringing the possibility of making this connection to my attention.

12. The full title of the article was 'Fighting Words — French Move Fast to Expel Foreigners Espousing Violence — Nation Targets Several Imams From a Muslim Populace Poorly Integrated in Society — Trying to Pre-Empt Terrorism'.

13. *Le Monde* (21 August 2004) reported the number of deportations during this period as only seven, that is, half the number of allegedly dangerous 'Islamists' deported by Interior Minister Charles Pasqua a decade ago.

14. To drift (*dériver*) has a more ominous connotation in French. Being at risk of drifting is like being on 'the slippery slope'.

15. Note that this analysis again attests to the current political influence of the causal claims advanced in the draft report on anti-Semitism, despite the European Commission's official disclaimers regarding those conclusions.

16. The UMP subsequently took these efforts to associate itself with the fight against anti-Semitism, and with Licra, even further, unexpectedly inviting Patrick Gaubert to head the UMP's list for the 2004 European elections in Île-de-France.

References

BAUBEROT, JEAN 2004 '*Les mutations actuelles de la laïcité en France au miroir de la Commission Stasi*', Paper presented at 72nd Congress of Acfas, Montréal, Québec, 10–14 May

BELLIL, SAMIRA 2002 *Dans l'Enfer des Tournantes*, Paris: Éditions Denoël

BERGMANN, WERNER and WETZEL, JULIANE 2003 *Manifestations of Anti-Semitism in the European Union, First Semester 2002, Synthesis Report on behalf of the European Monitoring Center on Racism and Xenophobia*. URL: http://www.haaretzdaily.com/hasite/images/iht_daily/D281103/eu_anti_semitism_report.rtf [4 June 2004]

BRENNER, EMMANUEL (ed.) 2002 *Les Territoires Perdus de la République. Anti-sémitisme, Racisme et Sexisme en Milieu Scolaire*, Paris: Mille et une nuits

BUDRY, MARYELLE 2004, '*Ni putes, ni soumises, le mouvement féministe qui monte*', *Solidarités* [Online], no. 39, p. 5

CALDWELL, CHRISTOPHER 2000 'The crescent and the tricolor', *The Atlantic Online*, vol. 286, no. 5

COMMISSION DE RÉFLEXION SUR L'APPLICATION DU PRINCIPE DE LAÏCITÉ DANS LA RÉPUBLIQUE 2003 *Rapport au Président de la République*, Paris: La Documentation Française

DJAVANN, CHAHDORTT 2003 *Bas les Voiles!*, Paris: Gallimard

FADELA, AMARA n.d., *Le Tour de France Républicain*. URL: www.niputesnisoumises.com/html/index.htm [24 February 2004]

GASPARD, FRANÇOISE and KHOSROKHAVAR, FARHAD 1995 *Le Foulard et la République*, Paris: Découverte

IFOP 2003. *Les Femmes Musulmanes en France*. URL: <http://www.ifop.com/europe/sondages/opinion/musulmane.asp> [7 June 2004]

KEPEL, GILLES 1994 *À l'Ouest d'Allah*, Paris: Seuil

KRAMER, JANE 2004 'Taking the veil: how France's public schools became the battleground in a culture war', *The New Yorker*, 22 November, pp. 59–71

MACITÉ FEMMES n.d. *Le Manifeste des Femmes des Quartiers*. URL: http://www.macite.net/home/article.php?id_article=29 [24 February 2004]

MOUEDDEN, MOHSIN 2004 *Le Mouvement 'Ni P... Ni Soumises' Sert-il la Cause des Femmes?* URL: <http://www.saphirnet.info/imprimer.php?id=938> [23 February 2004]

PUBLIC SENAT 2003 *Louise Arvaud, Principal du Collège Beaumarchais Paris 11^e*.
URL : [http://www.publicsenat.fr/dossiers/open_video_special_laicite.asp? video =20030909_01&player =windows&debit =bas](http://www.publicsenat.fr/dossiers/open_video_special_laicite.asp?video=20030909_01&player=windows&debit=bas) [4 June 2004]

SANDEL, MICHAEL 1982 *Liberalism and the Limits of Justice*, Cambridge: Cambridge University Press

SILVERSTEIN, PAUL 2004 'Headscarves and the French tricolor', *Middle East Report Online*, vol. 13, no. 4

SOPER, J. CHRISTOPHER and FETZER, JOEL 2003 'Explaining the accommodation of Muslim religious practices in France, Britain, and Germany', *French Politics*, vol. 1, no. 1, pp. 39–59

TEVANIAN, PIERRE 2004 '*Une loi antilaïque, antiféministe et antisociale*', *Le Monde Diplomatique*, no. 599, p. 8

VIDAL, DOMINIQUE 2004 '*Exception française*', *Le Monde Diplomatique*, no. 599, pp. 6–7

ELAINE R. THOMAS is Assistant Professor of Political Studies at Bard College.

ADDRESS: Bard College, P.O. Box 5000, Annandale-on-Hudson, NY 12504, USA. Email: <ethomas@bard.edu>