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Secularism, State Policies, and Muslims in Europe

Analyzing French Exceptionalism

Ahmet T. Kuru

Islam has increasingly become an internal affair in several western European countries, where the Muslim population has grown to ten to fifteen million. In recent years, the European public has intensely discussed Muslims and Islam on several occasions, from terrorist attacks in London and Madrid to the debates on Danish cartoons. In short, there is today a “Muslim question” in the minds of many European politicians when it comes to the issues of immigration, integration, and security. European states have pursued diverse policies to regulate their Muslim populations. The most controversial of these policies is France’s recent ban on wearing Muslim headscarves in public schools, which has been discussed in France and abroad since 1989. Other European countries, however, have taken Muslim students’ headscarves as a part of their individual freedom and have not prohibited them. A survey of twelve major French and British newspapers between 1989 and 1999 shows how controversial the issue was in France, in comparison to Britain. According to the survey, the number of articles on the headscarf issue in French newspapers reached 1,174, whereas the British newspapers carried only eighteen.¹ As a result of this debate, a bill was passed in the French assembly and the senate and signed into the law by President Jacques Chirac in March 2004. The first article of the new law

Table 1 State Policies toward Muslims in Four Western European Countries

	Freedom to students’ headscarves	Mosques / Muslim population	Islamic instruction in schools	Islamic schools (funded by the state)
France	NO	1,685 / 4,5 million 1 per 2,670	NO	3 (0)
Britain	YES	1,493 / 1,6 million 1 per 1,071	YES	140 (7)
Germany	YES	2,400 / 3,3 million 1 per 1,375	YES	3 (3)
Netherlands	YES	400 / 0,95 million 1 per 2,375	YES	48 (48)

Sources: Fetzer and Soper, *Muslims and the State*; Yükleven and Kuru; Laurence and Vaisse; Geert Driessen and Michael S. Merry, “Islamic Schools in the Netherlands: Expansion or Marginalization?,” *Interchange*, 37 (2006), 201–23; Alan Cowell, “Islamic Schools Test Ideal of Integration in Britain,” *New York Times*, Oct. 15, 2006.

says: “In public primary, secondary, and high schools, the wearing of signs or dress with which the students manifest ostentatiously a religious affiliation is prohibited.”² No other European country embraced a general ban on students’ wearing of headscarves. Germany is the closest example to France. Nevertheless, the ban on the headscarf in Germany has been only for teachers, not students, and it was imposed only by six out of sixteen German states.³

The ban on the headscarf has not been the only restrictive state policy toward Muslims in France. In comparison to state policies in other western European countries regarding mosque construction, Islamic instruction in public schools, and state funding of private Islamic schools, French policies have been exceptionally restrictive. In mainland France, Muslims have faced several municipal and bureaucratic restrictions on building mosques;

Table 2 State-Religion Relations in Fifteen Western European Members of the European Union

	Established Religion	State Funding of Churches	Religious Instruction in Public Schools
France	<i>None</i>	<i>No</i>	<i>None</i>
Austria	None	No	Optional
Netherlands	None	No	Optional
Ireland	None	No	Obligatory
Belgium	None	Yes	Optional
Sweden	None	Yes	Optional
Luxembourg	None	Yes	Obligatory
Germany	None	Yes	Obligatory
Italy	Concordat (Catholicism)	Yes	Optional
Spain	Concordat (Catholicism)	Yes	Optional
Portugal	Concordat (Catholicism)	Yes	Optional
Denmark	Lutheranism	Yes	Optional
England	Anglicanism	Yes	Obligatory
Finland	Lutheranism and Orthodox Church	Yes	Obligatory
Greece	Orthodox Church	Yes	Obligatory

Sources: Jean-Michel Gaillard, “L’Europe sera laïque ou ne sera pas!,” *L’Histoire* (July-August 2004), 102-8; U.S. Department of State, “International Religious Freedom Report for 2005,” accessed at <http://www.state.gov/g/drl/rls/irf/>, April 1, 2005; Jean Baubérot, ed., *Religions et laïcité dans l’Europe des douze* (Paris: Syros, 1994).

there is no instruction on Islam (or other religions) in public schools; and there exist only three (lately opened, very small, and private) Islamic schools.⁴ Joel Fetzer and Christopher Soper recently compared the policies of three states (France, Germany, and Britain) toward Muslims. They argue that, among the three, Britain has been the most accommodating to the religious needs of Muslims, France has been the least accommodating, and Germany has been in-between.⁵ Ahmet Yükleven and I have compared France, Germany, and the Netherlands and have reached the same conclusion: French state policies toward Muslims have been the most restrictive among these three cases.⁶ Table 1 combines these two analyses and compares state policies in four western European countries that have large Muslim minorities.⁷

Why does France pursue exceptionally restrictive policies toward its Muslim population? Two alternative approaches would answer this question differently. The first one is Anthony Gill's rational choice approach to state policies toward religion in general. He argues that state policies are designed by the rulers' calculations of opportunity costs based on their preferences for sustaining political survival, minimizing the cost of ruling, and succeeding in economic development.⁸ The strength of this argument is its ability to explain the strategic flexibility of rulers. It is true that certain French politicians have strategically adopted restrictive policies toward Muslims to satisfy their constituencies. Yet why have French voters demanded such policies? Moreover, from an economic point of view, it is hard to explain the French rulers' decisions with some opportunity costs. The headscarf ban has not contributed to the French economy; in contrast, it has resulted in the loss of time and energy, in addition to creating ruling costs. Politically, an alleged aim to control the growing Muslim population does not seem to be a reasonable factor either. The ban has affected fewer than 1,500 Muslim female students, an insignificant number. Other data also show that Muslims in France are far from affecting the balance of power in French politics. In terms of religious participation, Muslims are as secularized as other French people. Their ratio of weekly mosque participation (5 percent) or of religious observation (10–12 percent) is as low as the average weekly church participation in France (10 percent).⁹ In terms of political power, Muslims have been the most powerless group in French politics. Among the 331 members of the senate, there are currently only two members of Muslim origin, and among 577 members of the assembly, there is no Muslim deputy.¹⁰ Opportunity costs, therefore, do not explain why France spent its time, money, and international credibility (at least in the eyes of several Muslim countries) on such an economically and politically irrelevant issue.¹¹

The second approach rightly points to the impact of opponents of immigrants and Islamophobes on French state policies toward Muslims. This approach, however, has two problems. First, opposition to immigration and Islamophobia are increasing trends in many other western European countries, such as Britain, Germany, and the Netherlands.¹² These trends have been recently empowered by terrorist bombings in Britain and Spain, as well as by the murder of a filmmaker in the Netherlands. Yet none of these countries is as restrictive as France toward its Muslim populations. Second, France is also more restrictive toward religion in general (including Christianity) in comparison to other

western European countries, and these restrictions can not be explained by opposition to immigration and Islamophobia. The ban on students' religious symbols, for example, also covers large Christian crosses, Jewish kippas, and Sikh turbans. As Table 2 indicates, France is the only country in western Europe where there is no religious instruction in public schools. It also has a unique status in western Europe with its avowedly secular regime, as declared in the constitution: "France is an indivisible, secular, democratic, and social Republic" (Article 2). The cases closest to France are Austria and the Netherlands, neither of which refer to secularism in their constitutions. Their practical policies are also different from those of France; both maintain religious instruction in public schools. Moreover, in the Netherlands there is the "pillarization system," which implies the state's recognition of major religious and ideological communities (Protestants, Catholics, socialists, and liberals).¹³ Another country with no established religion and no state funding of churches is Ireland. Yet Ireland is very different from France because of the Catholic church's influence in its public sphere. The preamble of the Irish constitution stresses: "In the name of the Most Holy Trinity, from Whom is all authority and to Whom, as our final end, all actions both of men and States must be referred. We, the people of Ireland, humbly acknowledging all our obligations to our Divine Lord, Jesus Christ..." In four other countries (Belgium, Sweden, Luxemburg, and Germany), there is no established religion, but the state funds churches. In three others (Italy, Spain, and Portugal), there is no established religion, but the state signed a special agreement—a concordat—with the Catholic church, which maintains a special status and some privileges for the church. Finally, four countries (Denmark, England, Finland, and Greece) have established churches.

French secular institutions and state policies toward religion in general, and toward Islam in particular, are products of ideological struggles.¹⁴ These struggles historically took place between anticlerical and Catholic forces. Currently, the policies are shaped by the ideological struggles between the defenders of dominant *laïcité de combat* (combative secularism) and those of challenging *laïcité plurielle* (pluralistic secularism). Combative secularism aims to exclude religion from the public sphere and confine it to the private domain, whereas pluralistic secularism allows for the public visibility of religion. In other European countries, where dominant ideologies are more religion-friendly than combative secularism, state policies toward Christianity have been more accommodating, and so have state policies toward Islam.

This argument provides a framework that would better explain French policies than approaches discussed above. First, although the rational choice approach has merit (based on individual cost-benefit analysis, structural constraints, and strategic behavior), this argument goes beyond it by unpacking individuals' preferences through an analysis of their ideologies, combative or pluralistic secularism. Ideas are not simple justifications for already decided behaviors or instruments for material interests. They are genuinely important factors that shape individuals' preferences. Second, while opposition to immigration and Islamophobia should both be taken seriously, other western European countries lack the dominant combative secularist ideology. Therefore, rightists do not

have a useful ideological discourse and an ideological ground for building a coalition with the leftists to pursue restrictive policies toward Muslims. In France, however, combative secularist ideology has led to a coalition of two old enemies—anti-immigrant, conservative rightists and combative secularist leftists.

The emergence of combative secularist ideology in France will first be examined through a brief analysis of certain historical conditions and struggles in the early Third Republic. Since that time, combative secularism has preserved its dominance in France as “ideological path dependence.”¹⁵ Then, the struggles between combative and pluralistic secularists and the impact of these struggles on state policies toward Muslim population will be explored. Throughout the historical and contemporary analyses, the method of process tracing will be used to reveal the impact of history on ideology and of ideology on policies.¹⁶

Historical Emergence and Dominance of Combative Secularism

Throughout medieval times, the Catholic church was a dominant sociopolitical power in West and Central Europe. France had special status in this situation as the *filie aînée de l’Eglise* (eldest daughter of the church). Following the Reformation and the Enlightenment, Catholicism began to lose its dominant status in French public life. In the eighteenth century, the French *Lumières*, unlike the Scottish Enlightenment and the German *Aufklärung*, were in direct conflict with religion, particularly the Catholic clergy.¹⁷ The major reason for the anticlericalism of the French republican elite was the marriage between the monarchy and the Catholic establishment. Anticlericalism and republicanism, therefore, were like twins in the dual fight against the clergy and the monarchy.

In the aftermath of the 1789 revolution, tens of thousands of the clergy who refused to submit loyalty oaths to the state fled France or were imprisoned.¹⁸ During this period, the state expropriated the lands of the church and guillotined about 3,000 priests.¹⁹ Yet the revolution neither eliminated the church’s power nor ended the dichotomy between secularists and the clergy. Instead, several regime changes between monarchies and republics intensified the antagonism between these two sides. Since republicanism was not the dominant regime until the late nineteenth century—except the short-lived Second Republic (1848–1852)—Catholicism preserved its privileged position in French sociopolitical life. The church’s alliance with the monarchy, however, turned into a disadvantage with the foundation of the Third Republic in 1870.

The Third Republic provided the republicans with the opportunity to challenge the dominance of Catholicism. They began to use the term *laïcité* (secularism) widely to denote the core of their anticlerical agenda.²⁰ Léon Gambetta formulized this enmity with his famous slogan: “*le cléricalisme, voilà l’ennemi!*” (clericalism, there is the enemy!).²¹ Republicans perceived a peril in the reemergence of the monarchy and Catholic establishment. Conservative Catholics, on the other hand, saw the Third Republic as

fragile and sought for a new monarchy to consolidate their established status.²² The conflict between these two groups turned into a “war of two Frances.” One France was the inheritor of the 1789 revolution’s values. It was republican, anticlerical, and secularist. It included leftist parties, some civic associations (for example, the Freemasons, Freethinkers, and League of Education), and religious minorities (Protestants and Jews). The other France was tied to the *ancien régime* based upon the marriage between the Catholic church and the monarchy. It included the clergy and its conservative supporters in politics and bureaucracy.²³

The main battlefield between secularists and conservative Catholics was education, since both aimed to shape the world-views of the young generation. Jules Ferry, the republican minister of education (1879–1885), played a vital role in the establishment of “free, obligatory, and secular” education. Secularist republicans excluded thousands of clerical teachers from education system, in addition to closing about 15,000 Catholic schools.²⁴ The Catholics tried to oppose these policies. In 1879, for example, they succeeded in collecting 1,775,000 signatures for a petition against certain secularization laws.²⁵ Nevertheless, they were not effective in party politics and the parliament.

The political disorganization of the conservative Catholics, the Dreyfus scandal, and election victories emboldened the republicans for a final wave of secularization laws in the early 1900s.²⁶ In 1905 they proposed the bill that would separate the church and the state. Despite the opposition of conservative Catholics, the bill was approved by a majority in the assembly (341 to 233) and the senate (179 to 103).²⁷ Pope Pius X (1835–1914), the French clergy, and the Catholic press condemned the law. Throughout the Third Republic, the Catholic hierarchy preserved its opposition to secularism. The French Assembly of Cardinals and Bishops, for example, declared in March 1925 that “secularism in all spheres is fatal to the private and public good. Therefore the secularization laws are not laws.”²⁸

Secularism in France emerged as a result of this severe conflict. It was a product of a zero-sum game between the anticlerical secularists and antiseccularist clergy. Combative secularism, which aims to exclude religion from the public sphere, became the dominant ideology under these circumstances. The French history of church-state relations, in this regard, differs from the three countries comparatively examined above. In Britain the problems of church-state relations were contained by the establishment of the Church of England in the sixteenth century. A clash did not take place between religious and secularist forces: “there was no ‘conflict of two Great Britains,’ resembling the ‘conflict of two Frances.’”²⁹ In Germany, as seen during the *Kulturkampf* in the late nineteenth century, the conflict was not between religion and secularism. It was mainly between the Protestant state authority and Catholicism.³⁰ Finally, in the Netherlands church-state disputes included multiple actors, rather than two opposite (religious and secular) forces, leading to a pluralistic state-religion regime, the “pillarization system,” in the early twentieth century.³¹ In short, in all three countries religion was not targeted by the secularist republicans as the foremost defender of monarchical *ancien régime*. Consequently, conflicts between secular and religious forces were relatively moderate, and less radical ideologies than French combative secularism were dominant.

Combative Secularists and Conservative Catholics

The conflict between republican secularists and monarchist Catholics continued until the end of the World War II. The Catholic church found an opportunity to challenge secularism during the Vichy regime following the German invasion of 1940. “Vichy, a self-declared ‘Catholic’ state, promised to eliminate Communism, Jews, Freemasons, and other rivals to Catholicism and authoritarianism, and restore Christian morals to public life.”³² By the collapse of the Vichy regime, however, the Catholic church’s support of the regime appeared to be a fatal mistake that damaged its credibility. The church and conservative politicians recognized that restoration of the monarchy or reestablishment of Catholicism was no longer possible.³³

In November 1945 the French episcopate declared that it accepted secularism as church-state separation and religious freedom, while still opposing secularism as an antireligious ideology.³⁴ Alongside the church, conservatives also reconstructed their attitude toward secularism and republicanism. Like the Catholic church, they ceased opposing secularism in general while still being critical of combative secularism. When secularism became a fundamental principle of the 1946 constitution, the church and conservatives, unlike their resistance to the law of 1905, did not directly oppose it.³⁵

For decades education remained the main fault line between combative secularists and conservatives. For the former, the most problematic state policy on religion has been the state funding of private, mostly Catholic, schools. Conservatives, however, have defended this policy. In 1984 Alain Savary, the minister of education in the Socialist Party government, initiated a project of unified education by eliminating the Catholic schools. As a result of conservatives’ relentless popular opposition and street protests, the project was repealed. In 1994 conservative minister of education François Bayrou initiated an opposite project aiming to enlarge the state funding of private schools. Bayrou’s project also resulted in several street protests organized by the assertive secularists, and it was abandoned.³⁶

According to recent data, almost 20 percent of all students in France attend private schools, about 95 percent of which are Catholic.³⁷ Currently, public funds constitute about 80 percent of the budgets of the Catholic schools, which have signed an agreement that includes certain requirements for their curricula.³⁸ This substantial exception in the French state’s assertive secularist policies can be explained by two main reasons, in addition to the political influence of conservatives. First, the state is taking these schools under control in exchange for funding. Second, even some French people who are not conservative support these schools because of their high quality of education.

Combative secularists and conservatives have also disagreed on certain gestures of the French state toward Catholicism. For example, the former have criticized the official funeral of former President François Mitterrand in Notre Dame Cathedral in January 1996 and the executive order to lower flags to half-staff after the death of Pope John Paul II in April 2005.³⁹ Another issue that combative secularists have found problematic is the status of Alsace-Lorraine, where the secularization laws have not been applied. Alsace-

Lorraine was part of Germany from 1871 to 1919, when the secularization laws were passed in France.⁴⁰ State-religion relations are thus still based on the 1801 Concordat, in addition to the organic laws on Protestants and Jews.

The rising Muslim population in France in the late 1980s reshaped the debates on the relations between state and religion in France. Until that time, the leftists, who embraced assertive secularism, were opposed by conservative rightists. Regarding the Muslim question, the majority of leftists refreshed their combative secularism and allied themselves with the anti-immigrant and Islamophobic rightist. On the other side, multiculturalist leftists and rightists came together to formulate a new, pluralistic secularism that respects rising cultural and religious diversity in France. The debate between these two versions of secularism has occupied political debates in France for the last two decades.

Combative Secularists and Pluralistic Secularists

The pioneer of pluralist secularism was, paradoxically, an ancient bastion of combative secularism, the *Ligue de l'enseignement* (League of Education). The League is a major union of educators that currently has 2,000,000 members. It declared in 1986 that secularism in France needed a transformation. The League called for a new, open, and pluralistic secularism that would be adaptable to rising multiculturalism in France. Since the League has been a pillar of the secular French education system, its call has been taken very seriously by certain supporters and critics.⁴¹ It created a new debate between the defenders of dominant combative secularism and of an alternative pluralistic secularism.⁴²

For combative secularists, secularism has always had enemies—sometimes the Catholic clergy, at other times conservative Muslims—and, therefore, it should be defended in a combative manner. Combative secularism is “anxious about the individual citizen’s expression of his/her religious or communitarian affiliation in the public space.”⁴³ A major supporter of combative secularism has been the Freemasons. The Grand Orient and other divisions of French Freemasonry currently have about 110,000 members.⁴⁴ Another defender of combative secularism is the Freethinkers, which is a more philosophical (generally atheistic) organization. Both of these two associations have been very critical of the League’s suggestion of a pluralistic secularism.⁴⁵

In addition to these associations, two intellectuals have been influential promoters of combative secularism. One is Régis Debray, the socialist thinker and activist.⁴⁶ The other figure is Henri Pena-Ruiz, a philosopher of secularism. For both, secularism requires a neutral public sphere free from all religious symbols and discourses. Combative secularists generally claim a monopoly over the meaning of secularism by rejecting the possibility of its diverse interpretations. Pena-Ruiz, for example, refuses to define secularism with adjectives: “Those who have covered words and want to call into question the strict separation of the state and religions define a ‘modern,’ ‘open,’ or ‘pluralistic’ secularism. In fact, such a project is not a simple redefinition, but a true destruction of secularism,

which is neither closed nor open; neither hard nor soft.”⁴⁷ In Pena-Ruiz’s view, since there is only one, monolithic secularism in France, the terms “combative” and “pluralistic” secularism are not meaningful. Yet the supporters of pluralistic secularism have criticized combative secularism on exactly this point: it is monolithic and closed to change. They have tried therefore to propose a pluralistic, open, and new secularism.

For the pluralistic secularists, secularism in France needs to purge itself of the old nostalgias of anticlericalism. It needs to move away from a zero-sum perspective. Pluralistic secularism in France is thus “more democratic, flexible, and open to differences.”⁴⁸ In addition to the League, supporters of pluralistic secularism include the Catholic church and mainstream Muslim associations. In November 2004, I participated in a nationwide conference on secularism in France.⁴⁹ Fouad Alaoui, the secretary general of the *Union des Organisations Islamiques de France* (UOIF, the Union of Islamic Organizations of France), was invited to explain the Muslim view on secularism. He noted that Muslims wanted a secularism that accepted the public visibility of religion in general and of Islam in particular.⁵⁰ The Federation of French Protestants, which has brought together Reform and Lutheran congregations, has also supported the League’s position. The Federation and the League signed a common declaration in 1990 that stressed the necessity of a pluralistic debate on secularism, an education of religious culture in public schools, and a revision of the secularization laws to improve the conditions of new religions in France (for example, Islam).⁵¹

Among the intellectuals, the most influential supporters of pluralistic secularism have been two professors at the Sorbonne. The first is Jean Baubérot, historian of French secularism. He argues that secularism in France should be reconsidered in a way that would open it to changes and diverse interpretations. Baubérot stresses that secularism should be regarded as a shared value based on mutual compromises.⁵² Unlike Debray and Pena-Ruiz, Baubérot regards secularism as a dynamic process in constant interaction with sociopolitical conditions. For him, therefore, secularism is an ongoing process of negotiation.

The second professor is Jean-Paul Willaime, a sociologist of religion and secularism. According to Willaime, France needs “*laïcisation de la laïcité*” (secularization of secularism). He means that the dominant combative secularist ideology has too many dogmatic aspects; it has almost become a worldly religion. Therefore, it needs to be “secularized” by removing its dogmas. For example, it has to “allow a certain return of religions to the public sphere.”⁵³ The main pillar of Willaime’s understanding of the secular state is neutrality. For him, the French state can become more neutral and secular if it “abandons its dominance over civil society” and “recognizes the contributions of religious groups to the public life.”⁵⁴ Through a postmodern perspective, Willaime brings not only secularism, but also other metanarratives in France, such as mystified science and politics, into a critical discussion.⁵⁵

Pluralistic secularist associations and individuals, in short, criticize the exclusionary character of dominant combative secularism. The debate between the combative and pluralistic secularists recently focused on state policies toward the Muslim minority,

particularly on the headscarf. According to Gilles Kepel, the headscarf issue created one of the biggest political debates in France since the Dreyfus affair.⁵⁶

Muslim Minority in France

The French colonial empire ruled several Muslim countries from the early nineteenth to the mid twentieth century. The Muslim population in the French mainland has grown since the end of this colonial period. In 1922–1926 the French state led the construction of the Paris mosque to commemorate Muslim soldiers who fought in the French military during the World War I. Other than this mosque, there was practically no public evidence of Islam in French urban spaces until the 1970s.⁵⁷ The rising Muslim population built new mosques: five in 1965, sixty-eight in 1975, 274 in 1980, 922 in 1985, 1,020 in 1990, 1,500 in 1999, and 1,685 in 2004.⁵⁸ The Muslim population has recently reached four to five million—7–8 percent of the French population—half of whom are French citizens.⁵⁹ As Olivier Roy stresses, Muslims in France exist along a wide spectrum, from Islamists to “*athées musulmans*” (atheist Muslims). Therefore, it is necessary to disconnect Islam as a religion and the problems of *banlieues* in France, such as the riots in November 2005, that have had several socioeconomic bases.⁶⁰

Muslim intellectuals also have various perspectives. Soheib Bencheikh, who was nominated by the Paris mosque as the Mufti of Marseilles with unofficial support from the French state, has developed an assimilationist perspective. He has avoided criticizing combative secularist policies.⁶¹ The president of the Paris mosque, Dalil Boubakeur, also reflects an assimilationist perspective, and he is a close ally of the French state.⁶² On the other hand, “more Islamic” figures such as Tariq Ramadan have been popular among the young generation with Islamic tendencies. Although Ramadan’s home country is Switzerland, he has been influential in France because he is francophone. Ramadan has supported the full integration of Muslims into Europe as equal citizens rather than as a minority.⁶³ He is critical of combative secularism and defends pluralistic secularism which promotes “a neutral public sphere that allows all religions to exist and to be respected.”⁶⁴

Muslims in France have diverse organizations, such as the Paris mosque, the UOIF, the National Federation of Muslims of France (FNMF), and the European branch of Turkey’s Directorate of Religious Affairs (DİTİB). The French state has tried to create an umbrella organization to control these associations. In December 2002 the interior minister of the time, Nicolas Sarkozy, founded the *Conseil français du culte musulman* (CFCM, French Council of the Muslim Faith). The CFCM included both prosecular (Boubakeur) and pro-Islamic (Alaoui) figures. The French state has recognized the CFCM as a primary coordinator of the construction of mosques, training of imams, appointment of Muslim chaplains, regulation of lamb slaughter for Aid al-Adha, organization of Hajj, and certification of halal meat.⁶⁵ Dominique Villepin, the successor of Sarkozy, also created a foundation to coordinate the funding of mosques and training of imams. He lamented that 75 percent of the 1,200 imams in France were not citizens, 33 percent of

them did not speak in French, and many of them were funded by foreign countries.⁶⁶ Sarkozy's and Villepin's initiatives are not reflections of a pro-Islamic or religion-friendly policy perspective. Instead, their main motive is to take Islam under state control and to assimilate it. Sarkozy has explicitly mentioned that he has aimed to create an "*islam de France*" (Islam of France), rather than "*islam en France*" (Islam in France).⁶⁷ The discussions on the CFCM and the imams are low-key in comparison with the real ground-shaking dispute that has taken place since 1989, the headscarf debate.

The Headscarf Debate

When the headscarf controversy appeared in October 1989, Lionel Jospin was the minister of education. Jospin asked school principals to establish a dialogue with students, rather than expel them from schools. The combative secularists, including about fifty deputies from Jospin's own party, the *Parti Socialiste* (PS, Socialist Party), strongly criticized him and defended a general ban on the headscarf.⁶⁸ The combative secularists had two specific discourses in their opposition to the headscarves. One was republican. For them, the school should be an emancipating and unifying republican institution, whereas the headscarf supported comunitarianism and ghettoization. The other was feminist. They depicted the headscarf as a symbol of patriarchal oppression and female inequality vis-à-vis men. Two leading feminists argued that feminism required them to defend a strict (combative) secularism, which "supposes a neutral public space free of all religious beliefs." They defended "the prohibition of the headscarf in the places of education and common life (schools, factories, companies, bureaucracy)" and, if necessary, "in the street."⁶⁹

The best example of the combative secularist perspective is the open letter to Jospin written by Debray and four other intellectuals in October 1989. The letter was the antiheadscarf manifesto that set the tone of the following debates on the issue. According to the letter, Jospin was a defender of "the right to be different" and "new" (read pluralistic) secularism. The authors define their position as the opposite.

Secularism has always been an issue of power struggle. Should we abandon—what you call—"combative secularism" for the sake of good feelings at this time when religions again have an appetite for combat? Secularism, as a principle, is and will remain a battle, like public education, the Republic, and freedom itself. Their survival imposes on all of us discipline, sacrifices, and a little courage. Nobody, anywhere, defends citizenship by lowering their arms with benevolence.⁷⁰

For the authors, "the secular and republican school" is and should remain "a place of emancipation." It is a place of "discipline" where "students are pleased to forget their community of origin." The French republic should not be "a mosaic of ghettos," and "the destruction of the school would precipitate that of the Republic." The school should not permit students to display distinctive signs that mark religious affiliations. The headscarf is particularly unacceptable since it is "the symbol of female submission."⁷¹

Overwhelmed by these critiques, Jospin appealed to the council of state. In November 1989, the council issued an opinion that attached importance to religious freedom. "In schools, the students' wearing of signs by which they intend to manifest their affiliations with a religion is not by itself incompatible with the principle of secularism as long as it constitutes the exercise of the freedom of expression and manifestation of religious beliefs...." The council added that religious symbols should not disturb the functioning of educational activities by being used as "an act of pressure, provocation, proselytism, or propaganda."⁷² Until the promulgation of the new law in 2004, the council regulated the wearing of headscarves in schools. During this period, many students wearing headscarves were tolerated by the school administrators or returned to their schools by local courts. Forty-nine cases reached the council from 1992 to 1999. The council overturned forty-one of these cases by taking the side of students. It upheld expulsions only when students and parents staged street protests threatening the public order.⁷³

The Freemasons and Freethinkers publicly defended a general ban on the headscarf in schools. As Patrick Kessel, a leading Freemason, noted, the headscarf affair reemphasized that "secularism is an ongoing combat."⁷⁴ The pluralistic secularists who opposed the ban were not confined to Jospin and the council. The League also resisted a ban and defended the council's position of examining the issue case by case.⁷⁵ The secretary general Jean-Marc Roirant explained the position of the League by stressing that they "would like better if the headscarves are not worn," but it is entirely up to the Muslim students "to decide it through their own consciences."⁷⁶ Other opponents of the ban have included the chief rabbi of France and several Muslim associations—the CFCM, UOIF, and FNFM.⁷⁷ These associations have declared that the headscarf was a religious prescription that one should be free to wear. Some assimilationist Muslims, such as Bencheikh, however, founded the *Conseil français des musulmans laïques* (CFML, French Council of Secular Muslims), which supported the ban on the headscarf.⁷⁸

Beyond being a typical debate between the combative and pluralistic secularists, the headscarf debate has had a unique aspect. Until this debate, the rightist politicians supported by conservative Catholics had criticized combative secularism and had disagreed with the leftists on this issue. The headscarf debate, however, created an unprecedented coalition between the Right and the Left.⁷⁹ Due to their opposition to immigration and Islamophobia, the rightists supported the leftists' combative secularist proposal to ban the headscarf. This coalition has been visible in the French press. Although independent *Le Monde* had a relatively neutral position toward the headscarf, its "negative representation...was almost prevalent in the articles published by *L'Humanité* and *Le Figaro*,...respectively left and right of the center."⁸⁰

In September 1994 the minister of education, François Bayrou, issued a circular to prohibit the wearing of headscarves in schools. Bayrou was from the *Union pour la Démocratie Française* (UDF, Union for French Democracy), a center-right party inspired by the idea of Christian (Catholic, in this case) democracy. In July 1995, however, the council of state cancelled the circular.⁸¹ The French Catholic church also opposed a ban, which shows that the ban was not merely an anti-Islamic, Christian conspiracy.⁸² Instead,

it was a result of the struggle between two opposite coalitions. The pro-ban coalition included certain pro-Catholic rightist politicians, while the anti-ban coalition involved the Catholic church. Islamophobia in France has not been directly promoted by the Catholic hierarchy but generally has been driven by certain historical memories—from the Battle of Tours against the Arabs in 732 to the colonization of Algeria in 1830–1962.⁸³ In a survey of 1999, 66 percent of the respondents defined themselves as somewhat “racist,” and 51 percent thought that “there were ‘too many Arabs’ in France.”⁸⁴ In 2003 the supporters of the headscarf ban reached 72 percent. More specifically, 71 percent of sympathizers of the Left and 79 percent of the Right supported the ban.⁸⁵

A ban on headscarves did not take place during the premiership of Jospin between 1997 and 2002. The 2002 presidential elections, however, indicated the rise of the far right, a major supporter of such a ban. In the first round of the elections, Jean-Marie Le Pen, the leader of the extreme nationalist, anti-immigrant, and Islamophobic *Front National* (FN, National Front) received 17 percent of the vote, while the center-rightist Chirac won only 20 percent and the leftist Jospin won only 16 percent. After his reelection, President Chirac took a clearly negative position against the headscarves. He appointed a commission headed by a former minister, Bernard Stasi, to evaluate the issue. The twenty members of the commission were overwhelmingly selected from the combative secularists, such as Debray and Pena-Ruiz. Baubérot was the only member who had openly supported pluralistic secularism. The commission submitted its final report in December 2003 proposing a law that would ban students’ religious symbols. Baubérot was the only member who voted against it.⁸⁶ The commission had several other propositions, including making one Jewish and one Islamic holiday official in France, where six of eleven official holidays had Christian origins.⁸⁷ The French executive and legislative branches neglected other proposals, while eagerly embracing the one on prohibiting religious symbols. Having received the commission’s report, President Chirac made a public speech to denounce the headscarf as a sign of social disunity and comunitarianism.⁸⁸ The president of the national assembly, Jean-Louis Debré, also appointed a commission under his leadership. In December 2003 the commission submitted a report that defined the headscarves as the mere symbol of family and social pressure.⁸⁹ It neglected the voices of Muslims, while referring to Hanifa Chérifi, the French government’s chief mediator with the students wearing headscarves, as if she were an expert on Islam.⁹⁰ In sum, the Debré Commission also proposed a new law on secularism to ban religious symbols.

Many scholars disagree with the Stasi and Debré reports’ monolithic depiction of the headscarf as a simple sign of patriarchic pressure or Islamic fundamentalism. Françoise Gaspard and Farhad Khosrokhavar stress that in many cases wearing headscarves shows “a desire for integration *without* assimilation, a desire on these women’s part to be simultaneously French *and* Muslim.”⁹¹ Jeremy Gunn points out multiple meanings of wearing headscarves, in addition to familial and social pressure, “such as a matter of faith and belief, a feeling of cultural identity with Islam, a showing of solidarity with a sister who was harassed for wearing it, to annoy the French, to protest a father who is not a good Muslim, or as a statement of teenage rebellion.”⁹² John Bowen adds that for some

women wearing headscarves means “to be part of *breaking* with immigrant culture, a way of distinguishing between an Islam learned in France...and the insufficiently Islamic traditions of the ‘old country’..., [and] a mark of discovery and self-identification as an individual.”⁹³

In early 2004 French parliamentarians embraced the Stasi and Debré reports’ proposals and approved the legislative bill to prohibit students’ display of religious symbols in public schools. Both the national assembly (494 for, 36 against, and 31 abstentions) and the senate (276 for and 20 against) voted by a large majority. The ruling center-right UMP and the center-left PS massively voted for the bill, while smaller parties, such as center-right UDF and the Parti Communiste Français (PCF, French Communist Party), split their votes.⁹⁴ On March 15, 2004, Chirac signed the bill into law. According to the French ministry of education, 1,465 students had been wearing headscarves in the 2003–2004 education year. The new law applied in 2004–2005 and led to the expulsion of forty-seven Muslim students from their schools for wearing headscarves, in addition to three Sikh students who wore turbans.⁹⁵ Other Muslim students removed their headscarves, wore discreet headscarves, studied at home, transferred to private Catholic schools, went to another country for education, or left education entirely.⁹⁶

The debate on the headscarf between the combative and pluralistic secularists went on for a decade and half. It was the coalition of the combative secularists (generally leftists) and opponents of immigrants/Islamophobes (generally rightists) that made the supporters of a ban on headscarves in public schools successful. It seems that this alliance will also be effective in shaping French state policies toward Muslims in the future.

Conclusion

The French state’s policies toward Muslims are more exclusionary than those of other western European states. The main reason for this French exceptionalism is the dominant ideology in France, combative secularism, which aims to exclude religion from the public sphere. The French state’s restrictive policies toward Muslims is part of its policy toward religion in general. The defenders of an alternative pluralistic secularism, which allows public visibility of religion, have challenged the combative secularist agenda. Although pluralistic secularists have not been successful in preventing the ban on headscarves, they succeeded in resisting it for fifteen years. The debate on the headscarf indicated two aspects of Muslims in France. First, they are not monolithic. Many Muslim organizations and leaders opposed the headscarf ban, while others supported it. Second, Muslims in France are weak in terms of political influence. They largely remained as the objects, rather than the subjects, of the headscarf debate. Even the main defenders of the freedom to wear headscarves were non-Muslim actors.

Combative secularism in France originated from certain historical conditions, particularly the existence of an *ancien régime* based on the marriage of the monarchy and Catholic hegemony, which led to conflictual relations between anticlerical republicans

and clerical monarchists. This ideology has transmitted its historical legacy to current policymaking process. France is not a monolithic entity. Instead, it is undergoing ideological struggles in the course of the policymaking process.

The combative secularist goal to create a completely secular public sphere has been part of a larger French republican project to construct a homogeneous national identity. Several processes, from globalization to integration in the European Union, as well as recently growing religions, especially Islam, have challenged this project by calling for a multiculturalist policy.⁹⁷ The combative secularists have responded to these challenges by more exclusionary policies. Certain old friends of the combative secularists, such as the League, have opposed these policies and embraced pluralistic secularism. Some old enemies, such as rightist political groups, however, have allied with combative secularists due to their worries about immigrants and Islam. This alliance finally resulted in popular and political support for the ban on wearing headscarves in public schools.

Ideology is an important factor in shaping rulers' and social activists' preferences, strategies, and behaviors. Therefore, the mainstream view in the social sciences, which tends to attach importance to strategic and instrumental behaviors, while disregarding actors' ideas, is open to challenge. For example, the main opponent of the ban on the headscarf, the League, was a secular association that had no institutional interest in defending the freedom of wearing headscarves. It defended this freedom because of its adoption of the pluralistic secularist ideology. The French right's instrumental adoption of combative secularist discourse and its strategic coalition with the combative secularists on the headscarf issue do not undermine the role of ideology in public policymaking process. In contrast, they show that ideology, at least as a constraining factor, plays an important role in shaping actors' preferences and strategies. Despite its instrumental use of the combative secularist ideology, the Right's reaction against headscarves is still ideological, since it is based on certain negative views of immigrants and Islam, rather than on some material interests. Opponents of immigrants and Islamophobes in other parts of western Europe have had neither a useful ideological discourse nor an ideologically driven ally comparable to combative secularism and secularists in France. They have therefore been unable to impose radically restrictive policies on Muslims, such as a ban on students' wearing headscarves.

NOTES

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1. Lina Molokotos Liederman, "Religious Diversity in Schools: The Muslim Headscarf Controversy and Beyond," *Social Compass*, 47 (September 2000), 371–72.

2. The law no. 2004–228 of March 15, 2004. This new law "applies about as equally to all religions as the law that prohibits all people from sleeping under bridges applies to the homeless and the wealthy." T. Jeremy Gunn,

"French Secularism as Utopia and Myth," *Houston Law Review*, 42 (Spring 2005), 92, n48.

3. Jytte Klausen, *The Islamic Challenge: Politics and Religion in Western Europe* (New York: Oxford University Press, 2005), p. 171. Other rare incidents included a case against a teacher's wearing headscarf in Switzerland.

4. Jonathan Laurence and Justin Vaisse, *Integrating Islam: Political and Religious Challenges in Contemporary France* (Washington, D.C.: Brookings Institution Press, 2006), p. 82.

5. Joel S. Fetzer and J. Christopher Soper, *Muslims and the State in Britain, France, and Germany* (New York: Cambridge University Press, 2005).

6. Ahmet Yükleven and Ahmet T. Kuru, *Avrupa'da İslam, Laiklik ve Demokrasi: Fransa, Almanya ve Hollanda* [Islam, Democracy, and Secularism in Europe: France, Germany, and Holland] (Istanbul: TESEV, 2006).

7. Two other western European countries with large Muslim minorities are Italy (0.7–1 million) and Spain (0.3–0.7 million). Laurence and Vaisse, p. 24.

8. Anthony Gill, "The Political Origins of Religious Liberty: A Theoretical Outline," *Interdisciplinary Journal of Research on Religion*, 1 (2005).

9. "L'islam nationalisé?," *Libération*, Dec. 8, 2004, pp. 4–5; Jean-Louis Debré, *La laïcité à l'école: Un principe républicain à réaffirmer: Rapport de la mission d'information de l'Assemblée nationale* (Paris: Odile Jacob, 2004), p. 67; Klausen, p. 140; Laurence and Vaisse, p. 76; The Survey of *CSA/La Vie/Le Monde*, "Les français et leur croyances," Mar. 21, 2003, pp. 41, 91, accessed at http://a1692.g.akamai.net/f/1692/2042/1h/medias.lemonde.fr/medias/pdf_obj/sondage030416.pdf, July 18, 2005.

10. Klausen, p. 22.

11. "Laïcité: La décision de M. Chirac suscite des critiques à l'étranger," *Le Monde*, Dec. 22, 2003.

12. Jocelyne Cesari, *When Islam and Democracy Meet: Muslims in Europe and in the United States* (New York: Palgrave Macmillan, 2006), pp. 3–4, 29–42; Esra Özyürek, "The Politics of Cultural Unification, Secularism, and the Place of Islam in the New Europe," *American Ethnologist*, 32 (November 2005), 509–12; John S. Fetzer and J. Christopher Soper, "The Roots of Public Attitudes toward State Accommodation of European Muslims' Religious Practices before and after September 11," *Journal for the Scientific Study of Religion*, 42 (June 2003), 247, 255; Steven Pfaff and Anthony J. Gill, "Will a Million Muslims March? Muslim Interest Organizations and Political Integration in Europe," *Comparative Political Studies*, 39 (September 2006), 812–13.

13. Stephen V. Monsma and J. Christopher Soper, *The Challenge of Pluralism: Church and State in Five Democracies* (Lanham: Rowman & Littlefield, 1997).

14. I deliberately use the term ideology, rather than culture. Culture is practical and habitual, which makes it inconsistent and fuzzy. Ideology, on the other hand, is a set of ideas that is generally related to a consistent utopia and is thus easier to categorize. Ideologies are "formal, explicit, and relatively consistent" and "articulated by political elites," whereas cultures are "informal, implicit, and relatively inconsistent" and "held by people within a given institutional setting." Stephen E. Hanson, "From Culture to Ideology in Comparative Politics," *Comparative Politics*, 35 (April 2003), 356.

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18. T. Jeremy Gunn, "Religious Freedom and Laïcité: A Comparison of the United States and France," *Brigham Young University Law Review*, 24 (Summer 2004), 435–36.

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21. Mona Ozouf, *L'École, l'Église et la République: 1871–1914* (Paris: Editions Cana, 1982), p. 50.

22. Stathis N. Kalyvas, *The Rise of Christian Democracy in Europe* (Ithaca: Cornell University Press, 1996), pp. 114–66.

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29. Baubérot and Mathieu, p. 33.
30. Fetzer and Soper, *Muslims and the State*, p. 106.
31. Monsma and Soper, pp. 51–86.
32. Carolyn M. Warner, *Confessions of an Interest Group: The Catholic Church and Political Parties in Europe* (Princeton: Princeton University Press, 2000), p. 69.
33. *Ibid.*, pp. 87, 128.
34. Bedouelle and Costa, pp. 12–13.
35. Marcel Gauchet, *La religion dans la démocratie* (N.p.: Foli, 1998), p. 98.
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37. Nicholas Beattie, "Yeast in the Dough? Catholic Schooling in France, 1981–95," in Kay Chadwick, ed., *Catholicism, Politics, and Society in Twentieth-Century France* (Liverpool: Liverpool University Press, 2000), p. 197.
38. Klausen, p. 144; Guy Coq, "Les Batailles de l'école," *L'Histoire* (July-August 2004), 101.
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