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Felicia C. Goodman Date

How Stasi Silenced the Streets:
The Protests of the 2003-2004 French Headscarf Affair

By

Felicia C. Goodman
Master of Arts

History

_____
Judith A. Miller
Advisor

_____
Kathryn E. Amdur
Committee Member

_____
Holly York
Committee Member

Accepted:

_____
Lisa A. Tedesco, Ph.D.
Dean of the Graduate School

_____
Date

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Felicia C. Goodman

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An abstract of
A thesis submitted to the Faculty of the Graduate School of Emory University
in partial fulfillment of the requirements for the degree of
Master of Arts
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2009

ABSTRACT

How Stasi Silenced the Streets: The Protests of the 2003-2004 French Headscarf Affair
By Felicia C. Goodman

On March 15, 2004, the French government issued a ban on the wearing of conspicuous symbols of religious affiliation in public elementary, middle, and high schools. This thesis traces the evolution of this so-called "headscarf ban" from April 2003 through March 2004. Special attention is given to the work of the Stasi Commission, set up by President Jacques Chirac to investigate and reevaluate the status of *laïcité*, or French secularism, across the society. The Stasi Commission was particularly important in rallying public opinion to favor the idea of a law by December 2003, when Chirac announced his intentions to the nation. While the majority of the French supported the President, others voiced their objection to a law in the streets of Paris on the three major days of protest against the law—December 21, 2003, January 17, 2004, and February 14, 2004. This thesis positions these three strikes as powerful moments of disapproval, but also demonstrates how the prior workings of the Stasi Commission, and the growing tension between French secularism and Islamic fundamentalism, ultimately silenced the streets.

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ACKNOWLEDGMENTS

Nearly six years ago, my favorite teacher, Lisa Prueter, handed me an article from a 2004 issue of the *New York Times Magazine* entitled “A Frenchman Or a Jew?” She thought that issues of *laïcité* and the French headscarf crisis might speak to my love of France and of history. Well, Ms. Prueter always knew best, and she has always been an inspiration to me. With European history jeopardy, a mock Congress of Vienna, and heart wrenching films on twentieth-century dictators, she helped me discover my passion for history.

My love of history has only grown at Emory as the most wonderful professors have continued to enchant me with historical tales. Matthew Payne, Tonio Andrade, Patrick Allitt, Kathryn Amdur and Walter Adamson among many have fascinated me with the history of Chinese Emperors, Russian Serfs, American Patriots and Wolfgang Schivelbusch. I thank them for all that they have taught me.

While I was abroad in Paris in the Spring of 2008, my conversations over dinner with my wonderful host mom, Agnès Martin, re-sparked my interest in French secularism. My Madame was the best French teacher I’ve ever had, and without her, I would not have been able to pursue a thesis in French history.

A *merci infiniment* to my incredible advisor, Judith Miller. Professor Miller has been my guide this year. She has shown me how to capture a history, how to uncover and expose mysteries, and how to truly *be* a historian. Endless thanks to Becky Herring, who has been my rock throughout this process. Becky is the heart of the History Department here at Emory. Special thanks to Dr. Ray Lamb, my teacher, my mentor, and my friend, who *almost* convinced me to become a mathematician, but ultimately settled for my being a historian with a particular love for integrals and trigonometric substitution.

To my closest friends—Staci, Hannah, Natasha, and Molly—for cheering me on from near and from far, and to Ben who has kept me laughing the entire time—I couldn’t have done it without you all.

Finally, thank you to my family. To my grandfather for being my role model. To my sister, Mara, who always makes me smile. And to my mom and my dad, the two people I want to celebrate with the most. Mom, Dad—this is *our* success.

My thesis is dedicated to my Nimi who made me fall in love with France with a baguette and a bathtub.

Introduction: A French Foot in an Islamic Veil

The headscarf 'affair' of 2003 and 2004 is finding itself within the great historical lineage of French 'affaires'. Its evolution—decades, perhaps centuries, in the making—has ignited the rage and pride of a people in defense of their apparently threatened *laïcité*.[1] French President Jacques Chirac, who believed the "harmonious coexistence of different religions" to be safeguarded by *laïcité*, felt the "neutrality of [the French] public space" was compromised. Therefore, in the name of the cornerstone of the Republic, and with the goal of maintaining a certain national cohesion, Chirac set into motion a crusade against the *foulard*. [2] He no longer felt the headscarf had a proper place among French students or in French classrooms. [3]

The fury that would draw thousands to protest in the streets in reaction to news of a coming law began in April 2003. Then Interior Minister Nicolas Sarkozy inveigled the major Muslim federations to join his vote of support for the establishment of a French Council of the Muslim Faith (CFCM), an official body that he believed would allow the government to see that Islam *is* compatible with the Republic.[4] Within a week of the

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[1] Jean Bauberot cites a CSA opinion survey asking French people "what to them was the major characteristic of laicity." Three items elicited nearly 90 percent of the responses: "treating all religions on an equal footing (32%); separating religion and politics (28%); and ensuring freedom of conscience (28%)." [Jean Bauberot, Cultural Transfer and National Identity in French Laicity, *Diogenes* 55 (2008).]

[2] In his address on December 17, 2003 to the nation, President Chirac referred to *laïcité* as "*la Pierre angulaire de la République.*"; Chirac opened his 17 December speech by declaring that *laïcité* "*renvoie à notre cohesion nationale, à notre aptitude à vivre ensemble, à notre capacité à nous réunir sur l'essentiel.*"

[3] Note that throughout this paper, the term *foulard* [headscarf] and the word *voile* [veil] are interchangeable. This is because throughout the affair, the French equated the headscarf, a cloth that only covers the top of a woman's head but leaves her face uncovered, with the veil, which also hides a woman's face.

council's first national elections in early April, the twentieth annual *Salon du Bourget* began. This four-day fair, complete with vendors, stands filled with Islamic books and music, presentations from renowned Arab speakers and last but not least an address by Sarkozy himself, was the celebration of a new collaboration sponsored by the Union of Islamic Organizations of France (UOIF), one of the major Islamic organizations. It was the largest gathering of Muslims that France had ever seen. On the evening of April 19 the minister entered an auditorium roaring with applause from the assemblage of Muslim onlookers and leaders. Fouad Alaoui, the secretary general of the UOIF, introduced him as "our brother," embraced him, and gave him the stage. Once Sarkozy found his place in the spotlight, he unabashedly began to preach equality before the law and freedom of religion in the Republic. He spoke enthusiastically of a new era of dialogue between the state and the Muslim faith.

Sarkozy's tone suddenly changed, though, and so did his reception in the 7,000-strong audience filled with *hijab*-wearing women and bearded men. The minister asserted that Muslims must obey the law, even if that meant baring their heads. Therefore, he said, all French identity cards must be uniform—meaning that Muslim women *à foulard* [headscarved] must uncover their heads for the photographs. "This [tradition] is respected by Catholic nuns, and there is no justification for Muslim women not to respect it," he said.[5] The insistence on the removal of the scarves for identification photos, maintained by the law, was one that Sarkozy pledged could not be changed as it was at the very heart

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[4] Nicolas Sarkozy, *La République, les religions, l'espérance* (Paris: Les Éditions du CERF, 2004), 10.

[5] Nicolas Sarkozy, *Intervention de Monsieur Nicolas Sarkozy, ministre de l'Intérieur, de la sécurité intérieure et des libertés locales- Le Bourget*, 20ème rassemblement annuel de l'UOIF, April 19, 2003.

of the Republic. He continued, "If you demand a different law, then you cannot enjoy the same rights as people of other religions." Islam, as strongly as Sarkozy supported its right to recognition, did not merit the flouting of laws. Thus, Sarkozy had apparently "put his foot in the veil." [6] The Republic had spoken. And now, so would the audience. Instantly, hundreds rose from their seats, booing the minister vehemently.[7] The protesting men and women of the 2003 and 2004 affair had broken their silence. Although Sarkozy managed to conclude his remarks amidst the commotion, what the French witnessed was not at all proof that Muslims could coexist harmoniously among the French.

That very spring evening, the only image broadcast on television of the Salon was that of the minister being booed by the Muslim crowd. In the days that followed, televised programs on the *voile* dramatically multiplied.[8] Some expressed brutal criticism toward Islam for its ties to fundamentalism. Others stated their strong support for a ban on the headscarf. The Education Minister voiced his concern for the protection of *laïcité* in his schools. Many related debates—the question of the opening of a Muslim high school, discussions on how courses on religion should be taught, disputes over allowing

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[6] The title of an article appearing in *Libération* April 21, 2003: "Sarkozy met les pieds dans le voile"

[7] For more on *le congrès du Bourget* see: Jean-Michel Helvig, "Légiférer," *Libération*, 21 April 2003; "Sarkozy relance le débat sur le voile islamique," *Le Figaro*, 21 April 2003; Catherine Bremer, "French minister insists no veils in ID photos," *Reuters News* 20 April 2003; and "Islamic Leader Urges Muslims to 'Live with the Times'," *Dow Jones International News*, 20 April 2003.

[8] *Islam, le pari français* ("C dans l'air," France 5, April 23, 2003*); Être musulman en France* ("Ripostes," France 5, April 27, 2003); *La République et l'Islam* ("Mots croisés," France 2, April 28, 2003); *Au nom du voile* ("C dans l'air," France 5, April 29, 2003); *Le Nouveau Feuilleton du foulard* ("Arrêt sur images," France 5, May 4, 2003; and *Laïcité et islam* ("On aura tout lu," France 2, May 10, 2003).

Muslim girls specific swim times in French pools—somehow resurfaced instantaneously. *Laïcité* was suddenly center stage, and it was clear that Chirac had to act. [9]

On July 3, 2003, a presidential commission named after its chairman Bernard Stasi began to assess the appropriate application of the principle of *laïcité* in the Republic. The French National Assembly already had created a special commission in the previous weeks to study the question of religious symbols in schools, but this presidential commission had a wider scope. [10] The Stasi Commission was charged with investigating "*laïcité* in the whole society," and was open to a more diverse and representative committee membership.[11] The president selected a team of twenty experts, composed of school principals and teachers, businesspersons, academics and civil servants of the most diverse origins and backgrounds. Their task was to engage in four months of public hearings, from September through December, 2003. The commission mostly received men and women who frequently encountered and often had to address the mounting tension between religiosity and secularism in their national institutions or organizations. Representatives invited included religious leaders, school headmasters, politicians, human rights advocates, and political activists.[12] On December 11, 2003, the commission issued a report to the President summarizing its findings.

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[9] Thomas Deltombe, *L'Islam Imaginaire: La Construction Médiatique de L'Islamophobie en France, 1795-2005* (Paris: La Découverte, 2005), 343-344.

[10] For the report of the National Assembly Commission presided over by Jean-Louis Debré, see: *La laïcité à l'école, Un principe républicain à réaffirmer: Rapport de la mission d'information de l'Assemblée nationale présidée par Jean-Louis Debré* (Paris: Odile Jacob, 2004)

[11] Patrick Weil, "Lifting the veil," *French Politics, Culture and Society* 22 (Fall 2004) : 1.

[12] Stasi Commission members included: Mohammed Arkoun, famous for his philosophical writings on Islam; Jean Bauberot, a scholar of laïcité; Hanifa Cherifi of the Education Ministry; Jacqueline Costa-Lascoux, a frequent commissioner on topics of immigration; Régis Debray, a professor, philosopher and writer and a defender of the Republic against the headscarf in '89; Michel Delebarre, the mayor of Dunkerque; Nicole Guedj, a lawyer who left the commission halfway leaving 19 commissioners; high

Six days later, Chirac announced that France would be 'putting its foot in the veil' too. On December 17, 2003, the President spoke to the nation from the Élysée Palace pledging his personal support for a ban on religious symbols. The ban, one of twenty-six recommendations from the Stasi Commission, called for all signs or clothing which conspicuously manifested students' religious affiliations in public, elementary, middle, and high schools throughout France to be forbidden. Discrete signs, including small crosses, Stars of David or Hands of Fatima would "naturally" be tolerated. Only signs that made religious affiliation immediately recognizable were no longer acceptable. In this way, Chirac insisted, the schools would remain *laïque*.[13]

Meanwhile, though, a sneaking suspicion swept the nation that this law was somehow masking a political agenda to remind Muslims that they were not and could never be fully French. Opposition emerged throughout the immigrant-filled *banlieues* and on the historically French boulevards. The calm *places* of the eleventh arrondissement would soon be filled with thousands upon thousands of feet marching to fight for the *voile*.

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school principal Ghislaine Hudson; Gilles Kepel, Professor and one of the foremost experts of Islam in France; Marceau Long, the former Vice President of the Conseil d'Etat when it made its 1989 decision and the first president of the High Council on Immigration; Nelly Olin, mayor of Garges-les-Gonesse; Henri Pena-Ruiz, a philosopher, writer, and one of laïcité's strongest advocates; Gaye Petek, the president of the association ELELE for the integration of Turkish immigrants; Maurice Quenet, the superintendent of the Paris Academy; René Remond, scholar of laïcité and the President of the National Foundation of Political Sciences; Raymond Soubie, a businessman and President of Altédia; Alain Touraine, a major French sociologist; and Patrick Weil, expert in the field of Immigration and a former member of the high Advisory Council on Integration. Bernard Stasi, the chair, had a history of civil service in Algeria, had been a mayor, a deputy, Minister of Overseas Departments and Territories, and the *Médiateur* of the Republic since April of 1998.

[13] Joan Scott, *The Politics of the Veil* (Princeton: Princeton University Press, 2007), 2.

Chapter One: Neither Macdo Nor Submissive!

The Missing Testimonies of the Stasi Commission

From April through December 2003, Parisian politicians debated the veil unceasingly. Once Chirac delivered his speech on December 17, 2003, though, the passing of a law on religious signs became inevitable. Sixty-nine percent of the French supported the President.[14] The Stasi Commission recommended the passing of a law. But others continued to oppose the ban, and many objected to the nature of the Stasi Commission's conclusions. From December through February, the 'headscarf hysteria' shifted to the streets.[15] In a three-month period of prolonged dissent, opponents of the law joined demonstrations on December 21, 2003, January 17, 2004, and February 14, 2004.

Proponents of the law had put forth strong arguments. The members of the Stasi Commission were not ready to accommodate any exceptions to the Republican model they sought to defend. The scarf had become a threat to the social contract that had governed the French model since 1789, a contract that had successfully protected democracy from the Catholic Church.[16] In framing its recommendation for a law as rooted in a historical past, most notably the century-long tradition of *laïcité* and the revolutionary feat in Republicanism, the commission sought to emphasize the importance of continuity. It insisted on respecting the 1905 separation of Church and State, a law that

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[14] "Les français musulmans aiment le president mais penchent à gauche," *Le Figaro*, 17 December, 2003.

[15] See Emmanuel Terray, "Headscarf Hysteria."

[16] Robert O. Paxton, "Can You Really Become French?," *The New York Review of Books* 56, no. 6 (April 2009), http://www.nybooks.com/articles/22571 (accessed March 21, 2009).

insisted in its first sentence that "The Republic neither recognizes, nor salaries, nor subsidizes any religion."[17] It refused to embrace a symbol it believed to endanger the schools of the nation by fostering hatred. Many French accused the scarf of being the impetus for Muslim women to prioritize group over national identity. This social trend, now translated from the French as 'communalism,' jeopardized the social mixing, *le mixité*, expected in French society. The French feared that the Muslim community was attempting not only to balance two distinct identities, but also to adhere to two sets of often-conflicting customs. Since there is no possibility for a "hyphenated identity" in France, Chirac's major justification for a law "defending *laïcité*" would arguably relegate Islam once again to the private sphere, therefore protecting the vision of France as "one and indivisible."[18]

Le 21 décembre 2003:

Four days after Chirac addressed the nation, 3,000 protesters assembled to demonstrate against the proposed law. Angered at the under representation of the Muslim voice throughout the Stasi Commission hearings, three young headscarved students organized a rally of veiled women to present the missing testimonies of the commission. "Until now, veiled women have been heard very little," Ilhame, one of the organizers, contended. While "those who are for the law have spoken," now, "it is our turn to be heard."[19] What was at stake was the possibility for Muslims to express a joint identity.

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[17] Paul Airiau, *Cent ans de laïcité française: 1905-2005* (Paris: Presse de la Renaissance, 2005), 17.

[18] Joan Scott, *The Politics of the Veil* (Princeton: Princeton University Press, 2007), 11.

For these women, the law would force them to choose between being French and being Muslim. It would dictate how they were to define themselves. The women who marched on December 21, 2003, rejected the law as a limitation on religious freedoms and a restriction on personal expression, as an injustice to their community, and as a representation of government insincerity and hypocrisy.[20]

The women of December demanded freedom of choice. Convinced this was not a privilege but a right, they pleaded to Chirac; "Voile, cross, kippa, leave the decision to us!" The most prominent banners petitioned that they were "French women and Muslim: not one or the other." [21] Some women pushed strollers and carried young children in the hope that their daughters would not experience the excruciating pain of having to choose between their state and their faith. Others expressed that they expected the French notion of liberty to protect their right to individual identity and were keen on reminding the French of this Republican principle. Protesters pegged the law as a "liberty-killer." Another declared that she was demonstrating so that the French would not forget that in *liberté, égalité, fraternité* "there is, of course, liberty!"[22] For the crowd, the law challenged the most basic promises of France.

Participants demanded that the government respect their faith and their customs. They insisted that every citizen should "be treated in the same regard," and they reminded Chirac that in a Republic there should be justice. Calling to be placed on an

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[19] "A Paris, trois mille personnes défendent le voile," *Le Figaro*, December 22, 2003.

[20] "France-manifestation contre le projet de loi," *Reuters—Les actualités en français*, December 21, 2003.

[21] "Thousands demonstrate against French headscarf ban," *Agence France Presse*, December 21, 2003.

[22] "France-manifestation contre le projet de loi," *Reuters—Les actualités en français*, December 21, 2003.

equal footing with the other prominent religions of France, many protestors wondered why the veil even bothered the French. One woman maintained that similar signs exist among other faiths, adding, "The religious Catholics also wear [a veil]!"[23] The community felt alone, spurned, and rejected. "When there is an act of anti-Semitism, we say that it was the whole of France that was targeted, and yet, when instead we speak of an act of Islamophobia, does it really only concern Muslims?," questioned another participant. For a rally described by its organizers as "spontaneous" and "non-denominational," the uniform turnout was further indication that the Muslims stood alone in sentiment. [24] The protestors placed an emphasis on *égalité* and *fraternité* because they were discouraged that the French government approached Islam differently from Catholicism, Protestantism and Judaism.

The demonstration aimed to communicate the hypocrisy of the ban. Insisting that advocates of a law were wrong to believe that the headscarf encouraged communalism, protestors instead argued that "*they* [the advocates of the law, emphasis added] are creating communalism!" Many argued that the law threatened to strengthen ethnic ties through exclusion, claiming that Chirac's announcement had already stigmatized the community. "For a few days now, in the metro, they've looked at us maliciously, they've insulted us. . . ," one woman exclaimed. [25] Instead of inspiring unity, the law was leading to prejudice. The procession, therefore, was crafted to prove that Muslims were a part of France. Identity cards, election cards, and tricolor flags waved above the cortège as the

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[23] "A Paris, trois mille personnes défendent le voile," *Le Figaro*, December 22, 2003.

[24] "Les pro-voile défilent à Paris," *Le Figaro*, December 22, 2003.

[25] "A Paris, trois mille personnes défendent le voile," *Le Figaro*, December 22, 2003.

national anthem guided the masses from the *place de la République* to the *Bastille*. The Muslim public was empowered, and six months after the Salon du Bourget, determined to have its voice of dissent heard again.

Le 17 janvier 2004:

On the one-month anniversary of Chirac's December 2003 speech, protestors turned out in thousands to join the strike of a small collective, the Party of French Muslims (PMF). An estimated 10,000 men and women joined the men of this Alsace-based organization, founded in Strasbourg in 1997, in the capital. What the January 17, 2004, organizers had that the December protestors lacked was time. Just a week before the rally, on January 10, about 100 PMF men gathered at the El-Ghadir Mosque in Montreuil, Seine-Saint-Denis, the third most populous suburb of Paris, to make plans for their demonstration. Those who turned out for the January strike felt that, above all, the law risked damaging the face of Islam in France. They feared that the vilification of the Muslim community would intensify. "[Far-right leader Jean-Marie] Le Pen could have issued the call, and the people would still turn out in force, so great is their anger," a Muslim community leader contended when asked of the mounting anticipation of the second major pro-*voile* protest.[26] The PMF refused the proposed law for its inherent racism, its neglect of *laïcité*, and for its encouragement of Islamophobia.

[26] Catherine Coroller, "Le manif contre la loi sur le voile se prépare entre homes," *Libération*, January 12, 2004.

The overriding sentiment for those who joined the PMF at the *place de la République* was that the law was a blatant act of discrimination. [27] Banners were filled with messages aiming to show leaders and the Republic that the veil was not political, but personal. One woman addressed the President, "Chirac, our headscarf is not an attack on the Republic." [28] Others asked how France, the "homeland of the Rights of Man," could not extend equal rights to Islamic women. The vast majority of the crowd was composed of headscarved women, trying to express that they wore the veil for the right reasons, ones that did not merit hatred or judgment. "We are all here to ensure that this racist and foolish law does not pass," protesters claimed. [29] Proving that they were not prepared to submit to a racist law, and scoffing at the pro-ban feminist collective *Ni Putes Ni Soumises* [Neither Whores nor Submissives], protestors instead offered the slogan "Ni Dupes [Fools], Ni Soumises" in order to show their might.[30] One reporter expressed concern that the disrespect shown towards the law was to the point that it was worrisome.[31]

Protestors contended that rather than defending *laïcité*, the law violated its most basic principles. Suddenly, then, *laïcité* came to represent the exclusion of Muslims instead of openness and tolerance. The crowd joined together in an unfaltering stance—"*Non à la laïcité*!" they proclaimed. Mohamed Latrèche, the head of the PMF, added that

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[27] "Thousands march in Europe, Middle East to oppose French headscarf law," *Agence France Presse*, January 17, 2004.

[28] "Thousands march in Europe, Middle East to oppose French headscarf law," *Agence France Presse*, January 17, 2004.

[29] "Départ de la manifestation nationale contre le projet de loi sur la laïcité," *AP French Worldstream*, January 17, 2004.

[30] Cécilia Gabizon, "Loi sur le voile- les islamistes mobilisent aujourd'hui à Paris," *Le Figaro*, January 17, 2004.

[31] Jean de Belot, "La France sans honte," *Le Figaro*, January 17, 2004.

"the *république laïque* is being put back into question," sending the message to Chirac that he did believe in the spirit of the law. Others feared that this utter abandonment of *laïcité* would lead next to the closure of Muslim mosques.[32] The disapproval of Chirac was most clearly shown at the end of the demonstration, when a PMF militant broke free from the crowd and began to mimic mockingly the President's December 2003 speech that praised France for being a "land of faiths," and *laïcité* as guaranteeing the equality of all faiths. Amused protestors booed the impersonation energetically in the belief that Chirac's speech was a lie. [33] The slogan "*laïcité* betrayed, shame on democracy!" captured the depth of the disappointment Muslims felt towards France and the strength of their contempt for the anti-veil law.

Participants in the January march felt that the most consequential repercussion of the law would be an escalation of Islamophobia. "We are fed up that every time we turn on the television, it's Islam, Islam there," many explained. In placing so much media attention on the issue of the veil, protestors felt that the government was in the process of not only stigmatizing the population, but "instilling Islamophobia in this country!" [34] In order to avoid reinforcing the increasingly widespread fear of Islam becoming a type of political force, the Union of Islamic Organizations of France (UOIF) called on Muslims to demonstrate "calmly, serenely, and responsibly."[35] It believed that the January 2004

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[32] Jean-Marie Godard, "Des milliers de manifestants defendant le voile islamique en France," AP *Worldstream*, January 17, 2004.

[33] Jean-Claude Pierrette, "Une manif de femmes, voiles ou non, encadrées par des homes," *Agence France Presse*, January 17, 2004.

[34] "Depart de la manifestation nationale contre le projet de loi sur la laïcité," *AP French Worldstream*, January 17, 2004.

[35] "Thousands due at Paris demo against headscarf law," *Agence France Presse*, January 17, 2004.

demonstration was the chance for Muslims to defend their religious freedoms while also expressing that they had faith in the Republic."[36] French flags held high complimented the blue, red, and white headscarves worn by the majority of Muslim women. One truck was noted as "diffusing religious chants in Arab," another is said to have been blaring out *La Marseillaise*, the French national anthem. While many showed patriotism to help reduce the intensifying feelings of Islamophobia, the January protest still remained committed to showing the Muslim community as a united force that stood firmly against the ban.

Le 14 février 2004:

Four days after the National Assembly overwhelmingly declared its support for the ban on February 10, 2004, the third protest of the law was underway. Unlike the Muslim-dominated strikes that preceded it, this final initiative was the first national project of a new movement towards cooperation between laymen and Muslims. The collective, under the banner "One School for All" [*Une école pour tous –tes*, in French], sought to present an opposition to the law more in keeping with French tradition and national identity than the approach taken by the PFM a few weeks before. The February protestors' tactic was to stress the "ecumenical character" of their objections to the ban—in this way speaking to the proud historical French obsession with latitudinarianism while saluting the Christian tradition. [37] The organizers of the rally felt that the law put the

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[36] Martine Nouaille, "L'UOIF approuve les manifestations contre l'interdiction du voile à l'école," *Agence France Presse*, January 16, 2004.

[37] John R. Bowen, *Why the French Don't Like Headscarves: Islam, the State, and Public Space* (Princeton: Princeton University Press, 2007), 129.

education of young Muslims in jeopardy. “Who had this crazy idea one day to forbid school,” crowds chanted in rhyme [the French word for crazy, ‘*folle*,’ rhymes with their word for school, ‘*l’école*’] as uproar once again filled the *place de la Nation*.[38] The assembly that marched on February 14, 2004, was most opposed to the law for having the power to deny schooling to those who would not remove their headscarves or kippot. Ten thousand men and women gathered to fight for education for all, for understanding and tolerance, and to prove that the anti-law force extended beyond the Muslim population.

The eclectic conglomerate of about thirty national organizations—a blend of human rights groups and feminist leagues—began with a vision of being the “most mixed as possible: men and women, French and immigrants, Muslims and laymen, practitioners and non-practitioners of faith.”[39] It was the *Center of Studies and Initiatives of International Solidarity* (Cedetim) that first thought to join with other organizations that believed in the same cause, and many responded quickly. The *League of the Rights of Man* (LDH), along with the *Movement Against Racism and for Friendship Among Peoples* (MRAP), the *Association of North African Workers of France*, and the *Federation of Tunisians for a Citizenship of Two Shores* encompassed the drive towards equality, while others such as *Right to Lodging* or *Movement of Immigration and of Banlieues* reminded the public of a more prolonged struggle for immigrant assimilation. Muslim groups, including the *Collective of French Muslims*, certainly broadened

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[38] Xavier Ternisien, “Des manifestations contre la loi sur le voile ont rassemblé quelques milliers de personnes,” *Le Monde*, February 17, 2004.

[39] Caroline Monnot, Xavier Ternisien, Sylvia Zappi, “Laïques et musulmans ‘hors intégrismes’ tentent de manifester ensemble contre la loi antivoile,” *Le Monde*, February 15, 2004.

representation.[40] The organizers were also sure to stress that their gathering was "outside of fundamentalism." There was an aspect of acceptance and broad-mindedness in the nature of the rally that had been missing in the others. In a text outlining the One School for All mission, signatories acknowledged that women should not be forced to wear headscarves by their fathers or their brothers, one of the major pro-law arguments, but also contested that the law put a similar pressure on other women to remove their veils. They believed that liberating some should not be achieved at the cost of suppressing others. *Une école pour tous-tes* represented a force against the ban that stressed both human rights and unity of protest.

The February organizers concerned themselves first and foremost with the rights of students. "In all neighborhoods, in all regions, a single right to education!" was their unifying slogan. When one woman wearing a headscarf addressed the crowd saying, "All of you, stay in school, because we have had it up to here about people in the projects just going on to flip burgers at Macdo!," the *place de la Nation* roared with applause. The crowd was energized using school-themed chants. One that was particularly striking claimed, "The secular school does not choose its public [students]."[41] To emphasize that all students belonged in the public classroom, banners insisted that Muslims *did* belong in France. Sometimes the Muslim contingent went as far as using politics to threaten the government and demonstrate that they were a part of the electorate. One woman promised that the government would feel the weight of the Muslim community's fury on

[40] Caroline Monnot, Xavier Ternisien, Sylvia Zappi, "Laïques et musulmans "hors intégrismes" tentent de manifester ensemble contre la loi antivoile," *Le Monde*, February 15, 2004.

[41] John R. Bowen, *Why the French Don't Like Headscarves: Islam, the State, and Public Space* (Princeton: Princeton University Press, 2007), 133.

March 21, 2004, the day of the French regional elections. "We are going to try and punish them," another added.[42] Mostly, though, those gathered wanted to show the government that France was their nation too. "First, second, third generation… We don't give a damn, we are home!" was one of the most celebrated slogans of the day. [43]

They marched for "*la tolérance*," as tolerance, they said, was not too much to ask for. Marching shoulder to shoulder to show unity and understanding, the front line of predominantly bareheaded Muslim women yelled "we will not let go!" Chosen to represent an ethnically mixed female stronghold, those who led the procession represented the strike's message: secular women speaking for themselves and outside of fundamentalism stood against the law. Claiming that a history of tolerance had come to an end, one women argued that "Jules Ferry, Condorcet, Victor Hugo would turn in their graves if they knew that today, the schools exclude young people in the name of *laïcité*."[44] One woman felt so ostracized by the law that she held a sign saying, "*Stasi m'a tuer*" [sic] [Stasi killed me].[45] Once again, protestors demanded the fundamental promises of *liberté*, *égalité* and *fraternité*, and many even painted this constitutional triptych across their foreheads and cheeks or incorporated it onto their headscarves. What the February march embodied was *le mixité*, showing that opposition to the law did not necessarily have to have a communalistic energy. Instead, the One School for All fought

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[42] Marc Burleigh, "Muslims hold rallies in France against anti-headscarf law for schools," *Agence France Presse*, February 14, 2004.

[43] Xavier Ternisien, "Des manifestations contre la loi sur le voile ont rassemblé quelques milliers de personnes," *Le Monde*, February 17, 2004.

[44] John R. Bowen, *Why the French Don't Like Headscarves: Islam, the State, and Public Space* (Princeton: Princeton University Press, 2007), 133.

[45] Xavier Ternisien, "Des manifestations contre la loi sur le voile ont rassemblé quelques milliers de personnes," *Le Monde*, February 17, 2004.

with no slogans, speeches, or banners that approved of wearing headscarves. It believed in universal education, and they believed in ubiquitous tolerance.

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The spirit of opposition was heard not only in the capital on these days of protest—the outpouring of dissent flooded the nation. The spontaneous nature of the December 2003 strike left little time to mobilize the provinces simultaneously, although more than 650 protestors echoed the Parisian rally in the eastern city of Strasbourg that very Saturday, along with about 50 protestors in Avignon.[46] In January 2004, an additional 4000 opponents gathered in Lille to support a feminist collective that marched "for free choice." Eighteen hundred marched in Marseille, along with almost 500 in Saint-Etienne, 300 in Bordeaux, and countless others in Nantes, Nice, Annecy, Poitiers, Mulhouse, Besançon and Toulouse.[47] An estimated 20,000 let known their opposition on January 17, exactly one month after Chirac's mobilizing speech. The February initiative was equally impressive in its nationwide capacity. An estimated 5,000 took to the streets of Lyon, along with another 600 in Montpellier, 500 in Lille, 400 in Grenoble, 300 in Marseille, 150 at Saint-Etienne, Angers, Nïmes and Chambéry, and 50 in Rennes. In total, a powerful estimate of nearly 17,500 Frenchmen and women believed in the vitality of the One School for All movement.[48]

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[46] "Les pro-voile défilent à Paris," *Le Figaro*, December 22, 2003.

[47] Martine Nouaille, "Plus de 20.000 manifestants à travers la France pour le droit au voile," *Agence France Presse*, January 17, 2004.

The strength of hostility that surfaced in the eleventh arrondissement and across the Hexagon on those three *journées* showed not only anger towards Chirac, but a genuine hope for change by a total of almost 50,000 women and men. Yet, somehow, this public display of resistance filled with passionate slogans and moving oration, moments when ideas and preconceived notions of Islam and *laïcité* in the Republic might have been fundamentally rethought, simply became invisible. The sounds of footsteps marching for the veil began their great decrescendo from the public score until there was silence.

[48] Xavier Ternisien, "Des manifestations contre la loi sur le voile ont rassemblé quelques milliers de personnes," *Le Monde*, February 17, 2004.

Chapter Two: Toward an Understanding of the Demonstrations' Failure

In her conclusion to *The Politics of the Veil*, Joan Scott wrote, "The headscarf law, then, was not so much a solution to a problem as a symptom of France's inability or unwillingness to face the racism—the continuing power imbalance based on ethnic/religious difference." She was exactly right. The headscarf affair of 2003 and 2004 caused such uproar because it directly challenged the French political system. While the work of the Stasi Commission attempted to clarify the status of *laïcité* in French society, it instead led the way for eminent men and women to question its relevance. The harshest French critics of the law, among them Jean Bauberot, the only member of the Stasi Commission to abstain from the vote, Etienne Balibar, Françoise Gaspard, Charlotte Nordmann, and Emmanuel Terray, exposed in their writings the irrationality of its main purpose—upholding French secularism.[49] Instead, these men and women, and their American counterparts, including Joan Scott and John Bowen, believed that the law's insistence on homogeneity was no longer feasible for the Republic.[50] For the Republican war no longer had a single opponent, the Catholic Church, but a modern foe, Islam.

For the eight decades that followed the official 1905 separation of Church and State in France, Catholicism remained the enemy of the secular. Scholars writing in the post World War Two era continually insisted that the central challenge for *laïcité* was its ability to mediate between the Catholic Church and the French State. Authors addressed the concerns

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[49] See J Baubérot, *L'intégrisme Républicain Contre La Laïcité* (Editions de l'Aube, 2006). M Estivalezes and J Baubérot, *Les Religions Dans L'enseignement Laïque* (Presses universitaires de France, 2005), E Balibar, "Dissonances within Laicite," *Constellations* 11, no. 3 (2004), C Nordmann, *Le Foulard Islamique En Questions* (Amsterdam, 2004), E Terray, "Headscarf Hysteria," *New Left Review* (2004).

[50] See Scott, *The Politics of the Veil* (2007); Bowen, *Why the French Don't Like Headscarves* (2007); JR Bowen, "Why Did the French Rally to a Law against Scarves in Schools?," *Droit et société* (2008).

associated with the French Catholic Renaissance in its "resistance, liberation, and post-World War II constructions."[51] Others revisited the historical implications of the 1905 law.[52] Maurice Larkin, in his study of *Church and State after the Dreyfus Affair*, concluded that "when in 1956 Catholics reviewed the first fifty years of separation, most of them then thought that the Church had profited from its independence from state help," and that "the clergy had undoubtedly gained in self-reliance and public esteem." He cast *laïcité* as profitable, as positive. Others, yet, wrote on anticlericalism. Joseph Moody's *French Anticlericalism: Image and Reality* explored the works of Jules Michelet and Émile Zola, both of whom he argued had a profound influence on the anticlerical nature of the Third Republic.[53] Pierre Chevallier, in his 1981 *La séparation de l'Eglise et l'État*, addressed the conflict between Church and State in its most acute arena: that of education.[54] Even after Algeria won its independence from French colonial rule in 1962, and France began to struggle with the consequences of immigration, scholars continued to treat the nineteenth- and early twentieth-century conflicts with Catholicism as the most important threat to the *république laïque*. Those who wrote on French colonialism in Algeria during the 1960s and 1970s, for the most part, spoke only of assimilationist theories.[55] Visions of a religious

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[51] See Howard Schomer's review of William Bosworth, *Catholicism and Crisis in Modern France* (Princeton: Princeton University Press, 1962), in *Review of Religious Research* 5, no. 1 (1963).

[52] See JM Mayeur, *La Séparation de L'église et de L'état (1905)*, Julliard, 1966.

[53] Joseph N. Moody, "French Anticlericalism: Image and Reality," *The Catholic Historical Review* 56, no. 4 (1971). See also R. Rémond, *L'anticléricalisme en France de 1815 à nos jours* (Paris: Fayard, 1975).

[54] Pierre Chevallier, "*La séparation de l'Eglise et de l'Ecole : Jules Ferry et Léon XIII*, (Paris: Fayard, 1981).

[55] See Raymond F. Betts, *Assimilation and Association in French Colonial Theory, 1890-1914* (New York: Columbia University Press, 1961); Martin Demming Lewis, "One Hundred Million Frenchmen: The" Assimilation" Theory in French Colonial Policy." *Comparative Studies in Society and*

menace with the potential to threaten secularism more than did the Catholic Church simply did not exist.

This all changed in 1989, with the first *affaire du voile*. Thirty-seven years after Algerian independence, the expulsion of three girls from their middle school in the town of Creil, France, after they refused to remove their headscarves, gave rise to new concerns. The Principal of the school involved, Eugène Chenière, claimed that the expulsions were in the name of enforcing *laïcité*. In the decade that followed, scholars began to contemplate the complex disparities between the Muslim approach to identity and that of the French tradition. Françoise Gaspard and Fahred Khosrokhavar provide the most comprehensive analysis of '89 in *Le foulard et la République*.[56] Jean Baubérot asked, was France headed *Vers un nouveau pacte laïqu*e?[57] In an article entitled "Scarves, Schools and Segregation: The Foulard Affair," David Beriss interestingly commented, "by provoking this issue in the schools, Muslims have shown a desire to leave their mark on French society, to become part of that society."[58] Scholars began to question whether the principle of *laïcité* could survive in the twenty-first century.

Yet even after scholars carefully reconsidered, pondered, and published criticisms of the French approach to the 1989 affair, public sentiment remained unmoved. When the second major headscarf affair erupted in April 2003, the French were still unable to grasp the problematic nature of the approach the government was taking to attempt to ensure a

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History (1962): 129-53; WB Cohen, *Rulers of Empire: The French Colonial Service in Africa* (Hoover Institution Press, 1971).

[56] F Gaspard and F Khosrokhavar, *Le Foulard Et La République* (Découverte, 1995).

[57] J Baubérot and M Morineau, *Vers Un Nouveau Pacte Laïque?* (Ed. du Seuil, 1990).

[58] D Beriss, "Scarves, Schools, and Segregation: The Foulard Affair," *French Politics and Society* 8, no. 1 (1990).

harmonious coexistence with the Muslim population. Not only were the French arguably contradicting their constitutional principles of liberty, equality, and fraternity, but they were stigmatizing the immigrant population of all generations. As scholars who published in the aftermath of the passing of the law banning religious symbols on March 15, 2004, argued, the French government refused to recognize its own failure to integrate its former colonial subjects. Launching an attack against the headscarf, the symbol of this "dangerous" counterculture that violated the terms of *laïcité*, was merely a diversion from addressing the more urgent political difficulties relating to Islam. Joan Scott and John Bowen both question if Muslims could ever be considered fully French in the Republic. This thesis asks the same question.

Fifty thousand French men and women articulated genuine concern that the ramifications of the ban would only escalate the tensions that Chirac sought to ease. Journalists pointed to French hypocrisy. Somehow, still, the public remained faithful to Chirac and supported his "solution" to Islamophobia and fundamentalism. Maybe the French felt that abandoning *laïcité* would be abandoning what it meant to be French. Since the French could not acknowledge that significant demographic changes constituted a reevaluation of the system, the public let the Stasi Commission's findings convince them that *laïcité* could be saved, and more so that it was *worth* saving. Most historians have taken a unified stance since 2003 and 2004—*laïcité* was not worth saving.

Laïcité was no longer openness, nor religious tolerance. It was an excuse to silence unwelcome immigrants. The public reaction to the 2003 and 2004 anti-law demonstrations, namely, that the French instantly dismissed these moments of protest, proved that the French secular tradition was not enabling but restricting. These untouched

historical displays which fundamentally challenged French tradition were rendered invisible in 2004, and have continued to remain invisible in the literature. Yet these three demonstrations, as previously detailed, showed the inherent contradictions in the *laïcité* principle for France in the twenty-first century that scholars are now beginning to understand. In the name of "defending *laïcité*," the prior workings and organizational structure of the Stasi Commission legitimized a law with such authority that the fundamental arguments of each of the aforementioned protests were silenced.

Chapter Three: A Mountain Gave Birth to a Mouse!

From the Stasi Commission to the National Assembly

The inherent question in the debates that erupted after Chirac's December announcement—whether or not the essential ideals of French Republicanism are irreconcilable with those of the French Muslim community—took the *banlieues* from the periphery of the city to the center of the political scene.[59] For many non-Muslim French, the Muslim community, and therefore by association the image of the headscarf, represented multiple dangers to the proud Republic. The Stasi Commission emphasized that the Muslim community openly allowed for violence towards women. It consistently accused Muslims of communalistic tendencies, and of blatantly refusing to integrate themselves into the French nation. The threat of religious fanaticism became a driving force in the Stasi Commission's willingness to eliminate the headscarf, a symbol it constantly linked to fundamentalism. These arguments were positioned so eloquently among the Stasi Commission document. They were so well articulated, in fact, that each attempt to criticize the reasoning of the Commission was poised to fail. Three times, the French Muslim community and those sympathetic to its plight attempted to provoke a rethinking of Stasi's reasoning, and three times, France dismissed them.

Yet the Muslim community, for decades, had been accommodated by the Republic. The more than five million Muslim citizens of France by law were granted freedom of religious expression. Muslim women were given the choice to wear the headscarf, which to them symbolized both modesty and devotion. To these Frenchmen,

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[59] John R. Bowen, "Muslims and Citizens: France's Headscarf Controversy," *Boston Review*, February/March, 2004.

the national toleration of religious pluralism had, with a few infamous exceptions, allowed the headscarf to become a mark of compromise between the Muslim way of life and French tradition.[60]

When the debates over headscarves moved into the winter months, no uniform regulation on the wearing of religious signs in schools existed. In 1989, France's Council of State grappled with similar concerns. Provoked by the expulsions of the first *affaire du foulard*, the Council ultimately declared that religious symbols could not be worn in public schools if they "'constitute an act of intimidation, provocation, proselytizing or propaganda,' threaten health, security, or the freedom of others."[61] Enforcement was to be left to each individual institution on a case-by-case review. The Council of State even stated that the Muslim headscarf was not in itself a conspicuous symbol that would warrant a ban, nor did it find the wearing of religious signs by students incompatible with *laïcité*.[62] In the eyes of the leaders, though, circumstances had changed dramatically.

More than a decade later, Chirac became convinced that the veil did not belong in his classrooms. His address in December 17, 2003, made this perfectly clear, as he announced, "I refuse to lead France in the direction of division and discrimination. This would sacrifice her heritage. This would compromise her future. She would lose her soul." France, he proclaimed, is a "land of faiths," a "welcoming and generous" nation.

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[60] These moments include the first *affaire du foulard* in 1989, and a resurgence of these issues in 1994. In September 1994, the minister of education, François Bayrou, declared conspicuous signs of religious affiliation to be prohibited in schools after more conflicts surrounding the headscarf, including a teachers' strike at one school supporting a physical education teacher who claimed that the headscarf was dangerous to wear during gym class. Bayrou's decree was overturned. It was in the aftermath of the 1994 turmoil that Hanifa Chérifi, a member of the Stasi Commission, was appointed to become the official mediator for all headscarf-related debates.

[61] Elaine Sciolino, "Ban Religious Attire in School, French Panel Says," *The New York Times*, December 12, 2003.

[62] Conseil d'Etat, "Avis sur le principe de laïcité et le port d'insignes religieux à l'école," November 27, 1989.

He continued, "It is in allegiance to the principle of *laïcité*, the cornerstone of our Republic, the beam of our shared values of respect, of tolerance, of dialogue, that I call on all Frenchwomen and all Frenchmen to join together." Chirac asked that his public help him appease religious tensions, making it clear to his people that *the* solution was to demand Muslims to respect French values and French law. His eyes were turned towards schools—the "Republican sanctuaries"—where equality must be defended in order to "protect" the youth from "ill winds" that seek to divide, to separate, and to place some against others. [63] To Chirac, a new era of *laïcité* was necessary to forge a national identity, to defeat fundamentalism, and finally, to protect the secular school. With this idea of a new *laïcité* in mind, the President called upon Bernard Stasi to chair a special commission to realize his vision.

Bernard Stasi presided over the presidential commission under the title of Mediator of the Republic, a position he held from 1998 to 2004. [64] He was a leader who believed in the goals of the commission. While he was not convinced that the veil destabilized the tradition of *laïcité*, he did admit that it posed legitimate questions worthy of review. In a November 2003 interview on *Débat Public*, he replied ardently to questions on his commission and on the veil. "We must not reduce the problem of *laïcité* to only this precise problem," Stasi declared when asked if Islam was being stigmatized by the question of the veil in schools. After acknowledging that he understood there had been a certain polarization of the public over the *foulard islamique,* he stressed that there

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[63] Jacques Chirac, "Discours prononcé par M.Jacques Chirac, Président de la République, relatif au respect du principe de laïcité dans la République," Paris, December 17, 2003.

[64] Note that the closest translation for the *médiateur de la République* is a type of national ombudsman; "Document: Le Rapport de la Commission Stasi sur la Laïcité," *Le Monde*, December 12, 2003.

were assured risks and consequences to focusing the question of *laïcité* on only the veil. "It gives the sentiment that *laïcité* is first and foremost in place to forbid, that *laïcité* is some sort of policeman" that "prohibits certain behaviors," he said. To Stasi, though, *laïcité* was not prohibitory, but enabling. It was "openness, it is tolerance, it is religious liberty, liberty for all religions . . . It is what permits Islam, like other religions in its place, to live in France."[65] This sentiment, reiterated by Jean-Pierre Raffarin in the National Assembly meeting of February 3, 2004, in which the law was passed—"*laïcité* is a chance [for Islam]: the chance to be a religion of France"—became the blinding message that moved almost every leader present in the hall towards a vote of support for a ban. [66]

On February 3, 2004, in anticipation of the National Assembly meeting, *Le Monde* published an enlightening editorial expressing the disappointment of four Stasi Commission experts over the turn taken by the debates on the voile. Historian René Rémond, sociologist Alain Touraine, high school principal Ghislaine Hudson, and Gaye Petek, president of an association that specialized in the integration of Turkish populations, all regretted, at minimum, that the law to be discussed in the National Assembly that very day only concerned the recommendation concerning schools. "The mountain gave birth to a mouse!," Rémond exclaimed; "of the commission's twenty-six propositions, we haven't kept but one." While the committee members had the impression in December that their work contributed insightfully to debates on *laïcité*, and

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[65] Un entretien avec Bernard Stasi enregistré en novembre 2003 (émission "Débat public"). [http://www.france5.fr/actu_societe/W00137/9/102197.cfm]

[66] Jean-Pierre Raffarin, at "L'Assemblée National: Sujet 4: Application du principe de laïcité dans les écoles, colleges et lycées publiques: Discussion d'un projet de loi," Deuxième séance du mardi 3 February 2004.

that their report was the beginning of a process far more vast in effect, they had come to the sorrowful realization that this was not the case. Gaye Petek recalled "other propositions concerning cemeteries, hospitals, religious holidays," and spoke to her belief that the debate had become impoverished. "How many times did we all say that the headscarf was not the central problem!," she cried out.

Rémond was the harshest of the four *sages*, or experts. His feeling of betrayal was easily perceived, going as far as to argue that the commission's work was instrumentalized. "We gave our endorsement to a ban of religious symbols, but in such a way that it was proportionate to the extent of the problems we had discovered," he said. The debate was "shrunken to the point where we had forgotten what the commission was set up to achieve"—not only a law that would forbid, but a formal text stressing the necessity to respect common law to preserve personal liberties. In short, he concluded, if the project of the law is passed, "I will not recognize it as the fruit of our labor." Instead, he would see it as an illusion that covered up the debate's central issues, namely, "France's capacity to integrate its new populations and the willingness of these populations to accept the law."[67] The others expressed a more modest dissatisfaction. Alain Touraine, who himself rallied to the law after arriving at the commission in opposition to the ban, argued that they could not be satisfied with provisions to treat only the issue of the veil. Ghislaine Hudson stressed the importance of not isolating the question of the veil in schools. This, she said, was as if the debate was approached

[67] Hugh Schofield, "French parliament opens debate on headscarf law," *Agence France Presse,* February 3, 2004.

through the lenses of "opera glasses," as if the view of the problem suddenly became very narrow and disproportionate. [68]

Yet the four arguments put forth to justify the urgency of a law on headscarves were well defined and well intentioned. The first was that the heightening of communalism was endangering the secular school. Second was the impossibility for the school, the "sanctuary" of the Republic, to accept a symbol of the oppression of women. Chirac continuously declared "France" to be the "idea of citizenship," an identity "forged in the neutral space of its public schools"—schools which Jules Ferry, the nineteenth-century father of French secular education, is said to have called the *école sanctuaire*—and the commissioners were committed to preserving Ferry's triumph.[69] Others focused on the need to give a "clear" framework to teachers and principals to make decisions related to the *foulard*. The need to establish clear limitations for communalistic demands, such as the refusal to participate in certain classes, was the final rationale.[70] Chirac was convinced and Stasi was persuaded that to make the veil invisible would be the long awaited answer to the problems facing the French body politic.

For Chirac, the ban on religious symbols was the only proposal worthy of action. He felt a ban on the headscarf was the only recommendation that sent a forceful message to the Muslim community to respect *laïcité*. It is therefore important to consider the nature of the commission's investigations. The Stasi Commission apparently intended to

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[68] Hudson's original expression in the French: "cela revient à aborder le débat 'par le petit bout de la lorgnette'"; Philippe Bernard and Sylvie Kauffman, "Voie- les états d'âme de quatre "sages" de la commission Stasi," *Le Monde*, February 3, 2004.

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

[70] Abdelmalek Sayad, *Les effets d'une loi* in *L'affaire du foulard islamique* (Editions Le Geai Bleu, 2004), 105.

extend findings based on the testimonies of enlightened and diverse witnesses. Their findings were designed to provide a more holistic report than that of the committee of the National Assembly specifically intended to address the issue of scarves in schools. Yet somehow, a sense of urgency was cultivated for Chirac's commissioners to confront the *voile*. The most practical explanation is the cherry-picking of testimonies—the very act that provoked the December 21, 2003, rally.

Chapter Four: How Stasi Silenced the Streets

The nearly 50,000 protestors who marched on December 21, 2003, January 17, 2003, and February 14, 2004, mounted a spirited opposition to the law. Thousands joined in protest at the *place de la République* to show that while the government had the legislative authority to strip them of signs of their faith, they did not have the power to silence their dissent. In an incidental fashion, though, the Stasi Commission limited the ability for any manifestation of public disapproval to unsettle the overwhelming favor of the population towards the proposed law. Each major justification for the law was articulated so succinctly that any counter argument was rendered insufficient. Neither the emotional plea of the December rally nor the startling accusations of the January demonstration shook the French confidence in the ban. Even the February protest, with its honorable goals and unity in presentation, failed to generate substantial public reaction. The Stasi Commission had positioned the law on an effortless path towards ratification.

December 2003:

The 3,000 women to answer the call of three high school students to protest the law on December 21, 2003, felt the need for Muslim voices to be heard. After all, the Muslim woman had, for months, been criticized and misinterpreted by French leaders and politicians. They had every reason to be angry. French Catholics that felt nothing but hostility and contempt towards Islam orchestrated a law that was far more personal for them as individuals. What the December protestors could not have realized then was that

those heard by the Stasi Commission were carefully chosen to complement a certain agenda. There were to be Muslims, but not too many. The headscarf itself would be physically absent from the hearings, except for one very special day. There were to be feminists, but mostly those who found the veil obscenely oppressive. Muslims would be represented on the committee, but in a limited capacity. The more closely the formation and execution of the Stasi Commission hearings are examined, the more suspicious its final recommendations become.

The first sign of under representation for Muslims in the Stasi Commission's work was the election of a desensitized team of commissioners. Of the twenty original members of the Stasi Commission, only two were Muslim. Mohammed Arkoun was born in Algeria of the Muslim faith but had no "real ties" with the Muslim community. He was a scholar, and not a practitioner, of Islam. In fact, the more traditional Islamic intellectual circles have often rejected Arkoun's views for their secularist approach. Algerian-born Hanifa Cherifi, the Muslim woman of the commission, was also a secular Muslim who believed that liberty and the headscarf were incompatible.[71] Judaism had a much stronger representation, not in number, but in spirit. Patrick Weil was a spokesman for his faith, known for having a strong "sensitivity" towards his community. Nicole Geudj was also a prominent spokeswoman for Judaism and a member of the French Council on the Jewish Faith. They were both able to represent the French Jews eagerly in the debates on the potential acceptance of Yom Kippur as a national holiday. The commission also included a pious Catholic, René Rémond, a scholar who had published extensively on the history

[71] Nusrat Choudhury, "From the Stasi Commission to the European Court of Human Rights: L'Affaire du foulard and the Challenge of Protecting the Rights of Muslim Girls," *Columbia Journal of Gender and the Law* 16 (2007); See the ABC broadcast *France-Headscarves* with reporter Evan Williams, May 18, 2004.

and politics of the French Catholic Church. Islam comparatively was quite removed from the commissioners' convictions.[72]

Islam was removed not only from the commissioners' sentiments, but also from the selection of invited witnesses. The Stasi Commission had not even planned to hear a single headscarved woman. The addition of one unique *femme voilée* came from a recommendation by Stasi himself early on in the committee's work.[73] The scheduling of the hearings made this abundantly clear; it was not until December 5, 2003, just six days before the Commission would issue its conclusions and recommendations after four months of other testimonies, that a woman in a headscarf was heard.[74] While members, particularly Ghislaine Hudson, were said to have pushed for more Muslim women to testify, others were noted as having been angered when Saïda Kada, the invited witness, brought a second woman to testify with her, Fatiha Ajbli of the *Union des organizations islamiques* (UOIF). The unusual number of reporters and journalists attending to hear the "veiled girls" speak, take photographs, and attempt to interview them solicited reactions of unconcealed agitation by many members of the commission, too. The young Muslims themselves were reported to have "played with provocation." A bearded man accompanied them, and he remained silent at their side. This man, later identified as Boualem Azhour, a militant of the *Movement of Immigration and of the Banlieues,* was

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[72] Works by René Rémond on Catholicism include: René Rémond, *Vous avez dit catholique* (Paris: Desclée de Brouwer, 2007); Réné Rémond and Guy Aurenche, *Les grandes inventions du christianisme* (Paris: Bayard, 1999); Centre catholique des intellectuals français, and René Rémond, *Foi et religion* (Paris: Desclée de Brouwer, 1971); John R. Bowen, *Why the French Don't Like Headscarves: Islam, the State, and Public Space* (Princeton: Princeton University Press, 2007), 116.

[73] Louisa Larabi Hendaz, "Le voile humilié, ou les auditions manqués de la commission Stasi, avec le témoignage de femmes musulmanes," (Paris: Editions Marjane, 2005), 245.

[74] Bernard Stasi, "Rapport au Président de la République: Auditions Publiques," December 11, 2003.

finally accused of breaking and entering.[75] The environment was one of tense and fierce anticipation.

Saïda Kada, the co-author of *L'une voilee, l'autre pas*,[76] was questioned ruthlessly by the committee on December 5, 2003. [77] All inquiries concerned the veil with only two exceptions—"interesting questions by Alain Touraine and Jean Baubérot that went unanswered."[78] The commissioners are reported to have done one of two things. Either they demanded that Kada explain "why Muslims do this or that [outfit little girls in voiles, fail to denounce the stoning of women]" or they attacked her way of life. They asked how she or those like her could encourage girls to leave school, or how she could force "society to adapt to her rather than the other way around."[79] Kada largely sidestepped these aggressive questions, pleading to the committee that "Islam is young in France" and that France needed to "give us time to pull through and to manage." She insisted that stigmatization of the Muslims and a heightening of communalism would result otherwise. The commissioners refused to listen to or appreciate her testimony. [80] They took no interest in her Lyon-based organization, *Femmes Françaises Musulmanes et Engagées* (Activist French Muslim Women), that fought discrimination against

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[75] Philippe Bernard, "Nadia, Saïda, Fatiha, avec ou sans voile devant la commission Stasi," *Le Monde*, December 7, 2003.

[76] Saïda Kada and Dounia Bouzar, *L' une voilée, l'autre pas: [le témoignage de deux musulmanes françaises]* (Paris: Michel, 2003).

[77] *ibid.*

[78] John R. Bowen, *Why the French Don't Like Headscarves: Islam, the State, and Public Space* (Princeton: Princeton University Press, 2007), 118.

[79] *ibid*, 118.

[80] Philippe Bernard, Nadia, Saïda, Fatiha, avec ou sans voile devant la commission Stasi," *Le Monde*, December 7, 2003.

Muslim women.[81] They failed to address her opinions on any of the other twenty-five recommendations to which they would be signing their names six days later.

Some committee members even admitted later on that the young girls who wore the *foulard islamique* were not properly heard in the commission's hearings. One of the experts even conceded that "the ambiance was strained, it was not a circumstance conducive for a dialogue."[82] In regard to the lack of representation of Muslim women, Alain Touraine later acknowledged that "the list of invitees was not perfect," arguing that they heard too many ministers and not enough headscarved women. Hudson agreed, confirming that priority had been given to the institutions. It later became clear that one other student wearing a headscarf was heard by the commission. One of the panel members of the 220 students of two French high schools and six foreign high schools heard on the same day as Saïda Kada participated in a private hearing wearing a scarf. Even so, this was not enough to broaden representation substantially. Alain Touraine later understood that "the intentions of headscarved adolescents are very diverse, as is the significance one should give to their clothing, whether purely related to one's identity, or of a religious nature," but his realization was too little too late.[83] More than three voices were needed to reveal the myriad of personal pro-voile justifications during the Commission's hearings.

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[81] Virginie Malingre and Xavier Ternisien, "Pour nombre d'élèves voilées et exclues, l'école s'arrête définitivement," *Le Monde*, February 11, 2004.

[82] Philippe Bernard, "Controverse autour de l'unique audition de musulmanes voilées," *Le Monde*, February 3, 2004

[83] *ibid.*

Touraine may have admitted that the list of invitees was not perfect, but selections were far more misleading than he would admit. Stasi himself reinforced the tendencies in witness selection, constantly stressing the importance of the testimonies from those who were "not politicians, not the religious leaders," but those "who recount difficulty in their professional life—the directors of schools, clinics, prisons—all those who are confronted" with issues of integration daily.[84] A crucial bias revealed itself. Out of ninety-seven public hearings, only eight of the depositions were from those whose voices represented the Muslim faith. Only two of the eight witnesses were representatives from the major Muslim organizations. The President of the new French Council of the Muslim Faith, Dalil Boubakeur, was the first Muslim, but the twentieth attestation to be heard. Also crucial was the representation of the Union of Islamic Organizations of France. The Secretary General of the UOIF, Fouad Alaoui, the man who had introduced Sarkozy at Le Bourget, therefore became the second Muslim the commission received. Yet neither man acted as a strong advocate for the veil.[85] In fact, Dalil Boubakeur himself, also the rector of Paris's Grand Mosque, testified to the commission "on behalf of school peace." He later claimed: "I see these girls in veils, I ask them, 'What do you know of Islam? Nothing? Not even the Islamic dates?' I say to them, 'Learn something about all this. Learn your religion before you go out and make a spectacle of yourselves in the streets.'"[86] Fouad Alaoui was likely more insulting than insightful for the pro-veil side.

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[84] Un entretien avec Bernard Stasi enregistré en novembre 2003 (émission "Débat public"). [http://www.france5.fr/actu_societe/W00137/9/102197.cfm]

[85] Dalil Boubakeur testified before the commission on the nineteenth of September; Fouad Alaoui on the tenth of October, 2003, both in public hearings.

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

Noted for having a particularly unpleasant character, a French Moroccan with "none of the grace or humor of a Moroccan host and most of the arrogance of a French bureaucrat," he often insulted the Republic and its values, articulating the sentiment that "the French have always had a problem with religion—it's a reflex action."[87] Both central figures in French Muslim politics therefore pointed the commission in an anti-headscarf direction whether intentionally or inadvertently.

Almost all remaining testimonies heard from those of Muslim origin came from militantly anti-veil feminists. Fadela Amara of *Ni Putes Ni Soumises*, a leader in the call for the protection of girls who refused to wear the veil, and Chahdortt Djavan, author of *Bas les voiles!* (*Down with the Veils!),* who insisted that the veil "is the emblem of the oppression of women, not a symbol of a faith" and moreover the "flag of Islam," took the stage.[88] Next, Nadia Amiri, a doctoral student at the *École des hautes études en sciences sociales* who believed that she had fewer possibilities in the educational sphere as a woman of foreign origin, pleaded to the panel her belief that the veil was a "prison that one wears on herself."[89] Testimonies by such feminists led Jean Baubérot, the only commissioner later to abstain from the vote, to feel that "it became almost impossible to defend the right to wear headscarves without casting oneself as sexist and reactionary."[90] Commissioners were particularly moved by one of the student panelists and included his

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[87] *ibid.*

[88] Chahdortt Djavann on *Ardisson, "Tout le monde en parle*," recorded September 11, 2004; See Charhdortt Djavann, "La laïcité, garante de l'unité nationale," *Le Figaro*, January 6, 2004.

[89] Mina Kaci, "Laïcité Nadia Amiri: Mon corps m'appartient," L'Humanité, February 6, 2004

[90] Opinion of Jean Bauberot presented to the *Association francophone pour le savoir* on his paper *Les mutations actuelles de la laïcité en France au miroir de la Commission Stasi"* at the 72nd Acfas congress, Montreal, Quebec, May, 2004.

remark in their final recommendation to Chirac. The student expressed to the commissioners that a Jewish student could not wear a kippa in his high school without being "immediately lynched." The committee was put in a position where it would be barbaric not to act on such intolerance and the different prejudices experienced by those who chose to wear and those who chose not to wear the symbol of his or her own faith.[91] The injustices expressed by both students and the chosen feminists led the committee to believe that banning these symbols would alleviate violence and foster the harmonious coexistence they desired.

The anger of the December protestors was certainly justifiable and quite sensible. They were right to feel that the Muslim women who chose to wear the scarf were trivialized. What they did not realize, though, was that the commission had believed throughout the hearings that two veiled women, one who had to testify alongside 219 of her peers, would be a satisfactory representation. The commissioners were frustrated to hear a third. Patrick Weil confirmed this feeling, and claimed, "Hearing more girls wearing the headscarf would not have changed our reasoning which was not based on an assessment of a religious sign and its meaning."[92] Commissioners remained persistent in their affirmation that the ban was not an attack on headscarved women or their lifestyle. Even if the commission had heard all 3,000 Muslim women who participated in the December rally, which commissioner would have been moved to fight for them? Neither Muslim on the committee felt a personal loyalty to the veil. Even if the commissioners had heard the feminists who advocated a Muslim woman's right to choose the headscarf

[91] Bernard Stasi, "Rapport au President de la Republique: Auditions Publiques," December 11, 2003, section 3.3.2.3., p.48.

[92] Patrick Weil, "Lifting the veil," *French Politics, Culture and Society* 22 (Fall 2004): 4.

in addition to the testimonies of the militantly anti-veil feminists, there would still have been no change. Patrick Weil insisted, "The most active opponents to the headscarf did not convince us," citing the hearing of Chardortt Djavann and the media reaction. If the more radical anti-veil testimonies had been the most valued, he argued, then the commission would have had to turn to the issue of the headscarf "across the whole of society," and perhaps even extend the ban to other public places.[93] So, then, what might have happened if Saïda Kada had been the commission's first witness? What if a headscarved woman had been one of the twenty members of the commission? It is hard to say. Chirac deliberately fostered a disconnect between the Stasi Commission's work and the plight of the Muslim woman. For it was far easier to ban an anonymous headscarf than one coupled with a face.

January 2004:

Those who answered the call of Mohammed Latrèche and the French Party of Muslims in January felt attacked and insulted. They were angry that Muslims had been categorized and typecast to fit the role of the villain. They argued that the choice to veil was that of the woman, and rejected the accusation that Muslim fathers and husbands were coercing their wives and their daughters into wearing the headscarf against their own will. Whereas Stasi cast Islam as the faith cultivating communalism, the January protesters instead urged the French to see the proposed law as an act fostering communalism. Yet the January effort failed in an almost identical fashion to its December counterpart. Its most basic arguments were marginalized immediately. In

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[93] *ibid*, 4.

casting the law as the antidote to communalism and as the liberator of the Muslim woman, the Stasi Commission's arguments were incontrovertible. The French felt they had to save the Republic from the division made abruptly visible to Parisians on January 17, 2004.

Unlike its December predecessor, the January protest was discredited because it was perceived as an act of aggression. Tunisian-born Latrèche was not only radical in his anti-Republicanism. In fact, his brutality may have been found more offensive in the *Marais* than at the *Hôtel de Ville*. He was considered "France's most infamous Muslim anti-Semite," and he was particularly vicious.[94] "You said, M. Chirac, that the Jews have been in France for 2,000 years. Do you believe we will wait 2,000 years to open our mouth?[95] His answer was a forceful *no!* Latrèche was not only cruel towards the Jews, but notoriously anti-Israel. He exacerbated accusations of a link between the January demonstration and *jihad* by "speaking with reporters about the 'Zionest media' with whom he would 'settle accounts' later."[96] The demonstration included chants in Arabic, with men declaring "there is no deity but God" (la ilaha ilallah) and "God is great" (Allahu Akhbar). Chanting in Arabic within the lay Republic instantly tied the January rally to Islamic fanaticism in the eyes of the French. One militant of the *Collective against Islamophobia in France* expressed her regret that the PMF was given the permission to demonstrate. Now, she claimed, "we must try to limit the damage."[97]

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[94] Fernanda Eberstadt, "A Frenchman or a Jew?," *New York Times Magazine*, February 29, 2004.

[95] "Une Manif de femmes," *Agence France Presse*, January 17, 2004.

[96] John R. Bowen, *Why the French Don't Like Headscarves: Islam, the State, and Public Space* (Princeton: Princeton University Press, 2007), 129

[97] Xavier Ternisien, "Critiquée par sa base, l'UOIF entretient l'ambiguïté et suit le mouvement," *Le Monde*, 18 January, 2004.

Latrèche's anti-Semitism did not only encourage communalism. It also stimulated French fears of a new ideology associated with Islam, one where religion and faith became a unifying political force. *Islamisme*, as it came to be called, was beginning to be recognized as a "problem" not only in France, but on the international scene as well. Hundreds of editorials and op-ed pieces, new best-sellers and magazines were now boasting that the precious Republican system was being bullied by an "Islamic threat." The French went from denouncing fundamentalism—an understandable condemnation in keeping with *laïcité*—to faulting Islam as a religious choice. These polemic attacks not only catalyzed anger and resentment of French Muslims, but gave rise to the newly diagnosed "Islamophobia" throughout the Hexagon. The French Party of Muslims (PMF) felt moved to march to insist that a ban of the headscarf would only increase Islamophobia. It believed that by removing the presence of Islam from the secular school, the government was not only encouraging communalism but conceding to the fear of the veil. The January rally was destined to fail, though. Instead of quelling the stigmatization of the Muslim community, Mohammed Latrèche and his organization cast themselves as the new target for those who promoted the ban as the answer to the dangers associated with Islamism in France.

For a Muslim leader to voice to the press that the ferocity of the community's pro-veil sentiment was vicious enough to meet the call of any man—even Le Pen—is a powerful statement. Jean-Marie Le Pen, the founder and president of the Front National party, was infamous for his intolerance and xenophobia. He was convicted of "inciting racial hatred" in 2004 for derogatory remarks against the Muslim population, and ordered to pay a ten thousand euro fine as a result. He was potentially the least likely public

figure to rally the community he had long abhorred. From 1983 onwards, Le Pen and his party have diffused the most offensive of attacks on French Muslims, accusing these "immigrants" who "breed like rabbits" of having the potential to upset the French "biological equilibrium."[98] In an interview with *Le Monde* in 2003, he called on his countrymen to beware, to fear "the day in France when we have 25 million Muslims – not 5 million."[99] It is therefore not surprising, although it is certainly unfortunate, that 10,000 chose to answer the call of Mohammed Latrèche, a militant almost as radical in his pro-Islam rhetoric as Le Pen in his anti-Islamic language. Latrèche's PMF organization is known for its radicalism and its extremism. The small group is composed of a number of Shiite militants and has been labeled fundamentalist. In one pamphlet, urging the French to march besides it, the party proclaimed: "With Chirac, the Republic is from now on threatened."[100] Menacing remarks like these undermined the more insightful messages of the PMF.

Le Pen was not the only party, though his exaggeration was a testament to his personal extremism, to voice concerns about the growing population of French Muslims. *Figaro Magazine* had devoted a special issue twenty years before the PMF's January rally to the question, "Will We Still Be French in Thirty Years?" A picture of a veiled Marianne, the French Republic's symbol of liberty, was on the cover. Everywhere, the French worried that their principles were being threatened by a conflicting set of standards that moved from the French colonies of North Africa to the metropole as

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[98] Citations in Françoise Gaspard and Claude Servan-Schreiber, *La fin des immigrés*, (Paris: Seuil, 1984), 70, as seen in Scott, *Politics of the Veil*, 71.

[99] "Le Pen convicted of inciting racial hatred for anti-Muslim remarks," *AP Worldstream*, April 2, 2004

[100] Catherine Coroller, "Le manif contre la loi sur le voile se prépare entre hommes," *Libération*, January 12, 2004.

immigrants flooded into France after independence. Due to the nature of their arrival in France, the Muslim population remained fragmented. Arguably, there "is no Muslim community in France but a scattered, heterogeneous population not very concerned with unifying itself or even with being really represented [evident in the poverty of cultural life; the weakness of voluntary organizations; the lack of Muslim religious schools; indifference to the *Conseil français du culte musuluman*. . .][101] Therefore, the French fear of a unified Islam overtaking France is certainly an exaggeration, if not a fallacy.

The fragmentation of the Muslim community was emphasized in the coordination of the January protest. For those who did not participate in the spontaneous December rally, the demonstration organized by the PMF was *the* outlet for Muslims to express dissatisfaction and anger toward Chirac and the proposed law. The UOIF participated in the march, but also urged Muslims to express their anger with caution and self-control. Meanwhile, Dalil Boubakeur, the moderate president of Sarkozy's creation, the *Conseil français du culte musulman*, urged French Muslims to refrain from participation in the demonstration, describing the call to protest not only as "counter-productive," but as an action that could lead to "uncontrolled consequences," including the "marring" of the image of Islam.[102] Also hostile to the PMF's alarming remarks, many other Muslim organizations made efforts to distance themselves from the Parisian rally. The *Muslim Collective of France* alongside the *Young Muslims of France* and the *Muslim Students of France* organized a national meeting scheduled in Paris for January 17, 2004, to steer

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[101] Oliver Roy, *Secularism Confronts Islam* (New York: Columbia University Press, 2007), 84.

[102] "Les musulmans partagés entre l'envie de manifester et la peur d'être récupérés," *Le Monde*, 18 January, 2004.

people from the neighborhood of the rally. The president of the Young Muslims of France, Mahmoud Kelkoul, pledged that his organization was favorable towards demonstrating, but "not only among Muslims," and not only as an act of "letting off steam without any clear objectives."[103] Interior minister Sarkozy paid homage to the CFCM and its leaders for their stance on the demonstration, advocating "dialogue" instead of protests to "try to appease the tensions." He took the time to remind the French that the project of the law did not "stigmatize anyone," and called for the French people to avoid heightening hostilities. "It is not through protest that one moves towards progress," he said. The Party of French Muslims, in an effort to show the government the strength of opposition among the Muslim population, instead revealed the deep-seated divisions within the Muslim "community." Fragmentation and a lack of universal Muslim support undermined the worthy goals of protestors.

Combating fundamentalism was a justification for the headscarf ban long before the PMF demonstration visibly confirmed the French Government's fears. Concerns relating directly to fundamentalism were encountered on nearly every page of the Stasi Report, according to Emmanuel Terray:

> 'politico-religious activists,' 'extremist politico-religious tendencies,' an 'activist minority,' 'organized groups testing the resistance of the Republic,' 'communalist politico-religious groups,' etc. The report is careful to give no hint of the actual identity of these bodies—indeed, their anonymity makes them all the more powerful. Nevertheless, we are allowed to surmise that they all form some part of that vast Islamic-fundamentalist nebula of which—as we all know—al-Queda is the core. Their goal is nothing less than the destabilization of our institutions and our democracy. [104]

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[103] *ibid.*

[104] Emmanuel Terray, "Headscarf Hysteria," *New Left Review* 26 (March/April 2004): 122.

Yet, no mention of 'terror,' 'terrorism' or 'terrorist' can be found in any of the seventy-eight pages of the Stasi Commission Report or in Chirac's December speech.[105] The Commission realistically could not combat a growing international fundamentalism, nor was its goal of quelling domestic Islamic fundamentalism feasible. Instead, the twenty commissioners looked to one symbol—the headscarf—and to one combat zone—the school.

Many believed that the headscarf was a religious sign that took on a political meaning. In 1999, Alain Seksig of the *International League against Racism and Anti-Semitism* and Gaye Petek, a future member of the Stasi Commission and the vice president of the *National Council for the Integration of Immigrant Populations*, collaborated on a piece that outlined in seven points the arguments that guided the debates on the veil in 2003 and 2004. The first point addressed the politicization of the veil. It read, "The headscarf that is said to be *islamique* does not represent the Muslim religion but the will of fundamentalists to dictate their laws to the Muslims of France and to enforce them as if they were spokesmen of public authority, most notably in schools […]"[106]Chirac echoed the rhetoric of this piece in December 2003. A week before he announced the ban, Chirac told secondary school students in Tunis that "wearing a veil, whether we like it or not, is a sort of aggression that is difficult for us [the French] to accept."[107] The fight for the removal of the politicized headscarf became a war between

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[105] Elaine R. Thomas, "Keeping identity at a distance: Explaining France's new legal restrictions on the Islamic headscarf," *Ethnic and Racial Studies* 29 (March 2006) : 251.

[106] Françoise Lorcerie, *La politisation du voile islamique en 2003-2004* (Paris: L'Harmattan, 2005), 18.

[107] Jon Henley, "Something aggressive about veils, says Chirac," *The Guardian*, December 6, 2003.

the Islamic fundamentalism of a vast post-colonial diaspora and the secular fundamentalism of a nation fighting to remain French.[108]

Where French "fundamentalism" and Islamic fundamentalism differed, though, was in their views on women. Seksig and Petek highlighted Islamic sexism in their second point. Under the heading "the headscarf is discriminatory (returning to the theme of discrimination, it is Islam that discriminates)," the authors attacked Islam as a religion incompatible with the Republic. The headscarf was described as an incontestable mark of the "discrimination of women" that was "intolerable for a country like our own, one where equality is one of the core principles." They continued, arguing that the French school could not tolerate the aggressive affirmation of extremist religious identities that accompanied the wearing of the veil. To refuse the veil would "guarantee" that each young girl could abide by her faith in her own personal space without others pointing their fingers at her.[109] The pro-law argument that condemned the discrimination against women in Islam was crucial. The Stasi Commission took up this fight. Its report cites the testimony of a young woman, heard in a private hearing, who claimed that "the Republic no longer protects its children."[110] The commission report maintained that many young girls covered their heads under the forces of pressure or coercion. Others, they wrote, were forced to wear the headscarf through acts of violence. With a law, they imagined that young women, no longer veiled, would be able to "descend stairwells of buildings"

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

[109] Françoise Lorcerie, *La politisation du voile islamique en 2003-2004* (Paris: L'Harmattan, 2005), 19.

[110] Bernard Stasi, "Rapport au President de la Republique: Auditions Publiques," December 11, 2003, section 3.3.2.1., p.46.

and enter the public space without fearing ridicule or being seen as ill treated. The Stasi Commission believed that the "Republic cannot remain deaf to the cries of distress from these young women" anymore, and deplored the forceful covering of Muslim girls "by their fathers, brothers, communities, and political Islamists."[111]

The Stasi Commission argued that it had no choice but to defend the students of the Republic from the veil. Patrick Weil wrote that the commission was forced to face the reality that "wearing the scarf or imposing it upon others has become an issue not of individual freedom, but of a national strategy of fundamentalist groups using the public school as their battle ground."[112] The commission could not answer to the protest of Muslims to leave the choice to wear or not to wear the headscarf to individuals because it became more important to represent the majority. That majority, Weil acknowledged, was the girls who did not veil themselves. These young women called for the protection from fundamentalist pressure from their peers, who were in the minority.[113] One member of the Stasi Commission went as far as to state that "if even one girl were protected from pressure to wear the voile, the law would be worth it."[114] Yet, where was this extreme pressure the French spoke of coming from? French teachers and principals alike stood against the veil. Only a *minority* of students wore the scarf. Weil answered this question: the pressure was from the influence of fundamentalist groups that the commission sought

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[111] Nusrat Choudhury, "From the Stasi Commission to the European Court of Human Rights: L'Affaire du foulard and the Challenge of Protecting the Rights of Muslim Girls," *Columbia Journal of Gender and the Law* 16 (2007).

[112] Patrick Weil, "Lifting the veil," *French Politics, Culture and Society* 22 (Fall 2004) : 1.

[113] N.M. Thomas, "On Headscarves and Heterogeneity: Reflections on the French Foulard Affair," *Dialectical Anthropology* 29 (September 2005): 383.

[114] John R. Bowen, *Why the French Don't Like Headscarves: Islam, the State, and Public Space* (Princeton: Princeton University Press, 2007), 208.

to oust from the school. In removing the veil, the symbol of the oppression of women and the mechanism by which women were oppressed, Stasi felt that the interests of the majority would be upheld.

Those who remained opposed to the law put forth interesting questions. What would become of the students who succumbed to the veil? Where would they turn? Ironically, fundamentalist groups would be their most promising choice—and these groups would therefore become "the sole interlocutors for young excluded girls" in the aftermath of the law. Fundamentalism would therefore be cultivated more than ever, as it could "thereby exercise their control and indoctrination more than ever by creating their own Quranic schools or their own networks of educational support." Excluding young women, too, would only strengthen fundamentalist discourse, one that proclaims that the "Republic rejects Muslims," and girls who remain loyal to the veil only have Islam, their one "true community."[115]

Arguments that intelligently countered the approach taken by the Stasi Commission were mostly absent from the January protest. Instead, Latrèche and the PMF insisted that the government was creating Islamophobia and justified their rally as an expression of the Muslim objection to the stigmatization of their faith. Yet what the PMF sought to eradicate, it magnified. Islamophobia intensified. It is even possible that the January demonstration actually strengthened the push towards a law and the feeling of urgency for a law in the February 4, 2004, meeting of the National Assembly. Even the orchestration of the strike—documented as having the men, who were in the minority,

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[115] N.M. Thomas, "On Headscarves and Heterogeneity: Reflections on the French Foulard Affair," *Dialectical Anthropology* 29 (September 2005): 384.

"supervising" the procession of women—contributed to the belief that Muslim women had to be liberated from the oppression of their husbands and their fathers.[116] The protest was therefore not only silenced, but counterproductive. The vision of fundamentalists raging in the streets of the French capital and men controlling their women was exactly what the Stasi Commission strove to eliminate.

February 2004:

The February protest was the most visible attempt to offset the January strike. The One School for All rally was a well crafted and well intentioned display of objection to the proposed law. It encompassed an antipathy for the ban that was inoffensive and nonaggressive. Its representation was collaborative. The February protestors fought for the right of the student. They believed that every child, regardless of his or her religious persuasion, should be welcome in the French public schools. The February protestors felt that the right to an education should be prioritized. The Stasi Commissioners, contrarily, emphasized the struggle of the educator. They concerned themselves with administrators, not attendees. They felt a responsibility to teachers and principals over students. To them, protecting the school meant providing a framework for combating the veil in the classroom. Muslim schoolchildren who wore the veil became expendable in order to protect French schoolchildren. Raffarin said in April, 2003, "The teacher does not have in his class Catholics, Protestants, Jews, and Muslims. He has first and foremost French

[116] Taken from the title of the January 17, 2004 article in Agence France Presse: "Une manif de femmes, voilées ou non, encadrées par des hommes"

youngsters, all of whom are members of the school of the Republic."[117] Therefore, the February fight was at odds with Stasi's agenda long before 10,000 marched against a headscarf ban that threatened to remove students along with their veils.

The One School for All message was known in France before Chirac created the Stasi Commission. On May 20, 2003, a letter to *Libération* entitled "Yes to the Headscarf at the Secular School," written by a number of renowned philosophers and sociologists, surfaced in a fierce and urgent disapproval of the movement towards the formal outlawing of headscarves that had erupted in April 2003.[118] Etienne Balibar, Pierre Tévanian, Saïd Bouamama, Catherine Lévy and Françoise Gaspard, public figures and academics who all wrote extensively on the headscarf, co-authored the piece claiming that they were all in agreement—"exclusion is the worst solution."[119] While they took no position on the veil itself, they encouraged the school to be an "instrument of 'emancipation and not expulsion.'"[120] They continued, "It is by welcoming a [headscarved woman] at the secular school that we can help her to free herself and give her the means to her autonomy; it is in sending her away that we condemn her to oppression." Headscarved students, they maintained, should not be blamed for the greater

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[117] H Judge, "The Muslim Headscarf and French Schools," *American Journal of Education* 111, no. 1 (2004).

[118] Etienne Balibar, Saïd Bouamama, Françoise Gaspard, Catherine Lévy, and Pierre Tevanian, "Oui au foulard à l'école laïque," *Libération*, May 20, 2003.

[119] Etienne Balibar is a philosopher and a professor at the University of Nanterre; Saïd Bouamama is a prominent sociologist; Françoise Gaspard is a sociologist who works at l'École des hautes études en sciences s (EHESS) and is a militant feminist; Catherine Lévy is a sociologist and the president of the *Ecole des citoyens*; Pierre Tévanian is a professor of philosophy and a member of the National Union Of Secondary Education (Snes).

[120] John R. Bowen, *Why the French Don't Like Headscarves: Islam, the State, and Public Space* (Princeton: Princeton University Press, 2007), 107; Etienne Balibar, Saïd Bouamama, Françoise Gaspard, Catherine Lévy, and Pierre Tevanian, "Oui au foulard à l'école laïque," *Libération*, May 20, 2003.

social problems associated with Islam. They should not play the role of the *bouc émissaire*, or scapegoat. The themes emphasized by the *Une école pour tous-tes* collective undoubtedly originated in this letter. The work of the Stasi Commission effectively disregarded the fundamental arguments of the February rally even though they were outlined before the commissioners' work began.

Much of the drive towards a law came from the desire to provide a legislative framework for the teachers and administrators of French schools. Those chosen to serve on the commission showed the tendency towards honoring public servants. Ghislaine Hudson was the principal of Dammarie-lès-Lys High School and Maurice Quenet was the superintendent of the Paris Academy. Hanifa Chérifi worked for the Ministry of Education. Distinguished scholars—Mohammed Arkoun, a professor of history and Islamic thought, Régis Debray, a Professor and philosopher of *laïcité*, and Jean Baubérot, chair of history and sociology of *laïcité* at *l'École pratique des hautes etudes*—made for three commissioners deeply invested in higher education. In all, three-quarters of the commission's members were or had been teachers, school administrators, or professors.[121] Being an educator became the most common denominator among Stasi's team.

This tendency towards favoritism of those involved in education for commission membership also showed within the framework of the commission's hearings. In fact, the very first testimony came from Mme Louise Arvaud, a middle school principal. Arvaud ran a school in the eleventh arrondissement where forty percent of students are first- or second-generation immigrants, mostly from *le Maghreb* and "*d'Afrique noire*." She said

[121] Elaine R. Thomas, "Keeping identity at a distance: Explaining France's new legal restrictions on the Islamic headscarf," *Ethnic and Racial Studies* 29 (March 2006): 245.

that there was a grave problem of anti-Semitism in her school, that "dirty Jew!" was one of the "sweetest" comments that filled her halls.[122] Three days later, on September 12, 2003, the second day of the commission's hearings, three high school teachers at *lycée la Martinière* in Lyon told the story of two young girls who refused to remove their headscarves on the grounds of their religious convictions and the jurisprudence of the C*onseil d'État*. The help of Hanifa Cherifi, the *médiatrice nationale*, was sought to resolve the situation. The authority of the teachers was too vulnerable.[123] Jean-Claude Santana, the teacher who testified, made it clear to the commission that the outlawing of religious symbols would put an end to this uncertainty. Within days of the commission's doors opening, statements detailing hate crimes in schools and the belief that a law on symbols would help appease tensions instantly turned the committee members against the headscarf. To them, exclusion was the answer.[124]

Yet, after the announcement of the law, the majority of teachers' unions expressed hostility towards Chirac's proposed law. The educational world "threw all of its weight into the battle against the law," and "three to four of the main teaching federations" declared the law inopportune. In a common appeal to Chirac, the *Fédération syndicale unitaire* (FSU), the SGEN-CFDT and the FERC-CGT, collectively representing over fifty-five percent of the teachers of the Republic, expressed their refusal to "stigmatize

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[122] "Audition de Louise Arvaud, Principale du collège Beaumarchais- Paris 11ème," September 9, 2003.

[123] "Voile islamique : l'exemple de l'action des enseignants au lycée La Martinière Duchère," September 18, 2003

[124] N.M. Thomas explains in *On Headscarves and Heterogeneity* that two perspectives on the foulard affair developed. The inclusionists believed that France would civilize its immigrants, that the education system would eventually enlighten girls wearing scarves. The exclusionists, on the other hand, believed that these students were instead endangering the French school with unassimilable immigrants.

completely a part of the population."[125] This unified appeal was quite risky politically, especially for the FSU, the largest of the teaching federations (forty-four percent of teachers), since its support for a law had been widely anticipated. Yet the FSU argued that the law as it was proposed did not "respond to the expectations of the teachers." Remarkably, educators of this persuasion were almost entirely absent from the Stasi Commission's deliberations.

It is not strange that there was a discrepancy between the collective spirit of educators heard by the Stasi commission and those who appealed to Chirac to reconsider. Few believed that the teachers and principals who were selected by the commission actually represented the range of positions found throughout France. In fact, those who testified had all encountered a girl in a headscarf and had problems to report—while ninety-one percent of teachers nationwide never even had encountered a headscarf in their school. Other French sources claimed that at the start of the 2003-2004 school year, only 1,256 headscarves were reported nationally. Furthermore, only 20 of these cases "were judged 'difficult' by school officials themselves, and only four students were expelled."[126] Even the highest estimates, claiming 1,500 veils filled French classrooms, meant that only one percent of Muslim students in France wore a headscarf.[127] Reports indicated that the number of disagreements between headscarved students and teachers

[125] Luc Bronner and Martine Laronche., "Une majorité de syndicats enseignants hostiles à la loi sur le voile," *Le Monde*, December 18, 2003.

[126] Elaine R. Thomas, "Keeping identity at a distance: Explaining France's new legal restrictions on the Islamic headscarf," *Ethnic and Racial Studies* 29 (March 2006) : 239.

[127] N.M. Thomas, "On Headscarves and Heterogeneity: Reflections on the French Foulard Affair," *Dialectical Anthropology* 29 (September 2005): 378.

had fallen from 300 in 1994 to 150 in 2003.[128] Ghislaine Hudson's high school illustrated an exception to the norm. Her school, Lycée Joliot-Curie, functioned with two distinct tracks. There was an academic high school, populated mostly by "French" students, and a separate vocational school, where half the students were of North African descent and the other half were primarily non-white students. Few institutions could parallel the troubles Hudson encountered daily in running her institution, and her appointment to the Stasi Commission was unquestionably linked to the unique nature of her school. That Stasi, in his position of leadership, manipulated the hearings to foster a sense of urgency, a generalized "sense of crisis," was unassailable.[129] The hearings gave rise to the "overall sense on the part of the commissioners that, in the words of one of them, 'teachers cannot continue; something must be done.'"[130]

Everywhere, politicians communicated concern for the educators. Jean-Pierre Raffarin expressed hope that a law might help "to protect state servants who feel vulnerable," as the veil had "multiplied in our schools" and taken on a "political nature." In the National Assembly he spoke of a "political responsibility" to help teachers to "carry out their mission of service to the Republic" by giving them the power of a law.[131] When interviewed, Remy Schwartz, the *Rapporteur Général* of the Stasi Commission, spoke of the "tiredness" of teachers and of the "appeal of young Muslim girls for the

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[128] Thomas Deltombe, *L'Islam Imaginaire: La Construction Médiatique de L'Islamophobie en France, 1795-2005* (Paris: La Découverte, 2005), 345.

[129] John R. Bowen, *Why the French Don't Like Headscarves: Islam, the State, and Public Space* (Princeton: Princeton University Press, 2007) , 121

[130] *ibid.*

[131] Jean-Pierre Raffarin, at "L'Assemblée National: Sujet 4: Application du principe de laïcité dans les écoles, colleges et lycées publiques: Discussion d'un projet de loi," Deuxième séance du mardi 3 February 2004.

protection of the State."[132] At the National Assembly's round table conference *The School and Laïcité,* which met on May 22, 2003, Schwartz strongly declared his dissatisfaction with the case law of the *Conseil d'État*. He described the 1989 ruling as "very difficult to manage."[133] When Pascal Clement, the chair of the Commission on Laws, posed the question "Why a law?," he boasted that the law would guarantee the "neutrality of the schools" demanded by the leaders of educational establishments.[134] Benches of the UMP always filled with applause as speakers proclaimed the liberation of teachers from the veil's plague.

The law was also in the name of unity. Neutrality of the educational space would ensure its success as the "most important mechanism for creating national identity."[135] It was in this spirit that the Prime Minister vowed that those who wanted to place their communalistic adherence above the laws of the Republic did not belong. He insisted that once the headscarf acquired political meaning it ceased to be a personal sign of religious faith or belonging. "Religion," he said, "cannot and will not become a political project."[136] This would destroy all that French history had worked towards, the journey

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[132] Herman Salton, "France and the Veil: An Interview with Rémy Schwartz, Rapporteur Général of the Stasi Commission for the Application of the Laïcité Principle in France," *The New Zeland Postgraduate Law Journal* (March, 2006): 2.

[133] Françoise Lorcerie, *La politisation du voile islamique en 2003-2004* (Paris: L'Harmattan, 2005), 16.

[134] Pascal Clement, at "L'Assemblée National: Sujet 4: Application du principe de laïcité dans les écoles, colleges et lycées publiques: Discussion d'un projet de loi," Deuxième séance du mardi 3 February 2004.

[135] N.M. Thomas, "On Headscarves and Heterogeneity: Reflections on the French Foulard Affair," *Dialectical Anthropology* 29 (September 2005): 378.

[136] Jean-Pierre Raffarin, "Projet de loi relatif à l'application du principe de laicité dans les écoles, college et lycées publics: allocation du premiere minister à L'Assemblée National," Paris, 3 February, 2003.

that Chirac had called in his address, just two months before, "the long march towards unity"—one that he believed began with the Wars of Religion, and led the nation through the Edict of Nantes, the Revolution, freedom of association, of the press, and "of course the fight to make known the innocence of Captain Dreyfus" in 1894.[137] Infamous moments of religious intolerance were disguised in Chirac's rhetoric of perseverance in the name of *laïcité*. This "land of ideas and principles," this "open, welcoming and generous land" had, in the eyes of its leaders, defended its core principles against threats from the outside that might jeopardize this so-called "land of faiths." And there is little doubt that Chirac and Raffarin believed that they were only continuing to protect their nation as they had pledged. With this confidence and conviction radiating from the two most powerful men in France, the National Assembly rallied towards the law. In the name of "reinforcing *laïcité* and the Republic," the Assembly voted 494 to 36 in favor of the legislation.[138] Overwhelming support for the ban from members of the UMP and the Socialist Party assured this massive pro-law vote. [139] A few weeks later the Senate also voted in dramatic approval of the law, with a vote of 276 to 20 on March 3, 2004. The French government overwhelmingly cast its vote for saving the school and reclaiming Republicanism.

Other initiatives set forth by the Stasi Commission were criticized for lacking guidelines for their execution. "Yes, we need more Muslim chaplains in prisons. Yes, we need more Muslim chaplains in hospitals. We need them in our armed forces. But, where

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[137] Jacques Chirac, "Duscours prononce par M.Jacqus Chirac, President de la Republique, relatif au respect du principe de laïcité dans la Republique," Paris, December 17, 2003.

[138] "La loi sur le voile adoptee à une très large majorité," *Le Figaro*, February 11, 2004; Emmanuel Terray, "Headscarf Hysteria," *New Left Review* 26 (March/April 2004): 127.

[139] Sophie Huet, "L'UMP et le PS unis contre le voile à l'école," *Le Figaro*, 10 February, 2004

will we find them? Who will organize them? By what criterion will we appoint them?" Journalists and experts were filled with questions. Many felt the vast majority of the Stasi recommendations lacked structure and realism, and others claimed they "totally lacked boldness."[140] The only "real progress" or "symbolic measure of importance" was the concern with observing non-Christian religious holidays, Yom Kippour and Aïd-el Kébir, as national holidays.[141] Expected to be part of the larger "*loi sur la laïcité,*" the concern with national holidays was intended to prove a respect for spiritual diversity that perhaps the headscarf law perceptibly undermined. Many questioned Chirac's agenda when he neither endorsed nor concerned himself with this issue, the second "prominent" feature of the seventy-eight page report proffered by the commission.[142] Chirac's motives were questioned further when he opted for only half of the commission's proposal on signs in schools. The original passage had, in fact, read that personal symbols both of religious and *political* association were to be forbidden in schools.[143] That the president only concerned himself with the religious aspect is final proof that the Stasi commission had been an instrument in Chirac's determination to rally the public towards his desired end—making the symbol of Islam invisible in his nation's schools.

The February protestors, the Stasi commissioners, Chirac and Raffarin all believed that the school was *the* most important consideration when reevaluating *laïcité*.

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[140] Xavier Ternisien, "Le manque d'audace de rapport Stasi envers l'Islam," *Le Monde*, December 17, 2003; Alain Gresh, "Les faux-semblants de la commission Stasi," Rapport présenté par Alain Gresh à la réunion de la commission "Islam & laïcité, January 23, 2004.

[141] Xavier Ternisien, "Le manqué d'audance de rapport Stasi envers l'Islam," *Le Monde*, December 17, 2003.

[142] Antoine Guiral, "Chirac prêche la bonne parole laïque," *Libération*, December 17, 2003.

[143] Nusrat Choudhury, "From the Stasi Commission to the European Court of Human Rights: L'Affaire du foulard and the Challenge of Protecting the Rights of Muslim Girls," *Columbia Journal of Gender and the Law* 16 (2007).

This was the very reason the One School for All Movement was neglected. So many of the Stasi Commission's deliberations and political debates concerned saving the secular school from destruction. For the President, his commission, and the Interior Minister, "saving" the school involved saving teachers and principals from the 1989 ruling for a case-to-case solution to problems with the veil. French politicians wanted to relieve their educators from the pressure of these delicate situations. One School for All neglected these professionals. It fought for the Muslim girls with headscarves and the Jewish boys with kippot. It fought for school for all. While the Stasi Commission sought to exclude, those who marched in February stood for inclusion. They worried that some students would choose the headscarf and their loyalty to their faith over their seat in school. The Stasi Commission had already presented the answer: religious schools. Patrick Weil insisted that the students who did not want to take off their scarves would "be offered the opportunity to attend classes in private religious schools, not Muslim—there are only three in the whole country—but Catholic, Protestant or Jewish." He continued by confirming that these schools have an obligation under state contract to accept students of all faiths.[144] The Stasi report itself also highlights that no ruling prevents the creation of Muslim schools and that some Muslim parents already prefer their children to attend Catholic school so that they can benefit from a religious education.[145] Many statistics support this claim. At one Catholic school in Roubaix, France, eighty percent of students come from a Muslim background, and at another school in Marseille, the proportion is

[144] Patrick Weil, "Lifting the veil," *French Politics, Culture and Society* 22 (Fall 2004) : 5.

[145] Bernard Stasi, "Rapport au President de la Republique: Auditions Publiques," December 11, 2003, section 4.2.2., p.59.

almost ninety percent.[146] In the eyes of the commissioners, then, the ban was not denying students the right to an education; they would simply have to seek schooling elsewhere if they were not willing to adhere to the laws of the secular school. The Stasi Commissioners felt that the public school had the right to choose its students, while One School for All did not. Whereas the February leaders felt that Jules Ferry would "roll over in his grave" if he knew that students were being expelled in the name of *laïcité*, Chirac and Raffarin positioned the law within the history of great French moments of overcoming intolerance. The ban was made in the name of history, not as a law at odds with tradition. Perhaps the letter that surfaced in *Libération* a month before Stasi began his work articulated too well the leading concerns of the February strike. Maybe the Stasi Commission was able to answer directly to the editorial with such success that the arguments of One School for All were marginalized before they were voiced. The work of the Stasi Commission crippled the *Une école pour tous-tes* message. By December 2003, the ascendant attitude held only the students who refused to unveil or parents who encouraged their children to wear the headscarf to be responsible for an expulsion. After all, the law did not exclude young women from school; it would only expel their headscarves.

[146] H Judge, "The Muslim Headscarf and French Schools," *American Journal of Education* 111, no. 1 (2004

Conclusion: Bravo, Bravo!

On the day that Chirac made his December 17, 2003, announcement, sixty-nine percent of Frenchmen were favorable towards the law.[147] A BVA poll with the *Institut d'études de marche et d'opinion* taken on December 3 found that seventy-two percent of those interviewed favored a ban, demonstrating a clear change from only forty-nine percent who had approved of the initiative in BVA's April 2003 poll. The Stasi commission members' shifts should be included in this decisive rally. After all, between September 2003, when the commission began its hearings, and February 2004, when the National Assembly passed the legislation, the public "would have read an average of two articles each day on the *voile* in each of the three major news dailies, including stories about a series of Islam-related threats to the Republic: covered women at swimming pools threatening *mixité*, patients refusing to be treated by male doctors, jurors wearing scarves while in court, and Muslims approving the stoning of adulterous women." And no one forgot, of course, the booing of Interior Minister Sarkozy in April 2003, either. In total, 1,284 articles on the *voile* were reported during these crucial months in *Le Monde*, *Le Figaro*, and *Libération*.[148] Opinion pieces that the veil was attacking the secular republic assaulted the French public every day.

Within days of Chirac's broadcast, movement was stirring on the street. Just weeks later, another protest mobilized. And another a few weeks after that. Yet not a single voice in tens of thousands made the slightest difference. The National Assembly

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[147] "Les français musulmans aiment le président mais penchent à gauche," *Le Figaro*, 17 December, 2003.

[148] Thomas Deltombe, *L'Islam Imaginaire: La Construction Médiatique de L'Islamophobie en France, 1795-2005* (Paris: La Découverte, 2005), 344.

and the Senate showed no reaction to public resistance in their overwhelming votes in favor of a law. How was this possible? How could 50,000 voices be hushed?

The nature of the Stasi Commission's work ultimately silenced the streets. On each subject of contention, the commissioners positioned themselves as a unified and irrefutable force. They were able to do so because they had all been carefully selected to be representative of a variety of expertise while remaining desensitized to the Muslim faith in general and the headscarf in particular. Next, their evidence and reasoning were substantiated by testimonies from the *leading* experts across the nation in immigration, education, and religion. Witness after witness, with but a few exceptions, moved the commissioners towards feeling an urgency for action. This was a particularly controlled setting. Invitations were assigned for particular dates and arranged in a particular order. Teacher after teacher begged for a law. Militantly anti-veil feminists followed one after the other, rendering the headscarf *the* symbol for the oppression of women in France. The commission had not even planned on entertaining the opinion of a single headscarved woman. This single omission became too visible to neglect and Saïda Kada was added to the calendar. It is most important to consider that the Stasi Commission, under the supervision of President Chirac, had full control over the men and women it called to testify. Controlling its witnesses meant controlling its destiny. The commission's report was designed to leave the French public convinced that the experts reached the consensus that a law on religious signs was *the* solution to the "Muslim Problem."

This did not mean that the commission did not hear objections to the law in certain testimonies. It certainly did. The Stasi team did not exclude them from their report, either. The most commonly invoked objections, they wrote, were the following:

"the stigmatization of Muslims, the exacerbation of anti-religious sentiment, the image of France overseas as a 'liberty-killer,' and the encouragement of the removal of girls from schools and of the development of Muslim religious schools."[149] There they were. The arguments that mobilized 50,000 in anger. The Stasi Commission had summarized them all in one sentence. Its work was moved so aggressively towards recommending a law that the counterarguments were rendered insubstantial the moment its report was issued.

A distinctive parallel emerged. The Stasi Commission articulated so clearly the need for a law that it became impossible to slow the rapid accelerando towards its passage in the National Assembly and the Senate. It is nonetheless significant that three distinct attempts to urge public opposition emerged. The December protest was an immediate demonstration of anger. Muslim women who felt neglected by the commission decided that it was their turn to be heard. What they were asking for, though—the choice to assert a hyphenated identity—was, by December 2003, unattainable. Defending *laïcité*, Chirac's justification for a law, implied exactly the opposite of their demand—it meant destroying the possibility of being both French *and* Muslim. The January protest was the most extensive Muslim initiative to show hostility towards a law they perceived as a discriminatory attack on their faith. The Party of French Muslims insisted that the debates concerning the veil had heightened Islamophobia in France. But the Stasi Commission had perpetually contended that Islamophobia was the byproduct of an increasingly present Islamic fundamentalism. Accordingly, the January protest was instantly discredited. Abruptly, a rally intended by its participants to cast the headscarf ban as promoting Islamophobia became the embodiment of Islamophobia itself. Once it

[149] Bernard Stasi, "Rapport au President de la Republique: Auditions Publiques," December 11, 2003, section 4.2.2., p.57.

became clear that fundamentalists organized the January 17, 2004, demonstration, all of the positive messages of the rally were silenced. Even the One School for All attempt, a collaborative and unified opposition, was easily dismissed. The Stasi Commission had energetically taken up the plight of the tired educator. When it had concerned itself with students it was never those who chose to wear the headscarf, but the Muslim students who, in keeping with *laïcité*, attempted to withstand its pressures. An argument for the veiled student, then, as powerful as the February demand for every girl to have an equal right to an education was, became peripheral. The Stasi committee chose to fight for the majority over the minority. This single choice predestined the failure of the February initiative.

All three protests of the 2003 and 2004 headscarf affair became marginalized within days. Demonstrators turned into ghosts. Anti-law rhetoric disappeared. What is most striking, though, is that three distinct and divergent moments of dissent were defeated by an undertaking chaired by one man—Bernard Stasi—and orchestrated by another—Jacques Chirac. In seducing the French to believe that the headscarf was no longer compatible with the Republic, the work of the Stasi Commission positioned each strike to fail. Stasi's masterful symphony had been preformed with precision and grace. Applause throughout France accompanied the signing of the ban into law on March 15, 2004. And the conductor, Chirac, would take his bow.

BIBLIOGRAPHY

Primary Sources:

Assemblée Nationale, *No. 1378, Projet de loi relative à l'application du principe de la laïcité dans les écoles, collèges et lycées publics*. Paris: Assemblée Nationale, 2004.

Assemblée Nationale, presided over by M. Jean-Louis Debré. *Application du principe de laïcité dans les écoles, collèges et lycées publics: Discussion d'un projet de loi.* February 3, 2004. http://www.assemblee-nationale.fr.

Chirac, Jacques. *Discours prononcé par M. Jacques Chirac, Président de la République, relatif au respect du principe de laïcité dans la République.* December 17, 2003. Archives of President Jacques Chirac, 1995-2007: http://www.elysee.fr.

Commission de Réflexion sur l'application du principe de la laïcité dans la République. *Rapport au président de la République.* Paris: La Documentation Française, 2003.

Conseil d'Etat. *Avis sur le principe de laïcité et le port d'insignes religieux à l'école*. November 27, 1989. http://www.conseil-etat.fr.

Debat Public, *Un entretien avec Bernard Stasi*. France 5, November 2003. http://france5.fr

Raffarin, Jean-Pierre. *Projet de loi relatif à l'application du principe de laïcité dans les écoles, collèges et lycées publics: Allocution du Premier Ministre*. January 3, 2004. http://www.assemblee-nationale.fr.

Primary News Sources:

Barotte, Nicolas. "UMP et PS se retrouvent sur la nécessité de légiférer." *Le Figaro*, December 17, 2003.

de Belot, Jean. "La France sans honte." *Le Figaro*, January 17, 2004.

Bernard, Philippe. "Controverse autour de l'unique audition de musulmanes voilées." *Le Monde*, February 3, 2004.

———. "Nadia, Saïda et Fatiha, avec ou sans voile devant la commission Stasi." December 7, 2003.

Bernard, Philippe, and Sylvie Kauffmann. "Voile- les états d'âme de quatre 'sages'

de la commission Stasi." *Le Monde*, February 3, 2004.

Bollaert, Baudouin and Alexis Lacroix. "Régis Debray—'La France n'est jamais aussi grande que lorsqu'elle s'expatrie." *Le Figaro*, February 14, 2004.

Bronner, Luc and Jean-Louis Saux. "L'explication de texte du projet de loi sur les signes religieux à l'école." *Le Monde*, January 8, 2004.

Coroller, Catherine. "Mobilisation contre toute loi antivoile." *Libération*, December 17, 2003.

———. "Le conseil du culte musulman cherche sa voie sur le voile." *Libération*, January 5, 2004.

———. "Voile—le Conseil du culte musulman ne manifestera pas contre la loi." *Libération*, January 6, 2004.

———. "La manif contre la loi sur le voile se prepare entre hommes." *Libération*, January 12, 2004.

———. "Les opposants à la loi antivoile se comptent." *Libération*, February 14, 2004.

Court, Marielle. "Laïcité- le projet de loi présenté en février." *Le Figaro*, January 2, 2004.

Djavann, Chahdortt. "Laïcité, garante de l'unité nationale." *Le Figaro*, January 6, 2004.

Gabizon, Cécilia. "Les musulmans balancent entre scepticisme et approbation." *Le Figaro*, December 18, 2003.

———. "A gauche, les 'antiloi' se divisent." *Le Figaro*, January 9, 2004.

———. "Loi sur le voile- les islamistes mobilisent aujourd'hui à Paris." *Le Figaro*, January 17, 2004.

Godard, Jean-Marie. "Des milliers de manifestants défendent le voile islamique en France." *AP French Worldstream*, January 17, 2004.

Guiral, Antoine. "Chirac prêche la bonne parole laïque." *Libération*, December 17, 2003.

Gurrey, Béatrice. "Entre laïcité et diplomatie, Jacques Chirac en quête de cohérence." *Le Monde*, January 1, 2004.

Eberstadt, Fernanda. "A Frenchman or a Jew?" *New York Times Magazine*, February 29, 2004.

Huet, Sophie. “Le projet de loi sur la laïcité divise et la droite et la gauche.” *Le Figaro*, January 8, 2004.

———. “L’UMP et le PS unis contre le voile à l’école.” *Le Figaro*, February 10, 2004.

———. “La loi sur le voile adoptée à une très large majorité.” *Le Figaro*, February 11, 2004.

Kramer, Jane. "Taking the Veil: How France's Public Schools Became the Battleground in a Cultural War." *The New Yorker*, 2004.

Monnot, Caroline, Xavier Ternisien and Sylvia Zappi. “Laïques et musulmans ‘hors intégrismes’ tentent de manifester ensemble contre la loi antivoile.” *Le Monde*, February 15, 2004.

Mossuz-Lavau, Janine. “Une loi? Non.” *Le Monde*, December 17, 2003.

Nouaille, Martine. “L’UOIF approuve les manifestations contre l’interdiction du voile à l’école.” *Agence France Presse*, January 16, 2004.

———. “Plus de 20,000 manifestants à travers la France pour le droit au voile.” *Agence France Presse*, January 17, 2004.

———. “Loi laïcité- sentiment d’inachevé pour les ‘sages’ de la commission Stasi.” *Agence France Presse*, February 3, 2004.

Pierrette, Jean-Claude. “Une manif de femmes, voilées ou non, encadrées par des hommes.” *Agence France Presse*, January 17, 2004.

Roger, Patrick. “L’Assemblée a adopté à une large majorité la loi contre le voile à l’école.” *Le Monde*, February 12, 2004.

Sciolino, E. "French Panel Recommends Banning Head Scarves in Schools." *The New York Times*, December 11, 2003.

Ternisien, Xavier. “Le Conseil du culte musulman craint une stigmatisation de l’islam.” *Le Monde*, December 17, 2003.

———. “Une voile sur les discriminations.” *Le Monde*, December 17, 2003.

———. “Le manque d’audace du rapport Stasi envers l’islam.” December 17, 2003.

———. “Les musulmans s’inquiètent de la future loi sur la laïcité.” *Le Monde*, January 6, 2004.

———. “Pro-voile et anti-nucléaires défileront en voisins samedi.” *Le Monde*, January 14, 2004.

———. “Critiquée par sa base, L’UOIF entretient l’ambiguïté et suit le mouvement.” *Le Monde*, January 18, 2004.

———. “Des manifestations contre la loi sur le voile ont rassemblé quelques milliers de personnes.” *Le Monde,* February 17, 2004.

Touraine, Alain. “Modernité et convictions.” *Libération*, January 7, 2004.

Touitou, Delphine. “Les femmes de ‘ni putes, ni soumises’ refusent le machisme qui tue.” *Agence France Presse*, December 17, 2003.

Wyatt, Caroline. “French Headscarf Ban Opens Rifts.” *BBC News,* February 11, 2004.

Secondary Literature:

Airiau, Paul. *100 ans de laïcité française: 1905-2005*. Paris: Presses de la renaissance, 2005.

Balibar, E. "Dissonances within Laicite." *Constellations* 11, no. 3 (2004): 353-67.

Baubérot, Jean. *Histoire de la laïcité en France.* Paris: Presses universitaires de France, 2004.

———. "Cultural Transfer and National Identity in French Laicity." *Diogenes* 218, no. 0392-1921 (2008): 17-25.

———. *L'intégrisme Républicain Contre La Laïcité*: Editions de l'Aube, 2006.

Baubérot, J, and M Morineau. *Vers Un Nouveau Pacte Laïque?*: Ed. du Seuil, 1990.

Beriss, D. "Scarves, Schools, and Segregation: The Foulard Affair." *French Politics and Society* 8, no. 1 (1990): 1-13.

Borowiec, A. "A Religious Symbol of Secular Conflict; Muslim Headscarves Spur French National Debate." *Washington Times,* January 11, 2004.

Bouamama, Saïd, *L’affaire du foulard islamique: La production d’un racisme*

respectable. Roubaix: Geai bleu éditions, 2004.

———. *La France: autopsie d'un mythe national*. [Paris]: Larousse, 2008.

Boudon, Jacques-Olivier. *Religion et politique en France depuis 1789.* Paris: Armand Colin, 2007.

Bouzar, D, and Saïda Kada. *L'une Voilée, L'autre Pas:[Le Témoignage De Deux Musulmanes Françaises]*: Albin Michel, 2003.

Bowen, John Richard. *Why the French don't like headscarves : Islam, the State, and Public Space*. Princeton: Princeton University Press, 2007.

———. "Muslims and Citizens: France's Headscarf Controversy." *Boston Review*, 2004.

Bruley, Yves. *Histoire de la laïcité à la française : loi de 1905: le livre du centenaire officiel, préface de monsieur le Premier ministre*. Pari: Académie des sciences morales et politiques, 2005.

Chevallier, P. "La Séparation De L'eglise Et De L'ecole. Jules Ferry Et Léon Xiii." Paris: Fayard, 1981.

Choudhury, Nusrat. "From the Stasi Commission to the European Court of Human Rights: L'Affaire du Foulard and the Challenge of Protecting the Rights of Muslim Girls." *Columbia Journal of Gender and the Law* 16, no. 1 (January 1, 2007): 199-296. http://www.proquest.com/ (accessed April 1, 2009).

Cohen, WB. *Rulers of Empire: The French Colonial Service in Africa*. Hoover Institution Press, 1971.

Coq, Guy. *Laïcité et République: le lien nécessaire.* Paris : Editions du Félin, 1995.

Debré, Jean-Louis. *La laïcité à l'école: un principe républicain à réaffirmer*. Paris: Jacob, 2004.

Delfau, Gérard. *La laïcité: ciment de la République, valeur universelle : actes du colloque du 18 décembre 2003 au Sénat à Paris.* [Paris]: Éd. Maçonniques de France, 2004.

Deltombe, Thomas. *L'islam imaginaire: la construction médiatique de l'islamophobie en France, 1975-2005*. Paris: La Découverte, 2005.

Djavann, Chahdortt. *Bas Les Voiles!*: Gallimard, 2003.

Estivalezes, M, and J Baubérot. *Les Religions Dans L'enseignement Laïque*: Presses universitaires de France, 2005.

Gresh, Alain. *1905-2005, les enjeux de la laïcité*. Paris: L'Harmattan, 2005.

Judge, H. "The Muslim Headscarf and French Schools." *American Journal of Education* 111, no. 1 (2004): 1-24.

Kepel, Gilles. *Les Banlieues de l'Islam*. Seuil, 1991.

Lamchichi, Abderrahim. *Islam et musulmans de France: pluralisme, laïcité et citoyenneté*. Paris: L'Harmattan, 1999.

Larabi Hendaz, Louisa. *Le voile humilié, ou, Les auditions manquées de la commission Stasi: avec le témoignage de femmes musulmanes.* Paris: Editions Marjane, 2005.

Laurence, Jonathan, and Justin Vaïsse. *Integrating Islam: Political and Religious Challenges in Contemporary France*. Washington, D.C.: Brookings Institution Press, 2006.

Lewis, MD. "One Hundred Million Frenchmen: The" Assimilation" Theory in French Colonial Policy." *Comparative Studies in Society and History* (1962): 129-53.

Leveau, Rémy, and Khadija Mohsen-Finan. Musulmans de France et d'Europe. CNRS science politique. Paris: CNRS Editions, 2005.

Leveau, Rémy, and Gilles Keppel. *Les Musulmans dans la société française. Références, 19*. Paris: Presses de la Fondation Nationale des Sciences Politiques, 1988

Lorcerie, Françoise, ed., La *politisation du voile: L'affaire en France, en Europe et dans le monde arabe.* Paris: L'Harmattan, 2005.

Mayeur, JM. *La Séparation De L'église Et De L'état (1905)*. Julliard, 1966.

Moody, Joseph N. "French Anticlericalism: Image and Reality." *The Catholic Historical Review* 56, no. 4 (1971): 630-48.

Myard, Jacques. *La laïcité au coeur de la République: colloque du 23 mai 2003, avec les messages de soutien de Jean-Pierre Raffarin, Jean-Louis Debré, Nicolas Sarkozy.* Paris: L'Harmattan, 2003.

Nordmann, Charlotte. *Le foulard islamique en questions*. Paris: Amsterdam, 2004.

Rochefort, Florence. "Foulard, Genre Et Laïcité En 1989." *Vingtième Siècle. Revue d'histoire* no. 75 (2002): 145-56.

Roy, Olivier. *Secularism Confronts Islam.* New York: Columbia University Press, 2007.

Sarkozy, Nicolas. *La république, les religions, l'espérance.* Paris: Les Éditions du Cerf, 2004.

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

Terray, Emmanuel. "Headscarf Hysteria." *New Left Review* 26, (2004): 118-27.

Thomas, Elaine R. "Keeping Identity at a Distance: Explaining France's New Legal Restrictions on the Islamic Headscarf." *Ethnic and Racial Studies* 29, no. 2 (2006): 237-59.

Thomas, N. "On Headscarves and Heterogeneity: Reflections on the French Foulard Affair." *Dialectical Anthropology* 29, no. 3/4 (2005): 373-86.

Weil, Patrick, and Catherine Porter. *How to Be French: Nationality in the Making Since 1789*. Durham: Duke University Press, 2008.

———. 2005. “Lifting the Veil.” *French Politics, Culture and Society* 22 (3): 142-149.