

DEMOCRACY AND HUMAN RIGHTS

ISLAMOPHOBIA IN FRANCE

Causes, Responses and Lessons
for the UK and Europe

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November 2022



From far-right politicians entering the mainstream to long-term systemic discrimination in employment, housing, education, sport and services, Muslims are one of Europe's most targeted populations.



Laïcité, which is hailed as one of France's cornerstone values, has become an ideological tool to target the presence of Muslims in the French public space.



There are many similarities in the treatment of Muslims across Western Europe. The key focus of international solidarity movements must be to combat the invisibility of Muslims in public spaces and positions of power.

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Introductory Remarks

Seema Syeda

Attacks on Muslims are on the rise across Europe. From far-right politicians entering the mainstream to long-term systemic discrimination in employment, housing, education, sport and services, Muslims are one of Europe's most targeted populations. In the lead-up to the UK Brexit referendum in 2016, hatred of Muslims was whipped up as a tool for the Leave campaign, falsely associating EU membership with migration from Muslim-majority countries.

Anti-Muslim hatred is not a new phenomenon however. Muslim populations are an integral part of Europe and in the 1990s the continent witnessed the brutal genocide of Muslims in Srebrenica and other areas during the Bosnian war. As this report highlights, Europe's colonial history has led to continuous oppression and denial of basic human rights to Muslims which remains largely unacknowledged and unchallenged to this day.

This needs to change. Not only does Islamophobia and hatred of Muslims across Europe need to be documented and acknowledged, but international movements defending the basic rights of Muslims must be built and strengthened. To work towards this, Another Europe Is Possible has partnered with the Friedrich-Ebert-Stiftung to commission this report on Islamophobia in France, authored by French political analyst and civil rights campaigner Yasser Louati.

France has been the crucible of draconian legislation targeting the Muslim community, dramatically limiting rights to freedom of belief, conscience, expression and association. In the following report Yasser Louati:

- Analyses the failed strategy of ›Islamodiversion‹ that targets Muslims to distract from unpopular policies.
- Presents potential solutions to address the impacts of Islamophobia, starting with a call to return to the old *laïcité* that entrenched the religious neutrality of the state with all citizens' freedom of belief to practice their faith and organise (politically or not) around it.

At the end of the report, we reflect on the parallels between the French, UK and European contexts, and make suggestions as to how international campaigns led by Muslim activists and supported by allies can be developed. We hope this work can be a step toward building a powerful, permanent international movement defending the rights of Muslim communities across Europe.

- Analyses the causes of institutionalised Islamophobia and hatred of Muslims in the key context of French colonialism in Algeria.
- Explains the concept of ›*laïcité*‹ and how French secularism evolved from separating church and state to targeting the Muslim community.
- Gives a comprehensive overview of the development of Islamophobic policies and legislation
- Highlights ›left‹ and ›progressive‹ forces as key motivators of anti-Muslim hatred.

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FRANCE: THE CRUCIBLE OF ISLAMOPHOBIC LEGISLATION

Yasser Louati

INTRODUCTION

France has been making international headlines for years due to its strained relationship with its Muslim population. Across the political spectrum, Muslims are constantly targeted by specific legislation and controversies surrounding their very presence, belief systems and dress codes, and are portrayed as a triple threat: against national security («They are potential terrorists»), the national economy («They are taking our jobs and welfare benefits») and national identity («They are taking over our country»). *Laïcité* has been used to specifically target Muslims, despite its conception as a constitutional principle granting religious freedom for individuals and ensuring a religiously neutral state. Given the deep influence of the Catholic Church in France, the principle of state religious neutrality is a direct legacy of the French Revolution. It took nearly two centuries for *laïcité* to be passed into law and become the norm.

However, *laïcité* has in recent years become an ideological tool to target the visibility of Muslims in public. Even hardcore conservatives and the far right have used the term, despite rejecting it in the name of «upholding Christian values». How has this become possible and what role has the left played in allowing this weaponisation of *laïcité*?

This paper explores how *laïcité* was enshrined in the French Constitution and how its redefinition has legitimised Islamophobia. In light of the far right's historic gains under Emmanuel Macron, it discusses how the right and the left converged around a «new» *laïcité*, sharing the common belief that Muslims, as in the colonial era, must not be visible in the public domain, let alone organise and speak publicly. It also explains the difference between the historical constitutional *laïcité*, and the new, more ideological one designed to crack down on Muslims.

The ambiguities of the French left will be addressed in light of the landmark controversies that have divided it. Although the NUPES alliance made some gains during the legislative elections, the alliance is fragile, given the track records of the Socialist, Communist and *La France Insoumise* parties on racism. In conclusion, a series of policy recommendations are made for governments, decision-makers within parties and civil society organisations.

LAÏCITÉ AND THE CATHOLIC CHURCH: A MODEL FOR PERSECUTION

Laïcité is hailed as one of France's cornerstone values. Officially, it is about the separation of church and state. In practice, it means that religion cannot legislate and the state cannot meddle in religious affairs. Historically, *laïcité* was introduced to keep the influence of the Catholic Church away from politics and government affairs.

Given France's history of monarchical absolutism backed by the Catholic Church, the wars of religion between Protestants and Catholics (culminating with the Saint Bartholomew's Day Massacre), the French Revolution brought with it the idea of tolerance and freedom, as expressed in the 1789 Declaration of the Rights of Man and of the Citizen:

«No one shall be disquieted on account of his opinions, including his religious views, provided their manifestation does not disturb the public order established by law».

The secularisation of French society accelerated after the fall of the monarchy, openly challenging the influence of the Catholic Church. The Catholic establishment became the prime opponent to French revolutionary forces and the only institution to resist revolutionary reforms, feeding a deeply rooted anti-clerical sentiment.

By 1792, the Paris Revolutionary Commune had prohibited religious attire in public and public religious gatherings, and had seized Church property. Some communes took over administrative duties once filled by religious clerks, while others distanced themselves from Christian references by changing their names and closing down churches, with the country's main churches turned into «Temples of Reason». Catholics were persecuted as enemies within, accused of conspiring with the Austrians during the French Revolutionary Wars. This anti-Catholic fever led to more anti-religious measures and massacres. In France, where the Catholic Church was omnipresent in people's daily affairs for centuries, these decisions cannot be minimised.

By 1795 the National Convention adopted the concept of «religious neutrality», thus giving birth to what we call *laïcité* today. The French State was stripped of any religious identity be it through its institutions or representatives. In

return, the Republic recognized all religions but subsidised none. Churches became heavily surveilled as sites of anti-republican indoctrination. A century later, Jules Ferry, a staunch supporter of colonisation and France's role in ›civilising inferior races‹, founded the modern public school under a new trinity of principles: secular, free and mandatory.¹ By imposing a new educational system, secular reforms consolidated the Republic against the Catholic Church.

In 1905, following vehement debates, the law on the separation of church and state was adopted.² This time it was no longer about eradicating religion but about acknowledging and accepting its existence in the public sphere – away from government affairs.

Article 1 states:

»The Republic ensures freedom of conscience. It guarantees the free exercise of religion limited only by the following rules in the interest of public order.«

Article 2 further clarified the relationship between the Republic and religion:

»The Republic neither acknowledges, nor pays for nor subsidises any form of worship.«

It is this regime that we call *laïcité*. Religion is separate from public affairs and cannot meddle in politics or influence government policies. Religious institutions and communities can however organise on their own as long as they do not disturb the public order.

In and of itself the 1905 law was a revolution, marking the successful implementation of a legal framework that not only shielded the state from the Catholic Church's influence, but also protected religious minorities such as Protestants and Jews.

ALGERIA: INCUBATOR FOR INSTITUTIONALISED ISLAMOPHOBIA

Laïcité was intended to separate religion and state by prohibiting state interference in religious affairs. Yet its application was restricted to metropolitan France. The 1905 law was not applied in Muslim-majority colonies. Though Algeria was a French department and therefore an integral part of France (unlike the protectorates of Tunisia and Morocco), the French government ruled Algeria not through the laws of the Republic equally applied to all citizens, but through

the ›*Code de l'indigénat*‹. This legalised the inferior status of the indigenous inhabitants of Algeria and justified their arbitrary treatment. In this context, *laïcité*, which greatly benefited minorities in metropolitan France by granting them the right to rule their own religious affairs, was denied to Algerians.

France, the colonial power, refused to apply *laïcité* in Algeria because it did not want to relinquish its control over Algerians' lives. Islam was perceived as a unifying force for the colonised. The colonial administration therefore heavily controlled Islamic affairs to limit the religion's role in unifying the Algerian resistance. To pacify colonised peoples, the administration bribed Muslim leaders to produce legal opinions discouraging subjects from engaging in acts of resistance. Colonial administrator Léon Roches even obtained a custom-made fatwa from a Meccan religious leader stipulating that as long as France did not prevent Muslims from practicing their religion, they had no reason to fight its presence.³

This government interference in Islamic affairs to the point of steering adherents towards accepting their colonial status vastly differed from the liberties enjoyed by the Catholic, Protestant and Jewish faiths on the mainland. These double standards prompted leading Algerian figures Cheikh Brahimi, member of the Algerian Association of Religious Scholars, and Ferhat Abbas, a nationalist leader, to visit Paris in 1947 to demand an »effective enforcement of the law of separation of church and state«.⁴ To no avail.

1980s: THE LEFT FUELS ISLAMOPHOBIA

The legacy of the colonial era continues today. After France formally decolonised, *laïcité* became entrenched, ceasing to dominate public discourse. However, as Muslims became a more visible part of the population, *laïcité* returned to the forefront of French politics to give legal backing to institutionalised Islamophobia.

In September 1989, three pupils of Moroccan origin were expelled from their school in the northern town of Creil for wearing headscarves in class, under the principal's personal interpretation of *laïcité*. The principal refused to reinstate the three girls, seized the school board and spoke to the press. The pupils, hitherto unnoticed among 1,000 other pupils, found themselves at the centre of a national controversy.

Before the story became national news, the main left-wing daily *Libération* headlined it: »Wearing the headscarf violates *laïcité*«.⁵ A month later, left-wing national figures published a violent anti-hijab, anti-Muslim op-ed starting

1 Ferry, J. (1885) ›Les fondements de la politique coloniale‹; available at www.assemblee-nationale.fr/decouvrir-l-assemblee/histoire/grands-discours-parlementaires/jules-ferry-28-juillet-1885; ›Jules Ferry rend l'enseignement primaire obligatoire‹ (1882); available at www.gouvernement.fr/partage/10037-jules-ferry-rendait-l-enseignement-primaire-obligatoire.

2 Loi du 9 décembre 1905 concernant la séparation des Eglises et de l'Etat, available at www.legifrance.gouv.fr/loda/id/JORF-TEXT000000508749/.

3 Sbaï, J. (2018): *La politique musulmane de la France. Un projet chrétien pour l'Islam? 1911-1954*. CNRS Editions.

4 Bauberot, J. (2014): *La laïcité falsifiée*. Editions La Découverte.

5 Rochefort, F. Foulard, genre et laïcité en 1989. *Vingtième Siècle. Revue d'histoire* 2002/3(75), 145-156.

with »The future will tell if the year of the Bicentenary [of the French Revolution] will have seen the Munich of the republican school.«⁶ By referencing Munich, the writers made a clear correlation between the Nazis and French Muslims, equating Muslim visibility with the onset of totalitarianism.

The op-ed rallied many high-profile leftists around the notion that Muslims daring to be visible were (and still are) a threat to the Republic. Its signatories were among the most famous leftists in France, such as Elisabeth Badinter, Régis Debray, Alain Finkielkraut and even Gisèle Halimi – all of whom had huge followings due to their feminist and human rights records.⁷ But if their positions were deemed progressive in the past, that progressivism did not extend to defending the citizenship and rights of formerly colonised peoples.

Gisèle Halimi, for instance, was known for supporting anti-colonial struggles and radical feminism, yet she publicly supported using *laïcité* as a means to curtail female pupils' rights. Despite the racist rhetoric behind the calls to suspend the pupils, or the repurposing of *laïcité* for Islamophobic ends, Halimi refused to acknowledge that *laïcité* was meant to enforce the neutrality of the state, state services and state employees, not users of state services such as students.

Pushed by »left« civil society activists, Minister of Education Lionel Jospin took the case to France's highest administrative court, the Council of State, pronouncing no opinion until he'd obtained legal backing. This infuriated signatories of the op-ed and their allies, who expected him to stand by the school principal and allow the use of *laïcité* as a discriminatory weapon. Members of the Socialist Party loudly criticised Jospin, for instance Jean Marie Le Guen MP summarised the three pupils' attire as »a provocation«.⁸ RPR (conservative) MP Michèle Barzach also attacked him, asking, »You wanted to be the minister of tolerance, are you going to become the minister of fundamentalism?«.

Despite the fierce eight-week debate, the Council of State stood by the pupils in its November 1989 opinion, which stated:

»The freedom thus recognised for pupils entails for them the right to express and manifest their religious beliefs within educational establishments, with respect for pluralism and the freedom of others, and without prejudice to the teaching activities, programme content and attendance requirements.«⁹

6 Badinter, E., Debray, R., Finkielkraut, A., de Fontenay, E., & Kintzler, C. (1989, 2 November). Foulard islamique: »Profes, ne capitulons pas!«. *Le Nouvel Observateur*.

7 France 2. (1989, 2 November): *Gisèle Halimi s'oppose au voile islamiste*. Video. YouTube; available at: <https://www.youtube.com/watch?v=3D-3pICS51Y>.

8 INA, »Foulards de Creil: le début de la discorde sur le voile Foulards«, available at https://www.ina.fr/ina-eclair-actu/video/s804875_001/foulards-de-creil-le-debut-de-la-discorde-sur-le-voile.

9 Avis n° 346.893 du Conseil d'Etat - 27/11/1989 – Port du foulard islamique.

But the Council of State's decision was bypassed. In 1994, the Minister of Education sent a letter to all school principals asking them to »ban ostensible religious signs« in the name of *laïcité*, contradicting the Council of State and weakening institutional protections.¹⁰ Thus the headscarf became central to officially redefining *laïcité*, which was weaponised against Muslims.

A NEW LAÏCITÉ

The repurposing of *laïcité* became a clear political project in 2003. François Baroin MP, a close ally of Jacques Chirac, submitted to the Prime Minister a document entitled »Pour une nouvelle *laïcité* [for a new *laïcité*]«.¹¹ The document stated that after »defeating the Catholic religion«, to crackdown on »communitarisme« and »Islamism« and »uphold western values«... a »new *laïcité*« had to be implemented. Despite the very different history of the Muslim community which, unlike the Catholic Church, neither had a clergy nor aspired to play a role in French governmental affairs, Baroin put both on an equal footing, articulating a false parallel between the Republic keeping at bay a historically political institution (the Catholic Church) and religious minorities exercising their religious freedom. Knowing that this new *laïcité*, conceived as an anti-Muslim weapon, would discriminate against a specific population, the author concluded, »at some point *laïcité* and human rights are incompatible«.

That document is crucial to understanding France's Muslim-centred controversies. When Muslims are accused of »violating *laïcité*«, it is not about the *historical laïcité* enshrined in the 1905 law and the Constitution: It is about the *new laïcité* that is being weaponised to back identity-based controversies and justify Islamophobia.

SYSTEMIC DISCRIMINATION: THE TRUE CAUSE OF COMMUNAUTARISME

Ample research reveals the systemic discrimination and racism in employment,¹² housing¹³ and policing¹⁴ faced by Muslims. The French state has taken no concrete action to

10 Circulaire no. 1649 du 20 septembre 1994 (Education nationale); available at: <https://www.assemblee-nationale.fr/12/dossiers/documents-laicite/document-3.pdf>.

11 Baroin, F. (June 2003): Rapport de François Baroin »Pour une nouvelle *laïcité*«. Club Dialogue & Initiative; available at: <https://www.voltairenet.org/rubrique506.html?lang=fr>.

12 Valfort, M.-A. (2015): *Religious discrimination in access to employment: a reality*. Study. Institut Montaigne; available at: <https://www.institutmontaigne.org/en/publications/religious-discrimination-access-employment-reality>.

13 Défenseur des droits. (2017, 14 December): *Enquête »Accès Aux Droits« N°5: Discriminations et accès au logement locatif*. Press release, Défenseur des droits; available at: <https://www.defenseurdesdroits.fr/fr/communiqu-de-presse/2017/12/enquete-acces-aux-droits-ndeg5-discriminations-et-acces-au-logement>.

14 France 24 (2021, 22 July): *Rights groups take police racial profiling case to top French court*. France 24; available at: <https://www.france24.com/en/france/20210722-rights-groups-take-police-racial-profiling-case-to-top-french-court>.

address this. The latter even resisted legal action when civil society called for an end to racial profiling.¹⁵ As for structural *communautarisme*, some cities prefer to be fined rather than allow social housing to be built on their territories and allow social mixing.¹⁶

If Muslims find themselves in de facto ethnic ghettos, it was the French State, not Muslims, that were in charge of urbanisation when the *cités* (housing projects) were built in the 1960s and 1970s and where families of the same origins were housed. If people in France do indeed identify with their communities rather than as ›French‹, that results from identities that are socially constructed by systemic state racism.

According to a 2016 survey, migrants from former colonies are systemically discriminated against and disproportionately struggle to find housing: »Nearly 20 per cent of immigrants took more than a year to find accommodation, i.e. twice as much as the average, and 38 per cent had not yet found any at the time of the survey, i.e. 17 points more than the average (21 per cent).«¹⁷

ISLAMOPHOBIA AND THE ECONOMY

The new *laïcité* was also evoked to target halal businesses. In 2002, the Socialist Mayor of Evry, Manuel Valls, led a crackdown against a Muslim-owned grocery store that did not sell pork or alcohol.¹⁸ The store took the matter to court and won its legal battle.¹⁹ But, as heavily relayed in mainstream media, the mayor obtained the shop's closure after a campaign of administrative and media harassment.²⁰ In 2017, *laïcité* was used in Colombes, where a private business was shut down by the administrative court for not selling pork or alcohol, after a campaign led by the municipality.²¹

15 France 24 (2021, 27 January): *France faces class action lawsuit over racial profiling by police*. France 24; available at: <https://www.france24.com/en/france/20210127-france-faces-class-action-lawsuit-over-racial-profiling-by-police>.

16 Bouzou. N. (2022, 16 February): *Logements sociaux: pourquoi plusieurs villes sont condamnées à de fortes amendes?* Europe1; available at: <https://www.europe1.fr/economie/plusieurs-villes-condamnees-car-elles-ne-construisent-pas-assez-de-logements-sociaux-4094246>.

17 Ibid.

18 Coignard, F. (2002, 9 December): A Evry, le maire contre le Franprix halal. *Libération*; available at: https://www.liberation.fr/societe/2002/12/09/a-evry-le-maire-contre-le-franprix-halal_424063/.

19 *Le Parisien*, (2003, 17 March), ›Franprix halal: la justice dit non à la fermeture‹; available at: <https://www.leparisien.fr/essonne-91/franprix-halal-la-justice-dit-non-a-la-fermeture-17-03-2003-2003909902.php>.

20 Libération & AFP (2002, 23 December): Le Franprix halal ferme ses portes. *Libération*; available at: https://www.liberation.fr/societe/2002/12/23/le-franprix-halal-ferme-ses-portes_425579/.

21 Franceinfo & AFP (2017, 4 December): *Un commerce halal expulsé pour non-respect du bail ›d'alimentation générale‹*. Franceinfo; available at: https://www.franceinfo.fr/societe/justice/un-commerce-halal-expulse-pour-non-respect-du-bail-d-alimentation-generale_2498551.html.

Specific businesses, those that are Muslim-owned in this case, were targeted in the name of upholding secularism in a market-driven economy, illustrating the nature of French capitalism. The most basic rule of the market, that of supply and demand, was suspended in relation to Muslims.

The French government itself has acknowledged that discrimination, though deemed acceptable in the name of *laïcité*, is hugely burdensome for the French economy. In a 2016 report, France Stratégie, a think tank run by the prime minister's office, concluded that the yearly cost of all discrimination is estimated at around 150 billion euros.²²

›ANTI-TERRORISM‹: AN EXCUSE TO BAN THE HEADSCARF IN SCHOOLS

After 9/11, state targeting of Muslims under the new *laïcité* accelerated. In 2003, the Minister of Education declared that a headscarf ban in schools was potentially ›anti-constitutional if it trespasses on the (1989) Council of State decision‹, before switching positions and calling for a law to ban it. A commission – the Stasi Commission – was set up to debate whether a law banning the headscarf in school was necessary, but the commission was rigged. Bernard Stasi, a staunch centrist, admitted that prior to the commission, he would have voted against a prohibition:

»Had we voted on the first day, we would surely have come out against the principle of a law banning religious symbols in schools... But after 104 hearings, we changed our minds. We are indeed convinced that Islamist groups want to attack the Republic, that they are testing its resistance and measuring how far they can go.«²³

But the rapporteur of the commission, Remy Schwartz, had handpicked the speakers based on their known opposition to the headscarf. As noted by Alain Gresh, although no female Muslim speakers or teachers with different opinions were heard, the far right was.²⁴

Teachers in Lyon, calling for prohibition, went on strike in 2002 after failing to pressure a high school principal to exclude a student for wearing a bandana – not even a headscarf.²⁵ In October 2003, two sisters were excluded

22 France Stratégie (2016): *Le coût économique des discriminations*. France Stratégie; available at: https://www.strategie.gouv.fr/sites/strategie.gouv.fr/files/atoms/files/19-09-2016_fs_rapport_cout_economique_des_discriminations_final_web_0.pdf.

23 Gerbaud, D. (2005, 7 January): Bernard Stasi, contre les racismes. *La Croix*; available at: https://www.la-croix.com/Actualite/France/Bernard-Stasi-contre-les-racismes-_NG_-2005-01-07-589128.

24 Gresh, A. (2013, 5 April): La commission Stasi et la loi contre le foulard: retour sur une manipulation. *Le Monde Diplomatique*; available at: <https://blog.mondediplo.net/2013-04-05-La-commission-Stasi-et-la-loi-contre-le-foulard>.

25 Bertrand, O. (2003,13 March): Un foulard déclenche une grève dans un lycée de Lyon. *Libération*; available at: https://www.liberation.fr/societe/2003/03/13/un-foulard-declenche-une-greve-dans-un-lycee-de-lyon_458382/.

from their high school in the Parisian suburb of Aubervilliers for the same reason.

MPs from both the left and right mobilised. Jack Lang (Socialist, formerly minister of culture, now head of the Institute of the Arab World in Paris), Jacques Myard (UMP), Minister of Interior Nicolas Sarkozy (UMP), Government Spokesperson Jean-François Copé (UMP), Jean Louis Debré (UMP), the Trotskyite Lutte Ouvrière and Communist LCR (*Ligue Communiste Révolutionnaire*), and more officially, the Socialist Party and its adversary the UMP (conservative), allied in favour of complete prohibition.²⁶

After a year of campaigning, the ban on the headscarf in public schools was passed into law in 2004. The new *laïcité*, or the repurposing of *laïcité*, is the cornerstone of modern-day Islamophobia. The contradictions between what the legislation states and what Islamophobes can now do is clear. France went from a law seeking the peaceful coexistence between religions and the state, freedom of religion and conscience both in private and public, to an all-out state-led war against a specific religion: Islam.

Almost every single controversy that was sparked on the back of Muslims, especially Muslim women, used *laïcité* as an excuse. *Laïcité* is set out in Article 1 of the Constitution, yet this fundamental principle is being used as the basis to violate the preamble of the Constitution, which grants religious freedom.

Next, *laïcité* was used to ban the full-face veil in public in 2009, in a personal campaign spearheaded by Jean François Copé, then head of the UMP caucus at the National Assembly.²⁷ Though *laïcité* was not invoked – the bill was passed in the name of security – the precedent created by redefining *laïcité* to curtail fundamental rights allowed the government to target specific women. The national hysteria sparked by the government was in fact meant to divert public opinion from far more pressing issues like the aftermath of the financial crisis or the unpopular pension reform of Eric Woerth (Labour Minister, UMP).²⁸ According to domestic intelligence, the number of women wearing a full-face veil in France was around 367 out of a population of 60 million.²⁹

²⁶ Auffray, A. (2003, 10 May): *Laïcité: les politiques veulent lever le voile. Libération*; available at: https://www.liberation.fr/france/2003/05/10/laicite-les-politiques-veulent-lever-le-voile_433317/.

²⁷ AFP (2010, 13 July): L'interdiction du voile intégral, une victoire personnelle pour Copé. *Le Point*; available at: https://www.lepoint.fr/politique/l-interdiction-du-voile-integral-une-victoire-personnelle-pour-cope-13-07-2010-64723_20.php.

²⁸ Gazzane, H. (2010, 16 June): Retraite à 62 ans: Eric Woerth ne reculera pas. *Le Figaro*; available at: <https://www.lefigaro.fr/retrait-e/2010/06/16/05004-20100616ARTFIG00690-retraite-a-62-ans-eric-woerth-ne-reculera-pas.php>.

²⁹ Nines, E. (2010, 28 April): Le doute subsiste sur le nombre de femmes portant le voile intégral. *Le Monde*; available at: https://www.lemonde.fr/politique/article/2010/04/27/le-doute-subsiste-sur-le-nombre-de-femmes-portant-le-voile-integral_1343410_823448.html.

The same year, the Sarkozy government initiated the »debate on national identity«.³⁰ Under the leadership of Eric Besson, former National Secretary of the Socialist Party and then Sarkozy's zealous Minister of Immigration, the platform quickly turned into an arena of unapologetic racism, anti-Muslim conspiracy theories and a forum for the far right.³¹

Three years later, Luc Chatel, Nicolas Sarkozy's Minister of Education pledged to »uphold *laïcité*« by banning school outings for Muslim mothers wearing headscarves.³² The decision was a serious humiliation for many Muslim pupils. From a legal perspective, the Minister of Education ignored the fact that volunteer Muslim mothers are not government employees and hence are not subject to religious neutrality.

This new violation of *laïcité* was upheld by the Socialist Vincent Peillon, Luc Chatel's successor at the Ministry of National Education until, once again, the Council of State clarified the situation:

»Parents accompanying school outings are neither agents nor public service workers but public service users who must not submit to the principle of religious neutrality. Consequently, veiled mothers accompanying school outings are not subject, in principle, to religious neutrality.«³³

These constant controversies fuelled the fallacy that *laïcité* entails erasing religious visibility from public space, which is far from the legal reality.

HOLLANDE'S »IDENTITY WAR«

The presidency of François Hollande and premiership of Manuel Valls, both from the Socialist Party, entrenched secular fundamentalism as a government-sponsored ideology³⁴ – advocated by a Socialist Party offshoot pressure

³⁰ Le Monde & AFP (2009, 25 October): Besson relance le débat sur l'identité nationale. *Le Monde*; available at: https://www.lemonde.fr/politique/article/2009/10/25/besson-relance-le-debat-sur-l-identite-nationale_1258628_823448.html.

³¹ Landrin, S. (2008, 20 December): L'ancien socialiste Eric Besson devrait devenir »une lame de l'UMP«. *Le Monde*; available at: https://www.lemonde.fr/politique/article/2008/12/20/l-ancien-socialiste-eric-besson-devrait-devenir-une-lame-de-l-ump_1133449_823448.html; (2010, 19 January): Eric Besson, bon élève de l'expulsion. *Libération*; available at: https://www.liberation.fr/societe/2010/01/19/eric-besson-bon-eleve-de-l-expulsion_605183/; *L'Obs*, (2009, 17 December): Le débat sur l'identité nationale ; available at: <https://www.nouvelobs.com/revue-de-presses/20091217.OBS0956/le-debat-sur-l-identite-nationale.html>.

³² Circulaire n° 2012-056 du 27 mars 2012. Orientations et instructions pour la préparation de la rentrée 2012.

³³ TA Nice (2015, 18 June): Une mère voilée peut-elle participer à une sortie scolaire? *Dalloz*; available at: <https://actu.dalloz-etudiant.fr/a-la-une/article/une-mere-voilee-peut-elle-participer-a-une-sortie-scolaire/h/b064b0e803ad5a68a478b4400c2a93cd.html>.

³⁴ Zaretsky, R. (2016, 7 April): How French Secularism Became Fundamentalist. *Foreign Policy*; available at: <https://foreignpolicy.com/2016/04/07/the-battle-for-the-french-secular-soul-laicite-charlie-hebdo/>.

group, the *Printemps Republicain* [Republican Spring], and its powerful left-wing supporters. After the November 2016 Paris attacks, the left coalesced around the concept of a ›laïcité of struggle‹.³⁵ The *Printemps Republicain* launched repetitive campaigns attacking the public visibility of Muslims. Led by leftist political scientist Laurent Bouvet – who had previously theorised the notion of ›cultural insecurity‹, the left's version of the ›Great Replacement theory – these campaigns specifically targeted visible Muslim figures, especially Muslim women.

Fatiha Bacha was attacked for being a city councillor (Argenteuil) and wearing a headscarf. Twitter campaigns in collaboration with the far right were launched against any Muslim or leftist daring to speak up against Islamophobia, the weaponisation of *laïcité* or even simply speak out in public while being visibly Muslim. This was clearly demonstrated during the *Maryam Pougetoux* hysteria.³⁶ Pougetoux, a union leader (UNEF), was targeted by a vicious campaign after being interviewed about a student strike she co-organised. Attacks came not only from the *Printemps Republican*, but the entire political spectrum – from government ministers (e.g. the then Minister of Interior Gérard Collomb and Marlène Schiappa, the then State Secretary for Equality between Women and Men) to the far right.³⁷

These Islamophobic campaigns were useful for deflecting from Hollande's deeply unpopular neoliberal policies such as the labour reform of 2016 (El Khomri law), betrayals of his own promises and abandonment of the working class.³⁸

Hammering Islamodiversion was Hollande's self-avowed strategy as he declared at a public event on Islamism, ›Yes there is the economy and unemployment, but what matters is the identity war‹.³⁹

This identity war nourished the *Baby Loup* day-nursery saga of 2008 with the sacking of Fatima Afif, a Muslim employee, for wearing a headscarf. Initially deemed a discriminatory termination by the HALDE (Equal Opportunities and Anti-Discrimination Commission, replaced in 2011 by the Defender of Rights), its own president Jeanette Boughrab (a member of the UMP known for her anti-headscarf views) opposed it in court.⁴⁰ Ms Afif's case was dismissed by the Labour Court and upheld by the Versailles Appellate Court, then won at the Court of Cassation. This win prompted PM Manuel Valls to publicly criticise the decision, violating the separation of powers and spurring the Paris Appellate Court to overturn Ms Afif's triumph by creating the concept of a ›business with convictions‹. The latter was a loophole invented to justify discrimination in order to ›promote integration without distinction of political or religious opinion‹. The Paris Appellate Court thus created a precedent to implement ›religious neutrality‹ where it previously had not applied.

This new *laïcité* hysteria around the headscarf continued with the 2016 burkini affair, which made global headlines after 15 towns in southern France decided to ban women wearing burkinis from beaches. The affair turned out to have been intentionally sparked by Nicolas Sarkozy who was preparing a presidential campaign centred around identity.⁴¹

MACRON: ISLAMOPHOBIC HYSTERIA

Macron used a similar strategy. Elected in 2016 on a platform rejecting the ›vengeful *laïcité*‹ of secular fundamentalists and the far-right, he has far outdone his predecessors in codifying Islamophobia in law.⁴² Notoriously Islamophobic figures occupy key positions in his administration, saturating public debate with anti-Muslim controversies and declarations, using ›Islamodiversion‹ to distract from unpopular

35 Cossardeaux, J., & Lefebvre, E. (2016, 24 August): ›Nous allons devoir revenir à une laïcité de combat‹. *Les Échos*; available at: <https://www.lesechos.fr/2016/08/nous-allons-devoir-revenir-a-une-laicite-de-combat-215593>.

36 Mc Auley, J. (2018, 30 May): For some French officials, the headscarf is such a threat they are attacking a teenager. *The Washington Post*; available at: https://www.washingtonpost.com/world/europe/frances-headscarf-debate-focuses-on-a-muslim-student-leader/2018/05/30/9f190ed6-6347-11e8-81ca-bb14593acaa6_story.html.

37 R. L. & AF (2018, 18 May): Responsable de l'Unef voilée: le ministre de l'Intérieur dénonce du ›prosélytisme‹. *Le Parisien*; available at: <https://www.leparisien.fr/politique/responsable-de-l-unef-voilee-le-ministre-de-l-interieur-denonce-du-proselytisme-18-05-2018-7722651.php>; Mestre, A. (2018, 18 May): Responsable de l'UNEF voilée: Marlène Schiappa dit voir ›une forme de promotion de l'islam politique‹. *Le Monde*; available at: https://www.lemonde.fr/religions/article/2018/05/16/responsable-de-l-unef-voilee-marlene-schiappa-dit-voir-une-forme-de-promotion-de-l-islam-politique_5299937_1653130.html; Génération Nation (2021, 21 March): *Génération Nation demande la dissolution de l'UNEF*, available at <https://rassemblementnational.fr/tribunes-libres/generation-nation-demande-la-dissolution-de-lunef>.

38 AA (2014, 17 January): French Communist Party accuses Hollande of betrayal, available at <https://www.aa.com.tr/en/archive/french-communist-party-accuses-hollande-of-betrayal/192210>; NDTV Profit (2012, 2 December): Mittal-France deal: Unions accuse President Hollande of betrayal, available at <https://www.ndtv.com/business/mittal-france-deal-unions-accuse-president-hollande-of-betrayal-314135>.

39 Louati, Y. (2016, 11 October): Islamodiversion: How Sarkozy and France's political class outdo Trump, exploiting Islamophobia to distract from economic problems. *Alternet*; available at: <https://www.alternet.org/2016/10/islamodiversion-how-sarkozy-and-frances-political-class-outdo-trump-exploiting>; Valls, M. (2016): Face au chômage, ce qui compte et la bataille identitaire. Video. YouTube; available at: <https://www.youtube.com/watch?v=CsZ9TMbIRBA>.

40 Van Cayseele, J. (2010, 8 October): Une crèche risque la fermeture pour une affaire de voile. *L'Express*; available at: https://www.lexpress.fr/actualite/societe/religion/une-creche-risque-la-fermeture-pour-une-affaire-de-voile_926086.html.

41 Le Bailly, D., & Michel, C. (2016, 4 October): ENQUÊTE. Burkini, histoire d'une manipulation. *L'Obs*; available at: <https://www.nouvelobs.com/politique/20161004.OBS9295/enquete-burkini-histoire-d-une-manipulation.html>.

42 La Croix & AFP (2016, 2 October): Emmanuel Macron contre la ›laïcité revancharde‹. *La Croix*; available at: <https://www.la-croix.com/Religion/France/Emmanuel-Macron-contre-laicite-revancharde-2016-10-02-1200793192>.

reforms that benefited wealthy groups at the expense of workers. The lifting of the wealth tax, reductions in housing subsidies, disdain for the working class and unfair taxation sparked the ›Yellow Vest‹ movement, which Macron crushed without managing to stave off the anger.⁴³ He also initiated the ›Islamofascism‹ witch hunt. Macron's key political message was not based on hope for a better future but on fear that Muslims were taking over the country.

His education minister set up the ›Conseil des Sages de la laïcité [Council of Secularity Experts]‹, bypassing the state-sanctioned consultative commission, the ›Observatoire de la laïcité‹. The latter refused to weaponise laïcité, implementing it in a strictly legal sense, so the rival body was set up to enforce the anti-Muslim new laïcité. Its members included staunch anti-Muslim activists like Catherine Kintzler, signatory of the 1989 paper against the headscarf, Patrick Kessel, who equated Muslim visibility with ›Islamofascism‹ and *Printemps Républicain's* Laurent Bouvet.⁴⁴

This move gave institutional backing for the Ministry of Education to incessantly target Muslim students and their mothers in the name of laïcité. An attempt was made to reintroduce the ban on volunteer mothers wearing headscarves during school outings, despite the 2013 ruling of the Council of State having backfired. Many schools relied on Muslim mothers for their field trips and openly disagreed with the policy. Rodrigo Arenas, co-president of the FCPE, one of the country's main parents' unions, declared, ›We are very pleased to find these mothers so kids can enjoy school outings‹.⁴⁵

After the 2004 prohibition of the headscarf in public schools, Muslim communities began collecting funds to open independent schools where students could practice their faith freely. By December 2018, Minister of Education Blanquer made it clear that he had the tools to shut down Muslim schools for belonging to fundamentalist currents, launching an administrative war against Muslim private in-

stitutions. Blanquer conveniently failed to define where he set the benchmark between Muslims and ›fundamentalism‹.

Blanquer further targeted Muslim students in a 2018 document entitled the *Vademecum de la laïcité*, a draconian set of guidelines cracking down on ›religious visibility‹ in schools.⁴⁶ Any outfit identified as a sign of religiousness, such as a long dress, long skirt or outfits deemed ›modest‹ were targeted.⁴⁷ Not attending class due to a religious holiday, or eating different meals when pork was served at lunch also put students on the administration's radar.

In October 2020, Emmanuel Macron gave his most polemical speech to tackle what he and his government labelled ›separatism‹.⁴⁸ The state's war against Muslims was rebranded and further enshrined in law.⁴⁹ In the aftermath of the massive anti-police demonstrations sparked by the murder of George Floyd, rather than addressing systemic racism and police brutality, Macron engaged in a conflict against the banlieues and their residents.

In this speech, Macron clearly called for a two-tiered laïcité: one for mainstream society and one for Muslims. Yet again, this ›specifically Muslim laïcité‹, just like in the colonies, would allow the government to not only criminalise organisers critical of the government, but also to intervene in Muslim associations and attack their board members. Mosques face growing discontent from their communities, who expect their religious leaders to stand up for them and not act like governmental mouthpieces.

In 2003 the *Conseil français du culte musulman* [French Council of the Muslim Faith] (CFCM) was established with state-appointed Muslim representatives. The CFCM failed to gain legitimacy among Muslim communities and has constantly discredited itself by acting as the government's validator, while it is riven by internal battles for control among its members, total absence of transparency, female Muslim members and doesn't even have free and fair elections. The CFCM ended up being disbanded by the current Interior Minister Gerald Darmanin, who replaced it with the *Forum de l'Islam de France* [Forum on Islam in France] (FORIF), in the same manner the CFCM was set up. The government chose its members while cracking down on other organisations in the name of fighting ›separatism‹.

⁴³ France 24 (2017, 5 October): Macron accused of ›class contempt‹ after dig at protesting workers. *France 24*; available at: <https://www.france24.com/en/20171005-macron-accused-class-contempt-protesting-workers-french-industry-gms>; Reuters (2019, 19 November): *Macron's 2018 tax cuts benefited the rich most: stats agency*. Reuters; available at: <https://www.reuters.com/article/france-tax-id1NKBN1XT2D6>; Dodman, B. (2019, 16 November): A year of insurgency: How Yellow Vests left ›indelible mark‹ on French politics. *France 24*; available at: <https://www.france24.com/en/20191116-a-year-of-insurgency-how-yellow-vests-left-indelible-mark-on-french-politics>; Foreign Policy (2019, 29 November): Emmanuel Macron's Year of Cracking Heads, available at <https://foreignpolicy.com/2019/11/29/emmanuel-macrons-france-yellow-jackets-police-europe-year-of-cracking-heads/>.

⁴⁴ Kessel, P. (2016, 5 January): ›La République est menacée sur deux fronts: par les islamofascistes et par l'extrême droite‹. *La Depeche*; available at: <https://www.ladepeche.fr/article/2016/01/05/2249872-patrick-kessel-republique-est-menacee-deux-fronts-islamofascistes-extreme-droite.html>.

⁴⁵ BFMTV. Voile à l'école: ›On est bien contents de trouver ces mamans pour que les enfants puissent faire des sorties scolaires‹, répond le Co-Président de la FCPE. (n. d.). Video. *Orange Actualités*; available at: <https://actu.orange.fr/societe/videos/voile-a-l-ecole-on-est-bien-contents-de-trouver-ces-mamans-pour-que-les-enfants-puissent-faire-des-sorties-scolaires-repond-le-co-president-de-la-fcpe-CNT00001jrQyA.html>.

⁴⁶ Ministry of National Education, Youth and Sports (n. d.): *La laïcité à l'école. Vademecum*; available at: <https://eduscol.education.fr/document/1609/download>.

⁴⁷ Brenner, C. (2018, 30 May): French schools told to discipline pupils who wear Muslim dress. *The Times*; available at: <https://www.thetimes.co.uk/article/french-schools-told-to-discipline-pupils-who-wear-muslim-dress-7lmhkd8z>.

⁴⁸ Macron, E. (2020, 2 October): La République en actes: discours et conférence de presse du Président depuis les Mureaux. Video. YouTube; available at: <https://www.youtube.com/watch?v=dcID-Kr9mJ7c>.

⁴⁹ Louati, Y. (2020, 4 October): *Le Breakdown: Macron's speech on ›Islamic Separatism‹: the good, the bad and the ugly*. Audio podcast. Anchor FM; available at: <https://anchor.fm/lebreakdown/episodes/Macrons-speech-on-Islamic-Separatism-the-good--the-bad-and-the-ugly-ekjfv/a-3ek5ct>.

This new body is bound to fail. Handpicked Muslim representatives will have a hard time reaching out to the broader communities that are feeling the brunt of state-sponsored Islamophobia.

THE ANTI-SEPARATISM LAW

The crusade against Muslim institutions reached new heights with the anti-separatism law of 2021. After the 2020 attacks in Nice and the barbaric murder of Samuel Paty, the government launched nationwide raids at random against Muslim organisations – from mosques to charities and schools. Interior Minister Gerald Darmanin admitted the raids had no legal justification, but he unapologetically declared that they were meant to send a message.⁵⁰

The debates surrounding the anti-separatism bill demonstrated the state of Islamophobia in France.⁵¹ In both the National Assembly and the Senate hundreds of amendments were proposed to widen its scope. Some senators called for banning »prayers in university halls«, others called for a ban on »raising foreign flags during wedding celebrations« and even »oriental dances«.

The anti-separatism law is the latest iteration of the weaponisation of *laïcité* against French Muslims. It aims to criminalise Muslims organising outside government-defined spheres of legitimacy, as highlighted by the cases of the *Collectif contre l'islamophobie en France* [the Collective Against Islamophobia in France] (CCIF), Barakacity and Hassan Iquioussen. Millions of euros have been seized by the government from Muslim organisations and there is no indication that this will slow down with Macron's re-election.

For civil society organisations, passage of the anti-separatism law means activism is entering uncharted territories. No organisation is immune from being accused of promoting separatism and therefore shut down, as the term has no legal definition. Academics are under constant threat of being labelled »Islam-leftists« with dire consequences for their careers, grants and as in any authoritarian state, how they conduct their research.⁵²

Thus, the scourge of Islamophobia impacts all citizens negatively, not just Muslims. Authoritarian states cannot curtail civil liberties by targeting the majority population so they target the most marginalised groups first to justify extreme laws that ultimately apply to all citizens. The US Patriot Act was meant to target American Muslims but ended up targeting dissenters such as Edward Snowden. French people have been experiencing this mechanism for decades. Each terrorist attack has justified passing new, ever more draconian laws, and the same laws are applied to every dissenter.⁵³ In other words, citizens lose their human rights and civil liberties but are still under a permanent terrorist threat.

The social context in which these laws were passed reveals the French state's paranoia at growing social discontent. Macron's unpopular government anticipates social upheaval and pro-actively passes ever more repressive policies in the name of fighting domestic enemies.⁵⁴

When Muslims were targeted by brutal raids in the state of emergency following the November 2015 terrorist attacks, the overwhelming majority of left-wing political and civil society organisations remained silent. Only after police raids targeted opponents of the COP21 climate summit, unions and environmentalists, did the left began to call out the state of emergency.⁵⁵ Until then, French Muslims were left on their own. Not surprisingly, this »It's-not-my-problem-until-it-affects-me« behaviour was again repeated when French Muslims struggled to organise against the anti-separatism bill.

This law, combined with the global security law passed in the same legislative period, has once and for all curtailed freedom of association, freedom of speech, freedom of religion, freedom of the press, separation of powers and the very notion of government accountability.⁵⁶

ISLAMODIVERSION IS A FAILED ELECTORAL STRATEGY

For *laïcité* to be upheld as it was intended, civil society, political parties and government institutions must shift radically. A return to *laïcité* is needed in the relationship between the government and religious communities, especially Mus-

⁵⁰ La Croix & AFP (2020, 19 October): *Attentat de Conflans-Sainte-Honorine: plusieurs opérations en cours contre la mouvance islamiste*. *La Croix*; available at: <https://www.la-croix.com/France/Attentat-Conflans-Sainte-Honorine-plusieurs-operations-cours-contre-mouvance-islamiste-2020-10-19-1201120227>.

⁵¹ Louati, Y. (2022, 12 January): *France: Understanding the roots of the anti-separatism bill*. Anti-Terrorism Laws 4(1). Islamic Human Rights Commission; available at: <https://www.ihrc.org.uk/france-understanding-the-roots-of-the-anti-separatism-bill/>.

⁵² Louati, Y. (2021, 14 May): *What does Islamo-gauchisme mean for the future of France and democracy?* Berkley Forum; available at: <https://berkeleycenter.georgetown.edu/responses/what-does-islamo-gauchisme-mean-for-the-future-of-france-and-democracy/>; Berkaoui, H. (2020, 30 October): *Recherche: un amendement du Sénat suscite la colère du monde universitaire*. Public Senat; available at: <https://www.publicsenat.fr/article/parlementaire/recherche-un-amendement-du-senat-suscite-la-colere-du-monde-universitaire>.

⁵³ France 24 (2019, 23 May): *Huit journalistes convoqués par la DGSI, les protestations se multiplient*. France 24; available at: <https://www.france24.com/fr/20190523-france-protestations-multiplient-apres-convocation-huit-journalistes-dgsi>.

⁵⁴ Louati, Y. (2017, 26 September): *Racism and the police state in western democracies*. Justice & Liberties For All Committee (CJL). Video. YouTube; available at: <https://www.youtube.com/watch?v=I3vu8-JRU6k>.

⁵⁵ Borredon, L., & Pécout, A. (2015, 28 November): *Les militants de la COP21, cibles de l'état d'urgence*. *Le Monde*; available at: https://www.lemonde.fr/societe/article/2015/11/27/les-militants-de-la-cop21-cible-de-l-etat-d-urgence_4818885_3224.html.

⁵⁶ Holroyd, M. (2021, 15 April): *French MPs pass controversial law that restricts images of police*. Euronews; available at: <https://www.euronews.com/2021/04/15/french-mps-pass-controversial-law-that-would-restrict-images-of-police>.

lims. Successive governments, left and right, have continuously violated *laïcité* in relation to Muslim communities. The meddling of the government in clerical affairs is notorious and examples are numerous.

The divisions of the left created by the 1989 hijacking of *laïcité* continue to this day. Most left-leaning organisations supported the hijab ban despite dissenting voices from feminists and human rights advocates who saw through the so-called defence of *laïcité*. According to Olivier Roy, French political scientist at the European University Institute in Florence, Italy and specialist on secularisation and Islam:

»Today, what the left does not forgive North African immigrants is having had Muslim children. It expected the second and third generation to be secularised and was very surprised to find a generation of believers.«⁵⁷

Whilst the secular fundamentalist line created a hard core of anti-Muslim leftists and heavily weighed on the Socialist, Communist and *La France Insoumise* (LFI) (of Jean Luc Mélenchon) parties, it failed miserably at the political level.

Stoking Islamophobia did not help François Hollande reverse his record low ratings, which were so poor that he abandoned the idea of running for re-election. Manuel Valls has with time become a farce on the political scene. After being prime minister, he was humiliated in the Socialist Party's 2017 primaries.⁵⁸ He then chose to leave the country and seek a political future in his native Spain, where he failed again. Benoit Hamon, the Socialist Party candidate who replaced Hollande and ran on a progressive platform diametrically opposed to Valls, was sabotaged by own party, starting with François Hollande. The result of Benoit Hamon's failure in the 2017 presidential election was the total collapse of the Socialist Party in the following years. This was further confirmed by the humiliating defeat of the Socialist Mayor of Paris Anne Hidalgo in the 2022 campaign, after she pledged to run on the same platform as François Hollande.

The *Printemps Républicain* enjoyed a dangerous influence on public debate, both when the Socialist Party was in power and under Macron, but it failed in its attempt to transform its online activism and ideological assaults into a political force.⁵⁹

57 Duclos, J. (2016, 21 August): »Pour les femmes qui le portent, le burkini est un compromis entre la modernité et la foi«. Franceinfo; available at: https://www.franceinfo.fr/societe/religion/laicite/polemique-sur-le-burkini/pour-les-femmes-qui-le-portent-leburkini-est-un-compromis-entre-la-modernite-et-la-foi_1593515.html.

58 Le Monde (2017, 29 January): Résultats de la primaire à gauche: Benoît Hamon l'emporte largement face à Manuel Valls. *Le Monde*; available at: https://www.lemonde.fr/primaire-de-la-gauche/article/2017/01/29/primaire-a-gauche-benoit-hamon-l-emporte-largement-face-a-manuel-valls_5071066_5008374.html.

59 Couvelaire, L., & Darame, M. (2022, 31 May): Elections législatives 2022: les espoirs déçus du Printemps républicain. *Le Monde*; available at: https://www.lemonde.fr/politique/article/2022/05/31/elections-legislatives-2022-les-espoirs-decus-du-printemps-republicain_6128349_823448.html.

Since late 2019, Jean Luc Mélenchon has positioned himself as the radical leftist who will stand up for Muslims and act as a bridge between them and the left. Yet Mélenchon spent the last 30 years voting in favour of all anti-Muslim laws and contributing to all anti-Muslim controversies. He even supported Marine Le Pen when she refused to cover her head during a mosque visit in Beirut. Yet he is now perceived as a saviour against the Islamophobic peril represented by Le Pen, Zemmour and Macron. While his language has changed, Mélenchon has targeted Muslim women for years, and he has failed to include them in leading positions within his campaigns or offered meaningful platforms for them to educate and campaign around their experience.

Though he promised to revoke the anti-separatism law, Mélenchon failed to show any clear understanding of how the government has criminalised the fundamental right of Muslims to politically exist, clarifying his position by declaring: »We do not fight against Islam, but against political Islam«. The term »political Islam« has been constantly used by successive governments to criminalise any Muslim organisation they disagree with. As the term has never been clearly defined, it gives the rhetorical tools to discredit individuals and organisations simply because they are Muslims or perceived as such. If Muslims do not exist politically in society, how else can they exist?

This question highlights the incapacity of French policy- and opinion-makers to view Muslims as equals. For decades, left-wing political parties have welcomed Muslims as their validators when seeking their votes in the banlieues. This was once an option 30 years ago but no longer is today.

CONCLUSION: DEVELOPING A PROGRESSIVE RESPONSE

Claiming to be antiracist and proclaiming universal, republican or humanist values is meaningless if it is not followed by policies. But these policies cannot be constructed by people who do not experience racism and are oblivious to the notion of privilege. Political parties, NGOs, charities and civil society must re-examine their antiracist strategies by reaching out to individuals and organisations with track records of action against racism in all its modes of expression.

For the left to achieve success, it must accept that progressive politics cannot be white-centred. White politicians cannot claim to combat discriminations they do not experience while ignoring the notion of white privilege. While political parties such as the EELV (Europe Ecology – The Greens) or Mélenchon's LFI have taken a stance against racism, they still fail to accept and elect individuals from minority communities with proven track records.

Left-wing parties, just like their counterparts across the ideological spectrum, treat their own Muslim members in discriminatory ways. Black, Arab and Muslim members are always welcomed as the rank and file but when they want

to run for office, they seldom get the support they need. Often, they are bypassed in favour of a white candidate, or even harassed, as evidenced in a 2020 *Comité Justices et Libertés Pour Tous* [Justice & Liberties For All Committee CJL] investigation.⁶⁰

The left must accept that political parties cannot wage, let alone win, the battle of ideas by restricting themselves to a homogeneous group. The more representative the party, the greater its electoral reach. The failure to address this has led many Muslims to abstain from voting, run as independents or even launch their own parties. Their common denominator is negative experiences and a sense of betrayal by the left.

The influence of the far right on mainstream politics in the US and Europe today is growing as traditionally conservative parties have veered to the far right under the cloak of mainstream respectability. This has led to policies and legislation that entrench the far right's wins in the battle of ideas. Left-leaning political parties seeking compromise with a political mainstream that is shifting towards the hard right have failed to either get elected or re-elected. The gains of the far-right cannot be countered by compromising with them.

The French NUPES alliance gives an approximate idea of the course to follow. Though shaky, the alliance did at least manage to bring together left-leaning parties ahead of the legislative elections as a stronger political force against Macron and his Republican and National Rally allies. However, the alliance is not immune from breaking up over identity and *laïcité*, for its members have sought Muslim votes without truly making amends for their past anti-Muslim stances.

In light of how *laïcité* became the prime tool to fuel Islamophobia, the separation of church and state must be upheld at all costs – with sufficient safeguards. It is secularism that has kept European nations from sinking again into wars of religion. Allowing secularism to be weaponised will only weaken it and open the door for demagogues from majority religions to seek influence on politics again. Once more, the US is a striking example of such possibility.

Political parties must adopt a definition of Islamophobia in coordination with Muslim charities and NGOs, and train their adherents and decision-makers on the topic. Countering Islamophobia does not mean censoring criticism of Islam but tackling the attacks against individuals and institutions for actually or supposedly being Muslim.

The history of European Muslim minorities and their contribution, struggles, hardships and successes must be included

in school books. It is impossible to change perceptions and conceive of an inclusive community until European countries teach their unabridged histories.

Muslim candidates must be encouraged to run for office under the banners of their parties without having to censor themselves or feel obliged to be validators.

Political parties must adopt clear antiracist agendas and antiracist codes of conduct for their members. They must also set up bodies that can dismiss candidates or restrain funding when they engage in promoting or relaying racist ideas.

Funding training against racial bias for candidates running for office, political party members, government officials and civil servants is a social emergency.

The systemic discrimination in employment faced by minorities requires recruiters to be trained to avoid biased selections of candidates.

Media platforms cannot speak of topics related to Islam and Muslims and pick and choose speakers based on personal preferences. Researchers, activists, community leaders, thinkers and artists must be given platforms to share their insights and educate the general public.

Police brutality will continue, if not get worse, as long as there is no scrutiny. This scrutiny cannot be accomplished by the police themselves but by civil society, rights groups, academics, elected officials and social services among others.

The counterterrorism model based on repressing Muslims has been a failure since its inception. Whether PREVENT in the UK, ›*Stop Djihadisme*‹ in France or the Patriot Act in the US, all the programmes were built on the notion that terrorism is rooted in Islam and therefore that any Muslim is potentially a terrorist. Instead, Western governments must take a hard look at their foreign policies and how they created the conditions for terrorism to rise and engage with Muslim communities which are better placed to decipher terrorist ideology that is based on a distorted interpretation of Islam.

Integrating people of colour and people from religious minorities with proven track records into the decision-making circles of news outlets, political parties and influential NGOs is a step towards better decisions, better representation and ultimately better communication and action.

The next few years will bring with them tremendous challenges for European nations. Facing these challenges is an impossible mission if they do not unite their populations. We must create an environment where everyone belongs and feels a sense of responsibility to the other.

⁶⁰ CJL (2020): Municipales 2020: accusations de discriminations et de harcèlement chez EELV et LREM. Justice and Liberties For All Committee; available at: <https://www.cjl.org/2020/06/29/municipales-2020-accusations-de-discriminations-et-de-harcèlement-chez-eelv-et-lrem/>.

2

ORGANISING FORWARDS: BUILDING INTERNATIONAL SOLIDARITY

Seema Syeda

Faced with this situation, how do we move forwards and build a movement of solidarity to campaign for equal rights and equal treatment for Europe's Muslim populations? What links can be made between different national contexts, including the UK and beyond?

There is a huge amount of work to be done to relieve the multi-layered discrimination against Muslims in the legal, political, economic and social spheres. Below are some suggested starting points for international campaigns. They are by no means exhaustive.

TACKLE RACIALLY MOTIVATED VERBAL AND PHYSICAL ABUSE

Violence against Muslims, particularly Muslim women, is underreported, and often spikes when Islamophobic comments are made by mainstream politicians.⁶¹ There is a lack of trust in existing state and policing systems, especially because, as this report shows, Islamophobia is entrenched within policing, education and ›anti-terror‹ initiatives.

The influence of the international far-right and fascist paramilitaries targeting Muslims is on the rise. Alongside British nationalist extremist mobilisations, recent events have shown Hindutva nationalists marching on the streets of the British city of Leicester, targeting Muslim populations, in a direct link to the success of Narendra Modi's BJP and the fascist RSS in India.⁶² British politicians from David Cameron to Rishi Sunak and even Labour politicians, have wooed politicians from India's far right, normalising the presence of fascist trends in Britain. International leaders and politicians must take a zero tolerance stance to fascism at home and abroad. Civil society and politicians must engage with Muslim communities to develop safety frameworks that have the confidence of the community.

DEFINITION

Arriving at an appropriate, context-specific definition to describe the unequal treatment faced by Europe's Muslim communities is an important step.⁶³ As highlighted in this report and by campaigners from Muslim communities across the UK and elsewhere, talking about ›Islamophobia‹ may not be adequate.⁶⁴

The key problem that this report seeks to begin to address is the oppression and unequal treatment of Muslims – not just as a community but as individuals targeted by state-led repression, laws and policies, as well as societal and cultural attitudes reinforced by the media. Both state policies and media discourse feed into the atmosphere of fear and violence experienced by many Muslims on a day-to-day basis.

As shown in this report, the idea that the term Islamophobia implicitly curtails freedom of speech by preventing criticism of Islam as a religion is very dominant in France, and is also shared by some UK secular groups.⁶⁵ What the report seeks to tackle is acts of discrimination and violence committed against Muslims as individuals, not criticism of Islam as a concept. There is, however, a line between legitimate criticism of religion, and discourse that attacks, scapegoats and harms entire communities and individuals belonging to particular faiths.

Terms like ›anti-Muslim hatred‹ and ›anti-Muslim discrimination‹ may be more useful descriptors of the phenomenon we seek to address. Ultimately, as Yasser Louati argues, the aim of an international campaign would be to defend freedom of belief and conscience, so that Muslims can exist in public as Muslims without fear or repression, and access jobs, healthcare, education and other services without dis-

⁶¹ Tellmama (2019): *Tell MAMA Annual Report 2018: Normalising Hatred*. Tell MAMA; available at: https://tellmamauk.org/tell-mama-annual-report-2018_-_normalising-hate/.

⁶² Khan, A.K., & Brown, M. (2022, 18 September): Police call for calm after ›serious disorder‹ breaks out in Leicester. *The Guardian*; available at: <https://www.theguardian.com/uk-news/2022/sep/18/police-community-leaders-crowds-leicester>.

⁶³ APPG on British Muslims (2018): *Report on the inquiry into a working definition of Islamophobia/anti-Muslim hatred*. All Party Parliamentary Group on British Muslims; available at: <https://fra.europa.eu/en/databases/anti-muslim-hatred/node/6490>.

⁶⁴ Irfan, A. (2021): *Debating hatred: Islamophobia or anti-Muslim hate?* Media Diversity Institute; available at: <https://www.media-diversity.org/debating-hatred-islamophobia-or-anti-muslim-hate/>.

⁶⁵ APPG on British Muslims (2018): *Report on the inquiry into a working definition of Islamophobia/anti-Muslim hatred*, p.34, All Party Parliamentary Group on British Muslims; available at: <https://fra.europa.eu/en/databases/anti-muslim-hatred/node/6490>.

crimination. No term is perfect but picking a descriptor that is more appropriate to facilitate this aim in consultation with Muslim stakeholders is helpful for the discourse on civil rights for Muslims.

VISIBILITY

As Yasser Louati has argued, the aim of much state-led discrimination and media-fuelled hatred is to exclude Muslims, especially Muslim women, from the public sphere. The key focus of the international solidarity movement, therefore, must first be to combat this invisibility. This means:

- Funding and supporting Muslims, especially Muslim women, to enter public life as civil society leaders, political representatives and campaigners.
- Providing media and leadership training, and organising training and specialised support to handle the impacts of racialisation and hate crime.
- Creating and giving up space in the public sphere and civil society organisations to representatives with Muslim backgrounds to lead campaigns for their rights.
- Connecting with and bringing together existing Muslim leaders and activists.
- Providing a platform for Muslims, especially Muslim women, during civil society events.
- Allying with broader civil rights movements to defend Muslims who come under attack when they organise.

Examples already exist of Muslim women self-organising to demand equal rights and equal treatment. The example of Alliance Citoyenne is instructive.⁶⁶ They supported the creation of the *Syndicat des femmes musulmanes*, who are now running successful campaigns led by Muslim women to allow the wearing of the hijab in sports halls and swimming pools across France. Similarly, the group *Les Hijabeuses* was also formed with the support of *Alliance Citoyennes*, and are now running a high-profile national campaign to end the ban on players wearing headscarves during official football matches.

In the UK, The Three Hijabis campaign, co-founded by Another Europe Is Possible National Committee Member and UK Labour Councillor Shaista Aziz, similarly seeks to tackle racism in sport and is led by Muslim women.⁶⁷ Another Europe has also begun its campaign against Islamophobia,

⁶⁶ Alliance citoyenne (n. d.): *Une campagne contre l'intolérance et l'exclusion des femmes musulmanes qui portent le voile*, Alliance citoyenne; available at: <https://alliancecitoyenne.org/droits-civiques-pour-les-femmes-musulmanes/>.

⁶⁷ The Three Hijabis; available at: <https://www.threehijabis.com/>.

platforming Muslim women's voices internationally, online and in person at public events.⁶⁸

Initiatives like those described above, where funding and support is channelled towards grassroots community organising and campaigns, can be replicated across Europe. Pan-European commitment to basic human rights, such as freedom of conscience and belief, freedom of association and freedom of expression, can be mobilised to defend such organisations when they inevitably come under attack from the state, which seeks to repress Muslim self-organisation and activity.

Besides civil society campaigns, work must be done within political parties to support Muslim leaders and elected representatives. While Islamophobia in the Conservative Party has received some media attention, the recent Forde Report revealed institutional Islamophobia, denial and a hierarchy of racism in the Labour Party.⁶⁹ One of the manifold effects of this is to push Muslims out of the public sphere. Similar problems exist within left and progressive parties across Europe. Some of the steps outlined above would be good starting points to address this problem, particularly the provision of material support to potential electoral candidates from Muslim backgrounds.

END STATE-LED REPRESSION

In the UK, attacks on Muslim dress have not been completely institutionalised through legislation. This means that women who wear the headscarf or other Islamic dress do not face direct legal barriers to entering public and work spaces (though societal and economic barriers do exist). But the French have set a dangerous precedent and far-right figures with mainstream platforms have called for bans in the UK.

On a European-Union wide level, the position is less clear. A recent Court of Justice ruling stated that European employers can ban workers from wearing any visible sign of their political, philosophical or religious beliefs and that this »may be justified by the employer's need to present itself in a neutral manner to customers or to prevent social conflicts«.

The judgment related to two German cases where German national courts held that the firing of Muslim employees (at a nursery and a chemist) for wearing headscarves constituted discrimination and undermined freedom of belief.

⁶⁸ Syeda, S. (2022, 12 September): *European Summer University*. Another Europe is Possible; available at: <https://www.anothereurope.org/european-summer-university/>.

⁶⁹ Allen, C. (2021, 26 May): *Islamophobia in the Conservative party: key points from the inquiry on discrimination*. The Conversation; available at: <https://theconversation.com/islamophobia-in-the-conservative-party-key-points-from-the-inquiry-on-discrimination-161532>; LMN (2022, 19 July): LMN Briefing – Forde Report. Labour Muslim Network; available at: <https://www.labourmuslims.org/post/lmn-briefing-forde-report>; Milani, A. (2022, 20 July): *Labour's Islamophobia crisis is missing from the commentary on Forde*. LabourList; available at: <https://labourlist.org/2022/07/labours-islamophobia-crisis-is-missing-from-the-commentary-on-forde/>.

Yet these decisions were overturned at the European level, revealing the court's conservative shift after British Advocate General Eleanor Sharpston QC was automatically removed from the court after Brexit.⁷⁰ Sharpston has criticised the decision for failing to protect freedom of belief.⁷¹

The ruling effectively bars Muslim women who choose to wear the headscarf from gainful employment in certain contexts. As earlier highlighted in this report, in France, the ban on wearing the headscarf has now gone beyond employees to parents attending school trips. This interference in a public-private sphere is highly intrusive, impacting the personal and private lives of Muslim women as they are excluded from and stigmatised for participating in the educational lives of their own children.

The progressive response to this should be an international, EU-wide campaign for the restoration of the basic human right of freedom of belief, conscience and expression. The simple demand to allow Muslim women to wear the headscarf (and for others to be allowed to wear religious symbols) in public and during employment is a clear one. Progressives who seek to combat anti-Muslim hatred could focus on building such a campaign in different specific national contexts and take it to an EU-wide level in the European Parliament and elsewhere.

DISCRIMINATION IN ACCESS TO HEALTHCARE AND SERVICES

While the UK legal position is more protective than other Western European countries of Muslim women's right to freedom of belief and Muslim communities' right to organise, the reality is that in work and access to services, Muslims are highly discriminated against.⁷² Unemployment rates are far higher among Muslim communities than other communities in the UK. Data shows that Muslims with the same qualifications and experience as other candidates are far less likely to be offered jobs.⁷³ Muslim women receive far poorer quality maternity care when accessing public health services.⁷⁴ Muslims and racialised people generally

are often taken less seriously when they access public healthcare.

These same problems are found in other European countries.⁷⁵ The work to begin to address this is huge. But it must start by the creation of campaigns and organisations led by Muslims to speak out against institutional racism and discrimination and start to hold institutions and employers to account.

PERSECUTION IN THE NAME OF ›ANTI-TERROR‹ LEGISLATION

From the UK *Prevent* strategy to the French anti-separatism laws, the civil liberties of many Muslims across Europe have been curtailed in the name of combatting radical Islam.⁷⁶ Human rights organisations have long raised concerns about the discriminatory and anti-Muslim impact of policies like *Prevent*.⁷⁷ Research has also suggested that the strategy alienates Muslims and could in fact be counterproductive.⁷⁸

The recent Nationality and Borders Bill empowers the UK government to strip the citizenship of British people born in the UK without notice or right of appeal if the state deems it to be for the ›public good‹ and the person in question is eligible for nationality elsewhere, making many British Muslims and ethnic minorities second-class citizens. The bill was introduced in the context of the controversial Shamima Begum case, an episode which itself raises questions of institutionalised Islamophobia in the treatment of a Muslim child of Bangladeshi ethnic origin who was groomed and then trafficked to Syria.⁷⁹

The culture of fear and disempowerment these policies create among Muslim communities, from four-year-old children being reported to state services in the UK to the closure of community centres of worship in France, is intense and deeply disturbing.⁸⁰

⁷⁰ Toynbee, P. (2021, 15 July): The European ruling on headscarves opens the way to rank discrimination. *The Guardian*; available at: <https://www.theguardian.com/commentisfree/2021/jul/15/european-ruling-headscarves-discrimination-humanists-religious-identity>.

⁷¹ Sharpston, E. (2021, 23 March): *Shadow opinion of former Advocate-General Sharpston: headscarves at work (Cases C-804/18 and C-341/19)*. EU Law Analysis; available at: <http://eulawanalysis.blogspot.com/2021/03/shadow-opinion-of-former-advocate.html>.

⁷² Siddique, H. (2022, 17 July): Muslims' high unemployment rate ›not due to cultural and religious practices‹. *The Guardian*; available at: <https://www.theguardian.com/news/2022/jul/17/muslims-high-unemployment-rates-not-due-to-cultural-and-religious-practices>.

⁷³ Leckcivillize, A. (2019, 16 April): *Job recruiters discriminate against Muslims, and it doesn't end at the interview stage*. The Conversation; available at: <https://theconversation.com/job-recruiters-discriminate-against-muslims-and-it-doesnt-end-at-the-interview-stage-113884>.

⁷⁴ Bakar, F. (23 July 2022): *Muslim women even face discrimination during labour and pregnancy*. HuffPost; available at: https://www.huffingtonpost.co.uk/entry/muslim-women-face-discrimination-during-labour-and-pregnancy_uk_62ce-da91e4b007c97c85d216.

⁷⁵ Henley, J. (2017, 21 September): Two in five European Muslims have felt discriminated against – survey. *The Guardian*; available at: <https://www.theguardian.com/world/2017/sep/21/two-in-five-european-muslims-have-felt-discriminated-against-survey>.

⁷⁶ Al et al. (2021): *A human rights guide for researching racial and religious discrimination in counter-terrorism in Europe*. Amnesty International; available at: <https://www.amnesty.org/en/wp-content/uploads/2021/05/EUR0136062021ENGLISH.pdf>.

⁷⁷ – (2021, 16 April): *UK: NGOs Condemn appointment of William Shawcross and announce civil society-led review of Prevent*. Press release, Amnesty International; available at: <https://www.amnesty.org/en/latest/press-release/2021/02/uk-ngos-condemn-appointment-of-william-shawcross-and-announce-civil-society-led-review-of-prevent/>.

⁷⁸ Dudenhofer, A.-L. (2017, 18 September): *Resisting radicalisation: a critical analysis of the UK Prevent duty*. Faculty of Law Blogs, University of Oxford Centre for Criminology; available at: <https://blogs.law.ox.ac.uk/centres-institutes/centre-criminology/blog/2017/09/resisting-radicalisation-critical-analysis-uk>.

⁷⁹ Foa, M. (2021, 26 February): Shamima Begum is a victim of trafficking – and the UK should treat her as such. *The Guardian*; available at: <https://www.theguardian.com/commentisfree/2021/feb/26/shamima-begum-trafficking-uk-citizenship-rights>.

⁸⁰ BBC News (2016, 11 March): *Radicalisation fear over cucumber drawing by boy*, 4. BBC; available at: <https://www.bbc.com/news/uk-england-beds-bucks-herts-35783659>.

As Yasser Louati has highlighted, repressive anti-terror legislation touted to target a specific community is often used by authoritarian governments to clamp down on civil liberties and dissent generally. Similar to France, the UK Crown Prosecution Service recently used anti-terror legislation to (unsuccessfully) prosecute peaceful human rights protestors.⁸¹

Campaigning for an end to these discriminatory policies, with an emphasis on defending civil liberties and human rights, should be a key aim of a progressive, international movement defending Muslims against institutionalised racism.

CONCLUSION

Ultimately, there are more similarities than differences in the treatment of Muslims across Western Europe. The situation in France is by far the most detrimental to the basic human rights of the Muslim community, with the heaviest attacks and legislation against the visibility of Muslims in public. But the problem of Islamophobia, anti-Muslim hatred and discrimination is widespread. There is much to be done internationally to build a united movement of solidarity with Muslims, for the defence of basic human rights and an end to the violence, discrimination and oppression directed at one of Europe's largest minority communities.

⁸¹ Anderson, B. (2018, 10 December): The use of anti-terror laws to convict the Stansted 15 will chill public dissent. *The New Statesman*; available at: <https://www.newstatesman.com/politics/2018/12/use-anti-terror-laws-convict-stansted-15-will-chill-public-dissent>.

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IMPRINT

Published by:
Friedrich-Ebert-Stiftung London Limited
London 44 Charlotte Street
London, W1T 2NR
United Kingdom

Responsible:
Michèle Auga | Director Friedrich-Ebert-
Stiftung London Limited
Phone: +44 207 612 1900

To order publications:
info.london@fes.de

Design: Stefanie Brendle

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ISBN 978-1-9196095-7-7

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ISLAMOPHOBIA IN FRANCE

Causes, Responses and Lessons for the UK and Europe



France has been making international headlines for years due to its strained relationship with its Muslim population. *Laïcité* has been used to specifically target Muslims, despite its conception as a principle granting religious freedom and ensuring a religiously neutral state. The right and the left in France have converged around a 'new' *laïcité*, sharing the common belief that Muslims must not be visible in the public domain and weaponising the concept to back identity-based controversies and justify Islamophobia.



Ultimately, there are more similarities than differences in the treatment of Muslims across Western Europe. There is much to be done internationally to build a united movement of solidarity with Muslims, for the defence of human rights, and to end violence, discrimination, and oppression. Progressive parties must accept that progressive politics cannot be white-centred and white politicians cannot claim to combat discrimination they do not experience while ignoring the notion of white privilege.



Progressive parties in Europe must therefore adopt a definition of Islamophobia in coordination with Muslim charities and NGOs, and train their adherents and decision-makers on the topic. They must adopt clear anti-racist agendas and codes of conduct for their members and must encourage Muslim candidates to run for office without having to censor themselves. Progressive forces must also fund and organise training against racial bias for candidates running for office, party members and civil servants.

Further information on the topic can be found here:

<https://uk.fes.de>