A Nation's Dilemma: Party Politics and the Production of Nationhood, Belonging and Citizenship in France's Face Veil Debate

By

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Abstract

In April 2011 – following a two-year-long nationwide debate over Islamic veiling – the French government implemented a law that prohibits facial coverings in all public spaces. Prior research attributes this and other restrictive laws to France's republican secular tradition. This dissertation takes a different approach. Building on literature that sees electoral politics as a site for generating – rather than merely reflecting – societal meanings, it argues that the 2011 ban arose in significant part out of political parties' struggle to demarcate the boundaries of the electoral sphere in the face of an ultra-right electoral threat. Specifically, it shows that in seeking to prevent the ultra-right National Front party from monopolizing the religious signs issue, France's major right and left parties agreed to portray republicanism as requiring the exclusion of face veiling from public space. Because it was forged in conflict, however, the agreement thus generated is highly fractured and unstable. It also conceals ongoing conflict, both within

political parties and in civil society, over the precise meaning of French republicanism. The findings thus underscore the relationship between boundary drawing in the political sphere and the process of demarcating the cultural and political boundaries of nationhood, belonging and citizenship in contexts of immigrant diversity.

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Chapter 1: 'We are all republican': agreement and disagreement in the production of France's 2011 face veil ban

Over the last three decades, France's 2.1 million Muslims have become the key objects of a national political campaign to restrict the wearing of religious symbols – particularly the Islamic headscarf, niqab and burqa – in the country's public spaces and institutions. Two recent laws exemplify this development. In 2004, the right-wing *Union pour un movement populaire* (Union for a Popular Movement, UMP) government led by Jacques Chirac responded to controversy around headscarf-wearing high school students by issuing a ban of ostentatious religious signs in all public schools. Then, in July 2010, following a year long debate on Islamic face veils – a term that includes garments such as the niqab and burqa – the National Assembly voted to ban all face coverings in French public spaces. This law came into effect on April 11 2011, following a six month 'education period' during which the organization *Ni Putes, Ni Soumises* (Neither Whores, Nor Submissive) was charged with 'educating' women on the reasons not to wear the niqab or burqa. Once this education period ceased, the French government began issuing a fine of €150 to those refusing to remove these garments in public, in addition to requiring that some of them attend citizenship classes.

The 2011 law has already had far-reaching consequences. At the national level, it has by some accounts deepened the sense of exclusion and marginalization felt by French Muslims, particularly veiled women (Open Society Foundation, 2011). At the level of European law and politics, it set a legal precedent for future laws that restrict certain religious practices on the basis that they violate national efforts to promote the conditions for 'living together' (European Court of Human Rights, 2014a, 2014b). In the larger international context, the 2011 law has arguably served as an exemplar to anti-niqab and anti-burqa campaigns currently underway in other national settings, such as the French-speaking Canadian province of Québec, where the question of religious signs in public service employment has become highly politicized.

Not surprisingly given its national and international implications, France's 2011 law has garnered scholarly attention in diverse disciplines, including Sociology, Anthropology, Political

Science, and Political Theory. Much of that research emphasizes the causal importance of France's republican secular tradition. Through its permeation in law, politics and culture, scholars argue, republicanism has fostered a uniquely restrictive approach to regulating immigrants' religious signs and practices (Giry, 2006; Gokariksel & Mitchell, 2005; Lefebvre, 2003; Lépinard, 2015; Silverman, 2007; Thomas, 2006; Wiles, 2007).

Two key aspects of the present study set it apart from this research. First, rather than treat the 2011 law – or the legal regulation of veiling more generally – as the outcome of interest, I focus on the process of forging agreement around such regulation in the political sphere. In particular, I ask: *how did politicians representing diverse ideological traditions come to portray the 2011 face veil ban as emblematic of widely shared republican notions of what it means to be French*? Answering this question requires putting political parties – their goals, interests and interactions – at the centre of the analysis. Second, rather than focus on the 2011 law's ostensible purpose – which is to regulate veiling in public space – I treat this event as an instance in the ongoing historical process of producing French nationhood. Focusing on this theme, I ask: *how did debates surrounding the 2011 face veil ban impact discourses attending to the boundaries of belonging and citizenship in France?*

The answers to these questions pave the way to the study's main conceptual contribution, which is to demonstrate the under-appreciated link between boundary formation processes in the sphere of politics and the related process of demarcating the boundaries of nationhood, belonging and citizenship in debates around immigrants' religious diversity. This contribution stems from the study's main empirical finding, which is twofold. First, I show that French parties' proclaimed agreement around the 2011 face veil ban arose in significant part out of their struggle to demarcate the boundaries of the electoral sphere in the face of an ultra-right electoral threat. Specifically, as they worked to prevent the National Front party from monopolizing the religious signs issue, France's UMP and Socialist parties agreed to portray republicanism as requiring the exclusion of face veiling from public space. Second, although highly fractured and unstable, the resulting claims to agreement ultimately upheld a closed conception of French nationhood,

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belonging and citizenship, one that denies veiled women full access to the affective and rights-base components of national membership.

In the remainder of this chapter, I first introduce the circumstances surrounding France's 2011 ban of face coverings, pointing to the interplay of agreement and disagreement among politicians involved in the process of passing, and later articulating the meaning of, this law. Next, I outline the broad tenets of my conceptual framework, which draws on and connects scholarly insights on boundaries and boundary formation; on the production of nationhood, belonging and citizenship; on party political competition; and on the role of ideas in politics. The final section summarizes the data and methods of the study and provides an overview of the remaining chapters.

1.1 The case

Cited as a defining characteristic of the French Republic in France's 1946 and 1958 Constitutions, *laïcité* – the French term for separation of religion and the state – is the key concept through which French politicians define nationhood, belonging and citizenship in relation to immigrant minorities' religious practices. The first significant instance of this usage occurred during the 'headscarf affair' of 1989 when three Muslim high school girls were sent home by their principal for wearing a headscarf. At the time, the Socialist Minister of Education, Lionel Jospin, tried to appease the public's concern over this incident by referring the question to the *Conseil d'État* (Council of State), France's highest administrative court. The court's ruling maintained that school principals should be allowed to determine on a case-by-case basis whether headscarf-wearing girls were engaging in proselytizing – an activity that could be banned from school grounds.

The issue of headscarves in schools resurfaced in 2003, when the Minister of the Interior in President Jacques Chirac's right-wing UMP government, Nicolas Sarkozy, introduced a policy to

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prohibit facial coverings in official identity photographs. When debate over this policy sparked a broader discussion of religious signs in schools, Chirac appointed Bernard Stasi, the French Ombudsman[1] and a former government Minister, to head an independent investigation into the possibility of a legal ban. Between September and December of 2003, the Stasi commission heard testimony from teachers, intellectuals, politicians and activists. One of its main recommendations – that ostentatious religious signs should be prohibited in schools – was instituted as law in October 2004.

After a short reprieve following the 2004 law, Muslim religious symbols resurfaced once again as the objects of political controversy in France in 2008. That year, Sarkozy, who by then had been elected President of a UMP-led national government, denied citizenship to a French resident of Moroccan origin, on the basis that her wearing the face veil signalled a 'radical' practice of Islam. When media coverage of the incident sparked a nationwide debate over whether to legally ban this practice on the French territory, a Communist Party member of the National Assembly, and mayor of Venissieux (a heavily immigrant suburb of Lyon), André Gerin, wrote an open letter to the Prime Minister, François Fillon, demanding government action. On June 19 2009, fifty-eight members of the National Assembly ratified Gerin's proposal to launch a government inquiry into the face veil. Among them were forty-three representatives of the right-wing UMP, seven Socialists, three Communists and two representatives of the New Centre party (Le Bars, 2009).

Between June 2009 and January 2010, Gerin and thirty-one other members of the French National Assembly heard testimony from seventy-eight invited guests representing various organizations and social groups, questioned ambassadors in all E.U. countries, the United States, Canada, Turkey and some Arab states, and heard from all political parties represented in the

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[1] Also referred to as the Mediator of the Republic, the French Ombudsman is an independent authority charged with improving relations between French citizens and administration. He or she can, for example, intervene in disputes by suggesting solutions for a friendly settlement between opposing parties.

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French National Assembly and Senate. The commission's two hundred-page report, which it submitted to the National Assembly in January 2010, outlined the moral and philosophical bases for condemning the face veil, a practice that it also proposed to tackle through restricted immigration policies (Gerin, 2010).

A first step proposed by the Gerin report to discourage facial covering in French public space was to modify the *Code de l'entrée et du séjour des étrangers et du droit d'asile* (Code of Entry and Stay of Foreigners and the Right to Asylum, CESEDA) to include 'the equality of men and women' among the values that must be embraced by persons applying for a *visa de long séjour* (long-stay visa) or family reunification, and to refuse residency cards to persons manifesting a 'radical' practice of their religion. The report also recommended that a clause be added to the Civil Code related to the acquisition of French nationality to explain that manifesting a 'radical' practice of one's religion amounts to a lack of integration because it is incompatible with essential French values, especially gender equality (Gerin, 2010: 204). These measures were implemented by administrative decree and are now the law of the land.

Although its members could not reach unanimous agreement on a complete ban of face coverings in public, for reasons that I detail in later chapters, the Gerin commission was also instrumental to the introduction of a bill to prohibit the 'dissimulation of the face in public space' (Assemblée Nationale, 2010a). I will later explore the important role played by party competition in bringing forth this law. However, mainstream political discourse in France suggests that it derives from a cross-party agreement that Islamic face coverings violate French republicanism. The Gerin commission itself made this claim, using the term 'consensus' to bolster its recommendations on fourteen occasions in its 200-page report (Gerin, 2010). Members of the commission whom I interviewed also underscored the importance of a cross-party agreement, which they claimed was rooted in republicanism. In describing the similarities and differences among the Gerin commission members, for example, Socialist member Jean Glavany told me: 'we are all republicans, each and every one of us, with some exceptions on the extreme left and extreme right. We are all republicans with the same set of values' (Glavany, interview).

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Leading French politicians outside the Gerin commission have also reinforced the perception that the roots of the 2011 ban lie in a widespread agreement that the face veil constitutes a threat to republicanism. Shortly before the parliamentary vote on the ban took place, for instance, president Sarkozy made a statement in which he attributed the proposed law to France's shared 'republican' roots:

> We are an old nation assembled around a certain ideal of human dignity, particularly women's dignity, and around a certain ideal of life in a community. The veil that entirely conceals the face threatens these values, which are for us so fundamental, so essential to the republican contract (Sarkozy, as cited in Jarassé, 2010).

Socialist representations of the 2011 ban similarly underscore its importance in reinforcing widely shared republican values. Since taking office in 2012, the Socialists have promised to uphold Sarkozy's law. In a statement before the National Assembly in July 2013, Manuel Valls, who was then Minister of the Interior under Socialist President François Hollande, described the 2011 law as 'an emancipatory law'. He went on to suggest that the law 'fosters women's liberation' as well as 'equality between women and men', and that 'secularism is the law and the Republic is shared…' (Valls, 2013).

Both the statements by Sarkozy and Valls thus portray the 2011 law as a logical outgrowth of French republicanism. In doing so, they obscure strong evidence of discord in the process of creating this law, particularly among Socialists. Although the party's members unanimously approved a separate but related parliamentary resolution to condemn the face veil, thus signalling their agreement that the practice conflicts with republicanism, all but eighteen of the 204 members of the *Socialiste, radical, citoyen et divers gauche* (Socialist, Radical, Citizen and

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Diverse Left) group in the National Assembly abstained from participating in the July 2010 vote to approve the law (Assemblée Nationale, 2010b).[2]

Far from arising out of a straightforward republican agreement, as many politicians claim, the 2011 ban of face coverings was thus the product of a highly conflict-ridden debate in which France's main political parties, for complex strategic reasons that I will later outline, ultimately agreed to cast the law as reflecting a shared understanding of what it means to be French. Understanding why and how this discourse of agreement emerged requires taking a step back from the law's ostensible purpose – to regulate religion in the public sphere – and treating it as an instance in the ongoing historical process of constructing the boundaries of nationhood, belonging and citizenship in France, a process that brings about a complex mix of agreement and disagreement among politicians vying for the power to govern. Before outlining the key components of my argument, I first present the prevailing theories used to explain the success of the campaign to curtail immigrants' (particularly Muslims') religious signs in the French public sphere.

1.2 The French face veil ban: prevailing theories

Of interest to sociologists, anthropologists, political scientists, and political theorists alike, the question of how France came to prohibit (certain) religious symbols in its public sphere has largely been framed as a story of immigrant integration, or, more precisely, of integration into a nation-state that historically defines itself as secular. Although researchers bring different perspectives to bear on this story, they converge around the notion that republicanism – whether defined as a philosophy, discourse or ideology – ultimately dictates the way successive French governments treat minorities, religious or otherwise, and conceive their belonging to, and citizenship in, the nation. As I will show below, however, this research has not sufficiently

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[2] In this decision, they were also joined by twenty-four of twenty-six members of the Gauche démocrate et républicaine (Left Democratic and Republican) group (Assemblée Nationale, 2010b).

interrogated the diverse – and often contradictory – meanings that political actors in France apply to concepts like republicanism and *laïcité*.

Although France is now considered a country of immigration, permanent resettlement 'has *never* achieved the legitimacy that it has enjoyed in the United States or Canada' (Hollifield 1994: 149). This is partly due to the fact, until relatively recently, immigration to France was conceived in largely temporary terms, primarily as a mechanism with which to fill short-term labour shortages. In recent decades, the growing proliferation of long-term settlement, combined with the shift in immigrant origins from primarily European countries to former North African colonies, has introduced new controversies around immigration in France, a partial outcome of which is the debate over Islamic religious signs.

Until the mid-twentieth century, French employers were the primary actors responsible for organizing immigration to France, with the state occasionally intervening to halt arrivals in large numbers (Hollifield, 1994). The country's first major migration wave began in the latter decades of the nineteenth century, when declining fertility and a delayed rural exodus prompted French industrialists to seek foreign labour. By 1900, the largest proportion of foreigners hailed from Belgium and Germany, with increasing numbers arriving from Italy and Poland by the 1920s (Weil, 2002). Changes in the characteristics French immigration – including a shift in origins and settlers' increasing penchant for long-term stay – prompted virulent nativist and anti-immigrant campaigns in the postwar period. The tenor of those campaigns became especially hostile beginning in the 1960s and 1970s, when immigration from former colonies in Tunisia, Morocco and Algeria (a protectorate of France until 1962) accelerated and took on a more settled character. Despite initially being granted a privileged legal status due to their countries' colonial ties to France, newcomers from this region – a large majority of whom are Muslim (Simon & Tiberj, 2010) – became the subjects of increasingly dedicated attempts to thwart access to permanent citizenship (Noiriel, 1988, 1992).

Public concern over the integration of French North Africans – who concentrate mainly in marginalized city suburbs where unemployment is rampant (Lhommeau, Meurs, & Primon,

2010) and housing conditions are poor (Pan Ké Shon & Robello, 2010) – has continued to foster efforts to narrow access to French citizenship. According to Hollifield (1994), 'Franco-Algerians' and their children were the central targets of the debate surrounding France's Nationality Code, which culminated in the highly restrictive Pasqua laws of 1993. Among other things, this law revoked the automatic attribution of citizenship to children born in France to foreign-born parents (Weil, 2002). Although this and other restrictive aspects of the law were later modified, new restrictions have since been introduced. Following the right-wing return to power in 2002, the French government issued new limitations on foreigners' access to French visas and nationality, particularly for foreign spouses (Bertossi, 2010).

Citizenship rates – particularly among North African migrants – remain remarkably low in France. According to results of the 2008 *Trajectories and Origins* survey, the proportion of those with French nationality ranges from 45 percent among Algeria migrants and 47 percent among those arriving from Morocco and Tunisia (Simon, 2010: 116). These low rates are partly due to the substantial practical and administrative barriers that applicants face in gaining citizenship. In order to be approved, an application must pass several thresholds and meet requirements set by various governmental agencies. One of the main obstacles stems from the criterion of 'acceptability', which requires applicants to justify their 'assimilation into the French community, primarily by sufficient knowledge of the French language' (Bertossi, 2010: 18). This criterion became especially important following the rise in immigration from Sub-Saharan Africa in the 1970s. During this period, the definition of assimilation was expanded to include 'accepting French values, especially when candidates practiced polygamy or wore Islamic headscarves, despite the fact that administrative tribunals discourages such approaches' (Bertossi, 2010: 19).

Although cognizant that the laws surrounding citizenship and naturalization have fluctuated over time, scholars of French immigration have been keen to suggest that republicanism dictates the range of policy solutions that legislators adopt in this regard. In his foundational study of French immigration policy, for instance, Brubaker (1992) identified republicanism as the key 'cultural idiom', which, by prescribing an open and civic conception of nationhood, has encouraged

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successive French governments to adopt a relatively permissive approach to naturalization and citizenship. Periodic re-articulations of that idiom, Brubaker suggested, explain why France has fairly consistently naturalized the native-born children of immigrants according to a system of jus soli, which grants citizenship based on one's birthplace rather than ancestry (Brubaker 1992). Subsequent research reinforces the claim that France's immigration and integration policies replicate the civic logic of republicanism. For example, Hollifield's (1994) historical immigration study points to the impact of a 'republican synthesis' – which is both universalist and nationalist – in granting legitimacy to legal immigration in France and in explaining the continuity of French immigration policy through periods of crisis (see Simon, 2013 for an update on the republican 'consensus' post 1990s). The values embedded in republicanism have also been shown to permeate the juridical framings of immigration in France, leading to the entrenchment of social rights, including family reunification, in immigration policy (Kawar, 2012) and to the adoption of an assimilationist 'philosophy of integration' (Favell, 1998). Each of these approaches to defining republicanism – as 'cultural idiom', as 'synthesis', as 'consensus', and as 'philosophy of integration' – reinforces the belief that this set of ideals encourages a comparatively open, inclusive definition of membership in France.

Recent scholarly examinations of laws that restrict religious symbols in the name of *laïcité* have generated new, more critical interpretations of republicanism's role in shaping the terms of immigrants' belonging and citizenship in France. Since the 2004 ban of religious signs in schools, a plethora of studies have been published, many of which attribute this law to a restrictive thrust in the republican ethos. Using terms like 'pretext' (Giry, 2006), 'technology of governance' (Gokariksel & Mitchell, 2005) or 'tradition' (Lefebvre, 2003), these studies suggest that republicanism increases the 'sensitivity' of the Islamic veil question (Thomas, 2006), bolsters the image of Muslim religious symbols as political weapons (Silverman, 2007), and determines which interpretations of gender and sexual equality civil society actors can legitimately deploy to confront Islam (Scott, 2005). Some scholars propose that it is through its permeation into law and policy frames that republicanism dictates responses to the religious signs issue in France (Lépinard, 2015; Wiles, 2007). Others interpret the impact of

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republicanism in terms of its effect on the historical relations between church and state in France (Soper & Fetzer, 2003, 2007).

Although they provide essential insight into the discursive themes that French political actors bring to bear when debating controversial issues like veiling, studies focusing on the causal effects of republicanism have not sufficiently problematized the multiple, even contradictory, conceptions of *laïcité* that exist in French politics (Baubérot, 2015; Bowen, 2007; Joppke, 2007; Laborde, 2002; Soper & Fetzer, 2007). Cécile Laborde (2002) has grouped these conceptions into three major strands. A first strand, which Laborde refers to as *laïcité* as neutrality, calls for an end to state subsidization of religion. A second strand – *laïcité* as autonomy – sees *laïcité* as a doctrine of human emancipation, which takes shape through the liberalization of French society, in part through education. Lastly, *laïcité* as community is the least liberal of the concept's three interpretations. Guided by an obsession with social cohesion in the face of foreign 'threats', proponents of this view apply the concept of *laïcité* not just to the state, but also to the behaviours of individual citizens (Laborde, 2002). Other scholars similarly represent the diverging interpretations of *laïcité* in France, variously highlighting the divide between 'eradicators' and 'moderates' in the secular movement (Weill, 2006), showcasing the dichotomy between 'assertive secularism' and 'passive secularism' (Kuru, 2007), and emphasizing the distinction between 'traditional', 'modernizing', and 'multicultural' republicanism (Jennings, 2000).

Ways of conceptualizing the relationship of *laïcité* to republicanism are also shifting and unstable. Article 1 of France's 1946 Constitution – the first legal document to cite the concept of *laïcité* – reads: 'France is a Republic that is indivisible, *laïque*, democratic and social' (IVe République, 1946). Reiterated in the 1958 Constitution, this phrase enshrines *laïcité* as among several democratic elements of French republicanism. However, recent successive battles over the wearing of Islamic religious signs have brought about new interpretations of *laïcité* and its relationship to republicanism. During the debate over religious signs in schools in 2003-2004, proponents of restriction came to identify *laïcité* as the pre-eminent French republican value and the one that fosters national cohesion. In the report of the Stasi commission, which preceded the

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2004 law, *laïcité* featured as the principle that both anchors belonging in the nation, and defines the rights and duties of citizenship. In this way, *laïcité* came to be held above the other republican values of *liberté, égalité,* and *fraternité* (Stasi, 2003). As I will demonstrate in the remaining chapters, however, the meaning(s) attached to *laïcité* shifted once again in the context of the recent face veil debate. Aware of the legal obstacles to using *laïcité* as a basis for regulating individual behaviour outside of public institutions, proponents of the 2011 face veil ban downgraded the significance of the term, redefining it as equivalent to the other republican values of *liberté* (freedom), *égalité* (equality) *and fraternité* (solidarity) (Gerin, 2010).

By making republicanism and *laïcité* the key explanatory factors in accounting for France's highly restrictive response to religious signs like the face veil, scholars have glossed over the struggles, conflicts and negotiations that underlie the diverse interpretations that political actors bring to these terms. Understanding how and why these terms became the hallmarks of a campaign to restrict – by several means – the religious practices of Muslims requires a much more thorough investigation into the political contestations that surround issues of nationhood, belonging and citizenship in France.

1.3   Conceptual framework

This section threads together the four key components of my conceptual framework. I start by outlining critical insights that social science scholars have brought to the study of boundaries and boundary formation. Drawing on these insights, I then establish the basis for studying the face veil debate as an extension of the broader process of constructing the boundaries of French nationhood, belonging and citizenship. Although I second their emphasis on contestation, I suggest that prior studies on national boundary formation have paid too little attention to the role that political parties play in circumscribing nationhood in contexts of immigration. To address this omission, I turn to research on party politics, from which I draw insights about how struggles to demarcate the boundaries of the electoral sphere mirror and shape boundary-forming projects in the realm of nationhood. Because it focuses rather narrowly on electoral outcomes, however, I argue that this research under-appreciates parties' role in generating long-term discursive

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formations around nationhood, belonging and citizenship. Thus, I draw on a fourth literature to outline a strategy for treating republicanism as a 'category of practice' that politicians deploy in advancing their electoral interests.

1.3.1 Theorizing boundaries and boundary formation

Boundary formation has become a key analytic device in theorizing processes of symbolic and social differentiation in various social groupings (Lamont & Molnar, 2002). In its early usage, the notion of boundaries was employed primarily to conceptualize the production of ethnic group similarities and differences (Barth, 1969). More recently, scholars have expanded this framework to analyze the contestations surrounding national identity formation and the related process of drawing boundaries around nationhood, belonging and citizenship in contexts of immigrant diversity (Korteweg & Triadafilopoulos, 2013; Korteweg & Yurdakul, 2009). Before outlining the specific insights that I draw from the concept of boundary formation, this section highlights the key analytic proposals that scholars have offered in conceptualizing the sources and characteristics of boundaries in the social sciences.

At the root of all boundary formation projects – whether these apply to ethnic, religious, national or other groupings – is the project to identify the similarities and differences that distinguish 'us' from 'them' (Korteweg & Yurdakul, 2014; Lamont & Molnar, 2002). In his pioneering work, (Barth, 1969) found that this process rests on the interplay between self-ascription and ascription by others. Self-ascription describes the internal process of identification whereby group-members delimit the group identity by identifying its particular norms and practices. Ascription by others captures the influence of external forces on group boundaries. It refers to the 'othering' that takes place as 'outsiders' to the group attach to it various defining characteristics (Yuval-Davis, 2011).

Taking up the question of self-ascription versus ascription by others, scholars have variously emphasized the role of structure (or external forces) versus agency (or internal forces) in shaping ethnic group boundaries and identity. Applying the notion of boundaries to the incorporation experiences of immigrant offspring in France, Germany and the United Stated, for instance, Alba

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(2005) proposed that the porousness and mutability of group boundaries depends in large part on the structural characteristics of receiving societies. Those structural characteristics play a key role in determining whether boundaries in the domains of citizenship, religion, language and race are 'bright' or 'blurred'. Where boundaries are 'bright', Alba (2005) argues, the distinction between groups is 'unambiguous, so that individuals know at all times which side of the boundary they are on' (Alba, 2005: 22). 'Blurred' boundaries, on the other hand, allow for individuals to take up 'ambiguous locations with the respect to the boundary' (Alba, 2005: 22).

Whereas Alba (2005) prioritizes the structural determinants of boundary formation, others attribute greater explanatory significance to individual and group agency in determining both the location of group boundaries and the resulting content of ethnic group identity (Espiritu 1992; Nagel 1994). For instance, Espiritu (1992) argues that the development of pan-Asian consciousness in the United States in the 1960s reflected both broader social developments and demographic changes but also the political agenda of Asian Americans themselves.

In a more recent and ambitious effort to draw conceptual links between theories of boundary formation, ethnic identity and ethnic conflict, Wimmer (2008) introduces a multi-level process framework to explain how group characteristics are generated and transformed over time. According to the model he develops, four factors account for variation in the characteristics of ethnicity across cases: institutions, power and networks; conflict and consensus; boundary closure and differentiation; and boundary stability and path dependency. Institutions, power and networks determine the boundary strategies that actors pursue and where boundaries are drawn. Depending on whether there are overlapping interests across boundaries, group interaction may result in conflict or consensus. Moreover, the higher the degree of ethnic inequality between groups and the more encompassing the consensus between actors belonging to the same group, the more closed and differentiated the boundary. Socially closed ethnic groups, Wimmer (2008) concludes, will tend to produce higher levels of identification and stable boundaries through path dependency.

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Although I do not take up his multi-level model in full, I adopt two of Wimmer's (2008) key proposals to conceptualize the relationship between boundary formation in the political sphere and the related process of constructing boundaries around nationhood, belonging and citizenship in the French face veil debate. The first such proposal is that boundary formation – and indeed the formation of groups themselves – is an inherently political process, one that 'follows a political logic' (Wimmer 2008: 978). Understanding the political incentives that underlie boundary-forming projects allows us to construct a more precise and actor-centric understanding of when, why and how particular group identities and differences become salient. Second, the boundary formation strategies that individual actors pursue differ depending on: the institutional framework within which they operate; the interests they derive from their positions within a particular hierarchy of power; and the structure of his or her political alliances (Wimmer 2008: 973). This second set of proposals underscores the importance of situating actors responsible for boundary formation in the institutional and power structures within which they operate. I adopt this actor-centric and institution-focused perspective in analyzing the boundary formation strategies of party political actors in the French face veil debate.

In the next section, I show how processes of boundary formation can be applied to analyze the contestations that arise around efforts to define nationhood, belonging and citizenship. Whereas belonging captures the affective dimension of nationhood, citizenship defines the rights-based parameters of membership in the national 'we'. Both processes, I argue, are subject to highly contested boundary formation projects. The section that follows then introduces party political competition as a crucial – and overlooked – venue in which these projects take place.

1.3.2 Boundary formation and the production of nationhood, belonging and citizenship

Although they ostensibly revolve around the question of women's rights, dignity and equality, debates over whether and how to accommodate Islamic veiling in various nation-states strike at the heart of a related process: that of constituting the boundaries of nationhood, belonging and citizenship (Korteweg & Yurdakul, 2014). In particular, they bring to the fore ongoing struggles

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among national political actors over how to define what Yuval-Davis (2011: 20) calls the 'political community of belonging'. This section outlines the basis for analyzing the French face veil debate as part and parcel of the larger process of demarcating the boundaries of nationhood, belonging and citizenship in immigration societies.

Scholars' growing interest in the boundaries of nationhood derives in part from a shift in the theorizing of nations and nationalism away from realist perspectives – in which nations are understood as stable collectivities held together by states (Gellner, 1983), ethnic ties (Smith, 1986) or culture (Anderson, 1991) – toward an understanding of the nation as a discursive formation (Calhoun, 1997) that crystallizes as a result of transformative events (Brubaker, 1992). Thanks to growing recognition of the fluid nature of nation building, research has increasingly aimed to identify how nations become established and institutionalized as cultural, discursive and political forms (Brubaker, 1992; de Cillia, R., M., & Wodak, 1999; Zimmer, 2003). The concept of boundaries – or boundary formation – has proven essential to these endeavours. Contestations over boundaries are central to political projects of nationhood and to the production of nation-specific discourses of belonging and citizenship. Like their equivalents at the ethnic group level, articulations of who belongs to the nation effectively separate the world – both physically and symbolically – into 'us' and 'them' (Yuval-Davis, 2011: 20). These articulations thus capture the affective sense of place that anchors distinctive national identity projects. As Korteweg and Yurdakul suggest (2014: 3), belonging refers to:

> [T]he subjective feeling of being at home in one's country, of easily moving through its particular places and spaces, and the send of comfort and joy in inhabiting a particular locale. Belonging, in this sense, also means being able to articulate complaint without renouncing the claim to belonging, or the freedom to complain about aspects of living somewhere without being told that you should leave, of not being trapped in a distinction between those whose home is unambiguously 'here' and those who are seen as having either a primary or secondary home elsewhere.

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As the authors point out, belonging is thus 'simultaneously highly personal and utterly political' Korteweg and Yurdakul suggest (2014: 3).

Whereas belonging demarcates the subjective, affective and symbolic boundaries of nationhood, citizenship identifies the legal, rights-based parameters of membership in the nation. Through their various citizenship regimes, states institutionalize particular ways of organizing the rights tied to gendered, racial and class-based distinctions. Just as class and gender considerations intersect in shaping distinct welfare state regimes (Esping-Andersen, 1990; Lewis, 1992; Orloff, 1993; Pateman, 1988), states' citizenship policies also reinforce gendered and racial hierarchies (Ahmed, 2000; Bannerji, 2000; Choo, 2006). Recently, religion has emerged as a key problematic around which citizenship rights are defined and enacted (Casanova & Phillips, 2009; Scott, 2005, 2007).

The discourses and policies attending to the boundaries of national belonging and citizenship have been shown to affect the relationship between newcomers and the majority population in immigrant-receiving countries. Focusing on media representations of honour killing in Germany and the Netherlands, for example, Korteweg & Yurdakul (2009) found that the dominance of 'bright' boundaries around immigration in both countries reinforces a belief that full belonging to the nation requires the complete shedding of gendered practices associated with Islam. The importance of boundaries in circumscribing the relationship between immigrants and the majority society is equally apparent at the level formal politics. Through analysis of Dutch parliamentary debates, Korteweg & Triadafilopoulos (2013: 128) found that 'mobilizations of gender, religious, and ethnic differences at the highest level of policy making reinforced perceptions of the gendered practices of ethnic minority women and girls (and by extensions, of ethnic minority men and boys) as obstacles to integration…'.

By focusing on boundaries – their construction and the contestations around them – the above research ultimately highlights the fluidity of meaning(s) that political actors attach to the affective (belonging) and rights-based (citizenship) dimensions of nationhood. Scholars have so far captured that fluidity and its relevance to the religious signs debate through analysis of media

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and policy debates. The present study adds to this agenda by examining the much under-appreciated role of party politics. My underlying claim is that, in order to understand the way states define the boundaries of nationhood, belonging and citizenship in debates over religious signs, we need to first understand what informs the dynamics of contention around this issue in the political sphere. By drawing insight from the literature on party politics in the next section, I aim to show that, as they struggle over the boundaries of what constitutes 'legitimate' politics, political parties also transform the meaning(s) attached to French republican nationhood, with important consequences for political representations of the face veil.

1.3.3 Party competition and the production of boundaries around 'legitimate' politics

Researchers broadly agree that politics and 'political elites' play a role in migration and integration policy-making (Joppke & Torpey, 2013; Statham & Geddes, 2006). Yet, few have directly explored the impact of political parties in this process. Where parties do feature in this research, moreover, they tend to 'enter the story as minor characters with undefined roles' (Triadafilopoulos & Zaslove, 2006: 176). Critics attribute the surprising omission of political parties from migration research to the fact that 'the political science communities working on asylum and immigration, on the one hand, and parties, on the other, have traditionally sat at separate tables' (Bale, 2008: 316).

Whatever its origins, the dearth of research on parties' role in immigration debates leads scholars to downplay the contestations that arise around questions of belonging and citizenship (Triadafilopoulos & Zaslove, 2006). It also results in a neglect of the fact that 'it is through the agency of political parties that the issues of immigration are often politicized' (Schain, 2008: 465). In this section, I will argue that contestation among political parties plays a crucial and under-appreciated role in shaping the way state actors articulate the boundaries of nationhood, belonging and citizenship in the context of debates over religious signs like the face veil. By foregrounding the conflicts and alliances that emerge among parties vying for control of this issue, we can better appreciate how a country like France, historically regarded as the epicenter

of modern, territorial citizenship, has come to adopt highly exclusionary laws for addressing religious diversity.

While citizen preferences ultimately define the issue composition of political space in various polities, 'it is political parties that – partially and strategically – translate these issues into political conflict' (Rovny & Edwards, 2012). More than mere conduits of public opinion, parties 'help to structure as well as to reflect voter opinion – not only in terms of what citizenship think but also what they think about' (Bale, 2008a: 453, emphasis added). Despite becoming increasingly disconnected from citizens and the class struggle, moreover, political parties remain crucial in defining and enacting political cultural norms (de Leon, Desai, & Tugal, 2015; Mair, 1995; Pakulski & Waters, 1996). Through their interactions with the media, for instance, parties provide 'powerful journalistic heuristics' that influence reporters' stories on political conflict (Hayes, 2008) and contribute to the proliferation of media-produced 'imagined communities' (Pakulski & Waters, 1996). Parties have also been found to shape public opinion on various matters (Leeper & Slothuus, 2014), including immigrants' belonging to the nation (Bohman, 2011) and group belonging and identity (Schneider, 2004).

Ultra-right parties whose platforms center on a rejection of established socio-political systems, the call for a free marketplace, and cuts to immigration (Betz, 1993; Mudde, 2010, 2013) are increasingly shaping public opinion and political culture, especially in Europe. The remarkable success that these parties have had in gaining voters' attention and shaping the terms of political debate rests in their ability to reframe political discourse in ways that shift the dynamics of whole political systems, leaving mainstream parties struggling to defend their ideological territories. Thanks to a cross-national diffusion of ultra-right frames, these parties now constitute a new 'party family' in Western Europe (Rydgren, 2005), one that scholars hold (at least partially) responsible for the rise in anti-foreigner and anti-Muslim sentiment (Semyonov, Raijman, & Gorodzeisky, 2006; Yilmaz, 2012; Zuquete, 2008) and of exclusionary citizenship and integration policies (Howard, 2010).

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The symbolic – if not always electoral – importance of ultra-right parties derives from their ability to borrow from, and to shape, the platforms of their mainstream competitors. In seeking resonance and legitimacy in French politics, for instance, the ultra-right National Front party has borrowed significantly from the strategies and issue framings of progressive parties, melding working class economic concerns and claims for the protection of universal rights with a strong rejection of immigration (Betz, 2013; Brechon & Mitra, 1992; Mitra, 1988). Like its counterparts elsewhere, the National Front has also recently toned down its use of ultra-right frames in order to draw votes from the mainstream (Rooduijn et al., 2012). It has pursued a project of 'de-demonization', both by distancing itself from the explicit racism of its founders (Wieviorka, 2013) and by electing a modern divorced woman to its top leadership post (Geva, 2014).

In addition to borrowing from their competitors, ultra-right parties also influence their opponents' strategies. They do so in large part by transforming the 'struggle over issue linkages, that is to say over the dimensional configuration of political space' (Rovny & Edwards, 2012: 59). Whereas large mainstream parties are invested in maintaining the status quo and prefer to compete on economic issues, disadvantaged niche parties such as the National Front use social issues to re-structure the conflict between their major partisan competitors. In other words, their primary goal, besides gaining votes, is to shift the dynamics of contention in the electoral systems they enter. Indeed, these parties aim to 'tear the system apart', by highlighting the salience of previously tangential issues – like immigration and national identity – and 'thus reorganizing the structure of political space…' (Rovny & Edwards, 2012: 61).

Scholars have developed useful concepts for specifying just how ultra-right parties go about shifting the terms of political debate. One approach suggests that these parties have a 'contagion effect' (Norris, 2005; van Spanje, 2010). When they enter the political field, they trigger a battle for 'issue ownership', forcing mainstream parties to choose between maintaining their core ideological beliefs and adjusting these in ways that deflect their challengers' attacks. If they choose the former option, and ignore or dismiss the issues raised by their new competitors, parties face accusations of being out of touch with the electorate. However, if they try to adapt

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to these issues, parties risk alienating their core political base and allies (Bale, 2003; Bale, Green-Pedersen, Krouwel, Luther, & Sitter, 2010; van Spanje, 2010) and face the threat of reducing party unity by dividing party members (Rovny & Edwards, 2012: 60). Whether or not parties ultimately converge around issues raised by their ultra-right competitors is conditional upon the race's competitiveness and on the salience of the issue in question (Minozzi, 2014).

A second approach suggests that, in trying to deflect the challenges raised by their ultra-right political foes, mainstream parties actively try to reconfigure the boundaries of what constitutes 'legitimate' politics. Whether or not they adopt features of the ultra-right discourse, incorporating them into their own political platforms, mainstream parties benefit from identifying their ultra-right enemies as the 'indecent other' whose very existence bolsters their own 'decency' (Hagelund, 2003). This process of erecting boundaries around what constitutes 'decent' politics has been illustrated in the case of Norway's anti-immigrant Progress Party. In addition to its actual proposals, this party has influenced the Norwegian party system through what it has been 'made into' by the other parties. Ironically, the presence of this party has contributed to a sense of unity in electoral politics, by serving as the outsider 'against which all other parties contrast themselves' (Hagelund, 2003: 49).

By underscoring the contested, fluid and shifting nature of party political boundaries, studies on electoral competition provide us with a key inroad to understanding why and how politicians on different sides of the aisle would simultaneously appear to agree and disagree on an issue, such as the face veil. Chantal Mouffe's writings on democratic politics illuminate the bases of this interplay between agreement and disagreement, by underscoring the symbiotic relationship between 'unity' and 'conflict' (Mouffe, 1999: 755). While 'in conflict', Mouffe argues, political actors on opposite sides of the spectrum 'see themselves as belonging to the same political association, as sharing a common symbolic space within which the conflict takes place' (Mouffe, 2005: 20). Because they share a fundamental understanding of what constitutes 'the political', actors' sense of antagonism – a 'we/they relation in which the two sides are enemies who do not share any common ground' – transforms into what Mouffe calls 'agonism' – a 'we/they relation

where the conflicting parties, although acknowledging that there is no rational solution to their conflict, nevertheless recognize the legitimacy of their opponents' (Mouffe, 2005: 20).

This interplay of unity and conflict, or agreement and disagreement, is highly useful for understanding why, in responding to contentious issues like veiling, opposing parties might downplay their differences in favour of a discourse of agreement. This outcome is especially likely in electoral systems featuring a wide array of players. In such systems, parties must make complex choices about whether to profile themselves in opposition to their competitors or whether a discourse of agreement better serves their interests. The ascent of parties that ostensibly occupy the far end of the ideological spectrum but that deploy a mix of electoral strategies complicates this process further, creating new dilemmas around ways to negotiate the terms of agreement and disagreement. Much like boundary formation projects in the realm of nationhood, the resulting boundary-forming struggles bring about attempts to separate 'insiders' from 'outsiders' in the political sphere. In the context of the French face veil debate, those attempts draw to a large extent on meaning(s) attached to republicanism and *laïcité*.

1.3.4 Conceptualizing republicanism as a 'category of practice' in the French face veil debate

As I demonstrated earlier in this chapter, republicanism is the predominant discourse for articulating the boundaries of nationhood, belonging and citizenship vis-à-vis the question of veiling in France. Part of the reason that republicanism is so salient in this debate is that, despite widespread disagreement over the meaning of its various principles, it provides the underlying framework for defining French nationhood and politics. As a discourse of nationhood, republicanism broadly requires that citizens relinquish their individual differences – whether linguistic, religious or national – in order to forge a common and cohesive public culture (Amiraux & Simon, 2006; Silverman, 2007). As a discourse of politics, it aims to reconcile the active participation of free and equal citizens with a commitment to the common good in democratic polities (Laborde, 2008).

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I will demonstrate throughout this dissertation that these two essential functions of republicanism – to delineate nationhood and to set the terms of political engagement – intersect in the debates over the face veil in France. However, by treating republicanism as an independent variable that dictates the outcome of these debates, prior studies have fallen into a trap that Brubaker and Cooper (2000) have termed the 'identity crisis'. It refers to social scientists' tendency to read real life practices of social identification through the lens of their own analytical categories (Brubaker & Cooper, 2000). The problem with this approach, the authors argue, is that not all 'categories of analysis' also qualify as 'categories of practice', or vice versa. For example, that the concept of 'nation' informs nationalist appeals on a practical level does not mean we must take the nation seriously as an analytical category. Instead of reifying concepts like 'nation', 'race' and 'class' by transforming them into analytical categories, Brubaker and Cooper (2000) propose that scholars strive to "explain the processes and mechanisms through which what has been called the 'political fiction' of the 'nation' – or of the 'ethnic group', 'race', or other putative 'identity' – can crystallize, at certain moments, as a powerful, compelling reality" (Brubaker & Cooper, 2000: 5).

The temptation to conflate the analytical and practical meanings of republicanism in analyzing debates around veiling is strong, as the term is both deeply entrenched in French academic literature and political rhetoric. Yet, as I mentioned above, interpretations of republicanism's meaning, and the practices around its use, vary significantly. The headscarf and burqa debates of the past two decades are a case in point: actors cite laïcité – a principle often identified with republicanism – to condone distinctive, even opposite, responses to these symbols. The treatment of republicanism as a category of analysis obscures, and renders it difficult to identify the roots of, these distinctive interpretations. In order to uncover the effects of party politics on the practice of republicanism – and vice versa – in the French face veil debate, I combine insights from various scholarly approaches to the role of ideas in politics.

The scholarly literature on 'political culture' underscores the ways that shared cultural orientations or assumptions about the political world shape participation in political fields (Almond, 1956; Almond & Verba, 1963). In its early usage, the concept was used mainly to

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measure differences across political systems in the range of issues that emerge as pertinent sources of political struggle (Almond & Verba, 1963). Yet, the notion of 'political culture' fell into disrepute in the 1970s, following claims that its users were applying culture to describe what are in fact structural and institutional determinants of politics (Elkins & Simeon, 1979: 135-136), that they drew on the concept to assert the superiority of Anglo-Saxon political systems (Welch, 1987), and that they promoted an overly individualistic and behavioral conception of culture that obscured its structural elements (Steinmetz, 1999).

Thanks to the 1990s 'cultural turn', interest in the role of ideas in politics has resurfaced. Political scientists have shown that ideas affect policymaking through their integration into 'collective schemas', their deployment as 'cultural resources' and their institutionalization in existing social programs (Steensland, 2006). Dependent on the shifting societal norms that regulate action in the political field (Hall, 1993), policy programs have been found to regulate future outcomes by shaping these 'schemas' in ways that motivate political action (Bleich, 2002; Campbell, 2002; Surel, 2000). Social movement scholars have also made concrete efforts to pin down the role of ideas in movement mobilization. In this regard, they have argued that ideas shape collective action by constituting the repertoires and frames that actors use to gain resonance in various debates (Benford & Snow, 2000; Ferree, 2003; Steinberg, 1998, 1999).

My approach to understanding how ideas – in particular republicanism and *laïcité* – shape debates around veiling in France combines these insights. I take seriously the claim, put forward by social movement scholars, that the political mention of ideas is a highly strategic and goal-oriented endeavour. However, I also appreciate the constitutive role that ideas play in setting the 'overall constitutive rules, the ideological terrain of taken-for-granted assumptions, within which strategic action occurs' (Steinmetz, 1999: 27). These 'rules' and 'assumptions' are not necessarily always coherent. In this regard, I follow Skrentny (2002) in proposing that, as they become bases for political action, overarching cultural schemas like republicanism can take on shifting 'meanings' (see also Sewell, 1992). I in turn propose that those 'meanings' are profoundly influenced by interests (Surel, 2000), in particular by parties' strategic efforts to delineate the boundaries of what constitutes 'legitimate' politics.

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1.4 Data/methods

The key substantive finding of this dissertation is that efforts to demarcate the boundaries of electoral politics affect state responses to immigrant religious signs in ways that prior research fails to fully appreciate. Those responses, moreover, contribute to and are part of the broader process of producing nationhood, belonging and citizenship. To arrive at this twofold conclusion, I drew upon a combination of secondary historical evidence and primary data pertaining to the debate around France's 2011 face veil ban. Secondary historical data consist primarily of texts written by social scientists – including historians, sociologists, anthropologists and political scientists – outlining the history of French nation building, republicanism and *laïcité*. These texts provide the necessary context for my analysis of primary data, which include government documents, court decisions, party political materials (including election platforms, statements and press releases) and media – mostly newspaper – reports.

In order to capture the role of party political contestation in shaping the face veil debate in particular, I conducted a detailed analysis of the 2009 Gerin commission and its surrounding debates. Primary data sources for this portion of the analysis include the Gerin commission's 200-page report and the full 400-page transcripts of its deliberations, including presentations by all seventy-eight of its invited participants. I also spent the months of October 2012 and March, April and October 2013 conducting interviews in Paris and Lyon, France. Of a total of twenty-nine interviews, nine were conducted with politicians who were members of the commission board (see table 1), ten with individuals belonging to various organizations who appeared before the commission as participants (see table 2), and ten with other individual actors who did not appear before the commission but played a key role in the surrounding public debate (see table 3).

Table 1.1 Interviews with members of the Gerin commission

Name	Party affiliation
André Gerin	Parti Communiste (PC)
Jacques Myard	Union pour un mouvemenent populaire (UMP)
Georges Mothron	Union pour un mouvemenent populaire (UMP)
Nicole Améline	Union pour un mouvemenent populaire (UMP)
Jean Glavany	Parti Socialiste (PS)
Christian Bataille	Parti Socialiste (PS)
Danièle Hoffman-Rispal	Parti Socialiste (PS)
Sandrine Mazetier	Parti Socialiste (PS)
François de Rugy	Parti Vert

Table 1.2 Interviews with participants in the Gerin commission

Organization name	Organization type	Interviewee name
Ligue du droit international des femmes	Feminist	Annie Sugier
Regards de femmes	Feminist	Michèle Vianès
Collectif des féministes pour l'égalité	Feminist	Ismahane Chouder
Egalité Laicité Europe (Equality Secularism Europe)	Feminist	Martine Cerf
Riposte Laique	Secular	Pascal Hilout
Ligue des droits de l'homme	Secular	Jean-Pierre Dubois
Fédération nationale de la libre pensée	Secular	Marc Blondel and Christian Eyschen
Conseil d'État	State/legal	Remy Schwartz
Ecole Pratique des Hautes Etudes	Academic	Jean Baubérot

Table 1.3 Other interviews

Name	Role/Occupation
Alain Seksig	Inspector General of National Education
Nicolas Cadène	Socialist MP and secretary of the Observatoire de la laicité (Observatory of Secularism)
Patrick Weil	Political Scientist, Director of research at the Centre National de la Recherche Scientifique
Christine Delphy	Feminist scholar
Naima Bouteldja	Author of 2011 Open Society report on veiled women in France
Eric Thiers	Advisor and division chief, Division du secrétariat de la Commission des lois constitutionnelles, de la legislation et de l'administration générale de la République

| Pierre Tévanian | Member of feminist organization Une école pour tous et toutes (A School for All) |
| Ndella Paye, Anissa Fathi and Youssra H | Members of feminist organization Mamans toutes égales (Mothers for Equality) |

My methods for recruiting participants differed according to the type of interviewee in question. For Gerin commission members, I used e-mail contact information provided on the National Assembly's official website. I then drew from the list of commission participants to identify relevant organizations, finding contact information for most of these online. These initial interviews then led me to discover other key actors, whom I contacted via referrals from prior interviewees. Because all participants are public figures – either public officials, political party members, interest group representatives, or well-known academics – and given the relatively small number of individuals prominently involved in the Gerin commission and surrounding debates, I did not guarantee anonymity to my interviewees. The Office of Research Ethics at the University of Toronto provided ethics approval for the project in May 2012.

Lasting between 40 and 120 minutes, interviews were open-ended and touched on a wide-range of questions. I began each conversation by asking the respondent to describe his or her personal role in the French face veil debate. Having established the basic facts of each participant's involvement, I then asked them to describe the key actors, ideas and interests underpinning the 2011 law. In the case of politicians directly implicated in the process of passing this law, I inquired about the dynamics of contention in the National Assembly, about the sources of agreement and disagreement with their political foes, and about internal party dynamics during this period. When interviewing civil society actors, I asked about goals and strategies for gaining traction in the face veil debate, about their allies and opponents in the electoral field, and about the frames that they deployed when engaging publically with this issue.

Interview data were supplemented with evidence obtained through participant observation in lectures, conferences and organizational meetings pertaining to the face veil ban and its surrounding debates. Lectures and conferences include: (1) a lecture by Sociology Professor Jean Baubérot entitled *La laïcité falsifiée* ('Falsified Laïcité') organized by *Plateforme de Paris*

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('Paris Platform') on September 24, 2012; (2) a one-day conference entitled *Laïcité et collectivités locales* ('Secularism and Local Collectivities') attended by academics, legal experts, and public servants in Paris on October 9, 2012; (3) an academic seminar on Islamophobia hosted by Sciences Po in Paris on April 3, 2013; (4) a two-day academic conference on *laïcité* organized by the *Centre national de la recherche scientifique* (National Centre for Scientific Research, CNRS) in Paris on April 11-12, 2013; (5) a two-day academic conference entitled *Enseignement laique de la morale et enseignement des faits religieux* ('Teaching Secular Morality and Religious History') organized by the *Institut européen en sciences des religions* ('European Institute for the Scientific Study of Religions') in Paris on October 18-19, 2013; and (6) a symposium entitled *La laïcité en actes* ('Laïcité in Action(s)') organized by the *Association de culture berbère* (Berber Cultural Association, ACB) in Paris on October 26, 2013. In addition, I attended an event organized by the pro-*laïcité* feminist organization *Regards de Femmes* (Women's Outlooks) attended by numerous feminist organization representatives and the author Jeanette Bougrab, a lawyer of Algerian background who supports the restriction of Islamic religious signs, at a Paris café on April 23, 2013.

I coded and analysed field notes from these events, as well textual and interview data pertaining to the Gerin commission, through a multi-step iterative process. After noting which themes were most prevalent in a first open round of coding in Nvivo, I then grouped codes together into broader themes and conducted focused coding to understand (1) how the competition for 'issue ownership' among politicians shaped constructions of French republicanism and *laïcité* during the period surrounding the 2011 ban of face coverings and (2) how the resulting discourses define nationhood, belonging and citizenship in France.

1.5 Chapter outline

The remaining substantive chapters focus on different key sites of political contestation over the face veil in France – the electoral system (chapter 2), the state (chapter 3), individual political parties (chapter 4), and civil society (chapter 5) – with the hope of achieving a twofold objective. In the first instance, I aim to explain how it is that France's major political parties – particularly

the right-wing UMP and left-wing Socialists – came to present themselves as in agreement over the need to curtail face coverings in French public space in the name of republicanism. Second, I look for specific instances in which that discourse of agreement shapes articulations of French nationhood, belonging and citizenship, both among politicians and civil society actors.

Chapter 2 traces the historical alliances and conflicts that helped to forge a discourse of agreement around the need to curtail face veiling in France's electoral system. Drawing further insight from key concepts and processes identified by studies of party competition, I suggest that this veneer of agreement stems from mainstream parties' desire to firm up their electoral positions in the face of growing ultra-right competition. Although it holds few seats in the French National Assembly, the National Front has acquired substantial symbolic importance in French politics. By injecting 'non-material' themes into electoral debate, it has transformed the axis of competition, forcing its mainstream competitors to take explicit stances on issues – like veiling – that have not traditionally anchored their platforms. This dynamic has resulted in a complex interplay of agreement and disagreement among the major parties. Although differences exist in their precise recommendations for how to eliminate the practice, the right-wing UMP and left-wing Socialists broadly concur that face veiling contradicts the widely shared republican understanding of French nationhood.

Shifting focus from the electoral system to the state, chapter 3 assesses the role of party politics in the 2009 Gerin commission. Based on evidence from the commission's report, transcripts of its deliberations and interviews with commission members and participants, I show that, because the commission was made up exclusively of politicians, parties' electoral battles permeated its deliberations, turning it into yet another forum in which to demonstrate the major parties' agreement on the need to curtail this practice. In order to ensure that the unacceptability of the face veil remained unchallenged – or, better yet, unchallengeable – in mainstream French political discourse, commission members took an active role in selecting participants and relating their testimonies to the public. Contributions by three groups in particular – individuals deemed to represent the Muslim community, feminists, and legal experts – were carefully chosen and narrated by commission members so as to bolster the legitimacy of the desired outcome: to

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present the face veil as a violation of republican values. These contributions further served to legitimate a restrictive understanding of the rights associated with French citizenship, one in which collective national interests – namely public order and the need to create positive conditions for 'living together' – supersede individual religious rights.

Having elucidated the processes whereby politicians vying for 'ownership' of the religious signs issue constructed a discourse of agreement around the need to restrict the face veil, I then examine the hidden conflicts that have arisen, both within political parties (Chapter 4) and in civil society (Chapter 5), over ways to define nationhood, belonging, and citizenship in this ongoing debate.

Chapter 4 seeks to understand how the claims to agreement forged through electoral competition (chapter 2) and reinforced via the Gerin commission (chapter 3) contribute to contestations within France's major political parties over the terms of belonging to the French nation. Based on rare interviews with politicians directly involved in producing the 2011 law, I show that, as a result of having toughened their stances on the face veil, the UMP and Socialist parties have themselves become key sites of contestation over this practice. However, the nature and degree of that conflict differs markedly in the two cases. For the UMP, the cleavages arising from the competition to 'own' the face veil revolve mainly around issues of framing. Party members agree that this practice threatens a thick cultural conception of what it means to belong to the French nation. Where they appear to disagree is in the extent to which that conception should be defended on the basis of its particular versus its universal characteristics. By contrast, cleavages arising on the left – and within the Socialist Party in particular – strike at the central values of progressive politics in France. In challenging the right's purported 'kidnap' of *laïcité* for political gain, left-wing politicians have deployed three rival discursive strategies – which I define as 'rescue', 'reclaiming' and 'rejection' – which carry very different implications for ways of articulating the boundaries of belonging to the French nation.

Chapter 5 takes us from party politics to civil society and explores the way actors operating outside the formal political arena respond to, and contest, the discourses of nationhood,

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belonging and citizenship that have arisen as a result of parties' alleged agreement around the face veil ban. Based on interviews with feminists, pro-secularism activists and academics, I show that, having been excluded from mainstream politics, opponents of the 2011 face veil ban have adopted a profound critique of the law, which draws on both post-colonial feminist themes and scholarly criticisms of neoliberalism to question the very foundations of state power in France and the ways it is used to circumscribe both the affective (belonging) and rights-based (citizenship) aspects of nationhood. However, I also show that their desire to de-legitimize the dominant power structures that bring about restrictive laws has not led critics to abandon the republican values that uphold those structures. Instead, critics have sought to rehabilitate the republican frame by proposing ways to render if fairer and more inclusive.

The concluding chapter threads together these substantive findings and unfolds in two parts. First, I bring the reader up to date on debates over religious signs that have taken place in France since 2011. Next, I elucidate the theoretical advantages of placing the study of nationhood – its construction and boundaries – in dialogue with the study of electoral politics in order to better understanding both how states' respond to religious diversity through policy *and* how those responses in turn contribute to the production of nationhood, belonging and citizenship.

Chapter 2: Forging the discourse of agreement: French electoral struggles over the face veil in historical perspective

This chapter utilizes secondary historical data, government documents and newspaper reports to analyze historical and contemporary contestations around religious signs in the French electoral system. Drawing further insight from the literature on party competition, I argue that party political battles over the boundaries of what constitutes 'legitimate' politics in France have shaped the meaning(s) that politicians apply to republicanism and *laïcité* in contemporary debates over the face veil. Those meaning(s) in turn contribute to the way nationhood is defined in the French electoral system.

My analysis focuses on critical historical junctures in which alliances and conflicts formed between three political parties: the right-wing UMP, the left-wing Socialists and the ultra-right National Front. Both highly established and institutionalized, the former two parties have traditionally profiled themselves in terms of their contrasting economic agendas. Although periodically relevant, the themes of secularism and religious integration have not significantly shaped the contemporary 'axis of competition' between them. By contrast, the latter party, the ultra-right National Front, is known for profiling itself in ways that intentionally defy established norms of party political contention in France. Founded in the early 1970s, but rising in electoral significance since the 1980s, this political party has largely branded itself according to 'non-material' issues, like the threat of immigration to French national identity and culture.

I argue below that the dynamics of contestation that have arisen between these three parties shape the meaning(s) that major politicians attach to republicanism and *laïcité* in France, with important consequences for defining nationhood in the face veil debate. In particular, I maintain that by linking rising immigration to a proclaimed 'crisis' in French national identity, the National Front has forced its competitors to take more explicit – and indeed more restrictive – positions on issues, like veiling, that have not traditionally been bases of contention. As they struggle to maintain their political territories in the face of this ultra-right challenge, both the UMP and Socialists have shored up their commitments to curtailing religious signs in French

public space as a way of safeguarding both *laïcité* and other values commonly associated with republicanism. These commitments in turn justify a closed conception of French nationhood, which, as I show in later chapters, justifies increasingly exclusionary images of belonging and citizenship.

In making the above argument, I do not mean to suggest that other factors – namely domestic and world events or public opinion – are irrelevant in shaping the political discourse around veiling in France or elsewhere. Nor do I mean to claim that reaction to the ultra-right is the sole determinant of policy proposals by mainstream right- and left-wing parties. What I do intend to show, however, is that, in moulding public opinion for their strategic purposes, political parties transform the meaning(s) attached to key discursive frames like republicanism. Because they rely, by necessity, on charismatic leadership and media attention, ultra-right parties can play an especially significant part in this meaning-making process.

To make the case that party competition over the boundaries of the electoral sphere shapes the meaning(s) attached to nationhood in the French veil debate, I draw further insight from the literature on party competition (Bale, 2003; Bale, Green-Pedersen, Krouwel, Luther, & Sitter, 2010; Betz, 1993; Rooduijn, de Lange, & van der Brug, 2012; Rovny & Edwards, 2012; Taggart, 1995; van Heerden, de Lange, ven der Brug, & Fennema, 2014; van Kersbergen & Krouwel, 2008, 2008; Wagner, 2012). This literature broadly suggests that, by introducing themes that defy traditional 'axes' of electoral competition, ultra-right political parties trigger a battle for 'issue ownership' that transforms the content of political discourse. This can occur even in cases – like France – where those parties have few seats at the national level. Where this literature falls short, however, is in focusing too narrowly on electoral success and failure, thus neglecting to fully consider parties' effect on long-term discursive formations. Moreover, studies in this vein tend to draw their conclusions from the relatively incomplete information contained in party platforms and manifestos (Rooduijn, de Lange, & van der Brug, 2012; van Heerden, de Lange, ven der Brug, & Fennema, 2014; van Kersbergen & Krouwel, 2008; Wagner, 2012).

This chapter extends beyond these methods to investigate the role of ultra-right competition in shaping how parties participate in the process of constituting and re-constituting the nation by participating in the production of 'political space' (Rovny & Edwards, 2012). Rather than compare party platforms in election periods, it considers the impact of these partisan struggles on the ways that politicians of different stripes define republicanism, both historically and in the present, as they seek to claim or maintain 'ownership' of issues tied to religious diversity.

2.1 Ultra-right competition, 'issue ownership' and the boundaries of political space

Scholars' interest in ultra-right parties has risen dramatically since the 1980s and 1990s. In those two decades, populist and anti-immigrant parties rose markedly in popularity. In 1984, France's National Front saw an important breakthrough when it attracted eleven percent of the vote in the European elections (Veugelers, 1999: 79). In 1991, Sweden saw the rise of New Democracy, a sibling to the long established and anti-taxation Progress Parties in Denmark and Norway. That same year, the radical nationalist Flemish Bloc saw its best ever performance in the Belgian elections. By 1994, Austria's Freedom Party went from near dissolution to gaining twenty-three percent of the vote, its best ever share of the national vote (Taggart, 1995: 34-35). Italy's *Alleanza Nazionale* (National Alliance) reached equal if not superior heights, when it won fourteen percent of the vote in the 1994 legislative election, and thus acquired five cabinet posts in Berlusconi's government (Veugelers, 1999: 80).

Concern over Europe's ability to handle the 2008 economic crisis has led ultra-right parties to take on even greater significance. In March of 2014, European politics were jolted when a record fifty-two candidates representing ultra right populist parties were elected to the European Parliament. What's more, two ultra-right parties – France's National Front and the Danish People's Party – gained the highest number of votes in their respective nationwide elections. In the French case, this entailed a quadrupling of the National Front's share of the vote from six percent in 2009 to twenty five percent in 2014 (Mudde, 2014).

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Scholars attribute the rise of the ultra-right political 'family' to two related processes. 'Strain' or 'grievance-based' explanations suggest that the sudden decline in postwar prosperity beginning in the 1970s has led the 'losers' of modernization to turn toward political messages that emphasize cultural protectionism, xenophobia and a 'reactionary call for returning to the 'good old values of yesterday'' (Rydgren, 2005: 415). A second set of explanations attributes the rise of ultra-right parties to postmaterialism, an emerging value system that downplays material concerns tied to class in favour of 'postmaterial' issues, including the environment and women's, gay and lesbian rights (Clark & Lipset, 1991; Clark, Lipset, & Rempel, 2001; Inglehart, 1990; Inglehart & Rabier, 1986; Lipset, 2001; Pakulski, 1993; Pakulski & Waters, 1996; Putnam, 1995). Scholars speculate that the uptake of these issues by left-wing parties has sparked a 'silent counter-revolution', which opposes the egalitarianism and cultural libertarianism of this 'new left' (Betz, 1993; Veugelers, 1999) in favour of a more ethno-cultural definition of non-material issues. Ultra-right parties are one of the political manifestations of this movement.

Three key characteristics distinguish ultra-right parties from their opponents. First, ultra-right parties share an explicit or implicit anti-immigrant stance, which they use to mobilize 'a deeper protest about the nature of postwar politics in general' (Taggart, 1995: 47). Resentment toward immigrants – for 'stealing' jobs from the native-born and threatening to dilute the nation's ethnic and cultural character – are often conflated with other salient issues in these parties' platforms. In the case of the National Front, for example, hostility to immigrants is intertwined with the party's critical stance on European integration and its alleged threat to national sovereignty (Betz, 2013). Second, ultra-right parties tend to combine anti-systemic positions with centralized organizational structures aimed at ensuring their electoral survival. In other words, these parties' anti-elitist – even anti-political – platforms do not deter them from centralizing leadership in highly personalized and charismatic individuals capable of garnering much-needed media attention. Third, because they emphasize the need to foster a 'different kind of politics', ultra-right parties are known to attract a wide range of electors, from the working class to disenchanted skilled workers, the unemployed and pensioners (Betz, 1993; Taggart, 1995).

Apart from seeking votes, the primary goal of ultra-right parties is to transform what Rovny and Edwards (2012: 58) call the 'axis of competition' by raising 'non-material' (van Kersbergen & Krouwel, 2008) issues – like Islamic veiling – not traditionally captured by their mainstream political opponents. Because mainstream parties are highly institutionalized and invested in a particular 'bundling of political issues', they will have difficulty adapting to these 'additional planes of competition' (Rovny & Edwards, 2012: 60-61). The solutions that parties bring to this challenge can shape the struggle over the boundaries between them in two related ways. First, in order to 'create distance between themselves and the established parties (i.e., both government and the anti-incumbent opposition)', ultra-right parties themselves work hard to blur the boundaries between their main opponents, by discursively melding them 'into one single, homogeneous political class' (Rydgren, 2005: 427). They then strategically place themselves outside of those boundaries, a move that allows them to market themselves to voters as the only real alternative to 'politics as usual'. The second way in which the introduction of ultra-right parties reconfigures the boundaries of the political party system is by triggering a battle among parties to 'own' the 'non-material' issues that they inject into the political discourse (Bale, 2003; Bale, Green-Pedersen, Krouwel, Luther, & Sitter, 2010; van Spanje, 2010).

The shifts in party political boundaries that result from these two mechanisms occur most often around questions of immigration. As I mentioned above, although they differ in other regards, ultra-right parties converge around a strongly anti-immigrant brand of nationalism. Because they draw on populist tactics, moreover, these parties are adept at drawing right- and left-wing votes on this issue. Since they typically already 'own' the ethno-nationalist discourses that inform opposition to immigration, right-wing parties are most directly threatened by the ultra-right's anti-immigrant stance. However, left-wing parties are also susceptible to 'contagion from the right' in this area. Studies show that, in response to pressure from their mainstream and ultra-right political foes, left parties have increasingly gotten 'tough on immigration' and begun to advocate policies that narrow the boundaries of national membership and belonging (Bale et al., 2010).

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Scholars have thus drawn crucial links between ultra-right competition, the battle for 'issue ownership', and the boundaries of political space. They have shown that, by raising issues not traditionally relevant to major axes of competition, ultra-right parties can transform the content of politics. As I mentioned in the introduction, however, this literature falls short in assessing the effects of that transformation for the meanings that politicians assign to entrenched discourses – such as republicanism – when addressing highly charged issues like the face veil. In the following sections, I draw on evidence from secondary historical sources, government documents and newspaper reports to elucidate the effects of party political conflicts and alliances in shaping French politicians' historical and contemporary articulations of republicanism and *laïcité* as discourses for defining nationhood in the context of the face veil debate. I argue that, as they work to strengthen the boundary between themselves and the National Front, the UMP and Socialists have downplayed the differences in their own portrayals of the 'radical' Islamic threat, with the result that both parties now favour narrowing Muslims' access to political and cultural membership in the national 'we'.

2.2 The French Revolution: birthplace of two competing notions of nationhood

Successive and highly conflict ridden nation-building periods have been pivotal to establishing the bases of the current struggle for 'ownership' of the religious signs issue among political parties in France. To fully understand that struggle, we must look back at the event that gave birth to the republican discourse of French nationhood: the 1789 Revolution (Bowen, 2007; Brubaker, 1990; Laborde, 2008). This event crystallized two competing visions of church-state relations, which have since underpinned the politics of secularism in France. Put forward by conservative counter-republicans, the first vision invoked the Gallican (the title assigned to the Catholic Church of France from 1682 to 1790) tradition, to promote an institutionalized state religion under the joint control of the Pope and the French monarch. This view contrasted sharply with that of a second group, the revolutionaries, whose nationalist vision centered on opposing the Catholic Church's control over public affairs (Bowen, 2007: 22). Strategies for

delimiting the relationship between religion and the public sphere have oscillated between these two opposing conceptions in the centuries since.

In the immediate aftermath of the 1789 Revolution, the French state maintained a degree of control over the Catholic Church, requiring priests to demonstrate their allegiance to the Constitution and persecuting those who refused. However, after the fall of Robespierre – one of the most influential figures of the French Revolution – in 1795, the state withdrew its support of all religions, guaranteeing religious freedom to all but forbidding public religious expression, including the wearing of religious clothing, funeral processions and bell ringing. This regime, which instituted a strict, privatized notion of faith and religious belief, was short lived, however. In 1801, Napoleon introduced a renewed form of Gallicanism through a Concordat (an agreement between the Catholic Church and a sovereign state) with the Pope, which required that the French state officially recognize Catholicism. Yet, the Napoleonic Civil Code established in 1804 also restricted the powers of the Church by requiring that a civil authority perform marriages, by permitting divorce, and by introducing state regulation of inheritance. This regime also granted the state control over secondary schools and universities, but left primary schools in the hands of the Church (Bowen, 2007: 22-23).

Although they specified the terms of church-state relations, arrangements established during the Napoleonic era left unresolved the underlying tension between the religious anti-republicanism of the French countryside and the growing anti-religious sentiment in urban centers (Weber, 1976). This tension coincided with the antagonism emerging between 'two Frances': the conservative and Catholic tradition of the provinces and atheistic and socialist Paris (Bowen, 2007: 23). Conflict generated by these divisions served as the basis for a continuing oscillation between republican and counter-republican discourses of nationhood in the 19th century.

Tensions between the Church and the Republican state came to a head in the violent uprisings of the Paris Commune that followed France's defeat by Prussia in 1871. These events launched the Third Republic (1870-1940), an era of massive social and ideological transformation, during which rapid industrialization, advances in transportation and communications technology, and

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eroding local sources of belonging – such as churches and local professional bodies – combined to produce a sense of nationhood that transcended geographic boundaries. Rural regions previously isolated from urban centers became the main targets of a state-led 'civilizing' and modernizing project, which aimed to re-orient France's diverse populace toward national, rather than local, concerns (Weber, 1976). Along with memories of the Prussian war, the creation of the national anthem and introduction of July 14 – 'Bastille Day'[3] – as a national holiday in 1880 solidified the perception of a shared national identity. An emerging education system helped to disseminate these national symbols to the masses, creating an unprecedented and publicly visible sense of 'national community' (Noiriel, 2007: 26).

Steps toward institutionalizing the religious neutrality of the French state served this broader quest to instil the conception of a national 'we'. With the Jules Ferry laws of the 1880s – which established free, mandatory and secular education – the school replaced the church as the key source of knowledge about the world, becoming the inculcator of nationhood and patriotism on a national scale (Weber, 1976: 332-335). From this point forward, teachers in France would have to be lay persons (not priests), and only secular teachings were allowed in the classroom (Bowen, 2007: 25). Within a decade, an entire generation of previously 'uncivilized' French school children would gain knowledge and competencies – including proficiency in the French language – that transcended the needs, and indeed the horizons, of their local communities (Noiriel, 1992; Weber, 1976).

Intensifying immigration levels in the 1870s and 1880s put immense pressure on France's newly formed and increasingly secular national identity. Without the mass rural exodus that had urbanized Germany and Britain's populations, French capitalists were forced to fill labour shortages by drawing on foreign workers, whom they largely recruited from other European

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[3] Celebrated every July 14th, 'Bastille Day' commemorates the 'Storming of the Bastille' on July 14th 1789, during which the people of Paris stormed a fortress-prison that housed political prisoners who writings displeased the royal government. The event marks a key moment in the 1789 Revolution.

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countries such as Italy, Poland and Spain. The resulting influx of migrants provoked a backlash from the native-born working classes, prompting professional bodies to organize around questions of nationality, seeking to keep out foreigners (Noiriel, 1988: 283). Aware of the electoral payoff to be gained from drawing on fear of incoming foreigners, politicians proposed legislation to limit the benefits of French citizenship for newcomers (Noiriel, 1988: 281). Although the native-born children of parents born outside France were allowed to naturalize as of 1889, these new citizens did not share all of the rights of French nationals; a line was drawn internally between citizens who were 'nationals' and those who remained 'outsiders' (Weil, 2002).

Tensions around immigration intersected with ongoing struggles over Church-State relations in the Dreyfus Affair of 1898-1899. This event, which involved accusations of treason against a Jewish military captain, brought to the fore the anti-Semitic sentiment that underlay much of the counter-republican movement (Bowen, 2007: 25). Pro-Church forces took advantage of this scandal to cast a negative light on the institutional separation of Church and State and to call for the re-establishment of Catholicism's governing powers. However, the vindication of Captain Dreyfus, combined with the advance of public secular education in the 1880s, forced Catholic conservatives to concede ground, eventually leading them to accept republicanism in some form. The resulting republican 'synthesis' combined elements of the socialist left and the Catholic right and shaped the definition of French national identity until the Vichy regime dismantled it in the Second World War (Hollifield, 1994).

However, partisan divisions continued to play an important role during this period. Seeking to offset the growing political influence of the industrial working class, right-wing conservatives crafted a narrative that emphasized the rural and Catholic elements of belonging to the French nation, and romanticized a way of life increasingly threatened by modernization, immigration, and international conflict (Noiriel, 2007: 37). Actors deploying this script portrayed immigrants and Jews, two groups widely deemed incapable of true loyalty to France, as the 'other' (Noiriel, 2007: 28). An emerging leftist contingent opposed this vision, offering its own future-oriented national script, which saw public education as crucial to producing a literate, autonomous and

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rational populace, capable of resisting religious dogmatism and opposing the determinism of the conservative ethos (Noiriel, 2007: 41).

These public figures on the left, many of them tied to the Socialist Party, became the main architects of the 1905 Law of Separation between Church and State, which abolished the power of the Concordat to regulate relationships between the French state and 'recognized religions'. The final version of the law defines secularism in terms of individuals' right to the free exercise of religion (article 1) and the non-subsidization of religion by the state (article 2)[4]. Although the 1905 law embodies a pragmatic and quite liberal interpretation of secularism (Weil, 2008), it was not the object of a complete consensus in the French parliament. Three other interpretations of *laïcité* also prevailed during this period. The first saw *laïcité* as a vehicle for destroying the Catholic Church and de-Christianizing French society. A second view, advocated by followers of Emile Combes, who was leader of the leftist cabinet at the time of the 1905 law, emphasized the need to end privileges for clergymen, but maintained that the state should have control of the church. A third and final interpretation sought to republicanize or democratize the church itself (Fabre, 2007). These contrasting interpretations continue to orient partisan debates around the meaning of *laïcité* in the context of rising immigration to France. As I will show, however, those debates are becoming increasingly concealed by an alleged cross-party agreement around the need to protect *laïcité* by restricting (certain) religious signs in France's public sphere.

The end of the Second World War and defeat of the Vichy regime launched a new phase in the struggle over French national identity, one that has defined the terms of struggle over the boundaries of French politics ever since. During this period, the resurgence of capitalism and the construction of a global diplomatic infrastructure fostered a forward-thinking republican

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[4] In practice, however, there is a great deal of government activity on behalf of certain religions in France, including: government funds to finance the upkeep of religious buildings that existed in 1905, government management and financing of chaplains' offices for major religions, explicit provisions for religious representation in a number of domains, and government funds to pay teachers' salaries in private confessional schools that have entered into contact with the state (Bowen, 2007: 28).

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narrative centered on universal rights. Although conservative politicians did not abandon their concern about foreigners and immigration, they refrained from orienting their political platforms around these issues, recognizing the destructive effects of xenophobic attitudes (Noiriel, 2007: 48). The postwar generation also bore witness to a period of wide-scale social upheaval, with a delayed rural exodus resulting in previously isolated populations having to navigate their way in France's growing urban centers. The resulting identity struggles culminated in the protests of May 1968, which solidified a left-wing vision that broke significantly with the prior leftist script. Rather than simply the product of historical fact, actors in this movement saw national identity as the object of a critical re-thinking of the republican social project, which prioritized the embrace of previously marginalized populations and identities. An emerging multicultural discourse thus became the vehicle for a post-colonial denunciation of the assimilationist practices of the French state, particularly those directed at France's colonial Algerian, Tunisian and Moroccan populations (Noiriel, 2007: 55).

This vision provoked a backlash among right-wing conservatives who, by the 1980s, were less able to contain anti-immigrant sentiment among their ranks. The growing visibility of Arab-Muslim population, mostly from Algeria, a former colony and protectorate of France, contributed to the conflict over French national identity. Two factors exacerbated tensions around this growing community. First, economic recession embittered French-born citizens who believed that Algerian workers, whom many continued to view as former colonial subjects rather than full-fledged French citizens, were taking precious jobs away from those born in metropolitan France. By the 1950s, male French citizens from Algeria, and migrants from Tunisia and Morocco were increasingly being joined by their wives and children, giving the French North African community a more settled character. The oil crisis of the 1970s hit this community hard, creating high joblessness rates and increasing the reliance on social services (Brubaker, 1990). Second, the native-born children of Algerians – known as 'Beurs' – were beginning to demand their rights as full-fledged French citizens, marching across France in 1983 in a national call for labour market equality and an end to racist violence (Bowen, 2007: 67). The 'Beurs' were split into different camps. One contingent sought mainstream representation and campaigned for

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color-blind equality in the Socialist Party and civic organizations like SOS Racisme, an anti-racist NGO founded in 1984. A second contingent sought more meaningful recognition of the community's Muslim identity, which it fought for through activism in pro-Islamic associations. Committed to demonstrating that one can be both Muslim and French, members of the latter group engaged in increasingly public forms of religious practice, by building mosques, participating in public rituals such as group prayer, and adopting religious dress (Bowen, 2007: 67).

Just as the Franco-Prussian conflict served as a reference point for the definition of French national identity in the Third Republic, 'Arabs' and 'Muslims' became the 'other' that shaped the terms of political debate regarding national belonging from the 1980s onward (Noiriel, 2007). It is in this political climate that the populist and ultra-right National Front gained strength and, through its adoption of a nation 'in crisis' script, launched a period of heightened contestation over the boundaries of French politics and, subsequently, of French nationhood itself.

2.3 The French electoral system and the shaping of a left-right axis of competition: the contemporary Socialist and UMP parties

In order to understand how party political struggles over the boundaries of the electoral sphere have shaped the unfolding of France's national identity debate, and the subsequent debates over the face veil, it is necessary to first identify the particularities of the French electoral system. This system is highly unique in that it utilizes a two-round approach to electing both presidential and parliamentary candidates. As I will show below, the mechanical and psychological effects of this system (Blais & Loewen, 2009) have helped to crystallize the contemporary right and left political camps in France (Ladrech, 1989), which are overwhelmingly dominated by the UMP and Socialist parties, respectively.

France's electoral system allocates both the presidency and the National Assembly's 577 seats on the basis of a two round approach, in which victory is granted to those candidates who obtain a majority of votes in either the first or second ballot. In the case of presidential elections,

candidates require 500 signatures to run and only the top two candidates are allowed to present themselves in the second round. In legislative elections, candidates require the support of at least 12.5 percent of registered electors in the first round in order to be considered in the second (Blais & Loewen, 2009: 345).

This two-round system encourages clear majorities through two related mechanisms. From a mechanical standpoint, large parties tend to be systematically overrepresented. In particular, parties that attract 20 percent or more of the vote receive a higher number of seats than is warranted by their actual representation in the electorate. This is especially so for parties involved in coalitions, which are common in the French political system (Blais & Loewen, 2009: 349-352). From a psychological standpoint, France's two-round system encourages majority outcomes by incentivizing strategic voting in two ways. First, voters who favour a party that has little chance of reaching the second ballot may choose to vote for a party that stands a better chance of passing this threshold. Second, voters whose preferred party is likely to enter the second round may choose to vote for a party against which they believe their candidate will have the strongest chance of winning (Blais & Loewen, 2009: 355).

By providing an advantage to large political parties, France's two-round electoral system has helped to solidify two 'antagonistically related ideological camps' (Bornschier & Lachat, 2009: 360). The make-up of those camps has changed dramatically. Beginning in the 1970s, the left-wing camp saw a marked shift in power from the *Parti communiste de France* (Communist Party of France, PCF) to the Socialists. Meanwhile, on the right side of the aisle, the key development has been the consolidation of (most) opposing parties under a single roof – the UMP – since 2002.

Until the late 1970s, the PCF enjoyed an advantage over the PS in legislative elections. This advantage came to an end with the rise of the Socialist Party in the 1978 legislative and 1981 presidential elections (Bornschier & Lachat, 2009: 364). Since becoming the leading voice of the left in electoral politics, the Socialist Party has worked hard to consolidate diverse progressive viewpoints and incorporate radical and dissenting voices into its purview. Beginning

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in the 1970s, 'new social movements' focusing on issues from feminism to anti-nuclear energy have emerged as an alternative to the traditional axis of electoral contention in France. Despite the initial hostility of the major parties to competition from these alternative perspectives, Socialist Party elites have largely succeeded in neutralizing or co-opting these issues for political gain (Ladrech, 1989: 263). Two main motivations underlie this attempt at co-optation. First, 'new' political issues appealed to France's growing middle class, a key constituency of interest to the party. Second, there was 'electoral capital' to be gained from these attempts at ownership. In particular, the necessity of attracting votes in the second round of elections encouraged the party to appear 'open' to other currents within the left (Ladrech, 1989: 270). In this way, the Socialists' desire to diffuse opposition from left-wing competitors is partly accounted for by the two round system and the constraints it imposes on the success of small parties (Ladrech, 1989: 267).

Attempts to gain ownership of 'new' political issues, in part as a way to attract the growing middle class vote, have produced a complex relationship to the working class – and to class ideology more generally – within the French Socialist Party. In his attempts to make the PS the 'hegemonic party' of the left, the Socialist leader in the 1970s, Francois Mitterand, challenged the 'materialist' orientation that had been the hallmark of the Communist Party brand and pursued an 'ideological renovation' that has shaped the Socialists' role in French politics ever since. Although it still competes with the PCF for blue-collar votes, the party has effectively become one of 'white-collar middle-class membership and votes' (Ladrech, 1989: 271). Ironically, the more successful the party's leadership has been in re-balancing the left electorally, the more conservative it has become in promoting the 'postmaterialist' issues that served to differentiate it from its Communist competitor (Ladrech, 1989: 272). As it increases its electoral support, for example, the Socialist Party has also become less open to the influence of dissenting feminist voices. The dominance of national electoral concerns have alienated members of this group who regret the party's militant 'de-mobilisation' (Ladrech, 1989: 272-273).

The ongoing tendency toward 'de-mobilisation' – and the related strategy of downplaying traditional class concerns – has diluted the Socialist Party brand in the long run. In 2002

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election, the party became destabilized when its presidential candidate Lionel Jospin announced that he was 'not a Socialist' (Cole, 2002; Kuhn, 2002). This ill-advised comment, combined with Jospin's general reluctance to engage with the struggles of the industrial working class (Cole, 2002: 330), alienated left-wing voters and contributed to the Socialists' failure to reach the second ballot in this election.

Where the trajectory of French's left-wing political bloc has been driven by efforts at co-optation, on the right, the key struggle has been over the consolidation of numerous and competing political parties. The central plot line in this regard has been the growing predominance of the *Rassemblement pour la république* (Rally for the Republic, RPR), particularly from the late 1980s onward, and the related electoral decline of other right-wing parties, including the more centrist UDF (Bornschier & Lachat, 2009: 364). The RPR consolidated its power in 2002 when its leadership launched a new party – the UMP – whose membership combined representatives from numerous parties, though principally the RPR[5]. The impetus for the party's formation was twofold. A first motivation was to restore the authority of the RPR President Jacques Chirac, following a poor performance in the 2002 presidential elections. The second, more institutional imperative underlying the creation of the UMP was to tighten the connection between the legislative and presidential aspects of the French political system. Although a normative system of cooperation dictated that parties on the right support each other in various ways – including by not threatening other parties' incumbency in particular ridings – adherence to these norms was not guaranteed (Haegel, 2004: 190-191). As such, following his election to the presidency in 2002, Chirac felt he could no longer rely solely on the

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[5] The UMP incorporated the former RPR, *Démocratie Libérale* (Liberal Democracy, DL), the *Parti Radical* (Radical Party, PR), and the *Centre National des Indépendants* (National Center of Independents, CNI). The *Rassemblement pour la France* (Rally for France, RPF), which represents a 'sovereigntist' movement on the French right, did not join the UMP, although most of its individual members supported the new party. The same is true of the *Droite Libérale et Chrétienne* (Liberal and Christiam Right, DLC) (Haegel, 2004: 188).

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RPR for predominance in the legislative elections, and thus sought to consolidate his power through the creation of the UMP.

The positioning of the two major parties – the Socialists and the UMP (renamed The Republicans in 2015) – on key issues such as veiling is at least in part informed by the material interests that they derive from their electoral support bases. As the all-encompassing party of the left, the Socialists have traditionally fared much better than their right-wing opponents in high immigrant constituencies, particularly those featuring a large number of residents from North Africa (Hargreaves, 1991: 353; Tiberj & Simon, 2010). Studies also show that supporters of left-wing parties like the Socialists are more likely to espouse 'postmaterialist' values associated with questions of belonging and self-determination (Marthaler, 2008a). By contrast, parties of the right in France – particularly the UMP – have been found to attract the support of more 'materialist' constituencies (Marthaler, 2008a), whose viewpoints can be described as economically and culturally conservative (Tiberj, 2013). These viewpoints tend to prevail among shopkeepers, craftsmen and farmers, as well as practicing Catholics (Tiberj, 2012).

The material interests that derive from efforts to appeal to these diverging constituencies inform the discursive strategies that the Socialist and UMP parties deploy in addressing the religious signs issue. Calls to narrow immigrants' access to national belonging and citizenship are a somewhat logical outgrowth of the UMP's conservative ethno-nationalist platform. For the Socialists, however, appealing to a discourse of national identity 'crisis' raises difficult dilemmas. In particular, it threatens to alienate the party's core constituencies, including Muslim immigrants and their offspring. As I show in the next section, the ascent of the ultra-right National Front party since the 1980s has exacerbated these dilemmas. By centering its platform on the perception of a Muslim 'threat', this party has reconfigured the 'axis of competition' in French politics, creating a 'tripolar' pattern of opposition (Bornschier & Lachat, 2009: 360-361) that increasingly shapes party political discourses of nationhood, belonging and citizenship.

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2.4 The National Front

Founded on the heels of the 1973 oil crisis, which hit France's industrial working class regions particularly hard, the National Front first marketed itself as the party to protect France from 'foreign' political, economic and cultural threats (Mestre, 2012). In its early stages, it drew most significantly from themes associated with the Poujadiste movement, an anti-parliamentarian, xenophobic and anti-Semitic group formed in the 1950s and backed by artisans and shopkeepers. The National Front's founding leader, Jean-Marie Le Pen, was himself a Poujadiste deputy in the National Assembly during his youth. When he created the party, Le Pen invoked Poujadiste themes as a way of drawing together a heterogeneous collection of actors, including monarchists, former Nazi collaborators, tradionalist Catholics, and counter-revolutionaries (Mitra, 1988; Wieviorka, 2013).

The National Front remained a sort of loose-fitting and relatively ineffective coalition of such groups until 1983, when its electoral breakthrough in the municipal elections of Dreux – a town in Northern France – marked its real take-off. Three years later, thanks to President Mitterand's introduction of proportional representation, the party gained an unprecedented thirty-five seats in the National Assembly[6]. Although the revoking of proportional representation in 1986 put an end to the party's success in parliament, it continued to increase its support in regional and presidential races, with Jean-Marie Le Pen making a stunning breakthrough to the second round of the 2002 presidential election, with 16.86 percent of the vote, and his daughter and successor, Marine Le Pen, polling 17.9 percent of votes in 2012 (Wieviorka, 2013: 448-449).

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[6] The system introduced by Mitterand used the 'd'Hondt' method, a highest averages method for allocating seats in party-list proportional representation. This approach allocates seats 'by dividing the votes by a series of divisors and at each stage of the process the party with the highest average vote is awarded a seat'. That process 'continues until all the seats have been filled' (Carter, 2002: 145-146). When it was implemented in 1985, this system became the object of political controversy as the RPR/UDF opposition accused Mitterand of adopting it as a way of splitting the right-wing vote by strengthening the National Front.

In its more than forty years of existence, the National Front has drastically shifted its tactics for attracting votes. Its most defining political claim – that immigrants are taking precious jobs away from native French citizens – has consistently polled well with working-class voters, particularly those who inhabit France's older industrial and urbanized regions, which also contain the largest number of immigrants from North Africa. These are the areas that have been hardest hit by economic crisis and where feelings of fear and insecurity are most acute (Brechon & Mitra, 1992: 69-70).

Yet, in its more recent phase, the National Front has also sought to widen its support base through attempts to 'de-demonize' (Wieviorka, 2013) and 'normalize' (Geva, 2014) its political platform and reputation. One of the ways that it has affected this transformation is by appointing a woman – Jean-Marie Le Pen's daughter, Marine Le Pen – to its top post. Elected party leader in 2011, Le Pen has appealed to voters by combining a kind of 'familial charisma' inherited from her father with an ability to distinguish herself – partly through her femininity – as an outsider to mainstream politics (Geva, 2014: 2). This unique combination affords Le Pen a highly distinctive status in the French electoral sphere. As Geva (2014: 4) puts it, by being the 'political daughter', she can 'play the role of game-changer, distant from technocratic and ultraliberal political elites, and yet keeper of the FN tradition'.

In her effort to 'normalize' her party's brand, Marine Le Pen's has also reached out to skilled workers. While they 'think of themselves as removed from the upper echelons of society', many such workers are 'at pains to differentiate themselves from the lower reaches of society, which they conceive as a mix of immigrants who refuse to integrate and prefer to live on social welfare benefits, the poor who take advantage of state assistance, and young people who are nothing more than 'riff raff'' (Wieviorka, 2013: 467). In order to relate the concerns of skilled voters to her working class base, Marine Le Pen has identified the two groups collectively as the 'invisible' and the 'forgotten', two terms that she also uses to interpolate farmers, the unemployed, and pensioners (Wieviorka, 2013: 465).

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By gradually transforming and normalizing its political brand, the National Front has also changed the terms of its relationship to other parties in France. In its early days, when it most directly threatened the ideological territory of the centre-right, the party was the object of intense debate over how best to limit its effect on the distribution of right-wing votes. During his tenure as RPR (Rally for the Republic, a predecessor to the 2002 UMP[7]) Prime Minister under Socialist president François Mitterrand from 1986 to 1988[8], Jacques Chirac sought to appease the National Front by proposing a model of second-generation citizenship acquisition that made the attribution of nationality to those born in France to foreign-born parents dependent on a voluntary act. However, the political costs of this reform combined with opposition from the *Conseil d'État* forced Chirac to back away from the proposal (Brubaker, 1992: 159-161). Later, in his campaign for re-election as president in 2002, Chirac changed tack, dissociating himself more explicitly from his National Front rival, Jean-Marie Le Pen. Fearing that Le Pen had gained ground, Chirac sought to keep him from winning the presidency in the second round of voting (with the RPR pitted against the National Front, the Socialist Party having been knocked out in the first round) by joining forces with the left in a 'republican front' (Noiriel, 2007). Although Chirac was easily re-elected in the second ballot, this approach did not stem the long-term growth of the National Front's electoral base.

Dilemmas over how to respond to the National Front's electoral rise continue to rage within the UMP (now Republicans), particularly in the aftermath of Le Pen's unexpected breakthrough to

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[7] Created in 2002, the UMP brought together different factions of the right wing in France. It fused together the *Rassemblement pour la République* (Rally for the Republic, RPR), *Démocratie libérale* (Liberal Democracy, DL) and *Ecologie bleue* (Blue Ecology, EB) parties into one party. Numerous members of the *Union des démocrates et Indépendents* (Union of Democrats and Independents, UDF) also joined the UMP. On May 30 2015, under its current leader Nicolas Sarkozy, the party renamed itself *Les Républicains* (The Republicans).

[8] This state of affairs – called 'cohabitation' – in which the President and Prime Minister represent different parties, occurs when the President's party does not hold a majority of seats in parliament. In such cases, the President appoints a Prime Minister who will be acceptable to the majority party. This arrangement has been necessary three times since the 1980s: during the Mitterand-Chirac period (1986-1988), during the Mitterand-Balladur period (1993-1995), and during the Chirac-Jospin period (1997-2002).

the second round of the 2002 presidential elections. While some advocate adopting National Front themes into the UMP platform, others resist this option, preferring to maintain a clear distance from the party. Vacillation between these alternatives has manifested itself in 'contradictions and fluctuations' in the UMP rhetoric (Wieviorka, 2013: 461). Former President Nicolas Sarkozy embodies this phenomenon. His recent discourse and action on immigration control diverge significantly from earlier centre-right handling of these issues (Marthaler, 2008b), earning him a reputation as a 'neo-FN' right-wing politician (Wieviorka, 2013: 461).

By electing a modern, divorced female leader and embracing a greater role for the state in the economy, the National Front has also begun to tread on the territory of the French political left. In recent years, the party has 'permeated' workers' organizations 'from the ground up' and reconciled with teachers, a group with whom it previously shared a mutual antipathy (Wieviorka, 2013: 468). Marine Le Pen's National Front has also broken with the party's past by explicitly embracing the state as 'an essential component of the soul of France' (Le Pen, as cited in Wieviorka, 2013: 478). This strategic embrace of state intervention – linked to what others have referred to as the party's 'state nationalism' (Swyngedouw & Ivaldi, 2001) – is part and parcel of the party's effort to attract 'an electorate still imbued with a culture of the left' (Wieviorka, 2013: 479).

The presence of the National Front thus significantly de-stabilizes the left-right ideological blocs in France. By forcing its rivals to engage – either through cooperation or outright opposition – with issues not traditionally relevant to the major axis of competition, the party has transformed the content and boundaries of French political space. Along with domestic and world events that heighten the public's concerns around immigration, it has made it nearly impossible for its rivals to run a political campaign in which newcomers' integration and 'radical' Islam are not front-and-centre. The National Front has also made it difficult for the major parties to market themselves as distinct on this question. Indeed, Marine Le Pen has worked especially hard to portray her main rival candidates – whom she calls the 'Siamese-twins' Sarkozy (UMP) and Hollande (Socialist Party) – as 'two representatives of the UMPS (a combination of UMP and PS) system who stage a mock fight' (Le Pen, as cited in Wieviorka, 2013: 490).

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With the National Front successfully manipulating popular unrest over immigration and diversity since the 1980s, the UMP and Socialists have found themselves in the very difficult position of having to decide between rejecting their rival's claims outright and participating in a joint campaign to ensure that the National Front is forever excluded from power. I will show below that, while both tactics exist, pressure to appear tough on 'radical' Islam has led both parties to shore up their commitment to curtailing the wearing of religious signs. In order to justify this move as consistent with French republicanism, moreover, both the UMP and Socialists have articulated the boundaries of republican nationhood and politics in increasingly narrow and exclusionary terms.

2.5 Demarcating the boundaries of electoral politics during and after the 1989 'headscarf affair'

The effect of the National Front's presence for efforts to demarcate the boundaries of French politics and nationhood became especially clear during the 'headscarf affair' of 1989. By that decade, growing popular concern over Muslim immigration had combined with fears around France's declining role on the global political stage to produce the widespread impression that French national identity was 'in crisis'. European integration in the post-war period put additional strain on the French political system, by introducing new sources of political competition (in the form of supra-national political institutions), economic competition (through trade liberalization and market integration) and cultural competition (through its effect on immigration and citizenship acquisition) (Kriesi, 2007).

Fuelled in part by the National Front, France's popular media began drawing links between the country's changing role in global politics and the growing threat of 'radical' Islam. For example, in October 1985, the right-of-center weekly *Figaro Magazine* published an issue whose cover posed the question *Will we still be French in thirty years?* The accompanying article then cited 'never before seen' evidence of declining fertility and rising immigration to claim that France was undergoing a crisis in its national identity (Raspail, 1985). Six years later, an issue by the same magazine issued a similar warning, calling for measures to limit the 'invasive' effects of

immigration on French society through quotas, deportation of the undocumented, and tightened requirements for family reunification (Giscard d'Estaing, 1991). By featuring images of the female republican figure 'Marianne' shrouded in an Islamic veil on their covers, both issues symbolically linked the rise in immigration to the so-called 'threat' of Islam.

By 1989, the growing visibility of Islam in French public life had combined with global controversies – most notably the fatwa against novelist Salmon Rushdie for his allegedly blasphemous portrayal of Mohammed in The Satanic Verses – to intensify public debate over the place of Islam in France. The perception that followers of Islam are necessarily threatening, intolerant and violent took on national significance with the expulsion of three headscarf-wearing Muslim girls from a school in Creil (northeast of Paris). Although the girls agreed, following negotiations with the school principal, to remove their scarves in the classroom, that event sparked a nation-wide debate over the meaning of French laïcité and the school's symbolic role as inculcator of republican values (Bowen, 2007b; Scott, 2005). The UMP's early lead in this debate ultimately pushed the rhetoric around Muslim religious integration rightward, causing a deep crisis of legitimacy on the left, particularly among Socialists, who felt increasing pressure to prove their dedication to preserving the secularity of public space.

When the 'headscarf affair' initially broke out in 1989, the major political parties were reluctant to take a definitive stance on the issue. Hoping to subdue the public's concern while maintaining an arm's length approach, the Socialist Minister of Education, Lionel Jospin, referred the question to the *Conseil d'État* (Council of State), France's highest administrative court. Although its decisions are not binding, the *Conseil* provides a check on the administrative and executive powers of the French state. A historic defender of liberal and republican principles – mainly equality of individuals before the law – it continues to function as a mediator of state-individual relations in France. Governments have traditionally deferred to the *Conseil* in matters concerning the legality of government actions and the wording of bills, as well as in deciding whether a piece of legislation passes the test of French jurisprudence. Its elite status and historic legacy afford the *Conseil* a unique ability to deflect government efforts to restrict immigration. The court's advice – that principals should be allowed to determine on a case-by-case basis

whether headscarf-wearing girls were engaging in propaganda – resolved the headscarf issue, but only temporarily.

In 1994, François Bayrou, the Minister of Education in an RPR dominated National Assembly, resurrected the debate by announcing the prohibition of ostentatious religious signs in all schools. Although this second round of debate subsided when the *Conseil d'État* reaffirmed its initial ruling (Bowen, 2007b; Scott, 2005), it was quickly resurrected by right-wing politicians who, under the auspice of the newly formed UMP (the successor to the RPR founded in 2002), sought to capture the religious signs issue for their own political gain. In 2003, Nicolas Sarkozy, then the Minister of the Interior and of Cults in President Jacques Chirac's right-wing government, introduced a policy to prohibit facial coverings in official identity photographs. When debate over this policy sparked a broader discussion of religious signs in schools, Chirac appointed Bernard Stasi, the French Ombudsman and former government Minister, to head an independent investigation, composed of twenty members from a wide variety of backgrounds – including teachers, researchers, jurists, politicians and school administrators – into the advisability of a legal ban. Between September and December of 2003, the Stasi commission heard testimony from 140 teachers, intellectuals, politicians and activists (Stasi, 2003). One of its twenty recommendations – that ostentatious religious signs should be prohibited in public schools – was instituted as law in October 2004.

Throughout his tenure as Minister of the Interior and later as the UMP's candidate in the 2007 presidential election, Nicolas Sarkozy continued to position himself as the most suitable candidate to defeat the National Front. In doing so, he adopted shifting and contradictory approaches to defining republicanism and its relationship to Islam, earning him a reputation as a highly ambiguous figure in French politics. In his early years as Minister of the Interior, Sarkozy sought to craft a vision in which Islam and its relationship to the state played a defining role. In 2003, he created the *Conseil français du culte musulman* (The French Council of the Muslim Religion, CFCM), bringing together France's three largest Muslim organizations – the Great Mosque of Paris, the *Fédération nationale des musulmans de France* (National Federation of French Muslims, FNMF), and the *Union des organisations musulmanes de France* (Union of

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Islamic Organizations of France, UOIF) – into a single and centralized body tasked with representing Muslim interests in policy discussions with the state. The first of the CFCM's constituent bodies – the Great Mosque of Paris – was then perceived by government elites as the strongest force for 'moderation' in the French Muslim community (Bowen, 2007: 52). Supported by the Algerian government, this institution is affiliated with numerous other mosques. The second organization to become part of the CFCM umbrella in 2003, the FNMF, was founded in 1985 as an alternative to the Great Mosque. With ties to Morocco, it has historically drawn the support of French converts to Islam. Finally, the UOIF is the most visible and politically controversial member of the CFCM. Founded in 1983, it represents local cultural and mosque-affiliated Muslim associations throughout France. The UOIF gained national significance in 1989, when it supported the girls expelled from school in the famous 'headscarf affair' (Bowen, 2007: 50-60).

At the time of the CFCM's creation, many believed it would finally allow the French state to incorporate Islam into its republican compact. It its early days, the organization fulfilled these expectations, providing the French government with a legitimate instrument with which to supervise key aspects of Muslim religious life in France, including the building and maintenance of mosques and the training of imams (Bowen, 2007: 60). However, internal divisions and critical responses from the Muslim community subsequently rendered the CFCM an unstable and ineffective force in the French politics on religious diversity. As I will explain in chapter 3, this organization nevertheless remains essential in granting legitimacy to the French state in matters tied to Islam and Islamic relations.

Although it secured him a reputation as skilled in dealing with the French Muslim community, fraternization with Muslim groups like the UOIF also proved risky to Sarkozy's career and public image. When he failed to place himself squarely behind the ban on ostentatious religious signs in schools in 2003, a move that appealed to his new Muslim allies, both the National Front and his own colleagues in the UMP attacked Sarkozy as a weak defender of French values. Recognizing that he had a strategic interest in taking a firmer stance on religious signs, Sarkozy drastically shifted his position. In a speech delivered to representatives of Muslim organizations

in April 2003, he announced his intention to institute stricter laws requiring that French residents uncover their faces when having identity photographs taken (Sarkozy, 2003). Later that year, Sarkozy also publically endorsed a prohibition of religious signs in schools. Crafting an image of *laïcité* as a sacred aspect of French republicanism – one that dictated much of his future discourse on the topic – he claimed in a speech that 'when I enter a mosque, I remove my shoes. When a young Muslim girl enters school, she must remove her headscarf' (Sarkozy, as cited in Le Nouvel Observateur, 2003). Both speeches, which shocked members of the Muslim community now accustomed to seeing Sarkozy as an ally, helped place him ahead of Chirac as UMP candidate in the race for the presidency (Bowen, 2007).

Just as the UMP was developing a strategy to exclude the National Front by co-opting features of its immigrant integration platform, the Socialists were falling behind in the battle to 'own' the religious signs issue. Whereas Sarkozy used republican themes to unite voters in the 2007 presidential race, his Socialist Party opponent, Ségolène Royal, stuck to a traditional leftist discourse and focused on issues of education, the fight against violence, purchasing power and the environment. While she concurred with Sarkozy on the significance of violence and threats to security in France, Royal maintained that social and economic marginalization are at the root of these problems. She also refused to adopt a negative tone in characterizing immigration, focusing instead on its benefits for France (Noiriel, 2007: 106-110). Ultimately, her failure to provide an attractive alternative to Sarkozy's unifying republicanism led to Royal's defeat on May 16, 2007.

Once elected President, Sarkozy further intensified his lead over the Socialists in the battle to 'own' the religious signs issue by inviting religious Catholics, a key constituency for the National Front, to support a renewed conception of French laïcité, one that embraces its Catholic roots. In his famous Latran speech delivered as president in December 2007, he asserted that:

> Laïcité does not have the power to cut France from its Christian roots. [...] To pull out the root is to erase the meaning [of laïcité], to weaken the cement of national identity, to further weaken those social relationships that crucially depend on symbols and memory.

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This is why we must hold together the two ends of the chain: assume the Christian roots of France – even develop them – while defending laïcité, which has finally matured (Sarkozy, as cited in Le Monde, 2007).

By identifying Christianity (mainly Catholicism) as the cultural symbol that anchors the republican commitment to state secularism in this quote, Sarkozy sought to create a space for sympathizers of the National Front within the UMP, inviting them to endorse a discourse that he called laïcité positive (positive secularism). Recognizing the threat that this posed to her own electoral territory, Marine Le Pen responded by invoking a discourse of laïcité that similarly references the religion of the majority. In a section of its platform entitled *Laïcité: une valeur au coeur du projet républicain* ('Laïcité: a value at the heart of the republican project'), the National Front claims that:

> …Christianity was for a millennium and a half the religion of most, if not all, French people. It is normal that this fact should profoundly mark the French landscape and national culture. French traditions cannot be disregarded (Front National, n.d.).

The fact that this statement appears under the heading *laïcité* underscores the party's desire to demonstrate that, like Sarkozy's UMP, the National Front is committed to making republicanism – and *laïcité* – compatible with France's Christian roots. Effort to reconcile these two disparate aspects of French national identity – laïcité and the country's Catholic heritage – also speaks to the modern National Front's desire to be taken seriously by mainstream politics. While, like her father, Le Pen remains committed to promoting an ethno-religious conception of nationhood that overtly excludes new immigrants, she also recognizes the rewards to be reaped from embracing republican themes that resonate with voters.

By rendering the secularity of public spaces (mainly schools) almost sacred and by linking *laïcité* to France's Catholic history, Sarkozy's UMP and Marine Le Pen's National Front have thus transformed secularism from an organizing principle in French society to a timeless, cultural and essential aspect of the national psyche. Thus monopolizing the promotion of *laïcité*, both parties

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have also managed to discredit the Socialists as disloyal, elitist and, in some cases, as collaborators in a Muslim ploy to denigrate French republican values and history (Noiriel, 2007: 103). This critique has since gained ground in left-wing activist groups that bemoan the right's 'kidnap' of *laïcité* for political gain. These groups have taken to blaming prior Socialist administrations for failing to take a firmer stance against 'radical' Islamic practices, beginning with the 'headscarf affair' (Kessel, 2012). In their numerous editorials, publications, and blog posts, those in this camp assert that, by giving in to a 'political correctness' that feeds on the right's gross distortion of *laïcité* to vilify the concept altogether, 'Socialists no longer know where they belong' in French politics (Kessel, 2012: 177).

This attack on the Socialist Party has taken a firm hold in second wave feminist circles. Annie Sugier, president of the *Ligue des droits international des femmes* (International League for Women's Rights), sees secularism as a 'legacy of the left', which the right 'poorly manipulates'. However, she also believes that 'criticisms tied to colonialism and conflict with the United States have altered the left', causing it to abandon the issue of secularism (Sugier, interview). Likewise, Michéle Vianès, president of *Regards de Femmes* (Women's Outlooks), claims to have 'quit the Socialist Party' in 1993 out of concern for the number of people who 'supported the notion that, in the name of tolerance, we should allow the oppression of women' (Vianès, interview).

In responding to these critiques, left-wing actors – some of them members of the Socialist Party itself – have worked hard to regain 'ownership' of *laïcité* as a legacy of the left. Although they similarly condemn Islamic veiling as an attack on republicanism, the resulting discourses differ in subtle but important ways from right-wing articulations of this theme. Firstly, left wing secularists tend to reject the right's culturalist interpretation of *laïcité*. For example, although he concedes that France is particularly radical in its conception of *laïcité*, philosopher and well-known secularism commentator Henri Pena-Ruiz insists on the 'universality' of secular principles, noting their impact on diverse societies around the world (Pena-Ruiz, 2001: 100, 112-115). A second feature that distinguishes left-wing discourses of *laïcité* is their emphasis on the need for a strong state to secure the secularity of public spaces. Indeed, for leftist thinkers and

politicians alike, right-wing portrayals of veiling as an attack on *laïcité* serve an ideological attempt to scale back the powers and influence of the state (Pena-Ruiz, 2001: 23) and turn voters' attention away from real social problems (Glavany, 2011).

At the same time as they condemn Sarkozy's catho-laicité (Glavany, 2011: 154) – a term that captures the pro-Catholic thrust of his secular campaign – left-wing actors who support restrictive laws similarly sacralise *laïcité*, identifying it as part of a 'culture of freedom' and a fundamental requirement for social cohesion (Pena-Ruiz, 2001: 19). The current Socialist administration has picked up on this vocabulary, using it to advance its interests in the battle to 'own' the issue of veiling. The promotion of Manuel Valls from Minister of the Interior to Prime Minister illustrates the significance of this strategy. Although criticized by many in his own party, Valls' zero-tolerance approach to illegal migrants and to the face veil appeals to right-wing voters (Revault d'Allonnes & Schneider, 2013), solidifying an impression that Socialists take seriously the protection of French republican values, including *laïcité*. While it has yet to propose additional laws to address veiling in France, the current Socialist government has been adamant about its commitment to enforcing the 2004 and 2011 bans and to protecting the value of secularism in the face of Islamic terrorist threats.

2.6 Conclusion

In his foundational study of French citizenship policy, Brubaker (1992) argued that, through its entrenchment in institutions and discourse, a republican ethos rooted in the 1789 Revolution has come to dictate the way parties and government define the terms of national membership in France. In this chapter, I have taken a different approach to analyzing political articulations of republicanism – and *laïcité* – in the context of debates around immigrant (mainly Muslim) religious signs. Placing electoral politics at the center of this discussion, I argued that the meaning(s) attached to republicanism and *laïcité* in these debates are highly contingent upon parties' strategic manipulation of these discourses for political gain. I proposed that France's two major political parties – the UMP and the Socialists – have, for reasons tied to conflict with

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the ultra-right, converged around the notion that protecting the secularity of French public space requires targeting individuals' religious practices in the public sphere.

Two historical junctures were especially critical in producing this outcome. Coinciding with world events that sparked widespread fear of 'radical' Islam, the 1989 'headscarf affair' brought the issue of Muslim religious covering to the forefront of French national politics. Highly mediatized portrayals of schoolgirls donning headscarves aggravated a growing popular concern – encouraged by the National Front – that Islamic fundamentalism was gaining ground in the *banlieus* (suburbs) of France's largest cities. When the governing Socialists failed to take a hard stance on the issue, instead handing it over to the *Conseil d'Etat*, the party paid a hefty political price, garnering a reputation as 'lax' when it comes to protecting republicanism and *laïcité*.

A second defining moment in leading France's major parties to converge around a campaign to restrict religious signs was the rise of Nicolas Sarkozy, first as Minister of the Interior (2002-2004 and 2005-2007) and later as president (2007-2012). Like others in the right-wing UMP, Sarkozy was concerned that the National Front was winning over right-wing voters, particularly after the party's leader Jean-Marie Le Pen made it to the second round of the 2002 presidential elections. In response, he sought to unify voters around a republican discourse that strategically blurs left-right boundaries by anchoring *laïcité* in a decidedly ethnic and Catholic conception of French nationhood. Appealing to both left and right in a bid to offset the rise of the National Front, Sarkozy once again put the Socialists on the defensive.

These two events have put pressure on leftists to engage in a kind of 'nationalist one-upmanship' (Simon, 2013: 216) by adopting an equally restrictive discourse of *laïcité*. To this end, politicians and activists on the left have worked hard to shore up the progressive roots of republican secularism, in part by relating it to other left-wing political projects, like strengthening the power of the state and bolstering the protection of universal rights. These efforts to construct a left-wing version of *laïcité* have not ultimately prevented left-wing politicians from portraying 'radical' Islam as a threat to French republicanism. To the contrary, leftists have employed the image of a strong state to justify narrowing the boundaries of

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inclusion into French nationhood and politics through strict enforcement of the 2011 face veil ban.

The findings of this chapter ultimately underscore the under-appreciated significance of party competition in shaping the meaning(s) attached to nationhood in debates over religious signs. As I proposed in the introduction, the literature on party politics has focused much too narrowly on unpacking the strategies that parties use in seeking electoral success. By prioritizing the question of 'who wins', these studies have neglected to trace the very important link between efforts to demarcate party political boundaries and the related process of constituting and re-constituting the nation. In the French case, I argued, the meanings attached to republicanism and *laïcité* are predicated on a complex battle to assert the boundary between 'legitimate' and 'illegitimate' politics. Those in the 'illegitimate' camp – i.e. the National Front – are driven by a desire to appear distinct from their competitors while at the same time gaining resonance through use of republican themes. Since Marine Le Pen became leader in 2011, the party has thus worked hard to reconcile its traditionally ethnic conception of nationhood with the republican emphasis on *laïcité*. Those in the 'legitimate' camp are keenly aware of the threat that this poses to their own political brands and territories. As such, they have shored up their attack on 'radical' Islam by calling forth a narrow conception of immigrants' access to republican nationhood.

The next chapter further elucidates the role of party competition in constructing the meaning of French nationhood through analysis of a second major site of political contestation over veiling in France: the state. Based on an in-depth study of the internal processes behind the 2009 Gerin commission, I show that politicians involved in its deliberations strategically manipulated the testimonies of the commission's key participants in order to reinforce the notion that this law arose out of a widely shared agreement. In the process, I argue, the commission became yet another venue in which – via their struggle to 'own' the religious signs issue – France's major political parties narrowed the boundaries around French nationhood, in this case focusing on its rights-based dimension: citizenship.

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Chapter 3: Party competition, the quest for legitimacy and the production of citizenship in the Gerin commission

Chapter 2 traced the historical conflicts and alliances that have led France's major political parties to converge around the claim that the values of republicanism and *laïcité* require restricting Islamic veiling in certain public spaces and institutions. I argued that, in seeking 'ownership' of this issue for political gain, the right-wing UMP and left-wing Socialists have advanced an increasingly narrow conception of the boundaries of French nationhood. This chapter addresses a different, but related, substantive question: how is the alleged agreement around this interpretation articulated, and thus reaffirmed, in periods of contestation over religious symbols and practices, in particular the Islamic face veil? Moreover, what are the implications of that agreement for the ways in which politicians constitute the rights tied to French citizenship?

To answer these questions, I examine a second key site of political contestation over veiling in France – the state – through a detailed analysis of the Gerin commission, the six-month government inquiry that preceded the 2011 ban of face coverings in French public space. Between June and December 2009, the commission's president, André Gerin, and thirty-one other members of the French National Assembly heard testimony from seventy-eight invited guests representing various organizations and social groups in France. They also questioned representatives of other E.U. countries, the United States, Canada, Turkey and some Arab nations, and received submissions from all political parties represented in the French National Assembly and Senate (Gerin 2010). The commission's stated objective was to 'review the practice of wearing the burqa and the niqab by certain Muslim women' in order to 'better understand the problem and to find ways to fight against this affront to individual freedom' (Assemblée Nationale, 2009).

Although they could not reach unanimous agreement on a complete ban – for reasons that I detail in chapter 4 – the Gerin commission's members broadly agreed that the face veil violates the philosophical tenets of French republicanism and should thus be curtailed on French soil. I will

argue in this chapter that framing these conclusions as deriving from a widely shared agreement was a key objective of the major figures involved in the Gerin commission, one that required a careful formulation of the commission's mandate, as well as a highly strategic solicitation and framing of the views of its participating groups. In order to buttress this alleged agreement, those responsible for establishing and administering the Gerin commission took a remarkably top-down approach, one that reveals a pre-existing desire to invoke the need to ban the face veil. Not only did the commission's mandate proclaim the need to 'fight against' the face veil; its members consisted of politicians active in the National Assembly, many of whom had expressed strong positions on veiling prior to the commission. Those politicians were then responsible for deciding who would appear as experts before the commission, a fact that resulted in the selective omission or underrepresentation of key groups.

In making this argument, I build on a conceptualization of government commissions as vehicles through which states exercise their power and legitimacy to govern. I argue that, unlike most commissions, which seek legitimacy through the participation of neutral 'experts' capable of representing the interests of the public, the Gerin commission sought legitimacy primarily through references to by-partisanship. Made up exclusively of politicians in the National Assembly, it was touted by its key representatives as uniquely reflective of party political positioning on the religious signs issue. Thus, I argue, it effectively served as an additional venue in which France's major political parties negotiated the boundaries of the political sphere and thus further defined the meaning(s) of nationhood in the face veil debate.

In what follows, I begin by situating the chapter's findings in the larger conversation on government commissions as vehicles of state legitimacy. Next, I draw on interviews with Gerin commission members to demonstrate how decisions regarding the commission's mandate, composition and participants were used strategically to buttress the claim that outlawing the face veil in French public space was the subject of widespread agreement. A selective and strategic use of testimonies by three key participating groups – individuals deemed to represent the interests of French Muslims, feminists and legal experts – reinforced this claim. The final

section summarizes the chapter's key findings and considers the implications of incorporating politics and partisanship into the study of commissions and state legitimacy.

3.1   Government commissions as vehicles of state legitimacy

Social science scholars broadly define legitimacy as an attribute of political actors and systems whose 'right to rule' depends on the consensual obedience of their subjects (Beetham, 1991). Weber's formative writings on the topic portrayed legitimacy as a crucial mechanism of state stability and authority, spawning a literature that explores the importance of legitimacy to state formation and crisis. Studies anchored in the Weberian tradition have since shown that state structures in early modern Europe expanded the bases of their legitimacy by endowing state institutions with formal powers and a legal identity that separated them from other social actors (Thornhill, 2011). Empirical investigation into the modern mechanisms of state legitimacy builds on this historical evidence, showing that citizens comply with state rules and institutions when they believe them to be legitimate. Their compliance in turn promotes states' effectiveness in accumulating fiscal, coercive and regulatory powers (Gilley, 2009: 146-154).

Comparative investigations into states' quests for legitimacy have spawned typologies that capture the legitimating strategies of diverse systems of power organization. However, an emerging strand of sociological research shifts gears by prioritizing the processes at play in asserting legitimacy (Barker, 2001). Studies in this vein highlight the relations and practices that determine whether and how state or other authorities succeed in packaging policies as legitimate reflections of established rules and societally shared beliefs, norms and symbols. Once they identify a legitimating content, research suggests, actors then craft statements or narratives with which to legitimate and disseminate that content (Hurrelmann, 2008; Hurrelmann, Krell-Laluhova, Nullmeier, Schneider, & Wiesner, 2009; Jacobs & Sobieraj, 2007).

Channelling 'expert' knowledge into policy is an increasingly central component of modern states' quest for legitimacy. According to Rose and Miller (1992), states rely on 'experts' to construct 'knowledge apparatuses' that envision their governing objectives and administer

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'diverse aspects of conduct through countless, often competing, local tactics of education, persuasion, inducement, management, incitement, motivation and encouragement' (Rose & Miller, 1992: 175). This emphasis on knowledge shifts the locus of state legitimacy away from the material functions of government toward 'the discursive field' within which these functions are 'delineated and accorded significance' (Rose & Miller, 1992: 177).

Government commissions – such as the 2009 Gerin commission – are key forums in which modern states undertake this kind of discursive work. Made up of persons 'charged by an authority with designated activity and purpose' (Merton, 1976: 156-157), commissions have been deployed by governments to address governance-related concerns for over two centuries. Believed to foster deliberative democracy and consensus (Keller, 2009), they are essential to the broader 'institutionalized pattern of truth-telling' that governments deploy to 'get at the truth' about various social and economic conditions (Merton, 1976: 156-157).

The importance of commissions as vehicles for state legitimacy has increased in recent decades. In part, this is because 'traditional command-and-control techniques of government bureaucracy' have fallen by the wayside, as the tasks of governing become more complex and geared toward affecting the behaviours of growing numbers of individuals and organizations (Majone, 1999: 5). As states seek legitimacy under these changing circumstances, the delegation of authority by legislators and political executives to independent bodies becomes advantageous for three reasons. First, specialized and neutral experts can carry out policies with a level of knowledge that politicians cannot match. Second, delegation reduces governments' decision-making costs by allowing legislators and political executives to economize their time and effort. Finally, delegation of state authority to independent bodies allows governments to shift responsibility for policy failures to other decision-makers (Majone, 1999: 3-4).

Once a government chooses to delegate its authority to a commission, that commission can take different forms. We can categorize different types of commissions according to three basic characteristics: duration (ranging from those convened ad hoc to address a particular issue to permanently established ones), purpose (arbitration, regulation, advice-giving, investigation, etc),

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and 'latent functions, notably bargaining (among disparate interests), public education, delay, patronage, appeasement, frustration of opposition to current policy, and rubber-stamping' (Merton, 1976: 158). The modes of representation that commissions use to fulfill their mandates also vary. In this regard, options include trustee representation, whereby participants are expected to act in the public interest without regard for competing societal demands; status representation, whereby commissions provide opportunities to disadvantaged groups to shape government programs that affect them; and symbolic representation, whereby, according to critics, commissions merely legitimate decisions already made by those in charge (Mitchell, 1997).

Granted a temporary role in governance, commissions are thus essential to the legitimacy-seeking efforts of modern states. However, their decisions are also 'deeply affected by both actual and perceived climates of public opinion and action' (Merton, 1976: 162). For this reason, critics argue, they can become venues for 'political manipulations', used by elites to 'steer political debates' in certain directions (Keller, 2009: 356). The fact that they are part of 'the overarching political system', moreover, leads some to believe that commissions inevitably tend 'toward establishment-oriented, politically compromised conclusions' (Keller, 2009: 357). Gaining legitimacy in the eyes of the public, by refuting claims that they merely advance the interests of established elites, is thus a key objective for government commissions.

Although cognizant of the effect that partisanship can have on commissions, scholars have not yet drawn the connection between the legitimating role of commissions and related battles among parties for the power to govern. In cases, like the Gerin commission, where the responsibility for gathering the expert knowledge tied to a particular law is assigned solely to politicians, the state's project to gain legitimacy becomes closely intertwined with party politics. I argue below that, by soliciting the views of politicians directly involved in party political battles to 'own' the religious signs issue, the Gerin commission of 2009 became a forum in which electoral politics permeated the state and its quest for legitimation, with important consequences for discourses surrounding French citizenship and its attendant rights.

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3.2 The Gerin commission: mandate and composition

Although its deliberations largely took place in central Paris, in the illustrious Bourbon Palace that houses the French National Assembly, the confrontations that sparked the 2009 Gerin commission and subsequent face veil ban have their roots outside the French capital, in Vénissieux, a suburb of Lyon. Once a small agricultural town, Vénissieux underwent significant population expansion in the 1950s economic boom. Over the following decades, the town became a key destination for North African migrant men – mainly from Algeria – who came to seek work in its thriving industrial sector, their wives and children joining them a decade or so later. The initial prosperity brought on by industrialization was short-lived, however, as the oil crisis of the 1970s hit the region hard, causing unemployment to spike. Residents with sufficient means fled Vénissieux for surrounding areas, leaving behind a large North African community with limited work opportunities and deteriorated housing (Parvez, 2011).

Born and raised in a nearby farming community, André Gerin began working at age eighteen in a car production factory, where daily mistreatment by factory managers transformed him into an ardent communist. By the late 1970s, after he had scaled the ranks of the company, Gerin joined the French Communist Party. But it was his experience as municipal councillor and later mayor of Vénissieux that solidified Gerin's political vision. When he won the mayoralty race in 1985, Gerin's stated goal was to bring national attention to Vénissieux's unemployment crisis, which he then blamed on the de-industrializing and housing policies inflicted by the French capital. However, as residents affected by poverty increasingly took to rioting in the streets of Vénisseux in the late 1980s and early 1990s, Gerin shifted the blame to the local Imams, whom he claimed were taking advantage of North African residents' desperation to promote violence and Islamic radicalism (Gerin, 2012).

By the time he was appointed to chair the infamous 'Burqa commission' (a prominent nickname for the Gerin commission) in 2009, Gerin had come to embody the disparate ideological streams that constitute the professed agreement around religious signs in France. The fact that he deplored the National Front's opportunistic use of the French identity 'crisis' to promote racism,

and saw 'radical' Islam as a by-product of capitalism, testified to his left-wing roots. Yet, Gerin was also favourable to predominantly right-wing claims that Islamic culture clashes with that of Judeo-Christian societies (Gerin, 2012: 116) and that immigration to France should be curtailed (www.blogandregerin.fr/). These seeming contradictions earned Gerin the reputation as a *maire sécuritaire* ('security mayor') and a *Sarkozy de gauche* ('Sarkozy of the left') among many leftists.

In June 2009, Gerin approached the French National Assembly with a proposal for a government-led inquiry into the advisability of legally banning the face veil. Although his fellow deputies initially rejected the proposal, Gerin's lobbying efforts, including his use of the media to draw public attention to the issue, eventually resulted in a petition signed by fifty-eight deputies of all political stripes in support of a government inquiry (Gerin, interview). In my interview with him, Gerin claimed that this petition 'made a huge splash, in the media, in the government, even for the president'. 'That was a Wednesday', he explained. 'By Friday the president of the Republic had made a statement in which he indicated that we must absolutely address this problem. The following Tuesday morning, the president of the National Assembly announced a decision to put in place a commission of information on the face veil' (Gerin, interview).

Throughout the commission's proceedings and later in our interview, Gerin declared himself neutral on the question of whether to legally ban the face veil. Yet, he expressed strong negative sentiments about this practice well prior to the start of the commission. For example, in a statement published by the newspaper Le Point on June 19 2009, Gerin described the wearing of face veils as both 'worrying and shocking'. He added that 'to see ghosts and mobile prisons walking in the streets creates a real discomfort among the population' (Gerin, as cited in Gros de Larquier, 2009). In the same interview, Gerin then called for a 'republican battle' to forge an 'Islam of the Enlightenment' (Gerin, as cited in Gros de Larquier, 2009).

Gerin's obvious opposition to the face veil did not prevent him from being nominated to chair the commission. To the contrary, it might well have encouraged this outcome. As a leftist –

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indeed a Communist – but also one who favours a strong response to 'radical' Islam, Gerin was regarded as uniquely capable of ensuring that the commission's findings would appear to derive from a cross-party agreement on the face veil. Gerin himself saw his nomination as part of a conscious effort to foster bipartisanship in the commission. In our interview, he proposed that: 'had a Communist not initiated it, this project would not have taken place. There would have been indecision in the Assembly. If the right takes the initiative, everyone on the left refuses to participate' (Gerin, interview). This quote indicates that forging a cross-party alliance on the face veil issue was foremost in the minds of the commission organizers.

Not only had Gerin personally declared himself in favour of curtailing the face veil on French territory prior to the commission; this position was front-and-centre in the commission's own official mandate. In the seven-page document registered with the National Assembly on June 9, 2009, the signatories of the resolution to launch the commission stated in no uncertain terms that the practice of face veiling must be put to an end, as it represents a 'communalist affront that contradicts our principles of *laïcité*, our values of freedom, equality, and human dignity' (Assemblée Nationale, 2009). The document further suggested that, although 'useful', existing measures aimed at curtailing the practice of covering one's face 'are insufficient to address these practices, which we cannot tolerate in France' (Assemblée Nationale, 2009).

On the dangers of the face veil, therefore, it was assumed all participants in the Gerin commission would be in agreement before the deliberations even began. The only real question left for commissioners to consider was which precise measure – a parliamentary resolution or a law – would most be most effective in curtailing the presence of the face veil in France's public spaces. As I will show below, commission members favouring the latter solution balked at the objections raised in legal experts' testimonies.

With the Gerin commission's mandate established, the question of its composition was then addressed. Significantly, it was to be made up exclusively of members of the National Assembly. This approach to representation was far different from that adopted by the 2003 Stasi commission, which was mostly led by academics, legal experts and former politicians. Far from

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being removed from the process of governing, members of the Gerin commission *were* the government of France at the time. Every political 'group'[9] was invited to send a specified number of delegates – proportional to its representation in the Assembly – to serve as members of the commission board (Thiers, interview). Ultimately, thirty-two members of the National Assembly formed the commission's membership: seventeen representatives of Union for a Popular Movement (UMP), eleven Socialists, one Communist, two members of the right-of-centre New Centre Party, and one Green party representative.

The composition of the Gerin commission thus decided, the next important question was who would appear before it as experts. No precise method for selecting the Gerin commission's seventy-eight invited participants was ever officially stated. However, my interviews with commission members and organizers revealed that, for the most part, these participants were either solicited directly by individual commissioners or were identified as persons or groups of interest during weekly meetings attended by Gerin and his team of administrators (Gerin, interview).

Close examination of the roster of participants – among them feminists, pro-secularism activists, masons, representatives of the French Muslim community, academics, journalists, public intellectuals, legal experts, and government actors[10] – suggests that important strategic choices were made, resulting in two significant omissions. First, at seven out of seventy-eight[11] – five of them from the same organization – the number of participants representing the French Muslim community was remarkably small, given that the issue before the commission directly involved

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[9] In French politics, the term 'group' refers to political parties and groupings of smaller political parties.
[10] In some cases, two or more representatives of the same association testified. Therefore, the total number of associations appearing before the commission is smaller than the total number of individuals.
[11] A handful of other commission participants could arguably – by virtue of their ethnic or national origins – be included in this category. For the purpose of this analysis, though, I categorized participants according to the way the commission itself presented them. For example, although Sihem Habchi and Ismahane Chouder are of Muslim-Arab origin, they appeared before the commission in their capacity as representatives of recognized feminist associations, not as representatives, per se, of the Muslim community.

and impacted that community. Moreover, of those who did appear, only one woman who actually wears the face veil – the very practice whose legality was before the commission – was heard. Second, nearly all of the fourteen feminists to appear before the Gerin commission supported a legal ban of face veils. The commission therefore failed to consult a significant number of feminist organizations that oppose restrictions on Islamic religious signs in France, some of which I discuss in chapter 5.

3.3   Claims to agreement in the Gerin commission

Besides being highly selective in its choice of participants, the Gerin commission was also unabashed in claiming that the testimonies of its participating groups supported the assertion of an agreement around the need to restrict face coverings in France. In fact, the report used the term 'consensus' to describe participants' opinion on a number of specific issues, including: that national Muslim organizations widely approve the ban (p.39), that the 2004 law banning ostentatious religious signs in schools was a clear success (p.91), that the face veil poses a threat to women's dignity (p.113), that French society is founded on shared 'implicit values' which face coverings clearly violate (p.120), etc. The Gerin report even used the term 'consensus' to characterize its overall conclusions, stating that:

> The quasi-totality of propositions formulated by the commission form the basis of a consensus. They are founded upon the conviction that it is necessary to convince, educate, and protect, that we must confront public agents with a single objective: to eliminate a practice that contravenes our republican values' (Gerin, 2010: 187).

The desire to portray the Gerin commission's findings as deriving from a 'consensus' was also front-and-centre in my interviews with commission members. For example, when I asked whether he observed any fractures along party lines, UMP member Georges Mothron answered: 'not at all, it was really by-partisan'. He added that 'the vast majority of the commission's members opposed the veil'. Mothron even claimed that the 'reasons' for opposing the veil overlapped by 'ninety-nine percent' across parties (Mothron, interview). Mothron's colleague in

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the UMP, Nicole Ameline, also pointed, albeit less directly, to the presence of agreement when she credited André Gerin – who she noted was a representative of a competing and strongly divergent political party – with bringing the issue of the veil to the public's attention. In her words:

> I visited Les Minguettes [a neighbourhood outside Lyon which houses a large number of immigrant families from North Africa] with André Gerin and we were very much complicit and allied in our reflection. He is the one who informed us that, more and more, women were wearing the burqa (Ameline, interview).

Thus, although they sit on opposite sides of the aisle, Ameline has come to regard Gerin as a close ally when it comes to diminishing the presence of veiling in the French public sphere.

Left-wing members of the Gerin commission were similarly intent on emphasizing the agreement among commissioners over the need to curtail the face veil. In our interview, Socialist member Christian Bataille assured me that 'we cannot say there is a right-left cleavage' on this question (Bataille, interview). Bataille's colleague, Socialist commission member Jean Glavany, upheld this image of a cross-party alignment when he told me that 'we are all republicans, each and every one of us, with some exceptions on the extreme left and extreme right. We are all republicans with the same set of values' (Glavany, interview). These two statements illustrate the degree to which, in order to exclude the 'extreme' viewpoints of the National Front, politicians involved in the Gerin commission were willing to downplay their partisan differences.

Having sat at the helm of the commission, André Gerin was especially committed to claiming that opposition to the face veil's presence in French public life formed the basis of a strong political agreement. Sensing I was aware of objections to his leadership role among certain Socialists, Gerin flatly denied in our interview that there was real partisan disagreement over what to do about the face veil, which he described as a 'republican problem that transcends

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political cleavages' (Gerin, interview). Gerin even claimed that his appointment as chair of the commission facilitated consensus building, stating that:

> [The commission] could not have taken place without a Communist having initiated it. Without that, there could not have been a decision in the National Assembly. If the right takes the initiative, everyone on the left rejects it (Gerin, interview).

This statement underscores the extent to which politicians like Gerin are aware that agreement over the face veil issue is politically negotiated. Its emergence may rely on subtle cooperation tactics of parties and party members.

Importantly, references to agreement in the context of the Gerin commission did not include the National Front. In fact, when it came to claiming unanimity in politicians' outlook on the face veil, the position of party leader Marine Le Pen was largely and conspicuously left out. When her name was brought up, it was usually done to show that mainstream condemnations of the face veil were grounded in reasonable and 'legitimate' concerns around women's equality and dignity, not in the exclusionary anti-immigrant discourse of the ultra-right.

In our interview, for instance, the UMP's Nicole Ameline claimed that 'it is people like Marine Le Pen who create communalism, by causing people to retreat back to their identities'. 'What we need to do', Ameline continued, 'is the opposite, that is, to be inclusive' (Ameline, interview). By using the term 'inclusive' to justify a rejection of face veils in this quote, Ameline is able to simultaneously exclude two points of view: that of veiled women from the boundaries of French nationhood, belonging and citizenship, and that of the National Front from the boundaries of 'legitimate' politics. Thus, whereas many political actors in the Gerin commission portrayed their agreement as a source of legitimacy, that agreement became illegitimate when the ultra-right entered into its parameters. Even though the National Front is responsible for much of the vilification of Islamic veiling that drives support for the ban that most politicians support, the party's fringe – and threatening – position makes it ineligible for membership in a narrative, however contrived, of cross-party alignment over this issue.

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Claims to agreement in both my interviews with politicians and in the Gerin commission report itself were not entirely borne out by the participants' testimonies, however (see Appendix A for summaries of all presentations). To the contrary, on the central question investigated by the commission – whether to legally ban the face veil in French public space – opinion varied widely, with the greatest support exhibited by feminists, pro-secular activists, masons and government actors, and the lowest rates of support from representatives of the Muslim community, academics, journalists, public intellectuals and legal experts. In total, only forty-one percent of the commission's invited participants openly advocated a legal ban, compared to forty-six percent who declared themselves opposed. The fact that a larger percentage opposed the ban was very much downplayed in the Gerin commission's report, which buried these results beneath its repeated claims to 'consensus'.

Table 3.1 Position on face veil ban by type of participant

| | | Position on the face veil ban | | |
	Total	For	Against	N/A
Feminist individuals and associations	14	11	3	0
Secular associations	20	9	11	0
Masons	5	2	1	2
Individuals and associations representing the Muslim community	7	0	7	0
Academics, journalists and public intellectuals	13	2	7	4
Legal experts	7	2	4	1
Government actors	12	6	3	3
Total	78	32	36	10
Per cent in favour of ban	100	41	46	13

In the following sections, I show that the prevailing conclusions of the Gerin report – including its declaration of agreement – required a strategic and highly selective framing and use of the testimonies by three key groups of participants: individuals deemed to represent the Muslim community, feminists, and legal experts. Although small in number, the presentations by Muslim representatives were ultimately used to justify the claim that the face veil is not a genuine prescription of Islam, but rather a tool for attacking the Republic. By utilizing the testimony of Muslim participants in this way, leading figures in the commission were able to

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deflect claims that a ban of face coverings would violate Muslims' individual citizenship rights. The testimonies of feminists, most of them supportive of a legal ban, were then mainly used to establish the contradictions between the face veil and the obligation to foster cohesion through acceptance of republican notions of freedom, equality, solidarity, and secularism. Finally, and despite the fact that most of them objected to a legal ban, legal experts' testimonies were put to use to support the legal validity of banning face coverings on the basis of their purported threat to a key collective dimension of French citizenship: protection of the public order.

3.4   Testimonies by the Muslim community: circumventing charges of stigmatization

Four groups deemed to represent the interests of French Muslims testified before the Gerin commission. These include five representatives of the *Conseil Français du Culte Musulman* (French Council of the Muslim Religion, CFCM), a national Muslim association; Dalil Boubakeur, the rector of the Great Paris Mosque; and Tariq Ramadan, a Swiss academic and controversial Muslim European figure. Kenza Drider, a pro face veil activist of Moroccan origin who wears the burqa, also testified. (Because of the unique circumstances of her interview – its contents were not, like those of other participants, made public – I discuss it separately below.) In this section, I follow Selby (2011) in arguing that these testimonies were used by the Gerin commission members to create an 'authoritative French version' of the Islamic tradition, one that strategically depicts the face veil as part of a political – rather than a religious – attack on French republicanism.

Although they unanimously opposed a legal ban of face coverings, all of the Gerin commission's Muslim participants (except Drider) denied the validity of this practice as a prescription of Islam (Gerin 2010: 390-409, 447-456, 560-572). That the CFCM and Boubakeur took this position is not wholly surprising given their previously expressed concerns about the face veil and their close ties to the French government. In 2002, when he was Minister of the Interior, Sarkozy handpicked Boubakeur to lead the CFCM. Links to the French government have continued to place pressure on both Boubakeur and the CFCM's leaders to abide by a promise of discouraging

Muslim extremism in France (Bowen 2007: 1012). This served the interests of the Gerin commissioners, who used the testimonies of these figures to frame the face veil as contrary to a 'theologically 'proper' Republican Islam' (Selby, 2011: 383).

Ramadan's condemnation of the face veil was also to be expected given his writings and reputation. Grandson of Hasan Al-Banna, the founder of the Muslim Brotherhood, Ramadan has openly repudiated his heritage and called on European Muslims to embrace universal citizenship and cease to demand recognition of Shariah law in Europe's legal systems. Although seen by many as providing a gateway through which 'radical' Islam can be made acceptable in mainstream society, Ramadan is nevertheless a recognized and self-proclaimed non-extremist in French debates over religious integration (Lombard, Le Figaro, March 25 2011).

While they themselves opposed the face veil, a key theme in these individuals' testimonies was that, by the very fact of considering the advisability of a law to prohibit the practice, members of the Gerin commission were stigmatizing French Muslims (see also Korteweg & Yurkadul, 2014 for discussion of the role of stigmatization in the face veil debate). Speaking directly to the commission's leadership, for example, Mohammed Moussaoui, the president of the CFCM, warned that:

> ... there is a risk of manipulating the debate on the face veil. When you expressed your desire to set up a parliamentary commission of inquiry into the wearing of the burqa and niqab on the national territory, a debate opened up about this practice and it has taken on unexpected proportions. Muslims as a whole have found themselves increasingly confronted by an amalgam of attacks, resulting in the stigmatization of an entire religion (Moussaoui, as cited in Gerin, 2010: 392).

In his testimony on 2 December 2009, Tariq Ramadan echoed these concerns, accusing the commissioners of intentionally popularizing a simplistic understanding of the face veil, which fails to consider the structural and socio-economic conditions that impel women to adopt the practice, causing them to feel 'feel doubly stigmatized' (Ramadan, as cited in Gerin, 2010: 563).

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Ramadan's testimony provoked a strong, and somewhat harsh, reaction from some commission members, who bluntly accused him of using the commission as a platform to broadcast a 'double-discourse', which, although it appears to condemn 'radical' Islam, also fails to take a clear stand in defence of republicanism. The confrontational responses of two commission members in particular demonstrate how contrary views were shunned in an effort to assert the boundaries of the republican agreement. Jean Glavany, a Socialist commissioner who strongly favours restricting religious signs in France's public sphere, directed the following response to Ramadan after his testimony:

> Your double discourse […] half-truths, distortions and manipulations have decreased your credibility in France and throughout Europe. There are fewer and fewer people willing to grant you any intellectual credit whatsoever. Your only talent, if indeed you have one, is coating discourse with unacceptable fundamentalist positions. The fact that you talked about secularism in terms far removed from the republican tradition and that you at no point referred to the equality between men and women confirms my opinion. I told the president and I said before the commission: this invitation will only serve to give you respectability and a forum that you do not deserve in my view (Glavany, as cited in Gerin, 2010: 564, emphasis added).

In this statement, Glavany very clearly depicts Ramadan as an outsider to the professed republican agreement around the need to restrict face coverings. In failing to articulate republican principles in acceptable terms, and by omitting the question of gender equality altogether, Ramadan is portrayed as undeserving of the commissioners' respect. The stark boundaries thus drawn to exclude Ramadan from this debate are reminiscent of those erected to distinguish mainstream parties' 'legitimate' positions on veiling and those of their shared enemy: the National Front.

In order to reassert agreement in the face of these stigmatization charges, members of the Gerin commission emphasized that the face veil is not a religious prescription but rather a tool that religious extremists use to undermine the republican value system. To this end, the

commission's report drew from passages of the Qur'an referring to the veil, to show that these 'do not specifically mention the veils known in contemporary Muslim countries and, a fortiori, not the burqa or niqab' (Gerin 2010: 36). In describing how a practice having no apparent basis in religious texts became (allegedly) commonplace in French Muslim communities, Gerin frequently referred to the face veil as 'a political problem, to which there should be a political response' (Gerin 2010: 341). He further proclaimed that the aim of this political project 'is to destabilize our republic and its values of freedom, equality and brotherhood' (Gerin 2010: 341).

Efforts to dispel accusations of the stigmatization of Muslims appear to underlie this charged characterization of the face veil as political weapon rather than religious practice. When I inquired about certain commissioners' reasons for denying any genuine connection between the face veil and Islam, UMP member Georges Mothron candidly remarked that: 'It was precisely so we would not be accused of stigmatizing. Because, if we admitted that it was a religious demand, we could be more easily attacked for being anti-Muslim or anti religion. […] So we strongly affirmed this because we did not want to fall into the trap of being considered anti-Muslim' (Mothron, interview). This quote suggests that deflecting charges of stigmatization was foremost in the commissioners' minds as they worked to legitimate a strong and pre-existing anti-veil stance.

By treating the face veil as a targeted, and ultimately non-religious, attack on republican values, the Gerin commission was able to downplay claims that restricting this practice amounted to a violation of Muslims' individual religious rights. This strategy also justified the very limited involvement of veiled women in the commission's proceedings. Indeed, of the seventy-eight individuals invited to make formal presentations before the commission, only one was a woman wearing a full-face veil[12]. Taking place at the very end of the commission's deliberations, almost

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[12] The participation of veiled women was similarly limited in the Stasi commission, before which only two headscarf-wearing participants testified.

as an afterthought, Kenza Drider's testimony was, for reasons that remain unclear, conspicuously omitted from the public record. I gather from interviews with commission members that her remarks underscored the fact that the burqa is a choice for many women. Yet, this argument appeared to have very little impact. In fact, one commissioner whom I interviewed, Green Party deputy François de Rugy, explained that his colleagues were highly unreceptive to Drider. In his words:

> I found that some deputies were not very respectful of her statement. That is to say they had pre-determined that she must have been manipulated, or that she necessarily held fundamentalist views on various topics. They were sort of mixing things together. They asked her questions like: 'would you accept treatment from a male doctor in a hospital?' But that is another issue altogether. She was not there to express her view on that question. And so I felt that there were many preconceptions. I think that the vast majority of commission members were there with the intention of saying: 'radical Islam represents a great danger in France and we must prevent it by making a law that prohibits the face veil' (de Rugy, interview).

This statement highlights, in strikingly straightforward terms, commissioners' own belief that 'preconceptions' played a role in encouraging a highly critical image of the face veil to take hold during the Gerin commission. Efforts to dispel those preconceptions were either met with disinterest or were read as confirming this practice's 'radical' and threatening nature. For instance when I asked Gerin whether Drider's testimony had influenced his point of view, he replied: 'Not at all. In fact, it comforted me. It comforted me by reminding me not to let go, to continue, to go right to the end' (Gerin, interview). Almost in the same breath, Gerin reminded me how hard the commission had worked to be inclusive, explaining that he and his colleagues wanted the commission to consider all angles and 'show the greatest possible openness' (Gerin, interview).

Despite commissioners' efforts to deflect charges of stigmatization – first, by downplaying the face veil's relation to Islam and, second, by limiting the participation of veiled women, the

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ostensible targets of the commission's work – these charges became widespread, permeating the testimonies of participants not affiliated with the Muslim community. For Jean-Michel Ducomte, president of the *Ligue de l'enseignement* (League of Education), a legal ban of face veils would 'stigmatize the Muslim community and, within this community, those who most depend on the emancipatory virtues of republican secularism' (Ducomte, as cited in Gerin, 2010: 441). For other participants in the commission, the danger of stigmatization lay in its radicalizing potential. Journalist and sociologist, Caroline Fourest, insisted that 'making the full veil a new flag for potential martyrs will only bolster recruitment [and] benefit fundamentalist propaganda' (Fourest, as cited in Gerin, 2010: 503). A third group of critics maintained that, by targeting only those practices related to Islam, the commission wilfully ignored the ostentatious symbols of other religious groups. In his testimony before the commission, Farhad Khosrokhavar, director of studies at the *Ecole des hautes études en science sociale* (School for Advanced Studies in the Social Sciences, EHESS) and one of the first to study the issue of veiling in France, offered the following observation and warning:

> ...personally, it seems to me that a law banning the burqa would lead to other consequences: why not a law against bushy beards covering the entire face? Or against turbans? We risk entering into a dynamic of provocation and counter-provocation with a tiny minority of French and European Muslims, and creating 'a desire to do battle' on the symbolic level (Khosrokhavar, as cited in Gerin, 2010: 435).

These charges of stigmatization undermined the strategic efforts of leading commission members to assert the dangers of the face veil for republicanism, and to do so without offending the Muslim community or the French population at large.

Fearing the impact that charges of stigmatization might have on the commission's legitimacy, its leading members addressed these charges head on. André Gerin was especially defensive in denying the claim that he and his colleagues were predisposed to recommending a complete ban of face coverings. At the opening of the commission's deliberative sessions, for example, Gerin often spoke to this issue, making statements like the following:

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…I'd like to emphasize with the greatest clarity that, contrary to what is being suggested by those who wish to discredit our work by deeming it unnecessary or by insinuating that our decision is already made, the eventual legal ban of the full veil is not an a priori objective of our commission, which, representative of all political currents in the Assembly, is taking a republican approach to this debate (Gerin, as cited in Gerin, 2010: 333; see also Gerin, 2010: 271, 279, 293, 353, 380, 390, 410, 436, 483, 500, 538).

While seeking to deny a prejudgment of the issue, this quote in fact illustrates Gerin's desire to frame banning the face veil as stemming from a republican agreement. By underscoring the commission's 'republican approach' and framing it as 'representative of all political currents in the Assembly', he manages to portray that agreement as both highly inclusive and as having clear political boundaries. To remain outside those boundaries, this quote suggests, is to reject fundamental values shared by all France's (mainstream) political parties.

The Gerin commission thus drew heavily on a careful and strategic use of the contributions by participants deemed to represent the French Muslim community. Concerned that a law targeting a recognized religious practice would invite backlash, leading commissioners, including André Gerin himself, redirected the conversation by presenting the face veil as an instrument of war against the Republic. By framing the commission's work in this way, commissioners were able to downplay concerns that restricting this practice amounted to a violation of veiled women's religious rights. In doing so, they also succeeded in redirecting the discourse of French citizenship away from an individual rights-based conception toward one that highlights citizens' collective obligation to foster reciprocity and social cohesion.

3.5 Feminist testimonies: characterizing the face veil as an affront to the collective obligations of republican citizenship

Having laid the groundwork for framing the face veil as a political instrument and one not prescribed by Islam, the Gerin commission then sought to demonstrate the alleged contradiction between this practice and the collective obligations of French citizenship. In this regard, commissioners relied most heavily on the testimonies of invited feminist participants. Of the

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fourteen feminists that appeared, eleven supported calls to prohibit face coverings in public space. Their testimonies easily overshadowed those of the three feminist participants who opposed a ban. Two such participants – Ismahane Chouder and Monique Crinon – appeared as representatives of the only anti-restriction feminist organization to testify before the commission: the *Collectif des féministes pour l'égalité* (Feminist Collective for Equality). As their viewpoints remain marginal to the republican agreement, and as such were virtually ignored in the Gerin commission report, I discuss the role played by these and other feminists critical of the face veil ban in chapter 5.

With few exceptions, the feminists interviewed by the Gerin commission belong to a select and highly influential segment of the French feminist movement. It draws most of its members from second-wave feminist organizations that, over the last three decades, have become key agents in promoting a 'republican' feminism that sees religion as contrary to women's emancipation (Lépinard, 2014). Once mainly concerned with access to employment, abortion rights, and combating violence against women, these organizations – many of which are quite heavily subsidized by the French state[13] – have developed a staunch feminist critique of the face veil, one that strategically draws on republican themes like *laïcité*. According to Annie Sugier, the president of the *Ligue des droits international des femmes* (International League for Women's Rights) who testified before the Gerin commission, citing *laïcité* allows feminists to draw

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[13] The following is a list of the feminist organizations that participated in the Gerin commission, including where available the government subsidy they received for the year 2011: the *Coordination française pour le lobby européen des femmes* (French Coordination for European Women's Lobby 33,366 (2008) Euros) the *Fédération nationale solidarité femmes* (National Federation for Women's Solidarity 967,500 (2008) 1,096,455 Euros), *Femmes solidaires* (Women in Solidarity 123,293 (2008) 148,321 Euros), the *Mouvement français pour le planning familial* (French Movement for Family Planning, 808,704 (2008) 462,600 Euros), *Regards de femmes* (Women's Outlooks), Paroles des femmes (Women's Words, 0 (2008) 10,000 Euros), the *Ligue du droit international des femmes* (League of International Rights of Women), *Choisir la cause des femmes* (15,000 (2008) Euros) and *Ni putes, ni soumises* (Neither Whores, Nor Submissive, 119,250 (2008) 245,000 Euros) (information on subsidies is for the year 2011 from Bonnard, Laurent, & Parienté, 2013).

attention to women's equality in a political context that is not otherwise receptive to straightforward feminist claims. In our interview, she explained that:

> At first, we did not see [the burqa] as a threat to laïcité. We saw it as a sexist symbol. […] Many of us agreed that [the laique activists] were using the wrong tool; what we really needed to do was demonstrate that the headscarf is an unacceptable discriminatory symbol. […] But, later on, I reconsidered. I concluded that [laïcité] really was a useful tool… (Sugier, interview).

The ambiguity to which Sugier refers was a key theme in the testimonies of legal experts, which I discuss in the next section. What is important here is that Sugier presents the use of *laïcité* as a conscious stratagem that second-wave feminists adopted to draw attention to the problems facing women in the context of religious signs.

In their effort to fuse feminist concerns with the goals of *laïcité*, 'republican' feminists in France have allied themselves with women of Arab Muslim background who share their visceral dislike of Islamic face coverings. In many cases, they have strategically cast these women as 'authentic insiders' (Narayan, 2013), drawing on their struggles to gain legitimacy in the anti-veil campaign. The stories of Sihem Habchi and Jeanette Bougrab are illustrative of this tactic.

Sihem Habchi is a young, prominent and vocal French feminist. Born in Algeria, she moved as a child to Paris, and there developed a passionate dislike of traditional Islam and its treatment of women. Today, Habchi is best known in French politics for her work as president of *Ni putes, ni soumises* one of the first feminist groups to hinge its opposition to Muslim head and face coverings on an idealized image of republicanism and *laïcité*. NPNS came into being in 2002, when its founder Fadela Amara organized a demonstration for women demanding equality and an end to violence in immigrant neighbourhoods. At the time of its emergence, the movement centered its focus on the story of Sohane, a young Arab woman who was burned alive by her boyfriend in the Parisian suburb of Virty sur Seine. The NPNS campaign portrayed this act as caused by the growing religious fanaticism of Muslim elements in France (Dot-Pouillard, 2007).

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In the script deployed by Habchi and her colleagues at NPNS, Islam is the antithesis of republicanism. Vividly recounting her personal memories and struggles, Habchi's 2013 book, *Toutes Libres* (All Women Free), portrays republicanism as the birthplace of modern feminism. In one particularly poignant passage, she recalls being photographed along with thirteen other women of minority ethnic origins in a ceremony commemorating the iconic female republican figure, 'Marianne'. Following a description of the day's events, which included a heartfelt tribute to republicanism by the president of the National Assembly, Nicolas Sarkozy, Habchi proclaims: 'I am, and we are, the Republic' (Habchi, 2013: 77).

Another Arab feminist figure whose condemnation of the face veil has been incorporated into the 'republican' feminist narrative is Jeanette Bougrab. A lawyer of Harki[14] Algerian background, Bougrab has served as a jurist at the *Conseil d'État* and as head of the *Haute autorité de lutte contre les discriminations et pour l'égalité* (High Authority for the Fight against Discrimination and for Equality, HALDE). In her book, *Ma République se Meurt* (My Republic Dies), Bougrab (2013) declares herself committed to re-conquering the 'lost territories' of the French republic, in which women are forced to conform to 'antiquated' religious practices that limit their freedom to occupy the public space. Through this and other publications, Bougrab has become emblematic of what 'republican' feminist associations believe a French Muslim woman should be.

During an event held at a Paris café in April 2013, a representative of the feminist association Regards de Femmes introduced Bougrab as the 'illustration – the symbol even – of our association's struggle to defend freedom, equality, and *laïcité*' (fieldnotes, April 23 2013). By combining a consciousness of her own heritage with a refusal to submit to 'sexist' religious practices, the speaker argued, Bougrab is both 'Orient and Occident'. Her life story proves that it

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[14] 'Harki' is a term used to designate Muslim Algerians who were loyal to France and fought for the French army in the Algerian war of 1954 to 1962. Broad uses of the term include in its definition the repatriated French Muslims who have lived in France since 1962 and their descendants born in metropolitan France.

is possible to be both Muslim and French, that the French Republic is capable of integrating individuals into its value system.

French 'republican' feminists, some of whom appeared before the Gerin commission, use these stories to reinforce the perception of a deep and irreconcilable conflict between the practice of covering one's face and the republican values of *liberté* (freedom), *égalité* (equality), *fraternité* (solidarity) and *laïcité* (the separation of church and state). With regard to *liberté*, feminist participants in the commission argued that the face veil threatens women's capacity for individuality, a key aspect of freedom in the republican public sphere. In the words of Denise Oberlin, spokesperson for the *Grande Loge Féminine de France* (Grand Feminine Lodge of France), a women-only masonic organization, the face veil 'dehumanizes women by erasing the features that render them unique'. 'Because the concealment of the face precludes meaningful communication or identification', she went on, 'faceless women are deprived of their being' (Oberlin, as cited in Gerin, 2010: 511). When faced with the critique that a face veil ban would violate other aspects of liberté, such as freedom of conscience, feminist participants in the commission called for a hierarchical concept of rights. In her evidently influential presentation before the commission, distinguished feminist Elisabeth Badinter dismissed the concern that a face veil ban would infringe upon women's freedom of dress. Such a claim, she insisted, reinforces 'a hollow proclamation of freedom in rights'. Other rights should take precedence, such as 'the right to a free sexuality, the right not to be a virgin when one marries and to have to answer to no one' (Badinter, as cited in Gerin, 2010: 337).

In addition to challenging the face veil as violating the republican principle of *liberté*, feminists also characterized it as contravening *égalité*. In this regard, their arguments reflected deep historical fractures in French feminist understandings of gender equality. A first understanding draws on the human rights discourses of the French Revolution to portray abstraction from difference as necessary for equal citizenship. A second approach conceives difference and its recognition as a crucial facet of equality, arguing that gender is a social position that cannot be abstracted. Politicians and republican theorists have addressed the resulting contradiction 'by insisting that equality is possible while elevating the differences between the sexes to a

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distinctive cultural character trait', for example, through the objectification of women's sexuality (Scott 2005: 121). As a result, in their fight for equal citizenship, French feminists have historically had to argue simultaneously for both the relevance and irrelevance of their sex (Scott 1996: 11).

This hybrid understanding of gender as both a source of sameness and difference had a demonstrable effect on feminist approaches to the question of the face veil before the Gerin commission. In particular, it allowed feminist actors like Elisabeth Badinter to claim that the face veil threatens a conception of 'equality as sameness', while simultaneously bemoaning the fact that 'too many young girls in France are prohibited from wearing dresses and skirts' (Badinter, as cited in Gerin, 2010: 334). The notion of femininity as demonstrative of gender equality also filtered into the testimonies of other feminists. In her presentation before the commission, Olivia Cattan of the association *Paroles de femmes* (Women's Words) characterized the face veil as indicative of a pre-modern gendered ideology, which bars women from expressing their feminine traits and sexuality. Speaking to her encounters with Muslim high school students, Cattan claimed that 'only one girl in ten dares to wear a skirt' and that those 'who do not cover themselves up risk being called easy' (Cattan, as cited in Gerin, 2010: 300).

Pro-restriction feminists appearing before the commission also emphasized the threat posed by the face veil to a third principle: *fraternité*. Carefully crafted, these arguments portrayed veiling as violating the obligations of republican citizenship by precluding meaningful contact between citizens and thus threatening social cohesion in the French public sphere. In this regard, Sabine Salmon, president of the association *Femmes Solidaires* (Women in Solidarity), described the face veil as a 'militant sign of belonging to a social project that seeks to create a private space within the public sphere and in which the laws of the Republic have no effect'. 'To conceal one's face', she continued, 'is to deny one's own identity in favour of a collective physiognomy' (Salmon, as cited in Gerin, 2010: 297). By obstructing *fraternité*, feminists argued moreover, the face veil also undermines the rights of both veiled women themselves and those around them. With regard to the former, Nicole Crépeau, president of the *Fédération nationale solidarité*

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femmes (National Federation for Women's Solidarity), claimed that the face veil contradicts 'the respect for fundamental rights – equality, freedom and integrity – and to women's right to a social life' (Crépeau, as cited in Gerin, 2010: 295). In terms of the latter, feminists argued that the face veil weakens the social order, thus constituting a violation of others' rights. According to Badinter:

> To wear the face veil is to refuse absolutely to enter into contact with others or, more precisely, to refuse reciprocity: the veiled woman maintains her right to look at me but restricts my right to look at her (Badinter, as cited in Gerin, 2010: 336).

By positioning veiled women as objects of society's collective gaze, statements such as this one promoted a perception of the face veil as violating not only the obligations attached to republican citizenship – namely active and open engagement in the public sphere – but also the fundamental rights that those obligations serve to protect – including the right to know the person with whom one engages.

Feminists' claim that the 'voyeurism' involved in the practice of veiling violates the collective obligations tied to republican citizenship by threatening social cohesion and *fraternité* proved successful in shaping commission members' conception of the face veil. Responding to a critique of a proposed ban by legal expert Cécile Petit, UMP commission member Jacques Myard replied: 'I am the real victim; I am prevented from seeing the face of the one who watches me while escaping my gaze' (Myard, as cited in Gerin, 2010: 608). The notion that the face is the 'mirror of the soul' bolstered this kind of argument and was a recurring theme in the Gerin commission deliberations and report. Citing French philosopher Emmanuel Lévinas, the report asserted that, 'by preventing me from seeing his or her face, a person effectively makes his or herself inadmissible to the requirement of communication inherent in public space. I am thus entitled to interpret that behaviour as a symbolic violence against me' (Gerin 2010: 116). By using dramatic images of violence and victimhood in this way, the authors of the Gerin commission report crafted a perception of the face veil as posing a threat, not only to the physical

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security of the French nation, but to the fundamental obligations that define its approach to citizenship.

In emphasizing the importance of social cohesion to French citizenship, many feminists also drew strategically on a fourth republican principle: *laïcité*. Speaking on behalf of the association *Regards de femmes*, Michéle Vianès warned that, with the face veil, 'we are no longer in our secular Republic, but in a world of pure communalism' (Vianès, as cited in Gerin, 2010: 306). The notion that *laïcité* enriches *fraternité* – and discourages communalism – through its guarantee of individual rights and freedoms, significantly shaped this argument. In her testimony before the commission, then president of *Ni putes, ni soumises*, Sihem Habchi, cited *laïcité* as critical in preventing the 'breakdown in social order' promoted by such practices as the face veil. 'Not only does it guarantee the separation of the political from the religious', she argued, '*laïcité* also permits a space of interaction between men and women, heterosexuals and homosexuals, rich and poor, allowing the creation of a social compact. *Laïcité* is the sine qua non condition for the exercise of democracy' (Habchi, as cited in Gerin, 2010: 323).

Whether or not they ultimately endorsed a ban, Gerin commission members embraced this feminist critique of the face veil, praising particularly the arguments put forward by Elisabeth Badinter and Sihem Habchi. Commenting on the various submissions made in support of the law, Socialist MP Sandrine Mazetier, who ultimately opposed a complete ban, described Badinter's testimony as 'very impressive and convincing' in establishing the principled and philosophical bases for seeing the face veil as a rejection of republicanism (Mazetier, interview). Though she also opposed a legal ban, preferring to tackle the face veil through a parliamentary resolution, Socialist MP Danièle Hoffman-Rispal similarly credited Badinter's testimony with shaping her own belief that the practice of the face veil should be curtailed (Hoffman-Rispal, interview).

Gerin himself claimed to be especially influenced by feminists' claims and used these to bolster the perception that an agreement had emerged within the commission around the need to ban the face veil. In our interview, he described Badinter's testimony as 'fundamental' to the

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commission proceedings, as it demonstrated that 'face coverings are not clothing; they represent the erasure of one's identity' (Gerin, interview). Taking place the same day, the presentation delivered by Sihem Habchi similarly impacted Gerin. In our interview, he credited Habchi with illustrating the face veil's relationship to 'problems associated with ghettos, communalism, fundamentalism, and especially women's submission' (Gerin, interview). Habchi's comments, Gerin concluded, were 'very, very important to many people, including parliamentarians. They were floored' (Gerin, interview).

These testimonies by pro-ban feminists – who represented a large majority of feminist participants in the Gerin commission – were thus essential in promoting a narrative that portrayed the face veil as antithetical to republican citizenship. By skilfully weaving together interpretations of *liberté*, *égalité*, *fraternité*, and *laïcité*, well-known and respected feminist figures succeeded in making reciprocity and cohesion central themes in the proclaimed agreement during the Gerin commission. Pro-ban commission members willingly embraced their claims, using them to legitimate and buttress their own anti-veil views.

However, while they managed to advance a convincing, principled basis for condemning the face veil – as a symbolic attack on republicanism's capacity to guarantee freedom and equality through a cohesive and secular public sphere – the feminists' testimonies did not speak to the legal implications of a general ban. For this, the commission would have to seek the advice of prominent legal scholars and practitioners. As I show below, testimonies by these participants served to channel the concern for reciprocity and cohesion that feminists introduced into a proposal to ban the face veil on the basis of its threat to public order. This proposal further bolstered a discourse of French citizenship that prioritizes collective obligations over individual rights.

3.6 Testimonies by legal experts: establishing public order as a basis for legally banning the face veil

In total, eight legal experts appeared before the Gerin commission. Like the feminists, they also explored the republican triptych in considering the basis for a ban. As I show below, however,

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the legal experts unanimously rejected the legal justifiability of a ban based on the principles of *laïcité*, human dignity (which feminists cited as a component of *liberté* and *égalité*) or *fraternité*. The alternative justification that some of the legal experts did accept – that the face veil should be banned on the basis of its threat to public order – was in turn rejected by many pro-ban commissioners, who believed it did not sufficiently capture the face veil's symbolic threat to republicanism. The commission's report ultimately came down in favour of this justification, even though it did not draw unanimous support from all members.

When assessed for its capacity to justify a legal ban of face coverings, the principle of *laïcité* failed on two counts. First, many of the legal experts' testimonies pointed out that *laïcité* is a principle governing the state, not individuals. In the words of Marie Perret, national secretary of the *Observatoire international de la laïcité contre les derives communautaires* (International Observatory for Laïcité against Communalist Threats), 'the street is not under the authority of the state'. 'Individuals', she argued, 'must have the freedom to express their belonging somewhere: we cannot prohibit it everywhere in the name of neutrality' (Perret, as cited in Gerin, 2010: 350). Adding to concerns over the legitimacy of using *laïcité* to regulate individual behaviour in the public space was a fear that a law based on this principle would likely be struck down by the courts (Béchillon, as cited in Gerin, 2010: 413).

The human dignity argument, which anchored many feminists' claims that the face veil threatens *liberté* and *égalité*, also failed to pass muster among legal experts testifying before the Gerin commission, although only after a vibrant debate erupted over ways to define the concept. Basing their arguments on a so-called 'objective' measure of dignity, some feminist advocates of a ban claimed that, whether or not women describe themselves as choosing the face veil, the practice invokes a kind of 'voluntary servitude' (Vianès, interview). The legal experts maintained that this argument relies on a 'paternalistic', and therefore illegitimate, understanding of choice. Insisting that 'it is the will of the person that counts and…merits protection', they were of the view that to ban the face veil based on its alleged threat to human dignity would be 'imprudent' (Béchillon, as cited in Gerin, 2010: 416).

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Although it garnered ample attention during feminists' testimonies – indeed, it became a primary basis for feminist groups' condemnation of the face veil – the *fraternité* argument also failed to persuade legal experts in the Gerin commission. The first to testify before the commission, Remy Schwartz, argued that *fraternité* is not a legal principle (Schwartz, as cited in Gerin 2010). Subsequent testimonies by legal experts reiterated this position. Commenting on the possibility of invoking *fraternité* as a legal principle, law professor at the University of Pau, Denys Béchillon, responded that:

> The philosopher Emmanuel Levinas would likely have been more susceptible to this argument than I. It seems to me this argument applies to a philosophical, but not a legal, order. I have difficulty imagining how we might craft a legally sound device using the notion of fraternité (Béchillon, as cited in Gerin 2010: 422).

The rejection by the experts of legal justifiability on the basis of *fraternité* quickly put to rest any discussion of a ban based on this principle, despite its ample symbolic weight in anti-veil feminist discourses.

Legal experts' near unanimous rejection of a face veil ban based on republican principles very much upset the Gerin commission's staunchest pro-law members. UMP member Georges Mothron complained that the legal experts had not proposed any real solutions to address and prevent the challenge of the face veil (Gerin, 2010: 607). Taking the most vigorous stance in denouncing the legal experts, Mothron's colleague Jacques Myard charged them with interfering in what he insisted should have been a decision rendered by politicians. In our interview, he bluntly dismissed the experts' very legitimacy in the process, saying that:

> We have to listen to the jurists until 10 o'clock, and at 10 o'clock, we throw them out the window. […] What is a jurist? What is a philosopher? It is someone who contradicts the opinions of others (Myard, interview).

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This charged statement illustrates the disdain for legal experts' opinions that seeped into the debate, as commissioners searched for legal arguments on which to tack their discomfort with the face veil, which they claimed had garnered an agreement.

In his November 25th appearance before the commission, Guy Carcassone, a law professor at the University of Paris, provided such a solution, outlining a proposal to ban the face veil based on its alleged threat to the public order. Although prior participants had explored this possibility to varying degrees, Carcassone's presentation provided the most developed and comprehensive outline of the public order argument. Linking his testimony to previously expressed concerns that a law would stigmatize Muslims, Carcassone argued a ban based on public order 'would have the advantage of not being discriminatory for, rather than target the face veil in particular, it would apply to all face coverings – albeit with some exceptions' (Carcassone, as cited in Gerin 2010: 555). Such a law, Carcassone argued moreover, 'would conform perfectly to our values', being based on the 'irrefutable' notion that 'the presence of persons refusing all communication constitutes a menace to be dealt with seriously' (Carcassone, as cited in Gerin 2010: 557). By referencing 'our values' in this quote, Carcassone also fulfilled a desire to frame the face veil as contrary to principles that form the basis of agreement in France.

Commission members favouring a legal ban, including Gerin himself, portrayed Caracassone's testimony as providing the 'key solution' required to justify it in legal terms (Gerin, interview). They also cited his proposals to undermine and degrade the objections of a law by the legal experts appearing before him. Consider the following excerpt from my conversation with Gerin:

Gerin: We were told unbearable things [by the legal experts].

Laxer: What sorts of things?

Gerin: 'Women are free', things like that. Unbearable. Carcassone brought simple answers (Gerin, interview).

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Those 'simple answers' boiled down to a proposed ban of face coverings based on their purported threat to the public order, a concept which Carcassone later specified should be defined in 'immaterial' terms, as encompassing a shared commitment to a 'social code derived from implicit shared values' (Carcassone, as cited in Gerin 2010: 558).

Once it was decided that the face veil could be subject to a general ban based on public order, the Gerin commission members turn to a consideration of how such a ban might be implemented. Part Three of the commission's report outlines the possible avenues and the likely objections to them. A first question to be answered was whether to pursue a ban in the form of a *règlement* (an administrative act) or a law. In the case of non-criminal activity, the report concluded, a *règlement* is preferable to a law (Gerin, 2010: 167). However, there are downsides to this approach. Most importantly, the discretion given to mayors in the application of *règlements* is such that it creates discrepancies across municipalities. Since the proposed ban was driven by an agreement that there exists a tension between the face veil and republican values, the report concluded that it would be best administered at the national level (Gerin, 2010: 169-170).

A second question to be considered was whether a law would be compatible with the French constitution. In this regard, the Gerin report suggests that, in a democratic society, any restriction of freedom has to be proportional to the exercise of other freedoms. The commissioners' main concern was thus to ensure that a proposed law would not infringe on the right to religious freedom. Citing the 1789 Declaration of the Rights of Man and Citizen, which specifically states that this right is to be restricted if it threatens public order, the report cited three possible ways in which the face veil violates that principle. First, a face veil could be used to hide explosives. This argument cannot be used, though, because it would mean having to ban all loose clothing (Gerin, 2010: 178). Second, covering one's face prevents one from being identified, which can become a threat to public security. However, there is no law that suggests that a person must be identifiable at all times (Gerin, 2010: 179). A third approach would be to ban the veil on the basis that it threatens public decency. This is a useful avenue because it applies to a very broad definition of the public sphere and is based on what society thinks is acceptable as a manner of dress (Gerin, 2010: 179). Three articles in the Declaration of the

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Rights of Man and Citizen could be used to justify a definition of the face veil as violating public decency: article 4, which suggests that liberty consists of the freedom to act in ways that do not threaten others; article 5, which suggests that law cannot be used to defend actions that are harmful to society; and article 10, which limits freedom of expression and religion to actions that do not harm public order. The Gerin commission's report ultimately recommended a law based on the purported threat that face coverings pose to public order and security.

3.7 Conclusion

Thus far, the literature on government commissions has not drawn a significant connection between commissions as vehicles of state legitimacy and related battles among political parties for power and influence. In this chapter, I have argued that, because it was – unusually – made up exclusively of politicians, the Gerin commission of 2009 served as an additional forum in which to assert the boundaries of parties' proclaimed agreement that the face veil should be restricted in France. This arrangement considerably shaped the commission's legitimating strategy. In particular, it meant that, rather than define its legitimacy in terms of the relation between government and its subjects, the Gerin commission sought legitimacy by portraying itself as a unique venue in which to advance a by-partisan agenda on the face veil.

Excerpts from the Gerin commission's report, transcripts of its deliberations and interviews with key members and participants illustrate the instrumentalist manner in which the commission proceeded in pushing forward its anti-veil agenda. In order to buttress the notion of agreement around the need to ban the face veil, leading members of the commission board – including Gerin himself – controlled the terms of the debate, both by carefully selecting participants and by drawing selectively on the testimonies of the three main groups among them: individuals deemed to represent the French Muslim community, feminists, and legal experts. The positions advanced by the former two groups were used to promote a particular conception of French citizenship, one that called for a highly restrictive approach to Islamic face covering on the French territory. By characterizing a ban as aimed at promoting public order – when it was clear that so-called republican principles were uppermost in the views of many commissioners – the commission

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report provided the legal cover considered by experts as needed in order for a ban on the face veil to subsequently pass muster.

Although underrepresented in the commission's proceedings – particularly given the very direct impact of its deliberations on their community – Muslim participants served an essential purpose: they lent needed legitimacy to the commission as a forum capable of fairly adjudicating the question of face covering. By inviting presentations by select state-affiliated Islamic figures – in particular, the individuals associated with the CFCM – the commission could ensure that their comments would not stray far outside the desired agreement. When Muslim participants did openly question the commission's role, moreover, as in the case of Tariq Ramadan, commission members aggressively rebuked them, highlighting in their responses the near inconceivability of a contrary view in the context of a 'republican' debate. The commissioners were also able to use the claims by Muslim representatives that the face veil is not a prescribed Islamic practice to bolster a characterization of it as a form of political attack. However, when it came to deflecting charges of stigmatization, Muslim participants' criticism of a ban proved too strong, eventually filtering into the comments of other non-Muslim participants.

By minimizing the participation of Muslims, and selectively drawing from the contributions of those that did participate, the Gerin commission was able to construct its own interpretation of Islamic face covering, one that asserts its violation of the collective obligations ties to republican citizenship. In articulating this position, members of the commission relied heavily on the testimonies of established and respected feminists and their associations, a majority of whom openly advocated a complete ban. Largely drawn from a select and pro-republican stream within the French feminist movement – one whose opposition to veiling on the basis of *laïcité* has propelled it into the limelight – feminist participants legitimated a perception of the face veil as both contrary to women's emancipation and threatening the republican values of reciprocity and social cohesion.

Addressing the legal validity of a proposed ban, the testimonies by legal experts repeatedly questioned the use of concepts applying to the actions of the state – such as *laïcité* – to regulate

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individuals' behaviour. With a majority of legal experts claiming that a law based on *laïcité* or the other republican principles of liberty, equality and solidarity would be invalid, staunch advocates of the ban were then forced to consider other justifications, ultimately deciding on public order, which is a standard go-to provision often used to restrict immigrants' religious expression in secular states (Fekete, 2004). The strength of the political will to overcome these objections, and to find some other basis for legally banning face covering, supports the view that there was a desire from the outset among commission members to enact such a law.

The findings of this chapter elucidate and reinforce existing academic literature maintaining that, through their strategic representation of actors' viewpoints, government commissions enact the state, not only as an administrative body, but also as an entity that sets the parameters of nationhood. However, as I have shown, party political contestation plays an under-appreciated role in this process. In the case of the Gerin commission, the task of bolstering the state's legitimacy in adjudicating the question of immigrants' religious diversity was taken up largely by politicians already active in party political debates over the face veil. Its proceedings thus served as an additional site in which political parties struggled to demarcate the boundaries of the electoral sphere in ways that might deflect a perceived ultra-right political threat. Although the National Front did not participate in the commission's proceedings, it loomed large as the key political outsider, in relation to whom the boundaries of 'legitimate' politics were drawn.

As I will show in the next chapter, a strong political desire to push the face veil ban forward, and to frame it as arising from a republican agreement that excludes the National Front, produced difficult dilemmas within France's major political parties. As they assessed the proposed ban, members of these parties found themselves divided over what precise form it should take and whether it coincided or conflicted with parties' historical legacies. The competing solutions that individual party members adopted in resolving these dilemmas underscore the fragility and fundamental instability of the alliances that buttress the alleged republican agreement around veiling in France. They also elucidate the process whereby party political conflict shapes articulations of belonging to the French nation.

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Chapter 4: Cracks in the veneer: debates over national belonging within France's major political parties

Research on the effects of ultra-right political competition is relatively silent on the question of how efforts to demarcate the boundaries between parties affect cleavages within them. There is widespread speculation that the entry of ultra-right political challengers into the political system can lead to contests for 'issue ownership' that ultimately divide mainstream parties (Bale, 2008b; Bale, Green-Pedersen, Krouwel, Luther, & Sitter, 2010; Boswell & Hough, 2008; Rovny & Edwards, 2012), in some cases ripping them apart (van Kersbergen & Krouwel, 2008). Yet, few have examined these effects empirically. Where they do consider the production of internal party cleavages, moreover, prior studies rely almost exclusively on official party documents and platforms (Boswell & Hough, 2008; van Kersbergen & Krouwel, 2008), which attest only indirectly to the roots and content of those cleavages. They also grant surprisingly little attention to cleavages arising in left-wing parties, instead prioritizing reactions on the centre-right.

This chapter addresses this gap in the literature by investigating the internal conflicts that arose within France's UMP and Socialist parties as they negotiated the terms of the 2011 law banning face coverings in public space. Based on rare interviews with politicians directly involved in producing this law, I show that, as they worked to portray the law as based in a cross-party agreement, France's major parties – particularly the Socialists – became internally divided over the question of how far the law should extend and whether and how it coincides with parties' historical legacies.

The presence of these divisions speaks to the fragility and ultimate instability of the alleged republican agreement around Islamic veiling in France. Arising out of a contest for 'issue ownership' among parties struggling to deflect the power of a common enemy – the National Front – that agreement is not only wrought with its own internal tensions; it is very much subject to the vicissitudes inherent in the fluid and on-going social and political environment surrounding this very contentious issue.

Internal party cleavages arising from the battle to 'own' the face veil issue take a somewhat different form on the right and left in France. Within the UMP, for instance, disagreements mainly revolve around how to frame the party's opposition to the face veil; they rarely engage with the party's fundamental values. By contrast, the face veil debate has pushed the French left into a full-fledged identity crisis. As they struggle to wrestle control of *laïcité* out of the hands of their right-wing opponents, left-wing figures in and outside the Socialist Party are engaging in a heated debate over what constitutes a progressive political agenda on immigration. Concealed beneath outward claims to party unity, these divisions have spawned three distinct discursive strategies. Those seeking to 'rescue' *laïcité* from its right-wing 'kidnappers' are primarily concerned with re-establishing partisan boundaries in order to gain 'ownership' of the face veil issue. By contrast, those attempting to 'reclaim' *laïcité* as a legacy have taken to tying this concept to themes that the left theoretically 'owns', namely the promotion of an active state and protection of universal rights. A third discourse 'rejects' the dominant secular vision, exposing the racist undertones of its articulation in both right and left political discourse. Although concerns over 'issue ownership' have prevented adherents of this approach from forming an identifiable camp within the Socialist Party, the discourse of 'rejection' has the greatest potential to redefine the meaning(s) attached to national belonging in the French electoral sphere.

In what follows, I begin by situating this chapter's findings in an ongoing conversation about the ways that ultra-right parties affect the strategic decision-making of their mainstream competitors. Besides lacking a strong empirical foundation, I propose that this literature places far too much emphasis on the dilemmas that centre-right parties face. The remaining sections then draw on interviews with politicians directly involved in the face veil debate to trace the tensions that have arisen as mainstream parties navigate dilemmas tied to competition and 'issue ownership' and demonstrate how those tensions in turn influence party political representations of national belonging.

4.1 Theorizing internal party tensions in the context of ultra-right conflict

In answering the call to investigate parties' influence on migration policy-making (Triadafilopoulos & Zaslove, 2006), scholars have begun to explore the effects of ultra-right competition for the way mainstream political parties respond to questions of immigration. Peering inside the 'black box' of political parties, they have started to trace the dilemmas and divisions that arise as centre-right politicians in particular navigate options for deflecting the ultra-right threat. However, the precise nature of these dilemmas and divisions is not yet well understood. Moreover, by centring the conversation on centre-right parties' reactions, scholars have downplayed the equally significant dilemmas that ultra-right competitors pose for left-wing politicians on issues of immigration.

Because of their distinct historical legacies and relationships to the dominant 'axis of competition', right and left parties are apt to respond in different ways to the introduction of ultra-right anti-immigrant themes into the political debate. As the 'traditional owners of law and order as well as nationalist issues', right-wing parties can benefit electorally from appropriating elements of the ultra-right's restrictionist stance on immigration (van Kersbergen & Krouwel, 2008: 399). If they adopt too forceful an approach to immigration restriction, however, these parties risk generating concerns about 'value legitimacy' and 'programmatic consistency' (Boswell & Hough, 2008). In terms of the former, right parties that deploy strong anti-immigrant stances can lose the support of their more socially oriented wing. This scenario played out in the case of Germany's Christian Democrats, who, through a number of populist manoeuvres, have 'lost face' with the more liberal parts of their membership and electorate (Boswell & Hough, 2008: 342). In terms of the risk to 'programmatic consistency', right-wing parties' hard line stances on immigration, which typically involve a related impulse toward social and cultural conservatism, can go against their core value of economic liberalism (Boswell & Hough, 2008; van Kersbergen & Krouwel, 2008). The struggle of maintaining the conservative and liberal wings under one roof can prove insurmountable, leading in some cases to the creation of offshoot parties (van Kersbergen & Krouwel, 2008).

The politicization of immigration is thus a 'double-edged sword' for parties of the centre-right (van Kersbergen & Krouwel, 2008). Although it can bolster these parties' existing claims to ownership of identity and nationalism, adoption of an anti-immigrant stance can also weaken their reputation as defenders of free trade and economic liberalism. The dilemmas that left-wing parties face as a result of the introduction of anti-immigrant themes into electoral debate are quite different. Because they are more likely to attract immigrant votes, scholars speculate that left-wing parties will be more sensitive to immigrants' interests. As such, they should be reluctant to adopt discourses of control and exclusion that decrease their chances of mobilizing immigrant constituencies (Schain, 2008).

However, the dilemmas and cleavages experienced by left-wing parties as a result of competition from the ultra-right have not been explored with the same vigour as those undergone by their right-wing counterparts. This is problematic since those dilemmas are likely to be very acute. By introducing 'non-material' themes into the political discourse, ultra-right parties might exacerbate the challenges that left parties already face in adjusting to a changing discourse of equality, from one based on redistribution to one emphasizing equal recognition (Fraser, 1995; Fraser & Honneth, 2003). I explore this possibility in this chapter, by comparing the nature of internal cleavages arising within parties on the left and right in the context of the French face veil debate. I show that, whereas members of the right-wing UMP are struggling over pragmatic questions, such as how to profile the party as leading the fight against 'radical' Islam, they remain relatively united on the question of the veil and its relationship to republicanism. By contrast, a much more significant identity crisis is underway within the Socialist Party, for whose members the contest for 'issue ownership' has prompted a fundamental debate over the party's values and legacy. The resulting cleavages have significant implications for ways of articulating the meaning of republicanism as a discourse of belonging in France.

4.2 Political struggles over the face veil in the aftermath of the Gerin commission

As I showed in Chapter 3, pro-law members of the Gerin commission were intent on portraying their recommendations as deriving from a widely shared agreement that the face veil should be curtailed in public space. Behind the scenes, however, commissioners could not reach agreement on how precisely to achieve this goal. In the final vote to support the commission's recommendations, six members voted for and six against, with the rest of the commission board deciding to boycott (Libération, 2010).

The Socialists' decision to boycott the final vote of the Gerin commission stemmed in part from a concern that the UMP was attempting to gain votes by strategically framing the face veil as a threat to national identity. That concern arose when, in November 2009, President Sarkozy, who had until then been reticent to take a clear stance on the face veil, launched a countrywide debate on 'national identity', in which the threat of the niqab and burqa featured prominently. In introducing this debate, Sarkozy asserted that, in France, 'there is no room for the burqa, […] there is no room for women's servitude, under any pretext, in any condition, or in any circumstance' (Sarkozy, as cited in Le Monde, 2009). From the perspective of Socialist member Jean Glavany, the link thus drawn by Sarkozy between rejection of the burqa and the defence of French national identity produced an image of immigrants as 'suspect' or 'dangerous' that his party could not accept (Glavany, interview).

Socialists' decision to boycott the Gerin commission's final vote also stemmed from anger toward Jean-François Copé, then a prominent UMP representative, for announcing his party's plan to legally ban the face veil even before the commission had finished deliberating (Glavany, interview). In an article published by the newspaper Figaro in December 2009, Copé claimed 'ownership' of this issue for the UMP by outlining the conclusions of a working group on the face veil sponsored by his party. 'For six months', he wrote, 'deputies in the UMP group questioned experts of various persuasions, including representatives of the Muslim community'.

'Our position', Copé then explained, which was to endorse a law to prohibit face coverings, stems from the party's 'attachment to republican values' (Copé, 2009).

Despite their strong support for a law, six UMP members voted against this recommendation in the context of the Gerin commission. They did so by measure of protesting a clause that would make a proposed law contingent on the advice of the *Conseil d'État*, voting 'no' out of a concern that the court would reject the law. This concern turned out to be well founded. In light of the commission's failure to present a unanimous front in favour of a law, France's UMP-led National Assembly called on the *Conseil d'État* to render its opinion on the matter. The court's advice proved disappointing to those advocating a legal response to the face veil. In its consultative ruling released in March 2010, the court maintained that a general ban would constitute a breach of non-discrimination and other fundamental rights, including the right to religious expression. Although limitations on these rights can in some cases be justified, the public order justification put forward by the Gerin report was found not to have any precedent in the French legal system. Yet, the *Conseil d'État* gave some hope to the pro-law camp when it stated that it could conceive of a 'partial' ban applicable to particular spaces and institutions in which covering one's face poses a security threat (Conseil d'État, 2010: 30-35).[15]

Pro-law politicians, particularly in the UMP, balked at the notion that the courts should be tasked with deciding on an issue relevant to voters. UMP commission member Jacques Myard stated this position explicitly in our interview. He said:

> I don't care about judges. Judges are men. They are no smarter than I. […] At that
> level, it is the will of the public that counts. If the issue goes before the European Court
> of Human Rights, it will be the same thing. There is nothing more to say. What will they

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[15] Also charged with assessing the proposed law's compatibility with the French Constitution, the *Conseil Constitutionnel* (France's highest constitutional authority) gave its approval in a decision released on October 7, 2010 (Conseil Constitutionnel, 2010).

look at? At the European Court of Human Rights, they look at whether the result was the outcome of a democratic process. That is all (Myard, interview).

Armed with the notion that 'it is the will of the public that counts' (Myard, interview), the UMP-led National Assembly pushed ahead with the face veil ban, making it a key promise of the party's campaign in the regional elections of March 2010.

After the election – in which the UMP claimed only thirty-six percent of ballots, losing to the Socialist Party in all regions except Alsace (Le Monde, 2010) – the party brought a bill to the National Assembly that would prohibit 'dissimulation of the face in public space' (Assemblée Nationale, 2010a). Even though the principles of equality, dignity and laïcité had been resoundingly rejected by legal experts as bases for a complete ban, these appeared front and centre in bill 2283, which identified veiling as 'incompatible with the essential values of the French secular, democratic and social Republic, as with our social project, which rests on equal dignity…' (Assemblée Nationale, 2010a). In the vote registered on July 13 2010, all but one of the Assembly's 336 voting members approved the bill. With the vast majority of left parliamentarians abstaining, including most Socialists, the bill was subsequently approved by the Senate and came into effect in April 2011 (Assemblée Nationale, 2010b).

Thus, although both UMP and Socialist members of the Gerin commission stressed their agreement that the face veil should be curtailed (chapter 3), when it came time to producing a law, contestation arose within parties over how best to proceed. Among Socialists, strategic concerns around 'ownership' exacerbated a crisis of identity, causing some members to question the very legitimacy of the face veil ban in relation to the party's historic values. By comparison, the UMP remained relatively united. The divisions that did emerge mainly revolved around framing, rather than value-based, concerns, with members stressing different justifications for condemning the face veil, from culture to the economy.

4.3   Right-wing cleavages: disagreements over how to frame opposition to the face veil

In the parliamentary vote that took place in July 2010, all but one of the voting members of the UMP – which totalled 287 – voted in favour of a law to prohibit face coverings in French public space. Although UMP members of the Gerin commission also vastly supported this law, they disagreed somewhat over which particular frame to use in justifying it to the public. Some drew on images of a 'clash' between the French Catholic and Islamic religious cultures to condemn veiling as a highly dangerous practice. Others used the face veil debate as an opportunity to dredge up concerns that immigrants – particularly North Africans – are a drain on the welfare state system. Yet, as I will show below, both sets of arguments ultimately bolstered the perception that the face veil symbolizes religious Muslims' incapacity to fully belong to the French nation.

In constructing an image of the face veil as a threat to France, UMP members of the Gerin commission relied on testimony by participants known for articulating the 'clash' between 'radical' Islam and the secular and Christian cultural norms that define belonging in the French nation. Invited to participate in the commission by one of its UMP members, Pascal Hilout, a Moroccan-born blogger and activist of Muslim background, explained his objection to the face veil by asserting that Islam is 'the most reactionary of all religions' and thus 'a danger to national and social cohesion'. 'Democracy', Hilout argued further, 'never manages to flourish where Islam is established' (Hilout, interview). Generalized claims of a 'clash of civilizations' were echoed in statements made by certain UMP members of the commission. For example, speaking generally of Islam's impact on French society, UMP commission member Jacques Myard said: 'we have allowed into our territory people who are inassimilable, because Islam is not a religion; it is a civil code'. 'If you assault the public sphere with religious elements', he continued, 'it will be civil war' (Myard, interview). Both Hilout and Myard's statements thus underscore the belief that Islam poses a double threat. On the one hand, practices like the face veil are deemed to violate the cultural requirement of French national belonging, by fostering communal ties that weaken national social cohesion. On the other hand, Islam is believed to threaten the political

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parameters of belonging by reducing citizens' engagement in, and thus commitment to, a civic model of participation.

In demonstrating the alleged 'clash' between Islam and French republican conceptions of national belonging, some of the Gerin commission's UMP members also called forth a common theme in the National Front's political platform: that immigrants – particularly those of North African origin – are a drain on the economy. In our interview, for instance, UMP commission member Georges Mothron raised the issue of social assistance fraud in this community, claiming that:

> The fraudsters are all of Arab origin. I see it every day and I fight against it. People who are 'Gaulois' like me, that is to say people of French origin who do not live off social assistance, know that these people are getting free health care (Mothron, interview).

Such complaints about social assistance fraud may be seen as deliberately linked to a desire to strengthen the boundary between native French citizens and domestic 'others', at least in the case of Muslim immigrants and their descendants. As in the statements by Hilout and Myard, that boundary also has both a cultural and a political meaning: insofar as they transgress the cultural norms of belonging in French society, Muslims also threaten the state system of redistribution.

In asserting the 'otherness' that the face veil represents with regard to republican national belonging, right-wing politicians in the Gerin commission also frequently emphasized what they believed to be a stark cultural boundary between France and other immigrant nations. Speaking to the contrast with Britain in particular, UMP commission member Georges Mothron commented with regret that:

> Communalism has become a significant fact of life in Great Britain over the last twenty years. Here [in France] we have the impression that they abandoned the issue, making it difficult for people to live together. There really are, I won't say ghettos, but, neighbourhoods that are entirely Pakistani or African (Mothron, interview).

Equally convinced of basic differences between France and Britain on this issue, UMP commission member Jacque Myard used this comparison to underscore France's unique commitment to gender equality. Adopting much more folkloric and hyperbolic language than his colleague, Myard claimed in our interview that 'in France, women have always been equal to men. They accompanied men in combat in the Gaullist era and Joan of Arc drove the barbarous English out of France' (Myard, interview).

The (false) notion that gender equality constitutes a historic feature of French national identity, one that positions France above other immigration countries, was also cited by right-wing actors as evidencing the insurmountable boundary between France and the Islamic powers of the Middle East. In the words of UMP commission member, Nicole Ameline:

> We are not in Saudi Arabia. We are in France. France protects you. It liberates you. Therefore, I fully support the law. […] The [burqa] has no place in France, where women are free (Ameline, interview).

The link that Ameline draws here between women's 'protection' and their 'liberation' resonates with a common claim in the French feminist discourse on veiling: that women's capacity for freedom rests on the state's ability to protect them from the sexist cultural practices of foreign 'others' (Delphy, 2006; Korteweg & Yurdakul, 2014). Ameline's statement also strategically links the particularity French culture to protection of universal rights, like gender equality. By particularizing the universal in this way, she is able to maintain her colleagues' emphasis on France's cultural uniqueness while appealing to the human rights discourse of the international women's rights movement.

Although they overwhelmingly supported a legal ban of face veils, right-wing politicians in the Gerin commission thus diverged somewhat in the frames they adopted to justify this measure. A first approach was to suggest that the face veil symbolizes the broader 'threat' of foreign elements to the French way of life, one that operates from within and from outside France's borders. Comments in this vein often underscored a need to protect France's unique cultural and

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religious heritage from the potential – and potentially physical or militaristic – threat of 'radical' Islam. A second justification advanced by UMP supporters of the face veil ban, and the one that most clearly suggests a co-optation of themes introduced by the National Front, was that laws such as this one contribute in a broad sense to discouraging North African immigrants from abusing the welfare state system. A third set of arguments treaded more closely on the territory of the left by highlighting France's commitment to protecting universal values, like gender equality. By emphasizing the particularity of the French perspective on this issue, however, even this line of argumentation served to draw a stark ethno-cultural boundary between native French citizens and foreign 'others'. Ultimately, all three sets of arguments bolstered a perception that Islamic practices like the face veil undermine the unique values that anchor the cultural and political terms of belonging to the French nation.

4.4   Value-based cleavages among left-wing politicians

Whereas UMP members of the Gerin commission disagreed over framing, offering somewhat divergent justifications for outlawing the face veil, left-wing politicians engaged in a much more fundamental, values-based debate over the proposed law. Within the Socialist Party in particular, deep cleavages emerged as some members questioned the law's compatibility with the party's historic legacy. As they struggled to gain 'ownership' of the face veil issue, Socialists and other left-wing actors deployed three main discursive strategies, which I identify below as 'rescuing', 'reclaiming', and 'rejecting' right-wing discourses of *laïcité*. The Socialist leadership ultimately chose a mix of the first two strategies, affirming the party's 'ownership' of secularism without fundamentally disrupting the agreement across parties, nor threatening the right's narrow interpretation of the criteria for membership in republican nationhood and politics. The least prominent discourse – that of 'rejection' – offered the most far-reaching critique of right-wing *laïcité*.

4.4.1 'Rescuing' *laïcité* from its right-wing kidnappers

Responding to what they purport to be a 'kidnapping' of *laïcité* by right-wing actors, leftists in France, many of them Socialists, have attempted to 'rescue' the term, by asserting their

'ownership' of its meaning and significance. Articulated in both ideological and procedural terms, these attempts at 'rescue' largely perpetuate the status quo; they have little impact on whether and how *laïcité* is used to justify restrictions on religious dress. Nor have they fostered a significant alternative to the narrowness of right-wing articulations of belonging to the French nation.

Ideological attempts to 'rescue' *laïcité* and assert the left's 'ownership' of the term involve an explicit denunciation, even ridicule, of right-wing conceptions of secularism in France. In particular, they seek to demonstrate that, in adopting *laïcité* for political gain, the UMP and National Front have grossly misrepresented its meaning. Author and Gerin commission participant, Patrick Kessel, takes up this theme in his book *Ils ont volé la laïcité* ('They Stole Secularism). Like others (Baubérot, 2012; Glavany, 2011; Pena-Ruiz, 2001), Kessel maintains that right-wing articulations of *laïcité* contain remnants of a 'counter-revolutionary' and 'counter-republican' ideology (Kessel, 2012:11). This version of secularism – which some call *catho-laïcité* – ultimately undermines the secularity of public space by glorifying France's Catholic history and symbols (Kessel, 2012: 15).

Efforts to expose the fundamentally anti-republican character of right-wing *laïcité* similarly target the National Front. In this regard, the critique has turned more explicitly on the racist undertones of this discourse. Commenting on Marine Le Pen's secularism, for example, the Socialist MP Christian Bataille described it as 'a foil for anti-Islamism' and 'a battle against Muslims'. The characteristics of her approach, he further argued, demonstrate that Le Pen 'is still mired in the spirit of the crusades' (Bataille, interview).

Ideological attempts at 'rescuing' *laïcité* are largely overshadowed by a discourse of 'rescue' expressed in more procedural terms, in which party political battles for 'ownership' appear front-and-centre. 'Rescuers' of this kind often target the left itself for abandoning, and thus ceding

'ownership' of, *laïcité*. According to Alain Seksig, Inspector General of National Education and former member of the High Council of Integration[16], had it not been for the left's own inability to take a clear stance on religious signs, including during the 1989 'headscarf affair', the right would not have managed to brand itself the defender of secular values and pervert the definition of secularism in the process. In his words:

> The left did not need the National Front to demonstrate its confusion around the issue of secularism. It did that all by itself, like a grown-up. Except that, by demonstrating that confusion over the years, it made a gift of secularism to the extreme right (Seksig, interview; see also Kessel, 2012: 17).

Seksig's words demonstrate the frustration that pro-secular leftists feel toward prior Socialist administrations, which they claim contributed to a failure to properly assert *laïcité* as a left wing ideal.

For Gerin, a prominent Communist MP at the time of the face veil debate, the repercussions of the left's 'abandonment' of *laïcité* are even direr. In critiquing those Socialists who abstained from approving the face veil ban in the National Assembly, he pointed to the problem of *angélisme* ('otherworldliness'), a term used to condemn those who lack the 'courage' to take a clear stance on the face veil. Believing himself among the rare politicians to serve the real interests of voters, Gerin has bandied this term about to portray other leftists as elitists insufficiently committed to tackling issues of crime and delinquency that align with 'radical'

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[16] Operative from 1989 to 2012, the *Haut Consel à l'Intégration* (HCI) was a body attached to the French Prime Minister's office. Its major task was to submit an annual report as well as periodic advice to the government on the integration of foreign residents or residents of foreign origins. During its years in operation, the council was composed of a maximum of twenty members, appointed by the French president, mostly derived from the world of politics, research, management, culture, media and sports (http://archives.hci.gouv.fr/Haut-Conseil-a-l-integration.html, accessed July 13, 2015).

religious behaviour. Without specifying exactly who falls into this category, Gerin commented in an interview that:

> They beat around the bush. They don't have the courage to call a spade a spade. That is what I call *angélisme*. They don't have the courage to tackle the problems that are causing certain territories in our society to rot away, or to face the fact that religion is used for political means (Gerin, interview).

By referencing the 'rotting' away of certain forgotten 'territories' in this quote, Gerin is also embracing aspects of the National Front's script, particularly its attack on political elitism, to portray the Socialists a 'lax' when it comes to defending *laïcité*. By asserting *laïcité* more firmly, he suggests, left-wing parties can begin to take back some of the electoral territory lost to the right.

Procedural attempts at 'rescue' also laid blame directly on right wing parties, claiming that politicians on that side of the fence have, for strategic purposes, deliberately sought to shame the left by questioning its commitment to curtailing the face veil. During the Gerin commission, these attacks mainly targeted Jean-François Copé, then a prominent member of the UMP who announced his party's intention to legally ban the face veil before the commission had finished deliberating (Copé, 2009). Staunch proponents of the ban within the Socialist Party perceived Copé's announcement as an attack on the legitimacy of their own secular convictions. MP Jean Glavany reacted the most strongly, claiming in our interview that Copé's actions signalled 'contempt for the commission'. 'It was shocking', he said. 'So we refused to take part in the vote. We said: 'you take us for imbeciles. From the beginning, you have taken us for imbeciles'' (Glavany, interview). Rather than take issue with the content of the right's pro-secular discourse, Glavany thus mainly disputed the infringement on the left's territory that this discourse entails.

Procedural attempts at 'rescuing' *laïcité* resulted in overt efforts at redrawing the partisan boundaries that have been obscured by the discourse of agreement around the face veil in France.

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In some cases, those boundaries demarcate competing parties on the left. In our interview, for instance, Socialist Jean Glavany complained that '[Gerin] is not a leftist when it comes to the emphasis on freedom that we generally find on the left'. 'From the minute he was appointed to chair the commission', Glavany continued, 'the French right manipulated and used him, turning him into an ally by granting him this position (Glavany, interview). Here, Glavany is thus aiming to strengthen the boundaries around what can legitimately be considered 'left-wing' in French politics. Although a major advocate for strict regulation of religious signs in the public sphere, he is against achieving that objective through total erasure of the ideological distinctions between Socialists and Communists in French politics. In other cases, attempts to re-draw partisan boundaries focused on disentangling the secular discourses of the Socialists and their main right-wing rival, the UMP. For example, although he referred to the agreement among members of the Gerin commission in other statements, Socialist member Christian Bataille also suggested in our interview that, in embracing *laïcité*, the UMP was effectively 'rallying' around a principle that belongs to the progressive left (Bataille, interview).

Left-wing attempts at 'rescuing' *laïcité* during the Gerin commission ultimately served to re-constitute the partisan boundaries that are obscured by parties' strategic claims to agreement over the face veil issue. By maintaining that 'ownership' over certain issues belongs to certain political parties and not others, this defence of partisan boundaries can shape political manoeuvring in significant ways, as it did in July 2010 when the Socialists abstained from the National Assembly vote on the ban. Even Jean Glavany, an ardent advocate of a ban, held back from voting in favour of the law out of a refusal to be seen as supporting an initiative proposed by his rival UMP. Other Socialist members generally in favour of a ban also abstained out of a concern for maintaining the appearance of party unity on the issue.

Socialists who opposed the law were similarly reticent to take part in the vote, for fear of exposing cleavages within their party. When I asked why she did not vote against the law, even though she preferred a parliamentary resolution, Socialist Danièle Hoffman-Rispal replied: 'I did not want to draw attention to myself, so I abstained. I told [the Socialist, Radical, Citizen and

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Diverse Left] group I intended to vote against but they convinced me not to. It was really the only position we could all agree on' (Hoffman-Rispal, interview).

Driven by frustration and anger over the right's manipulation of *laïcité* for political gain, left-wing attempts at 'rescuing' the term thus mainly turn on the question of who 'owns' the religious signs issue in France. Although these attempts take an ideological form when targeting the 'counter-revolutionary' motivations behind right-wing secular claims, the need to 'rescue' *laïcité* is articulated in largely procedural terms. What matters here is not so much how parties differ in their responses to the face veil question, but simply whether their positions can be clearly distinguished. In this way, the discourse of 'rescue' gives precedence to political boundaries rather than national ones. Its users are driven mainly by electoral objectives, rather than discursive ones. As such, they do not directly engage with the question of where to situate the boundaries of belonging to the French nation.

4.4.2 'Reclaiming' *laïcité* as a legacy of the left

Since claims to agreement that the face veil should be curtailed were so widespread during and around the Gerin commission, the margin in which left-wing politicians supportive of a legal ban could distinguish themselves was narrow. One of the strategies that leftists supportive of a ban deployed was to 'reclaim' *laïcité* by tying it to issues that the left theoretically 'owns'. Unlike the discourse of 'rescue', this approach went some distance toward identifying a distinctly left-wing approach to defining the political terms of belonging to the French nation.

Left-wing actors concerned with 'reclaiming' *laïcité* as a legacy of the left used varied methods to convey the intrinsic bond between left-wing ideology and the French project to preserve and promote the secularity of public space. Contrasting the face veil with the progressive goal of engaging citizens in public manifestations of their political belonging, Communist MP and head of the commission, André Gerin, bemoaned the fact that there are 'some territories [in France] in which there is sharia in the public space'. 'For us', he went on, 'the public space is the Republic' (Gerin, interview). By treating 'the Republic' as synonymous with the 'public space' in this quote, Gerin made clear his belief that republican citizenship involves a particular kind of

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political engagement. To use Richard Alba's (2005) terminology, a 'bright' political boundary is thus needed to exclude ways of organizing citizens' relationship to the state – such as 'sharia' law – that contradict the republican political ethos.

Like his right-wing counterparts, Gerin thus regards the face veil as unsuited to French republican political culture. Unlike them, however, he attributes this unsuitability to the practice's alleged threat to the role of the state. Echoing the symbolic value attributed to the school in the debates preceding the 2004 law on religious signs in public education, Gerin claimed in our interview that:

> …the fact that [Muslim] girls in some areas cannot go to Planned Parenthood because it is forbidden, cannot have relationships outside the Muslim community because it is forbidden, or young teenage girls in some high schools who have medical certificates to exempt them from participating in sports or going to the swimming pool. What does that have to do with the republic and secularism? (Gerin, interview)

Socialist members of the commission have echoed Gerin's concern that Islamic religious practices impede participation in the welfare state. Describing *laïcité* as 'indistinguishable from the social struggle' (Glavany, 2011: 38), for example, Socialist Jean Glavany imagines laïcité as integral to the way France delivers services to its citizenry. Rather than simply defend *laïcité* when it is attacked, he further suggested in our interview that 'we must promote it through training programs for teachers and in schools. It must be respected in hospitals' (Glavany, interview). Thus, for both Gerin and Glavany, 'reclaiming' *laïcité* means re-establishing the state as the deliverer of services that allow citizens' full and active participation the republican public sphere. This approach starkly contrasts with that of the UMP's Georges Mothron who, as I showed above, wishes to block North African immigrants from using public services.

Efforts to 'reclaim' *laïcité* as a discourse of the left also engender symbolic images of statehood when they justify restricting religious signs on the basis of their alleged threat to republican universalism. Rather than impose a particular way of life, left-wing defenders of *laïcité* claim

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that this concept promotes a respect for cultural and religious differences. By calling for citizens' emancipation from all doctrines of belief, they suggest, *laïcité* fosters a sense of the 'common good' that transcends particularism. For this reason, left-wing secularists have tended to condemn right-wing discourses that exclude all newcomers by framing *laïcité* as part of the French cultural heritage (Glavany, 2011; Pena-Ruiz, 2001). In his testimony before the Gerin commission, for example, philosopher Henri Pena-Ruiz proclaimed that French national identity need not 'mark itself through the valorisation of its particularities' (Pena-Ruiz, as cited in Gerin, 2010: 493). Rather, he argued, the republic distinguishes itself by a commitment to universal rights and freedoms.

This emphasis on universalism has proven difficult to reconcile with parallel efforts to match the right's concern with defending the particularity of republicanism in the face veil debate. Aiming to consolidate the universal and the particular, some discourses of 'reclaiming' echo UMP members' claims that protection of universal rights is precisely that which renders French republicanism unique. In her testimony before the Gerin commission, Sihem Habchi, former president of the feminist group *Ni putes, ni soumises* and former Socialist spokesperson, played on this notion of particular universalism. She claimed that if there is any country in which 'it is possible to debate without killing each other, to manage conflicts in a secular and interactive social space, without tearing off veils or burning mosques, such as in the Netherlands, and to reach a solution that will advance the values of progress to which we are so attached, it is France' (Habchi, as cited in Gerin, 2010: 332). This statement portrays progressive universal values, mainly secularism, as the route to unhindered engagement in a shared public sphere, the central criterion for political belonging to the French nation.

Statements intended to reinforce the particularity of republican universalism also drew on hyperbolic recollections of the French Revolution, an event that many leftists frame as anchoring modern notions of gender equality. In our interview, for instance, Socialist commission member Danièle Hoffman-Rispal explained that all representations of Marianne – the iconic female figure symbolizing reason and liberty – feature her in a 'low neckline', and with 'practically no jewellery'. Thus, Hoffman-Rispal went on, 'the symbol of the Republic is a woman whose face

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we can see. […] That is why we use this symbol to explain that [the face veil] is inconceivable' (Hoffman-Rispal, interview). Besides obscuring the many manifestations of gender inequality in France, statements like this one reinforce the image of an intrinsic bond between French political culture and universal values like gender equality.

Unlike the discourse of 'rescue', which focus on redressing the right's 'kidnapping' of *laïcité* through a re-assertion of partisan boundaries, efforts to 'reclaim' *laïcité* as a legacy of the left reinforce the importance of universal republican themes as bases for articulating the political boundaries of belonging to the French nation. Addressing republicanism primarily as a discourse of politics, these efforts underscore the need to re-establish the state as the key player in maintaining the secularity of public space and in re-affirming the importance of citizen engagement in the public sphere. When they bring about the search for ways to reconcile the particular and universal aspects of French political culture, however, efforts at 'reclaiming' laïcité fall short in providing a clear alternative to the right-wing discourse on the face veil. This is because, ultimately, they justify narrowing the requirements for belonging in the French public sphere in ways that exclude religious Muslims.

4.4.3 'Rejecting' *laïcité* in order to transform it

A third and final approach taken by leftists struggling to gain resonance in the French face veil debate is to 'reject' the dominant secular vision, on the basis of its rootedness in racist colonial discourse. Building on a critique of restrictive laws by academics and pluralist feminists (which I outline in further detail in chapter 5), this approach targets the cultural narrowness of the boundaries assigned to national belonging in both left- and right-wing articulations of the face veil issue. Although it remains marginal within electoral politics, the discourse of 'rejection' has the potential to spawn a more inclusive definition of the cultural terms of French national belonging.

A core theme in left-wing politicians' 'rejection' of *laïcité* is that a racist colonial outlook drives the term's use as a justification for restricting religious signs. Drawing on claims put forward by academics and pluralist feminists, a small number of Socialists and other left-wing political

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actors have criticized the face veil ban, attributing its passing to politicians' racial prejudices. According to Socialist member of the Gerin commission, Sandrine Mazetier, 'the motivations of those in favour of legislating seemed instrumental'; the law merely provided them 'with an alibi for their racism and islamo paranoia' (Mazetier, interview). Others back this interpretation, including the commission's sole Green party member, François de Rugy, who considered boycotting the commission altogether because he knew 'very well that, from the outset, Gerin and Raoult [the commission's rapporteur] were pushing a hostile, restrictive agenda' (De Rugy, interview).

Similarly inspired by critics' claims that *laïcité* is a foil for racism in French political discourse, other left-wing actors have turned their gaze on the past, criticizing prior Socialist administrations for their complicity in allowing an anti-immigrant script to eclipse core progressive republican values. Such is the view of Danièle Hoffman-Rispal, Gerin commission member and Socialist MP in the largely immigrant Parisian neighbourhood of Belleville. Although she supported a parliamentary resolution to condemn the face veil, Hoffman-Rispal shows deep concern over her colleagues' neglect of this practice's relationship to underlying social inequalities. In her words,

> I understand where [this reactive identity in the Muslim community] comes from. It comes from the republic's failure to integrate and from the fact that politics no longer inspires people. In 1968-1969-1970, when I was 16-17 years old, we thought the world would be better. Today, this fundamental belief is rare. During the last electoral campaign, I spoke with young people in my neighbourhood. They told me: 'we're on welfare. We no longer know where we're from. We're not considered French. Even with degrees, we can't find work' (Hoffman-Rispal, interview).

By capitulating to the right's obsession with religious signs, Hoffman-Rispal believes, the French left has lost its capacity to generate public concern around themes it previously 'owned', like material suffering and inequality. A ban on face coverings, she argues, only exacerbates the marginalizing effects of prior governments' failure to meaningfully engage immigrants in the

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republican project. Others in the Socialist camp agree. According to Socialist MP and Gerin Commission member, Sandrine Mazetier:

> The [face veil ban] does not in any way resolve the problem of affirming the republican pact and values of the republic. […] We could have legislated to outlaw actions that force particular garments on members of one sex but not the other. But this is not the choice that was made. Instead, the adopted approach merely causes tensions (Mazetier, interview).

The statements by Hoffman-Rispal and Mazetier call forth a deep concern among Socialists that an anti-immigrant framing of secularism has displaced the values that once anchored the party's brand.

Rather than seek to 'reclaim' it, those deploying a discourse of 'rejection' see *laïcité* in its current form as antithetical to left-wing articulations of nationhood. The divisions brought about by this 'rejection' are captured by internal party debates about the influence of current Socialist Prime Minister, Manuel Valls. A self-proclaimed advocate for immigrants' rights, Socialist MP Danièle Hoffman-Rispal regrets the way in which Valls has 'conflated security, police and immigration' (Hoffman-Rispal, interview). Like others, she distrusts the current Socialist administration, wishing it would instil a more inclusionary approach to maintaining the secularity of public space, one that truly honours the left's historic commitment to minorities' inclusion and prosperity.

Although it remains marginal in electoral politics, the discourse of 'rejection' aligns with a 'critical republicanism', whose aim is to re-assert and implement the egalitarian principles that dictated the creation of the republican contract (Laborde, 2008). While it surpasses the discourse of 'reclaiming' in sketching the contours of a revised definition of national belonging, the success of this approach is constrained by the competition for 'issue ownership'. Threatening the proclaimed agreement around opposition to the face veil, the image of 'rejection' lacks the

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legitimating power of attempts to either 'rescue' or 'reclaim' *laïcité*, both of which affirm, even as they claim to contest, the dominant secular framework.

Yet, more than its two counterparts, the discourse of 'rejection' has the greatest potential to expand, and render more inclusive, the boundaries of French national belonging. Unlike the discourse of 'reclaiming', which underscores the political dimension of belonging, this approach takes a critical look at the cultural requirements of republican nationhood, pointing to undertones of racism and colonial bias in politicians' responses to the face veil. Although, like the other discourses, this one too emanates from a desire to re-instate clear partisan boundaries, the notion of 'rejection' is much too radical to become part of the Socialists' official platform. Instead, it lingers beneath the surface, presenting an ongoing threat to party unity.

4.5 Conclusion

In chapter 3, I argued that, in justifying the need to legally ban face veils, mainstream French politicians redefined citizenship in ways that exclude religious Muslims by downplaying the significance of individual religious rights. In this chapter, I examined the debates that have arisen *within* parties over the terms of national belonging in the context of the face veil debate. The findings reveal how the competition to 'own' the religious signs issue – and the internal party cleavages that it produces – informs the process of defining the affective and subjective parameters of French nationhood. The resulting discourses were less about what rights are attached to being French and more about how nationhood should be culturally and politically enacted in a republican context.

The nature of the contestation over belonging differs significantly in France's right- and left-wing political parties. Within the right-wing UMP, there is vast support for a face veil ban. Where party members part ways is in the frames they use to justify this measure. Whereas some emphasize the cultural 'clash' embodied by this practice, others call forth more universalistic themes like gender equality. However, even the latter approach remains heavily couched in a particularistic image of French nationhood. Thus, these disagreements over framing ultimately

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do little to displace or threaten the UMP's overarching support for a strict enforcement of the boundaries that exclude religious Muslims from the cultural and political parameters of national belonging.

The cleavages that have arisen as a result of the struggle for 'issue ownership' are much deeper on the left, where they have spawned a real identity crisis. During and after the Gerin commission, tensions emerged as members of the Socialist Party in particular struggled over how to reconcile an increasingly restrictive approach to immigrants' religious integration with a legacy of promoting tolerance and equality in immigrant communities. This reconciliation proved impossible for some Socialists, who felt that denying individuals the right to religious expression contradicted historic left-wing values in France.

The resulting cleavages have produced three different discourses of *laïcité*, one that calls for the term's 'rescue' away from its right wing 'kidnappers', one that aims to 'reclaim' *laïcité* as a leftist discourse anchored in promotion of a strong and universal state, and one that 'rejects' mainstream articulations of *laïcité* on the basis that these perpetuate racism and exclusion. Each of these discourses differently engages with the fundamental question of where to position the boundaries of French national belonging. Dictated by a desire to re-affirm partisan boundaries, the discourse of 'rescue' addresses this issue only tangentially. Its users are far more concerned with determining whether the Socialist Party is recognized as a relevant player in the face veil debate than with deciding how its positions on the issue should differ from those of the other parties. By contrast, the cleavages that were formed around the discourses of 'reclaiming' and 'rejection' have the potential to shape politicians' articulations of belonging, although in different ways. Those concerned with 'reclaiming' *laïcité* as a legacy of the left have sought to strengthen the political dimensions of belonging by calling for greater state involvement in preserving the secularity of public space. By contrast, those committed to 'rejecting' *laïcité* on the basis of its racist colonial undertones have begun to question the narrowness of the cultural boundaries that republican discourses draw around French nationhood.

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These results contribute in two ways to the way scholars understand the relationship between electoral competition and party positioning on immigration. First, despite scholars' superior interest in the effects of ultra-right competition for centre-right parties, I have shown that efforts to deflect the threat of parties like the National Front pose serious, and perhaps even more far-reaching, dilemmas for left-wing parties. In the case of France's Socialist Party, those dilemmas have to do with whether and how to appear tough on immigration while carrying-on the party's historic struggle for equality. The fact that left-wing politics has broadly shifted away from a discourse of equality based on redistribution to one emphasizing equal recognition (Fraser, 1995; Fraser & Honneth, 2003) makes responding to those dilemmas in a coherent way even more difficult. Because it leads to a valorisation of cultural identities, the shift from redistribution to recognition means that left parties cannot ignore questions of cultural injustice, even if they would like to. The findings of this chapter also further develop a claim I made in chapter 2: that party competition not only determines who wins elections; it also shapes long-term discursive formations applying to the boundaries of nationhood. In this case, I showed that internal conflict within parties – particularly those on the left – influences the ways politicians define the cultural and the political terms of national belonging.

In the next chapter, I turn to an analysis of discourses and strategies deployed by those who remain outside the alleged republican agreement. Like the politicians responsible for generating that agreement, I argue, these marginal actors are also ambivalent in their responses to it. Although they reject most aspects of the agreement, they nevertheless recognize the need to engage with it, even as they develop arguments that de-legitimize its articulation of republicanism and the mechanisms of state power that underlie it.

Chapter 5: Contesting dominant formations of nationhood, belonging and citizenship: opposition to the face veil ban in French civil society

On December 9 2009, a car with tinted windows delivered Kenza Drider, a woman wearing a full Islamic face veil, to the Bourbon Palace, the building that houses the French National Assembly in downtown Paris. As the car pulled up, directly opposite the entrance, Drider removed her face veil and dashed inside to avoid a fine for violating the law against wearing ostentatious religious signs in France's government buildings. A French citizen of Moroccan origin and vocal defender of women's right to wear the face veil on French soil, Drider was the only face-veil-wearing woman allowed to participate in the 2009 Gerin commission. Scheduled to take place at the very end of the commission's deliberations, her interview is also the only one not to have been made publicly available.

The basis for omitting Dider's testimony from the public record remains unclear. One commission organizer whom I interviewed claimed it was the prerogative of the commission leaders, who feared that Drider would use the interview as an opportunity to proselytize and provoke anti-government sentiment in Muslim neighbourhoods (Thiers, interview). Others saw it differently; they claimed that Drider herself asked that her interview not be recorded (Mothron, interview). Combined with the staggeringly low number of Muslim women invited to participate in the first place, the suppression of Drider's testimony bolsters the argument I made in chapter 3: that the Gerin commission served as a venue in which political actors favouring a legal ban of face veils drew a stark boundary between those in and outside the republican agreement.

This chapter further elucidates this boundary formation process, but from the perspective of those, like Kenza Drider, who operate outside the French electoral sphere. Based on interviews with key opponents of the 2011 face veil ban – including feminists, pro-secular activists and academics – I show that parties' efforts to demarcate the boundaries of 'legitimate' politics have led to the exclusion of critical voices in French politics. In particular, by 'blurring' the boundary between themselves and the UMP on the question of veiling, the Socialists have lost the

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confidence of groups that might otherwise support them, with real effects on discourses of opposition to the 2011 ban. Convinced that the electoral sphere is monolithic, authoritarian and ultimately highly exclusionary, critics of this law have developed a far reaching critique of the French state, one that draws on two themes: the prevalence of a racist colonial belief system, and the advance of a neoliberal mode of governance that displaces responsibility for integration onto immigrants themselves.

At the same time as they critique the fundamental characteristics of state power in France, I argue however, opponents of the 2011 ban also contribute to re-affirming republicanism as the organizing principle of nationhood, belonging and citizenship in France. This tendency is especially marked in academic critiques, which seek to demonstrate that restrictive laws draw upon and reinforce a false and instrumental reading of republican values. In their attempts to construct a fairer, more inclusive republicanism, these critics have reaffirmed republicanism and *laïcité* as key components of French national identity.

The interplay of rupture and reproduction that thus characterizes critics' approach to the 2011 law conforms to what Isin refers to as 'acts of citizenship': a process whereby, in seeking to subvert social-historical patterns and arrangements, 'activist citizens' find themselves reaffirming state agendas and relations of power (Isin, 2008, 2009). Researchers have shown that French republicanism is especially conducive to these kinds of dilemmas. Because it views gender and ethnicity as irrelevant to the production of nationhood, belonging and citizenship, the republican script places unique limits on minorities' capacity to claim representation. As a result, activists have been found to recast some elements of that script, while reproducing others (Bassel & Lloyd, 2011).

In what follows, I discuss how postcolonial feminist themes and critiques of neoliberalism were mobilized by opponents of the face veil ban to contest dominant formations of nationhood, belonging and citizenship in France. In particular, I show that, as they reflected on the impetus for the law, its opponents maintained that, thanks to the French state's incorporation of a 'republican' feminist discourse that demonizes Arab-Muslim culture, the outlooks of veiled

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women have become marginalized in French electoral politics and media. Critics further maintained that the neoliberal emphasis on personal rather than state responsibility exacerbates this process of exclusion, by placing the responsibility for successful integration onto Muslim women themselves. The final section explores how critics of the law negotiate the trade-off between rupture and reproduction as they attempt to construct a fairer, more inclusive republicanism.

5.1 Postcolonial feminist critiques of the 2011 face veil ban

As I described in chapter 3, 'republican' feminist organizations in France have capitalized on party-manipulated concerns around 'radical' Islam to argue that religion obstructs women's emancipation. By anchoring this claim in a concern for *laïcité*, moreover, these feminists have gained legitimacy as agents of the French state and as spokespersons of the alleged republican agreement. However, a second segment of the French feminist movement staunchly opposes the use of republicanism to justify restrictive laws. Severely marginalized from electoral politics, this wing of the feminist movement brings together a small number of second-wave feminists and an emerging network of Muslim and pluralist feminist associations to put forth an alternative conception of women's equality in the context of the face veil debate.

Only one feminist group that opposes the face veil ban was invited to participate in the Gerin commission: the *Collectif des féministes pour l'égalité* (Collective of Feminists for Equality, CFPE), a Paris-based organization that brings together Muslim and non-Muslim feminists who dispute measures to prohibit religious signs in the public sphere. In her presentation before the commission, the group's headscarf-wearing president, Ismahane Chouder, echoed Muslim participants' concerns that the commission had become a platform for politicians to stigmatize French Muslims (see chapter 3). Rather than punish women by forcing them to choose between the face veil and a life of isolation, Chouder argued, the commission should have sought to help these women. Instead, however, by enforcing their unveiling through law, the French state was effectively turning these women into targets, and in the process continued to ignore other, more perturbing expressions of gendered violence in France (Gerin, 2010: 457-466).

The discourse of opposition adopted by Chouder and others replicates key themes in postcolonial scholars' critiques of feminist campaigns against Islamic veiling. Postcolonial feminists have richly theorized the ways that Western feminist discourse subjugates 'Third World Women' in order to delegitimize practices – like the face veil – which they see as contrary to women's emancipation. Rather than question the power of masculinity to define what is considered legitimate conduct in their own societies, they argue, these feminists have ignored their subjectivity by differentiating themselves from women in colonial societies (Yegenoglu, 1998: 106-107).

Western feminists have accomplished this differentiation by envisioning their Third World counterparts as belonging to a coherent and homogeneous group that exists in isolation from 'modern' society. According to the resulting discourse, these women are underdeveloped, religious, family-oriented, legally unsophisticated, and illiterate, etc. Any marginal or resistant modes adopted by these women are thus erased. Moreover, no connections are made in these descriptions between 'First and Third World power shifts' (Mohanty, 2006: 40). Together, these discursive moves allow for a falsely universalizing narrative to take hold, in which Western women are conceived as secular, liberated, and generally better able to exert agency and control in their lives.

The themes of liberation and agency surfaced in my interview with Chouder. According to her, racial prejudices tied to France's colonial past have allowed 'republican' feminists to reject, or even shun, those who advocate a different conception of women's emancipation. In her words:

> There is a colonial way of thinking here. It is unavoidable, because we see that our feminist elders, thankfully not all, when they address us, it is always to say: 'it is we who will show you how to emancipate'. In other words 'it is we who hold the tools of your liberation'. This approach is stunningly infantilizing and it reproduces the notion that the Western woman is the sole owner of the model of emancipation for all women in the world (Chouder, interview).

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This quote thus emphasizes the silencing effects of colonialism for Muslim feminists in France. Portrayed as incapable of properly emancipating, Chouder explained, she and her colleagues have become 'infantilized', dependent on their 'elders' for guidance in achieving 'liberation'.

Postcolonial scholars claim that the desire to 'unveil' the female colonial subject is essential to the Western feminist project. By obstructing others' gaze, they argue, the veil has come to stand in tension with the focus on visibility and the body that sustain colonial projects of domination. In the Western modernist mindset, 'vision' is the 'central instrument and metaphor in the search for truth' (Yegenoglu, 1998: 110). 'The uncovering of truth thus becomes a process of unveiling, and revelation, and a process of stripping the obstacle that prevents its immediate comprehension' (Yegenoglu, 1998: 110).

The desire to 'know' the oriental woman is therefore inseparable from the desire to 'unveil' her. Moreover, the unveiling of the veiled woman is crucial to maintaining the invisibility – and thus universality – of the Western subject (Ahmed, 2000). These arguments have been applied to the French case to show how women's bodies have become the object of conflicts in culture, law and religion in ways that dichotomize 'political Islam' and 'Western liberal democracy' (Al-Saji, 2010; Benhabib, 2010; Korteweg & Yurdakul, 2014).

Feminist critics of the 2011 law that I interviewed were keenly aware of such efforts to exclude them. Christine Delphy, an established feminist writer and activist who opposes restricting Islamic veiling in public spaces, recalls being shunned by her prior feminist colleagues during the 2003-2004 debate over religious signs in schools. In our interview, she described an encounter with these colleagues while walking with two headscarf-wearing women. 'These women I had known for forty years', she told me, 'walked right past without looking at me. They cut me dead' (Delphy, interview). Since their 2004 victory, pro-restriction feminists have evidently traded in a hostile attitude for one of indifference. Whereas they showed 'real opposition, hostility and aggression' in 2004, often accusing the pluralist feminist camp of 'having divided the French feminist movement', Chouder claims that pro-restriction feminists now treat her 'with indifference' (Chouder, interview; see also Paye, interview).

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According to critics of the 2011 law, 'republican' feminists have been rewarded for their role in bolstering political parties' claims to having reached an agreement around the need to curtail veiling in French public space. By becoming key spokespersons for restricting the headscarf and later the face veil, they are believed to have formed a kind of 'state feminism' in France (Chouder, interview). The association that draws the most critique for having become an arm of the French state is *Ni putes, ni soumises*. By portraying Islam as the antithesis of republicanism, critics argue, NPNS functions as a prop in the state project to demonize Muslims in ways that reproduce a colonial belief-system. According to Pierre Tévanian, a member of the group *Une école pour tous et toutes* (A School for All) created to oppose the 2004 law, the NPNS has:

> …benefited, to a disconcerting degree, from quasi unlimited access to major media outlets, as well as from immense political and financial support, as much on the right as on the left…This mystery is readily explained if we consider the political bargain that this movement constitutes: one that favours the interests of a racist ruling class in search of legitimation (Tévanian, 2007: 26).

The notion of a 'bargain' captures the prominent belief that the NPNS hides behind a discourse of community assistance to convey what is ultimately a stigmatizing image of Islamic culture, one that serves the 'racist' colonial goals of state actors. Notably, Tévanian also relates the public subsidization of the NPNS to the state's quest for 'legitimation' in this quote. Others have drawn similar connections between the instrumentalization of feminism and legitimacy. According to Naima Bouteldja, author of the Open Society's Foundation's 2011 report on veiled women:

> [Groups like NPNS] are serving the discourse. They are completely disconnected from the grassroots and they articulate an even more right wing discourse on minorities than [former right-wing President] Sarkozy. They are just there to reinforce the legitimacy of the dominant discourse. They demonize women in the hijab. They demonize men with beards. They demonize Muslim people in general (Bouteldja, interview).

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The notion that they merely serve the state discourse, validating a deleterious image of Muslims in France, has rendered the conclusion that members of the NPNS 'are empty shells' (Paye, interview) that function the 'same way as Uncle Tom in the United States (Bouteldja, interview).

The critiques leveraged here by feminist opponents of the face veil ban echo concerns outlined in the scholarship on 'governance feminism': a state-endorsed feminist outlook that legitimizes policies that control women's bodies and behaviours. Critics of 'governance feminism' warn that feminists' incorporation into the 'precincts of power' 'problematizes traditional notions of female victimization and male domination', with important implications for feminist theorizing (Shola Orloff & Shiff, forthcoming). As feminist actors adjust to a neoliberal form of social and economic organization, some argue, their commitments are becoming diluted, and oriented to a growing extent around 'privatized' and 'cultural' conceptions of social justice (Fraser, 2013; Mohanty, 2013). Among the major scholars to heed this warning, Chandra Mohanty has argued that, thanks to neoliberalism, critical feminist slogans – like 'the personal is political' – are being re-read in terms of 'privatized notions of individual experience' (Mohanty, 2013: 971-972).

Nancy Fraser has echoed this concern, cautioning that feminism has 'entered a dangerous liaison with neoliberalism', one result of which is the diverting of political-economic struggles into 'culturalist channels' (Fraser, 2013: 14). This 'culturalist' approach is believed to exacerbate the power imbalance between 'governing' feminists and their colonial counterparts. According to critics, neoliberal discourse inhibits mainstream feminists' willingness and ability to incorporate the experiences of their colonial counterparts. Mohanty (2013) proposes that this is because 'neoliberal narratives disallow the salience of collective experience or redefine this experience as a commodity to be consumed'. For this reason, she argues, feminists face increasing difficulty drawing attention to 'processes and institutions of rule that are gendered and raced' (Mohanty, 2013: 971).

This concern – that 'governing feminist' discourses obscure racist colonial belief systems by adopting a neoliberal logic of identity – was echoed in my interviews with feminist critics of the face veil ban. Indeed, some contended that, by articulating the 'dangers' of Islam in terms of its

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assault on women's rights and republicanism, groups like the NPNS have ultimately helped to obscure the racist colonial belief system that underpins party political claims to agreement on the face veil issue. In her numerous blog posts and publications, for example, Christine Delphy has argued that the secular and feminist discourses sustaining the anti-veil rhetoric are in fact tools for expressing an 'acceptable racism' (Delphy, interview). Among the key racist assumptions that underlie 'republican' feminists' claims, she argues, is that Muslim culture is uniquely oppressive to women:

> People can no longer legitimately say 'we dislike Arabs'. But they can continue to refer to them as 'second generation immigrants'. Well, it isn't possible to be an immigrant who's also second generation. It's a way of saying 'you may well be born here, but it's as if you weren't. You weren't really born here. You aren't French. You will always be a foreigner, and your children will be foreigners'. That's a kind of racism (Delphy, interview).

Here, Delphy draws on postcolonial themes to belie the republican promise that, once they acquire citizenship, newcomers to France and their offspring will be treated as fully and equally 'French'. Others also picked up this argument, arguing that, by virtue of their colonial origins, Muslim women are barred access to the rights purportedly allocated through republican citizenship. This theme surfaced in my interview with Youssra, a member of *Mamans Toutes Egales*, an organization created to oppose the 2012 *Circulaire Chatel*, a set of guidelines issued to prohibit veiled women from accompanying their children on school outings. In Youssra's words:

> I was born [in France]. I did all of my schooling here. I am affected by everything that's happening. I vote. I live, just like everyone else. Only the difference is…well maybe it isn't really a difference, because we have the freedom to believe what we want. We can be secular, we can be Jewish, we can be Christian. I don't know why, when it comes to Islam, we create a whole polemic (Youssra H, interview).

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Despite the fact that she fulfills the requirements of republican citizenship and belonging – she was born in France, she completed her schooling there, she votes – Youssra believes she and other Muslims face a gross injustice by being treated differently from other religious and secular citizens. Chouder has echoed this concern. Even if they try to integrate, she told me in our interview, Muslim women are excluded from dominant articulations of French nationhood, belonging, and citizenship:

> Even people who have been active for years in defending the interests of Muslims and non-Muslims tell me 'after all the work we've done to prove we are good French citizens, good republicans, good secularists…despite all of that, they are still advocating and making these laws'. Our discourse remains completely invalid. […] This is devastating to me, because it means that all the work we've done to create partnerships that transcend our differences…at the end of it, we're still stuck… (Chouder, interview).

Once again, despite answering the republican call to become 'good French citizens', Muslim women like Chouder believe they are excluded from the requirements of citizenship and belonging as defined by France's major political parties.

5.2 Neoliberal critiques of the 2011 face veil ban

As they worked to subvert the republican script that forms the basis of parties' alleged agreement – underscoring its reliance on a racist colonial script disseminated by 'republican' feminists – critics of the 2011 law also reflected on its relationship to other mechanisms of state power in France. In this regard, their arguments echoed scholarly concerns that neoliberalism is shifting the locus of responsibility for immigrants' integration from the state to individual citizens. Interestingly, though, this critique of neoliberalism did not detract from portrayals of the French state as a centralized, monolithic, and highly coercive institution. Indeed, critics' arguments dovetailed with scholarly claims that, for historical reasons, neoliberalism has not negated the presence of a strong and active state in France (Foucault, 2008; Fourcade-Gourinchas & Babb, 2002; Prasad, 2005).

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According to critics of the 2011 law, it embodies a neoliberal shift in the locus of responsibility for governance from the French state to individual citizens. Their concerns in this regard echoed scholars' contention that, by advocating a state-citizen relationship based on freedom, choice and self-sufficiency, the neoliberal worldview has shifted responsibility for governance away from state institutions and toward individuals themselves (Foucault, 2008). In this 'new rationality of government', the fundamental mechanisms of social solidarity, including public security and health care, are transformed into commodities available for purchase by 'autonomous' (Rose & Miller, 1992: 200) and 'self-governing' (Foucault, 2008) citizens.

That shift is especially marked with respect to immigrants' integration, according to critics of the 2011 face veil ban. In the words of Jean-Pierre Dubois, a law professor and former president of the *Ligue des Droits de l'Homme* who appeared before the Gerin commission:

> We no longer use the term 'integration' in its pronominal form in France. Rather, we refer to 'integrating oneself'. That is to say, instead of the Republic asking itself the question 'are we doing what's necessary to integrate people?' […] 'Integration' in that context means that the Republic considers you a full citizen. Today, we say 'to integrate oneself'. That means 'you are responsible for being civilised'. It doesn't even mean 'we will civilize you', as the colonizers said; it means 'you will become civilized or we exclude you. Wipe your feet before you enter'. […] Today, we say, 'my friend, secularism is you. You have to secularize' (Dubois, interview).

This quote underscores the changing locus of state responsibility in the neoliberal era. It speaks to the fact that, even as it seeks to maintain a high level of control over the definition of nationhood, the French state has made individuals themselves responsible for proving their worthiness as citizens. According to Dubois:

> Young people are very aware of this. That's why the headscarf can be a way of saying 'I don't give a damn. I am not integrating. I am Muslim, and I don't give a damn'. So there is an element of dignity, of pride. This is terrible because, even those who sincerely

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believe they are defending social progress – let's suppose Gerin fits that category – they are unconsciously complicit in a terrible inversion of the social project (Dubois, interview).

The 'inversion of the social project' to which Dubois refers is emerging as a central theme in feminists' critique of the 2011 law. According to feminist activist Ndella Paye, state actors intentionally exploit the face veil issue to distract attention away from their failure to resolve real social problems:

> [The question of the veil] occupies such an important place because our politicians are incompetent. They are incapable of solving the real societal problems that we face, such as unemployment. François Hollande evidently wants to change direction but there is still unemployment. There are housing problems in neighbourhoods where we park a large part of our immigrant population. And we do not fund schools enough to allow them to educate children. And so, as a result, we need a scapegoat to turn people's attention to this [veil] problem. This way, people forget their daily struggles, like the fact that with the Euro prices have gone up but wages have not. With the [decline in] purchasing power and the [economic] crisis, people are having trouble making ends meet. But we still serve them this story about Muslims and their supposed threat to the Republic (Paye, interview).

This statement very clearly captures the connection that feminist critics of the 2011 law draw between anti-Muslim rhetoric in France and the neoliberal restructuring of the French state. Having failed to uphold their responsibility toward citizens – for instance by allegedly cutting funding for education and failing to address the economic crisis – politicians are intentionally turning the public's attention toward Muslims' individual conduct. In other words, the perception of a 'threat to the Republic', which I argued in chapters 2 and 3 is essential to the republican agreement, serves to divert attention away from the erosion of government responsibility under neoliberalism.

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This critique strikes at the heart of the crisis of identity currently underway in left-wing electoral politics in France, which I have argued arose at least in part out of the competition with the right to 'own' the religious signs issue. As I showed in chapter 4, many left politicians are concerned that capitulation to right-wing manipulations of *laïcité* has led to a downplaying of the state's responsibility to ensure immigrants' successful integration. In response, politicians like the Socialist Jean Glavany have worked hard to stress the uniqueness of left-wing secularism, a uniqueness that derives from its emphasis on the universality of secular principles and on the essential role of the state in ensuring the secularity of public spaces (Glavany, 2011; see also Pena-Ruiz, 2001). However, as I will show below, these efforts to construct a progressive *laïcité* that is distinct from right-wing articulations of the term have largely failed to convince the critics of the 2011 law whom I interviewed.

Interestingly, critics of the 2011 law did not see neoliberal restructuring as contrary to, or as displacing, the authoritarian characteristics of French statehood. In that regard, their comments reinforced scholarly research indicating that, for historical reasons, French neoliberalism has taken an unusually state-driven form (Foucault, 2008; Fourcade-Gourinchas & Babb, 2002; Prasad, 2005). Because the welfare state was developed by right-wing governments, and has since been driven by an ideal of social insurance for the middle classes rather than on redistribution between classes, French business is uniquely committed to the welfare state (Prasad, 2005: 362). France's political structure further entrenches this commitment to a state-driven economy. Key elements of that structure – in particular the centralization of power in government, the staffing of bureaucracies with 'cautious and careful technocrats rather than political appointees' and the fact that interests groups are 'excluded from routine decision making' – have made French politics relatively resistant to change (Prasad, 2005: 363). As a result, France has abstained from pursuing the large scale economic restructuring of the kind witnessed in Britain or the United State. The fact that the French state has 'grown in recent decades' has even led commentators to describe the country as 'a symbol of resistance to Anglo-American-style neoliberalism' (Prasad, 2005: 358). France's state apparatus is larger than that of Britain, Germany or the United States, with higher tax revenues, a higher proportion of the

workforce working for the state, and with state spending on goods and services accounting for a greater percentage of the country's GDP (Prasad, 2005: 357).

Although the move to freer markets has been less dramatic in France than elsewhere, important changes have nevertheless occurred, which transform the relationship between citizens and the state. Since the early 1980s, successive French governments have dismantled price controls, removed restrictions on labour and financial markets, brought down trade barriers through European integration, and privatized public enterprises (Fourcade-Gourinchas & Babb, 2002: 562). However, these changes occurred without the influence of strong pro-neoliberal organizations present in Britain and the United States. Indeed, unlike its counterparts elsewhere, French neoliberalism 'took place without much fanfare, behind the scenes, within the technocracy and the political elite' (Fourcade-Gourinchas & Babb, 2002: 567). Instead, it emerged as a 'process of pragmatic normalization', in which the state sought to restructure the economy as a 'means to pursue its historic mission of modernization' and ensure its survival in a neoliberal world economic order (Fourcade-Gourinchas & Babb, 2002: 567).

The co-existence of neo-liberal and more traditional technologies of governance surfaced in my interviews with critics of the 2011 face veil ban. In my interview with Jean-Pierre Dubois, for instance, he proposed that, in France, neoliberalism merely provides the state with an additional mechanism to enforce citizens' conformity to the 'extreme conception of unity' that that is the hallmark of republicanism. That conception requires 'that individuals rid themselves of all that they are' (Dubois, interview). The neoliberal emphasis on self-governance complements, rather than detracts from, the republican quest for conformity:

> The notion of a *homo œconomicus* among ultra-liberal economists – the idea that people engage with the market in a rational way, unencumbered by problems or social handicaps – is similar to what I would call *homo civicus* – a kind of individual political subject that is free to engage in the nation, without being influenced by family, religion, origin or mother tongue. Of course, we know that the citizen has all of these unique qualities. Nevertheless, he must speak French, certainly not Breton or Corsican. If he is Muslim,

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we virtually expect him to be atheist. A Muslim who drinks is okay. He should be discreet, and not reveal himself through his clothing. He must not pray in the streets (Dubois, interview).

By relating the production of two types of citizens in this quote – *homo œconomicus*, the neoliberal subject according to Foucault (2008), and *homo civicus*, the political subject under republicanism – Dubois thus emphasizes how neoliberal and republican mechanisms of statehood become intertwined in modern debates over religious signs.

The resilience of the French state as a centralized and coercive institution, even in the context of neo-liberalism, appeared in my other interviews as well. Reflecting on the meaning of republicanism in French political discourse, for instance, Pierre Tévanian emphasized that:

> Republican is the word people use to legitimize repression or the use of force by police. It is a discourse of state legitimation. […] It is a way to dilute the ethically reprehensible character of an action, a practice or a politics, by calling on the certificate, the patent, the quality of republican (Tévanian, interview).

By imposing conformity to a particular set of values – often, as Tévanian claims, through overt coercion – dominant articulations of republicanism are thus believed to support the French state's monolithic structure of authority. According to Dubois, that monolithic structure is rooted in France's monarchic history:

> France is the most sensitive [to the arrival of large Muslim immigrant populations] in the European complex. It is where the oxygen hits the nerve at the base of the tooth, causing severe pain. Because France is a country in which the symbolic role of the state, of politics, of the monarchy, is very, very powerful. We are the only European monarchy. Royalty is one thing, but a monarchy. We are the only country in European in which the will of a single man can become law six months later. Obama is incapable of controlling Congress. But Hollande can (Dubois, interview).

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This centralization of power, Dubois claims, makes the French state a kind of 'patriarchal institution', in which the national leader 'is father'. 'We ask him to protect us from Muslims and delinquents' (Dubois, interview).

As they reflected on its underlying causes, therefore, critics of the 2011 face veil ban constructed profound critiques of state power in France, which highlight its postcolonial and neo-liberal dimensions. These characteristics of statehood, they argued, reinforce a deleterious image of Muslims in France as having failed to fulfill their obligations as responsible republican citizens. Maintained by the media, the strength of that image is perceived as hindering opportunities to challenge the salient image of agreement by parties around the need to curtail face veiling in French public space. It is to this issue that I turn in the next section.

5.3 Rupture and reproduction in critics' efforts to construct a fairer, more inclusive republicanism

As I mentioned at the outset of this chapter, the trade-off between rupture and reproduction is a prominent feature of the 'acts of citizenship' that activists undertake in constituting themselves as citizens. That trade-off arises as a result of 'activist citizens' 'refusing, resisting or subverting the orientations, strategies and technologies in which they find themselves implicated, and the solidaristic, agonistic and alienating relationship in which they are caught' (Isin, 2008: 38). In this section, I show that strategies of rupture and reproduction intersect in the discourses of dissent that opponents of the 2011 face veil ban deploy. Faced with a predominant discourse of agreement in electoral politics, these critics are caught between two competing projects. On the one hand, they are driven by a strong desire to de-legitimate articulations of republicanism that bolster parties' claims to agreement that the face veil should be curtailed in public space. On the other hand, they remain highly attached to republicanism as the key discourse for defining the boundaries of French nationhood, belonging and citizenship. In the following paragraphs, I will show how these competing goals shape critics' efforts to construct a fairer, more inclusive republicanism in the contexts of the French face veil debate.

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Although it is the result of alliances among parties vying for ownership of the religious signs issue, the alleged agreement that buttresses restrictive laws like the 2011 ban places profound limits on opportunities for dissent. Those limits became clear during the battle over religious signs in schools in 2003-2004. During that debate, activist groups and academics came together under the banner *Une école pour toutes* (One School for All) to mount a campaign that initially aimed to discredit the republican discourses underpinning the proposed ban. As the debate unfolded, however, these groups found themselves unable to gain resonance in this debate. According to Christine Delphy, that was because proponents of the 2004 law succeeded in putting forward 'a version of *laïcité* that had not previously been invoked in France, certainly not by feminists. All of a sudden in 2003, *laïcité* emerged as a synonym of feminism, one that feminists actively defended. This version of *laïcité* is now on everyone's lips' (Delphy, interview).

Recognizing the omnipresence of a particular version of *laïcité* in French politics, critics of the 2004 law initially sought to demonstrate the flaws and inconsistencies in their opponents' use of republicanism. According to Pierre Tévanian:

> We were working in an atmosphere in which the key goal was to score points and convince people. [...] For these reasons, we absolutely took at face value the secular and feminist assertions of our interlocutors. We would say things like, 'yes, but as a feminist, does it not bother you that girls [wearing the headscarf] will be excluded?' Or 'you talk about secularism, but you don't cite the legal definition of secularism', etc. The arguments in our texts were extremely well constructed to demonstrate the facts (Tévanian, interview).

Taking their opponents' claims 'at face value' was thus a conscious strategic move that critics made to gain resonance in the debate over the 2004 law. However, this approach proved ineffective in destabilizing the pro-law camp. For Delphy, this ineffectiveness was partly due to the fact that 'people only hear what they want to hear' (Delphy, interview). In Tévanian's view,

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the difficulty lay in the chameleonic way that pro-law actors represent republican values, constantly redefining these to advance their interests:

> What struck me was that the line of argumentation kept shifting. They would start by basing their claims on laïcité, and when we started to refute that, by demonstrating it was an invalid basis for a law, they would change tack, claiming that it was really a feminist issue. They jumped from argument to argument, meaning we had to constantly adjust to the changing claims of our opponents (Tévanian, interview).

Keeping up with the 'shifting' justifications of the pro-law camp thus became essential to critics' strategy of contention in the initial debate over the 2004 law.

The perceived prevalence of agreement among politicians over the 2004 law also discouraged critics of this law from focusing their campaigns around issues – like racism – in the early stages of their campaign. 'Although racism was always at issue', Tévanian explained, 'it was not immediately present in the debate. It was in the background. At most, we talked about exclusion, or the fact that the law would produce exclusion' (Tévanian, interview). Once the 2004 law passed, however, anti-law activists realized that a change in discourse was needed. According to Tévanian:

> After the defeat, we had to come to terms with the fact that, on the one hand, we were always civil with the media. We did not scrutinize them, we invited them to press conferences, and they ignored us. On the other hand, with regard to the racism issue, we were patient, civil, diplomatic, and pedagogical. We also credited our secular and feminist interlocutors with acting in good faith. But ultimately, we were faced with an opposition that was deaf to our claims, that started with one argument and switched over to another when the first was refuted...they contradicted themselves because their only goal was to convince people the law was necessary. [...] So we moved on to more controversial arguments and harder, more scathing claims about the deleterious role of

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media, the influence of [France's] colonial past and the racist dimension (Tévanian, interview).

This statement ties together key elements in critics' perception of the constraints imposed by the alleged agreement over religious signs in the political sphere. It reveals their frustration in trying to engage with an opposition that is 'deaf' to their claims, and that benefits from a supportive media. To make 'controversial arguments' in this context, particularly ones that highlight the 'racist dimension' of the pro-restriction discourse, is highly difficult. Thus, only when it became clear that they would have little real impact on the mainstream debate did critics of the 2004 law transition to a postcolonial discourse of contention.

Believing that critiques based on themes unrelated to republicanism fall on 'deaf' ears, critics of the 2011 law have tried to gain resonance by constructing a fairer, more inclusive republican vision. With the help of supportive academics, they have claimed that mainstream political articulations of republicanism and *laïcité* inaccurately portray the intended meanings of these concepts. This line of criticism is becoming prominent in academic scholarship, with researchers challenging what they believe is a selective reading of French history, one that blurs fiction with reality, to justify highly restrictive laws.

Among the best-known scholars to critique restrictive articulations of French republicanism is Cécile Laborde, a political theorist at the University College in London. In her 2008 book Critical Republicanism, Laborde documents the philosophical tenets of what she calls 'official republicanism' in contemporary France, bringing three contradictions to light. The first is the fact that, contrary to this discourse, *laïcité* has never actually been fully applied in France. For example, the French state continues to fund chaplaincies in closed institutions, such as prisons, and maintain religious buildings. In addition, when religious associations are recognized as promoting the public interest, they receive generous tax breaks on donations. Even more striking, particularly given the emphasis on the school as the locus of secular republicanism, is the fact that the French state subsidizes private (mostly Catholic) schools up to 10 percent (Laborde, 2008: 68). Second, while advocates of 'official republicanism' insist on the universal

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character of republican identity, they also increasingly rely on an ethnic conception of nation to condemn the so-called communalism of Muslim communities (Laborde, 2008: 210-213). Finally, by banning references to race in the public discourse, 'official' republicans have made it very difficult to draw attention to real problems of racism and discrimination in French society (Laborde, 2008: 210). Other scholars have picked up this argument to criticize the non-recognition of race in both French politics and academic research (Amiraux & Simon, 2006; Silverman, 2007).

Another prominent scholar, sociologist Jean Baubérot, has played an invaluable role in conveying the inaccuracies of the republican agreement to the French public. His recent writings point to the existence of a 'false republicanism', which proponents of restrictive laws use to justify highly exclusionary laws (Baubérot, 2012). Also a participant in the Gerin commission, Baubérot explained to me in our interview that anti-veil forces in France have virtually re-written history to convey a false divide between Islam and republicanism. In his words:

> …people often say that France is 'one and indivisible'. This is false. This notion comes from the 1793 Constitution created during the French Revolution when the Jacobins were in power. But if you look at the current constitution, it only says that France is 'indivisible'; it does not say that France is 'one'. The fact that we removed the 'one' from the Constitution of 1793 is significant. It means that [the nation] is not federal, but indivisible. However, it can also be diverse. People do not even know this. I frequently hear ministers and members of parliament on television and on the radio say that France is 'one and indivisible'. These kinds of stereotypes have remained throughout our history and they are false (Baubérot, interview).

Baubérot thus critiques the republican agreement on its own terms. He draws on historical evidence to demonstrate inconsistencies between his opponents' simplistic and almost mythical recollections of republican history and the real battles that gave rise to the current, highly inconsistent, republican discourse.

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Other academics similarly use history to invalidate portrayals of Muslim society as 'backward' and slow to adopt 'modern' lifestyles and behaviours. Jean-Pierre Dubois, who also appeared before the Gerin commission, claims that these portrayals produce a double standard in which Muslim women are expected to instantly adapt to cultural shifts that took native French women decades to achieve:

> My grandmother wore a scarf over her hair, for reasons that were not consciously linked to religion. She wore it because, even in the 1930s, patriarchal norms were sufficiently powerful to influence the behaviours of a cultivated, highly rational and skilled public school teacher. This went on for centuries. These [Muslim] girls and their families arrived here one or two generations ago from the Maghreb and the Middle East, and we said to them: 'my darling, in ten years you must become a true European like us'. First of all, I dispute the claim that they should become European. But even if we agree that a certain degree of change is desirable, [...] how can we ask them to adopt changes at the speed of a TGV when we ourselves did so at the speed of a commuter train for decades? It is absurd! (Dubois, 2013)

Dubois' statement accomplishes two things. First, it pokes holes in mythological portrayals of France as a historically secular and gender equal nation, pointing to the ways in which gender norms intersected with a predominantly cultural understanding of religion to encourage French women to cover themselves. Second, by normalizing veiling as present within French culture itself, Dubois casts doubt on the belief that the act of becoming French requires that newcomers abandon their prior cultural and religious traditions. At the same, Dubois is also quite clear in suggesting that some eventual sign of integration is desirable.

Believing that the republican agreement depends on an intentionally false reading of French history, critics of the 2011 law have sought to construct a fairer, more inclusive republicanism that more accurately captures the intended thrust of this ethos. For her part, Cécile Laborde has proposed a 'critical republicanism' that guarantees a fair treatment of citizens' differences through the principle of 'non-domination' (Laborde, 2008). Feminist activists on the ground

have advocated a similar rehabilitation of republicanism. In her remarks before the Gerin commission, for example, Chouder demanded that lawmakers 'treat the questions that concern women responsibly', by putting into action policies 'that capture our belonging to the common project that is the Republic, founded on the principles of *liberté*, *égalité*, and *fraternité*' (Chouder, as cited in Gerin, 2010: 462). Like Laborde, Chouder thus demands a treatment of Muslim women that conforms to republicanism's founding principles, noting that these principles form the basis of national cohesion in France.

Yet, a strong belief that French electoral politics is closed to dissenting voices creates a sense of powerlessness among critics trying to construct a fairer, more inclusive republicanism. According to Ndella Paye, political parties on right and the left are 'the same, but really. In fact, if there is one thing both sides can agree on, it is the question of the veil and Islam. They are very much in agreement over this issue. When it comes to racist discourses etcetera, it's the same thing' (Paye, interview). Like Paye, Chouder perceives right-left distinctions in the electoral sphere as having become irrelevant to the question of veiling. 'Unfortunately', she explained in our interview, 'very often you will find [left politicians] taking up the same positions and arguments that are mobilized by the right, and even, borderline, by the extreme right' (Chouder, interview).

The apparent convergence around a highly restrictive approach to the veil in party politics is believed to limit the effectiveness of dissenting views. From the moment the Gerin commission was announced, Jean Baubérot explained in our interview, 'it became difficult to oppose [the law] without being seen as complicit, or too soft if you will, on the question of fundamentalism (Baubérot, interview). Added to this are the constraints in accessing the media. As Delphy explains,

> When it comes to these issues, I can write in small weekly left-wing publications that aren't much read and are on the road to disappearing, and on the Internet. […] I don't even bother to send articles to *Le Monde* or *Libération*, because I know they won't publish them (Delphy, interview).

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Tévanian is similarly frustrated over the lack of media coverage. 'We were nice to them, we didn't question them, we invited them to press conferences, but they did not feature our point of view' (Tévanian, interview). The perception that media outlets in France provide a narrow image of the facts, one that favours those who are part of the republican agreement, is widespread among critics of the face veil ban. In our interview, Naima Bouteldja, author of the Open Society Foundation's 2011 report on veiled women (Open Society Foundation, 2011), told me:

> Yesterday, I listened to a radio show in France on the possibility of banning the headscarf in universities. You had someone from the CCIF [Collective Against Islamophobia in France] and you had the *arabe de service* [Arab of service], Sihem Habchi, and two others. The latter three were all against the woman from the CCIF. […] The presenter did not see any issue with this. In France, this is normal (Bouteldja, interview).

The term *arabe de service* provocatively captures the prevalent belief that, in the interest of demonizing religious Muslims, French politicians and media give disproportionate weight to the opinions and experiences of a particular kind of Arab-Muslim citizen. Painted in opposition to the veiled woman, that citizen is secular, and embraces the values of republicanism. The limitation thus imposed on accessing the media is viewed as a major obstacle to those advocating an alternative republicanism.

5.4 Conclusion

Even though it is the outcome of strategic alliances among parties competing for 'issue ownership' (chapter 2), requires strategic management to survive (chapter 3) and conceals deep partisan fractures (chapter 4), the professed agreement around the need to restrict religious signs in France's electoral sphere is real to its challengers. For those who contest its implementation in law, that agreement inhibits free and critical engagement in the politics of diversity in France. Buttressed by the country's main political parties, it also narrows the spectrum of viewpoints considered acceptable in mainstream political debate.

In this chapter, I have argued that, in part because of their total exclusion from mainstream politics, critics of the 2011 face veil ban have developed a profound critique of state power in France, one that emphasizes its postcolonial and neoliberal dimensions. According to pluralist feminists in particular, racist beliefs tied to colonialism have helped to thrust 'republican' feminists into the limelight. In what some regard as a cynical bid to advance an exclusionary feminist outlook, these feminist actors have become key spokespersons of the pro-restriction cause. In the process, they have allowed a kind of 'state feminism' to take hold that manipulates republicanism to demonize Islamic veiling. The concerns outlined by opponents of this 'state feminism' coincide with an emerging academic critique of 'governance feminism', a state-endorsed feminist outlook that validates the status quo by legitimizing policies that control women's bodies and behaviours (Fraser, 2013; Halley, 2006). The desire to 'unveil' Muslim colonial subjects is also seen as central to these endeavours (Yegenoglu, 1998).

Besides providing an outlet for racist colonial beliefs, critics argue that the 2011 face veil ban embodies a second aspect of state power in France: neoliberalism. Echoing the concerns raised by scholars, critics of the 2011 face veil ban argue that it captures the French state's broader effort to shirk its responsibility for immigrants' integration and overall wellbeing and offload it onto individuals themselves. This individualization of responsibility makes it even more difficult for those who are marginal to mainstream politics to grab hold of state power. Interestingly, however, the neoliberal critique waged by opponents of the 2011 law is not at odds with portrayals of the French state as a centralized, monolithic, and highly coercive institution that seeks to control, in a very top-down manner, the parameters of nationhood and belonging in France. In this regard, critics' claims reinforce scholarly accounts of the state-driven character of French neoliberalism (Foucault, 2008; Fourcade-Gourinchas & Babb, 2002; Prasad, 2005).

Whether they see it as arising out of a neoliberal or a centralized republican approach to state power in France, critics of the 2011 law concur that parties' alleged agreement around the need to prohibit certain religious signs ultimately justifies a coercive and unjust approach to Muslims' integration, one that denies them equal access to national citizenship and belonging. Aware of the difficulty of gaining resonance through anti-republican discourses, those at the margins of

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this agreement are increasingly aiming to construct an alternative republicanism, one that is both fairer and more reflective of this doctrine's intended goals. While being counter-hegemonic in its intentions, the discourse of opposition that they deploy thus nevertheless re-enforces the notion that freedom, equality and solidarity are achieved through a republican social contract. Where they remain sceptical is with regard to the claim that a commitment to universal values will bring acceptance to those heretofore denied access to cultural spaces of national identity. Despite the fact that it draws on resonant frames like freedom, equality and solidarity, this alternative (or 'critical') republicanism has yet to become part of the mainstream political discourse in France (see for example Laborde, 2008).

Although I have not directly explored the actions of political parties in this chapter, the findings nevertheless bolster my overarching claim: that party political competition shapes the production of nationhood in debates over veiling in France. In particular, I showed that by demarcating the boundaries of 'legitimate' politics in ways that exclude the ultra-right National Front, mainstream parties have created a system of formal political rule that also excludes those who oppose restrictive applications of republicanism and *laïcité*. That exclusion profoundly impacts the way critics of the 2011 face veil ban articulate the meaning of republicanism and what it means to be French.

Chapter 6: Conclusion

For the last three decades, debates over how to accommodate immigrants' religious signs – particularly the Islamic headscarf, niqab and burqa – have dominated articulations of nationhood, belonging and citizenship in French electoral politics. Beginning with the 'headscarf affair' of 1989, political parties have capitalized on this theme to profile themselves in an ongoing contest for the power and legitimacy to govern. As they work to exclude the ultra-right National Front from mainstream politics, politicians on the centre-right and left have converged around a joint campaign to restrict religious signs in the name of French republicanism. Originating in parties' battle to 'own' the issue of religious signs, the resulting discourse of agreement has been maintained over time through strategic manipulation of the public debate, for instance through commissions.

In this dissertation, I have used France's 2011 law banning face coverings as an entry point from which to study the production, management, and articulation of this alleged republican agreement, as well as to examine its role in the construction of French nationhood, belonging and citizenship. Locating this debate in parties' struggle for the power to govern, I have underscored the discord, dissonance and ambivalence that arise as actors deemed to represent the state – including politicians and 'experts' invited to serve on government commissions – negotiate the meaning(s) of entrenched ideas, namely those attached republicanism and *laïcité*. The findings highlight the relationship between boundary drawing in the political sphere and the process of demarcating the affective and rights-based dimensions of nationhood. In doing so, they also call into question research that attributes states' responses to religious diversity to nation-specific identity discourses.

This final chapter unfolds in two parts. I begin by bringing the reader up to date on recent developments in the French religious signs debate. I show that, as this debate rages on, battles for 'ownership' continue to shape parties' responses to this very contentious issue. Next, I highlight the theoretical advantages of placing the study of nationhood – its construction and

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boundaries – in dialogue with the study of electoral politics, in order to better understand state responses to religious diversity. I argue that efforts to demarcate the boundaries of the electoral sphere both mirror and shape articulations of nationhood, belonging and citizenship in France's face veil debate, and that these articulations in turn have real consequences for the lives of women who wear the niqab and burqa.

6.1 After the 2011 face veil ban: court decisions, protests, and the re-emerging headscarf debate

Although France's highest administrative court – the *Conseil d'État* – advised against a general ban of face coverings in French public space, the 2011 law has since received the approval of the European Court of Human Rights. In a case put before the court in April 2011, the claimant – whose initials are S.A.S. – argued that the law contravenes article 8 (the right to respect for private and family life), article 9 (the right to freedom of thought, conscience and religion), article 10 (the right to freedom of expression), article 11 (the right to freedom of peaceful assembly and association) and article 14 (the right to non-discrimination) of the European convention. The court's initial report on the case heavily cited the Gerin report, indicating that the justifications provided in this document – and not just the actual law itself – would factor into its eventual decision. The court also took into account the advice of European bodies, including the Council of Europe's Parliamentary Assembly on Islam, Islamism, and Islamophobia in Europe and the Council of Europe's Commissioner for Human Rights, both of which have opposed the general ban (European Court of Human Rights, 2014a). In its ultimate decision, in 2014, the European Court of Human Rights rejected the claimant's proposal that the 2011 law violates her fundamental rights, stating that 'the barrier raised against others by a veil concealing the face in public could undermine the notion of 'living together'' (European Court of Human Rights, 2014b).

In the three years since the face veil ban took effect, approximately 1,000 fines – which can reach €150 – have been issued (Daley & Rubin, 2015). While some veiled women purposely infringe the law out of protest, incurring multiple fines as a result, research shows that others

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have become reluctant to leave their homes (Open Society Foundation, 2011). Moreover, few women pay the fines themselves. Instead, they benefit from a fund created by wealthy Algerian businessman, Rachid Nekkaz, who, as of January 2015, had paid a total of 894 fines (de Mallevoue, 2015).

Since being implemented, the face veil ban has also led to clashes between police and residents of Muslim neighbourhoods. On July 19 2013, for instance, between 200 and 400 protesters gathered in front of a police prefect in Trappes – a community located about 30 kilometers west of Paris and home to a large Muslim population – to demand the release of a man arrested for attacking a police officer when the latter asked that his veiled wife submit to an identity check. The incident, which occurred during the month of Ramadan, reignited the debate over the face veil ban, inviting responses from all political parties. Socialist Minister of the Interior, (now Prime Minister) Manuel Valls, traveled to the scene to publicly congratulate police for containing the protests and to condemn the protesters' disregard for the rule of law.

However, Valls' attempts to appear firm on the question of the veil, which (along with his generally tough line on law and order issues) have earned him the nickname 'premier flic de France ' (Revault d'Allonnes, 2013), generated widespread criticism from the opposition. In its usual style, the National Front used the Trappes incident as an opportunity to portray the Socialists as lax in addressing religious extremism. In a statement issued to the press, party leader Marine Le Pen stated that 'the French Republic has too soft an arm: because of the laxity of the various governments, it is losing its battle with thugs, bullies and Islamists' (Le Pen, as cited in Le Monde, 2013a). Then UMP leader Jean-François Copé also quickly entered the debate, characterizing Valls as 'strong in words, but weak in action' (Copé, as cited in Revault d'Allonnes, 2013) and expressing concern over the left's tendency to 'minimize the seriousness of the riots, which they justify as the result of unemployment' and their flirtation with the idea of 'abolishing of the law banning the full veil because its application encounters resistance' (Copé, 2013).

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Outside the formal political arena, civil society organizations and academic researchers used the Trappes protests to draw attention to the stigmatization and criminalization of Islam in France. Both the *Collectif contre l'islamophobie en France* (Collective against Islamophobia in France, CCIF) and the *Observatoire de l'islamophobie* (Observatory of Islamophobia) issued statements denouncing the government for what they believe is a growing tendency to target the Muslim community (Le Bars, 2013). Meanwhile, academics and other critics underlined the social structural causes of the protests. Located in Yvelines – the French department registering the largest number of identity controls of veiled women – Trappes is home to large-scale social housing projects. Although the town's landscape has been renovated through urban renewal, its younger residents feel excluded from the changes and worry that rising rent prices will drive them out (Abdul, 2013).

In an opinion piece printed in Le Monde on July 23 2013, political science professor at the University of Versailles, Jacques de Maillard, argued that a growing sense of alienation from the forces of law contributes to Muslim youths' distrust of police (de Maillard, 2013). Sociologist Hughes Lagrange echoed this sentiment, describing the Trappes protests as a testament to the French state's failure to provide minorities with the cultural recognition and economic support needed for successful integration (Lagrange, 2013a, 2013b). These critics also deplored what they perceive as politicians' effort to manipulate the Trappes incident for strategic gain. A *Le Monde* editorial published on July 25, 2013 dissects the responses of government officials and party representatives to the incident, taking the position that portrayals of the veil as a partisan issue mask what is in fact a broad consensus that the 2011 law should be implemented (Le Monde, 2013b).

With the face veil legally banned in all of French public space, tensions around Muslim religious symbols have shifted back to the headscarf, centring on women's right to wear this garment in three contexts: as mothers accompanying their children on school outings, as employees in daycare centers receiving public funding, and as students attending university courses. Whereas the 2004 law prohibits students from wearing the headscarf in schools, it does not restrict parents' right do so. Yet, some schools have taken the matter into their own hands, adopting

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regulations to require that mothers remove their headscarves before joining their children on school outings. A 2011 ruling by a court in Montreuil – a Parisian suburb – upholds schools' right to exclude headscarf-wearing mothers. A subsequent memo released in 2012 by Sarkozy's Minister of Education backed this decision, leaving school principals free to decide whether or not to accept the headscarf in this context.

Frustrated over this ruling, which they perceive as discriminatory, headscarf-wearing mothers have banded together in groups like *Mamans Toutes Egales* (Mothers for Equality, MTE). Members of this group claim that politicians' so-called effort to 'liberate' them, by stripping them of their religious signs, actually infringes upon Muslim women's republican rights. Consider the following conversation between Youssra H and Anissa Fathi, two headscarf-wearing mothers of school-aged children who are members of MTE:

> Youssra: The government claims it wants to liberate us. But I say if you want to liberate us, liberate us from your Islamophobic ideologies. This is really the main freedom we're asking for.
>
> Anissa: They often describe us as women who are subservient to men, who do not have the right to speak, who do not go out, who remain cloistered in the kitchen.
>
> Youssra: But when it comes to a field trip, they won't let us go? It is really contradictory (Annissa Fathi and Youssra H, interview).

By contrasting the quest to 'liberate' them with the value attributed to 'freedom' in the republican triptych, this exchange serves to show that politicians' quest to unveil them effectively denies these young mothers access to French national belonging and citizenship. Even when they do adopt behaviours that conform to the republican ideal of public engagement – such as accompanying children on school outings – they are accused, by pro-restriction feminists and government alike, of doing so in a segregationist way that contradicts mainstream notions of solidarity, or *fraternité*. The double standard that seemingly dictates applications of *laïcité* also applies to Muslim religious symbols. According to Youssra H:

At my [son's] former school, there was a mom who was going on field trips with a cross around her neck, and she made it through unnoticed. So I said to the teacher: 'wait, you're concerned with laïcité, so why is a mom wearing a cross allowed to go?' She replied: 'Yes, but madam, you know that the cross is not a religious symbol. By contrast, your headscarf is a religious symbol' (Youssra H, interview).

By pointing to asymmetries in applications of *laïcité*, Youssra H is appealing to a republican emphasis on equality of religion before the law. Rather than a barrier to religious freedom, she sees republicanism as a set of values that should guarantee the equality of all religions.

A decision by the *Conseil d'État* in December 2013 recommends allowing women to wear the veil when accompanying their children on school trips, on the basis that they are 'users', rather than 'agents' of the public service (Ecoiffier & Serafini, 2013). In the meantime, the MTE has expanded its mandate, becoming part of a network of associations opposing islamophobia in France. This network includes the *Collectif des féministes pour l'égalité* (CFPE), for whom the right of mothers to wear the headscarf on school property is fundamental. This right is also supported by the collective *Les mots sont importants* (Words are Important, LMSI), a group that came into being in order to oppose the prohibition of religious signs in schools in 2003-2004.

Debates about the headscarf continue to emerge, even in quasi-educational settings that are not clearly part of the public system. In March 2013, France's *Cour de Cassation*[17] – the highest court in the French judiciary – found that the Babyloup daycare centre located in the town of Chanteloup-les-Vignes had discriminated against a female Muslim employee in firing her for

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[17] Civil, commercial, social or criminal cases that are first tried in courts of first instance (including *tribunaux d'instance and tribunaux de grande instance*, commercial courts, employment tribunals, etc) and those that are appealed before a court of appeal may then be appealed to the Court of Cassation. It does not rule on the merits of a case. Rather, it decides whether the rules of law have been 'correctly applied by the lower courts based on the facts'. Thus, the Court of Cassation does not 'strictly speaking deliver a ruling on the disputes which are at the origin of the decisions but on the decisions themselves'. In other words, 'it judges the decisions of the lower courts' (https://www.courdecassation.fr/about_the_court_9256.html, accessed July 12, 2015).

refusing to remove her headscarf while on the job. The incident became a national media sensation, with supporters of the daycare – including prominent feminists, philosophers, writers and politicians – drafting petitions demanding that the National Assembly take action to affirm the principle of laïcité in early childhood education[18]. Opposition to the court's decision gained further attention when then Socialist Minister of the Interior, Manuel Valls, issued a statement claiming it undermined the principle of *laïcité* (Hamet & Rainfroy, 2013).

In justifying its decision to sanction the Babyloup daycare centre for firing its headscarf-wearing employee, the Cour de Cassation drew on what it purported to be a key distinction between private enterprises (like the Babyloup daycare) – which cannot apply the principle of laïcité to deprive employees of the protections granted to them by the Labour Code – and public service enterprises, or private enterprises that provide a public service – which can apply *laïcité* to sanction employees' dress (Cour de Cassation, 2013). Since the decision's release on March 19 2013, there have been mounting pressures on the Socialist government to deepen its commitment to *laïcité* by extending the requirement of religious neutrality in public schools to early childhood education and, in some cases, to other private companies. President Hollande responded to these calls, proposing that the rules applied to the public service also be applied to enterprises that have regular contact with the public or that provide services that are of general interest to the public. In March 2013, the UMP went further than this, proposing a bill that would allow all companies to include the requirement of religious neutrality in their internal regulations (Euzen, 2013). In the National Assembly debate over the law, which took place on June 6, 2013, the leftist group, including the Socialists, rejected this proposal, condemning it as an opportunistic vote-grabbing strategy on the part of the UMP (Assemblée Nationale, XIVe législature, 2013).

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[18] See for example: http://www.change.org/fr/pétitions/crèche-baby-loup-appel-à-toutes-les-consciences-républicaines.

The united front against the UMP's proposal conceals deep discord among leftists, particularly Socialists, over how to address religious coverings in daycare centers and other establishments not directly under state control. A number of left wing politicians, including Manuel Valls, openly supported the daycare's manager Natalia Baleato. As a result, he and others received heavy criticism, drawing condemnations from progressive pluralist associations, including the *Ligue des droits de l'homme* and the *Fédération nationale de la libre pensée*, for whom Baleato's actions contravened the Labour Code.

In order to diffuse conflict over the Babyloup Affair, President Hollande turned the question over to the *Observatoire de la Laïcité* (Observatory of Secularism), the consultative body appointed in 2013 to advise his government on questions of *laïcité* in public services (Chrisafis, 2013). Made up of twenty-three individuals, mostly representatives in the National Assembly and Senate, civil servants and scholars, the group is divided in its perspective on *laïcité*. The president and rapporteur, Jean-Louis Bianco and Nicolas Cadène, are clear advocates of a moderate position, aimed at appeasing conflict over religious dress by reminding the public of the laws that already exist to address these issues. A second contingent within the *Observatoire* – comprising four of its members – disagrees with this position. Socialist National Assembly member Jean Glavany, Socialist Senator Françoise Laborde, journalist and essayist Patrick Kessel and philosophy scholar Abdenour Bidar have led a campaign to further restrict religious symbols in public space.

Contrary to the wishes of its dissident members, the *Observatoire de la laïcité* has so far been a force for moderation in the debate over religious signs. In its advice pertaining to the Babyloup case, which it submitted to the government in October 2013, the group rejected any laws allowing daycare providers to restrict the religious symbols worn by their employees (Observatoire de la laïcité, 2013). However, a recent reversal by the *Cour de Cassation* of its original 2013 judgment takes a contrary position. In June 2014, the court ruled that a private enterprise or association can restrict an employee's freedom to exhibit his or her religion so long as such a restriction is warranted by the 'nature of the task', 'fulfills an essential professional requirement', and is 'proportional to the goals' of the workplace (Cour de Cassation, 2014).

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In addition to backing proposed legislation applying to daycare employees, dissident members of the *Observatoire de la laïcité* have advocated restricting the headscarf on university campuses. This issue became the subject of a heated partisan debate in February 2015, when, as had already occurred elsewhere, a professor at the Paris XIII University threatened not to lecture in front of veil-wearing students. Days later, the UMP responded with a statement calling to prohibit ostentatious religious signs in institutions of higher education. Drafted by the party's *Secrétaire nationale aux valeurs de la République et laïcité* (National Secretary to the Values of the Republic and Secularism), the statement indicated that: 'For several months, incidents in universities that undermine the serenity of teaching have multiplied'. The document further maintained that: 'As in schools, the public university must be sanctified and neutrality must prevail' (de Coustin, 2015). Shortly thereafter, and only days before the first round of regional elections of March 2015, the UMP leader Nicolas Sarkozy came out publicly in support of a proposed ban (Quinault Maupoil, 2015), sparking a media controversy that once again brought parties' competition to 'own' the religious signs issue to the forefront of French electoral politics.

Both the UMP and Socialist parties showed signs of disunity when articulating their positions on a potential headscarf ban in universities. In a media interview following Sarkozy's announcement, former UMP Prime Minister Jean-Pierre Raffarin expressed strong reservations about a ban, arguing that it would be more effective to 'appease, rather than stigmatize' (Raffarin, as cited in Quinault Maupoil, 2015). The Socialists have been similarly divided on the issue. Although the government's official position is a largely neutral one, members' off-the-cuff remarks suggest that a cleavage exists within the Socialist Party caucus. In March 2015, the Secretary of State in charge of women's rights, Pascale Boistard, wavered in her response to journalists' inquiries about a headscarf ban. Admitting that she is 'against' the wearing of headscarves in universities, Boistard stopped short of advocating a ban, proposing instead that: 'It is up to university presidents to dialogue with the students' (Laubacher, 2015). Similarly, although he previously described a proposed ban of the headscarf in universities as 'worthy of interest', Prime Minister Manuel Valls has avoided taking a strong position, dodging questions

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from journalists during a public appearance in Strasburg in which the theme was Islam (Laubacher, 2015).

Criticisms of the UMP and Socialists by their opponents testify to the continued salience of concerns over 'issue ownership' to the way parties and their critics frame the religious signs issue in France. In a bid to protect its own political territory, the National Front accused Sarkozy of borrowing from the party's script to gain votes in the departmental elections. In a press release, the party stated that: 'Following his usual habit, Nicolas Sarkozy is chasing after the National Front, pulling out his machine of un-kept promises days before the elections. Not one French citizen remains dupe to this electoralist masquerade' (Le Point, 2015). The Socialists' more neutral position drew similarly harsh criticism. In an interview with the magazine *Marianne*, feminist writer Elisabeth Badinter stated that she cannot forgive the Socialists for having 'abandoned *laïcité*' during the 'headscarf affair' of 1989 (Badiner, as cited in Conan, 2015). It was at that crucial moment, Badinter maintained, that the left, 'contrary to its long tradition, allowed religion to enter the public school' (Badiner, as cited in Conan, 2015).

Both sets of critiques underscore the significance of party branding and reputation to the way parties and their critics frame debates around religious signs. Ever prominent in the public debate, the struggle to 'own' this issue remains as salient as ever. In the next section, I step back from the empirical facts of the case to consider the theoretical advantages that scholars can derive from placing politics – in particular party political battles over 'issue ownership' – front-and-centre in analyzing the production of nationhood, belonging and citizenship in debates over immigrant religious signs.

6.2 Why and how politics shapes the production of nationhood, belonging and citizenship in contexts of diversity

Scholars are continually searching for ways to understand the link – if any – between countries' unique personalities, reputations or 'creeds' (Myrdal, 1944) and the methods they adopt for selecting and integrating immigrants. Drawing on research that focuses on the historical production and institutionalization of nationhood, many have concluded that nation-specific

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identity discourses provide the essential clue in explaining why states respond differently to immigration-related diversity. Yet, I have argued in this dissertation that the resulting focus on the role of ideas – such as republicanism and *laïcité* – obscures the important role that politics plays in driving states' responses to religious signs. I maintained that, as they compete for the power and legitimacy to govern, political parties constitute and reconstitute the meaning(s) of nationhood, with important consequences for the way state actors respond to controversial issues like veiling. In this section, I will further elucidate the theoretical advantages of placing the study of nationhood – its construction and boundaries – in dialogue with the literature on party politics, in order to better understand the reactions to immigrants' religious signs. In particular, I will show that the struggles to demarcate the boundaries of 'legitimate' politics in the electoral sphere both mirror and shape the process of constructing the boundaries of nationhood, belonging and citizenship in France.

In this dissertation's introductory chapter, I surveyed key texts that depict republicanism as the driving force for immigration and integration policy in France. I showed that, whether they use the term 'cultural idiom', 'synthesis', 'consensus', or 'philosophy of integration' to characterize the role that it plays (Brubaker, 1992; Favell, 1998; Hollifield, 1994; Simon, 2013), these texts reify republicanism, treating it as the main independent variable in understanding policy outcomes. I critiqued this research on the basis that it does not interrogate the numerous and often contradictory incarnations of republicanism that exist, particularly in debates over immigrants' religious diversity. This multiplicity of meanings is equally apparent with regard to the value of *laïcité*. Where some regard it as a discourse of individual emancipation from religious authorities, other political actors in France articulate *laïcité* in much thicker ethno-cultural terms, defining it as a requirement for social and national cohesion.

The fact that contestation exists around the meaning(s) attached to republicanism and *laïcité* should come as no surprise given scholars' growing appreciation of the tensions that mark the production of all national identities. Those tensions can shape even the most fundamental aspects of nationhood, including whether membership is tied to ethnic ancestry or birthplace. Recent studies suggest that both logics can co-exist in shaping nation-specific discourses of

identity. For instance, Zubrzycki (2001) found that, in resolving the tension between liberal intellectuals and the Catholic Church, the preamble to Poland's 1991 Constitution juxtaposes the civic and ethnic dimensions of nationhood by making reference to the 'citizens' of the 'Polish nation' (Zubrzycki, 2001: 644). Laxer, Carson, and Korteweg (2014) found that a similar interplay exists between civic and ethnic articulations of nationhood in Québec's religious accommodation debates.

The fact that political actors differently interpret the parameters of nationhood, belonging and citizenship is thus consistent with what we now know about nationalism as a 'category of practice' whose meaning is situational and highly contingent (Brubaker & Cooper, 2000). Why, then, have scholars held on to republicanism as an analytic category? Part of the answer lies in the interests that social scientists, historians, political theorists and philosophers have in maintaining this state of affairs (Baehr & Gordon, 2013; Silverman, 2007). According to Bowen (2007), for example, scholars' penchant for looking to the genealogy of institutions to explain their current functions bolsters a desire to find continuities in history and to impose those continuities on contemporary debates (Bowen, 2007a: 19).

However, there are real dangers to remaining committed to republicanism as the driving force of French integration policy. Most importantly, it can lead scholars to reify certain assumptions about the nature of diversity in France, with real effects on research and policy. As Amiraux and Simon (2006) point out, academics' hesitation to break with the illusion of universal republicanism places a taboo on studies that take seriously racial and ethnic differences. The power of this 'republican myth' is such that discrimination based on race is under-recognized in politics and academic research (Laborde, 2008; Silverman, 2007). Recognizing the contestations that underlie the production of nation-specific discourses like republicanism is one step toward reversing this tendency. It has been my argument in this dissertation that comprehending the roots of those contestations is critical to knowing why states like France adopt laws that restrict immigrants' belonging to, and citizenship in, the nation.

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There are two main reasons to believe that 'politics matters' for understanding the production of nationhood, belonging and citizenship, particularly in debates over religious signs such as the face veil. On the one hand, efforts to demarcate the boundaries of the nation *mirror* boundary-drawing processes in politics. Indeed, in the same way that political struggle engenders a complex interplay between agreement and disagreement, the project of constituting the nation involves a juxtaposition of images of sameness and difference. On the other hand, struggles over boundaries in the electoral field can *shape* the production of nationhood. Particularly in France, where the prevailing republican discourse designates both the political and cultural norms of nationhood, politicians' claims about the boundaries of the political have direct implications for ways of defining who belongs to the nation and how.

As I have shown throughout this dissertation, the boundaries that demarcate the French electoral sphere – both in terms of the division between parties and the separation of electoral politics from other arenas of the public sphere – are subject to intense and ongoing negotiation. Because the production of political space is a shared and contested endeavour, political parties look to one another for clues in deciding how to respond to the issues of the day. Eager to defend and expand its electoral territory, each party struggles to 'own' the political themes deemed important to voters. Where they encounter competition from opponents who intentionally disrupt the traditional axis of competition for political gain, parties face additional dilemmas. If they are to 'own' the issues introduced by their new competitors, they must construct solutions that both coincide with their historical legacies and further their electoral interests.

Depending on how parties respond to them, these dilemmas can result in a re-negotiation of the boundaries of the electoral sphere. As in the boundary drawing that takes place in the context of ethnic group relations, that re-negotiation process calls forth an interaction between internal and external forces of self-ascription and ascription by others (Barth, 1969). In addressing the electoral threat posed by the ultra-right National Front, for example, right and left parties in France have sought to bolster the division between 'us' and 'them'. They have done so by framing their joint enemy as the 'outsider' to 'legitimate' politics. By necessity, this has also

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meant identifying themselves as 'insiders' who share the responsibility of defining the parameters of political space.

This process of identifying the 'insiders' and 'outsiders' of 'legitimate' politics closely maps onto the project of constructing nationhood and its boundaries. Like membership in the electoral sphere, belonging to the nation is 'always constituted vis-à-vis what or who we are not' (Korteweg & Yurdakul, 2014: 3). In producing a bounded sense of national identity, national actors must construct a kind of 'imagined homogeneity' that downplays 'the realities of difference in the populations constituting the nation' (Korteweg & Yurdakul, 2014: 3). The illusion of internal sameness thus created is necessary to demarcate the external boundaries that render national projects different from one another. Changes to the balance between sameness and difference can result in a reconstituting of the boundaries of nationhood.

Not only do boundary formation processes in the realms of politics and nationhood mirror each other; the struggle to demarcate the boundaries of the electoral sphere can also shape articulations of nationhood, belonging and citizenship. This relationship is especially marked in France, where the norms attending to the political and cultural dimensions of nationhood closely intersect in the widely cited republican discourse. Although individual republican values are subject to disparate interpretations, the notion that 'civic virtue' depends on the construction of a common public culture is the cornerstone of French republicanism (Laborde, 2008). As a result, the norms that politicians assign to political engagement can carry implications for ways of assessing immigrants' cultural belonging to the French nation.

The role of political boundary making in shaping the process of constructing nationhood is clearly illustrated in France's face veil debate. In seeking to deflect the electoral threat posed by a shared political enemy – the National Front – mainstream political parties have converged around a narrow definition of political membership, one that simultaneously serves to exclude the ultra-right political movement and religious Muslims. By making full participation in the public sphere dependent on the concealment of personal religious beliefs, moreover, that

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definition has effectively denied women wearing the face veil full access to the cultural parameters of belonging in the French nation.

The repercussions of this decision are likely to be longstanding. Even though many politicians – particularly on the left – initially opposed the 2011 face veil ban, the law has come to symbolize a shift in thinking about what it means to be French that the major parties now officially endorse. Since taking over both the presidency and parliament in 2012, for example, the Socialist Party has repeatedly affirmed its commitment to implementing this law, thus concealing the deep internal cleavages that threaten to disunite the party. Moreover, because the boundaries of electoral politics are so fiercely protected in France, other political fields – such as civil society – are unable to serve as effective counterweights. Even prominent civil society actors who oppose the restriction of religious signs have a difficult time inserting their views into partisan politics.

The 2011 face veil ban also has real material consequences for citizens' lives. Studies indicate that, even before the law was implemented, veiled women were becoming the targets of harassment, particularly from middle-aged women. When asked what they might do after the law came into effect, many of those interviewed as part of the Open Society Foundation's 2011 report said they would consider leaving France for countries, like the United Kingdom, that are reputed for being more tolerant toward Muslims. In lieu of this possibility, others said that they would refuse to remove their face veils, preferring to stay home. Still others proposed to conceal their faces through other non-restricted means, such as surgical masks, when out in public (Open Society Foundation, 2011).

Laws like the 2011 face veil ban can thus severely curtail Muslim citizens' access to full participation in French republican nationhood. Either implicitly or explicitly, they position those citizens 'outside' the acceptable cultural and political boundaries of the Republic. Forced to endure the consequences of that boundary demarcation, French Muslims have thus become the 'collateral damage' (Korteweg & Laxer, 2014) of parties' strategic battle to 'own' republican nationhood.

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APPENDIX A. Participants and presentations, Gerin commission (June-December 2009)

Name	Occupation	Law	Argument
FEMINIST INDIVIDUALS AND ASSOCIATIONS			
Roundtable: Associations Defending Women's Rights			
Mme Francoise Morvan	Vice President: Coordination française pour le Lobby européen des femmes	For	The face veil is a clear affront to equality of the sexes.
Mme Nicole Crépeau	President: Fédération nationale Solidarité femmes	For	The face veil is a form of domination that goes against the key French values. Women wearing the face veil cannot be seen and therefore you cannot really have contact with them. The face veil also represses women's sexuality.
Mme Sabine Salmon	President: Association Femmes solidaires	For	The face veil controls women's bodies and denies them freedom. It is not a free choice. It excludes women from public space. Some children are forced to wear it. The face veil goes against universal rights.
Mme Carine Delahaie	Member: Association Femmes solidaires	For	
Mme Francoise Laurant	President: Mouvement français pour le planning familial	For	A law is a good idea but it must be accompanied by broader policy change, or else it will just lead to the stigmatization of veiled women.
Mme Marie-Pierre Martinet	General secretary: Mouvement français pour le planning familial	For	
Mme Annie Sugier	President: Ligue du droit international des femmes	For	There needs to be a pedagogical response to the face veil.
Mme Olivia Cattan	President: Association Paroles des femmes	For	Young Muslim girls often cannot wear skirts.
Mme Michèle Vianès	President: Association Regards de femmes	For	Tolerating the face veil threatens republican values.
Mme Sihem Habchi	President: Ni Putes, Ni Soumises	For	The face veil is a violent symbol of women's oppression. It is not a real choice for women, and a larger and larger number are becoming forced to wear it. The Conseil d'État decision in 1989 (to allow the headscarf in schools) was a monumental mistake that now has to be rectified in France. We must help women wearing the face veil, as they are unable to help

			themselves.
Mme Elisabeth Badinter	Philosopher	For	The debate over the face veil can be interpreted in terms of the two versions of gender equality in feminist discourse. The first approach (which Badinter designates the French model) is to seek the same rights and treatment for women. The second approach (which Badinter opposes) is to emphasize the value of difference. Women who wear the face veil are forced into it; they can't even wear skirt. The argument that we cannot ban this practice because it would contravene freedom of expression is erroneous, because France has historically had to limit freedom of speech to fight against extremism and racism. The face veil limits "vivre ensemble" and fraternité.
M. Gisèle Halimi	President: association Choisir la Cause des Femmes	Against	The face veil is neither a religious practice, nor a very common phenomenon in the Muslim community. It is, therefore, hardly worth the attention of an entire commission. Moreover, the laïcité argument is not a solid basis for a law. What France needs instead is a moratorium on discussions of the face veil to allow sufficient time to learn more about the phenomenon. The real solution to this problem is likely going to be education.

Collectif des féministes pour l'égalité

Mme Ismahane Chouder		Against	Although the Gérin commission claims not to be a priori decided on a law, there is no question that the commission proceedings have involved the enforcement of certain prejudices about the Muslim community. The solution to the problem of the face veil is NOT to punish the women themselves (by causing them to have to stay home) but to help them. The legal solution does not help them; it targets them. Besides, there are other forms of violence against women in our society that are as severe as the face veil.
Mme Monique Crinon		Against	We should not address the problem of the face veil by punishing women. In many cases, the face veil provides women with a way to leave their homes. If they did not have it, they wouldn't be able to go out. A

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more appropriate solution would include education and measures to fight discrimination.

SECULAR ASSOCIATIONS

Roundtable: Secular associations

M. Joseph Petitjean	President: Association des libres penseurs de France	Against	
M. Marc Simon	General secretary: Association des libres penseurs de France	Against	
M. Hubert Sage	Member of the administration council: Association des libres penseurs de France	Against	The face veil threatens the secular public order of France. The European Court decisions justify limits on religious freedoms if these limits are used to safeguard democracy and equality. The CEDH recognizes limits to freedom of conscience if these are necessary to protect public order, security, health, public morality and protection of the rights of others. The CEDH also recognizes the notion of public space.
M. Philippe Foussier	President: Comité laïcité République	For	
M. Patrick Kessel	Honoray president: Comité laicité République	For	
M. Marc Blondel	President: Fédération nationale de la libre pensée	Against	Other religions have clothing restrictions, but we don't discuss these. To ban the face veil would be to restrict individual freedom. Moreover, the term "public space" is erroneous. The suggestion that we replace the term "public sphere" with "public space" is part of a strategic attempt to define the public arena in such expansive terms that the term laïcité no longer holds real meaning. The proposed law is part of a racist and xenophobic attempt to target a particular population.
M. Christian Eychen	General secretary: Fédération nationale de la libre pensée	Against	
M. Yves Pras	President: Mouvement Europe et laïcité	For	
M. Joel Denis	Vice President: Mouvement Europe et laïcité	For	
M. Claude Betteto	Vice President: Mouvement Europe et laïcité	For	

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M. Jean-Michel Quillardet	President: Observatoire international de la laïcité contre les dérives communautaires	For	The values of republicanism are not just French; they are universal. The face veil threatens public order, women's rights, freedom, and human rights. The law should be founded on three principles: laïcité, the fight against communalism, and the threat to openness and communication.
M. Fabien Taieb	Vice President: Observatoire international de la laïcité contre les dérives communautaires	For	
M. Didier Doucet	General secretary: Observatoire international de la laïcité contre les dérives communautaires	For	
Mme Monique Vézinet	President: Union des familles laiques	Against	
Mme Marie Perret	National secretary: Union des familles laiques	Against	We cannot ban the face veil based on laïcité. Laïcité is a principle, which applies to public institutions, not to the whole of public space. Therefore, a ban would only be legitimate if it applied to civil society.
Ligue des droits de l'homme			
M. Jean-Pierre Dubois	Association president	Against	Although a negative practice, only a small minority wears the face veil. This is also not the only practice, which threatens women's equality in French society. The mainstream's response to this question is both strategic and dangerous. First, the Front National and others have used the feminist argument to attack immigrant communities. Second, the adoption of a law would only further stigmatize Muslims and encourage communalism. Any excessive response will only play into the hands of extremists. Education is the only way to stop the face veil. The real problem is that the Republic has not kept its promises to newcomers.
Mme Francoise Dumont	Association vice president	Against	
M. Alain Bondeelle	Responsible du groupe de travail sur la laïcité	Against	We should be careful not to assume the 2004 law was a complete success. It has caused a significant amount of exclusion. We also must be careful not to adopt too lax a definition of public space. The goal of the

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			1905 law was to ensure religious freedom, not to control people's behaviour.
M. Jean-Michel Ducomte	President: Ligue de l'enseignement	Against	There are four questions we must ask ourselves. 1) Is a law necessary? No, we already have the legal arsenal to deal with the use of the face veil in particular circumstances. Moreover, the European Court and the Conseil Constitutionnel would likely sanction a law. 2) Is a law possible? No, it would be very difficult to determine exactly which kinds of garments were to be outlawed and in which specific contexts. 3) Is a law the best way to address this behaviour? No. 4) Would a law be applicable? No, it would be very difficult to apply. The face veil is mainly a response to discrimination. Therefore, the best way to address it is through education.
M. Pascal Hilout	Representative of the association Riposte laique	For	The face veil is part of a political attack disguised as religion. Its goal is to divide the republic and create a new social order that contradicts republican values. We must refuse all communitarian demands by Muslims and only accept demands made by individuals. Women who wear the face veil are being used as part of a political strategy, and thus pose a danger to France and Europe. We have granted too many accommodations without asking enough in return. Islam also poses a unique problem, which is not totally linked to other issues in France (such as poverty and marginalization).
MASONS			
Denise Oberlin	Grande maitresse: Grande loge féminine de France	For	
Anne-Marie Pénin	President: Commission conventuelle de la laïcité	N/A	
Marie-France Picart	Ancienne grande maitresse, member of HALDE	N/A	
Jean-Michel Balling	Member: Grande loge de France	Against	
Partice Billaud	Vice President: Grand orient de France	For	

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ASSOCIATIONS/INDIVIDUALS REPRESENTING THE MUSLIM COMMUNITY

Conseil francais du culte musulman

M. Mohammed Moussaoui	Council president	Against	Although the face veil is not officially a religious prescription, a small minority does view it that way. The practice of wearing the face veil is very marginal in French society and has not yet posed any security threat. The Gerin commission is thus stigmatizing Muslims. Even those who oppose the face veil are feeling targeted by the discussion. What we need is a commission on islamophobia.
M. Haydar Demiryurek	Vice president in charge of regions	Against	
M. Chems-Eddine Hafiz	Vice president in charge of commissions	Against	Muslims in France are trying hard to encourage integration and promote a version of Islam that is compatible with republicanism. Women who wear the face veil are also not necessarily being forced to do so. We need more research to understand the reasons for this practice.
M. Fouad Alaoui	Vice president in charge of reform and planning	Against	
M. Anouar Kbibech	General secretary	Against	A law would only produce further radicalization of the community. The CFCM's approach has always been to engage in dialogue and use persuasion to change behaviours.
M. Dalil Boubakeur	Rector of the Grande Mosquée of Paris	Against	The burqa is not a religious prescription. A strong position must be taken on this behaviour; however, the best solution is not a legal one. It involves education and dialogue with the community.
Kenza Drider		Against	Drider's testimony is the only one not to have been recorded and transcribed by the commission. However, based on interviews it appears that the main argument of her testimony was that the practice of wearing the face veil is, for her, the outcome of a completely free choice.

ACADEMICS, JOURNALISTS, PUBLIC INTELLECTUALS

Mme Dounia Bouzar	Anthropologist	N/A	Salafists do not speak for the Muslim community. To recognize that the face veil is not a prescription of Islam is to show a more genuine respect for that religion. To

			link the face veil to Islam only validates the claims, and reinforces the power, of extremists. A law would help moderate Muslims. However, the gender equality argument is not the way to go, because men are as likely to be victims of extremism as women.
M. Abdennour Bidar	Philosopher	N/A	There are many reasons women wear the face veil, but it's not actually a religious requirement, even if some see it as such. The face veil is a threat to republicanism and democracy. The argument that, by discussing these questions, the authorities are stigmatizing Islam is just a ploy to dismantle republican values and society. We need to create a more acceptable version of Islam that coexists with the values of republicanism.
M. Mahmoud Doua	Professor of Anthropology in the Arab-Muslim world, University of Bordeaux III	Against	Contrary to what many have said, the face veil is in fact part of the Muslim religion, although there are many different traditions of dress within Islam. Nevertheless, there are many reasons women wear the face veil: 1) manipulation, 2) converts looking to demonstrate their new religiosity, 3) young science majors attracted to rigorous religion
M. Jean Baubérot	Chair in history and sociology of laïcité at the Ecole Pratique des Hautes Etudes	Against	
M. Farhad Khosrokhavar	Director of studies in EHESS	Against	Many individuals regard the face veil as part of the Muslim religion. There are various reasons for its use. First, it is a response of Muslim societies to modernization and their desire to recreate the Umma. Second, the face veil is a sectarian practice, used to separate the pure from the impure. Third, the face veil is a response to the secular tendencies of European societies. In the context of these reasons, a legal ban on the face veil would be interpreted as a provocation. It would be felt as a law against Muslims.

M. Samir Amghar	Researcher at EHESS, specialist in Salafism	N/A	Salafism in France is not a political project. It is a peaceful movement for a return to pious Islam. Members of the Salafist community are little interested in changing French society; in fact, they are more concerned about maintaining a closed community. Moreover, the face veil is largely something that women choose to wear as 1) a symbolic protest, 2) a mechanism of social distinction, and 3) as a way to express a kind of hyper-individualism.
M. Abdelwahab Meddeb	Professor at University of Paris X	N/A	Although he thinks the law would have a useful symbolic effect, he is undecided on the question.
M. Henri Pena-Ruiz	Philosopher	For	The face veil is a serious political affront to the values of republicanism. However, the commissioners should absolutely not use the language of nationhood and national identity to justify banning this practice. The face veil does not offend us because we are French; it offends us because it contravenes the universalistic values of republicanism, which are not only found in France.
Mme Caroline Fourest	Journalist and sociologist	For	As objectionable as the practice of the face veil may be, we have to be very careful in deciding out to treat it. To take the laïcité route and treat the face veil as an unacceptable religious practice would only galvanize extremists. We should not sacrifice our own democratic principles simply to get rid of a practice we feel threatened by. The only kind of law we might consider is a positive law which requires that people uncover their faces on the basis of security and vivre-ensemble. But we must be sure to specify the parts of the public sphere in which the law would apply.
M. Benjamin Stora	Historian	Against	Given its complex history (relationship to the revolution in Iran and the Algerian civil war), the face veil cannot be dealt with solely through law; it also needs to be addressed ideologically, culturally and politically.

M. Tariq Ramadan		Against	Banning the face veil would only serve to galvanize Muslim extremists who already feel targeted by the authorities and government in France. A more useful solution is education and dialogue.
M. Antoine Sfeir	Journalist, director of Cahiers de l'Orient	Against	The face veil is a dangerous political symbol that signifies women's submission to the domination of men and the clan. It is paramount that we defend the two pillars of republicanism: laïcité and intégration. However, a law banning the VI would only play into the hands of Muslim extremists. Instead of a law, we should reinforce and specify the terms of the 1905 law.

Roundtable on the body and the face

Mme Nadeije Laneyrie-Dagen	Professor of history of modern art at the Ecole normale supérieure	Against	The face has a particular importance in occidental culture that it does not have elsewhere. However, although we may think our civilization has unveiled the face, we actually mask it in other ways, such as through make-up and gestures. Women who wear the face veil are merely veiling themselves in their own way because of their history. We don't need a law, but rather mutual understanding, to address this inter-civilizational experience.
Mme Nilufer Gole	Director of studies at EHESS	Against	The encounter of Islam with modernity is at the root of this practice. Women who choose to wear the face veil are simply trying to reclaim some of the intimacy, which is left out of public space. The face veil is part of their adjustment to a modern world, full of contradictions. These women are trying to give coherence to a very incoherent situation. Only democratic systems can allow for such incoherence.

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LEGAL EXPERTS

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Rémy Schwartz	Conseiller d'Etat, general secretary of Stasi commission	N/A	The Stasi commission does not serve as a relevant precedent for banning the face veil. The question of the face veil is legally much more complex because it deals with individual freedom (on which it is very difficult to justify limits). Public order is not a justifiable basis for the law: although it has been used in 2005 to disallow women from covering their faces when applying for

			a visa, it cannot be used to permanently require people to show their faces. Fraternité is also not a legal principle. The only possible avenue would be to base the law on infringements to human dignity.
M. Denys Béchillon	Professor of droit public at the University of Pau, member of the club des juristes	Against	We have a set of existing laws to address Muslim religious dress: 1) public agents cannot wear religious symbols at work, 2) in certain private companies, religious symbols are banned if they undermine hygiene, security or client relations, 3) the headscarf is banned in schools, 4) the face veil must be removed for identity photos. While we can argue that the face veil must be removed to identify people for security reasons, we cannot require that people show their faces at all times. There are three issues to consider when attempting to institute a law that covers all of public space. First, both the European Court and the Conseil Constitutionnel will likely disagree with such a law. Second, a law would contravene other rights, including freedom of religion, freedom of opinion and freedom of movement. Third, judges would only accept the law if the restriction was absolutely necessary and worth limiting other freedoms for. Also, none of the legal avenues proposed to justify a law is convincing. First, the European Court would not accept the laicité argument. It was only allowed in the case of Turkey because of the country's unique history and in the case of the 2004 law prohibiting ostentatious religious signs in schools because it involved minors. Laicité governs the state, not individuals. Second the public order argument is problematic because you cannot require people to permanently show their faces. Third, the human dignity argument is unlikely to be accepted. It was accepted in the case of dwarf tossing, but the Conseil d'État doesn't appear to currently see it as a strong legal principle. Finally, and most

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importantly, we cannot presume to know whether a woman is choosing to wear the face veil freely or not. To make an assumption that she is not really making this choice would be to apply a paternalistic understanding of choice.

Mme Anne Levade	Professor of droit public at the University of Paris XII	Against	A legal ban of the face veil, based on either laicité, human dignity or public order, is not admissible. First, laicité applies only to public institutions. Second, if a practice is deemed an affront to human dignity, it would have to be banned everywhere. Third, to make an argument based on public order, you would have to show that the face veil is a constant threat to security, in all circumstances. Rather than a law, a resolution should be adopted.
M. Bertrand Mathieu	Professor of droit public at the University of Paris I Panthéon-Sorbonne	For	The laicité and dignity arguments for banning the face veil must be dismissed, the first because it applies only to public institutions and the second on the basis that, in law, dignity only applies to situations involving two or more parties. The only possible legal justification is public order and protection of the rights of others. Under this approach are two possible options. The first is a general ban. However, this is likely to be opposed by both the European Court and the Conseil Constitutionnel. The second option is to base the law on the defense of people's right to know the identity of the person they're interacting with. This option is legally the most plausible, although admittedly symbolically less powerful. It could therefore be supplemented with a parliamentary resolution aimed more directly at the face veil.
M. Guy Carcassonne	Professor of droit public at the University of Paris Ouest Nanterre La Défense	For	Dignity is not a suitable justification for legally banning the face veil. To base a law on dignity would open the door to all sorts of requests to ban immoral activities, like pornography. It's also very difficult to prove someone is being forced to wear the face veil. Again, the only solution is to base the law on public order and the rights of others.

M. Jean-Pierre Marguénaud	Professor of droit public at the private university of Limoges		The European legal context imposes various limitations on French law makers. There are risks - in terms of the European Court's response - associated with the arguments of laicité, dignity and public order. It is not clear that the court would accept any of these arguments.
Cour de cassation			
M. Bertrand Louvel	President de chambre and directeur du service de documentation et d'études	Against	Although it is possible to restrict the freedom of dress in the name of general societal interest, it can only be done in very unique circumstances. There is a problem with the commission's definition of public space. Private life extends into the public sphere. It is only when a person interacts with the state or other persons that we can intervene in their behaviour on the basis of public security or the rights of others. There is also a problem with dignity argument because dignity is a cultural issue. Those who condone the face veil do so because they believe it protects the dignity of women. The only way the law can intervene on the basis of dignity is when a woman is being forced to wear the face veil. We already have the legal arsenal to deal with these situations.
Mme Cécile Petit	Premier avocat général	Against	The European Convention of Human Rights governs law making in France and it carries certain important limitations. To produce a law that ultimately won't be applicable will reduce France's credibility in the global community.

GOVERNMENT ACTORS

Mayors

M. Michel Champredon	Mayor of Evreux	N/A	
M.Philippe Esnol	Mayor of Conflans-Sainte-Honorine, representative of the association of mayors of France	For	
Association of Ville et Banlieue de France			
M. Claude Dilain	Association president and mayor of Clichy-sous-Bois	Against	Whereas the headscarf is a threat to laicité, the face veil raises the issue of women's dignity. Although he sees the pros and cons

of a law, his key point is that this question cannot be left to mayors to resolve at the local level. We need a national response.

M. Jean-Pierre Blazy	Mayor of Gonesse	Against	
M. Renaud Gauquelin	Mayor of Rillieux-La-Pape	For	The key issue when dealing with the face veil is gender equality. Although there are some concerns about the law, it should be supported for three reasons: to protect laicité, to protect women's rights, to give a clear message that this practice is not tolerated in France.
M. Jean-Yves Le Bouillonnec	Mayor of Cachan	Against	
M. Xavier Lemoine	Mayor of Montfermeil	N/A	There is a religious basis for the face veil; therefore, it threatens laicité. We should not, as Gerin suggests, leave Islam out of the debate. Instead, we must make the point that Islam and democracy are not compatible. Muslim culture is fundamentally different from Judeo-Christian culture.
M. André Rossinot	Mayor of Nancy, author of report La laïcité dans les services publics	For	The face veil is a threat to gender equality and as such there is a real risk to not taking a strong position on the issue. If we negotiate with the Muslim community, we will only receive more and more requests for accommodation. The face veil is a tool used to conquer public space and reject republican values. It's a political act. Both women's freedom and the value of community are at stake. We must adopt a national solution and not leave the problem for mayors to deal with.
Mme Yvette Roudy	Former government minister	For	Laicité as a principle that governs all of French society and must be respected. Women wearing the face veil are not actually choosing to do so and this practice is an assault on community. In order to address the issue, and justify the law, the commissioners should focus on the gender equality question.

Government ministers

M. Brice Hortefeux	Ministre de l'Intérieur, de l'outre-mer et des collectivités territoriales	For	All republicans agree the face veil has no legitimate place in France. Although the republican system allows citizens to be

			attached to a given community, it does not tolerate communalism. However, nothing would be worse than adopting a law that is inapplicable. Any proposed solution must be legally viable and acceptable to the ECHR.
M. Xavier Darcos	Ministre du Travail, des relations sociales, de la famille de la solidarité et de la ville	N/A	Although the 2004 law was a success, we must recognize that we do not understand the practice of wearing the face veil as well as we understood the practice of wearing the headscarf. Moreover, the legal experts have convincingly shown that the laicité and dignity arguments would not provide solid bases for a law. The Parliament must be able to express the largest consensus on the issue, whether this produces a law or a resolution.
M. Eric Besson	Minstre de l'Immigration, de l'intégration, de l'identité nationale et du développement solidaire	For	We agree the face veil is contrary to French national identity. However, in approaching the issue, we must be careful to avoid the following risks: 1) stigmatizing Muslims, 2) threatening liberties in a disproportionate way, 3) inapplicability of the law.