

---

## SUVal



Separating and unifying values:  
trails of west - eastern values

Les valeurs qui nous unissent et celles qui  
nous séparent : courants des valeurs en  
Occident et en Orient



Éducation et culture  
Éducation et formation tout au  
long de la vie  
GRUNDTVIG

**Société Culturelle Franco-Allemande – Auvillar (S.F.A.)**

---

Max Lagarrigue

### The french laicity<sup>1</sup> in regard to the Islam

**Grundtvig SUVal Conference in Auvillar, July 9th 2010**

This question continues to be asked and asked. A European citizen would have some difficulties to work on it, as the French laicity is something very specific. Indeed beside Portugal, which state is so called “laïque” since 1976 after the Salazar dictatorship. In reality the state has signed a concordat with the Holy See that gives to the catholic religion specific status. In fact France is the only country in Europe that is really laic.

#### ***So what is in fact the “French laicity”?***

It is worth before any further discussion to define “the French laicity”.

The laicity in France is a principle which was edited in the article 1 of the 1958 constitution which says “France is a laic Republic” and also evoked in the law of the 9th December 1905 related to the separation between the Church and the State, which first article says “the state warrants the different religious practice”. So the French Republic states a fundamental law and principle the distinction between the political state and the religious organizations. The state has to be neutral et warrants the liberty of religious practice; at the same time he confirms the liberty of conscience and does not impose any opinion above another – the religions, the atheism, the agnosticism or the “free thinking” (la libre-pensée) shall be considered as equal to each one. So the principle of the French laicity builds the republican equality.

The concept of French laicity is based on two different pillars. The **first pillar** is the separation of temporal power versus spiritual power. The temporal power regards the « res publica » which means the political power. The **second pillar** in the French concept of secularism is something strictly private.

---

<sup>1</sup> The french word “laïcité” is often translated in English with “secularism”. The former French “laïcisme” is more conform to „secularism“, the principle of separation between civil society and religion of the French constitution. Recently the notion “laïcisme” got a new meaning in France and is replaced by “laïcité”. In the following translation of the lecture «La laïcité française face à l’Islam» we use the new word “laicity”.

The second pillar: Each citizen has the right to believe or not – this is the freedom of conscience which integrates the liberty of religion. This freedom introduces so the meaning of *free choice*, that means the liberty for each citizen to choose and think by himself in opposition to the determinism and fatalism concepts inspired by the religions or believes.

So we can resume and say that the French laicity has something revolutionary. It is indeed not only a nation which is not under religious tutelage but far more it has to do with universal values, a model which allows living together at the same territory regardless to the religious belief, the religious practise, and faith. The French laicity is in fact unique as it gives to citizen of different faith the possibility of living together and be responsible to each other among them by adopting the principles of fraternity and solidarity.

### ***The birth of the “French laicity”***

From 1789 on and moreover during the 3rd Republic with the 1905 law, the secularisation of the society, based on the principle of republican<sup>2</sup> universalism is imposed and became the principle of living together.

Since the French Revolution, those leaders have invented a new society where the religious is independent from the king which had before his power given by God, “the divine right”. If the church is secularised (civil constitution of clergy, July 12th 1790), the property of the church were forfeited by the state, the religious were forced to leave their convent. The republican state is not erasing totally the religion, it tries to build a national church (the cult of the “supreme Being”, which disappeared with the death of Robespierre, the Republic announces the complete separation of the state and the church in 1795) – The priests have to proclaim their oath of allegiance to the civil constitution). The clergymen have to proclaim themselves in front the civil constitution, the civil registration was no longer under their responsibility and were given to the town hall on September 20th 1792, – this allowed the Jewish community and the Lutherans to become full citizens. The divorce was authorised. The laicisation is extend to the marriage, the calendar, the public care and the education.

By the way in this domain the revolutionists made many efforts of the republican policy following the example of the mathematician Condorcet and later of the founders of the republican identity, mainly Jules Ferry. Indeed the law called Jules Ferry between 1881 and 1882 implements the education public (that means free of charge), laic and obligatory.<sup>3</sup> The Ferry laws, by teaching to read and write almost the totality of young French people have allowed so to uniform the country like the mandatory military service. The secular school gives the opportunity to all French to learn “French”. Until then French was used as language only by the administration and the diplomacy.

In his report of June 1794 the priest Abbé Grégoire revealed the French linguistic paradox, that from Canada to Mississippi the French language was spoken, but only in 15 departments (from 83) as a national language. 70 years later (in 1863), in an inquiry directed by the Ministry of education of Napoleon III (1863-1869) Victor Duruy affirmed that one quart of the population was still not speaking French.

---

<sup>2</sup> The republican universalism is corollary principle of the French republican ideology after whom the Republic is an universal value, because it defends universal values. Under these universal values are the principle of freedom, equality of the individuals in the Republic, and brotherliness.

<sup>3</sup> It is an obligation of instruction and not a compulsory schooling. The article 4 point out that the instruction can be given in the institutions of instruction, the public schools or free schools or in the families. The school itself had never been compulsory nor dependent.

## ***The french opponents to the french laicity***

All these profound changes didn't happen without clash. Already after the French Revolution the secularisation of the country voluntarily or mightily, the conscription, the execution of Louis XVI, the persecution of the deserted priests provoked uprisings in the regions, especially in the West and in the "Massif central", in Aveyron and Lozère where the power of the church and the nobility were strong. This episode, which will lead to a real civil war between the adherers of the French Revolution and the royalists is known under the name of the insurgence of the Chouans<sup>4</sup>. It will lead on either side to massacres, use of force. The "chouanneries" will only end with the death of leader Chouan Georges Cadoudal, executed by Napoleon in 1804.

After the period of the Empire, the Restoration, and the second Empire which erased a part of the French revolution heritage, it was under the 3rd Republic when the strongest fight took place between the two France. On one side, France monarchist, catholic and conservative, and the other the adherents of a France laic, republican and anchored to the left. The birth of the 3rd Republic provoked the emergence of anti-republican currents with the "l'Action française" of Charles Maurras, currents which will be in the centre of the Anti-Dreyfus battle. Against them emerged "the black hussars of the Republic", teachers who followed verbatim the instructions of the radical-socialist governments of this period (Ferry, Grévy, Combes). During decades we assist the conflicts between the partisans of the laicity and the catholic believers. So we understand that the French laicity and the Republic were built against the Catholic Church.

## ***The exceptions to the laicity***

In this ultra-secularist country, there still exist exceptions of the standard. Indeed when in 1905 the law of the separation between church and state is adopted, a territory lost in the war against Prussia 1870 was exempted, the region of Alsace-Moselle. In 1918 the French victory over Germany allows the reintegration of these regions to France. Anyhow the deputies did not like that the reintegration rhymed with the loss of their advantages. That means: social security, additional high days and holy days (Good Friday, St. Stephen's Day and the second Christmas day) and the recompense for the cult by the state.

There are also two other exceptions in the territories outside of France. The Mayotte Island, which will become in 2011 the 101st French department, has a special exception of the laicity by reason that the population of Mayotte can choose between the status of the law of nations like it is practiced in the metropole, and the status of the civil code and thus the laicity. This right is reserved to the Muslims born in Mayotte. In this specific case, the justice is given, by Muslim judges, the "cadies". They have a moderated form of Sharia law. The lapidation is forbidden since 1939, polygamy or unilateral repudiation since 2003. We have to note, that in contrast to the countries of Muslim law the Mahoran society is matriarchal (the house belongs to the woman, divorce does not imply the loss of social or economic status when the partner leaves). This is the only overseas territory which has a competent jurisprudence in the matter of personal status. – In Wallis and Futuna, in the heart of the Pacific Ocean, the educational system is delegated by the government to the catholic diocese.

---

<sup>4</sup> The members of the family *Cottureau* had the nickname Chouan (in gallo *chat-huant*, ou *chouin*, local name of owl, barn owl), according to the one, because their ancestors had been naturally melancholy and taciturn, according to the others, because by smuggling salt, they counterfeited the cry of the owl to advertise and to recognise. – all men under the command of Jean Chouan had been called 'chouans'. This appellation was generalised to other armed royalists in the West provinces.

## ***The Islam in France***

After this short panorama over the estate of the French laicity and before entering the animated subject of our debate about the Islam the face of the French laicity, it is worth to mention that the presence of Islam in France is no novelty.

The first contacts go back to the Arab incursions from the VIII century when the Arabs installed in Septimania a kingdom under Muslim sovereignty (719-759), in the actual Languedoc-Roussillon. Later on the Saracens settled in Fraxinet, in Provence on the island of St Tropez. They stayed a century before they had been chased away in 972, leaving evident traces of their passage like the name of the city Ramatuelle which comes from Rahmatou-Allah ( راحمة الله in Arab), which means the grace of Allah. They will be evicted in 972. This military defeat doesn't mean the total disappearance of the Muslims in Provence. Indeed until the XI century, the Mediterranean was a Muslim lake and the exchanges between the kingdom of Cordova and the Christian occident are rich, especially in the commerce of slaves.

The real change occurs when François I established an alliance with Soliman the Great, in order to contrast the rising austro-hungarian power of Charles V. This alliance is the first between a Christian and non Christian empire. We have to wait the campaign of Egypt of Bonaparte, two and a half centuries later, when this alliance will be destroyed. This alliance between France and the Arab world has permitted a lot of exchanges, at different levels, intellectual, military and commercially. Many books had been imported and integrated into the royal library, even the Coran.

It is indeed during the First World War that the number of Muslims in France starts to rise. Workers are needed as well as soldiers, so France uses the resources of its colonies: Algeria, Tunisia and also Morocco, which is under French protectorate. In 1920 the first Mosque on a French territory was build in Paris to honour the 100.000 Muslim soldiers fallen during the WW I, decided and financed (law of 19 August 1920), inaugurated by the president of the Republic Gaston Doumergue and the Sultan du Maroc Moulay Youssef. The great Mosque of Paris is the symbol of the French Muslim friendship. So it is easy to understand why in 2004, the rector of the mosque of Paris, Dalil Boubakeur, was chosen as the president of CFCM, (council of Islamic cult ) in order to lead and represent the Muslims in France.

Finally after World War II, the number of Muslims in France kept rising. The country ruined by the occupation and under the pressure of the war, needs workers. The number increased again in 1962 after the Algerian war, when 91 000 Francophile Muslims have to leave Algeria, the so called Harkis. This immigration almost essentially masculine is followed by another one in the years 60 to 70, when their wife and children came to rejoin their men.

## ***The Islam of today***

Today the Muslim population in France is estimated around 5 million people (there are no official statistics), which means that Islam is the second religious group in France, catholic being the first. The practising Muslim believers are thought to be a minority, at most 10 %. Among the 1685 mosques or places of worship, it seems that only 13 % of them are under the influence of fundamentalists, regrouped in an association called UOIF, near the famous "brothers of Islam".

Thus: how the presence of these millions of French citizens with Muslim faith became an affair of State, even a question of national identity ?

Among sociologists, the status quo has changed with the arrival of the immigrant families in the 70. In fact with the arrival of the family the religion becomes an integrating part of daily life. The parents have to transmit the faith. The establishment of the family cell put in action the construction of mosques with the consequence that Islam became more visible. In the same time the oil crisis of 1973 and 1979 opened a moment of social tension with a growing numbers of jobless people.

The first victims are the immigrant families, mainly workers. The jobless fathers are forced to stay at home, but given that they rarely master the French language they cannot help the children at school. Children who are born in France et speak French discover their real situation: they are not estimated in the French society, disabled economically and pushed to the peripheries of the big towns. They are the first victims of school failure. On the other hand we have to mention, that there is another process coming on: The number of mixed marriages is growing ceaseless, the rate of fecundity is degrading, the use of the French language is disseminating; girls benefit from the compulsory education of the republic, they have success in school and arrive to integration. Nothing so far indicates that Islam is incompatible with the common living "à la française".

The marginal story of the scarf (hijab) put the fire to the powder: In September 1989 3 young female students arrive at school wearing a scarf. The school director, Ernst Chenière, refuses to let them in. Up from this instant on the "matter" got a national echo in the press and became a controversial subject by the politicians and the intellectuals: the scarf becomes a society matter. The analysts seem to forget that the city of Creil (Oise) has a very high rate of unemployed immigrants which provokes that these urban quarters are enclosed. These factors can explain the attitude of the parents of these 3 girls. While the UOIF (Islamic organization in France) exploit this affair for itself. The girls decided to take off their scarf in the school. But the UOIF forced the father of the young girls that they renounce this decision and compared the incident with the obligation for Jewish people to wear the yellow star during the occupation. It is the answer of the French government which is embarrassing. Even though 70 % of the French including the immigrants refuse the scarf in the school Lionel Jospin, the minister of National Education, decided that the girls remain in the school wearing the scarf. In place of apply the law which is very clear in this matter, he chooses to consult the State council if there is a compatibility between the manifestation of religious membership an the laicity inside a public institution. The State council did not give an clear answer: it is not possible to decide between two constitutional principles, on the one side the neutrality of the state and on the other the individual liberty of conscience and faith.

So abandoned by politics, the school directors found them selves alone to negotiate with the scarf wearing girls and their parents – with the recommendation of the Ministry of education to undertake the dialogue that the pupils take off their religious headdress and to regulate the problems case by case. In case of failure the minister recommended to accept the girl with her scarf. This bad blow against the principle of laicity has been aggravated year by year: from 3 pupils of junior high schools in 1989 to more than 2000 cases in 1994. The situation is becoming unmanageable for school directors and teachers who are very engaged to the principle of laicity. We have to remember that if the Islam scarf is provoking such a reaction of refusal this happen because it strikes the fundamental values of the French society and especially the laicity. "The public school system is supposed to preserve in young generation the values of the laicity and the republican values, which are the core of the French citizenship. But yet the acceptance of the hijab even in the school puts the assimilation of these values into question."

And if the school continues to be a symbol and polarises the attentions in applying, we can realize essentially the change in the quarters: This happened when in 2004 a new law called "the religious signs in the public schools" is passed, studied by the Stasi commis-

sion, which declares that all religious signs “manifestly shown” (hijab, kippa , big cross) are forbidden at school. Even though the scarf was in minority, today it took a prevailing place in certain quarters which some sociologist qualify as “lost territories for the French republic” (Emmanuel Brenner).

Forced by fundamentalist organizations like UOIF, an Islam rejecting the French republican values is strongly rising. After the legitimate claims for proper worshipping places for to finish with the “Islam of the cellars”, the generation of the children of immigrants, disappointed as well by the French integration system, as by the anti-racist fights which tried to impress a new image of a self-conscious Islam, this generation retracted to an applied logic of gangs and try to get a new identity which is labelled by the membership of the street, of the quarter, or for others of radical forms of religion<sup>5</sup>. In this way France had been confronted in the last years by many claims which are incompatible with the laicity: such as gender separated swimming pools in Lille, Strasbourg or Paris, special female doctors for veiled women, refusal to take off the veil during the civil wedding ceremony and veiled women refusing the shake hand with male colleagues in the name of the religion.

The Odin report (2003-2004), outcome of the inspection of 61 schools, confirms that even the laic school is not excluded. .Not only the coeducation in school is strongly opposed, but also the contents of the school program are contested: in history with the negation of the Shoah and the rejection of Darwinism, and also sport practice. The obsession of chasteness pushed the pupils to claim for a separated use of water taps for Muslims and other for non Muslims.

All those new claims are amplified by a part off the left who support them. So we can read in the charter of the organisation “Islam and laicity”, founded by the very laic “League of instruction” (Ligue de l’Enseignement) borrowed by the “League for human rights” (Ligue des Droits de l’homme) et the “Monde diplomatique”: “Today, Islam who became the second religion of France, has to acknowledge to be a part of the Republic, and the Republic has to meet the specific needs of those groups and individuals claiming to be Muslim.” This is a conception, which annihilates the very meaning of laicity, which is identified now as a negative thing, since it implies that the Republic accept the cults and consider them as elements of the free deliberation of the citizen.

The Swiss precentor of this favourable stream of religious communitarism, Tariq Ramdan has adopted the idea what he calls “the laicity named positive and pluralist”, the idea which was by the way used in a speech by President Nicolas Sarkozy in St John of Latran in Rome in December 2007. He develops a very sophisticated system of arguments about the victimisation of the Muslims in France (“the colonial fracture”) and is heard in the French suburbs. A speech about the victims which makes the young people to “colonised in metropolis”, and the refusal of the Republic to accept the claims of religious identity in the name of laicity, a new racism baptised: islamophobia. This neologism was created by the islamists, like it underlines the political scientist Caroline Fourest, “it was created to set traps to the discussion and to divert the antiracism in favour of their fight against blasphemy “. This concept islamophobia could condemn as a racist each person who criticise the Islam. This is similar to the anathema throw by the communists against everybody criticising the soviet system as a fascist. Applying this concept one could ask today if Salman Rushdie now publishing his book, Satanic Verses, would not be condemned as “islamophobe”, only some years ago his book was acclaimed as a defence of the democracy and individual freedom. It is the same about the polemic against the caricature pub-

---

<sup>5</sup> The *hijab* denotes a dress with confuse justifications in the Koran. It wants to be symbol of modesty and of deference, but it denotes also, and mainly, a new manner to cover the head, constraint or claim, and of distinguishing from usual forms or from countryside. This is denoted by A.E. Mac Leod by the expression “*new veiling*”..

lished in Denmark. It is an example of the difficulty to criticise the Islam like any another religion.

Let us come back to the concept of positive laicity supported by Nicolas Sarkozy. In reaction to the speech of French president the philosopher Catherine Kintzler cannot hide her stupefaction: "I am horrified by the speech of Nicolas Sarkozy, because laicity means that it is not necessary to believe anything to establish a political alliance. The "positive laicity" seems to be the same like laicity but better. But in reality this expression voids the concept laicity from its meaning, because the definition of laicity is necessarily negative and minimalist. On the whole it means: "believe what you like, but believe something." Whereas the laicist political society abuts just on the form of non-believe! We are building us as citizens independently of what we are in advance, over religious and cultural ground plans. The political society only can guarantee the liberty of expression if it is blind in regard of the believing of citizens and if abstains to enunciate about this subject. It is by the way that what the law of 1905 guarantees." This last law Nicolas Sarkozy liked to fresh up if there would not have been protest from the laicist associations. And Catherine Kintzler concludes: "The expression 'positive laicity' remember the expression 'positive discrimination'. Today in France the believers found associations which are legally accepted, through whom they can express themselves in the public discussion. This is absolutely their right. But the religious representatives must not be accredited by the public power as political interlocutors. This would legitimise intermediate corps and their "chefs" to estimate themselves as a "community". – As you could realise the concept of laicity is far from to be sclerotic, it could have been developed under many other aspects.

I would like to conclude with the formula of Jean Baubérot<sup>6</sup> who defines the contemporary laicity under three different aspects: The State is secularised, the freedom of belief and practise is guaranteed and the beliefs are equals among them. He notes however that each group insist on one of these different aspects of laicity: The laicists on the secularisation, the believers on the freedom of belief, the minorities on the equality among the various beliefs.

Translation: Lucy Dubois

---

<sup>6</sup> Jean Baubérot : Laïcité 1905-2005, entre passion et raison, Le Seuil, 2004.