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Sacred *Laïcité* and the Politics of Religious Resurgence in France: Whither Religious Pluralism?

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ABSTRACT   *This article contributes to the current scholarly discussion by inviting us to look at secularism not as a static model of religious governance, but as a formation that shifts with time and that is deeply related to our contemporary understanding of religion. As such, it investigates the recent transformations of French secularism. In 2004 France passed a law banning visible religious symbols in public schools. Since then French secularism has increasingly become a sacred – non-negotiable – element of collective life. Drawing on Kim Knott's concept of the 'secular sacred', the article investigates, through an analysis of policy reports, law proposals and laws, how this discursive usage of secularism has been used to set apart particular spaces from others: secular spaces that carry the 'supreme' values of secularism. In this process, the role of public servants and citizens has been changing, as they have been invested with the responsibility of policing the boundaries of these spaces. New tools, such as charters of secularism, laws and regulations, and state bodies are being imagined to consolidate these boundaries. The article also explores how 'religious resurgence' (and more specifically 'Islamic resurgence') has been essential to this 'sacred-making' activity: to give substance to values that are non-negotiable and need to be separated from those that are not. Overall, the piece posits, in line with other recent works, that sacred-making is not reserved to the 'religious', but can become a central component of how secularism gets articulated and deployed. In so doing, it underscores the importance of documenting how meanings given to secularism shift to grasp the politics that underpin discourses on religious resurgence.*

Introduction

In May 2012 former President Nicolas Sarkozy and his successor President Francois Hollande took part in the traditional presidential debate organized prior to the second and last round of the French presidential elections. While the candidates disagreed on almost everything, they were nevertheless in agreement on one topic. They both agreed on how *laïcité* should be implemented, and illustrated their point of view by expressing their support for the nationwide ban on the *burqa* (veil

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covering the entire face of the wearer) and *niqab* (veil covering the entire face of the wearer except for the eyes) implemented in 2010. Francois Hollande explained:

> French citizens should have no worries, under my presidency there *will be no derogation to any rules with respect to laïcité* [. . .] On the *burqa*, I voted [for] the resolution prohibiting the *burqa* [. . .] I assert here that the law on the *burqa*, if I become president of the Republic, will *be strictly implemented* [. . .] There won't either be [. . .] any swimming pool schedule tolerated if it makes a distinction between men and women [. . .] On *halal* meat French citizens should know that under my presidency *nothing will be tolerated in terms of the presence of halal meat in the cafeterias of our schools*. (Emphasis added)

And Nicolas Sarkozy followed suit: 'This law [law banning the *burqa* and *niqab*] was implemented, it is respected and there is no *burqa* or full-face veiled on Republican soil [. . .]. 300 women [. . .] rediscovered freedom'.[1]

This consensus is illustrative of a shift that has been taking place in France over the past decade, where the positions of the French Left and Right have started to converge on headscarf/full-face veil bans and more broadly on how *laïcité* should be implemented in society.[2] This can be understood as a response to the increasingly visible presence of Islam in the Republic, partly a result of immigration policies put in place in the 1970s and 1980s.[3] This presence has been manifesting itself through different signs of permanency, including the constructions of mosques, prayer spaces, or women wanting to participate actively in society with their headscarf (Cesari, 2004: 13). *Laïcité* has therefore been mobilized over the last decade as a resource to address this presence and justify an increasingly non-accommodating stance vis-à-vis demands made by French Muslims in different spaces.[4]

Acknowledging this shift, this article aims to do two things. First, it looks at how this shift has rendered certain questions around the role of religion (and more specifically Islam) particularly pertinent.[5] In other words, by adopting a non-accommodating stance, this reading of *laïcité* renders visible and 'problematic' negotiations around religious practices that might have been prior to that point invisible, not a key source of conflict, or resolved informally.[6] It creates narratives in which religious practices are understood, regardless of whether they are numerous or not, as being the primary source of conflict and instability in different spaces.[7] This article consequently argues for the importance of understanding discussions around the 'resurgence of Islam' and the 'pressing' urge to manage/regulate devout Muslim's claims in relation to how meanings given to *laïcité* evolve and change. The second aim of this article, drawing on Kim Knott's (2010: 126) concept of the 'secular sacred',[8] is to explore more specifically the transformation the concept of *laïcité* has been undergoing in France. It posits that *laïcité* is increasingly being understood as a sacred ideology – a non-negotiable ideology – that has to be implemented in selected spaces, with the consequence of remodelling the rules of those spaces. In other words, it is being conceived as an ideology that leaves, at least discursively, little space for accommodation with alternative views. By using the

term sacred, my aim is to show, along similar lines to Knott and others, that sacredness is not a term solely reserved to the religious but rather that it cuts across secular/religious lines (Knott, 2005: 234). So doing should not only be an invitation to problematize further the religion/secular dichotomy, but should also render us aware that there are multiple understandings of the 'secular' (some that take a sacred character and some that do not) and of the 'religious'. Moreover, on a more normative level, this discussion aims to widen our gaze so as not to focus solely on whether and how religious claims can fit with visions of a plural, equal and diverse society, but also be an opportunity to interrogate the place of certain secular sentiments in those visions.

This article starts by discussing the work of Kim Knott and her concept of the 'secular sacred'. It then examines, through an analysis of policy reports, laws and law proposals, how this concept of sacredness can shed light on recent discursive understandings of *laïcité* in the French context and their implications for religious pluralism.

A Renewed Scholarly Interest for the Study of Secularism

> What is clear is that the two spheres are co-produced [the religion and secular]. The 'invention' of one leads to the co-invention of the other. (Knott, 2010: 120)

Until a few years ago secularism was a concept that was the subject of few studies. Social scientists deeply influenced by the secularization thesis believed that with modernity religion would automatically retreat to the private realm and that secularism, generally understood as the separation of 'church' and state,[9] would not only be the sole framework available to modern societies but would also be a prerequisite for democracy. As a result of this narrative, scholars often approached secularism as a universal and static paradigm, failing to investigate how the concept was situated in history, how not all understandings of the term were compatible with democratic principles, and finally how this concept, rather than being opposed or superior to the religious, articulated itself in relation to the religious.

Over the last decade, in an era marked by the spectre of 9/11, scholars have revisited their approach to secularism and religion. Among interested scholars, some have highlighted that rather than looking at secularism and religion as two distinctive (and often opposed) entities, one should approach them as being intimately related. In other words, they argue that understandings of religion and religious freedom vary in function of the meaning given to secularism (e.g. Hurd, 2008; Cady & Hurd, 2010; Jakobsen & Pelligrini, 2008; Bowen, 2010; Calhoun, 2010). These scholars have started, therefore, to speak of multiple secularisms, acknowledging that the concept changes as a function of the culture, political and socio-economic contexts in which it is deployed. Researchers in religious studies have also expressed interest in studying this intimate relationship. For instance, Knott (2005: 217) and Beckford (1999: 24) argue that they are less interested in arriving at a stable definition of religion – since they consider that religion is a shifting discursive construction – and rather stress the importance of studying how

boundaries between the religious and the secular are in particular contexts 'constructed, negotiated, and policed by those firmly on one side or the other' (Knott, 2005: 217).[10] In fact, Knott (2010: 120, 133) notes that scholars of religion have paid too little attention to the production of 'the non-religious' (e.g. the secular), and to its content. Yet, for her, analysing how the non-religious emerges, the values attributed to it and how these changes can give us precious information not only on the non-religious but on the religious as well.

   This article follows this relational approach, as it explores the shifting meaning of *laïcité* in France and its consequences for understandings of the religious and religious freedom. As discussed above, while this approach acknowledges that the religious and the secular are interlinked, it does not however suggest that boundaries separating those two entities are not being discursively constructed. Rather, it invites us to understand that these boundaries are not secured or fixed, as they have to be constantly (re)produced, policed and enacted (Knott, 2010: 122).[11] It is through this process of (re)production that definitions of the 'religious' emerge and play an important role in defining the bounded category of the 'secular':

> The religious and the secular are historically interwoven and mutually contingent ... Nevertheless, I would suggest that in order to police the public/private boundary and to keep religious organizations and individuals out of state affairs, agents of state and secularist commentators have contributed to the construction of the notion of the 'secular' as the domain of non-religion, as religion's 'other'. (Knott, 2008: 94)

   This focus sheds light on the fact that boundaries that might be perceived as transgressable or dormant in a specific context or at a particular point in time, can in other contexts be constructed as alive and impenetrable (Knott, 2010: 122). Acknowledging this reality can help unravel not only why (e.g. what type of controversies, political climates, etc.) these boundaries become 'alive', but also whether this 'activation' has an impact on collective life and its possible remodelling. The notion of the 'secular sacred' is particularly handy in guiding us in this endeavour. Knott has developed this expression as a reminder that 'sacredness' is not a concept that only makes sense when we speak about the religious, but rather that it cross-cuts categories. She supports her argument by quoting Anttonen: '[the sacred] is not uniquely a religious category, although its religious meanings and the history of its use dominate popular as well as scholarly discourse' (Knott, 2010: 124). Sacred and sacred-making, she explains, are terms used to set things apart in any ideological context: 'creating a place for those things of supreme value and separating them out from profane and impure things that are negotiable or may contaminate' (Knott, 2010: 124; see also Knott, 2005: 221–222). To put it differently, sacred-making activities entails identifying and/or defining values and beliefs that are non-negotiable and separating them, by the creation and/or activation of boundaries, from values that could threaten or undermine them. Space plays an important role in this process as those values, principles and beliefs are often understood as being located, embedded in particular places (e.g. bodies, 'public'

spaces, religious buildings, etc.) set apart from others. Knott (2005: 222) highlights that this process of separation, inclusion–exclusion, is a collective one: 'Such activity [sacred-making activity] "binds" in uniting a society or group around whatever it is that is supreme value. The process of representing and experiencing the force that which is set apart is a collective one'.[12] As I will argue below, rituals can therefore be relevant here inasmuch as through those activities people indicate collectively the 'special'/'sacred' character of a particular space and their dedication to and respect for the set of beliefs that make up that space.

Drawing on this relational approach and on the term 'secular sacred', the rest of the paper sheds light on the complexities of French *laïcité* today.[13] It analyses how it is becoming a national ideology actively engaged in sacred-making activities, setting spaces (and citizens) apart from others. The consequences of this shift for religious pluralism are also discussed.

Documenting the Making of Sacred *Laïcité*

Sacred-making in Action: Setting Spaces Apart

This empirical section focuses on a discursive analysis of policy documents (reports, law proposals, and opinions) produced by the French government and French politicians between 2006 and 2012.[14] It is therefore important to note that this is an analysis of policy proposals and not of what is concretely happening on the ground. In other words, while these documents embrace a reading of *laïcité* that foresees little space for religious accommodation in different spaces and that singles out religious (conflated most of the time with Islamic) conflicts as the primary source of societal instability, this does not mean that accommodations or negotiations are not taking place in those spaces. This analysis is relevant, however, because it allows us to closely document changes in the meanings given to *laïcité* over the past decade, and discuss consequences for religious pluralism. Moreover, these policy discussions always carry the potential of being translated into concrete public policies implemented in society. This has been the case for instance with the 2004 law banning visible religious symbols in schools and the 2010 law banning the *burqa* and *niqab*.

These different policy reports and law proposals should be understood as indicative of a new trend, in which *laïcité* is increasingly being equated with a refusal to make space for religious – mainly Islamic – practices and their accommodation that are depicted as *the* source of societal instability. This shift towards a less accommodating reading of *laïcité* affecting providers and users of public services, as well as individuals outside of those services, is acknowledged by policymakers. The 2004 law banning visible religious symbols in schools is, in fact, identified as one of the first key moments in this paradigm shift:

> This desire [desire to not only ask that teachers and school personnel avoid showcasing visibly their religion but also students (i.e. users of public services)] is representative of a *change in paradigm* with respect to *laïcité*.

The March 15th 2004 law applies for the first time the principle of *laïcité* not to public service providers *but to a certain category of users of public services*. (Richard, 2011: 8; emphasis added)

In other words, from 2004 onwards *laïcité* has been mobilized to indicate the 'neutrality' of particular spaces.[15] This neutrality is defined mainly in terms of a non-acceptance of religious symbols and practices, and more particularly Islamic religious practices, and increasingly affects to a different extent all people navigating in a space termed as 'neutral'. While headscarf and full-face veil bans have been symbols *par excellence* of this non-accommodating stance, policy reports indicate the need to extend this stance to other practices such as demands for separate sessions in sports centres, pools and other public institutions for men and women, for the right to be exempt from courses in schools for religious reasons (e.g. swimming or sports classes), for being offered a *halal* option in school cafeterias and administrative restaurants (Rossinot, 2006: 38), and for asking to be seen by a doctor of a particular sex in a hospital, especially in emergency situations (HCI, 2010a)[16]. These demands are all considered to be problematic because they impinge on the principle of neutrality of public services, where differences between citizens ought not to be visible. In other words, they are considered to create segmentation (along gender and/or religious lines) that is not compatible with the concept of neutrality. This is well expressed in the following quote regarding the serving of special meals for religious reasons in public services: 'The ritualisation of food in public services would necessarily have for effect a segmentation of public space and would end up in grouping users along their real or perceived beliefs' (Rossinot, 2006: 28). Note that regardless of the fact that devout individuals make those religious claims or their actual numbers, with this reading of *laïcité* religious needs are identified as the principal source of societal instability, potentially masking other sources of divisions.

Neutrality in these cases is therefore defined in relation to gender differences and religious practices as opposed to religious beliefs that remain in private consciences and are therefore compatible with public life.[17] It is also best understood in relation to space. Indeed, as we have already seen, it is monopolized to indicate whether a particular space is or ought to embed *laïcité*, and conform to the rules and values carried by this principle. It is, therefore, used to set spaces apart from others. In this process a distinction is made, in accordance with enlightenment principles, between 'public' (where there is little space for religion, or rather 'visible' religious practices[18]) and 'private' (where religious practices are, in principle, allowed to flourish) spaces, or, as indicated in the following quote, between 'common' space and 'intimate' space: 'The High Council of Integration has acknowledged the necessity of establishing a pedagogy of *laïcité* that allows individuals to learn to "pass the border" with success between an *intimate space* and a *common space* accessible to the public' (HCI, 2010a; emphasis added).[19] Yet, as explored later in this article, this distinction is far from being fixed, rather the lines between those spaces are muddy and shift at different points in time.

Setting apart public services. Policy reports have used *laïcité* to set apart public services from other spaces recalling in so doing their central and special function in (re)producing Republican values. While schools and educative facilities have been identified as spaces *par excellence* in which *laïcité* and its principle of neutrality ought to be applied, hospitals and other public services, especially those that welcome citizens (e.g. post offices, public pools, city halls) have also been understood in this rhetoric as protectors and diffusers of secular values:

> This episode [the 2004 law] has highlighted, in a first instance, the central role of public services in national education – *and more generally of all services welcoming the public – in ensuring the respect for laïcité*. Under a strict neutrality obligation that is sanctioned by the case law of the Conseil d'Etat [highest French court], public services and their agents are the protectors of the principle of *laïcité* and the main actors responsible for its application. They, first of all, have a *duty of firmness with respect to all demands or claims that could lead*, in practice to the segmentation of public space. But they also have a duty of *exemplarity*, which is as absolute: their behaviour vis-à-vis users is, indeed, decisive to show that *laïcité* is not an abstract principle or a factor of discrimination, but the frame and condition of republican citizenship. (Rossinot, 2006: 11; emphasis added)

It is clear that two criteria delimit these spaces as 'special': (1) the ability of providers of public services to be 'firm' in negating demands that would infringe on the neutrality principle, and (2) their ability to ensure that the values of *laïcité* are (re)produced and embraced by all. These spaces could therefore be considered as 'secular sacred', as they are set apart as spaces where accommodation of demands motivated by religious reasons are not tolerated.

Rendering a space sacred – that is, setting it apart from others – seems to work in different stages. In the contemporary French context, one of the first signs to indicate the sacred character of a public service is its non-accommodating position vis-à-vis the ability of public servants to showcase and practise their religiosity. This has been the case for schools even before the 2004 law, and for a wide range of public services today (hospitals, city halls, etc.), and has been grounded in well-known court judgments. While the neutrality requirement for public servants dates from prior to 2000, commentators have underlined that it has been applied with more firmness since then, especially with regard to public servants wearing the Islamic veil (see, for example, Salton, 2007: 211–212). In this process, 'new' categories of providers, who had not been required to abide by this neutrality requirement in the past, have been singled out and asked to respect it as well. These individuals include temporary public servants (e.g. jury members) and individuals volunteering for public services (e.g. mothers accompanying their children on school outings).[20]

Extending the neutrality principle to the practices and demands of users of public services can be understood as an additional step in this sacred-making activity. This step is, in fact, increasingly becoming an important component of *laïcité* affecting public services beyond schools:

The public sphere where is applied vigorously the principle of *laïcité* and neutrality, which concerns in the first place service providers (such as professors in public schools, magistrates . . .) but equally, when the law expressly foresees it, in particular for reasons of good functioning of services, *users, who are asked to be discrete, and even neutral, when they express their religious convictions*. (HCI, 2011: 5; emphasis added)

Setting apart private businesses. It is noteworthy that the 'level' of sacredness of spaces can shift as a function of time and context. Hence, a space that allowed for accommodations in the past, even with respect to users can become a non-accommodating space at other points in time (e.g. schools, hospitals). Likewise, a space that was considered to be private and therefore not required to (re)produce secular values can at other points in time be understood as a common space where neutrality plays a role.

These shifts are illustrated in a recent High Council of Integration (HCI) opinion on *laïcité* in public services, which calls for a rethinking of the distinction between public and private spaces:

Until now, it was established that religious belonging was delimited by a distinction between public sphere and private sphere. As such the 2004 law recalled this distinction by prohibiting the wearing of religious signs in schools and the principle of neutrality of providers of public services was recalled by the Charter of *laïcité* in 2007. It seems today that the notion of public sphere needs to be questioned notably when some evoke that outside public services, spaces of sociability are private spaces, like the world of businesses. Until what point can religion manifest itself in public life? (HCI, 2010a)

To address this challenge, the HCI argues for the need to introduce a third space in the discussion. A space identified as a social or civic space that is located between the public sphere that regroups public services and the private domain symbolized by one's household, and that includes streets, parks, and so on, as well as private businesses open to the public. The HCI stresses that while for a long time the implementation of *laïcité* had been localized mainly in the public sphere, it is now important to look also at how it ought to be implemented in this third space as it regroups 'common spaces' where citizens coexist (HCI, 2011: 5–6). In so doing, it extends the requirement of neutrality to new spaces, in particular private businesses that are now understood as spaces in which internal peace and equality, currently threatened by religious claims, need to be restored and cultivated:

The religious question in businesses can be summarized by the question of knowing 'how to treat claims by *Muslim employees in businesses*'. If this problem was only emerging three or four years ago, *it is not an epiphenomenon today*. (HCI, 2011: 8; emphasis added)

> Particular religious accommodations granted by the employer can, indeed, be perceived by other employees as privileges that a minority of believers benefit from. It is for this reason that the HCI thought that it would be useful, in its 2010 opinion, to mention the importance of 'internal social peace' of businesses ... Indeed, religious practices have an impact on the organization of work and the environment that cannot be ignored (absences, modified working schedule, wearing of visible religious signs, inter-personal distance, etc.). One can hardly say the same thing for the practice of secular neutrality that has for virtue to create an appeasing environment and that respects opinions expressed with discretion. (HCI, 2011: 12)

This last quote is noteworthy inasmuch as one sees how here again 'visible' religious practices, as opposed to discreet ones, are understood as problematic and facilitate the introduction of *laïcité* in the discourse. *Laïcité* and its principle of neutrality, located until recently in the public sphere, has now travelled to the private sector and is proposed as a resource to solve its 'problems' and 'turbulent' environment. As a result, the HCI suggests in its opinion that the work code should be modified to include two new articles, one that would allow businesses to add a section in their internal rules regulating the wearing of religious dress or signs, and other religious practices, and another that would promote the principle of neutrality in businesses (HCI, 2011: 18). It seems, therefore, that businesses are going through a similar process to the one that the public sector has been undergoing for the past few years. This suggests that these spaces be set apart – for social peace – as 'secular' spaces, in which religious practices and their accommodation become increasingly curtailed, and neutrality firmly established.

Setting apart 'intimate' spaces. A similar discourse around 'problematic' religious accommodation has recently been mobilized to justify the implementation of neutrality under particular circumstances in the intimate domain. This is illustrated by a recent law proposal, passed in the French Senate in January 2012 and that still needs to be approved by the National Assembly, which proposes to extend the duty of neutrality to carers of children under six years of age, including nannies who work in their homes and this regardless of the fact that they receive public funds for their activity. In so doing it seeks to curtail the ability of nannies to wear visible religious symbols or 'visibly' showcase their religion (e.g. presence of religious pictures, photos) in their household during their work hours by asking them to abide to the neutrality principle (Richard, 2011: 18). If they are unable to respect this principle, they are then required clearly to inform parents of their inability to do so in their work contract. Article 3 of the proposed law reads as follows: 'Unless stipulated otherwise in the contract that ties the daycare provider to a particular employer, *the daycare provider is subject to a requirement of religious neutrality during the course of his/her activities of looking after children*' (Law proposal 61, 2012; emphasis added).

This law proposal, it is argued, should be understood as an extension of the 2004 law which considered that the wearing of visible religious symbols contravened the

educative mission of public schools (Richard, 2011: 8). As such, this extension of neutrality to the 'domestic' sphere is justified by the fact that day-carers exercise a similar educative mission, where they welcome young children – future French citizens – who should be sheltered from outside influences. Sacred-making is in this process extended to the domestic sphere. Households (which have almost always been conflated in public debates with the houses of Muslim women) transformed into childcare facilities during the day are set apart from other spaces through restrictions on religious practices, and become consequently subject to wide public scrutiny:

> By extending the principle of neutrality to private structures looking after children under the age of six, the law proposal … [implements] the principle of *laïcité* to particular elements of the private sphere whereas it is today only applicable to public services and their agents. (Richard, 2011: 14)

This analysis is interesting as it sheds light on the fluidity between different spheres, where even the 'intimate' sphere can under particular circumstances be set apart as a non-accommodating common space that ought to (re)produce *laïcité*. It is also illustrative of the importance of contextualizing the discourse on Islamic resurgence and demands, and in this case understanding it in relation to the discursive shift that *laïcité* is undergoing. Indeed, practices that might have been unproblematic in the past are identified as 'disturbances' once they come into contact with readings of *laïcité* that attribute sacred features to the concept. They become suddenly 'alive' and 'visible'. In the following and last section of the article, I analyse in greater details the mechanisms foreseen to (re)produce the 'sacred' character of particular secular spaces, which increasingly renders the practice of *laïcité* a Republican ritual.

Sacred-making in Action: Sustaining an Ideology

> Concretely, a first step toward this objective of firmness [with respect to demands to miss schools for religious reasons] would be to diffuse to professors and administrative personal clear and sufficiently detailed guidelines that would take the form of ministerial instructions taken after consultation with teachers and parents. (Rossinot, 2006: 19; emphasis added)

It is one thing to declare the neutrality and non-accommodating stance of particular spaces, it is yet another to imagine how this should be implemented. To this end, reports and law proposals have increasingly been foreseeing ways to enforce this neutrality principle, transforming it into a collective experience: a Republican ritual that is repeated at different stages of a citizen's life.

Charter of Laïcité

One of the solutions imagined has been to develop a 'charter of *laïcité*' for public services that would explicitly spell out the principles and values of this concept.

It would serve as a guide reminding public servants and users of public services of Republican values and would ensure that *laïcité* be implemented in a similar manner throughout the Republic. Building on a recommendation of the Rossinot Report, the HCI drafted a first version of this document in 2007. The document has since then been transformed into a user-friendly charter that has been diffused as a poster in all public services (HCI, 2010b).[21] The current charter is divided into two parts. The first four articles discuss the implication of *laïcité* for public servants, reaffirming their duty of strict neutrality and their pivotal role in diffusing *laïcité*. The second part is dedicated to users of public services who are reminded that they have the right to express their religious convictions as long as they respect the neutrality of public services, that they should refrain from any proselytizing activities, and that they should not refuse treatment given by a particular public servant or require a modification or adaptation of a public service. It is thus interesting to note how while users are not subject to the same 'level' of neutrality than providers, their ability to publicly express their religion remains nevertheless curtailed. This is not surprising as it corresponds to the reading of *laïcité* documented earlier, promoting a republican ethos where religious practices are set as the main source of societal conflict.

The HCI mentions that this charter has been diffused and displayed in all public services. This wide diffusion is relevant for our argument, as one could argue that its presence is a constant reminder of the neutrality of public services and establishes their special status vis-à-vis other spaces. It is also noteworthy that policymakers are foreseeing its distribution during key life events, such as at the beginning of each school year, during citizenship ceremonies, on the day when citizens receive their electoral cards, during civil wedding ceremonies and during the training of public servants (HCI, 2007: 11), transforming it into a central element of all these rites of passages. It is imagined, one could argue, as a rite that gets repeated at different stages in the life of a citizen, recalling and (re)producing the shared values and morals that bind French citizens together. It becomes a way to (re)affirm French collective consciousness, while at the same time giving it substance. Not surprisingly, the aforementioned HCI (2011) opinion on religious expressions and *laïcité* in businesses evokes the possibility for businesses to introduce a similar code of *laïcité* with which employees would have to become familiar. A rite that would, in this case, be repeated each time a citizen starts a new job.

Observatory of Laïcité

A wide range of other suggestions was imagined, ranging from the creation of 'secular' cells in schools to assist teachers in their day-to-day responsibilities (Rossinot, 2006: 19), to naming individuals as *laïcité* focal points in each administration vested with the mission of helping public servants in their duty of diffusing and protecting *laïcité* (Rossinot, 2006: 29). One of the solutions that was followed through was the creation of an 'observatory' of *laïcité*. The creation of such a body was first suggested in the Commission Stasi's Report in 2003',[22] and was then created by Presidential Decree in 2007. It was, however, only in 2010

that it started functioning. This observatory did not take the form initially foreseen for it (i.e. a self-contained consultative body), rather the HCI was selected as the institution responsible for undertaking the work of this body. To do so the HCI put in place a permanent working group whose responsibilities are to ensure the diffusion of the Charter of *laïcité*, to develop training for public servants on the philosophy and modalities of this concept, to serve as a space of reflection and policy proposals,[23] and finally to build on and develop initiatives that would promote *laïcité* in the Republic (HCI, 2011). Along the lines of this final objective, the HCI suggested that *laïcité* become a *Grande cause nationale* (a great national cause) – a label the government applies each year to a campaign of great public interest. This label would facilitate the organization of a systematic campaign of information and awareness throughout France around *laïcité* (HCI, 2010a). It was also suggested that 9 December – the date of the anniversary of the 1905 law establishing the separation of 'churches' and state in France[24] – be transformed into a national day of *laïcité* (HCI, 2010a). This suggestion would reinforce the mythology created around the 1905 law by fixing the celebration of this 'founding' moment in the national calendar. By creating a centralized mission of *laïcité* within the HCI, the French state has therefore not only created a hub for policymaking and ensured a more 'systematic' implementation of *laïcité*, but it has also actively been participating to transforming it into a national ritual that is studied, learned, lived, performed and celebrated by citizens throughout all the important stages of their lives.

Concluding Thoughts – Sacred *Laïcité* and the Withering of Religious Pluralism?

By way of conclusion, it is useful to briefly summarize the broader consequences of attributing sacred features to *laïcité*. As seen, in this process religious practices (and especially Islamic practices) are narrated as the primary source of conflict threatening the cohesion of different spaces in French society, masking other societal and economic concerns. This has direct repercussions on understandings of religious freedom. Religious freedom becomes less about freedom to practise one's faith and more about freedom of belief. That is, religion is accepted as long as it takes the form of a belief that is located in one's private conscience, yet as soon as it becomes 'visible' and/or embodied in public it is then subject to wide scrutiny and limitations.[25] This is clearly spelled out in the conclusion of the HCI opinion on religious expressions in businesses:

> *Affirming that freedom of conscience, including of course religious freedom, should not be mistaken with the freedom to express religion, which should not be absolute*, the HCI insists that the principle of *laïcité* be given its constitutional value. It is this principle, *laïcité*, essential bedrock of our Republic, which has to be understood as having a general value. It is not an opinion among others. (HCI, 2011: 17; emphasis added)

This understanding of religious freedom, as several authors have pointed out, including Danchin (2011) and Mahmood (2009), is highly influenced by a reading of Christianity where religion is imagined as a belief that stays inside one's conscience. In this respect, spaces identified as secular are not a-religious, but rather favour a certain approach to religion.[26] As Danchin (2011: 689) elegantly puts it, this has serious consequences for religious diversity:

> Any non-Christian or non-western religion such as Islam which deviates from this notion of religion as a private belief and subjective experience thus faces a double charge: not only is it a threat to the secular political order but it is also not religion in its true, modern form.[27]

Religious believers are thus asked to transform their relation to their faith, so that it becomes 'modern', 'compatible' with Republican values – a process that ultimately leads to the homogenization of faiths, and of alternate ways of living and being religious.

It is also relevant to note that whereas this reading of *laïcité* makes it hard to find space for accommodating religious practices (in particular Islamic religious practices) of any sort, in all the cases mentioned above headscarf bans were the first and most poignant restrictions used to mark the neutrality of spaces. The debate around the neutrality of nannies and their households is a case in point. It was first triggered by a case where a daycare provider had been dismissed because she wore a headscarf. This case was then used to argue for an extension of the neutrality requirement to daycare spaces, putting restrictions, in so doing, on other religious practices.[28] Similarly, one of the first recommendations of the HCI in its opinion on religious expressions in businesses was to allow businesses to put limitations on the wearing of visible religious symbols by their employees:

> With respect to the visible wearing of religious signs, we will consider that it is incompatible with a job that requires to be in contact with clients, the employee being a representative of the brand-image of the business … As such, the court of appeals of Saint Denis of the Reunion (1997) has accepted the dismissal on serious and real grounds of an employee of Islamic faith who refused to adopt a dress that would be in accordance with the *brand-image* of the company. (HCI, 2011: 15, emphasis original)

As I have argued elsewhere (Barras, 2010, 2011), this reading of neutrality has serious consequences for the ability of devout Muslim women to participate in the life of the polis. It affects not only their ability to access and participate in the life of public services, but also their ability to earn a living. The most recent law regulating the employment of nannies seems to go one step further, as this time it limits their ability to practise their faith in their own household. This reality should be an invitation, here as well, to interrogate the normative limits of a French democratic and secular society that is building its sacred reading of *laïcité* on a process where

spaces are set apart; spaces that include bodies of particular citizens that become themselves sites of exclusion.

Finally, as highlighted throughout this discussion, this analysis is enlightening as it reminds us of the importance of contextualizing discourses on religious (Islamic) resurgence and religious accommodation. In the case documented in this article one clearly sees how this discourse needs to be understood in relation to a non-accommodating reading of *laïcité*. Evaluating whether there is a 'real' or 'perceived' religious resurgence has not been the subject of our discussion, rather I have shown how this trope around resurgence has gone hand in hand with a rereading and reshaping of *laïcité*. This process encourages a remodelling of the rules of many of France's spaces (which include, as discussed, spaces labelled as 'public', 'common', 'private', and so on). These spaces have been set apart as sacred, opening the door to a multiplying number of sacred-making activities that homogenize and circumscribe ways of being religious. The usage of the term sacred – indicative of a non-negotiable dimension – is useful in guiding us through our reflection. Not only does it facilitate the task of showing how meanings of *laïcité* change and evolve, but it also highlights that the concept 'sacred' is not best understood along a religion/non-religion dichotomy. Rather it transgresses those categories, rendering us aware that non-negotiable values and principles can be found in particular readings of the religious as well as readings of the non-religious. In a sense, therefore, this points to the fact that while it is important to analyse in which ways religious practices and demands find their place with commitments of pluralism, diversity and equality, it seems equally important to think about how to negotiate secular sentiments with those same commitments.

Acknowledgements

Notes

[1] The complete debate can be watched online: http://www.youtube.com/watch?v = TJ3zCh5qt48 (accessed 3 December 2012).

[2] Ahmet Kuru discusses in detail this convergence between the French Left and Right. He argues that while the Left and Right were divided over the level of state intervention in religious affairs, the headscarf debate led to an unprecedented coalition between those parties. This coalition became important after the 2002 presidential election that saw a rise of the far right, where the mainstream Right started to actively support headscarf bans and other non-accommodating positions to appeal to a far right electorate opposed to immigration and Islam (Kuru, 2008: 14; Kuru & Stepan, 2012: 107).

[3] While the 1960s in France were marked by an important immigration of individuals (most of whom were identified as belonging to the Islamic faith) from former colonies, they were considered to be temporary workers until the 1970s. With the oil and economic crisis in 1973–74, the French government decided to put an end to large-scale immigration and to facilitate family reunification. These years therefore marked a shift in the sociological profile of migrants from a male dominated

population to one consisting of nuclear and extended families settling down in France (Laurence & Vaisse, 2006: 16–17).

4   As this article argues, the meaning of *laïcité* is not fixed, but changes in relation to both time and context. Nevertheless, it is important to note that scholars, including Kuru (2007) and Hurd (2008), have identified two dominant/ideal types of secularism: laicism (Hurd, 2008) or assertive secularism (Kuru, 2007), and Judeo-Christian secularism (Hurd, 2008) or passive secularism (Kuru, 2007). French *laïcité* is understood as belonging to the first type, in which the state actively intervenes in religion to push it out of the public realm. This is quite different from the second type, whereby the state is not actively expelling religion from public life (Kuru, 2007: 571).

5   It is important to note that while laws, law proposals and regulations around religion are generally formulated in a broad way to avoid explicitly targeting a religion in particular, examples of 'problematic' practices used in public and policy debates to illustrate the importance of these regulations refer almost systematically to Islamic practices.

6   Gianni's (2005) article documents a similar shift in secular public hospitals in Geneva, Switzerland. He argues that while hospitals used to reach informal agreements with students wearing headscarf allowing them to do their internships in their facilities, once those agreements became public through media coverage, they started to be constructed as 'problematic' and infringing on the secularity and cohesion of hospitals.

7   Hurd makes a similar argument with respect to discourses that focus solely on religious freedom, whereby religion becomes understood in those tropes as the principal source of conflict (Hurd, 2012).

8   Knott (2010: 126) defines this concept as follows: 'We have coined the term "secular sacred" to refer to non-negotiable matters of belief and value that do not derive from formally religious sources but that occur within the domain of "non-religion"'.

9   Note that secularism was mostly understood in terms of its relation to Christianity, which explains the persistent use of the expression: 'separation of *church* and state'.

10 This article adopts a similar reading of religion, and Islam more specifically. In other words, rather than working with a fixed reading of Islam and Islamic dogmas, I am more interested in the interplay between secular discourses and religion. That is in understanding how secular discourses in the contemporary French context can define the boundaries of what is an acceptable Islamic practice and what is not, and how these boundaries shift with time.

11 A similar reflection is developed as well for the constructed boundaries between the 'private' and 'public' realm. This is an issue that has been discussed in the work of feminist scholars, such as Yuval-Davis (1997), Kandiyoti (1991) and Gal (2004) (see also Knott, 2010).

12 Note the influence of Durkheim here (1976). This influence is discussed further in Knott (2005).

13 I use the term *laïcité* in my work. Although it can be translated as secularism, it remains quite specific to the French context. Several authors have expressed concerns with regard to translating it as secularism, as they believe it only partially reflects the meaning of *laïcité* (Troper, 2000; Bowen, 2007, 2010).

14 The documents studied include the Rossinot Report published in 2006 that focused on the implementation of *laïcité* in public services and which was commissioned by the president (at the time Nicolas Sarkozy) of the French right-wing political party, Union for a Popular Movement, for the 100-year anniversary of the 1905 separation law; the High Council of Integration (HCI) opinions on religious expressions and *laïcité* in public services (2010a) and in businesses (2011), the HCI Charter of *laïcité* (2007, 2010b); the Laborde Law proposal on extending neutrality to private structures that welcome minors (2012) and the legislative report produced by the French Senate before this law was voted by this body (Richard, 2011).

15 The term neutrality, mentioned extensively in policy documents, is used with quotation marks to indicate that this paper, along with the works of others, implicitly interrogates this notion. Note 17 and the conclusion of this article discuss in greater detail some of the reasons why this notion is being criticized.

16 Note that over the last two years there have been a couple of controversial cases, in which fasting during Ramadan while working with children in day-camps has been considered to be a 'problematic' practice. As such, day-camp directors have asked their employees to break their fast on the ground that

fasting was a breach of their contract as it could infringe on their ability to ensure the security of the children they were responsible for (CCIF, 2012).

[17] One understands here why and on which grounds the concept of neutrality has been criticized. Danchin (2011) has argued that it is based on a Christian reading of religion, where 'modern' religion is understood as being a belief located in one's conscience. Other scholars informed by a feminist perspective have argued that the baseline around which this neutrality has been articulated is a white, bourgeois male (Salih, 2009: 421; Scott, 2007: 169), which explains why women who have for a long time been depicted as being unable to abstract themselves from their sex, and thus become neutral, have and continue to pose a challenge to this concept (see Scott, 2007; Hurd, 2013).

[18] In fact, religion can be present in public spaces, as long as it remains a private belief only. This position, noted in note 15, is deeply influenced by a Christian understanding of religion. This will be discussed further in the conclusion of the article.

[19] The HCI was created in 1989 by the French prime minister. Its mission is to give opinions and make suggestions on issues related to the integration of foreigners or citizens of foreign origins. As of 2012, it has also become officially responsible for providing guidance on the implementation of *laïcité* in the Republic. This is discussed in the last section of the article. For more information see: http://www.hci. gouv.fr

[20] The extension of this neutrality requirement to mothers accompanying their children on school outings was first raised when the 2004 law was implemented in schools (Barras, 2009, 2011). This extension has until 2012 been characterized by its ad hoc character, depending on schools and headmasters. In March 2012 a nationwide notice with instructions for the 2012–13 school year was circulated to all schools, in which the Ministry of National Education confirmed the possibility of extending this principle to parents participating in school outings (Ministry of National Education, 2012). As this was a measure put in place before the 2012 presidential elections, it remains unclear whether it will be followed through by the new government.

[21] The document is available on the HCI website at: http://www.hci.gouv.fr/Charte-de-la-laicite-dans-les. html (accessed 17 October 2012).

[22] The Stasi report was released in 2003 by the Commission Stasi put in place to evaluate whether a ban on visible religious symbols in public school was required.

[23] This mission for the year 2012 selected two central topics of reflection: religious expressions and *laïcité* in businesses, and *laïcité* in universities (HCI, 2011: 4).

[24] This law is officially known as the law of separation between 'churches' and state, and not of religion and state. It is important to understand that the main aim of this law at the time was to establish a separation between Catholicism and the state, thus separating Catholic 'churches' from the state. In fact, this law is understood as being one of the pillars of French *laïcité*, although here again its interpretation changes as a function of who refers to it, as well as the political context in which it is mobilized.

[25] Concretely Islam is in this context considered to be compatible with the Republic as long as it takes the form of a private belief that stays in one's conscience, however it becomes subject to scrutiny and limitations when it takes the form of a visible practice.

[26] This remark echoes Erin Wilson's (2012) argument, in which she invites us to be more self-aware of the role that religion (in particular Christianity) continues to play in public life, even if this public life is understood as not being influenced by religion.

[27] Danchin (2011) discusses the implications of this reading of religion for judgments of the European Court of Human Rights related to questions of religious freedom and Islam in France and Turkey. These reflections are valid as well for the current French national context that seems to be increasingly promoting a reading of religious freedom based on beliefs.

[28] This case is known as the Baby-Loup daycare case. For more details on the case see Richard (2011: 8–10).

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