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## Claiming Membership

*French Muslim Identities, Political Goals,  
and Repertoires of Contention*

It is difficult to speak about France's Muslims. One cannot entirely account for this difficulty even with carefully chosen terms such as "of immigrant origin," "practicing Muslims," "cultural Muslims," or "Arabs." Muslims in France are all of these, none of these, and more. It is important to consider the immigrant experience when discussing the situation of Muslims in France, but not all Muslims are immigrants. Not all Muslims in France are Arabs, and not all Arabs are Muslim. And what defines a Muslim, anyway? Is it the number of times a day one prays? Is it a cultural marker one inherits from parents even if one does not practice, or even if one is an atheist? Also, while there are socio-economic trends among French Muslims (however defined) that are important to consider, not all Muslims in France live in depressed suburbs, are unemployed, or feel personally marginalized. Some Muslims have even risen to the highest ranks of government and business.

This difficulty points the researcher to two important conclusions. First, one should be constantly aware of this diversity and pay careful attention to how people identify themselves. Second, if Muslims in France form such a diverse group, diverse opinions can be expected to follow.

That is precisely what was found during the research for this book. Muslims in France are diverse, define themselves in plural ways that include more than just their religion, and for the most part have integrated French values and political habits, although many Muslims would cringe at my use of the word "integrate." As one interviewee stated, "The French culture is completely *in* us—we do not need to integrate it; it is *in* us. We grew up with it . . . so it is like something you eat, and there you go. When people say, 'Are you integrated?'

I ask, ‘Integrated into what? Why do you ask me this question? Do you ask this question of a friend of mine I grew up with, played with all the time, who is named Françoise?’”

The narrow elite discourse of failed or problematic Muslim citizenship does not recognize this diversity. Nor does it provide space for the diversity of claims made by French Muslims today. Nevertheless, French Muslims are compelled to respond to this discourse, because it has social and sometimes legal consequences for them. The social stigma of the elite discourse may aggravate difficulties in employment, education, housing, and routine habits of daily life such as shopping and taking a bus. While the law does not officially treat Muslims differently from other French citizens, state actors do sometimes single out Muslims for different treatment in a variety of ways.<sup>1</sup> The French Muslim population, with its different political goals and strategies, primarily has one thing in common: disdain for the elite depiction of Muslims in France.

This chapter examines how Muslims present themselves in their own citizen engagements, which include a diverse array of political claims and goals that often extend far beyond religion. In the first section, I consider how the experience of being Muslim in France has changed since the 1950s (a notable period of Muslim immigration to France) and outline important shifts in how Muslims have presented themselves in France during this period. In the second section, I distinguish between two significant political frames for equality found among France’s Muslims today: neutrality and recognition. While both frames are used to demand equality, they differ philosophically and strategically. In the third section, I demonstrate how both of these frames reflect the shortcomings of rights claims in general and the weakness of rights as tools for oppositional politics in France in particular.

## **Muslims in France to Muslims of France: Changes since the 1950s**

France has long traded people, goods, and ideas with the Arab world, its primary connection to Muslims (Coller 2010). During the height of Western imperialism and colonialism, that connection strengthened and became more complex as France exploited these lands and people. It is outside the scope of this book to re-create the fullness of the relationship France has had with the Muslim and Arab world. That said, changes in the social positionality of being Muslim in France since the 1950s have contributed to changes in how Muslims define their politics, goals, and civic identities today. Therefore, it is necessary at least to understand the three significant “generational” changes that took place in the Muslim population during this period and how this is reflected in the diverse world of French Muslim political opinion.

Before continuing, two caveats are required. The terms “Muslim” and “generation” in the context of this discussion are not unproblematic. Not all groups and individuals described in this chapter would be happy being identified as “Muslim.” I am not trying to ascribe identities. Instead, I am trying to paint

a rough picture of a diverse population. It is ironic that, in making a case for Muslim diversity in France, I must sometimes apply labels where they do not fit. I hope the initial sacrifice of nuance helps establish greater clarity and ultimately a subtler interpretation of the situation.

Furthermore, the term “generation” is meant as a heuristic. Three distinct patterns can be identified in French Muslim articulations of citizenship: passivity, a race-conscious but otherwise difference-blind republican neutrality, and cultural pluralism. These patterns roughly follow what is often described as generations: those Muslims who immigrated to France between the 1950s and the 1970s; their children who became adults in the 1980s; and a younger group of French Muslims who may have been born to a French parent or to French parents and have reached adulthood in the 2000s.

While a helpful shortcut, the term “generations” can be offensive and imprecise. As a Muslim respondent bemoaned, “There are lots of people today who talk about third-, fourth-generation immigrants—like animals. It is true, because when you talk about ‘generations,’ that is terminology used for animals.” The same Muslim respondent then pointed out how the term “generation” can be used to exclude Muslims from France indefinitely: “If there can be a ‘fourth-generation immigrant,’ when does the status of ‘immigrant’ stop?” Furthermore, Sylvain Brouard and Vincent Tiberj (2005) observe that the term “generation” can be confusing and invite imprecision, as it is vague and not everyone agrees about whether immigrants are generation zero or generation one. All that said, these descriptions can still be helpful for understanding how the French Muslim population has changed over time. Some French Muslims even evoke the term themselves as a shortcut to describe political differences among Muslims.

### *The Trente Glorieuses: Muslims as Migrant Laborers*

World War II took a heavy toll on France, especially its young male population. When industry began to recover, there were not enough men to fill factory positions. During the era of economic prosperity known as the *Trente Glorieuses* (Glorious Thirty), which Jean Fourastié (2004) describes as lasting from 1946 to 1975, France looked to its former colonies—primarily in the Maghreb, a part of North Africa consisting of Algeria, Morocco, and Tunisia—for temporary workers. Men who came during this period largely saw themselves as just that: visitors who would send most of their money “home” and return home themselves one day. As such, they did not ask, or expect, much from France. Their civic life was marked mostly by passivity. Typically single men, these Muslims were not religious;<sup>2</sup> or they did not practice in France; or they kept their practice minimal. The few prayer rooms that existed were small, impromptu affairs that those who were sending most of their money out of the country could afford. Today, some of these people—largely men—are still in France. Their plans to go home were dashed by later French laws that required people to live in France to receive the pensions they had earned by working in France.



FIGURE 3.1 *Les hommes debouts* (“The standing men”). Gabriel-Péri Square in Lyon is known as a gathering place for older, retired immigrants from North Africa. (Photograph by the author.)

In Lyon, these older men are known to gather at a certain intersection. Referred to as *les hommes debouts* (the standing men), these retired, elderly immigrants pass their afternoons chatting next to a couple of kebab shops that serve halal meat across the street from a two-story McDonald’s (see Figure 3.1). A professor of American literature and a French Muslim immigrant of a younger cohort explained that these men were trying to re-create the informal public spaces often found in Arab countries, where people gather to talk and simply pass the time together. While some in Lyon eye these men suspiciously, wondering what sort of things these Arabs must be talking about while they huddle together all day with no better place to be, the professor, who is familiar with North African culture, pointed out that they are simply trying to bring a little bit of home to France, since they can no longer go home.

It should not be surprising that this generation of Muslims in France was not greatly involved in French politics. Immigrants often stay out of the politics of their host country (Jones-Correa 1998; Portes and Rumbaut 1990; Ramakrishnan 2005). Furthermore, these men were not always completely invested in France. Even if they intended to stay in France, some may have found it difficult to refer to the nation that colonized and brutalized their country of origin as “home.” Another reason for the lack of political involvement among North

African immigrants was the violent response they stood to receive. In 1961, at the height of the French-Algerian War, the mayor of Paris introduced a curfew for Algerian immigrants (Hargreaves 1991, p. 64). When the immigrants protested, the police responded with extreme force, “arresting many thousands of demonstrators. An unknown number of immigrants were killed, in some cases after being brutally interrogated, and scores of bodies were found floating in the Seine” (Hargreaves 1991, p. 64).

### *The 1980s: The “Beur Generation”*

Not all of the Muslims who came to France in the 1950s, 1960s, and 1970s were men, however. Some men came with their wives or had their wives and perhaps children join them in France later. In 1974 and 1975, France halted its long-standing labor migration policies and greatly tightened the rules governing family reunifications (Freedman 2004, p. 34). Without the same level of Muslim labor migration, Muslims in France became increasingly Muslims of France—either the children of immigrants or people who wanted to make France their permanent home.

The children of these immigrants had a very different experience of France from that of their parents. They benefited from a French education and all it had to offer. Often unlike their parents, they spoke fluent French; were familiar with France’s political institutions, as well as French history and culture; and had been told in school, repeatedly, that they were French. Of course, as is explored later in this book, teachers and fellow students were not always consistent in recognizing the Frenchness of these children. Still, the official discourse was there, and its power to engender a sense of membership should not be underestimated.

These French citizens born in France to North African immigrants became known as *beurs*.<sup>3</sup> Some developed a style of civic engagement that adhered to republican neutrality but was sensitive to inequalities generated by racism. In the 1980s, these republican *beurs* mobilized politically for greater racial equality. In 1983, they held a now famous rally, officially known as the Marche pour l’Égalité et contre le Racisme (March for Equality and against Racism). Many came to know the rally simply as the Marche des Beurs. The march was a response to what was seen as police brutality toward Arab youths. Rather than set cars on fire as a form of street protest, which was the typical response to police brutality toward Arab youths in the early 1980s,<sup>4</sup> these youths chose to march from Marseille to Paris, along with two priests, in a peaceful protest for equality (Philippe 1993). Notably, they marched as French citizens demanding equality regardless of *race*. The perceived target of police brutality was Arabs. Their political demands for longer work visas and the right to vote for foreigners were largely met, and without elite accusations that the demands fundamentally challenged principles of French citizenship.

The march was notable for being the first example of massive organization and demonstration by the children of immigrants in France. Unlike the

demonstration of immigrants in 1961, these *beurs* were received, amicably, by the president himself (the socialist François Mitterrand). It is also important to note the organization of the event: these youths were organizing themselves along the lines of race. Religion was probably an important factor in the lives of some of these *beurs*, but it was typically not addressed here. That some of those marching might have been Muslims was not of central importance to the group. Following the march, some of the *beurs* forged a strong relationship with the Socialist Party and created political activist associations that focus on equality and fighting against discrimination: SOS Racisme and the NPNS are two such groups. These groups focus on equality without much discussion of religion. SOS Racisme focuses mainly on racial inequality, and the NPNS focuses mainly on gender inequality. The groups primarily define equality as a matter of being French first and part of a racial group or gender second—the traditional French republican ideal.

### *Are We Post-Beur? Newer Muslim Claims for a Plural Public Identity*

Today, French Muslims are more diverse than ever. In addition to the Maghreb, they may come from other countries of Africa (such as Senegal) and the Near and Middle East (especially Turkey). France's Muslims are also increasingly French natives. The number of converts to Islam in France is growing, and some French Muslims were born in France to just one immigrant parent or just one Muslim parent. Some French Muslims must look to their grandparents to find a connection to immigration, while others have none.

French Muslims today practice Islam in diverse ways, as well. Brouard and Tiberj (2005) conducted a large-scale quantitative study of Muslim religious practice in France and found that the ways in and degree to which Muslims practice their religion varies widely. As they point out, French Muslims' habits of prayer and mosque attendance, adherence to Islamic dietary and dress codes, and willingness to marry outside Islam all vary. The Muslims interviewed here embody this diversity in belief and practice, and some even demonstrate this diversity at the individual level: a Muslim, just like anyone else, may change her beliefs or religious habits through the course of her life.

Finally, and most important to this study, French Muslims today have diverse politics. While some Muslims continue to adhere to the difference-blind republican model of citizenship popularized by the *beur* movement, now, twenty years later, there are competing models. Some black youths and youths of Arab descent in France are dissatisfied that the Marche des Beurs did not achieve more. While some Muslim youths today identify themselves as Muslim and say the problem in France is Islamophobia, others identify themselves as Arab and say the problem in France is Arabophobia. It would seem that those Muslims who identify as Arab would gravitate toward *beur*-inspired antiracist associations such as SOS Racisme. Yet some Muslim youths who perceive Arabophobia and Islamophobia feel that SOS Racisme does not address all of their concerns.

Some French Muslims today, especially young Muslims, are less trustful of the French republican ideal of *laïcité*, at least as it is articulated by most French elites. They do not have the same degree of faith in the difference-blind model that the cohort (using the phrase loosely) ahead of them does. None of the Muslims interviewed for this study claimed outright distaste for the Marche des Beurs or SOS Racisme, but many young Muslim activists want something more. For these Muslims, it is possible to have what Americans would refer to as a hyphenated identity. They believe they can be French *and* . . . —that is, French *and* Muslim, in the same breath, without being a bad French citizen or a bad Muslim. These activists shape for themselves a plural public identity that merges what is traditionally understood to be “public” and “private” in France, and they want to be treated equally on the basis of their Frenchness without having to relegate their religious identity to the private sphere first. They rarely support bringing religion directly into politics, although for one group interviewed in this study, the Parti des Musulmans de France (PMF [Muslim Party of France]), that was the goal. Instead, they mostly express an interest in being able to manifest a plural identity while still being treated as an equal French citizen.

Those French Muslims who describe themselves as “French *and* Muslim” rarely stop there. “French *and* Muslim *and* a woman *and* Algerian”—the descriptions were sometimes quite lengthy. These French Muslims recognize and embrace the multiplicity of human identity. They do not categorize their affiliations hierarchically; instead, they negotiate their coexistence day by day. One interviewee described experimenting with the burqa and deciding that it was not necessary for her as a Muslim. It was, in her words, “inconvenient”—she had other habits and ways of living that were impeded by the garment. When she rejected the burqa, she did not do so because she is French first and Muslim second. Instead, she found it did not let her live her life, with all her habits and affiliations, harmoniously.

The *beurs* of the 1980s epitomized ideal French fighters for equality, largely difference-neutral and seeking to redress the problem of racism by celebrating Frenchness. These newer French Muslim activists, however, are seen as feared cultural pluralists. They are the rabble-rousers who do not agree with the sports announcer from Chapter 1, who declared, loosely paraphrased, that “you only play for one team.” The idea of hyphenated identity is new to France, and many fear that it is not possible to be “French *and* . . .” without destroying the very fabric of French citizenship: difference-blind republican neutrality. In this view, the public–private divide is the iron curtain of peacekeeping: equality is possible only when we consider one another as equal French citizens and ignore the rest. But as critics of secularism such as William Connolly (1999) note, “the rest”—our nonpublic identities—inevitably informs our public and political opinions, as well as the opinions others have of us. Connolly and even Karl Marx would tell us that pretending it is possible to separate the public from the private so neatly is secularism’s greatest conceit. French Muslims of



this younger generation (and the older Muslims who share this opinion) identify two main problems with this conceit.

First, France supposedly tolerates no place for religion in the public sphere, unlike the United States. French people are often bewildered that American politicians constantly refer to God and ask him to “save America.” But France is not without its public acknowledgments of religion. French cathedrals receive heavy public subsidies. This is justified by pointing to the “historical significance” of the buildings. They are part of France’s cultural heritage; therefore, the subsidies are secular in nature. But why do television screens in grocery stores announce the time, the weather, and which saint’s day it is? Why are national holidays aligned with Catholic holidays? Why were public school timetables arranged in such a way that students could take an afternoon a week off to attend catechism? Why do some French politicians define France as having a Christian tradition? Some French Muslims of this younger cohort interpret this inconsistency as a rejection of all things Muslim as “un-French.” In this view, *laïcité* is not neutrality but, rather, a code for “Islam is not French.”

Second, secularism seeks to engender respect for an abstract individual. Some French Muslims ask, “What about the actual, embodied individual?” It is easy to teach people how to respect an abstract person, but less easy to teach people how to respect the diverse world of embodied individuals with different identities, histories, and affiliations. Several respondents shared stories of well-meaning friends who agonized over how to feed them, because they did not know many Muslims or what they ate or drank (as if they all practiced the same way). “Is it possible to have respect in a climate of ignorance?” they asked.

### **Muslims Looking for the Way to Equality: Neutrality or Recognition?**

Despite the elite perception of Muslims as outsiders, Muslim activists certainly *act* French. I mean this in three ways: (1) they express a strong belief in the three principles of French citizenship (liberty, equality, and fraternity), although they sometimes articulate them differently from the way French elites do today; (2) they engage in citizenship activity in that they participate in political life and make claims based on their French citizenship; and (3) their citizenship activities are strikingly similar to the rest of France’s citizens, including such French “repertoires of contention” as street protests, partnerships with the state, government lobbying, artistic projects, and legal mobilization (Tarrow 2011, p. 118). That said, the messages of various groups and individuals can be quite different. Some of this variation is explained by the decision to frame equality as a matter of either neutrality or recognition.

This may at first sound like the difference Nancy Fraser (1997) identifies between socialist demands for redistribution and post-socialist demands for what she refers to as a “politics of recognition.” In some ways, it is a similar schism, but there are important differences that, when examined, highlight the particular emptiness of rights for oppositional politics and social change in France.



Fraser describes “redistribution and recognition” as two different strategies for pursuing equality. In the redistribution model, activists fight for the redistribution of goods, with the materialist assumption that economic inequality is the glue that makes social hierarchies so difficult to pry apart and destroy. Such activists might demand rights that alter property or employment relations. Activists who pursue equality through recognition, however, believe it is important to first identify nodes of social oppression and make them public. In this view, political, legal, and social discrimination is identified as the most salient barrier to equality. Recognition activists try to redefine what is meant by “the good citizen.” Such activists may demand rights that force the public to recognize and respect “groups” and difference—such as the right for gays to marry or the right of Sikhs to wear the *kirpan* (a ceremonial sword) in school. While these two models are not mutually exclusive, Fraser notes, they are often pursued separately. Ideally, she argues, identity politics would be pursued only if the group claim can be successfully mobilized for progressive redistribution (Fraser 1997, p. 12). This is not always the case, however.

French Muslims’ recognition claims are largely similar to what Fraser described. For example, some Muslims who are engaged in the politics of recognition want the right to wear the headscarf—a right that theoretically would alter what is perceived as an “acceptable public identity” in France. The neutrality model differs from the redistribution model Fraser discusses, however. The neutrality model adheres to difference-blind republicanism, and its adherents recognize certain kinds of difference (racial and national, never religious) only when they deem it absolutely necessary to discuss the nature of inequality. As such, they do not want to redistribute goods *to groups*, as to do so would be to reify the existence of a divided public. Instead, they seek the end of differential treatment based on race and ethnicity—again, not religion, which is seen as a private affiliation and never an identity, public or private. Their belief in republican meritocracy means that redistribution will happen naturally, without balkanizing identity politics, to those whose actions set them apart.<sup>5</sup> Meritocracy, they argue, breaks down when individuals are subsumed under a “group identity.” In this view, a politics of recognition is cannibalistic: it devours the individuality of those it hopes to serve and subjects them to the discrimination that comes with being branded an “other.” In short, supporters of neutrality in France (who include some French Muslims) believe a politics of recognition attacks the very equality it hopes to create.

The next section examines more closely these two different frames Muslims use to demand equality—neutrality and recognition—as they are pursued by French Muslims today. Associations examined range from elite organizations with direct access to politicians to organizations that are more removed from elites or that are even rebuked by politicians. Perhaps most important, this discussion of French Muslim activism includes organizations and individuals that identify as abstract French citizens, as well as organizations and individuals that identify as Muslim. Among all of the Muslims interviewed

here—whether they frame equality as a matter of political neutrality or the politics of recognition—there is considerable diversity in political goals and repertoires.

### *Activists Who Pursue Neutrality*

Muslims who pursue neutrality choose to belong to associations that eschew discussion of religion. For example, one respondent who has long been an activist with SOS Racisme explained that he believes in today's elite articulation of the republican model of citizenship and feels that the best way to achieve equality is to contain religion in the private sphere. There are Muslims in SOS Racisme and the NPNS, even though both organizations seek to minimize the social significance of difference—including religious difference.

Club XXIème Siècle (Twenty-First-Century Club) is an association of business leaders and politicians in France who want to see more diversity among France's elite. They focus on immigration and the "integration" of immigrants and their descendants into the republican model.<sup>6</sup> While some of its members are privately Muslim, Club XXIème Siècle rarely discusses religion. A leader of the club adamantly denied in an interview that "Muslim" could be an identity:

In France, there are no Muslims. There are immigrants and there are the children of immigrants . . . but they are not really Muslim. So when you say (*reaches over desk and gestures to the title on the interview protocol, which says, in French, "Interview with a Muslim Activist in a Diversity Organisation"* [see the Appendix]) . . . No, no . . . there obviously are Muslims. I am a Muslim. But there are not really associations—there are some Muslim associations; they exist, but their issue is Islam. And then there are the associations of the children of immigrants. . . . The thing is that while lots of people in these groups [the associations of the children of immigrants] might be of Muslim origin, or culturally Muslim, or maybe personally see themselves as really Muslim—those people, they will never talk to you about the issue of *Islam*. They will never define themselves as Muslim. They will define themselves as French. . . . Religion is a private affair.

This successful businessman saw identity as something unitary and distinctly public. Religion, in his view, cannot be an organizing principle for political action.

SOS Racisme, the NPNS, and Club XXIème Siècle only indirectly concern themselves with the fate of citizens who are Muslim. They remain focused on race, gender, and immigration, all amounting to a concept of "diversity" that focuses on ascriptive differences, not personal choices—such as the various choices one may make concerning religion. Difference, in this view, is an undesired label that one does not choose and a label that these organizations work

to eliminate. Their goal is equality, and their vision of equality includes a world in which talk about difference does not exist. It is not that these neutrality activists tolerate discrimination on the basis of religion; rather, they feel that the best remedy for it is to not allow religion to become a social category. Unlike the ascriptive attributes of race, gender, and origin, religion (they argue) can be kept in the private sphere, where it supposedly will not become an object of social discrimination. Even when it comes to race, gender, and origin, activists who pursue neutrality are somewhat reluctant to focus on these differences—they are wary about strengthening the categories they wish to eliminate but cognizant that discrimination on the basis of these unavoidably visible characteristics already exists.

### *Activists Who Pursue Recognition*

Associations of activists who pursue this strategy vary in their commitment to what could be described as a fight for recognition, but they are set apart from activists who pursue neutrality by their more open and regular discussions of religion in the public sphere. The group included in this study that most prioritized a Muslim identity and recognition politics was the PMF. Its activists not only saw religion as part of their identity (private and public); they wanted to engage in politics *as Muslims*. But what does that mean, when Muslims in France are so diverse? When asked if it is difficult to speak as “the Muslim Party of France,” the media liaison for the PMF responded:

Of course! Within the party, all of the questions that seem secondary to us—that will divide our troops and are not essential—we put to the side.

*Such as?*

Economic issues. It is an important question, but we have a hard time maintaining a clear line on it. . . . Some of our members prefer to promote the workers as opposed to the bosses. But we also have members who think that it is important to support the bosses, because they are the ones who contribute to growth. So we avoid these questions.

Given the diversity of its adherents’ political opinions, the PMF focuses on those few issues it feels its members would agree on: religious accommodations, fighting discrimination, and supporting Palestine. Even so, there are many Muslims in France who disapprove of state accommodations for religion. Other PMF views would likely divide French Muslims, as well, such as its opposition to abortion and support of “traditional marriage,” a condemnation of homosexuality.<sup>7</sup> The PMF wants what it describes as “Muslim political interests” to be represented in government, yet even the PMF recognizes its limitations as a voice for “all” Muslims of France.

Dynamique Diversité (Diversity Dynamic), meanwhile, represented the weakest politics of recognition among the groups interviewed. Now defunct, Dynamique Diversité was an organization that sought to help France diversify the workplace through open discussions about issues such as religion in the public sphere of work. Its head, a successful Muslim woman named Dounia Bouzar (one of the figures who participated in the National Assembly's burqa discussions), published the book *Allah, My Boss, and Me* (2008) about being Muslim in the workplace in France. One former representative of Dynamique Diversité, finding fault with a pure politics of neutrality, observed that religion was already being discussed in the public sphere of the workplace in the form of judgments passed on employees who were known to be Muslim. The former representative emphasized that the employer's role is not to discover whether his employee is oppressed but merely to evaluate whether she is an effective employee who works well with others.

Dynamique Diversité's "politics of recognition" was somewhat reactionary: the organization did not try to give value to religious difference. It merely tried to neutralize the tone of informal discussion about Muslims in the workplace. This is similar to groups such as SOS Racisme and Club XXIème Siècle, whose pursuit of equality emphasizes neutrality. Yet Dynamique Diversité was distinct from such neutrality activism because it aimed to achieve equality by openly discussing the experiences of Muslims in the workplace and increasing awareness of the unfairness of judging people by their religion.

*Respect Mag*, a magazine with several Muslims on its editorial board, seeks to show the less sensational side of minorities (including Muslims) through a public celebration of diversity: "Every three months, *Respect Magazine* puts a face on the diversity of French society" (Sun 2005, p. 47). Unlike Dynamique Diversité, *Respect Mag* does more than recognize difference. It seeks to put a positive value on difference—even religious difference.

Oumma.com is a comprehensive online news site that aims to establish an alternative to the Muslim identity created by French elites. It does this by diversifying its coverage of events (Muslims are discussed in a variety of contexts, never just as terrorists, criminals, or mosque attendees) and including viewpoints from Muslims and some of France's prominent non-Muslim figures. By presenting what it sees as a more complete picture of the French Muslim experience, Oumma.com also hopes to counterbalance what the contributors see as the mainstream media's stereotypes about Muslims.

Some Muslim activists pursuing a politics of recognition want to make Islam and Muslims seem "normal" in France—even "banal" (their words). Some of these activists are found in the Jeunes Musulmans de France (JMF [Young Muslims of France]) and the EMF. In fact, the EMF did not limit its services to Muslims, emphasizing its commitment to helping students generally, regardless of religion. This goal is subtly but importantly different from that of a group such as *Respect Mag*. While the activists from the JMF and the EMF want to make diversity seem so normal that it becomes unremarkable,

*Respect Mag* seeks to value diversity by highlighting difference. As one of the magazine's editors, who happened to be a Muslim, stated, "We wanted to talk about diversity, show faces that you do not see in the media."

The Union des Jeunes Musulmans (UJM [Union of Young Muslims]) declares its main goal to be spreading education about Islam. It provides language instruction in classical Arabic so one can read the Qur'an in its original language.<sup>8</sup> The UJM is related to the Centre Tawhid, a cultural center that hosts lectures and debates and maintains a full library on various aspects of Islam. Many slim volumes are explanatory—what ablutions are, why Muslims pray the way they do, and so forth—and, importantly, in French. The Centre Tawhid wants Islam to be recognized as a religion of France and seeks to value it by teaching the French about the religion.

Some French Muslim activists engage in a politics of recognition that focuses on religion as only one part of a larger dialogue of cultural exchange that they feel needs to happen in France. This is the case for the Association Culturelle Franco-Tunisienne d'Oullins et du Grand Lyon (ACFTOGL [Cultural Franco-Tunisian Association of Oullins and Greater Lyon]) and a similar Senegalese group in Lyon. These cultural groups seek to increase awareness about their culture (including but not limited to the religion of Islam), engage in cross-cultural dialogue with other groups in France, support local artistic endeavors, and promote greater connections across the community. The president of the ACFTOGL particularly wanted to give young adults opportunities to create things and, through them, find value in themselves—a theme that is not necessarily tied to religion. The Senegalese association was remarkably similar, emphasizing the importance of providing a space for people to practice and simply feel comfortable. A special reading and interpretation of the Qur'an held by the Senegalese cultural association was as much a party and friendly get-together as it was a reading.

The Muslim activists who engage in all manner of recognition politics seek to claim their religion as important to them, as something that should not be hidden, and as something that does not exist in isolation from their identity as French citizens. They frequently state that, unlike their parents or even their grandparents, they feel "no need to apologize for who they are." Interestingly, these Muslims often claim their Muslim identity in a complex way that cannot be described as a religious identity alone. Françoise Gaspard and Farhad Khosrokhavar's (1995) description of some Muslim women's choice to wear the hijab as a sign of their pluralistic cultural identity or as a way to make political commentary on French values and politics as one who does *not* refuse her French identity is an example of this kind of complex and subtle identity work.

Jeremy Hein (1993, p. 108) argues that America's model of civil rights, with its emphasis on group identity and identity politics, tends to breed "conflict and competition [rather] than coalitions and cooperation." But it is wrong to assume that the French model, with its focus on national membership, produces coalition building and cooperation across minorities. In France today, there

is tension between religious and ethnic groups. Even among French Muslims, there is bitter disagreement at times over the effectiveness of difference-blind republican equality. Those French Muslims engaged in neutrality politics, often from the *beur* generation that came into adulthood in the 1980s, critique these younger generations (and their older allies) engaged in various shades of recognition politics for their “failure” to integrate into French values or for simply being “duped” into thinking that religion can be an identity or make a political statement. Those French Muslims engaged in recognition politics point to the persistent elite discourse of failed Muslim citizenship and personal experiences with discrimination and social hostility as evidence that the neutrality model has significant limitations. Some French Muslims engaged in recognition politics even feel “sold out” by Muslims who, as they see it, have become prominent in politics by demonizing their fellow Muslims. France’s model of civil rights is not immune to the difficulties of forming coalitions across a diverse population with different political opinions and goals.

## Different Repertoires Used by Muslim Activists

French Muslim activists generally draw on six repertoires for political and social change: altering the French Muslim “public identity,” waiting it out, pursuing liberal entrepreneurialism,<sup>9</sup> using mediation, petitioning the state, and going to court. Some of these activities best suit a politics of neutrality, such as relying on the supposedly meritocratic aspects of liberal entrepreneurialism to reward those who do better work, regardless of their background. And some of the activities best suit a politics of recognition, such as the effort to forge a new public identity for Muslims by openly speaking about the Muslim experience of France.

### *Altering the Muslim “Public Identity”*

The editor-in-chief of Oumma.com explained why he and others chose to develop a news website *as Muslims*: “There is a *médiatisé* curiosity toward immigrants and the descendants of immigrants. We wanted to create a media source to be a media *actor*. That means we were not masters of our own image, so we have entered into the sphere of media to be masters of own image [and simultaneously] avoid prejudice and stereotypes, to break them, by taking control of our media image. That is what fundamentally motivated us.”

The images of blacks, Arabs, and Muslims I discuss in the following paragraphs—simple everyday images that I happened to photograph while living in France or have since seen in the news—help one to understand why Oumma.com’s editor-in-chief wants to see Muslims “taking control of [their] media image.” They are not all photos from news media; some are advertisements for products. It becomes clear when considering them why, as a minority, being in control of one’s image can be an important goal.



FIGURE 3.2 Early twentieth-century images of blacks in French advertising, juxtaposed with a famous late nineteenth-century image of a white child also in a French advertisement. (Photographs by the author.)

The photos in Figure 3.2 were taken of the same store window in Bordeaux. The window was filled with old tins advertising cookies and sweets. On the left are yellow tins and bowls bearing an old version of the logo of Banania, a chocolate drink powder that is still sold in France. It bears the figure of “the smiling black lackey” wearing a fez that connotes North Africa (Pilgrim 2000; Riggio 1976). He is saying, “*Y’a bon*” (which translates loosely as “It’s good”), a very poor articulation of the French language. Americans may see a connection here to the patronizing treatment of African Americans in the United States presented by Mrs. Butterworth or the happy, servile Toms of minstrel shows. To the right is a very different image: a white schoolboy eating a tan cookie made by the L.U. Company. In contrast to the broad, toothy grin of the Banania logo, the boy’s grin is wry and knowing. These very different images, both used to advertise food, hint at France’s historical experience with colonial mentality and its lingering presence in French imagery of blacks. While “*Y’a bon*” (presumably a quote, as it had always been set in different type from the rest of the logo) has been replaced with the superimposed grammatically correct phrase, “The good [or tasty], balanced breakfast,” the image on Banania’s packaging today has even more comically pronounced dark red lips.<sup>10</sup>

I was greeted by a similarly stereotypical image of Arabs when I opened my mailbox in Bordeaux one day. In it was a glossy advertisement for Domino’s Pizza that featured a crowd of happy young people being told by an absent narrator, “Listen to your stomach.” This sentence was completed with a quote



bubble from a scantily clad woman who appeared to be dressed and posed as a belly dancer, alongside a palm tree: “and let yourself be seduced by the undulations of my merguez.” (Merguez is a spicy, reddish sausage found in North African cuisine.) Aside from the quotation’s oblique reference to the dancer’s wriggling body, the imagery of the stereotypical Arab belly dancer who claims to want to seduce the happy, young pizza lovers is undoubtedly not how all French women of Arab origin want to be perceived. French men with Arab heritage also probably would not appreciate a second Domino’s advertisement I found on the company’s website for France, which depicted an Arab man wearing a kaffiyeh and talking on a cell phone in a spacious car upholstered in leather, holding a slice of the “Oriental” pizza. Perhaps Domino’s was trying to tap into stereotypes of Arab oil moguls, which could explain why the image’s digital file was titled “orientale\_prince.jpg.”

What about Muslim women? How are they depicted in the media? Searching through one month’s worth of articles in *Le Monde* for the phrase “Muslim women” yielded three images.<sup>11</sup> Two of the images were of the self-described feminist and leftist Ilham Moussaïd, a political candidate for the French New Anticapitalist Party (a leftist French political party founded only recently) in 2010. Her candidacy caused quite a stir, as she wears the hijab. The third image was of a Canadian permanent resident who was born in Egypt who was wearing a *niqab*; she had been ejected from a French class in Quebec when her request that men not look at her during the class proved strategically challenging, especially in the case of oral presentations. Not all Muslim women wear the hijab, and only a very small minority of Muslim women in France wear the *niqab*. However, we are not presented with images of Muslim women that reflect this diversity.

Oumma.com’s primary strategy for addressing inequality in France is to provide alternatives to these common depictions of the Muslim “public identity.” Front-page stories on the site on July 25, 2011, included “Turkey: Toward Regional Leadership Based on a Modernized Islam,” “How to Prepare for the Month of Ramadan,” and “La Fontaine and His Oriental Sources.”<sup>12</sup> Religion is clearly present in these stories, but it is not everything. These news stories associate Muslims with international relations and French literary culture.

Similarly, the ACFTOGL’s community gatherings often have the express purpose of teaching about Islam and Tunisia to substitute new images and ideas for common stereotypes. The JMF’s community sports events, held in public spaces, aim to do more than entertain neighborhood kids: they show young Muslims playing, having fun, and acting not much differently from their non-Muslim neighbors.

### *Wait It Out*

Surprisingly, a number of those activists who are most critical of the exclusions produced by today’s norm of the deserving French citizen claim that the most

important thing for Muslims to do is to “wait it out,” as opposed to engaging in rights mobilization that might cause social strife. Since these activists describe their French identity as being so central to them, and since their complaints about social and political marginalization are deeply embedded in rights discourse, it seems reasonable to expect that they would demand more protections from the state and would claim rights in court. Yet while they insist that the state needs to do more, these activists have largely given up on the state as a tool for social and political change; it is, in fact, perceived as the very agent of their marginalization. And rights claims in court, in their view, would create more conflict than change. After all, what rights would Muslims claim? Not all Muslims agree on the hijab, as one activist sagely pointed out. And what right can be mobilized to stop the UMP from convening special discussions interrogating the compatibility of Islam with French values? Or to encourage the media to depict Muslim women in all their diversity? As many Muslim activists see it, rights claims might divide Muslims in France and further estrange Muslims from the rest of French society.

According to the activists who look to the passage of time for social and political change, Muslims are French, and the rest of the French eventually will realize this as they increasingly see how “normal” French Muslims are. In this view, greater exposure to Muslims as more Muslims become established in the public eye will be the best evidence of how truly French they can be.

This argument is interesting because it depicts rights claims as inherently alienating. While these Muslim activists proudly claim their rights in conversation and point to their rights as symbols of their existing membership in France, to claim these rights in a court of law would be to draw attention to themselves as outsiders or troublemakers. The hollowness of rights in this view is somewhat similar to what David Engel (1984) observed in Sander County, Illinois, where a particular variety of American self-reliance gave rise to the sense that a real citizen should never have to ask for his rights to be respected. However, that hollowness is exacerbated in the French context, where activists not only assume they have rights as French citizens but regularly *demand* that those rights be respected as a sign of their membership—but rhetorically instead of making formal rights claims before institutional forums (such as the legislature or the courts) that could potentially give those rights a concrete meaning. This apparent paradox makes more sense when one considers that these activists have lost faith in those institutions to challenge the dominant discourse of failed Muslim citizenship. French Muslim activists who prefer to wait it out are thus left with a rights discourse but no institutional outlet that can translate discourse into action.

### *Liberal Entrepreneurialism*

Quite a few respondents expressed belief in the power of liberal entrepreneurialism to usher in social and economic equality. A representative of the PMF

praised economic liberalism, saying that it puts all people on a level playing field in the competition for jobs and material success: “It is difficult to start a business in France because of the system of loans. . . . We block entry for young creators. That is not liberal. We need to put in place systems that make it easier for young people who are not from families that are entrepreneurs, and so on, to enter into the business world. The business world, it is like a caste. You rarely get there by accident.” While this respondent believes that time will improve the employment experiences of Muslims in France, he also maintains that the liberal market can be advantageous to all French people who do not come from economically powerful families—who often include, but are not limited to, Muslims.

Dynamique Diversité and Club XXIème Siècle also defend liberal entrepreneurialism as a tool for reducing employment inequalities, for Muslims and for people with diverse backgrounds in general. The reasons for their faith in business, however, differ. Dynamique Diversité believed that, with some convincing, businesses could become more open to diversity when hiring. Dynamique Diversité’s Potential and Competence project aimed to do just that: persuade employers that the norms of hiring in France are unnecessarily limiting. As the representative noted, French businesses tend to recruit from only the top business schools, which have very little diversity. The result is a consistently homogeneous workforce composed of those who are already privileged in society. The goal of the Potential and Competence project, the representative said, was “to break this pattern a bit at the level of businesses and to construct a tool with the recruiters—human resources—to look at the potential of people and not their diploma. So aside from a diploma, what could interest a recruiter in you? Are there not things to testify to your creativity?” He described this as an “Anglo-Saxon” style of recruitment, saying, “You, the Americans, [do this] to give people a chance.”

When pressed about why he felt businesses would more readily adopt policies to promote diversity—was it really just because they cannot do worse than politicians?—the representative pointed to the logic of the liberal market. “The businesses want to do it,” he said, “and they have an interest in doing it . . . [b]ecause it is not part of their business to engage in charity. They have assumed the responsibility. The businesses, they will tell you, yes, we need to think about tomorrow.” Stated differently, diverse faces are an inevitable part of the future of France, and businesses cannot afford to ignore this. They must be concerned with correctly identifying and serving their changing clientele, or they will fail. Dynamique Diversité operated under the assumption that businesses in the liberal market would change with their surroundings, or they would wither and die. Businesses cannot afford prejudice. Whether this is actually true is a different question entirely. (Many critics of economic and political liberalism would have quite a bit to say on the subject.) What matters here is that this diversity-oriented activist group, with a number of self-identified Muslim members, looked to business and the market to solve problems of inequality.

Dynamique Diversité had less faith in politicians. When asked why the group distanced itself from politics, the representative replied:

The Socialist Party still has not done anything. [President] Chirac (*grunts in disgust*). In reality, it is not at the level of politics that things change. Where people see it, it is at the level of their job, so there you need to go to the people responsible for that—the businesses, the people who can change the everyday life of people who experience discrimination. We do not believe much in the state. There is a lot of blah blah discourse, but in 2008, we are very, very, very far behind other states.

This general dissatisfaction with the response of politicians to discrimination in employment drove members of Dynamique Diversité to seek to change the situation themselves in a way they felt was more direct: go to the employers. The representative's frustration that the Socialist Party in particular has not done anything is telling: many Muslims, children of immigrants, and citizens of color initially looked to leftist parties for assistance and support, especially during the height of the *beur* movement of the 1980s. But more than twenty years later, many Muslims seem to have lost patience with the French left. They have not all moved to the center-right, but there is marked frustration with the left for failing to act. Worse, the tendency of some on the political left to associate Islam with misogyny has alienated many Muslims.

The leader of Club XXIème Siècle who was interviewed for this study, like many of the club's members, represents a business success story. Club XXIème Siècle is made up of prominent French businesspeople from diverse backgrounds who want to help others with diverse backgrounds become successful in business. When asked what the organization's objective is, Club XXIème Siècle's leader responded:

To change the mentality, the misrepresentations. When one considers that the child of immigrants is on state assistance, maybe an Islamist, a terrorist . . .

*Does that happen often?*

Yeah, it does. So ultimately, we have a problem. And we are the solution.

Again we see a respondent's awareness of the connection that people make between immigrants and Muslims and between Muslims and terrorists. If the problem is "misrepresentations," what is the solution? Better representations. "We have decided that we will prove it by example," the respondent said. "We assembled people who can bear testimony, who have succeeded, who bring something to the country. I co-founded [Club XXIème Siècle] with Rachida Dati. Rama Yade was the vice-president. We want to change perceptions by example."

Club XXIème Siècle does more than try to alter representations, however. Enterprising and well-connected, the club holds regular dinner debates at which

the lack of diversity among the nation's elites is discussed openly—and with the nation's current elites. The club also organizes a program called “Management and Diversity” in association with Dauphine University, Paris (France's elite business school). The program aims to find new ways to assess competencies, with the hope that this will encourage employers to hire outside the typical, rather homogeneous elite schools. Like *Dynamique Diversité*, the “Management and Diversity” program sees value in and hopes to promote what it identifies as Anglo-Saxon hiring practices that allow for a more expansive evaluation of competencies. In addition, the club's “Interviews of Excellence” program gathers successful businesspeople, researchers, and lawyers from diverse backgrounds and asks them to share their success stories with students. Its organizers hope this will help students make business connections and gain confidence. At base, Club XXIème Siècle is trying to change the face of success in France.

Club XXIème Siècle has had mixed results in working with politicians. While top officials, including former President Nicolas Sarkozy, have attended the dinner debates, the club's attempt to proliferate a diversity charter failed. As a representative explained, the club “proposed it to the left and to the right in 2006. They said it was great; both [sides] said they would sign it if the other did. Neither did; it got stalled. They still have not signed it. We have a black here, an Arab there, but no organized politics of diversity.” By “a black here, an Arab there,” the respondent meant the small number of racially diverse political representatives in France today. Again, we see this common dissatisfaction with politicians (on the right and the left) for their weak commitment to diversity.

Aziz Senni is another successful businessman in France with a diverse background. A Muslim immigrant (from Morocco), Senni succeeded despite “geographic, social, and ethnic discrimination” (Brouard and Tiberj 2005, p. 15). His autobiography is humorously entitled *The Social Elevator Is Broken, I Took the Stairs*.<sup>13</sup> Senni started a hired car service that has become massively successful, and he now preaches entrepreneurial success to youths growing up in the *banlieues*, as he did (Bâ 2008, pp. 10–11). He also began Business Angels des Cités (BAC), an investment group that funds young entrepreneurs who otherwise would never find the money to get their business projects off the ground (Bâ 2008, p. 11). The group also appoints to young businesses a “guardian angel,” an experienced businessperson in the same line of work who acts as a mentor and shares invaluable business contacts (Bâ 2008, p. 11).

Senni's form of social engagement is primarily business-oriented and religiously neutral. Yet he describes BAC's refusal to charge interest on its loans as “Islamic-compatible” and says that his Muslim culture includes the values of “work and respect, respect for oneself and for others” (Bâ 2008, p. 11).

### *Mediation*

Not all Muslims are as convinced that businesses are the answer to employment inequality. Some individuals and groups seek the assistance of mediators, the

court, or even the state. The Collectif contre l’Islamophobie en France (CCIF [Collective against Islamophobia in France]) offers legal counsel to those who have experienced discrimination; it has also used mediation to fight workplace discrimination. In France, Greta (*groupements d’établissements*) provide professional, public education for adults. The CCIF realized that some Greta schools had been applying the law on secularism of 2004 in their classrooms, forbidding adult students to wear the hijab. This was an overextension of the law, which was intended only for mandatory primary and secondary education. The CCIF did not take the Greta schools to court, however. “We were successful in getting places to stop doing this with our discussions and interventions, but three refused,” said a CCIF representative. “So we seized the HALDE [High Authority against Discrimination and for Equality], which pronounced on September 1 [2008] the other way. It said, effectively, that this was discriminatory.”<sup>14</sup> In this instance, even when mediation failed, the CCIF went to the HALDE instead of to a court—it sought out the assistance of another mediator.

Dynamique Diversité also used such mediation methods on occasion. The cosmetics company L’Oréal had hired a woman who wore the hijab, and this was causing anxiety in the workplace. The company accepted an offer by Dynamique Diversité to come to its offices, observe, and provide feedback. As a former member of the organization said, “Lots of employees said, ‘But that’s dangerous. You can’t let in a veiled woman. It’s radical Islam in our business!’—because veiled women are submissive and all that . . . but the veiled woman in question we worked with had nothing to do with the clichés.” The representative from Dynamique Diversité went on to explain that the woman had lived in France for twelve years, had been a brilliant student at a very good French business school, and was very open to other ideas and cultures—even “a bit into grunge.” Dynamique Diversité’s solution to this workplace anxiety was to gather together the managers and discuss with them what qualities are important to have in employees and what qualities are irrelevant. “It is not important to verify that she is submissive, or why she wears this. What is important to verify is whether or not she works well with others,” the respondent said. “How does she live her religion—does it create a barrier? Or is it just for her and it does not prevent anything?” Similar to the CCIF mediation discussed above, the Dynamique Diversité intervention was designed to “correct” a business climate gone awry. This was done through discussion and training. Ultimately, the association tried to impart two messages to L’Oréal: first, that one should not assume one knows what a Muslim thinks or assume what a Muslim believes her hijab represents; and second, that the company’s main concern with regard to its employees should be whether they are capable of doing their work successfully.

Another interview respondent, a student and a Muslim, said he once went to the Conseil de Prudhommes to resolve a private workplace dispute. This is a mediation mechanism specifically for workplace disputes. He chose that route, he said, because it is “better than a court, which is too time-consuming and expensive.”

### *The State*

The French—Muslim or not—are well known for their passion for the law (Bowen 2007). Thus, even while the Muslims interviewed here railed against the government for failing to listen to them and for making assumptions about them, they often expressed hopes that the government would pass laws to “fix things.” Repeal the law of 2004 banning the hijab; write strong antidiscrimination laws; legalize affirmative action policies or racial, ethnic, and religious statistics—all of these suggestions reveal a continued faith in the state to bring about greater equality and freedom in France through legislation. This mirrors a paradox that can be found throughout France, regardless of religion: while the French may sometimes be frustrated by the centralized nature of their country’s politics, they continue to expect the state to accomplish the kinds of feats only strong, centralized states can.

While many Muslims insisted that it is the state that needs to do more to defend equality in France (especially for Muslims, blacks, and Arabs), they were also skeptical about whether the state can deliver on this obligation. This becomes most obvious when discussing employment and poverty. Speaking on the subject of employment, journalists with *Respect Mag* argued that the state “should play its role of readjusting inequalities,” pointing out how “in certain zones, you see an unemployment rate that is much worse than in the rest of the country.” The editor-in-chief at Oumma.com similarly stated that “the state needs to fight against discrimination in employment.” At the same time, however, he felt that the state’s role was limited to judicial intervention and education: the state itself “cannot hire everybody.”

Two members of the EMF disagreed vehemently on the extent to which the state can successfully manage the economy, yet they still both look to the state for assistance when it comes to employment and economic equality.

### *Court*

Following the AIDS blood transfusion scandal of the 1990s in which government officials were found guilty of knowingly allowing the distribution of infected blood, French courts increasingly have been seen as a venue for rights claims and possibly even for challenging the status quo (Provine 1996). Legal mobilization is still new to France, however, and only a minority of French people see it as a solution to their problems.<sup>15</sup> Mirroring this, most respondents had little faith in the courts’ ability to resolve their disputes. The most frequent complaints were that courts are too slow, too costly, and too petty. A minority of respondents, however, did have hope in courts as a tool for social change. The CCIF kept one lawyer on its payroll (a woman who wears the hijab) who worked full time as the organization’s legal expert, evaluating and prepping cases that will go to court (see Figure 3.3). When asked which case they were proudest of, members of the CCIF cited the “Mohammed case.” After the bombings of 2005





FIGURE 3.3 Collectif contre l'islamophobie en France (CCIF) consciousness-raising poster. Among the materials that Étudiants Musulmans de France (EMF) had on hand was this poster encouraging “victims [and] witnesses of Islamophobic words or actions” to call or e-mail CCIF. Pictured are a desecrated wall and tombstones and two women in hijabs facing a closed door. (Courtesy of CCIF. Photograph by the author.)

in London, journalists went to Pakistan to find out more about terrorists training there. A French journalist found a young French man of Pakistani origin who was vacationing there and attending a madrassa to learn about the Qur'an. The journalist interviewed the man and took a photo, which then appeared in the prominent French newsmagazine *Le Point* alongside the title “The Islamists and us.” The juxtaposition suggested that the man personally was an Islamist. “Afterward, when [the young man] left Pakistan and came back to France, he saw his face everywhere,” the CCIF lawyer said. The organization’s representatives believed the photo and caption amounted to an attack on the man’s character, claiming that “if he was looking for work, he would be refused.” They won the case, as well as damages and legal fees.

But the CCIF remains an outlier in its determination to use courts to challenge discrimination against Muslims.

## The Shortcomings of Liberal Rights for the Cause of Inclusion

Scholars have long questioned the usefulness of rights and courts for the cause of social change (Rosenberg 1991; Tushnet 1984). The typical, overarching criticism is that both rights and courts are hopelessly implicated in existing systems of power and inequality and therefore are inescapably supportive of the status quo. Scholars such as Stuart Scheingold (2004), Michael McCann (1994), and Patricia Williams (1991) acknowledge this limitation but maintain that rights sometimes prove influential as a discourse that shapes social consciousness, sets agendas, and puts faces and names to previously unspoken miseries. In their view, even courts sometimes can be commandeered by activists for social change, but this is unpredictable and depends on many different contextual variables (Lovell and McCann 2005). For these law and society scholars, there is no “forward march” for social change; there are only waxing and waning periods of contestation fought out on a shifting terrain that is continually altered by politics, economics, discourse, and idiosyncratic events that capture the public’s attention and crystallize debates in ways that can be favorable or unfavorable to a cause.

### *The Shortcomings of Rights in General*

Rights support the status quo in many ways, but one way in particular stands out when considering the case of Muslims in France: rights preserve social biases as supposedly private and apolitical, thereby enabling the social indignities that have the power to amount to an attack on a population’s standing as citizens. Rights, the tools we often associate with equality, may sometimes help to entrench and protect inequality. In Chapter 1, I drew connections between the situation of Jews in Europe during the mid-1800s and Muslims in France today. Marx complained that giving Jews liberal rights would not remedy what he saw as the causes of their daily miseries: capitalism and religion (Tucker 1978).<sup>16</sup> Similarly, I argue that rights cannot answer the primary challenges to Muslims’ standing as citizens: *elite discourse and social indignities*.

If the French state wrote laws that clearly attacked the rights of all Muslims, in the way that American states wrote laws precluding African Americans from voting after the Civil War, French Muslims could respond legally with a civil rights complaint. Even if a private individual violated the rights of Muslims by printing rental advertisements that read “Muslims Need Not Apply,” French Muslims could respond legally with a rights complaint. But when a politician questions how safe it is to employ Muslims in airports, or when a private citizen “accidentally” shoves a woman wearing the hijab in a grocery store aisle, it makes little sense to respond with a rights claim. Why?

As for the politician’s comment, it is merely an opinion, protected by freedom of speech. Of course, the comment functions as more than an opinion: it is an opinion stated by a person in power, with a large audience, in a climate of suspicion regarding Muslims. The comment is perfectly legal and has the power

to fan the flames of social mistrust. France does have laws that prohibit racist, anti-Semitic, and xenophobic hate speech. But the Gayssot Law of 1990 and the Pleven Law of 1972,<sup>17</sup> which target discriminatory or hate speech, are infrequently mobilized against politicians for statements that discriminate against Muslims. Ariane Chebel d'Appollonia (2009, p. 278) notes that the Gayssot Law “concerned only 29 cases,” involving any kind of discriminatory speech, between 1992 and 2000. And as for the “accidental” shove, several Muslim respondents explained that a rights-based response to such incidents would be expensive, time-consuming, and probably fruitless due to the difficult nature of proving discrimination in such an incident.

It is not just that rights are awkward tools for addressing social indignities. It is the *very nature* of liberal rights to protect the development and expression of such social indignities. Marx reminds us that there are two kinds of liberal rights: “civil rights,” which connect citizens within the state through mechanisms such as equality and the vote, and “the rights of man,” which *atomize* residents in civil society (Tucker 1978, p. 41). The rights of man, Marx argues, are fundamentally about property. All four expressions of the rights of man—the right to liberty, to equality, to security, and to property—relate back to the right to own property and be equally capable of defending it from others: “Liberty as a right of man is not founded upon the relations between man and man, but rather upon the separation of man from man. It is the right of such separation. The right of the *circumscribed* individual, withdrawn into himself” (Tucker 1978, pp. 42–43). The separation of political rights from the rights of man *protects* the inequalities that stem from money and social privilege by depicting inequality in the social sphere as apolitical and the product of individual choices made in an unfettered environment of personal liberty. With this separation of spheres, systems of social domination go unnoticed, and the inequality they produce can easily be attributed to the actions (or supposed inaction) of those who are marked as unequal. After all, they have the same political rights as everyone else. If they failed to “make it,” surely that is due to their own mistakes.

As I stated in Chapter 2, Muslims in France today do not face many official, codified legal challenges to their citizenship. Instead, the most frequent attacks on their citizenship come in the form of discursive attacks from French elites and social indignities suffered at the hands of strangers. The challenge for Muslims is not just that a right does not exist to fight this pervasive climate of prejudice and discrimination. The real challenge is the supposedly “social,” “private,” or “apolitical” nature of these subtle attacks on the standing of Muslims as citizens.

### *The Shortcomings of Rights in France Specifically*

Rights are fraught tools for social change. The traditional depiction of rights as the key to equality in the United States is largely hypocritical: rights are made meaningless when politicians, citizens, and even courts refuse to recognize

them. Derrick Bell (1980), for example, argues that the U.S. Civil Rights Movement was effective in achieving greater equality for African Americans only because powerful, dominant interests found it convenient—what Bell refers to as “interest convergence.” There is a different hollowness to rights as the key to equality in France, however. They are perhaps even more meaningless in struggles for equality in France because they are not effective tools of oppositional politics. American activists must wait for their interests in equality to converge with the interests of those in power. French activists, meanwhile, make political claims for equality *based on rights they believe they already have as citizens*, as opposed to making oppositional assertions that rights in France protect only the privileged few. More broadly, key institutional and cultural differences in the French understanding of law, rights, liberty, and legitimacy dilute the already questionable potential of rights discourse to spark social change in France.

Aude Lejeune (2011, p. 226) suggests that those doing comparative legal studies should pay particularly close attention to three characteristics in a nation: (1) its legal tradition (or what she calls “judicial culture,” the difference between civil and common law systems); (2) political order (where does political legitimacy come from); and (3) state type (strong states versus weak states). When we consider these three characteristics, which are a mixture of institution and culture, in the French context, it becomes apparent that it is the state that largely develops rights in France and the state that controls their articulation by sanctioning and co-opting select social movement groups. Without the state’s explicit blessing on a rights claim in France, it is depicted by French elites as unintelligible, provoking, and even dangerous.

The three points of comparison Lejeune highlights are certainly not the only differences between the United States and France, but they offer a strong starting point for understanding why rights are a particularly challenged tool for the cause of inclusion in France. First, while differences in the common law and civil law traditions are often exaggerated, their foundational assumptions still influence how people think about the role of the state, citizens, and the law. Speaking in broad terms, courts are more independent in common law legal systems. In Norman England, common law tended over time to diffuse power away from the central legal authority, the king (Shapiro 1981). In both the English and the American version of common law, legal experts have been instrumental in securing the autonomy of their profession through internally regulated systems of entry, examination, and promotion (Shapiro 1981). Civil law has always been more centralized, but in Revolutionary France, the legal system was also dealt an ideological blow. It had long colluded with the king, so with the destruction of the monarchy came the debasement of the legal system (Merryman 1969). The post-Revolution legal system was made subservient to the state. Legitimacy and authority came from the people, whose voice was the law made by elected officials. Therefore, legal professionals were charged with the duty of articulating and defending the law, *not* challenging or altering it through judicial review (Merryman 1969).

These lines of differentiation are blurring, especially in the post-World War II era, in which France is subject to the judicial review of the Council of Europe's European Court of Human Rights and the European Union's European Court of Justice. However, different assumptions remain about the role of law in the defense of liberty in the United States and in France. As Lejeune (2011, p. 226) puts it, "In *common law* countries, [legal] professionals have a mission to protect individuals in the face of the arbitrariness of absolute authority, while in *civil law* countries, the protection of these rights and individual liberties is guaranteed by the state." This difference in "mission" may have an effect on the number of legal professionals willing to use the law for social transformation and the readiness of citizens to try to use the law for such a project.

Second, political legitimacy in both the United States and France comes from the law, but the agents of its articulation differ. Lejeune (2011, p. 227) argues that this is a difference between common law and civil law, but it has more to do with Lockean versus Rousseauian notions of state legitimacy—or, at the very least, the difference between liberal and republican states. She explains that in the United States, law "precedes all political organization and the law belongs to the people. Political power is therefore required to respect individual rights." This is a hallmark of Lockean social contract theory: citizens agree to sacrifice the liberty they had in the state of nature for the greater security of political society, provided that law will protect them from the caprices of the state and that they do not lose more liberty than they had before taking this gamble (Locke 1980). We can expect such an understanding of law's legitimacy to create openings for citizens to use the law to question and challenge the state.

In a republic such as France, law is not pre-political. Rousseau tells us that the act of coming together to make law is the first political act that draws us out of the state of nature and into political life. In the Rousseauian tradition, creating laws is seen as the liberating establishment of a chosen world, as opposed to the accident-filled, might-makes-right state of nature (Rousseau 1987). Law is the result of political decisions made in the name of the "general will" and expressing the maximization of the public good (Rousseau 1987, p. 31). As Lejeune (2011, p. 12) points out, in France "all contestation of the law is therefore difficult because it implies a challenge to the general will." If the law is seen as a guarantor of liberty, as opposed to a tool used to protect against the state's theft of liberty, it is less likely to be seen as a tool of political and social change. Such change should be pursued in the political arena, where the general will can be found.

Third, there may be some greatly mitigated but lingering truth to Alexis de Tocqueville's (1958) description of America as a weak state with a strong society, as opposed to France as a strong state with a weak society. Arguments about France's "weak society" are largely exaggerated in regard to the Fifth Republic (Appleton 2009; Woll 2009). It is true that unions have lost some influence in France, but new interest groups—particularly women's equality,

environmental, and antiracism groups—have sprouted up and done very well in the past thirty years, garnering large membership rosters and getting citizens involved (Keeler and Hall 2001; Woll 2009). These interest groups still must contend with the French government’s desire to maintain some control over external influences. As John Keeler and Peter Hall (2001, p. 61) describe it, “The interest group universe of France is broadly ‘pluralist,’ but the French Government attempts to structure this universe more actively than its Anglo-American counterparts, using subsidies and official recognition to influence the balance of power among groups.” Cornelia Woll (2009, p. 227) offers a slightly different explanation of how the French government maintains some control over interest groups, stating that “interest group consultation only supplements bureaucratic decision-making and the central government has considerable room for manoeuvre to escape pressures put on specific policy proposals.”

Both Keeler and Hall and Woll present the French government as serving a sort of gatekeeping function vis-à-vis interest groups. Alistair Cole (2008, p. 29) provides a more cultural explanation: “Perceptions of a powerful state might matter more than any objective loss of state capacity.” While the access of citizens in France to, and potential influence over, government has greatly increased in the Fifth Republic, it matters that the French typically still look to the state as the rightful and most capable institution for solving social problems.

The following brief overview of antidiscrimination rights campaigns in France displays how non-state actors struggle to influence French government and administration. Even when activists tried to take on starring roles in moments of social change regarding discrimination, the French government upstaged them, ultimately co-opting the efforts and arguments of activists in a way that strengthened the state’s control over this issue area.

France’s earliest antidiscrimination law, the *Décret Marchandeu*, did not invite much involvement from civil society. It “allowed individuals to press charges only if they had been named personally in a racist invective and by permitting only the state prosecutor to initiate legal proceedings in cases where a whole group was implicated” (Bird 2000, p. 408). Then, in the 1970s, members of Parliament began to propose stronger laws to target racism (Bleich 2003, p. 132). The minister of justice at the time, René Pleven, was initially unconvinced that a new law was required to fight racism, which he saw as atypical in France (Bleich 2003, p. 132). Nevertheless, in 1972, the French Parliament passed the Pleven Law outlawing racist speech and racial discrimination. Unlike the *Décret Marchandeu*, the Pleven Law “extended the possibility of prosecution by granting civil rights associations the authority to launch criminal as well as civil proceedings against racist speech” (Bird 2000, p. 409).

One could argue that the Pleven Law moderately decentralized French antidiscrimination policy by inviting this participation by nongovernmental organizations (NGOs). French NGOs certainly have made use of the law: France’s foremost antidiscrimination NGOs, the *Mouvement contre le Racisme et pour l’Amitié entre les Peuples* (MRAP [Movement against Racism and for Friendship



among Peoples]), the Ligue Internationale contre le Racisme et l'Antisémitisme (LICRA [International League against Racism and Anti-Semitism]), and SOS Racisme, “devoted extensive effort to prosecuting racist speakers, including a number of very high profile cases against Jean-Marie Le Pen and other principals of the National Front” (Bird 2000, p. 409).<sup>18</sup> These NGOs have used the law to challenge discrimination, and they worked to shape the law when it was initially promulgated. Bird even describes the litigation efforts of these NGOs as creating “an arena for increasingly adversarial, group-based claims concerning democratic rights” (Bird 2000, p. 409).

Vincent-Arnaud Chappe (2011) also argues that French antidiscrimination law has not been the product of state action alone and that interaction between French NGOs and the French judicial system helped shape French antidiscrimination law. One specific example he provides is the acceptance by the French Parliament of “testing” as permissible legal evidence of discrimination. SOS Racisme used this method frequently: it would “induce an *in vivo* situation of discrimination thanks to a pair of volunteers” (Chappe 2011, para. 11). When the two volunteers, identical in every way except race or gender, received different treatment—at a club, in a hiring situation, and so on—SOS Racisme would argue that discrimination was at play. The acceptance of testing as a form of admissible evidence suggests that French NGOs have shaped the nation’s anti-discrimination law.

There are limits to how open French law is to social movements’ agitation, however. The French state is very effective at co-opting the activity of NGOs and redirecting complaints about discrimination out of the courts and into other forums. The French Confédération Générale du Travail (CGT [General Confederation of Labor]) recently attempted to achieve the legalization of undocumented workers by helping the workers apply pressure directly to their employers through strikes and sit-ins (Barron et al. 2011a, 2011b). Employers in France are not legally allowed to hire undocumented workers, yet they can choose to sponsor the residency request of employees they hire (Barron et al. 2001a, para. 3). This gatekeeping function of employers made them ideal targets for the CGT (Barron et al. 2011a, para. 2). Pierre Barron and his colleagues (2011b) describe at length how the CGT supported the undocumented workers in their strikes and sit-ins, and eventually (though not without reservations) worked with employers who wanted help to stay on the right side of the law. Furthermore, members of the CGT worked alongside, and even within, the prefectures that give immigrant workers their legal residency papers (Barron et al. 2011b, pp. 76–77).

The CGT’s ultimate goal was the creation of a new law that would regularize the residency process for immigrant workers and thereby eliminate what they saw as unfair “discretionary” practices at the level of the prefecture (Barron et al. 2011b, p. 75). Yet the CGT’s involvement with the cases of undocumented workers had the opposite effect. The CGT became recognized by the state as the sponsor of deserving immigrant workers, in the sense that



the union began “identifying and authenticating eligible claimants, while rejecting others” (Barron et al. 2011a, para. 6). Not only was the discretionary framework left intact, but the labor union was co-opted into it. Immigrants applying for residency with the help of the CGT did not have to wait in lines at the prefecture, and the CGT’s staff members sped along the legalization processes by speaking to the right mid-level bureaucrats (Barron et al. 2011a, para. 27). As Barron and his colleagues (2011b, p. 78) put it, the CGT “was suddenly located in the heart of the process of legalization.” The CGT thus became part of the system it had tried to end. As one CGT worker complained, “We’re not union activists anymore. We’ve become auxiliaries to the prefecture” (Barron et al. 2011a, para. 29).

Barron and his colleagues (2011a, para. 36) suggest that the CGT’s experience with legalizing undocumented workers may be part of a larger phenomenon known as “favor mediation,” a kind of activism that differs from “rights mediation.” In rights mediation, the goal is to create a general right; in favor mediation, individual cases are helped along with carefully applied knowledge of a bureaucracy and its officials. Barron and his colleagues (2011a, para. 36–37) point to limitations in both kinds of mediation: if a right is not widely acknowledged, rights mediation may be meaningless, and since favor mediation focuses on individual cases and discretion, it is not clear how or when it can create generalized rights protections.

In the case of the legalization of undocumented workers in France, it certainly seems that the French state is more willing to work with favor mediation than with rights mediation. And favor mediation, with its opaque discretionary nature, cannot provide the kind of visible symbols and tales that rights mediation can, thereby limiting its ability to contribute to what McCann (1994, p. 277) calls the “expansion of meaningful and realistic reform options.”

It is also worth noting that the antidiscrimination movements that have made advances in France are those that have been blessed by the political elite. The MRAP has always had strong ties with the French Communist Party, and the antidiscrimination movement of the *beurs* in the 1980s was strongly supported by the Sociality Party. Muslim antidiscrimination groups that freely speak about Islamophobia, such as the CCIF, have not been given the same limelight or assistance.

## Conclusion

French Muslims have a diversity of opinions, are engaged in citizen activities, and use very “French” methods of protest and politics. So even in the less common associations in which French Muslims prioritize a Muslim identity and act *as Muslims*, such as the PMF, it is not possible to say they are acting *solely* as Muslims. Their French identity and political habits influence and are present in their activism.

Despite this, Muslims struggle to make their claims heard. They have found politicians to be unreceptive to their claims of discrimination, and they are disappointed with the state's performance in protecting equality. Most believe courts are poor tools for social change, so while they make frequent rights claims, the claims largely remain at the level of rhetoric. French Muslims, however, definitely are not looking to pack up and move to another country. Whether it is because they believe liberal entrepreneurialism is the last bastion of the meritocracy or because they believe their actions can change the public's perception of Muslims, French Muslims remain positive that their "Frenchness" eventually will be recognized.