



Social reproduction in France: Religious dress laws and *laïcité*



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SYNOPSIS

France is the first country in Europe to ban face veils from public space. As of April 11, 2011, any woman who wears a face veil is subject to a fine of 150 euros or a course on French citizenship. This was not the first time that the French government legislated against religious dress; in 2004 it prohibited religious symbols from public school spaces. While there is a growing literature on these bans in France, few scholars bring together the literatures on social reproduction and religious dress. I argue that the anti-veiling laws increase the socially reproductive labor of religious-dress wearing Muslim women in France. This increase takes the form of unpaid and paid caring labor, spatial exclusions that push Muslim women into the home, and violence toward biological reproduction. This paper unfolds in three parts: (1) French *laïcité* and sexist Islamophobia; (2) social reproduction; and (3) exclusion from public space.

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Introduction

France is the first country in Europe to ban the burka and niqab from public space.¹ Since April 11, 2011, any woman who wears the burka or niqab can be fined 150 euros or forced to take a course on French citizenship (Reuters, 2011).² The law (herein referred to as the anti-face veil law) regulates public activities, such as walking down the street, taking a bus, shopping, picking up kids from school, or going to work (on foot or by public transportation; the law does not cover private cars) (Chrisafis, 2011).³ If a police officer sees a woman wearing a face veil, they are compelled by law to bring the woman to a police station where they can legally ask her for identification. Of the five million Muslims in France, fewer than 2000 wear a face veil (Reuters, 2011). This is not the first time that the French government legislated against religious dress; in 2004 it prohibited religious symbols from public school spaces.⁴

There is a vast literature on the headscarf and face veil bans⁵ in France (Beydoun, 2008; Carland, 2011; Doyle, 2011; Raymond, 2009; Selby, 2011), as well as the racialized gendered dimensions (Chouder, Latrèche, & Tevanian, 2008; Hajjat & Mohammed, 2013; Winter, 2012). There are also spatial, political and economic studies of Muslim women's religious dress in France (Adrian, 2009; Barras, 2010; Hancock, 2008; Khemilat, 2013), Turkey (Gökanksel & Secor, 2009), and in the Middle East

(Gökanksel & McLarney, 2010). I use a social reproduction perspective to consider the impacts of the anti-headscarf and anti-face veil laws on Muslim women in France. Since the 1970s, feminist political economists have generally accepted social reproduction to encompass: (1) biological reproduction; (2) the reproduction of the labor force; and (3) the provision of care (Bakker, 2007; Bezanson & Luxton, 2006; Brenner & Laslett, 1991; Delphy, 1984; Eldholm, Harris, & Young, 1977; Picchio, 1992). To date, there are few analyses that bring together religious dress laws with socially reproductive labor.

My argument is that the anti-headscarf and anti-face veil laws increase the socially reproductive labor of religious-dress wearing Muslim women in France. To be clear, I am not arguing that the French state has intentionally utilized religious dress laws to off-load state responsibility onto Muslim women and families, nor are these laws reducible to neoliberal downloading. I do, however, hold that a lens of social reproduction has much to offer to the French debates around religious dress and *laïcité*⁶ because there are several ways in which the burden of social reproduction has resulted, even if it was an unintended consequence of the laws. This burden takes the form of increased unpaid and paid caring labor, spatial exclusions that push Muslim women into the home, as well as increased violence toward unpaid caring labor and biological reproduction. I have organized this paper in three parts: (1) French *laïcité* and sexist

Islamophobia; (2) social reproduction; and (3) exclusion from public space. I begin by contextualizing the anti-headscarf law with *laïcité*. This paper then lays out how socially reproductive labor has increased first in relation to the anti-headscarf law under President Jacques Chirac and second in relation to the anti-face veil law under President Nicolas Sarkozy. I also briefly refer to a now unsuccessful proposed ban of religious symbols in the private sector under President François Hollande because it was a highly mediatized story that dealt specifically with paid socially reproductive labor. This paper finishes by examining the exclusion and violence in public space that women have experienced through unpaid care and biological reproduction.⁷

French *laïcité* and sexist Islamophobia

Origins

There is a need to unpack the important history surrounding the issue of *laïcité* in France, beginning with the French revolution. Prior to the revolution during the *ancien régime*, there was a highly uneven class division in France. The first and second estates of the clergy and nobility had immense wealth compared to the majority of the population in the third estate. Until 1789, the clergy had “the right to monitor, control and veto” in the French state (Baubérot, 2010, p. 4). Also during this time period, the French state was in debt while Church wealth was massive (McManners, 1969, p. 10). Thus, during the French revolution in October 1789, the question of selling Church property was raised because it could “wipe out national deficit” (McManners, 1969, p. 31). This power play by the state against the Church is noteworthy because it lessened the historical economic and political power of the Church in France. “For the first time in European history since the days of the Emperor Julian the Apostate a state deliberately embarked on a policy of de-Christianization” (Green, 1969, p. x). Put differently, the historical context of *laïcité* in France was about separating the political and religious spheres (Roy, 2006, p. 39; Wallach Scott, 2009, p. 6).

Another major push in the history of French secularism was the Ferry Laws. Named after Minister of Education Jules Ferry, the laws were passed in 1881–2 and 1886 to make public education mandatory and to remove religion from the classroom. Ferry made it his goal for schools to be a “place of national unity” (Wallach Scott, 2005, p. 113). These education laws aimed to unify France under a *secular* state because during this time period, France was divided into many regional identities (Gökarksel & Mitchell, 2005, p. 153). A couple decades later in 1905, the French government created the Law of Separation. This new law stated that the French republic would not finance religious organizations (Gökarksel & Mitchell, 2005, p. 154), and the French constitution recognized freedom of religion generally (Charentenay, 2009, p. 49), and in public schools, hospitals, asylums and prisons (Legifrance, 2011). Similar to the Ferry laws, the law of Separation intended to build a secular, unified French nation. It is this political context of nationalism and secularism that set the benchmark for subsequent religious debates in France around *laïcité* and the veil (Gökarksel & Mitchell, 2005, p. 153).

Recent debates

Laïcité has been used to justify religious symbol bans in France since the late 1980s. Significant media attention of the *l'affaire du foulard* (the headscarf affair)⁸ began in 1989 when a school principal, Eugène Chénier, asked three female Muslim students to remove their headscarves at middle school. The girls refused (Fernando, 2010, p. 19–21). Chénier believed the headscarf did not embody the French republican value of *laïcité* and therefore expelled girls from his school (Wallach Scott, p. 2005, 106). The public debate surrounding *l'affaire du foulard* in 1989 reignited the discussion on the political, social and cultural meaning of the 1905 law (Gökarksel & Mitchell, 2005, p. 154).

In 2003, the *l'affaire du foulard* emerged once again under President Jacques Chirac. Prior to 2003, school principals could make individual decisions about whether students were allowed to wear headscarves or not. This was now seen as inadequate and Chirac asked former cabinet minister, Bernard Stasi, to develop a committee—what became the Stasi commission—to examine *laïcité* in France. The commission recommended that public school spaces prohibit religious symbols (Gökarksel & Mitchell, 2005, p. 156). There was one person on the Stasi commission, French historian and sociologist Jean Baubérot, who “refused to endorse the final report” and believed that the proposed law was “out of proportion” (Hancock, 2008, p. 170).⁹ French Marxist Étienne Balibar was also against the headscarf ban (Hancock, 2008, p. 172).¹⁰ The Stasi commission's recommendation was turned into law that came into effect for the beginning of the September 2004–05 school year.

There was significant opposition to the anti-headscarf law, even though Muslim organizations, feminists, politicians and intellectuals were divided on the issue. On one hand, several well-known anti-racist groups were against the law. For instance, the Collectif contre l'Islamophobie [Collective against Islamophobia, CCIF] was created in 2003 (CCIF, 2004) and continues to be the only French association to document and expose Islamophobic acts since this time (Hajjat & Mohammed, 2013, p. 25). As well, there was Une École pour Tous—contre les lois d'exclusion [A School for All—against the exclusion laws*], a collective formed in early 2004 in response to the anti-headscarf law (Hajjat & Mohammed, 2013, p. 244). An anti-racist and anti-colonial collective that fights racism against Blacks, Arabs, and Muslims in France, the Parti des Indigènes de la République [Party of Indigenous Peoples of the Republic*, PIR], has also been quite vocal against religious dress laws (Parti des Indigènes de la République, 2005). Notable politicians and scholars include Alima Boumediène-Thiery, founder of the French Green Party, prominent French feminist Christine Delphy and Sociologist Eric Fassin (Boumediène-Thiery et al., 2003).

On the other hand, some Muslim groups in France have not critiqued the law and several feminists are in fact forcefully in favor of the law. The Conseil français du culte musulman [French Council of the Muslim Faith, CFCM] did not challenge the law. The CFCM was initiated by a former socialist Minister of the Interior, Jean-Pierre Chevènement as an attempt to bring together all the Muslim organizations in France. But when Nicolas Sarkozy, a right-wing politician, became Minister of the Interior in 2002, he took over Chevènement's work with the CFCM (Atkan, 2009, p. 248). The CFCM is considered to have done little for the everyday lives of Muslims in France, which is

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