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Laïcité in the French public school system: an “exception française”?

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Is laïcité an “exception française”? Throughout the twentieth century, laïcité went from legal—founded in the 1905 law on the separation of churches and state, to constitutional, as embodied in the first article of the 1958 Constitution, which reads: “La France est une République indivisible, laïque, démocratique, et sociale.” On March 15, 2004, in the name of laïcité, the Parliament (Assemblée Nationale and Sénat) passed a controversial law, which reads:

Art. L. 141-5-1. : Dans les écoles, les collèges et les lycées publics, le port de signes ou tenues par lesquels les élèves manifestent ostensiblement une appartenance religieuse est interdit. (Le règlement intérieur rappelle que la mise en oeuvre d'une procédure disciplinaire est précédée d'un dialogue avec l'élève.)⁶⁸

In the context of the 2004 law, this paper discusses the tensions at work within the laïc idea/l and its institutional implementations in today's French public school system, in a France which seems to be oscillating between being “une et indivisible” and “plurielle et divisée”. The republican laïc school system is an urgent issue to address, as it is the place where today's children will become tomorrow's citizens.

Guy Bédouelle's *Une République, des Religions*,⁶⁹ which takes the form of a witness account, shows how the perennial French antagonism between Church and State (that is, the Catholic church) no longer stands, and how a dialogue between various religions has sprung up on French soil. It is true that inter-religious dialogue has long been established and is ongoing, but the relationship between the newly emerging form

of Islam and the State suffered significant blows in the aftermath of the 2004 law, which banned the wearing of conspicuous religious signs in public schools. Indeed, many intellectuals commented on the apparent rift between Church and State. Some interpreted this law as the State's punishment of a specific "church" (Islam) affirming too great a visibility through the *hijab*, in a France that had not dared to face up to the part of her own multiculturalism.⁷⁰ Many denounced the "fear factor," which they saw as the silent motive for the passing of the law.⁷¹ These two points are, to some extent, also grounded.

What was the reasoning behind the passing of the 2004 law? What historical and political changes led -over a period of thirty years- to the "dead-end" arrived at in 2003 within the French public school system, and to the subsequent passing of the law? What positive solutions could be envisioned for the future of the French educational system, and for its pupils?

The source from which the principles of *laïcité* quench their thirst will first be defined, and analyzed within their historical context, before exposing their functioning in today's public school system. Secondly, the study of the protective/preventive character of the law on ostensible signs will be studied. In doing so, the political and religious tensions that are at the origin of the revival of the debate in public schools will be analyzed, to demonstrate why it was important to reaffirm the values of *laïcité* today, from a judicial perspective. This will lead us to question whether the 2004 law could have been avoided, insofar as it was the only way envisioned then to re-establish law and order within constitutional rules in public schools? Could the law be read as an efficient means to reconcile the ideal of *laïcité* with its institutional application within the legal system? The third part of this paper could be called the "pedagogical part". The reader will be invited to imagine, in new terms, the possibility of the positive contribution of the *laïc* teaching of religious history by arguing that it should become a discipline in its own right within the French public school system.

I. The laïc idea/I

The term "laïcité" is not an English word, which may well be the first, and only "exception française" carried by the term. Etymologically speaking, it comes from the latin word *laicus*, from the greek word *laicos*, derived from *Laos*: people. It designates someone who is not part of a sacerdotal body. The word itself is a neologism. Littré, at the beginning of the Third Republic, adopted the term for his famous dictionary. It is interesting to note here that the word "laïcité" was born at the same time as the word clericalism (when it is in fact a reaction to it). These are almost twin words in their duality: corollaries.

What are the sources of laïcité? The concept precedes by far the word itself, and can be associated with two other ideas, as Beresniak states in his book *Laïcité, pourquoi?*:

Every Man has the right (or duty) to choose his/her Gods and to practice the rites that please him/her, in so far as it does not disturb other Men and does not impede public tranquility. [...and] Knowledge is acquired by a personal effort, and no one possesses it in its totality. Thus no one can pretend to be psychopompos (from mythology: leader of souls). No authority, no institution is qualified to say what is true.⁷²

Both of these ideas are very old. They see man (individually) as an autonomous force who, at all levels (physical, intellectual, moral, spiritual), lives through exchange: he gives and receives from nature and has power over it; he receives from his parents and his peers, information, ideas.⁷³ Men are interdependent, in their individuality, as any nation, without anyone having the right to "use" anyone according to his will.⁷⁴ Even older, the notion of laïcité can be found in the evangelical "rend à César ce qui appartient à César et à Dieu ce qui appartient à Dieu."⁷⁵

Laïcité is the result of a long historical, philosophical, and political evolution in France, which did not go without trouble. Laïcité in this sense is not an "exception française," as other European countries and America have gone through the

separation of churches and State in their own peculiar ways. Laïcité is first and foremost the expression of tolerance inherited from eighteenth century Enlightenment philosophy (tolerance which is very long to acquire, and still a challenge to acquire today), and the expression of respect of the other through what is most intimate to someone (i.e. his/her beliefs, creed, philosophy and convictions: freedom of conscience). The “Declaration des Droits de l’Homme et du Citoyen,” written during the French Revolution, already contains the principles of the Republican laïc ideal.⁷⁶ As of 1905 in France, through a long educational quest, laïcité became the central idea for the passing of a law, which did not only grant “the separation of Churches and State,”⁷⁷ but also the freedom of conscience.⁷⁸ The word itself does not appear in the text of the 1905 law, but the concept is clear, and thus “laïcité” rests on two requirements: the freedom of the individual to believe or not believe, to think what s/he wants and therefore to express him/herself freely, on the one hand, and the submission of the individual to the Laws of the Republic, on the other.

The laic ideal was a quest, which had started within public schools, twenty-five years before the 1905 law put an end to the Napoleonic Concordat rules. Laïcité was indeed implemented in France in the context of the creation of a public school system, in the years 1881 and 1882 notably, with Jules Ferry’s public schools’ laws. The “laic offensive” of the 1880s, blatantly political at first, led French laïcité to adopt the modern meaning it has today, through a period of crisis.⁷⁹ Jules Ferry, Minister of Education (Ministre de l’Instruction Publique) from 1879 to 1883, was at the origin of this series of laws, which would change the face of the French public school system. The “laic battle” he started, even if he was, like Jefferson, a profoundly religious man, would have major consequences on French society, and was led on three most important fronts, among others: 1) the gratuity of primary education (June 16th, 1881 law), 2) the obligation to attend schools until the age of 13 (March 23rd, 1882 law) and 3) the “laicization” of the public

school system (i.e. the implementation of a confessional “neutrality” within public schools (March 23rd, 1882 law). It is on this third front that the debates were the most animated, and the longest. Two philosophical conceptions, as well as two behaviors within society were in direct opposition.⁸⁰ The debate lost of its political dimension, to be focused on a more social and metaphysical topic. To some extent, as shall be seen later, these two groups share the same contradictory positions regarding laïcité in France today. It then opposed the “confessionnalistes” who assumed that “en pays catholique l’enseignement religieux devait être obligatoire et qu’il devait y avoir une liaison entre le curé et l’instituteur,” to which Ferry and the “neutralistes” replied that it would mean that the priest would have to be the teacher, which went against the idea of a “laic schooling” and the independence of civil society from religious society. Despite appearances, these new laws were not hostile to religious teaching; indeed, article 2 of the 1882 law stated: “Les écoles primaires publiques vaqueront un jour par semaine, en outre du dimanche, afin de permettre aux parents de donner, s’ils le désirent, à leurs enfants, l’instruction religieuse en dehors des édifices scolaires” (Labrusse 40)

This leads to the question of the way laïcité in the form of “school neutrality” works in the public school system, for pupils, teachers and buildings. School neutrality is a very important concept to understand laïcité. From Latin *neuter*: “ni l’un, ni l’autre,” neither to promote religious beliefs, nor beliefs that run contrary to religious practice, or in other words not to promote atheism. The application of this neutrality might, once more, not be an “exception française,” because America as well as other European countries both have their own way of dealing with this issue. From 1937 until 1989 in France, pupils as well as teachers were forbidden to wear religious or political signs or clothes within public schools. In 1937 indeed, Jean Zay, then Minister of Education (Ministry of Instruction Publique) passed two decrees.⁸¹ Not only did they involve teachers and buildings but pupils too.

Teachers had (and are still required today) to abide by religious neutrality in their functions of teachers, and because they are teachers of State, they were/are submitted to a “devoir de réserve.” For pupils, the principle was also straightforward: school was free and open to all to study the achievements of human culture, but the school space was closed to all what could mirror the tensions present in civil society. Schools could not be left to perpetuate the conflicts of civil society, where religious or ideological lobbies may try to dominate, may try to fight for power, and may consequently try to censor or influence the educational programs.⁸² The values of the Republic were carried here, along with sexual and racial equality and the freedom of the individual. No visible manifestation of belonging to an exterior group could curb these values. In public high school buildings, chaplaincies (*Aumôneries religieuses*) were created on December 10th, 1802 to preserve freedom of religion. Jules Ferry’s 1882 law had laïcized the public school system, and one day off a week from school for pupils was given so that parents could have their children receive the religious education they wished, as has been seen, but the 1905 law kept the idea of having chaplaincies within schools, as a measure to enable free worship. In 1905, chaplaincies thus continued to expand in boarding schools, and in public places such as asylums, old people’s homes, and prisons.⁸³ Religious education could thus be provided within the public school. A decree passed on April 22nd, 1960 authorized daily schools to have chaplaincies if one parent asked for it. The commissioner of education (*le recteur d’Académie*) then gave authorization and allowed a chaplain to deliver religious instruction within the public school, at hours when pupils did not have classes, and along a schedule organized by the school director. Today, these chaplaincies are regulated by the 22nd of April 1988 decree, which states that secondary public school buildings, including daily schools, can be granted a service of chaplaincies if even one parent requests it.

Today in France, about 3,800 public buildings have Catholic chaplaincies today. At their heads are laïc people, who

are nominated by the commissioner of education, and also by a letter of mission from the Bishops. They are open to all pupils, independently of their creed, and about 150,000 to 200,000 pupils attend these chaplaincies (Estivalèzes 15). In theory, every religion may ask for such a service; however, most of them—with a few Protestant and Jewish exceptions—are Catholic, and it seems that none exist for the Muslim creed. It is thus possible to say here that *laïcité* in the public school system is a complex reality, often not very well known nor understood, but which preserves both the neutrality of the public space and the freedom of religions.

II. The protective side: French public schools, religious signs or how to reconcile the ideal of *laïcité* with its institutional application through the law.

Since “l’Affaire Dreyfus” at the end of the nineteenth century, France had not witnessed, at National level, such a passionate debate than the one revolving around the question of wearing the Islamic scarf in public schools. The highly publicized question of the hijab, which had been addressed locally, on a case-by-case basis since 1989, was suddenly hurled on the national scene, leading the Republic to suddenly (and finally) realize that Islam was the second most popular religion in France. Usually belonging to the domain of tradition (and thus limited to the home, as mentioned in Jocelyne Dakhlia’s book *Islamicités*), the hijab was suddenly part of the public sphere, and its conditions of use in public schools started this passionate and national debate, which opened wider the breach within the French social and political body politics. In this context, *laïcité* was being shaken/threatened. In the early 1990s, young adolescents were demanding in the name of their freedom of conscience to freely wear a scarf, within *laïc* buildings, when religious signs had been banned from these from buildings since Zay’s Ministerial decrees in 1937, for both teachers and pupils.

The quest for *laïcité* in the late nineteenth century—a founding principle of the French Republic—had started in

French schools, with Jules Ferry's laws amongst others. Yet the principles of *laïcité* in 2003, taken for granted for a long time, seemed to stop being the federating link to a common culture within the educational world. And it is within schools that the principles of *laïcité* were being shaken again in 1989 and 2003, by the issue of wearing or not wearing signs of religious belongings.

Let us first look at the origins for the revival of the debate around *laïcité* through the panorama of two specific problematic cases:

Case #1: On September 18th, 1989 in the secondary school Gabriel Chavez, in Creil, three young Muslim girls were excluded from school because they showed up in the classroom wearing scarves on their heads. The director of the school had recently banned Jewish pupils from wearing the Kippa in his school in the name of *laïcité*, justifying this exclusion because: "It goes against the principles of *laïcité* and against the neutrality of public schools [and he went on] it is an ideological pressure over the other pupils while it does also disturb the relationship between teachers and pupils."⁸⁴ The media became involved, and the press started noticing that Creil was not an isolated case, and that this type of incident had reappeared at different schools without previously being made known to the people. The case was finally brought before the Conseil d'État (Administrative Supreme Court), which gave the following recommendation: "Wearing the signs to express their religious belongings is not in itself incompatible with *laïcité* [except if it constitutes] an act of pressure, of provocation, of proselytism or of propaganda."⁸⁵

Many intellectuals, and teachers, took positions to reaffirm the principle of laic neutrality of the school space, calling upon Jean Zay's decrees, mentioned above. The 1989 decision of the Conseil d'Etat was indeed putting an end to the ban on wearing religious signs in schools. The problem, in questioning *laïcité* within public schools, fell within the province of the judicial field. Why would some Muslim girls be excluded from schools? When others would have the right to wear veils in

other schools? Since 1989, about 400 cases of hijab were counted each year. The number increased to 3,000 in 1994. In 1994, tensions were very high, more and more letters were sent to the government by the educational staff to ask for help (Pena-Ruiz, 86). Teachers as well as directors could not find a fair solution to deal with the wearing of religious signs in schools. This issue also started to generate inter-racial and inter-religious violence.

Case #2: The court of Clermont Ferrand, in 1994, confirmed the exclusion of a girl, mentioning in its report that: "The hijab is a sign of identification marking the belonging to a religious extremism from Foreign Origin; this obedience has international views and claims to belong to an orientation that is particularly intolerant."¹ Here is a case exemplifying an irrational and unjust way of dealing with the issue. It is a proof of fear and of misunderstanding of Islam in France. We can say that these swings in the application of the 1989 decision of the Conseil d'État were increasing tensions. Each case of "religious sign" was dealt with on a case-by-case basis, and sometimes punished under irrational arguments. Hence, within the Republic "une et indivisible," the same justice was not given to all.

What to do then to reaffirm laïcité along new modalities? The discrepancy between the ideal and the institutional application of the principles of laïcité was indeed getting more and more obvious. When the first witness accounts were written, in 2002, to testify that order was being disturbed within the public school system by a type of violence of religious overtones, something needed to be done.

As Order was challenged, a law needed to be passed. Disorder and violence caused by religious tensions within schools started to become visible in 2001. This situation seemed to freeze society at both educational and political levels. For educators in local school districts, on the one hand, it was no longer possible to deal locally, and by themselves with the issue of hijab in schools. Religious and racial violence started to

disturb the school system, and slowly became uncontrollable in some areas. Brenner, a teacher, writes in coordination with teachers and staff members in 2002 the first witness account on the situation of violence in schools.⁸⁶ Politicians on their side were either uninterested by the question (many did not reply to the letters written by teachers who needed support), or were very slow in taking (any sort of) steps to treat the situation directly (from 1989 until 2003, more than 15 years had passed) on the other hand. Overall, a lax political attitude characterized the government's stance with regard to the question of wearing religious signs to school.

What then needed to be done in 2003? How to deal with a complex situation questioning the application of *laïcité* within schools? A situation, which also revealed the reality of religious tensions within schools? How to reconcile the theory of *laïcité* with its application? Whom should the government consult in this regard?

On July 3, 2003, President Chirac tackled the question by launching a national public debate and by creating a commission, led by Bernard Stasi, which met twice a week, to discuss and reflect upon the application of the principles of *laïcité* within the Republic. The quest for *laïcité* was put to the table, and once again in relation to school. Witness accounts were taken from representative bodies of all political parties, members of the government, representatives of all religions, philosophers, trade union leaders, leaders of human rights associations, etc. There were also witness accounts of people of the "field," i.e. local representatives, administrators of schools and high schools, directors of hospitals and of prisons, company leaders. Finally students themselves, among which some Muslim female pupils preferred to be interviewed under cover, as they were expressing their will not to wear the veil, but said they felt they may be endangered by doing so. This commission also gathered members of the European Commission. The whole country seemed involved in this public debate, which was televised live: letters were abundant, and the "Commission

Stasi” took the shape of a referendum of social outlook, in sorts the report of which led to the passing of the 2004 law on banning religious signs from schools.

In his *Lettre de Mission* opening the report of the Stasi commission, Jacques Chirac stated that:

La France est une république laïque... Elle s’est imposée comme une garantie de neutralité des pouvoirs publics et des respects des croyances... Elle accueille l’adhésion de toutes les confessions religieuses et de tous les courants de pensée qui y voient la meilleure défense de la liberté de croire ou de ne pas croire.⁸⁷

This law was thus reaffirming the principles of laïcité translated in the ban on wearing religious signs. But it was also the best way envisioned then to put an end to the disorders that were raised due to religious tensions within public schools, and the public sphere. This new law was the only way to cancel the decision taken by the Conseil d’Etat in 1989, and to put an end to local decisions, which were contrary to the Republican “one justice for all.”

To many, this law stigmatized the Muslim population. Yet seen from a judicial perspective, the law was the way to re-implement order, or “le droit contre la force.” It is uncertain whether the law will put an end to the question of religious tensions in schools, where pupils are no longer allowed to express their religious creeds, or not. But banning religious signs does not teach tolerance of and respect for the creed of the other. It does not help pupils who recognize that France today is multicultural.

And, this begs the question: what pedagogical ways could be applied to teach respect, and tolerance? What could be done to help pupils to recognize the reality of “multicultural France” today? What new ways could be envisioned and be in agreement with the principles of laïcité?

III. A Pedagogical perspective: the teaching of the history of religions.

What is the space left within the school system to the teaching of the history of religions today? Would it be possible to implement it as a course? And if so, to what aims? The teaching of the history of religions has been a taboo in public schools in France since the very first implementation of *laïcité*. If the question was already budding in the beginning of the twentieth century, when Durkheim asked, for instance: "Comment enseigner au collège, l'homme et les choses humaines?"⁸⁸¹, the answer remains elusive. A course on comparative religions brought strong opposition, the sources of which we could divide into two groups, as previously mentioned: 1) Militant *laïcs*, also called les "neutralists" which would use religion as a means to "preach" secularism, and, 2) Religious men, "the confessionalists" which would use religion as a disguised way to teach catechism. These concerns are still vivid today. The fear that one group would exploit the teaching of the history of religion to their own interests is still a problem today, and this fear, for over a century, has prevented that any measures be taken in creating a class on the history of religions in France!

It is not until the 1980s that new possibilities emerged. In 1986, teachers used the press to express their concerns. They deplored the fact that their students' knowledge of religions had drastically decreased. Ignorance with regards to religious matters was sharply denounced. The Joutard report written in 1988 (under Lionel Jospin as Minister of Education) made an analysis to assess the situation of three courses: history, geography and social sciences. The report recommended that the history of religion be taught within these fields, in an interdisciplinary way. The implementation within the Education Nationale took place ten years later in 1996. The main goal of the new program was to enrich courses of history, French language, philosophy, foreign languages and arts with some elements of the history of religion, without creating a new

course. After the 9/11 terrorist attacks, Jack Lang, then Minister of the Education Nationale, asked the philosopher Régis Debray to write a report, which would account for the ways these new programs had evolved since 1996, and to formulate new hypotheses. Once more, the Debray report did not encourage the creation of a new course, but it recommended the development of this type of teaching within the courses of French, History and philosophy.

The Debray report emphasized a “culture against cult” approach to teaching, and stressed the importance of transmitting a cultural heritage to pupils. It also focused on the necessity of teaching the history of religions to understand our contemporary world. It finally recommended the creation of the European institute for the sciences of religions, which is now in place, and a hope for future educational reforms. Yet, with the assistance of Mireille Estivalèzes, let us warn against the limitations of an interdisciplinary way of teaching the history of religions. If this conception is necessary, especially for the training of today’s teachers, it is still insufficient for pupils. Mireille Estivalèzes shows that this interdisciplinary approach leads most teachers to skip the part of their programs devoted to the history of religions because their syllabi are too full. Rather, the possibilities for implementation of a full course have indirectly been developed, through new research and educational institutes and university level courses, which now exist to train students in the field of the History of Religions. The European Institute for the Sciences of Religion was put in place after the Debray report in 2002; two masters have been created in Strasbourg through the IFER (Institut de Formation pour l’Etude et l’Enseignement des Religions).⁸⁹

As the pedagogical structures are ready to train future teachers, it would be important to create a new course, which would teach the history of the three monotheisms, without focusing almost exclusively on Christianity, as it is the case of today, even though it is an important heritage for French history. This course would also devote time to the religious systems of

Greece and Rome, and to the spiritual values of the African societies, of Asian societies (Indian union and China: Animism, Buddhism, Hinduism, Chinese spiritualities), which are completely absent from French workbooks. Developers of this new curriculum and methodology contend that this would help distance pupils from the established ethnocentric way of teaching History. Many more goals are to be achieved should this course be implemented:

The first of these goals is related to cultural heritage. This course would give the pupils the tools for understanding the cultural and religious heritage not only of France, as is the case today, but that of other civilizations, "Héritage de l'Humanité." The second goal is aesthetical: to teach them the critical tools to understand and analyze the artistic expressions of the various civilizations of the world. The third goal is civic. The course would allow pupils to be less ignorant in matters related to religion, and therefore would lead them recognize the reality and beauty of cultural and religious pluralism. The Debray report stated that it would help them "understand the world in which they live" (Debray 6). Civic also in the sense that it would foster dialogue and, as stated in the Stasi report, develop the "mutual understanding of the various contemporary cultures and religions."⁹⁰ Intellectual is the fourth goal, since they would be armed with intellectual tools to understand the world.

Intellectual, aesthetical, civic and cultural goals coalesce to transmit tolerance and respect. This new course would not only teach pupils to become citizens of the Republic, but also citizens of the world, breaking away from the old ethno/eurocentrist way of teaching History. The project may soon see the light, but opponents are still very active, and numerous: on the one hand the "ultras laïques" (the previously called "neutralists"), and on the other hand the "ultra religieux" (the "confessionalists"), whose ideas, as Jean-Pierre Willaime, director of the "Institut Européen en Sciences des Religions" explains, seem to be against this teaching on grounds of totally

different reasons and beliefs, but ultimately all forbid the historical analysis of the religious fact:

Entre la critique réductionnaliste des rationalistes, qui dissout l'objet religion au motif qu'il s'agit d'une pure illusion entretenue par les prêtres, et l'approche spirituelle, qui dissout l'objet religion au motif qu'il s'agit d'une réalité seulement accessible au langage de la foi, il y a une convergence objective pour interdire toute analyse historique des phénomènes religieux.⁹¹

If the radical opinions of different groups are united against this approach, there must be a precious lesson to be gleaned from it.

Conclusion

If the 2004 law on conspicuous religious signs in public schools was often regarded as a controversial law, it was, from a judicial perspective, the only possible way to bridge the gap between the ideal of *laïcité* and its institutional implementation within the public schools system, by bringing to an end a complex system of local rights, which had ruled chaotically for two decades almost. A new conception of *laïcité* could be envisioned here, a “*laïcité en mouvement*” which would no longer approach religion at school from a preventive/protective point of view, but from an educational one too. To this end, creating a course on the history of religions in schools would replace the logic of exclusion, the “neither... nor” which forces religions to remain in the domain of what is forbidden and taboo in schools, by a logic of inclusion and intelligence, where all pupils would be in full possession of their rights to understand. Would this violate the principle of neutrality of the school space? Not as long as the course would deliver an “objective” and rational teaching. *Laïcité*, rather than being an obstacle to this teaching, would thus become one of its conditions. Not only would this course provide French pupils with critical tools for life, but it would also form them as citizens of the World. Pupils

would consequently be prepared to start in life with the appropriate tools of knowledge.

The following quote by Jacques Myard needs to be taken into consideration: “La démocratie est mortelle, elle est réinvention permanente.”⁹² The same goes for “laïcité,” which is consubstantial to democracy. It is the task of each generation to question, to understand and to explain. To reach this aim, the respect of two conditions is imperative: 1) Freedom—certainly, but only as long as it is regulated by the laws of the Republic—and 2) Democracy. French society today must find the way to reconcile these two conditions. It is therefore in the hands of the Education Nationale and of the government to give a chance to a “positive exception française” of laïcité, which would allow these two conditions to be followed, by teaching the history of religions within French public schools. France could thus become with Germany and Great-Britain, who have indeed already started to develop such courses, one of the “laboratories” for a developing Europe.

Notes

⁶⁸ “Loi du 15 mars 2004 encadrant, en application du principe de laïcité, le port de signes ou de tenues manifestant une appartenance religieuse dans les écoles, collèges et lycées publics. ” *Légifrance, Le service public de la diffusion du droit*. J. O n° 65 du 17 mars 2004 page 5190. 7 February 2007. < <http://www.legifrance.gouv.fr/WAspad/UnTexteDeJorf?numjo=MENX0400001L>>

⁶⁹ Guy Bédouelle (ed.), *Une République, des religions. Pour une laïcité ouverte* (Paris: L’Atelier, 2003).

⁷⁰ Numerous articles written by intellectuals and activists in France, and worldwide, were published in 2003 to express indignation in face of the possibility of the passing of a law, which would ban religious signs in French public schools. The

question of expelling pupils from public schools was one of the recurring arguments put forth by the opponents of the law.

⁷¹ Alain Badiou writes: “En vérité, la Loi foulardière n’exprime qu’une chose : la peur. Les Occidentaux en général, les français en particulier, ne sont qu’un tas frissonnant de peureux. De quoi ont-ils peur ? Des barbares, comme toujours. Ceux de l’intérieur, les “jeunes des banlieues”; ceux de l’extérieur, les “terroristes islamiques”. Pourquoi ont-il peur ? Parce qu’ils sont coupables, mais se disent innocents. ” Alain Badiou, “Derrière la loi foulardière, la peur,” *Le Monde*, 22-23 March 2004.

⁷² Daniel Beresniak, *Laïcité, pourquoi?* (Saint-Estève: Cap Béards éditions, 2005) 9. Translations are mine.

⁷³ Beresniak, *Laïcité* 9.

⁷⁴ Daniel Beresniak gives an interesting analysis of the condemnable power relationship between dominator and dominated in the context of laïcité. Beresniak, *Laïcité* 10.

⁷⁵ These being, of course, the words Jesus spoke when the Romans invaded Palestine. Mathieu 22 : 21.

⁷⁶ “Article 10 - Nul ne doit être inquiété pour ses opinions, mêmes religieuses, pourvu que leur manifestation ne trouble pas l’ordre public établi par la loi”. 26 août 1789. *Déclaration des Droits de l’Homme et du Citoyen*. Août 2001. *Ministère de la Justice*. 7 February 2007. <<http://www.justice.gouv.fr/textfond/ddhc.htm>>

⁷⁷ “Loi du 9 décembre 1905 relative à la séparation des Eglises et de l’Etat.” 9 décembre 1905. *Assemblée-Nationale*. 7 February 2007. <<http://www.assemblee-nationale.fr/histoire/eglise-etat/sommaire.asp>>

⁷⁸ “Article 1^{er}: La République assure la liberté de conscience. Elle garantit le libre exercice des cultes sous les seules restrictions édictées ci-après dans l’intérêt de l’ordre public. ”

⁷⁹ “Loi du 9 décembre 1905 relative à la séparation des Eglises et de l’Etat. ”

⁸⁰ “Une ère nouvelle va s’ouvrir dans le conflit scolaire: celle de la crise moderne [...] La politique n’a cessé de servir de toile de

fond au conflit scolaire. C'est elle qui, plus que les théories philosophiques, va donner naissance au concept moderne de laïcité". Roger Labrusse, *La Question scolaire en France* (Paris : Presses Universitaires de France, 2nd ed. , 1997) 36.

⁸¹ "Loi du 28 mars 1882 rendant l'enseignement primaire obligatoire. " 28 Mars 1882. *Assemblée-Nationale*. 7 February 2007. <<http://www.assemblee-nationale.fr/histoire/loiferry/sommaire.asp>>

⁸² On preserving religious neutrality, see Henri Pena-Ruiz' analysis, *Histoire de la laïcité* (Paris: Gallimard, 2005) 74.

⁸³ Mireille Estivalèzes, *Les Religions dans l'enseignement laïque* (Paris: Presses Universitaires de France, 2005) 15.

⁸⁴ Quoted in Pena-Ruiz 86. Translations are mine.

⁸⁵ Pena-Ruiz, 86. Translations are mine.

⁸⁶ Pena-Ruiz, 88. Translations are mine. See also Emmanuel Brenner (ed.), *Les Territoires perdus de la République* (Paris: Mille et une nuits, 2002).

⁸⁷ Jacques Chirac, "Lettre de Mission du Président de la République à Mr. Bernard STASI, président de la commission de réflexion sur l'application du principe de laïcité dans la République. "

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⁸⁹ Régis Debray, "L'enseignement du fait religieux dans l'École laïque. " 31 février 2002. *La Documentation française*. 7 February 2007. <<http://lesrapports.ladocumentationfrancaise.fr/BRP/024000544/0000.pdf>>

⁹⁰ Bernard Stasi, "Commission de réflexion sur l'application du principe de laïcité dans la République." 3 Juillet 2003. *La*

documentation française. 7 February 2007. <<http://lesrapports.ladocumentationfrancaise.fr/BRP/034000725/0000.pdf>>

⁹¹ Quoted in Christian Bonrepaux, “L’enseignement du fait religieux: au nom de la loi,” *Le Monde de l’Éducation*, May 2005.

⁹² Jacques Myard (ed.), *La Laïcité au cœur de la République* (Paris: L’Harmattan, 2003) 8.

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L'exception française
Negotiating Identity in the
French National Imagery

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UCLA French Studies

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Paroles Gelées

UCLA French Studies

*Ce serait le moment de philosopher et de
rechercher si, par hasard, se trouvait ici
l'endroit où de telles paroles dégèlent.*

Rabelais, *Le Quart Livre*

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