

# France's anti-separatism law is increasing the securitisation of Muslims

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The violent protests which broke out in France on June 27, 2023, after the killing of a 17-year old of Algerian descent, Nahel M., by a police officer during a traffic check have shed light again on the issue of police violence and ethnic profiling targeting French people of colour and more generally, difficult conversations surrounding race, religion and identity.

One of the significant developments in this regard is the anti-separatism law of August 2021, which is one of the latest significant manifestations of the growing securitisation of Muslims in France.

French political scientist Jocelyne Cesari defines securitisation as the range of 'political actions targeting Muslims within the bounds of regular political procedures not directly relevant to the prevention of terrorism'. She defines it as being beyond a speech act—being a particular mode of governance.

The anti-separatism law, rooted in the concept of *laïcité* (secularism), claims to 'uphold the principles of the Republic'—if under attack from hate speech, racist attacks or vandalism—in the aftermath of several terrorist attacks. It is controversial for its infringement of rights and liberties, especially the right of association.

I examine how the law is embedded in two main dynamics which have sustained the securitisation of French Muslims in the aftermath of the September 11, 2001,

attacks on the USA; and later the 2015 Charlie Hebdo and November 2015 Paris attacks:

- the notorious concept of *laïcité* leading to the rejection of ethnic politics, along with an assimilation model implying negative views on particular identities deemed as incompatible with ‘Frenchness’, and
- the long-pursued French state ambition of a government-driven organisation of Islam.

## **The anti-separatism law and the growing securitisation of Muslims**

France’s national strategy underpinning the anti-separatist agenda has three stated objectives:

- fight ‘anti-Republican acts’;
- increase equality of opportunity in relation to services that reflect Republican principles, for instance, by improving youth academic success and employment and re-inforcing trust between the police and the public; and
- enhance partnerships with Muslim communities against ‘radical’ Islam.

The argument of France’s government is that Muslim separatism has been growing steadily in the last 20 years in France. The government also claims that there is a retreat into cultural and political segregation by Muslims, building communities with their own values, separate to the rest of France. This separation from the idealised unity of French citizens is seen as an attempt to destroy the unity of the national community due to competing forms of allegiance to democratic and Republican values. President Emmanuel Macron, in a speech on 18 February, 2020, claimed ‘there are parties in the Republic which wish to separate from the rest’ in the name of religion.

In October 2020, the beheading of Samuel Paty, a French secondary school teacher who showed caricatures of the Prophet Muhammad in a class on freedom of speech added a sense of urgency to the government's anti-separatist agenda. The context of sustained terrorist attacks has pressured the government towards this agenda—since 2012, 34 terror attacks have taken place and 71 have been thwarted. Another powerful incentive to show a tougher stance on terrorism stems from the political pressure emanating from the far-right—particularly Marine Le Pen, the president of the National Rally and Macron's rival in the most recent presidential elections of 2022. It is significant that she conceded, when the law was adopted, that Macron had 'good intuitions' and had 'finally labelled the issues'.

The law, which entered into force on 24 August 2021, contains several measures. One of the most substantial is new regulations on cultural and religious associations, which must submit a government review of their bank accounts, declare donations from abroad and may be dissolved if they promote ideas deemed as encouraging hate. It reinforces the principle of neutrality in public service and associations cannot get money from the state without approving a document laying out Republican principles. The law reasserts a range of principles, such as the rule of law, respect for human dignity, equality, fraternity, the obligation not to question the secular character of the Republic and the obligation to avoid disturbances to public order. It also establishes a new offence of inciting hatred online. While it continues detaching French Islam from foreign influences, for instance seeking to avoid the phenomenon of detached imams from countries of origins, it also calls for more scrutiny of mosques.

One year after its adoption, the law led to the closure of more than 800 establishments, including mosques, prayer rooms, private schools, cultural associations and restaurants. As of 2023, two years after its adoption, the law also led to a 30 percent decrease in homeschooling; this was the most tangible impact as defended by the government. The other effects are more difficult to account for, contributing to the fact that two years after its adoption, the law remains very controversial. In 2020, 48 percent of the French people acknowledged the bill would

risk dividing society further, even though the majority (76 percent) agreed on the principle of the law.

The law is intended to give the state the necessary means to counter radicalisation and prevent terrorism, but in doing so it dangerously conflates civil society initiatives with extremist and illegal enterprises, leading again to an active securitisation of religious-based initiatives. The law, is perceived by some as infringing freedom of worship and freedom of association and was condemned by Muslim communities, other religious groups and NGOs such as Amnesty International. One of the most contentious points relates to the dissolution of several mosques and civil society organisations on vague grounds. Julien Talpin, a researcher in political science at the French National Centre for Scientific Research, concludes that the law is perceived by Muslims as increasing Islamophobia, as it stigmatises the whole community. It is perceived by many as further normalising anti-Muslim rhetoric and sentiment, leading to further discrimination and disempowerment.

## Islam and its perceived threat to *laïcité* and unity

The concept of *laïcité* usually roughly translated as secularism is a pillar of the French Republic. The secular fabric of French society is reinforced by the 1905 law on the Separation of Churches and State. Jean Baubérot, a French historian, understands *laïcité* as a tool ultimately aiming for freedom of religion, not repression. It is based on three principles: the ‘independence of the State vis-a-vis religions, freedom of conscience and non-discrimination for religious reason’. It is intended to build a space where religion can be practiced freely. But it often leads to the rejection of religious manifestation and identification in the public space, especially when a particular religion, usually Islam, is viewed as alien to the national community. The visible expression of Islam has been presenting a new challenge in recent years, especially given that the French conception of integration emphasises

the acceptance of *laïcité* and conformity to cultural and legal norms.

*Communitarisme*, identification with a particular ethnic or religious identity group, is perceived by French authorities as a threat and ultimately constructed as a cause of terrorism, directly leading to the narrative embedding the anti-separatism law in the broader counterterrorist strategy. Minority politics is seen as a form of renunciation, in the French imagined community, of the Republican ideal of integration in the nation and to the general interest of the community. As an example, 77 percent of the French people are hostile to the existence of political parties or trade unions who specifically say they advocate for Muslims, such as the Democratic Union of French Muslims. France has a model of integration which is assimilationist in that it emphasises the unity and indivisibility of the Republic.

In the case of Islam, the dominant perception is that of incompatibility between it and the French way of life. In this context, Islam is perceived as an obstacle to full integration and assimilation. Only 42 percent of the French population believe Islam is compatible with the values of the French society and 73 percent believe it seeks to impose its principles on others. More than half (60 percent) consider Islam (and not just radical Islam or Islamism or Political Islam) as a threat to French society and 78 percent think that French secularism is in danger. It thus seems one cannot be French and Muslim at the same time.

At the end of the 1980s and early 1990s, a shift emerged whereby religion became key to how immigrants and second-generation migrants were perceived, supplanting integrationist claims based on secular narratives such as the right to difference promoted during the 1983 March for Equality and Against Racism. The emergence of a 'Muslim problem' occurred in the context of a growing visibility of Islam as a political phenomenon on the domestic and international stage. The revival of Islam that many attribute to the Iranian Revolution of 1979 became more acute with international crises such as the Salman Rushdie Affair, the Gulf War and the Algerian War as well as domestic crises such as the first contentious cases regarding the wearing of the Muslim veil (the first French 'Headscarf Affair' occurred in Creil

of 1989, when three female students were expelled from secondary school for wearing the headscarf).

The 9/11 attacks and subsequent US-led so-called 'War on Terror' further accentuated the construction of Islam as a domestic as well as an external threat, leading to the perception of Muslims in the French sphere as the 'Other' and leading them to be perceived mostly through the lens of security policy-making. In the same vein, Muslim communities are perceived as a threat to *laïcité* not only because of their perceived lack of integration but also because of their assumed multiple allegiances, from the ummah (global community of Muslim believers) to their country of origin. Despite the diversity of Muslims in France and an absence of an organised form of Muslim communitarianism, Muslims in France are widely regarded by non-Muslims as one homogenous community

## **The government-driven domestication of Islam**

Since 2014, there has been a growing management of Islam by the French security apparatus, resulting from the conflation of the counter-terrorist agenda with religious identity. The anti-separatism law, by increasing the State's control over schools, mosques and associations also ultimately serves this State interventionism.

From 1960 until 1989, much of the management of Islam-related issues was carried out in migrants' countries of origin. Migrants from Muslim nations were largely treated as temporary workers who would return to their homelands and French authorities delegated issues related to Islam to France's consulates and embassies in countries of origin. The threat of 'radical Islam' led to a crisis for 'consular Islam', especially as generations born in France were more detached from the homeland of their parents and foreign influences.

In 1990 a Council for Deliberation was created, which led to the creation of the

French Council for Muslim Worship (CFCM) in 2003, which managed religious practices such as the certification of halal meat, the organisation of the pilgrimage to Mecca and the nomination of Muslim chaplains in prisons. In 2015, another governmental initiative emerged to build a larger space of dialogue for French Islam and resulted in the creation of a Foundation for Islam in France to centralise funding for mosque buildings, supervise imam training and manage contributions from the halal industry and worshippers. The CFCM has not been judged successful in its mission due to deep divisions along ethnic, national and ideological lines, leading to power struggles. In 2022, a new body, the Forum for the Islam of France, replaced the CFCM. Macron, like his predecessors, has been trying to find one interlocutor for a fragmented community, an ambition once again mostly driven by security concerns.

Top-down attempts at homogenising Muslims as a single community such as the state-driven creation of Muslim councils fitting the pattern of religion-state relations for purposes of 'domestication' and establishment of a 'moderate' Islam are not specific to France. Mostly driven by security concerns related to radicalisation, many governments in Europe are trying to form this kind of Islamic community. This results in artificial bodies that seldom reflect the plurality of the different Muslim sensitivities and often experience acute crises of legitimacy.

## Conclusion

The anti-separatism law can be read as being part of a continuum of the French State's approach to Islam and its Muslim minorities, using *laïcité* and the assimilation philosophy of integration to reinforce the control of Muslim associations and furthering the State's aim of building a governmentally sanctioned form of Islam. It is doubtful whether such measures will truly help curtail Islamic radicalism, but their impact on the freedom of worship and the right of association is evident. While Muslim communities are the main target of the law, it also threatens the liberties of other groups who have voiced their discontent, demonstrating that

beyond the securitisation and anti-Muslim sentiments it continues to perpetuate, it risks restricting the space of democratic liberty.

*Image: The President of France Emmanuel Macron, March 2023. Credit: Number 10/Flickr.*