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From Revolution to Laïcité: How Anticlericalism Has Defined Modern France for Muslim Women

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From Revolution to *Laïcité*: How Anticlericalism Has Defined Modern France for Muslim Women

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Abstract

This paper explores the developing definition and approach to secularism, referred to in France more strictly as *laïcité*, and its disproportionate impact upon French Muslims, in particular, Muslim women. The French roots of anticlericalism and resulting Revolution provide necessary context as to why the French are so apprehensive about religion, which led to the establishment of a secular state in 1905. Exploring relevant literature on the topic of French secularism, with a particular focus on the development of the headscarf debate in France from 1905 to 2023, context is provided regarding why the French care so deeply about the wearing of religiously affiliated clothing in public spaces. Analyzing the 2023 *abaya* ban exemplifies how the history of Islamophobia in France has manifested today, and discusses how Muslim women in France are affected in by legislation that specifically targets them, from clothing laws to bans on the administering of ‘virginity tests.’ Finally, concluding with a perspective of the debate through the lens of anthropologist Gregory Bateson’s concept of schismogenesis.

Introduction

An essential part of understanding the complexities of the realities of the approach to secularism adopted in France is that it already sees itself as a colorless society. To say *racisme* (racism) in France is seen as an act of racism itself, as it is to acknowledge the existence of race rather than the colorless society that France so desperately wants to adapt. In the pursuit of this all-encompassing and equal society in France, ministers within the French government have taken it upon themselves to ban certain attire that can be seen as religiously affiliated in certain French public spaces.

Large-scale debate regarding the wearing of the veil, an article of clothing predominantly worn by Muslim women to shield parts of their bodies from public display, began in the 1970s and 1980s. In France, feminist groups themselves spoke out in opposition to the veil. Leading feminist French politicians of the time, such as Yvette Roudy of France's leftist Socialist Party, said in 1989, "To accept wearing the voile is tantamount to saying 'yes' to women's inequality in French Muslim society."¹ The veil was seen not only as a religious symbol to those in France but as a symbol of sexism and gender inequality.

In France, there are those who see their hard stance on secularism as progressive, especially regarding the banning of religious articles such as the veil. The argument is made that these women are forced into wearing such articles by dominant male figures in their lives, and through these laws, the French government is freeing these women from "oppressive forces and providing them with the means to reclaim their individuality."² This was the position of many

¹ John R. Bowen, *Why the French Don't like Headscarves: Islam, the State, and Public Space* (Princeton: Princeton University Press, 2007), 209, digital file.

² Emma Caroline Delapr , "Judging From Above: French Feminists & Their Influence on the Veil Debate," Claremont-UC Undergraduate Research Conference on the European Union, last modified October 31, 2022, accessed December 11, 2023, <https://scholarship.claremont.edu/cgi/viewcontent.cgi?article=1181&context=urceu>.

feminist groups in France in the 1970s and 1980s, and continues to be a widely agreed upon sentiment in the country today among the large percentage of the population who support France's secularist stance.³

This approach from pro-ban feminists and supporters of the ban, in general, has been widely criticized on the international stage. There are some who say this approach adopts a Western savior complex approach to an issue many don't fully understand.⁴ Rather than a ban on these symbols freeing women in France, it restricts them to the confines of private spaces in which they can only be seen by close family members who are allowed to see an individual without any modest coverings.⁵

This long debate regarding the veil came to an end in 2004, at least an end legally, when the French government officially outlawed the hijab in schools. The backlash from the international community was almost immediate; even the United Nations Human Rights Committee released a statement in which they stated that the ban was a violation of human rights, as it would disproportionately impact women and their individual liberties.⁶

Since 2011, other prominent articles of clothing, particularly articles worn by women, have come into question in France and have also been banned in specific spaces due to their religious connotations.

Five years later, in 2016, an article of clothing widely known as the 'burkini' was called into question. The burkini, an article of clothing that Muslim women wear to go to the beach whilst remaining modestly covered other than hands and feet, was ultimately banned on French beaches due to being classified as a symbol of "Islamic extremism."⁷

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

Most recently, in September 2023, the Council of State (*Conseil d'État*), a top court in France, decided to uphold a new restriction on a loose-fitting dress worn mainly by Muslim women, the *abaya*, in French public schools.⁸ The ban has caused a new wave of criticism, mostly from those who question the ban due to the *abaya* not clearly being a religious symbol, but rather a long dress that covers the legs and arms only.⁹ Nonetheless, the Minister of Education, Gabriel Attal, had stood by the ban despite the backlash, stating, “When you enter a classroom, you should not be able to distinguish or identify the students’ religion by looking at them.”¹⁰

France’s long and complicated history surrounding religion and colonialism have guided the nation to today’s political climate, one that has decided to hone in on the articles of clothing worn by Muslim Women. This paper will explore just why the French are so apprehensive towards Islam and religion in general, and successfully advocated for a society free from religion in 1905, yet have continuously invoked religion in the name of *laïcité* since the loss of the Algerian War in 1963.

⁸ Aurelien Breeden, "France to Ban Full-Length Muslim Robes in Public Schools," New York Times, August 28, 2023, accessed December 11, 2023, <https://www.nytimes.com/2023/08/28/world/europe/france-ban-abaya-robesschools.html?searchResultPosition=1>.

⁹ Ibid.

¹⁰ Ibid.

Methodology

It was my Freshman year at Fordham when I was first introduced to the concept of *laïcité* in France through Dr. Lise Schreier's course 'France: Literature, History, and Civilization.' Despite studying France and the French language since 2013, I had never been introduced to France's extreme approach to secularism, one that is so unique that *laïcité* has no direct English translation. Our discussions in Dr. Schreier's class three and a half years ago surrounding provisions taken towards Muslim women's wearing of the *hijab* and *burkini* have stayed with me throughout my following coursework here at Fordham.

When I was fortunate enough to study abroad in Paris, France, from January to May 2023, I witnessed firsthand just how deeply rooted and complex the issue is. From the moment I arrived in the hotel lobby in which I would live for the duration of my stay, a lobby where BFM TV News would play on a continuous 24-hour cycle, the commentators were discussing attacks against *laïcité* in French schools, I realized how pivotal *laïcité* is to the core of modern French civilization. Later that same month in my first French language class taught in France, when a student used the French word for racism, *racisme*, in a sentence, our professor immediately stopped the class to tell us that to use such a word in France *is* to be racist.

These events in my experience both abroad and at Fordham have instilled a fascination with the French approach to secularism, eager to fully understand just how France went from a religious monarchy to one that shudders at the mentioning of religion.

In conducting this research, I first started with examining what led up to the signing of the 1905 law separating religion and state in France, the foundation for modern day *laïcité*. Focusing on the anticlerical movements in France before, during, and after the Revolution led me to understanding just why France is, one could say, afraid of religion. Its sphere of influence in

France for many hundreds of years was so encompassing and oppressive that for a decade in the late 18th century, the country was nearly brought to its knees by a population frustrated with the Gallican Church and monarchical influence.

Yet, the question remained: why is France so particularly enamored with Islam and the garments of Muslim women today? It's a question I can only partially answer. I'm an American, raised on the idea that freedom *of* religion is what works, rather than the French approach to a society free *from* religion, and can only approach this question to the best of my ability given the published information on the topic.

Nonetheless, examining the sentiments of pivotal political figures in France, such as General and President Charles de Gaulle, Jacques Chirac, and Emmanuel Macron, among others, all after the loss of France in the Algerian War, offered context and explanation as to just why France has such a deeply rooted and unique approach to treating Islam in a society free from religion.

Through my case study looking at the 2023 ban of the *abaya* as well as examining the 2021 Upholding Republican Values Law and its restrictions on virginity testing and polygamy, as well as literature review focusing on the origins of Islamophobia in France and veil debate, further, more relevant and needed up-to-date context on the status of French Muslim women is provided. This led me to a more complete understanding of a frequently misunderstood issue outside of France, which is many times lacking historical context and relies on preconceived notions and stereotypes.

Part I: Background

Roots of Anticlericalism

As France continues to uphold an extreme attitude towards secularism (the most extreme seen in modern Europe), the country's deep history with revolution, and consequentially anticlericalism, is essential to know in order to understand why a majority of the French population believes their unique approach towards the matter is favorable.¹¹

The Gallican Church and Monarchy in France for centuries was one of the most powerful and authoritative figures in France, known now as the *Ancien Régime*. The presence of the Gallican Church can be traced all the way back for centuries, when in the area known of now modern France, a Christian presence started to spread. The establishment of Christianity in the territory would define the region's evolution for the next 1400 years.

From the 3rd to the 18th century, "The church was considered as one of the organs of the national life; the clergy formed with the nobility and the third estate the three classes of the nation."¹² The church was such an indispensable aspect of life in France that upon birth, French citizens "were automatically considered to be Catholics, and all records of birth, death, and marriage were kept in the hands of parish priests."¹³

The monarchy in France saw kings serve as both religious and political leaders of the region. These kings "identified national unity with religious unity; while opposing Protestantism, they upheld very strongly, against the claims of the Roman court, the rights of the Gallican

¹¹ Delapré, "Judging From Above: French Feminists & Their Influence on the Veil Debate," Claremont-UC Undergraduate Research Conference on the European Union.

¹² Jean Réville, "Anticlericalism in France," *The American Journal of Theology* 9, no. 4 (1905): 606, JSTOR.

¹³ Harrison W. Mark, "The Three Estates of Pre-Revolutionary France," *World History Encyclopedia*, last modified March 7, 2022, accessed December 11, 2023, <https://www.worldhistory.org/article/1960/the-three-estates-of-pre-revolutionary-france/>.

church, that is, a national Catholic Church agreeing with the universal Catholic Church represented by Rome in religious faith and ecclesiastical organization, but not less united to the French royalty, which appointed the ecclesiastical dignitaries and did not allow the directions of the popes to be published and carried out in France without the special authorization of the government.”¹⁴ The ability of the French Gallican Church to operate independently of the word of the Pope permitted a unique approach to a Catholic state, one in which inequalities ran rampant along class divisions.

Daily life for those living within the *Ancien Régime* was entirely defined by which of the three societal classes an individual found themselves birthed into. The three classes of the *Ancien Régime* consisted of the Clergy (The First Estate), the Nobility (The Second Estate), and the Bourgeois/Working Class (The Third Estate).¹⁵

The inequalities between the three estates of the *Ancien Régime* were so immense that in a society of 27 million people in 1789, fewer than 100,000 belonged to the First Estate, and 400,000 belonged to the Second Estate.¹⁶ This leaves an astonishing number of 26.5 million citizens in the Third Estate, the poorest and least well-off of the three.

With so few holding such an immense amount of power, those in the first and second estates were able to organize for centuries to retain control of their power through a plethora of means. This included the Church controlling “almost the entirety of France's educational system...it also had a monopoly on poor relief and hospital provision. The Church also retained powers of censorship over anything lawfully printed. Catholicism, as guaranteed by the Gallican

¹⁴ Réville, "Anticlericalism in France," 605.

¹⁵ Ibid.

¹⁶ Ibid.

Church of France, was so important that ‘without Catholic sacraments the king's subjects had no legal existence; his children were reputed bastards and had no rights of inheritance.’”¹⁷

Furthermore, the First Estate had established their own General Assembly to meet every five years, permitting them to not only oversee what would be best for the Church but “fight off every attempt by the government to limit its financial freedoms.”¹⁸ Perhaps the most scathing example of the Clergy's power was their possession of one-tenth of all territory within France, from which they collected tithes.¹⁹ This income was used to gift money to the Crown as a donation, which would then exempt any clergyman from paying taxes to the state.²⁰

Those in the Second Estate saw many privileges, however, fewer than those amongst the Clergy. These privileges ranged from insignificant honors, such as permission to wear honorary garments, while others were as extreme as an exemption from taxation.²¹ It is important to note that whilst those amongst the Second Estate ranked higher than millions of French citizens, “half of the nobility were no better off than the average middle-class bourgeois, and many were much poorer.”²²

The Third Estate of Bourgeois and Working-Class Citizens was the most diverse and large of the three estates. As many as 2 million citizens in the Third Estate were very well off, controlling a large portion of the nation's wealth. Those amongst the wealthy minority of the third estate, about 2 million in 1789, saw their fortunes come from investments in land and generational wealth.²³ As those in the bourgeoisie amassed wealth, the monarchy and the state

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid.

²² Ibid.

²³ Ibid.

were increasingly in need of funds during the reign of Louis XVI, and saw wealthy members of the third estate buy their way into the nobility.²⁴

Still, 80% of the French population consisted of peasants. Between 8-11 million peasants were suffering from unemployment at any given time during the *Ancien Régime*.²⁵ Amongst this financial instability, those in the Third Estate, including 80% of the French population consisting of peasants, bore the responsibility for most of the country's taxes.²⁶

These disparities between the classes would hopefully be brought to a head during the 1788 meeting of the Estates-General, their first meeting in 175 years, to discuss tax reform at the request of the King.²⁷ Each estate was to be granted the same number of delegates, however, the Third Estate was then granted double representation upon request. As the Third Estate composed of such a significant majority of the French population, the potential of a more fair representation of the group meant there was finally the possibility of fair and equal representation and reform for millions of French citizens. However, this hope was quickly squashed as it was announced that each estate would receive only one vote, with no consideration given to the number of representatives from each estate.²⁸

Centuries of imbalance and blatant oppression of such numerous citizens in France came to a head finally with the first French Revolution of 1789, just one year after the meeting of the Estates-General.²⁹ During the years leading up to the 1789 Revolution, "the Church was still magnificent. Moreover, it was very wealthy—the clergy possessing property to the value of about

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Alberto M. Piedra, "The Dechristianization of France during the French Revolution," Institute of World Politics, last modified January 12, 2018, accessed December 11, 2023, <https://www.iwp.edu/articles/2018/01/12/the-dechristianization-of-france-during-the-french-revolution/#:~:text=Among%20the%20first%20targets%20of,as%20much%20diabolical%20as%20cruel.>

one hundred and twenty million pounds, and receiving, in addition, a revenue from tithes of about three million pounds. Yet the possession of this very wealth was a source of weakness rather than of strength. Under the persistent criticism and satire of the ‘philosophers,’ religion, especially among the more comfortable and educated classes, had fallen into general disrepute.”³⁰ The French philosopher Voltaire, who died before the 1789 Revolution himself even declared, “Every sensible man, every honorable man must hold the Christian religion in horror.”³¹

The centuries of unimaginable systemic oppression of the Third Estate at the hands of the monarchy and the Gallican Church were the root cause of the 1789 Revolution, and no doubt remain a key reason as to why the French of the 21st century remain in favor of an extremely secular society, one in which religion plays as minuscule a role as possible. The first attempts at dechristianization during the French Revolution came in 1790 with *La Constitution Civile du Clergé* (The Civil Constitution of the Clergy). The law officially made the Gallican Church subordinate to the French Government for the first time, and forced Clerics to swear loyalty to the state above all else, despite the Pope viewing the law unfavorably.³² This would only be the beginning of dechristianization movements during the Revolution.

Dechristianization Movements During the Revolution

Perhaps one of the most pivotal moments of dechristianization during the Revolution was the establishment of both the cult of Mind and the cult of the Supreme Being during the Revolution.³³ The former, the Cult of Reason, was founded in 1793 by Jacques-René Hebert and

³⁰ Ibid.

³¹ Ibid.

³² Harrison W. Mark, "Civil Constitution of the Clergy," World History Encyclopedia, last modified July 29, 2022, accessed December 11, 2023, https://www.worldhistory.org/Civil_Constitution_of_the_Clergy/.

³³ City Church in Estonia, "The Great French Revolution and the 'de-Christianization' of France. What did it lead to?," City Church in Estonia, last modified December 5, 2023, accessed December 11, 2023,

Jacques Fouché.³⁴ The cult saw some popularity among provincial cities, however, by the spring of 1794, the Cult of Reason had lost its popularity among the public.³⁵

The fall from grace of the Cult of Reason left room for a more extreme cult to take its place, and on a much larger scale. The infamous Maximus Robespierre would come to found the Cult of the Supreme Being, which would yield significantly more influence than the Cult of Reason, and oppose the Cult of Reason's atheist roots.³⁶

Robespierre, who was deeply opposed to not only atheism but also the Catholic Church, saw it as necessary to "introduce a new god, one that personified the revolutionary values of truth, liberty, and virtue."³⁷ This new God of Robespierre would be introduced through the Cult of the Supreme Being, believing that a 'creator' exists however, does not interfere with the universe.³⁸

Upon the introduction of the Cult of the Supreme Being, celebrations were held in Paris after Robespierre "persuaded the Convention to officially establish the Worship of the Supreme Being."³⁹ The most well-known celebration following the implementation of the Cult of the Supreme being would be the Festival of the Supreme Being, when on 8 June 1794, upwards of half a million people gathered at the Champs de Mars to see Robespierre burn cardboard representations of atheism, ancient Greek style athletic competitions, and see Robespierre

<https://www.citychurch.ee/the-great-french-revolution-and-the-de-christianization-of-france-what-did-it-lead-to/#:~:text=In%20the%20autumn%20of%201793,priests%20had%20left%20their%20position.>

³⁴ Ibid.

³⁵ Ibid.

³⁶ Harrison W. Mark, "Cult of the Supreme Being," World History Encyclopedia, last modified November 25, 2022, accessed December 11, 2023, https://www.worldhistory.org/Cult_of_the_Supreme_Being/#:~:text=The%20Cult%20of%20the%20Supreme,which%20had%20recently%20gained%20popularity.

³⁷ Ibid.

³⁸ Ibid.

³⁹ Ibid.

himself deliver speeches in which he declared “the day forever fortunate has arrived that the French people have consecrated to the Supreme Being.”⁴⁰

Robespierre’s lasting legacy, however, would be his involvement in the Reign of Terror during the French Revolution, in which thousands were killed due to laws such as the Law of 22 Prairial to the National Convention, which would accelerate “trials and increasing the likelihood of a guilty verdict, which now necessarily meant death. Between the implementation of this law on 10 June and 27 July, 1,400 people were guillotined in Paris alone.”⁴¹

It would eventually be his own extreme rules stemming from the Law of 22 Prairial and confidence resembling dictators on display during the Festival of the Supreme Being that would be his downfall, as he would be eventually be executed on 28 July 1794.⁴²

The execution of Robespierre would signal the end of the Cult of the Supreme Being in France, as no one chose to continue the work of the Cult of the Supreme Being, and the new policies adopted under the final phase of the French Revolution, known as the Thermidorian Reaction, chose to distance themselves from the policies of Robespierre and move towards a society that accepted freedom of religion and open market capitalism.⁴³

Attitudes Towards Religion After the Revolution

The 19th century saw many culturally and politically defining events happen in France, from the Napoleonic Era to the establishment of the Third Republic, much of what is now seen as quintessentially French came about in this period. Tensions and questions regarding opinion

⁴⁰ Ibid.

⁴¹ Harrison W. Mark, "Fall of Maximilien Robespierre," World History Encyclopedia, last modified November 30, 2022, accessed December 11, 2023, <https://www.worldhistory.org/article/2119/fall-of-maximilien-robespierre/>.

⁴² Ibid.

⁴³ Mark, "Cult of the Supreme Being," World History Encyclopedia.

on religion persisted throughout this chaotic period, which would all come to a head in 1905 with the enactment of the Law of Separation of Church and State.

After the rise of Napoleon Bonaparte to power, he signed in 1801 the Concordat of 1801, which would officially define the Roman Catholic Church as the majority religion in France once again and end the “breach caused by the church reforms and confiscations enacted during the French Revolution.”⁴⁴

Following the signing of the Concordat of 1801, the 19th century saw the rise and fall of many governments, each with its own corresponding relationship to the church. Monarchies such as the July Monarchy saw people further drawn towards a stance against the church, as the monarchy took it upon themselves to establish a closer connection with the Catholic Church. Opposition towards these policies intensified as Republicans in France aligned with revolutionary anticlericalism.

The Third Republic saw perhaps the most significant advancement in anticlericalism since the actions of Robespierre in the Revolution. Despite the stance of Republicans in France regarding the Church, education in France remained unchanged. Education in France remained largely dominated by the Church, particularly for citizens in economically fragile regions of France.⁴⁵ The concept of a nationalized secular education system in France was highlighted during the Revolution by prominent politicians such as Talleyrand and Condorcet, however, it would be nearly a century before it would be realized.⁴⁶

It would be French lawyer and Minister of Public Instruction Jules Ferry who would revolutionize the French education system. The *Loi du 16 juin 1881*, commonly referred to as the

⁴⁴ Editors of Encyclopedia Britannica, "Concordat of 1801," Britannica, last modified July 8, 2023, accessed December 11, 2023, <https://www.britannica.com/event/Concordat-of-1801>.

⁴⁵ "Jules Ferry laws establishing free, secular, compulsory education in France: 1880s.," California State University, Sacramento, <https://www.csus.edu/indiv/c/craftg/hist127/jules%20ferry%20laws%20establishing%20free.pdf>.

⁴⁶ Ibid.

Jules Ferry Laws, would be the first major step in establishing a nationalized mandatory education system for the French public.⁴⁷ The passing of the law saw the replacement of “state and church schools that were largely staffed by religious officials were replaced by state schools and lay school teachers.”⁴⁸

Before the passing of the Jules Ferry Laws, 7,000 municipalities within France had already established access to free education, however, the 1881 law officially made this education compulsory for all children between the ages six to thirteen.⁴⁹

On March 28, 1882, the law would be amended to include that compensatory education in France should be secular. It would officially enshrine in the very first article of the law that primary education in France should also go hand in hand with neutrality of the State in terms of religion.⁵⁰ This would officially remove all religious teachings in French schools after centuries of unfair treatment of the majority of the French population at the hands of the Church and establish a future for France that not only saw an educated society, but one that was not going to be impacted by an all-encompassing presence of the Catholic Church. The law would mark a major moment in the move towards a *laïque* society, as would be adopted throughout all of French society twenty-four later.

The very last and most important reduction of the presence of the Church in the lives of the French would come in 1905 with the signing of the Law of the Separation of Church and State. Not only would French education no longer be influenced by religion, but it would be officially enshrined into law that the government and society as a whole should no longer be subject to the presence of the Church by force. While a revolutionary maneuver, it would lay the

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ "*Jules Ferry rend l'enseignement primaire obligatoire*" [Jules Ferry makes primary education compulsory], *Site officiel du gouvernement française*, accessed December 11, 2023, <https://www.gouvernement.fr/partage/10037-jules-ferry-rendait-l-enseignement-primaire-obligatoire>.

⁵⁰ Ibid.

foundation for the 20th and 21st century in France, one in which religion is one of the most complicated and controversial topics in the country, and where anti-religious sentiment expands beyond just the Catholic Church.

Part II: Where Neutrality Isn't Neutral: *Laïcité* and Muslim Women in France

The signing of the landmark 1905 law would, in theory, permit those in the Republic to live in a society where religious freedoms are respected, and unlike in the past, the Church would no longer be an omnipresent part of French civilization in government and education. Rather than viewing the signing of the law as a way to express religious freedoms in France, it is largely viewed as freedom *from* religion.

France's long and complex history with the Church, particularly the negative treatment of the French at the hands of a government that revolved around the Church, has resulted in a society today that sees religion in a fairly negative light, and something to be practiced, observed and discussed only in private.

For the large majority of the 20th century, *laïcité* and the 1905 law did exactly its job: keep religion out of politics. However, within the past 30 years, a shift has been observed in French society regarding thoughts surrounding religion. As aforementioned, the late 1980s saw discussions surrounding the veil in public begin in France. It would eventually become law that such outwardly expressive symbols of religion should not be worn in public places, such as secular schools.

The growing debate seems to become more and more intense with each passing year, as more articles of clothing that can be seen as outwardly religious come into question, and are consequently frequently outlawed in certain public places in France. One religious group in particular has been put under a magnifying glass in France: Muslims. Since the 1990s and early 2000s, "the interpretation of *laïcité* has shifted to a stricter and more illiberal interpretation that has been used by both left-wing neo-republicans and right-wing conservatives to justify policies

targeting Muslim visibility.”⁵¹ These interpretations of French Muslims from all sides of the political spectrum is contributing to an intensifying rhetoric in France in which to be French, one must entirely assimilate to French customs by erasing any public expressions of their faith.⁵²

It appears, therefore, that where *laïcité* has been established to free people from the shackles of oppressive authority, it is being construed in a way to do just what it was intended to prevent. When enacted in 1905, a *laïque* society would presumably defend the right to self-expression, but it appears that the shift seen in the past 30 years defies a “human rights-compatible *laïcité* in which all individuals are equal regardless of their religion,” opting for instead one “in which *laïcité* became the weapon of choice to defend a particular cultural and political identity”⁵³

Virginity Testing Bans and Restrictions on Bodily Autonomy of Muslim Women

Amongst the Muslim community in France, it is Muslim women who bear the full brunt of this shifting rhetoric. Beyond the banning of headscarves and other clothing items, the 2021 French Islamic Separatist Bill (*Loi du 24 août 2021 confortant le respect des principes de la République*), also referred to as the Upholding Republican Values Law in English, introduced never-before-seen controls upon those who practice Islam.

Within the controversial bill, which passed and was enacted into law in 2021, are conditions that can be interpreted as limiting the rights of Muslims in France, particularly Muslim women. The law, amongst restrictions on attire for public servants and private

⁵¹ Rim-Sarah Alouane, "Publicly French, Privately Muslim: The Aim of Modern Laïcité," Berkley Forum, last modified May 13, 2021, accessed December 11, 2023, <https://berkleycenter.georgetown.edu/responses/publicly-french-privately-muslim-the-aim-of-modern-laicit> e.

⁵² Ibid.

⁵³ Ibid.

contractors of public servants and stricter restrictions on homeschooling, includes measures against polygamy, forced marriages, and “virginity certificates.”⁵⁴

The practice of administering virginity tests and certificates continues in at least twenty countries around the world.⁵⁵ In areas in Northern Africa and the Middle East, as well as South Africa, India, and other countries, it is a controversial practice seen across religions and cultures.⁵⁶ The practice sees doctors, or in certain communities, police or community leaders conduct an examination of a woman to determine whether she had before had vaginal intercourse.⁵⁷ It can be an excruciatingly painful experience that has not been shown to accurately determine if the woman being examined has before had intercourse.⁵⁸

In the cultures in which they are administered, the tests are used to “assess their virtue, honor or social value” to confirm virginity before wedlock.⁵⁹ While it is acknowledged the tests are a violation of human rights and have no place in modern society, the banning of these tests could put women or families of women pursuing the tests at greater risk.⁶⁰ It is predicted that the outright banning of these tests will not stop them, as they are a piece of culture that some Muslims and Roma families in France practice, it is not unlikely that to obtain a virginity certificate, these people will turn towards illegal tests that come with mountainous legal fees associated with them.⁶¹

⁵⁴ Office of International Religious Freedom, “2021 Report on International Religious Freedom: France,” U.S. Department of State, last modified June 2, 2022, accessed December 11, 2023, <https://www.state.gov/reports/2021-report-on-international-religious-freedom/france/>.

⁵⁵ Sophie Davies, “To ban or not to ban? France debates virginity tests,” Reuters, last modified November 25, 2020, accessed December 11, 2023, <https://www.reuters.com/article/france-women-virginity-idUKL8N2I44PZ/>.

⁵⁶ Leah Rodriguez, “French President Macron Just Proposed a New Law That Would Ban ‘Virginity Tests,’” Global Citizen, last modified October 8, 2020, accessed December 11, 2023, <https://www.globalcitizen.org/en/content/macron-to-ban-virginity-tests-france/>.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Davies, “To ban or not to ban? France debates virginity tests,” Reuters.

⁶⁰ Ibid.

⁶¹ Ibid.

The Upholding Republican Values Law has declared that any professional who administers a virginity test or issues a certificate is subject to a year in prison or a 15,000 Euro fine.⁶² The law is adamant that the practice of these tests is to be outlawed in France, and this comes along with not only the danger of individuals pursuing illegal tests. Without the ability to have these tests administered, those amongst women's rights groups and doctors say that women in these cultures could fall subject to abuse without a virginity certificate.⁶³

The position taken by Macron and the French government regarding the bodily autonomy of Muslim and Roma women who are subject to these tests, whether by their own personal choice or the decision of their family, will only foster an underground illegal environment where women can get these examinations performed without the supervision of the State for likely copious amounts of money.

The 1905 Law on the Separation of Church and State, and consequentially *laïcité*, wishes to keep religion out of the public sphere. As long as religion can be observed in private and is not outwardly expressed in public, there should be no conflict of interest between the state and individuals. However, this law, meant to combat Islamic extremism and separatism, wishes to place restrictions on individuals and their relationships with private medical professionals based on their own religious beliefs. Even if these practices have been deemed as a violation of human rights by groups such as the United Nations, emphasis should be placed on education surrounding the issue to inform the public about its potential dangers rather than an immediate and outright ban.⁶⁴

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Ibid.

Part III: Literature Review

While certainly not the only nation in the world to impose legislation regarding the wearing of traditionally Islamic clothing, they are one of only a few nations to do so. The rapid development of attitudes towards religion in France since 1905 is somewhat rare to see today in a Western nation, and arguably the most extreme Western approach.

The shift in opinion originating in freedom from religion at the time of signing the 1905 law to a society that has undeniably turned its attention towards restricting one religion in particular has been studied and published on since the rise of the veil debate in the 1980s. The centuries of oppression and control founded in religion in France, as discussed, guided the nation towards the signing of the 1905 law. However, for a large part of the 20th century, the debate surrounding clothing was nonexistent. Examining the 20th and early 21st century, from the signing of what was a progressive law to what is now seen as a scapegoat for unjust and racist targeting of Muslims, is where the seeds laid during the revolution grow into something more extensive and is the final piece of the ever-complicated puzzle to understand how France adopted such a strict approach to secularism.

1905-1989

The now infamous debate regarding religiously affiliated clothing did not happen upon the signing of the 1905 law of separation. In fact, for a large majority of the twentieth century, there was no debate. Those who chose to wear a headscarf in the twentieth century, particularly in the 1960s and 1970s, bore no repercussions for their actions, and no one raised an eyebrow. It was commonplace, seen as “a common Mediterranean costume, little different from that worn by Catholic women in the south of Italy, Spain, or France itself.”⁶⁵

⁶⁵ Bowen, *Why the French Don't Like Headscarves*, 90.

The colonial history of France itself would be the catalyst for what we know now as France's approach to secularism.

The bloody Algerian War, lasting seven years from 1954 to 1962, would be one of the penultimate turning points in 20th-century France. The end of the Algerian War would see Algerian independence after centuries of brutal occupation, which would ignite the end of the Fourth Republic and the end of French colonial rule in Northern Africa. The Algerian War would do more than just end French colonial rule, it would be one of the first cases in which Islam and the veil were viewed politically and negatively in France.

Many in France justified their presence in Algeria in the same way that we see politicians today justify their legal advances against Islamic garments: they viewed their presence in Algeria as necessary towards "liberating Muslims from the grip of traditionalism," believing then that "Arabs could never be modernized."⁶⁶

It is, in many ways, the same argument used today. Seeing as much of the passed legislation in France came during and after 2004, many see the veil debate as a remnant of global fears of Islamic radicalism after September 11, 2001, and its subsequent attacks in New York, Washington, and Pennsylvania. However, for France, the Algerian War marked the beginning of the veil debate due to Algerian women's presence as "an object of attention for both sides, and the veil acquired tremendous political significance. In fact, it was at this time that the veil was first associated with dangerous militancy."⁶⁷

During the war, General Charles de Gaulle, a widely regarded French hero due to his leadership of the French Resistance during World War II, would go on to lead France unsuccessfully in the Algerian War. He would say of Muslims in Algeria, and Northern Africa

⁶⁶ Joan W. Scott, *The Politics of the Veil* (Princeton, N.J.: Princeton University Press, 2007), 61, digital file.

⁶⁷ Ibid.

more generally, in 1959 that “Muslims . . . with their turbans and their djellabas? You can see clearly that they’re not French! . . . Arabs are Arabs, French are French. Do you think that French society can absorb 10 million Muslims, who tomorrow will be 20 million and the day after that 40 million?”⁶⁸

The war itself would instill an anti-Arab sentiment into the minds of the French public, as thousands of French people would be either killed fighting in the unsuccessful war or forced to return to France after Algerian independence, known as *pied noirs*. Beyond the war, the disapproval of Islam from a widely regarded hero of the French, de Gaulle, who would specifically reference their traditional garments as not French, would see the true foundation of what is now French secularism and *laïcité*.

Before the war and during the French occupation of Northern Africa in the late nineteenth century, France became one of the first European nations to adopt an active abroad recruiting approach to bring in labor from its colonies.⁶⁹ After World War II, the laborers began to settle down in France, unlike those who came before them and returned to their respective nations of origin. It would be the children of those who settled down in France that would start to cause a stir in the nation.

Those from Northern Africa in France after WWII were treated by the French government, despite their status as French citizens, as though they were temporary aliens who would return to their nations of origin. They were, therefore, told to be raised in their languages of origin and cultures of origin in order to better prepare the children of Northern African immigrants for their return to Northern Africa.⁷⁰ After the loss of the Algerian War, it quickly became apparent that those in France were going to remain.

⁶⁸ Scott, *The Politics of the Veil*, 61-62.

⁶⁹ Bowen, *Why the French Don't Like Headscarves*, 91.

⁷⁰ Ibid.

Upon this realization and a subsequent recession a decade later, far-right leaders in France used the image of colonial subjects as a scapegoat for lost jobs to those native to France.⁷¹ An anti-immigrant and, therefore, anti-Arab sentiment was established in France after the culmination of both the loss of North African colonies and the subsequent recession.

The early 1980s saw the rise of a new generation of French Arabs, calling themselves *beurs*.⁷² The *beurs* were the children of French immigrants and raised in suburban enclaves on the outskirts of major cities, frequently poor, and seen as “strangers to the dominant culture.”⁷³ Their main goals consisted of marching “for equality and against racism to end racist violence and bring them into the French social and labor mainstream.”⁷⁴ The protests eventually turned violent, and the *beurs* disbanded into political groups such as the French Socialists or SOS-Racisme to campaign for a “color-blind society.”⁷⁵

The anti-Arab sentiments established in the 1970s by the far right would continue to spread in France throughout the 1980s, with some seeing Islamic religious sites as incompatible with French society.⁷⁶ In 1989, the conflict would come to a head when three schoolgirls refused to remove their headscarves in school in October 1989.

The *affaire des foulards* (scarf affair) of autumn 1989 would be the catalyst for the regulation of religiously affiliated clothing that we see in France today. Three young girls of Moroccan and Tunisian backgrounds, the daughters of immigrant parents, were expelled from junior high school for refusing to remove their hijabs at the request of their school.⁷⁷

⁷¹ Ibid.

⁷² Bowen, *Why the French Don't Like Headscarves*, 92.

⁷³ Scott, *The Politics of the Veil*, 22.

⁷⁴ Bowen, *Why the French Don't Like Headscarves*, 92.

⁷⁵ Bowen, *Why the French Don't Like Headscarves*, 93.

⁷⁶ Ibid.

⁷⁷ Bronwyn Winter, *Hijab and the Republic: Uncovering the French Headscarf Debate* (Syracuse, N.Y.: Syracuse University Press, 2008), 165, digital file.

As news publications in the nation picked up the story, a chain reaction followed, and other students around the country began their own resistance to *laïcité* by wearing their hijabs to school and marching in the streets of Paris.⁷⁸ This religious advocacy from the children of immigrants who were proclaiming their identity in Islam rather than in traditional French norms established Islam as “a new threat and Muslim students as its carriers.”⁷⁹

The media frenzy surrounding the matter would bring the debate to the forefront of the public’s consciousness for the remainder of the school year. The matter would eventually be brought to the highest court in France, the Council of State, *le Conseil d’État*, which would deliver a ruling that would divert media attention elsewhere.

On November 17, 1989, “the council ruled that the wearing of signs of religious affiliation by students in public schools was not necessarily incompatible with the principle of *laïcité*, as long as these signs were not ostentatious or polemical, and as long as they didn’t constitute “acts of pressure, provocation, proselytism or propaganda.”⁸⁰ This decision would guarantee the rights of students in France to wear the hijab in French schools, and it would be considered a violation of the right of individual conscience to refuse a student their education based upon the student wearing a headscarf.⁸¹

The far-right in France cultivated anti-Arab sentiments in France in the years leading up to 1989, and the now spreading fears and reservations surrounding Islam in France had erupted in the 1989 *affaire des foulards*, however, no policy was passed in the name of *laïcité* to regulate the presence of the hijabs in French schools. It would take another fifteen years of slowly

⁷⁸ Winter, *Hijab and the Republic: Uncovering the French Headscarf Debate*, 166.

⁷⁹ Bowen, *Why the French Don’t Like Headscarves*, 90.

⁸⁰ Scott, *The Politics of the Veil*, 24-25.

⁸¹ Ibid.

bubbling tensions for legislation to be passed on the matter, and the 1990s would prove to be the decisive decade of the debate.

1990-2004

The events of 1989 would linger throughout the 1990s and the early 2000s in both the public sphere and political sphere. By 1994, politicians were up in arms again about the hijab debate, determined to take action. French Minister of Education at the time, François Bayrou saw center-right politicians such as Eugène Chénier of the center-right party *Rassemblement pour la République*, rallied for a bill that would ban anything seen as ‘ostentatious’ signs of religion in schools.⁸² Minister of Education Bayrou would find his proposal as a necessary measure to protect *laïcité* and would move to adopt the motion in September 1994.⁸³

As it did just five years prior, the decision caused a media frenzy, and there were opinions on both sides of the issue in France. Those in support of the proposal from Bayrou and Chénier recognized the civil war in Algeria happening at the time and questioned how France could express tolerance for a religion that was “itself inherently intolerant and oppressive.”⁸⁴ Those against the policy cited the oppressive nature of the law, including sociologists Françoise Gaspard and Farhad Khosrokhavar, who stated, “to reject girls with veils [in schools]...is to penalize them...by denying them the possibility of becoming modern.”⁸⁵

The period of September-December 1994 would become known as the period of the *Affaire Bis*, where “seventy girls were expelled for wearing the hijab, primarily in the school administrative areas of Lille, Versailles, Créteil, and Strasbourg.”⁸⁶ Eventually, the policy

⁸² Scott, *The Politics of the Veil*, 26.

⁸³ Scott, *The Politics of the Veil*, 27.

⁸⁴ Ibid.

⁸⁵ Scott, *The Politics of the Veil*, 28.

⁸⁶ Winter, *Hijab and the Republic: Uncovering the French Headscarf Debate*, 228.

permitting the expelling of these girls was brought to the attention of the Council of State, they stood by their 1989 ruling, and the policy was dead.⁸⁷

Within the latter years of the 1990s, the Council of State would be seen making rulings that continuously strayed from their original 1989 ruling, however. Such as a 1999 ruling in which the Council of State upheld the expulsion of a student who refused to remove the hijab during gym class.⁸⁸ The ruling essentially told schools they “had the right not to prohibit the hijab overall, but to require its removal—and indeed the removal of any other inappropriate clothing—for physical education activities.”⁸⁹

The subsequent significant development in the debate would come after the turn of the century in 2003, when then Minister of the Interior and future President of the Republic, Nicolas Sarkozy, proposed that women pose without articles of clothing such as the veil for official identity photographs.⁹⁰ In the wake of the 9/11 attacks in America and rising Islamophobia across the Western world, the National Assembly was met with a bill that would officially outlaw any signs of religious affiliation in public schools.⁹¹ President Chirac would form a committee to explore the feasibility of such a law.⁹²

There were representatives on both sides of the political spectrum with differing thoughts on the matter. However, the French left saw the most divide over the idea of an official law. Those in agreement with the law saw it as a progressive policy to emancipate women, whereas those in disagreement saw that rather than establishing France as a nation that would not tolerate

⁸⁷ Winter, *Hijab and the Republic: Uncovering the French Headscarf Debate*, 27.

⁸⁸ Winter, *Hijab and the Republic: Uncovering the French Headscarf Debate*, 246.

⁸⁹ Ibid.

⁹⁰ Scott, *The Politics of the Veil*, 30.

⁹¹ Ibid.

⁹² Ibid.

patriarchal practices, the policy “would not emancipate them but drive them either to religious schools or into early marriages, losing forever the possibility of a different future.”⁹³

Nonetheless, President Chirac was in support of the policy, and polls after a December 2003 speech to the French public regarding the proposal of a law against articles that clearly show religious affiliation saw that 69 percent of the public was with Chirac on such as law.⁹⁴

In March 2004, the law was passed and would be officially enforced in French schools starting in October of the same year, banning clothes like the turban, Yarmulkes, headscarf, or, more generally, as written in the law, any clothes that “‘clearly display’ or ‘draw attention to’ the religious affiliation of the pupil.”⁹⁵ Despite the all-encompassing nature of the law and its approach to all religious affiliations, the law was referred to more generally in public discussions as just the headscarf law.⁹⁶

The official law, after more than a decade of debate and back and forth, would mark the beginning of a new France. One that tolerated no visual expression of religion in communal public spaces, for better or for worse. It was officially written into law that one was either in support of Islam or for the Republic, but the two could not coexist.

2005-2022

The years following the decision by the French government have seen a commitment to following the law and have laid a path for other articles of clothing to come into question.

The 2007 election of the former Minister of the Interior and legislator behind the idea that women in France should pose for identity photographs unveiled, Nicolas Sarkozy, brought a new and more intense approach to *laïcité*. As a member of the center-right, Sarkozy brought with him

⁹³ Scott, *The Politics of the Veil*, 33.

⁹⁴ Bowen, *Why the French Don't Like Headscarves*, 169.

⁹⁵ Bowen, *Why the French Don't Like Headscarves*, 186.

⁹⁶ Scott, *The Politics of the Veil*, 35.

new laws built off of the national media frenzy surrounding the hijab ban that would further restrict the display of religious affiliation through clothing.

The most notable example of this is the 2011 ban on the *niqab* and the *burqa*, when the Sarkozy government took issue with the garment. The *niqab* and *burqa* serve as full body coverings. Where the hijab only covered the hair, these garments covered the whole face, referred to more generally as ‘face veils.’ Of the face veils, President Sarkozy said it served as “a sign of subservience” and “a sign of debasement,” declaring that France “cannot accept that women be prisoners behind a screen, cut off from all social life, deprived of all identity.”⁹⁷

As it was before under Chirac, the Sarkozy government opened an inquiry into the usage of face veils in France. While the Council of State was apprehensive when asked about the legality of a total ban, they did note that a complete ban could be upheld if the ban was rooted in the pursuit of public security.⁹⁸

With what was essentially written consent from the Council of State, France became the first European country to outright ban the wearing of Islamic face veils in public spaces on October 11, 2010.⁹⁹

From the hijab ban in 2004, which was restricted to only schools and hospitals, to the 2011 *niqab* and *burqa* ban, which cited the garments as illegal in ‘public places,’ there was an evident significant leap in extremity. Those wearing face veils in public were punishable with a fine of up to 150 Euros or a course on the meaning of French citizenship, and sometimes even both.¹⁰⁰

⁹⁷ Raphael Cohen-Almagor, *The Republic, Secularism and Security: France versus the Burqa and the Niqab* (Cham, Switzerland: Springer, 2022), 34, digital file.

⁹⁸ Ibid.

⁹⁹ Ibid.

¹⁰⁰ Cohen-Almagor, *The Republic, Secularism and Security: France versus the Burqa and the Niqab*, 24.

As the laws against Islamic garments are frequently passed under the guise that French women are in need of saving and are an oppressed group under their own religion, punishments for those who were caught forcing a woman to wear a face veil were much more extreme under the 2011 law. Those caught could be punished with up to a year in jail and a 30,000 Euro fine, or if it was a minor being forced to wear a face veil, the fine could be up to 60,000 Euros.¹⁰¹

The ban on face veils would remain the law of the land, and the European Court of Human Rights would even uphold the ban in 2014, declaring it a policy that encouraged citizens to “live together.”¹⁰²

The unprecedented rise of ISIS in the 2010s and subsequent terrorist attacks that followed in the decade awoke the fears of Islamic violence that had been established fifty years prior during the Algerian War. A series of six terrorist attacks in particular would reignite fears of Islam in the 2010s: starting with the Toulouse and Montauban shootings in 2012, the Charlie Hebdo office shooting in 2015, the November 2015 Paris attacks, the Nice Truck Attack in 2016, the Champs-Élysées shooting in 2017, and the December 11, 2018, attack at a Strasbourg Christmas market.¹⁰³

The 2012 attack in Toulouse and Montauban saw a terrorist pledging allegiance with ISIS attack a Jewish school killing a teacher and three children, starting what would be a tumultuous decade for French-Muslim relations.¹⁰⁴ 2015 would perhaps be the most tragic year, with Charlie Hebdo attacked on January 7, 2015, after printing satirical images of the prophet Mohammed and Paris attacked on November 13, targeting concerts and terraces for example. Hundreds would die in France in 2015 at the hands of ISIS affiliated attacks.¹⁰⁵ The following year, on Bastille Day,

¹⁰¹ Cohen-Almagor, *The Republic, Secularism and Security: France versus the Burqa and the Niqab*, 25.

¹⁰² Cohen-Almagor, *The Republic, Secularism and Security: France versus the Burqa and the Niqab*, 42.

¹⁰³ ChatGPT, *Provide me with a list of terrorist attacks in France that were caused by Isis from 2010 to 2020*, December 19, 2023, OpenAI, <https://chat.openai.com>.

¹⁰⁴ Cohen-Almagor, *The Republic, Secularism and Security: France versus the Burqa and the Niqab*, 30.

¹⁰⁵ Ibid.

2016, “an Islamist terrorist rammed a lorry into crowds celebrating ... on the *Promenade des Anglais* in Nice. Eighty-six people were murdered and 450 others were injured in the attack.”¹⁰⁶

On April 20, 2017, a police man would be killed by an Islamist on Paris’ iconic Champs-Élysées, the location of France annual Bastille Day parade and where de Gaulle’s army marched after defeating Nazi Germany.¹⁰⁷ Five people would be killed and eleven injured in Strasbourg on December 11, 2018, when a terrorist would open fire on a Christmas market.¹⁰⁸

These attacks, all incredibly violent in nature, would drive the desire for an even stricter approach to be taken against the display of Islamic garments in public, as this string of only some of the terrorist attacks in France began to drive an association between Islam as a whole and terrorism against the French. After the Nice attack in 2016, under François Hollande’s government, the argument regarding clothing would be reignited when police in France forced a woman to remove her ‘burkini,’ a swimsuit that covers the whole body except the hands and face.

This would become the controversial burkini ban in France, which would ignite on social media. Images of unbothered Nuns wearing wimples on the beach would circulate online and prompt the question: is this about *laïcité*, or about Islam?¹⁰⁹

Another president would usher in a new approach to *laïcité*, and Emmanuel Macron has reaffirmed he remains confident that the only way forward for the Republic is to respect and uphold the values of *laïcité*. The aforementioned Upholding Republican Values Law of 2021 saw the administration’s strictest approach to Islam, aiming to prevent radicalization and reinforce that to be French is to be free from religion. But, as it has with every French president since

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Cohen-Almagor, *The Republic, Secularism and Security: France versus the Burqa and the Niqab*, 42.

2000, the debate surrounding the articles of clothing worn predominantly by Muslim women must come under the administration's microscope, and the Macron administration's choice would be the *abaya*.

Part IV: Case Study

2023 Ban of the *Abaya* in French Public Schools

Following the 2021 Upholding Republican Values Law and the reelection of Emmanuel Macron in 2022, the Macron government would continue its pass laws that disproportionately discriminate against Muslim women in France in the name of *laïcité*. The landmark 2004 ruling in France that outlawed the veil in schools laid the foundation for further legislation to restrict the outward expression of Islam in France, and the 2023 ban on the *abaya* only expands on this legislation that is met with both applause and criticism nationally and worldwide.¹¹⁰

What stands out in particular about the banning of the *abaya* is that it's a garment that many see as relatively mundane and not overtly religious, unlike the veil. The garment, described as "a female garment, designates a loose over-garment, essentially a robe-like dress, descending to the wrists and ankles. Yet, the word *abaya* can also mean any type of dress and coat," comes across as a standard dress when described, not an article of religious clothing.¹¹¹ Nonetheless, the French Minister of Education, and as of January 2024, new Prime Minister of the Republic, Gabriel Attal, would disagree. As would President Emmanuel Macron, who stands by Attal, describing the wearing of the *abaya* as a way to say "I'm different."¹¹²

The ban on the *abaya* would come just one year after Attal's predecessor, Pap Ndiaye, said he would not ban the *abaya* in schools. He declared, "the *abaya* is not easy to define,

¹¹⁰ Juliette Jabkhiro, "French ban of abaya robes in schools draws applause, criticism," Reuters, last modified August 29, 2023, accessed December 11, 2023, <https://www.reuters.com/world/europe/french-ban-abaya-robes-schools-draws-applause-criticism-2023-08-28/>.

¹¹¹ Amnesty International, "France: Authorities must repeal discriminatory ban on the wearing of abaya in public schools," Amnesty International, last modified October 3, 2023, accessed December 11, 2023, <https://www.amnesty.org/en/documents/eur21/7280/2023/en/#:~:text=On%2028%20August%202023%2C%20just,all%20public%20schools%20in%20France.>

¹¹² Ibid.

legally... it would take us to the administrative tribunal, where we would lose."¹¹³ Less than one year later, just before students were to return from summer holiday on August 28, 2023, Attal would notify the public in a speech that the *abaya* and *qamis* would be banned in French schools for the foreseeable future.¹¹⁴

Reactions from the public in France were mixed. Those in government offered responses mainly along partisan lines. While a majority of the French public and those in government hold *laïcité* as a vital part of the framework of French society, those on the far left were quick to denounce the decision by Attal. *La France Insoumise* MP Clementine Autain criticized the Macron government, deeming them the “clothes police” and the decision to ban the *abaya* as a move “characteristic of an obsessional rejection of Muslims.”¹¹⁵

Those on the right, as well as those among school unions, were open to the decision. French Union of School Principals (SNPDEN-UNSA) national secretary, Didier Georges, expressed relief that the government had finally come to a decision on the topic and could offer some clear guidance to schools regarding the *abaya*.

Those among the French public, in particular French Muslims, expressed confusion and denounced the law. A twenty-two-year-old by the name of Djennat stated, in a similar form to previous Education Minister Ndiaye, that “It’s a long dress, quite loose, it’s a normal garment, there is no religious meaning attached to it.”¹¹⁶

Action Droits des Musulmans (ADM) was founded after the November 13, 2015, attacks in Paris by Sihem Zine to advocate for and protect the rights of Muslims in France. Zine took to the *Conseil d’État*, the highest court in France, to object to the banning of the *abaya*, however,

¹¹³ Jabkhiro, "French ban of abaya robes in schools draws applause, criticism," Reuters.

¹¹⁴ Amnesty International, "France: Authorities must repeal discriminatory ban on the wearing of abaya in public schools," Amnesty International.

¹¹⁵ Jabkhiro, "French ban of abaya robes in schools draws applause, criticism," Reuters.

¹¹⁶ Ibid.

the case was not accepted by the court.¹¹⁷ The judges agreed with Attal, who “found that anything which ostensibly manifests a religious affiliation is prohibited at state schools, and that items could become a religious garment ‘due to the behaviour of the student.’”¹¹⁸

Zine and *Action Droits des Musulmans* stand vehemently against the weaponization of *laïcité* in France, particularly against Muslims. Zine said of the evolution of secularism and *laïcité* in France since the 1980s, “The concept of secularism in this country is misguided, and has been turned into an exclusionary secularism... The general principle of secularism is the freedom to believe or not to believe, which means that the state and its officials have to be neutral. But for several years, it is the individuals as users of public services who see themselves neutralised. The definition of secularism right now is so broad that it means we are eternally reopening the discussion on the place of ethnic minorities and Muslims in society.”¹¹⁹ The outlawing of the *abaya* contributes to an evolving definition of *laïcité*, where it can be invoked in relation to clothing articles that have less to do with religion and more to do with culture. If such a culture is allowed to progress in France, the Islamic ‘separatism’ they fear so deeply will only find new roots among French Muslims growing up in a country they see as oppressive.

The concept of *laïcité* in France as freedom from religion is seemingly becoming more about the freedom of the government to restrict religious freedom in France. This is the sentiment shared among many human rights non-profits, such as Amnesty International. Of the ban on the *abaya*, Amnesty International writes, “the lack of clarity that derives from the assumption that undefined pieces of clothing are religious, as well as the summoning of the concept of secularism to justify this ban, risks leading to discriminatory and arbitrary practices of

¹¹⁷ Tiara Ataii, "Resistance in France: The schoolgirls and sportswomen resisting France's abaya ban," Dazed, Winter 2023, accessed December 11, 2023, <https://www.dazeddigital.com/life-culture/article/61451/1/dazed-abaya-france-cover-schoolgirls-and-sports-women-resisting-ban>.

¹¹⁸ Ibid.

¹¹⁹ Ibid.

school personnel...this ban feeds into a persistent racist and discriminatory rhetoric by politicians that conflate Islam with terrorism and vague concepts such as ‘political Islam’, ‘radical Islam’ and ‘Islamist separatism’ and ‘communautarism’ often referred to interchangeably.”¹²⁰

Amnesty International consequentially proposed recommendations in response to the *abaya* ban, including an entire repeal of the ban.¹²¹ Their recommendations and scathing response to the *abaya* ban come after years of advocacy for French Muslims, writing in 2010 regarding the proposal to ban full-face veils in France, “Under international human rights law, restrictions on freedom of expression and the manifestation of religion or belief are permissible only when they are demonstrably necessary and proportionate for the achievement of certain specific purposes permitted by international law... Amnesty International does not believe that a complete ban on the wearing of full-face veils in public is necessary to achieve any of these goals.”¹²²

Beyond freedom from religion, *laïcité* seeks to, particularly with Muslim women, ‘liberate’ them from a religion that forces them into submission. It is this reasoning that is used to justify and enact legislation that further limits the clothing that French Muslim women can wear in public. This reasoning is flawed, however, says humanitarian response writer Tiara Ataii. She claims, “Reports of women being forced to wear modest clothing, including the hijab, are

¹²⁰ Amnesty International, "France: Authorities must repeal discriminatory ban on the wearing of abaya in public schools," Amnesty International.

¹²¹ Ibid.

¹²² Amnesty International, "French politicians urged to reject ban on full face veils," Amnesty International, last modified May 19, 2010, accessed December 20, 2023, <https://www.amnesty.org/en/latest/press-release/2010/05/french-politicians-urged-reject-ban-full-face-veils/>.

wildly exaggerated...you can't claim to promote integration by stripping women of their rights and excluding them from public life."¹²³

It's true that reports of Muslim women being forced to wear modest clothing are overly exaggerated, and rather than view the *abaya* or the veil as a symbol of oppression, some view it as a simple cultural difference and construction of femininity between the East and the West.¹²⁴

Despite this, the emancipation of French Muslim women is still used as a reason for these practices that control Muslim women. Beyond forced modesty being blatantly exaggerated, perhaps more importantly, the French approach relies not only on a racist and discriminatory understanding of Islam but a modern-day white savior complex. In her book *Do Muslim Women Need Saving?*, author Lila Abu-Lughod writes to "construct the [...] Muslim woman as someone in need of saving [...] presumptions are being made about the superiority of that to which you are saving her."¹²⁵

The 2023 decision to outlaw the *abaya* in French schools is established on the back of the 2004 outlawing of the veil and exemplifies that unchecked, the French will continue to impose restrictions on clothing articles traditionally worn by Muslim women in the pursuit of a society free from religion. This freedom from religion, however, is quickly turning into systemic, legally enforced restrictions on religious freedoms, particularly for Muslim women. Unchecked, the future could spell danger for French Muslims and policy that more closely resembles that of the *Ancien Régime* rather than a 21st-century society.

¹²³ Ataii, "Resistance in France: The schoolgirls and sportswomen resisting France's abaya ban," *Dazed*, Winter 2023.

¹²⁴ Michaeleen Doucleff, "Covering Up With The Hijab May Aid Women's Body Image," NPR, last modified September 15, 2014, accessed December 11, 2023, <https://www.npr.org/sections/goatsandsoda/2014/09/15/347083281/covering-up-with-the-hijab-may-aid-womens-body-image>.

¹²⁵ Ataii, "Resistance in France: The schoolgirls and sportswomen resisting France's abaya ban," *Dazed*, Winter 2023.

Part V: Discussion & Analysis

Schismogenesis: Explaining the Cyclical Escalations Against French Muslims Through the Media and Government

The deliberate and incessant rhetoric in France regarding Islam as inherently contradictory to French ideals can best be discussed using anthropologist Gregory Bateson's concept of 'schismogenesis,' made famous by David Graeber and David Wengrow in their book *The Dawn of Everything: A New History of Humanity*. The term, which originates from the Greek words "schisma," meaning division, and "genesis," meaning origin, is used to "describe how societies in contact with each other end up joined within a common system of differences, even as they attempt to distinguish themselves from one another."¹²⁶ Graeber and Wengrow discuss tribes in California and Canada hundreds of years ago to discuss this theory.

Those in tribes along the West Coast before colonization, from modern day California to Canada, developed and adopted entirely different methods of life and societal structure. Graeber and Wengrow write of these two communities, "There were no inherited ranks or titles [in modern California]. Even those who did inherit wealth continued to emphasize their personal hard work, frugality and achievement; and while the rich were expected to be generous towards the less fortunate and look after their own lands and possessions...Northwest Coast societies, in contrast, became notorious among outside observers for the delight they took in displays of excess."¹²⁷ The two explore whether "societies [are] in effect self-determining, building and reproducing themselves primarily with reference to each other."¹²⁸

¹²⁶ David Wengrow and David Graeber, *The Dawn of Everything* (S.I.: Farrar, Straus and Giroux, 2021), 265, digital file.

¹²⁷ *The Dawn of Everything*, 265-267.

¹²⁸ *The Dawn of Everything*, 269.

We see this cycle of back and forth and societal building in reference to each other constantly in France in relation to the French and Muslim communities.

Whereas American Islamophobia largely stems from the September 11, 2001 terrorist attacks, the results and aftermath of the Algerian War are where Islamophobia and the deliberate establishment of ‘us versus them’ is established in France. Of course, the string of ISIS related terrorist attacks in the 2010s in France have also contributed, but for nearly half a century longer than it has existed in the United States, Islamophobia has had a solid foundation and ability to deeply root itself into French society.

Action and reaction is core to the concept of schismogenesis, and as the two sides continue to define themselves against the other, a continuing cyclical escalation is what results. We can see this with the aforementioned group *Action Droits des Musulmans*, founded in the aftermath of the 2015 terror attacks in France. The NGO was founded after the series of Islamic extremist related attacks to “protect Muslim citizens’ rights after the French government declared a state of emergency in response (to the 2015 attacks),” showcasing the predictability of an extreme escalation in Islamic rhetoric in France after the attacks rather than coming to the conclusion that extremism is the issue, not Islam.¹²⁹

The group and its members have also suggested that it is not just the French government who is adding to the cyclical nature of Islamophobic attitudes in France. The media plays a direct role as well.

In a nation as divided as France on the subject of Islam, the media plays a crucial role in the public sphere of opinion regarding French Muslims, and consequently the “us versus them” cycle of actions between the French and Muslims we see today. A 2013 poll found that only 26%

¹²⁹ Ataii, "Resistance in France: The schoolgirls and sportswomen resisting France's abaya ban," *Dazed*, Winter 2023.

of the French public had a very good image, or quite good image of Islam, compared to 64% for Judaism and 69% for Catholicism.¹³⁰ Furthermore, when the same survey indicates that “the French spontaneously associate Islam with religious fanaticism and the oppression of women,” clearly there is a larger force at play.¹³¹

Yes, the government engages and enacts legislation contradictory to what would constitute a positive perception of Muslims in the nation, but perhaps more importantly, the media’s reporting on the matter is what has truly ignited the back and forth, feeding the fire. Economist Marie-Anne Valfort discusses why the media’s coverage is both logical and worrisome, stating it is “Logical, because the media have to sell, and so they have an incentive to adopt a discourse that echoes what potential readers, TV viewers, and listeners find appealing. Worrying, because this tendency legitimizes negative stereotypes about Islam, and thus helps to anchor them solidly in French public opinion.”¹³²

Where in America we see partisan news channels such as MSNBC and Fox News at opposite ends of the political spectrum, the same exists in France. The French equivalent of Fox News is frequently thought to be CNews, a 24-hour news channel that panders to the right.¹³³

CNews is home to plenty of political personalities, just as Fox News is in the United States, but perhaps their most notorious and controversial figure is Éric Zemmour. Zemmour most recently ran for President in the French 2022 election cycle, gathering a substantial following during the campaign before the first of two public votes in the election cycle. His

¹³⁰ Marie-Anne Valfort, "Religious discrimination in access to employment: a reality," Institut Montaigne, last modified October 2015, accessed December 20, 2023, Page 64, <https://www.institutmontaigne.org/ressources/pdfs/publications/religious-discrimination-in-access-to-employment-a-reality-policy-paper.pdf>.

¹³¹ Ibid.

¹³² Ibid.

¹³³ Norimitsu Onishi, "A Fox-Style News Network Rides a Wave of Discontent in France," The New York Times, last modified September 14, 2021, accessed January 10, 2024, <https://www.nytimes.com/2021/09/14/world/europe/france-cnews-fox-far-right.html>.

campaign was founded on the principles he shared while on CNews: anti-immigration and anti-Muslim rhetoric.¹³⁴

Zemmour would come in fourth nationwide during the first round of elections, garnering 7.1% of the total vote nationwide. While this result would not permit him to continue into the decisive second round, he beat many other candidates from established political parties such as *Les Républicains* (The Republicans), and France's well-established Socialist Party and Communist Party.¹³⁵ This result displays the rampant and unprecedented power the media has in the anti-immigrant and anti-Muslim rhetoric in France.

Nonetheless, Marine Le Pen, daughter of controversial politician Jean-Marie Le Pen, would face Macron and lose for a second time since 2017 after a campaign similar to that of Zemmour, founded on a far right, anti-Muslim and anti-immigrant rhetoric.

According to French Muslim women, the pandering by the media and partisan news channels provides the French public with an idea of them not based in reality. A Muslim woman in France, Sarah Bennai, a member of an inclusive basketball club in France that allows women to wear traditional Muslim garments such as the hijab, stated, "The media talks about the hijab all the time. It's broadcasting news all day, often platforming the extreme right. There's not a single day you don't hear about Arabs, Muslims or immigrants on the news. But the media is portraying a version of us that doesn't exist. You have to explain to every single person you meet that you don't put your hijab on because you were forced to!"¹³⁶

¹³⁴ Constant Méheut and Norimitsu Onishi, "Behind the Scenes, Billionaires Shape French Presidential Campaign," *The New York Times*, last modified March 10, 2022, accessed January 10, 2024, <https://www.nytimes.com/2022/03/10/world/europe/france-presidential-election-media-cnews-.html>.

¹³⁵ Seán Clarke and Antonio Voce, "French election 2022: full first-round results," *The Guardian*, last modified April 10, 2022, accessed January 10, 2024, <https://www.theguardian.com/world/ng-interactive/2022/apr/10/french-election-2022-projected-result-and-latest-results>.

¹³⁶ Ataii, "Resistance in France: The schoolgirls and sportswomen resisting France's abaya ban," *Dazed*, Winter 2023.

This back and forth between the media and responses from French Muslims, through actions such as founding NGOs like *Action Droits des Musulmans*, is the quintessential definition of schismogenesis. While evidently French Muslims have significantly less power than the media, the repetitive cycle is evident: an event occurs, the media reports on it (especially pointing out if the event involves someone of Muslim descent), the government uses the public's outrage against Islam to enact more radical legislation, and Muslims become more ostracized and controlled, even if they come out and declare what's being said about them is not true.

Since the migrations of those from the Maghreb to France after World War II, they have been treated as an 'other.' Deemed incompatible to French customs by de Gaulle, battered for almost twenty years with legislation that constantly restricts their self-expression, and covered in a negative light by the media, it is no surprise that French Muslims and Muslims in general choose to cope with their marginalization by turning their backs on the French. They are the only Western nation so enamored with policy regarding religiously affiliated clothing, and true progress in this debate won't be made until both sides can stop seeing each other as an 'other' and as a mutually enriching part of French society.

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