

THE FAILURE OF COSMOPOLITANISM: THE LAÏCITE RULES AS A CRISIS OF FRENCH MUSLIMS

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Abstract. This paper discusses the increasingly visible failure of cosmopolitanism in France. Laïcité rules are considered as a form of cosmopolitanism that determines between religion and the State, but currently, laïcité are considered as a "tool" to regulate individuals to regulate themselves with certain political, social, and cultural values adjusted by the State. Islam is the second-largest religion after Christians in France, and this makes Islam a debated subject in France. For several ages, the Government issued a policy to restrain Muslim freedom especially women for use hijab, and recently Government ban the use of the niqab in public spaces. In 2020, President Emmanuel Macron issued a plan to stop for the existence of imams and teachers from 9 Islamic countries to prevent separatism and avoid those who disagree with French values.

Keywords: Cosmopolitanism, Laïcité, Headscarf Affair Policy, Islam.

Abstrak. Tulisan ini membahas tentang kegagalan kosmopolitanisme di Perancis saat ini yang semakin terlihat. Aturan laïcité dianggap sebagai salah bentuk kosmopolitanisme yang memisahkan antara agama dan Negara, namun saat ini aturan laïcité dianggap sebagai sebuah “alat” untuk mengatur individu untuk menyesuaikan diri dengan seperangkat nilai-nilai politik, sosial dan budaya tertentu yang ditentukan oleh Negara. Islam merupakan agama mayoritas kedua setelah Kristen di Perancis, dan ini telah membuat Islam menjadi subyek perdebatan di Perancis. Selama beberapa dekade, Pemerintah mengeluarkan serangkaian kebijakan untuk membatasi kebebasan populasi Muslim khususnya perempuan untuk mengenakan jilbab, dan baru-baru ini melarang adanya penggunaan niqab di ruang publik. Pada tahun 2020, Presiden Emmanuel Macron mengeluarkan rencana untuk mengakhiri adanya imam dan guru asing dari 9 negara Islam untuk mencegah adanya separatisme dan ketidakpatuhan terhadap nilai-nilai Perancis.

Kata-kata Kunci: Kosmopolitanisme, Laïcité, Kebijakan Larangan Hijab, Islam.

Introduction

There is no explicit agreement yet on the new meaning for cosmopolitanism, as any survey of the literature shows. However, new cosmopolitanism cannot yet be considered a substitute for old cosmopolitanism. For the most part, the new cosmopolitanism is used as an “umbrella” for various changes to the old cosmopolitanism.¹

Robins (2007) argues that the new cosmopolitanism maintains the historical moral of the old cosmopolitanism based on the humanist and global fields. However, the new cosmopolitanism was closer to existing hybridity than to distant ideals that had to be fought for. The new cosmopolitanism reflects the moral glory of the old normative feeling.²

However, some use cosmopolitanism to emphasize global connectedness, while others link cosmopolitanism to a political agenda regarding human rights, international law, and asylum law. Meanwhile, other groups understand cosmopolitanism and use it to mention a set of principles for a global democratic order or global civil society.

In religion, cosmopolitanism as a theory has developed and is becoming increasingly involved with state sovereignty, but cosmopolitanism does not seek to overthrow a country or nation. Religion in cosmopolitanism aims to build a mediation system and explore meeting spaces that promote mutual recognition, respect, and opinion without violence.³

Cosmopolitanism is seen as reflecting a paradoxically narrow approach to religion. The current paradigm suggests that global citizenship in a world consists of people who practice multiple religions, requiring that public spaces be filtered from specific religious practices or systems that convert religion to a private space. Secularism is increasingly developing where the belief that modernity requires privatization and there is a decline in religion.

¹ McMurrin, Mary Helen. 2013. “The New Cosmopolitanism and the Eighteenth Century.” *Eighteenth Century Studies*, 47 (1), 19-38.

² Robbins, Bruce. 2007. “Cosmopolitanism: New and Newer.” *Boundary 2*, 34(3), 47-60.

³ Neuman, Justin. 2011. “Religious Cosmopolitanism?: Orhan Pamuk, the Headscarf Debate, and the Problem with Pluralism.” *The Minnesota Review*, No. 77 143-161.

France is a country known for its secularism or *laïcité* concept. Based on these regulations, the French Government issued policies regarding the use of headscarves for Muslim women several times. In April 2011, the French Government banned Muslim women from wearing the *burqa* in public and issued a 150 Euros fine for women and attend “citizenship classes” that would remind them of the *laïcité* rules in France.⁴

Recently, President Macron planned to issue an end to a program to send foreign Imam and teachers to France to provide foreign language and culture classes for those who are not subject to the supervision of French authorities. The ban aims to solve the problem of separatism and prevent “communitarianism” in France.⁵

Based on this background, the writer then proposes a problem statement, namely, “How can the *laïcité* rule become a crisis against the French Muslim community?”. The author’s thesis statement argues that the concept of *laïcité* increasingly “curbs” the freedom of Muslim societies. Through these regulations, the Government prohibits Muslim women from wearing the headscarf and *burqa* in public spaces. In contrast to the basic principles of *laïcité* in general, which are designed to free religion from the state, nowadays *laïcité* is increasingly evolving to remove religion from the public sphere, which further weakens Islam in France. Those, according to the author, are seen as a form of cosmopolitanism’s failure.

Theoretical Framework

This paper uses secularization theory. In the Oxford Handbook, “Secularization” refers to a kind of process or set of processes which, if meaningful to those who live through it, can at best function as a means, not as an end for itself. Secularization highlights how the secular viewpoint does not regard any religious’

⁴ Piser, Karina. 2018. “French Secularism Is in Crisis. What Does That Mean for Muslim Youth?”, *the Nation*, 8 January 2018, <https://www.thenation.com/article/archive/french-secularism-is-in-crisis-what-does-that-mean-for-muslim-youth/> [diakses pada 27 April 2020].

⁵ France 24. 2020. *Macron unveils curbs on foreign imams in France to combat ‘separatism’*, *France 24*, 19 February 2020, <https://www.france24.com/en/20200219-macron-unveils-curbs-on-foreign-imams-in-france-in-bid-to-combat-separatism> [diakses pada 29 April 2020].

view as necessary for expressive or intellectual activity, moral behavior, or learning in general.⁶

Taylor (2007) explains secularization to various aspects, such as dividing into secularization 1, 2, and 3. Secularity 1 is the retreat of religion in public life, secularity 2 is a decrease in belief and practice and secularity 3 is a change in the conditions of belief. According to Taylor, in contrast to 1 and 2, secularity 3 involves a humanist aspect where it creates true distrust.⁷

Furthermore, the authors use organizational secularization as a concept in this paper. Organizational Secularization is a social change that encourages society's secularization, which is caused by a rational process that extends from the economy to the social world, leaving no field untouched; even the religion must rationalize. The market situation forces religious institutions to market their commodities, religious traditions, and to achieve "results", the socio-religious structure is bureaucratized.⁸

Secularization is seen as a decrease in the social significance of religion. Bruce (2011) further offers a definition of secularization as (1) the decay of religious institutions, (2) the transfer of religious rules and principles with demands that conform to strict technical criteria, and (3) a shift from religious control to secular control over various activities and social function. Wilson then argues that when a religion is institutionalized, it loses its authority over individual moral beliefs, practices, and principles.⁹

Research Methodology

The research method used in this paper is a qualitative data analysis method, namely research that describes the content but is not based on statistical accuracy. Analyze the problem based on the facts that relate these facts to other facts to

⁶ Zuckerman, Phil dan John R. Shook. 2017. *The Oxford Handbook of Secularism*. USA: Oxford University Press.

⁷ Taylor, Charles. 2007. *A Secular Age*. USA: The Belknap Press of Harvard University Press.

⁸ Dobbelaere, Karel. 2004. *Secularization: an Analysis at Three Levels*. Belgium: P.I.E- Peter Lang.

⁹ Bruce, Steve. 2011. *Secularization: In Defence of an Unfashionable Theory*. USA: Oxford University Press.

produce a correct argument.¹⁰ Qualitative methods are used to answer questions about experiences, meanings, and perspectives, most often from the participants' views.¹¹ The technique used by the writer is inductive, which is a process that starts with the topic, generates a hypothesis and collects the data, then analyzes the data and from this analysis comes to a theoretical explanation of the phenomenon being observed.¹²

This paper uses the library research method to obtain the required data. The data is obtained through the literature study method by exploring various library sources related to research interests such as books, journal articles, state documents, research reports, online articles, videos, and websites.

Discussion

Laïcité Rules

Secularization is about the loss of Religious authority to define what is to be believed, practiced, and accepted as the moral principles that guide their lives. In other words, it is not only a matter of decline but also of religious transformation outside the scope of religious authority.¹³

The conception of French *laïcité* has been the subject of debate from its inception and has shifted in articulation and rationale. Many of these changes reflect significant social and demographic transformations during the last few centuries. In the early 21st century, official documents describe Islam as a new "challenge" for *laïcité*.

Laïcité as the timeless rule of France has become the identity. This rule was first implemented in 1905 when France imposed a separation of Church and state due to the French Revolution process. The 1905 law was passed after heated debate about whether *laïcité* should apply to colonized Muslims and the German territory's

¹⁰ Ulber, Silalahi. 2012. *Metode Penelitian Sosial*. Bandung: PT. Refika Aditama.

¹¹ Hammarberg, K., M. Kirkman1, dan S. de Lacey. 2016. *Qualitative research methods: when to use them and how to judge them*. Human Reproduction, 31(3), 498–501.

¹² Harrison, Lisa dan Theresa Callan. 2013. *Key Research Concepts In Politics and International Relations*. London: SAGE.

¹³ Dobbelaere, Karel. 2006. "Bryan Wilson's Contributions to the Study of Secularization." *Social Compass*, 53(2), 141–146.

status, Alsace-Moselle. Because the law forced the Church to surrender all its property to the “cultural association” of Imam and activists, protests took place in several areas that turned violent.

The broad definition of *laïcité* denotes the non-recognition nature of the French State. When quoted from the official page of the Ministry for Europe and Foreign Affairs, *laïcité* aims to “return all religions to the private sector and build state secularism in the public sphere. The French state does not take sides with any religion and guarantees their peaceful coexistence with respect to the laws and principles of the Republic.”¹⁴

Laïcité is often contrasted with "Anglo-Saxon" about multiculturalism. The Anglo-Saxon model is characterized as a liberal approach to integrating minority groups both individuals and societies are free to adopt whatever beliefs and practices they choose, if they do not harm others. In this case, multiculturalism is considered the view that cultural differences must be accommodated so that society harmoniously functions.¹⁵

Meanwhile, *laïcité* is seen as centralization and homogenization, which requires individuals to conform to a particular set of political, social, and cultural values determined by the state. Multiculturalism is seen as a danger to the direct and exclusive relationship between the state and citizens, opening the door to the nation's fragmentation into interest groups divided based on race, religion, and previous citizenship.¹⁶

This definition of *laïcité* as a form of separation between religion and state has remained popular over the years, especially among those wishing to maintain aggressive and hardline secularism. The *laïcité* rule has been in debate since the 1960s, when the Catholic Church has struggled to avoid the involvement of religion in government affairs, especially the prohibition of religious influence in

¹⁴ Ministry for Europe and Foreign Affairs, n.d. “*Secularism and Religious Freedom*” <https://www.diplomatie.gouv.fr/en/coming-to-france/france-facts/secularism-and-religious-freedom-in-france/article/secularism-and-religious-freedom-in-france> [diakses pada 27 April 2020].

¹⁵ Vince, Natalya. 2010. “*France, Islam and Laicite: Colonial Exceptions, Contemporary Reinventions and European Convergence*” in *The End of the French Exception?*. Chafer, Tony dan Emmanuel Godin (New York: Palgrave Macmilan).

¹⁶ *Ibid.*

determining state policy. During the 1970-1980s, the values of individualism, self-interest and ownership of identity were seen as conflicting with the claim of universality on which the Republican tradition was based.¹⁷

In the 1990s, political debates began to target Islam, combining religious activity with labor issues and urban marginality, while promoting top-down integration of Islam. Women's headscarves are a major concern in the state's relations with Islam, as the state increasingly questions national loyalties and minority ownership. Although *laïcité* in theory should guarantee the neutrality of the state and the privatization of religion. Conversely, Islam was never allowed to become a private matter of the community or be supported as a cultural tradition, and Muslims were treated as foreigners who needed special treatment and control rather than as equal citizens.

Instead of opposing religion and modernity, the basis of this tradition is moving religion into the midst of the paradox of modernity, *Laïcité* is considered to be more "reconciling" in nature, promoting not freedom from religion, but neutrality towards and equality between religions. *Laïcité* is also thought to be used by some groups to stop or minimize immigration to France.

Muslims in France

Since the 1970s, Islam in France has had a difficult journey as France has historically exploited Islam to support its imperial ambitions. French officials view Islam as a regressive force that keeps Muslims bound to daily religious dogmas and rituals. However, instead of removing Islam from politics, France tried to control it.

When Muslims demanded state secularism as part of their opposition to colonial rule, France argued that *laïcité* and Islam were incompatible based on the idea of a Muslim inability to live under a secular system. To avoid empowering anti-colonial

¹⁷ Ivanescu, Carolina. 2016. *Islam and Secular Citizenship in the Netherlands, United Kingdom, and France*. UK: Palgrave Macmillan.

organizations (Islamic organizations), France chose to maintain its control over Islam, funding and intervening in religious property and institutions.¹⁸

Muslims are a relatively small minority in Europe, making up about 5 percent of the population. However, in some countries, such as France, the Muslim population is higher. In the coming decades, the Muslim share of the continent's population is expected to grow. According to Pew Research, France is one of the two European countries with the largest Muslim population in Europe, apart from Germany. In mid-2010, there were 4.7 million Muslims in France or 7.5 percent of the country's population of 62.7 million. In 2020, the Muslim population will increase by 0.8 percent to 5.4 million from the country's population of 65.2 million (see table 1). The Pew Research Center estimates that by 2050, France will have a Muslim population of 12.7 percent or 8.6 million people.¹⁹

Table 1. The Estimation of Muslim in Eropa

Region	2010	2020
France	4.710.000 (7,5 %)	5.430.000 (8,3 %)
Germany	4.760.000 (5,8 %)	5.530.000 (6,9 %)
United Kingdom	2.960.000 (4,8 %)	3.950.000 (6,1 %)
Italy	2.220.000 (3,7 %)	2.960.000 (4,9 %)
Netherlands	1.000.000 (6 %)	1.170.000 (6,9 %)
Spain	980.000 (2,1 %)	1.610.000 (3,3 %)

(Sources : Pew Research Center)

The interaction between Muslims and France probably started during and after World War I when France desperately needed soldiers and laborers to support its war effort. A large number of Muslim men were included in the French's economy where the majority of these people came from French colonies in North Africa, especially Algeria. The residency status of these Muslims is supposed to be temporary, and they never think of staying permanently in the country. This was

¹⁸ Davidson, Naomi. 2012. *Only Muslim: The Embodying Islam in Twentieth-Century France*. USA: Cornell University Press.

¹⁹ Pew Research Center, 2020. *Global Religious Futures* [online] in http://globalreligiousfutures.org/countries/france#/?affiliations_religion_id=0&affiliations_year=2020®ion_name=All%20Countries&restrictions_year=2016 [diakses pada 24 April 2021].

the first major wave of Muslims to come to France, invited by French authorities to support the French economy.²⁰

The second wave of Muslim immigrants came to France after the Second World War. Once again, the goal was the same, namely, to rebuild France after the war. About one million guest workers arrived during the 1960s. But after the 1973 oil crisis, France closed its borders, offering foreigners already employed the option of staying and joining their families. Some of these immigrants were naturalized at the time, and many of their children were granted citizenship by being born in France.

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Over the years, the Muslim population in France is growing. In 1990, Pew Research data showed that there were around 568 thousand Muslim populations or 1 percent of the total population in France. However, in 2010, the Muslim population increased by 4.7 million or by 7.5 percent of the total population in France.²²

According to Khan (2012), this population increase is due to marriage and birth. Marriage affects the Muslim population in France, but not on a large scale. Male workers who live in France for the economic support of their families living in their country of birth, mostly have arranged marriages with a girl from her hometown. So, their spouses also migrated to France, starting a family in the country.

Muslims all over the world have high fertility rates, and French Muslims are no exception. Family pressure also led to the birth of more children. Like other European countries, the nuclear family system has taken over the traditional extended family in France. Because of this transformation, people live their lives as individuals rather than being bound by the legal responsibilities and obligations of

²⁰ Giry, Stephanie. "France and Its Muslim. The Politics of Assimilation", Foreign Affairs, 2006, <https://www.foreignaffairs.com/articles/france/2006-09-01/france-and-its-muslims> [diakses pada 28 April 2020].

²¹ Ibid.

²² Pew Research Center. "Muslim Population by Country", 2011, <https://www.pewforum.org/2011/01/27/table-muslim-population-by-country/> [diakses pada 29 April 2020].

marriage or the burden of caring for parents and grandparents. This trend directly affects their fertility rate.²³

The growing Muslim population made Islam the second largest religion in France after Christianity. This is also what makes Islam the subject of debate in French society. Over the decades, the French Government has issued several policies that have increasingly suppressed the freedom of the Muslim population in France, one of which is the use of the headscarf in public.

French Traditions and Policies of The Foulard Affair

France has a tradition of assimilating immigrants into the values of the state and turning them into citizens. This is due to the understanding that the values of the state are the essence of being a citizen, and citizenship is the core of French identity. French tradition does not distinguish between different ethnicities but sees citizenship as a contractual relationship between the nation-state and its people.

However, assimilation is always understood in cultural terms, namely cultural ownership determines integration in the national community. Thus, through *laïcité*, referring to the values incorporated from the assimilation or integration approach, citizenship in the Republican tradition is based on a common language and shared history and culture written in their political institutions which are inherited from the past.²⁴

The policy of the foulard affair or commonly known as the headscarf affair (*L’Affaire du Foulard*), first emerged in 1989, when three girls in Creil, a suburb of Paris, were suspended for wearing their headscarves at their public high school. This incident became widely known as the “headscarf affair”. Since then, the headscarf has continued to be a topic of debate. The headscarf is seen as a direct

²³ Khan, Mohammad Moiz. 2012. “Islam in Secular France.” *Journal of European Studies*, 28 (1), 190-207.

²⁴ Parvez, Z. Fareen. 2017. *Politicizing Islam The Islamic Revival in France and India*. USA: Oxford University Press.

challenge to the basic principles of *laïcité* and concerns that “Islamic fundamentalism” has spread to the country.²⁵

Responding to the headscarf affair policy, the French High Court (*Conseil d’Etat*) did not publicly confirm the prohibition of wearing the headscarf. According to the French High Court, the prohibition will only be permitted in two circumstances, namely if the wearing of the hijab symbols is associated with missionary activity or if it becomes clear that other members of the same religious community feel morally pressured to conform. Despite this response, however, the headscarf affair continued to flourish and escalate when in 1994, the French National Assembly passed a law that would ban striking religious symbols, including the Islamic headscarf, from public schools.²⁶

This law prohibits the use of religious symbols at all levels of schools. A total of 494 people in the French National Assembly supported this law, while 36 people rejected it. As much as 70 percent of the French public supports the legislative ban because they think the law is a more robust tool for enforcing religious neutrality. Finally, on September 20, 1994, the French Minister of Education, Franfois Bayrou, decided that “flashy” and “silent” signs would begin to be banned in all schools. A striking sign is one whose effect is to introduce difference and discrimination into the educational community, while a sign of silence indicates personal religious beliefs.²⁷

The French Government increasingly relies on government commission reports to consider and make recommendations in the face of the new challenges that are being felt to *laïcité*. In 2003, the Stasi Commission Report offered about the conceptualization of Islam in official French public policy. The Stasi Report carefully emphasizes the importance of *laïcité* as a fundamental and enduring pillar of the French Republic.²⁸

²⁵ Croucher, Stephen M. 2008. “French-Muslims and the Hijab: An Analysis of Identity and the Islamic Veil in France.” *Journal of Intercultural Communication Research*, 37(3), 199–213.

²⁶ *Ibid.*

²⁷ Idriss, Mohammad Mazer. 2005. “*Laïcité and the banning of the “hijab” in France.*” *Legal Studies*, 25(02), 260–295.

²⁸ Shelby, Jennifer A. 2012. *Questioning French Secularism Gender Politics and Islam in a Parisian Suburb*. New York: Palgrave Macmillan.

The 68-page report document defines *laïcité* as a “guarantee of individual freedom” and a “foundation of national unity”. It makes numerous recommendations on renewing and strengthening its ties to public education, health care, the prison system, cemeteries, and other state institutions. There is also a Debré report that emphasizes *laïcité* as an essential model for promoting joint national projects and, more broadly, for promoting political stability worldwide. These two reports require the neutrality of public space towards religion and the protection of private space to protect religious freedom.

In addition, both reports state that the main obstacle for Islam to adapt to secularism is “Islamism”, as a radical departure from the mainstream interpretation of tradition and a dangerous political program. *Laïcité* must fight the “extremist political and religious tendencies that bring about communitarian projects” identified with Islam.²⁹

The Stasi report suggested a law banning symbols and forms of clothing that clearly identified the religious identity of public school students highlighted the Islamic headscarf, and only separately mentioned the Jewish Kappah and the symbol of the Christian Cross. Despite the law that emphasizes all conspicuous religious signs, it is difficult to deny the targeting of Muslim headscarves and related Islamic cultural principles. In the report’s document, the headscarf is implicitly linked to the dangers of Islam and the oppression of Muslim women. Likewise, the Debré Report quoted Ministry of Education mediator, Hanifa Chérifi, also a member of the Stasi Commission, who claimed the headscarf was “Islamist”, a “sign of fundamentalism”, and, for the most part, “French mix negotiations”.

On December 17, 2003, the President of France, Jacques Chirac, proposed a new law that prohibits all religious symbols and clothing that “reflects” religion from being displayed in public schools. This is due to the widespread belief in the National Assembly that Islam is an oppressive and politically threatening religion in France and the Government argues that the headscarf has now become a representative symbol of Muslim extremists. The proposal to ban all religious symbols follows pre-established laws that impose *laïcité* in the education system.

²⁹ *Ibid.*

The new law continues to follow the path of enforcing the neutrality of religion in the public sphere and continues to limit religious expression to private individuals.³⁰

The proposed law is the primary concern of the French Government that after 14 years since the headscarf affair, the use of the headscarf in public schools has increased. The Government has demanded guarantees that the headscarf does not become “acceptable” among the current generation of school children so that those who do not wear the headscarf will be excluded. The ban on all religious symbols “on display” in public schools, the government claims, would protect school students who would become objects of “religious harassment” for other students. The French Government firmly insists that it aims to protect all students from this type of coercion.³¹

This law has come under intense criticism from various international organizations, including Human Rights Watch (HRW). In international law, the state can only restrict religious practice when there are compelling reasons for public safety, when the manifestation of religious belief would violate the rights of others, or when it carries out a legitimate educational function.

According to HRW, the law violates the anti-discrimination provisions of international human rights law and restricts the right to equal educational opportunities. In practice, the law would leave some Muslim families with no other choice but to remove girls from the country’s education system.³²

The existence of this criticism has not stopped the French Government from “getting harsher” against the Muslim population in France. In 2009, President Nicolas Sarkozy began campaigning for stricter laws on religious expression. He argued that such laws were necessary to uphold *laïcité* values and principles, viewing the burqa as a sign of obedience and not an expression of religious belief.

³⁰ Scott, Joan W. 2005. “*The Banning of Islamic Head Scarves in French Public Schools.*” *French Politics, Culture & Society*, 23 (3), 106-127.

³¹ *Ibid.*

³² Human Rights Watch. “*France: Headscarf Ban Violates Religious Freedom By Disproportionately Affecting Muslim Girls, Proposed Law Is Discriminatory*”, 2004, <https://www.hrw.org/news/2004/02/26/france-headscarf-ban-violates-religious-freedom> [diakses pada 29 April 2020].

President Sarkozy stated “Burqa will not be accepted in the territory of the French republic”. This campaign was also supported by the Minister of Immigration and National Identity, Eric Besson, who took the initiative on the meaning of French identity and stated that he wanted the use of the burqa to be considered systematically.³³

It is seen as a way for the Government to question whether citizens and residents of immigrant backgrounds are loyal to France. According to some social science researchers, the Government’s way of doing so was an “accidental” part of reinforcing the idea that minorities (Muslims) bear special responsibility for safeguarding Republican values. The burqa symbolizes violations of French citizenship and is taken as a sign of “failure to assimilate” and rejection of French rule.

The wish was then realized in 2010 through law No. 2004-22831 expanded by a law prohibiting the burqa and other full-face veils in all public places. The law was approved by the Constitutional Council on October 7, 2010, and entered into force on April 11, 2011. The law prohibits using the burqa in almost all public places, including roads, markets, private businesses, entertainment venues, government buildings, and public transportation, but not including public places of worship.

Women caught wearing the burqa are subject to a fine of 150 euros or a French citizenship course. In addition, anyone forcing a woman to wear clothing that “flaunts” religion can be punished with a fine of 30,000 Euros and one-year imprisonment, 60,000 euros and two years imprisonment if the coerced individual is a minor.³⁴

This prohibition policy has influenced the existence of anti-Muslim violence and vandalism in mosques. Various sources report an increase in cases each year, including physical attacks, desecration of funerals, vandalism, and plans by far-right militants to shoot dead mosque worshipers. These acts also increasingly involve violence against women wearing headscarves. One such incident in 2013, in

³³ Heider, Jennifer. 2012. *Unveiling the Truth Behind the French Burqa Ban: The Unwarranted Restriction of the Right to Freedom of Religion and the European Court of Human Rights*. Indiana International & Comparative Law Review, 22 (1), 93-129.

³⁴ *Ibid.*

Argenteuil, northwest of Paris, involved beatings of several Muslim women. One of the victims, who was twenty-one years old, had a miscarriage soon after the attack.³⁵

Since Emmanuel Macron was elected President of France, hostility against Muslims has increased, including shootings, sexual harassment, arson, and desecration of places of worship. According to data from the Organization of Islamic Cooperation (OIC), it explains that attacks on Muslims increased by 52 percent during 2018. According to the report, 676 incidents of Islamophobia were documented in 2018 compared to 446 in 2017. Among the 676 incidents, 20 involved attacks. Physical (3 percent), 568 discrimination (84 percent), and 88 of them involved hate speech (13 percent). Meanwhile, threats to Muslims increased by 138 percent in 2018 compared to the previous year.³⁶

On February 18, 2020, French President Emmanuel Macron planned to end a program in place since 1977 that allows nine countries to send Imam and teachers to France to provide foreign language and culture classes that are not subject to oversight by French authorities. Four Muslim-majority countries, namely Algeria, Tunisia, Morocco, and Turkey are involved in this program, which reaches around 80,000 students each year. About 300 Imam are sent to France each year by these countries.³⁷

Macron announced that France would crackdown on Islamic separatism and end a system in which foreign countries send imams to preach in French mosques. Its purpose is to “reduce foreign influence” and ensure that all respect Republican law. This plan has received criticism from several French Muslim leaders, Mohammed Moussaoui, who is the president of the French Muslim Faith Council. According to him, French Muslims don’t want a ghetto, but they want their religious

³⁵ Erlanger, Steven. “Muslim Woman Suffers Miscarriage After Attack in France”, *New York Times*, 18 Juni 2013, <https://www.nytimes.com/2013/06/19/world/europe/muslim-woman-suffers-miscarriage-after-attack-in-france.html> [diakses pada 25 Juni 2020]

³⁶ The Organisation of Islamic Cooperation. 2018. *Eleventh OIC Observatory Report on Islamophobia* [download] in https://www.oic-oci.org/upload/islamophobia/2018/11th_Annual_Report_on_Islamophobia_English.pdf [diakses pada 7 Maret 2020]

³⁷ Cook, Cindy. “Macron’s controversial plan sparks criticism from Muslims” *Anadolu*, 28 February 2020, <https://www.aa.com.tr/en/europe/macron-s-controversial-plan-sparks-criticism-from-muslims/1748466> [diakses pada 29 April 2020].

practice to be seen as an element of their individual liberty, not as a permanent source of public debate.³⁸ President Macron is seen as showing that in France, inciting hatred or attacking one's dignity is fine, if the target is Muslim.

Laïcité becomes a crisis for French Muslims

Currently, France is in the midst of an identity crisis. France has a strong sense of a return to its heyday after founding the State of Modern France. Since the fall of the French monarchy, the French "nation" notion has been synonymous with French identity and has grown stronger with laïcité. However, that identity has split in recent years as France has experienced a rapid surge in immigration from predominantly non-Western and non-Christian countries. With this flow, French Christians who are the majority religion, are afraid of losing their French culture and identity because of the existence of non-Christian faiths.³⁹

A similar opinion is also expressed by Taylor (2007), according to him that we are currently living in a secular era as a consequence of changing conditions of belief, which he calls secularity 3 which is a change in conditions of belief, causing a shift in society where belief in God cannot be matched.⁴⁰

Not only does it curb the freedom of Muslim women to wear the headscarf, but the Government cannot accept Islamic values such as the refusal of Muslim women to shake hands or rejection of Muslim women to provide first aid to men, which are deemed to "weaken French public services and it is contrary. with all interests".⁴¹ These values are considered irreconcilable with many of France's constitutional values.

The existence of policies issued by the French Government is a crisis for French Muslims, especially women. The crises are related to their religion and country of birth and their concepts of sexuality, freedom of expression, and family. Laïcité which upholds the values of liberté, égalité, et fraternité or freedom,

³⁸ France24, *Op.Cit.*

³⁹ Croucher, *Op.Cit.*

⁴⁰ Taylor, *Op.Cit.*

⁴¹ Shelby, Jennifer A. 2012. *Questioning French Secularism Gender Politics and Islam in a Parisian Suburb*. (New York: Palgrave Macmillan).

equality, brotherhood, but instead continues to be used as a basis for cracking down on religious freedom.

For Muslim women, wearing the headscarf is a sign of religious obedience. Fulfilling what they see is a Quranic and religious obligation from Allah (SWT) who commands them to dress modestly. The use of the headscarf for women is to identify or label a woman as Muslim worldwide. In addition, the use of hijab is also a form of self-protection or as an expression of identity.

This policy is increasingly shaping Muslim opinion as a part of extremism where the use of the headscarf is seen as a symbol of Islamic extremism and terrorism. The use of the headscarf is also perceived as a fundamentalist tool and the existence of such a policy could hold a greater risk for extremism. In doing so, the policy can become a tool to help prevent further radicalization.⁴²

Muslim women in France have faced many problems in their communities based on their gender. With this foulard affair, not only will it further weaken the position of Muslim women but wearing a headscarf creates discord among Muslim women themselves. According to Wing and Smith (2005), an increasing number of Muslim women who wear headscarves are scolding women who choose not to wear them, accusing them of “turning their backs on God” and of “becoming Western”.⁴³

Conclusion

French laicite rule is a clear example of the failure of current cosmopolitanism. Laicite, which should be a rule that emphasizes the neutrality of the state and the elimination of religion from all public institutions, is currently being used as a basis for curbing individual freedom, especially for the Muslim population of France.

According to Benhabib (2004) in his book *The Rights of Others: Aliens, Residents, and Citizens*, foulard affair or headscarf affair represents an example of

⁴² Idriss, Mohammad Mazer. 2005. “*Laïcité and the banning of the “hijab” in France.*” *Legal Studies*, 25(02), 260–295.

⁴³ Wing, Adrien K, dan Monica Nigh Smith. 2005. “*Critical Race Feminism Lifts the Veil? Muslim Women, France, and the Headscarf Ban.*” *UC Davis Law Review*, 39 (743), 745-757.

cosmopolitan citizenship because it involves a process of what he calls democratic iterations in which the main actors apply the principles of religious freedom as citizens. France, thus targeting countries with universal principles based on certain identities.

Through the laïcité principle, the French Republic is built on the strict separation between Church and state, which fosters equality for all personal beliefs. However, nowadays, laïcité has shifted from constitutional principles to an ideological weapon used to justify the social death penalty against Muslims in France. Laïcité, which is supposed to give freedom of religion, continues to be used to crack down on religious freedom seriously.

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