FRANCE'S PUBLIC POLICY TOWARDS MUSLIM MIGRANTS UNDER THE PRESIDENCY OF NICOLAS SARKOZY (2007-2012)

BY

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A dissertation submitted in fulfilment of the requirement for the degree of Master of Human Sciences (Political Science)

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ABSTRACT

This study explores France's public policy towards French Muslims of immigrant origin under the presidency of Nicolas Sarkozy (2007-2012). This study is qualitative in nature, and is based mainly upon reliable primary and secondary data. The aim of this study is to thematically explain and analyze the French public policy under Sarkozy's leadership. The growing concern on Muslims in Western Europe in general and in France in particular reflects a complex relation in terms of public policies. Over recent years, tensions between Muslim population and native Europeans have grown into riots and violence and captured the attention of media worldwide. This study tackles three angles of research: firstly, the study explores France's political philosophy known as *laïcité* which remains a powerful reality in the country's public policy since the establishment of the law of December 1905 on separation of Church and State. Secondly, the study assesses the role and functions of the French Council of the Muslim Faith (CFCM), as an official platform created by Nicolas Sarkozy to communicate with the Muslim religious authority in France. Thirdly, the study analyzes the changes of immigration and integration policy during Sarkozy's quinquennat, and discusses the policy implications of the immigration and integration law on French Muslims of immigrant origins and the Muslim immigrants coming to France. The study uses elite model of public policy to approach the issue under research. The study finds that assertive laicism and the republican ideals of liberty, equality and fraternity are not compatible with the French public policies which restrict French Muslims freedoms of religious exercise beyond the private sphere.

ملخص البحث

يعكس القلق المتزايد تجاه المسلمين في أوروبا بشكل عام، ووجدت في فرنسا على وجه الخصوص خلال السنوات الأخيرة علاقة شائكة من حيث السياسات العامة للحكومات الأوروبية خصوصا مع تصاعد التوترات و أعمال الشغب والعنف التي استحوذت على اهتمام وسائل الإعلام. تبحث هذه الدراسة السياسة العامة لفرنسا تجاه المسلمين الفرنسيين من أصول مهاجرة خلال الفترة الزمنية الرئاسية لنيكولا ساركوزي ٢٠٠٧-٢٠١٢ . تستند هذه الدراسة أساسا على مصادر أولية وثانوية موثوقة، والهدف من هذا البحث هو تحليل موضوعي لمحاور هذه الرسالة الأكاديمية . حيث تتناول هذه الدراسة ثلاثة محاور، وهي: المحور الأول- تبحث الدراسة الفلسفة المؤسسة لفرنسا وأقصد هنا العلمانية التي لا تزال واقعا لا يتجزأ من الواقع الفرنسي الجمهوري منذ تأسيس قانون ١٩٠٥ الذي ينص على الفصل الكلى بين الكنيسة والدولة. المحور الثاني - تحاول الدراسة تقييم دور ومهام الجلس الفرنسي للديانة الإسلامية الذي تأسس بقرار رسمي من ساركوزي بغرض التواصل مع مسلمي فرنسا. المحور الثالث - تقوم الدراسة بتحليل التغيرات الطارئة على سياسة الهجرة والاندماج، وتناقش الآثار المترتبة عن هذه السياسة على المسلمين الفرنسيين من أصول مهاجرة والمهاجرين المسلمين القادمين إلى فرنسا. تستخدم الدراسة نموذجا النخبة السياسة وتخلص إلى أن العلمانية، و القيم الجمهورية: حرية، مساواة، إخاء، لا تتوافق مع واقع فرنسا الراهن الذي يقيد الحريات الدينية للمسلمين، وممارسة شعائرهم الدينية في الأماكن العامة.

APPROVAL PAGE

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A special dedication to my loving family

"Father, Mother, brothers and sister"

"I couldn't have done it without all of you"

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LIST OF ABBREVIATIONS

CCMTF The Coordinated Committee of Turkish Muslims in France

CFCM Le Conseil Français du Culte Musulman

CNDA The National Court of Asylum

CORIF The Council of Reflection on Islam in France

CRCM Les Conseils Regionaux du Culte Musulman

EU The European Union

FAS Fonds d'action social

FN Le Front National

FNMF The National Federation of French Muslims

GMP The Grand Mosque of Paris

HCI Le Haut Conseil à l'Intégration

MIIINC The Ministry of Immigration, Integration & National Identity & Co-

development

OAPEP The Organization of the Arab Petroleum Exporting Countries

OFII Office Français de l'Immigration and Intégration

ONI The National Office of Immigration

UMP Union du Movement Populaire

UOIF The Union of French Islamic Organizations

CHAPTER ONE

INTRODUCTION

1.1 BACKGROUND OF THE STUDY

France under the presidency of Nicolas Sarkozy from 2007 to 2012 has seen many reforms in terms of its domestic and foreign policies. French journalists named Sarkozy a "hyper-president" because of his will to solve many vital problems and his omnipresence in all domains. With his direct style, his art of communication on all internal and external issues, the president had undertaken reforms in education, employment, housing, healthcare services and immigration policies. This study aims to identify the reforms of the immigration policy, as well as investigate the position of Muslims in the French society by discussing the situation of Islam in France. It has hopes of creating *Islam de France*, known also as Islam of France, which is the state version of Islam, different from the traditional practices of Islam that French Muslims of immigrant origins have brought with them from their countries of origin.

The growth of Muslim communities in Western Europe over the past 25 years has engendered vigorous national debates over the place of Islam within and outside Western Europe.² On the other hand, European politicians, the public, and scholars frequently depict Muslims as one of the least integrated minority groups in contemporary Europe, due largely to their religiosity.³ Thus, this claim negatively relates religiosity with Muslim integration, leaving a room for debate on how

¹ "L'hyper-président", *Le Monde*, June 5, 2007, http://www.lemonde.fr/societe/article/2007/06/05/l-hyper-president_919048_3224.html (accessed May 2, 2015).

² Robert J. Pauly, Jr, *Islam in Europe: Integration or Marginalization?*, (Aldershot: Ashgate, 2004). ³ Rahsaan Maxwell, Erik Bleich, "What Makes Muslims Feel French?", *Social Forces*, vol. 93, no.1 (2014):155.

religiosity can be understood in the context of integration, and in which way does it affect assimilation in the European societies.

The vast majority of Muslims living in Western Europe is of immigrant origin; most of them are the result of the economic migration of the 1960s and the 1970s which produced tens of thousands of new immigrants, their descendants, second and third generations, born and raised in Europe, in addition to recently arriving political refugees from Muslim countries.⁴

According to the 2010 statistics, Muslims of Europe constitute 5.9% of the continent's population.⁵ On the other hand, Pew Forum on The Future of the Global Muslim Population states that less than 4 million Muslims lived in Western Europe in 1990; by 2010, this number had tripled to 11.3 million, and it is estimated that by 2030, Muslim population in Europe is expected to reach 16.4 million.

Having said that, the number of Muslims in France is not accurately known as the law of 1872 prohibits performing census by making distinction between citizens based on their race or their beliefs, except when polls and surveys are conducted. Thus, social scientists can only estimate the size of religious groups by factors such as the nationality of residents and responses to opinion polls and surveys. According to the French government's *Haut Conseil à l'Intégration* (High Council on Integration), 20% of people living in France are either immigrants or the children of immigrants; the majority, though not all, are Muslims originally from former North African colonies of the Maghreb which had gained their independence from France, i.e.

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⁴ Katrine Anspaha, "The Integration of Islam in Europe: Preventing the radicalization of Muslim diasporas and counterterrorism policy" (paper prepared for the ECPR Fourth Pan European Conference on EU Politics, Latvia, September 25-27, 2008), http://www.jhubc.it/ecpr-riga/virtualpaperroom/026.pdf> (accessed May 2, 2015).

⁵ "The Global Religious Landscape: A Report on the Size and Distribution of the World's Major Religious Groups as of 2010", Pew Research Center's Forum on Religion and Public Life, http://www.pewforum.org/2012/12/18/global-religious-landscape-exec/ (accessed May 2, 2015).

Algeria, Tunisia and Morocco.⁶ By way of contrast, the United Kingdom has the majority of Muslim immigrants from South Asia, while in the Netherlands they came from the former colonies of Surinam and Indonesia, in addition to those coming from Somalia, Turkey and Morocco. Spain's Muslim population is also largely drawn from Morocco due to its geographical proximity. In Germany, the majority of them are from Turkey dating back to the ties to the Ottoman Empire.⁷ Besides that, there were other waves of Muslim immigrants who immigrated to Europe between the 1980s and the 1990s, as refugees or political asylum seekers due to political conditions in their home countries and this has complicated further the task of governments of mutual accommodation between Islam and Western societies.⁸ Muslim presence in the West has been a challenge, specifically with the religious and cultural differences between the Westerners and the Muslims while to others, its presence is supposed to foster the Western values of openness, tolerance and fraternity.

Muslim immigrants who came to Europe particularly during the post World War II era were encouraged by many countries to meet their labour needs. Thus, the shared understanding was that the reason for entry was primarily and exclusively economic and that soon they, as "guest workers", will return to their own lands as their stay was expected to be short-lived. However, European societies did not think of a permanent invasion of Islam into European culture and Islam represented a brief

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⁶ Haut Conseil à l'Intégration, "La France sait-elle encore intégrer les immigrés? Les élus issues de l'immigration dans les conseils régionaux (2004-2010)", April, 2011,

http://www.ladocumentationfrancaise.fr/var/storage/rapports-publics/114000211.pdf (accessed May 2, 2015).

⁷ Pew Research Center's Forum on Religion and Public Life, "The future of the global Muslim population: Projections for 2010-2030", http://www.pewforum.org/2011/01/27/the-future-of-the-global-muslim-population/ (accessed May 2, 2015).

Esther Ben David, "Europe's shifting immigration dynamic", *Middle East Quarterly*, vol. 16, no.2 (2009): 15-24.

'cultural baggage'. On the other hand, as these workers who arrived to Europe left their families back home, the host countries facilitated the immigration of their wives and children to join their husbands under family reunification, and the Muslim population enlarged as a result of family reunification and became a visible community whose existence cannot be denied, making their host societies a permanent country of residence. Indeed, it was critical in terms of adjusting to a totally new environment and these immigrants could not easily disclose their identity as Muslims while the second and third generation immigrants born and brought up in these states already citizens or citizens in-the-waiting are much more confident of their identity and the right to maintain it. Consequently, as labour needs changed and host countries became more aware of the presence of new populations, new immigration laws were passed to restrict new people from immigrating to Europe.

All in all, Europe was a promising destination not only for fulfilling economic wishes but also as an intellectual hub where many Muslim students had chosen to further their studies; this was a trend in the 20th century. While a group of students decided to return to their countries with the knowledge and expertise they had acquired, others decided to stay, and this was a significant phenomenon in Western Europe. Tariq Ramadan believes that these people are working creatively to establish a genuinely European Islam.¹²

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⁹ Jocelyne Cesari, "Islam in France: The shaping of a minority in France," in *Muslims in the West:* From Sojourners to Citizens, edited by Yvonne Yazbeck Haddad, (Oxford: Oxford University press, 2002) 36

Esther Ben David, "Europe's shifting immigration dynamic", *Middle East Quarterly*, vol. 16, no.2 (2009): 15-24.

¹¹ Andrew Rippin, *The Islamic World*, (London: Routledge Worlds, 2008).

¹² Tariq Ramadan, "Islam and Muslims in Europe: A salient Revolution Towards Rediscovery," in *Muslims in the West: From Sojourners to Citizens*, edited by Yvonne Yazbeck Haddad, (Oxford: Oxford University press, 2002), 158.

1.2 FRENCH MUSLIMS OF IMMIGRANT ORIGINS

France is believed to have the largest Muslim population of immigrant origins in Western Europe. France has approximately five million Muslim residents, more than any other European country. 13 During the French conquest of North Africa, the state found itself responsible for handling the issue of Muslims not only in the Mediterranean but also in France itself. By the year 1850, the number of Muslims reached 10,000. Yet, France called about 500,000 Muslims arriving mainly from North Africa, Senegal and Mali to join its army during the WWI among which 100,000 Muslim combatants were killed. According to Francis Lamand, this was considered as the first official recognition of Islam in the French society. French authorities gave approval to building the first mosque ever in Paris known as la Grande Mosquée de Paris. This was seen as an enthusiastic sign to materialize fraternity that existed between the French society and its Muslim population, and intentionally identify the existence of Islam as a religion in the French soil.¹⁴ The presence of Islam in France was due to two factors; the first was a result of colonization of Muslim countries, while the second emerged due to immigration and decolonization. Thus, the sociological "chocs" raised the collective conscience on the emergence of a Muslim community, precisely a minority community. However, it was between 1954 and 1968, that France experienced large-scale labour migration of Muslims until the government decided to close its borders in 1974 to slow down these flows due to the oil crisis and global economic downturn. Nevertheless, this policy did not succeed to end the coming of workers to the country. On the other hand, France

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¹³ Jonathan Laurence and Justin Vaisse, *Integrating Islam: Political and Religious Challenges in Contemporary France*, (Washington, DC: Brookings Institution Press, 2006).

¹⁴ Francis Lamand, *L'Islam en France. Les Musulmans dans la communauté nationale*, (Paris: Albin Michel S.A, 1986).

expected that its former colonies would become economically independent, yet, these powers were potential new economic hosts.

1.3 STATEMENT OF THE PROBLEM

It is undeniable that the growing concern about Muslims in Western Europe reflects a complex relationship in terms of public policies. Over recent years, tensions between Muslim population and native Europeans have grown into riots and violence and captured the attention of the media worldwide. In 2005, rioting broke out in over 30 French cities in response to the deaths of two Arab-French youths who were running away from the police. The media portrayed the young Arab French rioters as part of a "Muslim uprising" or "French *intifada*", contradicting the misconceptions that many have of their Muslim neighbours. Also, the recent attacks on *Charlie Hebdo*'s newspapers office reflected the persistent tensions between the state, French Muslims and Islam.

Muslims in Europe have been blamed for a variety of other social ills, from unemployment to population crises to ghettoization to the prediction of the downfall of Europe itself.¹⁶ Besides that, there was a semantic shift in the French media and political discourses, particularly after the 9/11 attacks, and consequently caused anti-Muslim and Islamophobic sentiments.

Nevertheless, as far as previous literatures are concerned, Muslims are among the most socio-economically disadvantaged residents of Europe in general and of

http://www.pbs.org/frontlineworld/blog/2005/11/voices_from_the.html (accessed May 2, 2015).

¹⁵ Darren Foster, "Paris Riots: Voices from the Ghetto", November 17, 2005,

¹⁶ Claire Berlinski, *Menace in Europe: Why the Continent's Crisis is America's, Too*, (New York: Random House, 2006).

France in particular.¹⁷ However, the creation of *Conseil Français du Culte Musulman* (CFCM) or the French Council of the Muslim Faith, constitutes part of the state's attempt to serve as an official interlocutor with the state and to monitor Muslim religious activities.¹⁸ This platform was created for Muslim community to engage in public policy in dealing with the issue of Muslim identification.¹⁹ For their part, many Muslims considered the CFCM an opportunity to legitimize and normalize the presence of Islam in France. Having said that, despite these efforts, France public policy has been criticized as exclusive toward Muslims and has restricted individual freedom in a state of law, equality and freedom. While some literatures seek to justify the restriction by the actual interpretations of the 1905 law of separation of the state and church, others view it from the standpoint of integration and assimilation. The same argument has been used to justify the law on immigration and integration; the reform of France immigration policy proved the failure of its assimilation model and inability of a number of migrants to integrate and live according to the French way of life.

Thus this research aims at answering the following questions:

- 1- What was the impact of the French model of secularism on the 1905 law of separation of church and state and consequently on Muslim migrants?
- 2- What role does the French Council of the Muslim Faith play in French Muslims' public life and what are its functions?
- 3- How did the policy of immigration change during Nicolas Sarkozy's presidency in 2007?

¹⁷ Jonathan Laurence and Justin Vaisse, *Integrating Islam: Political and Religious Challenges in Contemporary France*, (Washington, DC: Brookings Institution Press, 2006).

¹⁸ Mayanthi Fernando, "The Republic's Second Religion: Recognizing Islam in France.", *Middle East Report*, Vol. 35 (2015): 12-17.

¹⁹ Dennis Chong and Kim Dukhong, "The Experiences and Effects of Economic Status among Racial and Ethnic Minorities.", *American Political Science Review*, vol. 100, no.3 (2006): 335-351.

4- What were the implications of immigration and integration law on Islam and Muslims in France?

1.4 JUSTIFICATION OF THE STUDY

The issues of Islam and immigration in France's public policy are relevant primarily because of the growing presence of Muslims in France. This has become a politicized matter that occupies a sensitive place in the political discourse of politicians. Undeniably, Islam is the second largest religion practised in France where religious issues such as the law on prohibiting Muslim women to wear their headscarf in public space have become a political problem.

A century ago, Muslims of immigrant descendants were referred to as "colonials". During the 1960s, they were known as "immigrants". Today, they are "citizens". Thus, with the shift in the status of Muslims in Europe, there was also a shift in public policy on how the government was enacting policies to organize the public lives of its citizens.

France has been selected for this research as it has the largest number of Muslims in Western Europe of which the majority are immigrants. Thus, Islam is the second-most widely professed religion in France after Catholicism. Besides that, according to Adida, Laitin and Valfort, France is a useful country for analysis because tensions surrounding Muslim integration have been particularly acute there.²¹ Apparently, when reforms address the country's immigration policy, it treats migrants as a single entity incapable of integrating in the French society, emphasizing on the

²⁰ Aliazeera, "Muslims of France", August 9, 2014,

http://www.aljazeera.com/programmes/specialseries/2013/12/muslims-france-2013122082835640302.html (accessed May 2, 2015).

²¹ Claire Adida, David Laitin, Marie-Anne Valfort, "Identifying Barriers to Muslim Integration in France", *National Academy of Sciences*, vol. 107, no.52 (2010): 1-7.

cultural aspects, and raises debate on the controversy of who is really affected by this law if not those of different cultural and religious backgrounds, and not the least talented and skillful migrants. Thus, cultural and social assimilation have served for some purposes to analyze law on immigration and integration.

The salient objectives of the study are to:

- 1- Explore the French model of secularism and the 1905 law of separating the state and church.
- 2- Assess the role and functions of the French Council of the Muslim Faith.
- 3- Analyze the changes of immigration policy under Sarkozy's presidential term.
- 4- Discuss the policy implications of the immigration and integration law on French Muslims of immigrant origins and the Muslim migrants coming to France.

1.5 LITERATURE REVIEW

The literature of this study is divided into France's public policy on religion, France's public policy on immigration, and Muslims in France and their relation with the state.

Huntington's hypothesis is that future conflicts between Muslims and non-Muslims will emerge mainly around "civilizational identities" and claims that Islam has bloody borders. However, his claims do not address trans-civilizational elements, such as populations with roots in one civilization and citizenship in another, as is the case of European Muslims of immigrant origins who were born and raised in European societies.

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²² Samuel Huntington, *The Clash of Civilizations and the Remaking of World Order*, (New York: Simon and Schuster, 1996).

On the other hand, Caldwell argues on how the European openness and tolerance that allowed for Muslim immigration en masse has now become the basis by which immigrants oppose European society.²³ Caldwell has been criticized for failing to distinguish the differences in Muslim population and made stereotypes based on historical struggle.

Undoubtedly, not all scholars have portrayed Muslims in a stereotypical manner. Indeed, there are many scholars and policy analysts who have produced comprehensive studies that have shed light on the complexities of European Muslim population.²⁴ They have produced works on many European Muslims who have successfully integrated into influential positions in Europe, recounting their experiences and relationships with native Europeans.²⁵ However, the fears and stereotypes persist and greatly influence public perceptions and shape its discourse regarding integration issues.

1.6 FRANCE'S PUBLIC POLICY ON RELIGION

Laurence and Vaisse state that most European countries are believed to make modest attempts in creating institutions to interact with groups of Muslims compared to other religious groups such as Catholics, Protestants, or Jews to foster interaction; however this has been difficult in France where the strong adherence to secularism challenges institutional support for Muslims to practise their religion.²⁶ However, in order to provide the French authorities with a single point of contact for issues affecting the

²³ Christopher Caldwell, *Reflections on the Revolution in Europe: Immigration, Islam and the West,* (New York: Random House, 2009).

⁽New York: Random House, 2009).

²⁴ Jonathan Laurence and Justin Vaisse, *Integrating Islam: Political and Religious Challenges in Contemporary France*, (Washington, DC: Brookings Institution Press, 2006).

²⁵ Jytte Klausen, *The Islamic Challenge: Politics and Religion in Western Europe*, (New York: Oxford University Press, 2005).

²⁶ Laurence and Vaisse, *Integrating Islam: Political and Religious Challenges in Contemporary France.*

Muslim community in France, the former Interior Minister Jean-Pierre Chevènement launched a consultation in 1999 on this matter, and his successor Daniel Vaillant along with the former French Interior Minister Nicolas Sarkozy, proceeded with the creation of a centralized representative body for the Muslim community in 2003. Sarkozy's policy created the CFCM as a nationally elected body and an official representative of the French Muslim community *vis-à-vis* government officials and policy makers. The CFCM regroups a number of regional associations called *Conseils Regionaux du Culte Musulman CRCM* (Regional Councils of the Muslim Faith) and federations of associations managing places of worship and mosques, as well as individuals associated with the latter.²⁷ The key cause of setting up the council was to achieve the greatest representativeness of the obvious Muslim community and its integration in the French society.

1.7 FRANCE'S PUBLIC POLICY ON IMMIGRATION

On the issue of immigration, France has a long history of immigration, and this has been at the forefront of national politics since the mid-1980s.²⁸ One of the facets of Muslim minority in European studies as far as this research conceptualizes is the issue of immigration looking back at its history. It is believed that immigration brings about diversity, in terms of language, culture, religion and customs. However, the rising concern is about how different ethnic, religious, cultural groups are to be accommodated or made part of the national and European imagining.²⁹

²⁷ CFCM, "Statutes of the French Council for the Muslim Faith", http://www.lecfcm.fr/?page_id=16 (accessed May 2, 2015).

²⁸ Yvan Gastaut, "The Immigration Question: Mainspring of Sarkozy's Presidency", *Contemporary French and Francophone Studies*, vol. 16, no.3 (2012): 333-346.

²⁹ Bhaswati Sarkar, "Negotiating Minority Identities in Democracies: Muslims in the European Union States." *Jindal Journal of International Affairs*, vol. 2, no.1 (2012): 121.

Having said this, the immigration issue does not only relate to labour force, but also to cultural and religious differences. It occupied a central role in the presidential discussions. President Sarkozy admitted in many instances that immigration is a subject of particularly detailed discussions. His declarations on the issue did not relate immigration policy to terrorism, yet immigration complicates things and consequently generates difficulties of integration which accordingly creates difficulties of communitarianism.³⁰

Indeed, Nicolas Sarkozy's *quinquennat* was marked by intense discussion on immigration in the domestic agenda. Thus, he became associated with this issue throughout his previous tenure as the Interior Minister (2002-2004 and 2005-2007). On 17 May 2006, Nicolas Sarkozy proposed *Projet de Loi relatif à l'immigration et à l'intégration* (The Immigration and Integration Law) to the French National Assembly, where all laws are discussed and enacted, and consequently adopted *immigration choisie* or selective immigration to restructure the French legislation on immigrants and the integration of migrants. The main justification of this law is that France cannot welcome immigrants unless they are willing to adapt to the assimilation model of the French Republic and that integration is the key element for potential immigrants' residence in the country. The changes on the immigration policy were due to the failure of the French model of integration and the rise of radical individuals acting against the public welfare. The question was whether the state is able to

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³⁰ Banjamin Hue, "*Nicolas Sarkozy: "L'immigration n'est pas liée au terrorisme mais complique les choses"*", *rtl.fr*, January 12, 2015, http://www.rtl.fr/actu/politique/nicolas-sarkozy-l-immigration-nest-pas-liee-au-terrorisme-mais-complique-les-choses-7776179698 (accessed May 2, 2015).

³¹ Sally Marthaler, "Nicolas Sarkozy and the Politics of French Immigration Policy", *Journal of*

European Public Policy, vol. 15, no.3 (2008): 382-397.

³² Meng-Hsuan Chou and Nicolas Baygert, "The 2006 French Immigration and Integration Law: Europeanisation or Nicolas Sarkozy's Presidential Keystone?", (Working Paper, Centre on Migration, Policy and Society, University of Oxford, Oxford, 2007).

https://www.compas.ox.ac.uk/fileadmin/files/Publications/working_papers/WP_2007/WP0745-Chou.pdf (accessed May 2, 2015).