

Ethnoreligious Pluralism and the State: A Comparison of French and American History

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The United States and France are the two nations most closely identified historically with the separation of church and state. Alike in some ways in their professions of separatism as the government's official policy, they have differed significantly in how the policy has been understood and applied. Both have confronted the challenge of what I call ethnoreligious pluralism---an ideological and social situation in which strong group identities are based on religious beliefs and affiliations that are associated with a group's ancestry and historical experience. In an earlier work I made a distinction between ethnoracial and ethnoreligious ideologies and attitudes. The former are based on the attribution to a group of characteristics (real or imagined) that are thought to be innate and therefore unchangeable. In the modern scientific or pseudo-scientific version of "race" such traits are attributed to genes. Race becomes *racism* when combined with the belief that these inherited qualities predetermine the socially relevant capabilities of a group and therefore justify differential treatment. On the other hand, an ethnoreligious ideology makes a particular set of religious beliefs an essential group characteristic but is simultaneously "ethnic" in its recognition and celebration of a commonality of culture, history, and putative descent.¹

Admittedly, it would be a mistake to make this distinction too sharp and categorical. Racially and religiously based ethnicities overlap and are difficult to tell apart in some specific instances. There is in fact a gray area within which either or both designations may seem appropriate. One can view the religious or "spiritual" attributes of groups as genetically determined (as in the notion that blacks are naturally religious in a sentimental and simple-minded way). It is also possible to believe that spiritual predispositions can determine physical characteristics such as skin color or the shape of the nose (in the mind of antisemites the "Jewish nose" was sometimes seen as the product of innate spiritual deficiencies). The best known case in point is the longstanding Judeo-Christian myth, based on a passage in the book of Genesis, that an obscure sin committed by Ham against his father Noah resulted in God's cursing his descendents (or those of his son Canaan) by turning them black.²

But there remains a significant conceptual difference between ethnoracial and ethnoreligious identities or characterizations that in most cases makes a real difference in how groups behave and interact. In theory, and generally in practice, conversion and a process of assimilation (that may require intermarriage and intergenerational social mobility to be completed) can greatly minimize or even obliterate ethnoreligious difference. Ethnoracial ideology presumes in principle, if not always in practice, that separation of the groups should be permanent and, if threatened, defended at all costs. Relatively clear-cut examples of conspicuous ethnoreligious identities would be Irish Catholics and Jews in the nineteenth and twentieth century United States, Arab Muslims in contemporary France, and Turkish Muslims in Germany. Of course such identities are historically constructed and vary in intensity and salience depending on the

historical circumstances. It may be worth noting, however, that some of the most violent and seemingly intractable conflicts in the world today are essentially ethnoreligious in character. Think of Israel-Palestine, Sri Lanka, Northern Ireland, and the former Yugoslavia, to name only a few. Ethnicity by itself can be a powerful mobilizing force, as among the Islamic Kurds in Turkey and neighboring Arab countries, but when combined with a sense of substantial religious difference from an "Other," it can become deadly indeed. Separation of church and state should help to contain such conflicts by eliminating or at least reducing the ability of one group to oppress another through its control of the state and public space.

My previous comparative work on France and the United States has focused on the topic of "race" and "racism," defined in the usual American way as permanent and innate biological differences with hierarchical social implications.³ But this frame of analysis has its limitations as the basis of a comparison of the full meaning of *Différence* in France and the United States. I kept coming back to the significant but unsurprising conclusion that, because of a long history of enslaving, segregating, and lynching African Americans, color-coded biological racism has been a much more potent and enduring factor in American history than in French. This distinction is most stark if one focuses mainly on the societies of the core countries or metropolises rather than on those that emerged in overseas colonies (such as Algeria and West Africa in the case of the French). But of course even the French who have remained at home have had their own versions of "Otherness," leading to patterns of prejudice and discrimination based on group identities. One was the virulent antisemitism that surfaced in the Dreyfus affair at the end of the nineteenth and predominated under the fascist Vichy regime of World War II.⁴ (Gentile Americans have also

shown a capacity for antisemitism, but it has generally been milder, less persistent, and less subject to politicization.) Hitler and other extreme Jew haters have shown that antisemitism can be unambiguously racist, but for the most part in both France and the United States, hostility to Jews has been more ethnoreligious than racial. (White American Christians on the far right were not much concerned in 1964 that the conservative Republican presidential candidate Barry Goldwater was of Jewish ancestry, but presumably many of them would have been had it been black ancestry instead.)

More debatable is the proposition that forms of belief which avoid explicit endorsement of a theocratic religion can become *de facto* ethnoreligious identities and thus comparable to more conventional expressions of religious zealotry in their capacity for the righteous mistreatment of dissenting groups. This raises the issue of "civil religion," which in the United States has generally been taken to mean an exalted sense of national identity and exceptionalism based on the belief that the God of the Bible has chosen America as His vehicle for redeeming the world.⁵ But in France it has sometimes meant a militant secularism (or *laïcité*) that functions like a religion, except that it venerates the state or the nation as its transcendent and eternal object of devotion, rather than a personal God. According to the American anthropologist Paul A. Silverstein, "French *laïcité* operates much like a religion, with the state operating as the moral symbol of collective solidarity....the state is, for all practical purposes, the church of republican France."⁶ This form of civil religion may be but atheistic but is not necessarily so. Although hostile to the interventionist God of traditional theism, it may acknowledge a remote and depersonalized "clockmaker," the kind of deity that Enlightenment thinkers often found acceptable. The abortive effort to replace

Christianity and impose a deistic but thoroughly de-Christianized "Cult of the Supreme Being" during the Revolution can be viewed as an unusually explicit expression of intolerant civil religion. The Jacobin republican tradition of militant anti-clericalism and public repudiation of Christianity has not in fact determined French policy on church-state relations, except for brief periods, but it has been a constant and influential participant in the debate on church-state relations.⁷ No similar school of thought has taken root in the United States, except perhaps to a limited extent during the late nineteenth century, when the introduction of Darwinism led a few prominent intellectuals to take the side of science in what they took to be the perennial conflict between science and religion.⁸

Conceiving of France before the Second World War as the locus of an intense ethnoreligious conflict may seem far-fetched, but not if we are willing to think in terms of two claimants to an authentic French ethnicity, both of which appealed to a transcendent or non-empirical reality. The struggle of the "two Frances" was between two sets of beliefs about what it meant to be French and not between Frenchness and foreignness. The Catholic traditionalists, loyal to the *Ancien Régime*, sought to restore the nation to what they considered its true, pre-Revolutionary, culture and ideology. The republican heirs of the Jacobins looked forward to a France that would fully embody the progressive ideals of the Revolution and spread the universal (but also specifically French) values of the Enlightenment throughout the world. Because of the ways that they functioned as sources of identity and community both persuasions can be described as ethnoreligious. (Immigration since WWII has resulted in more conventional manifestations of ethnoreligious pluralism. As we shall see later, Arab Muslims are a classic example of an overtly ethnoreligious group.)

Such identities have also been important in American history. Think, for example, of the long struggle of Irish Catholics for a full inclusion in an Anglo-Protestant America that was not fully achieved until the election of John F. Kennedy in 1960. (A little more than a century earlier the Irish, having been characterized as ethnically, or even racially, inferior agents of a despised religion, were subjected to mob violence and pervasive economic discrimination.⁹) But on the whole, ethnoreligious conflicts in the United States have lacked the militancy and disruptive capacity of the French equivalents. The most intense and bloody conflict in American history--the Civil War--was fought between two sections of the country that did not differ significantly in either religion or ancestry. There are indications that a southern nationalism with potentially ethnic implications was emerging during the war, but most historians would agree this ethnogenesis had not come to fruition before the Confederacy died on the battlefield.¹⁰

Before attempting to discern more clearly and analyze more fully the differences between American and French experiences of ethnoreligious diversity and conceptions of how to manage it, it may be helpful to summarize briefly what the two histories have in common that can validate and sustain such a comparison. Most fundamentally, both the United States and France revolted against kingly rule and established republics in the late 18th century, abolishing or outlawing aristocracy and establishing the equal citizenship for all males (or in the case of the U.S. all white males) as a national norm. The Declaration of Independence and *les Droits de l'Homme* have much in common; both appeal to the same Enlightenment conception of human rights. The United States and France were the first large and populous nations to declare themselves egalitarian republics based on individual

liberty and government by the consent of the people. An issue that immediately arose in the course of these revolutions and the founding of republics that resulted from them was the relation of churches that had been established under the old regimes to the new order.

In the France of 1789-90 a substantial majority of the population were observant Catholics, and the church, as one of the estates of the *Ancien Régime* and a major exemplar of its hierarchical order, was for the most part hostile to the Revolution and the republic that emerged from it. Four alternatives presented themselves to the Jacobins and their immediate successors, all of which were attempted. Firstly, the republic could simply take over the church and make it a state agency under the full control of secular authorities.¹¹ Although slightly more than half of the clergy were willing to shift their allegiance from the Pope to the Republic, the implacable resistance of the rest and virtually all of the hierarchy rendered this policy futile. Secondly, as we have seen, the Revolutionaries could create their own deistic religion to replace Christianity, but this had an unmistakable odor of artificiality and did not attract and hold a mass following. Thirdly, they could suppress all religion and coercively impose a thoroughgoing secularism as the only acceptable belief system. Although many churches were destroyed and most church property confiscated during the Jacobin era, the persistent hold of Christianity over a substantial portion of the French population, as well as over entire regions of the country (such as the Vendée), meant that the state simply lacked the power and authority to suppress organized religion to the extent that some twentieth-century totalitarian regimes were able to do. Finally, church and state could be separated and freedom of religion acknowledged. Such a policy was proclaimed under the Directory in 1795

but a reversion to the overtly oppressive anti-religious policy took place after the coup of 1797.¹²

After Napoleon took power at the turn of the century, a church-state compromise was achieved that lasted in its essentials until the formal separation of church and state in 1905. Napoleon's 1801 Concordat with the Pope gave Catholicism a privileged status as "the majority Religion of the French people," but did not make it an established church in the pre-Revolutionary sense. Religious freedom was proclaimed to be part of the new order. In practice this meant that Protestantism and Judaism were henceforth to be tolerated as minority faiths but also that the state retained considerable control over all the churches. It paid the salaries of priests, ministers, and eventually rabbis. It also held title to church property and even had a veto over the selection of Catholic bishops by the Pope. As a public educational system evolved, primary schools remained a church responsibility before the 1880s, but secondary and university education developed mainly as state function. Although some religious input was sanctioned, the principle objective of post-elementary schooling was to produce a well-educated secular elite to administer the state and staff the emerging non-clerical, learned professions.¹³

Between 1800 and 1871 France was not in fact a republic, except for three years after the Revolution of 1848. It was either a quasi-constitutional monarchy or a Bonapartist empire. After the Third Republic came into existence in the 1871 there was a gradual movement toward separation of church and state that first manifested itself in educational policy. Jules Ferry, the minister of public instruction between 1879 and 1883, presided over the secularization of the elementary schools, denying priests the right to teach in these institutions and banning religious instruction from their curricula.¹⁴

Henceforth the purpose of primary education was to prepare students for responsible public citizenship in a secular state.

In 1905 church and state were formally separated, which meant that the state no longer subsidized the churches by paying the clergy and assuming responsibility for church property. The Pope and the Catholic hierarchy protested this repudiation of Napoleon's Concordat, and the majority of French Catholics found themselves at odds with the republic, especially over the issue of whether or not the government should support religious schools. But a minority of liberal Catholics professed their loyalty to the republic, concluding that separation of church and state would not be disastrous for their religion. Some of them pointed to the growth of Catholicism in the United States as an example of how well the faith could be preserved and extended without being endorsed and funded by the government.¹⁵ In the 1920s a new Pope acknowledged the legitimacy of the republic and its basic policy of *laïcité*. But Church-controlled private schools remained popular and taught a substantial minority of all French students (and virtually all of them in some rural areas). As a result French Catholics continued to press for the extension of public funding for what in the US would be called "parochial" schools. This is not surprising; American Catholics have persistently called on the government to return to them for their own system of education some of the tax dollars that have been collected for public schools they do not patronize. But the *querelle scolaire*, as it was called in France, had an intensity lacking in similar disputes in the United States, both because of the much greater relative size of the French Catholic population and the perception of many of them that the secular state was actively hostile to the claims of their religion. Under the right wing Vichy government of World War II, church-state separation was essentially abrogated, and private

Catholic schools received generous and unconditional state funding. After the war the old system was reestablished, but the question of whether the French version of church-state separation precluded any subsidization of private, religious schools remained open. Finally in 1959, after de Gaulle's return to power, *la loi Debré* was passed, which made public funding available to church-sponsored schools but only on the condition that they adhere to a contract requiring them to teach the standard public school curriculum and forbidding them from denying entrance to students from other religions. But unlike the public schools they could display religious symbols and encourage religious observances outside of class.¹⁶

This compromise has proved generally acceptable and seems to have brought an end to the *querelle scolaire*. In 1984 a leftist government attempted to take over and nationalize the private schools under contract but backed down after some of the largest public demonstrations in French history manifested popular support for the status quo as prescribed by *la loi Debré*. Then in 1994, a government of the right attempted in effect to privatize the public schools by removing the privileges and sources of prestige that gave them an elevated status in French education. Massive popular resistance to this downgrading of educational *laïcité* revealed that the current accommodation is favored by an overwhelming majority of the French population.¹⁷

Now we turn our attention to the evolving American pattern of church-state relations to see how this story differs from what happened in France. Unlike the French revolutionaries, the Americans who established their independence did not confront one great and powerful established church but rather a variety of Protestant denominations. Two of these were established within several of the former colonies--

Congregationalism in New England and Anglicanism in the South--but none of these established churches exerted anything like the temporal power and capacity for repressing other faiths that had been possessed by the Catholic church of the *Ancien Régime* in France. Following the pattern that had developed in the mother country, these colonies tolerated dissenting Protestant sects so long as their members were willing to pay taxes to support the establishment.¹⁸ Rhode Island and Pennsylvania had no established churches at all and thus provided models for the nation as a whole when it confronted the challenge of Protestant denominational diversity after the Revolution. Since there was no single dominant church in the former thirteen colonies as a whole, it was a foregone conclusion that there could not be one established national church for the new United States. On the state level, Anglican churches in the South and some of the middle colonies were disestablished almost immediately after the Revolution, partly because of their association with the former imperial power. Connecticut and Massachusetts retained loose and permissive Congregational establishments well into the nineteenth century. (Taxes were collected to support the local established church but exceptions were granted to dissenters who had applied for them.) By the 1830s even these minimal establishments had been abolished, and all state governments had ceased supporting particular denominations.¹⁹

On the national level, the Constitution of 1789 avoided any mention of God and prohibited religious tests of any kind for federal public office.²⁰ The First Amendment then specified the meaning of religious liberty: "Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof." But the precise meaning and application of the amendment was not self-evident and would require reinterpretation in the subsequent course of

American history. First of all it did not originally apply to the states (some of which, as we have seen, retained their establishments for three or four decades.) In fact it was not until the 1940s that the Supreme Court determined that state legislatures had the same responsibility as the Congress to protect religious liberty and avoid granting special privileges to any particular faith or denomination. It was then determined that the 14th Amendment's provision for "equal protection of the laws" made the entire Bill of Rights a limitation on state as well federal power (thus giving the First Amendment a much wider application than previously.)

The federal government adhered fairly strictly to the separatist principle until the Civil War. When Democrats were in power in Washington, as they generally were in the antebellum period, they followed the Jeffersonian example and maintained a "wall of separation" between religion and the national state. In 1828-29, the time of Andrew Jackson's election to the presidency, a Democratic Congress reinforced the wall when they rudely rebuffed a petition from Protestant evangelicals that called on the government cease delivering mail on the Christian Sabbath. During the Civil War, when the Democrats were out of power and Protestant piety was enlisted behind the War for the Union, there was a concerted campaign to amend the Constitution in such a way as to acknowledge the Christian foundations of the nation--but it failed. The most that could be accomplished during the war by those who wished to lower the wall of separation was to make Thanksgiving a national holiday and imprint "In God We Trust" on American coins.²¹ During the postwar decades the federal government continued to adhere fairly consistently to its basic religious neutrality.

Despite this lack of success, conservative Protestants did not cease their efforts to make a nondenominational Christianity the

official national religion. Their argument was (and still is) based on a particular and narrow interpretation of the Establishment Clause, one that differs sharply from that advanced by church-state separationists. According to them, the clause simply prohibits federal government from making one particular denomination the national church but does not forbid the Congress from recognizing and subsidizing religious activity, so long as it does so in an impartial or non-discriminatory manner. The broader, strict separationist interpretation, which has been advanced most consistently in the modern era by liberal organizations like the American Civil Liberties Union and Americans United for Separation of Church and State, would prevent the government from doing anything to aid any religious group or even religion in general. With some slight and very marginal exceptions this basic orientation was the one that prevailed in the Supreme Court decisions of period between the 1940s and the 1990s. The operating principles that emerged from this jurisprudence was 1) that governmental action or legislation should have a secular purpose; 2) that it should not either aid or hinders religion; and 3) that the state should not become involved or "entangled" with the activities of religious groups. Since 1995, however, the court, by narrow 5-4 majorities, has deviated from these principles by permitting more direct forms of state funding for religious activities than it has ever authorized in the past. In 1995 a public university was allowed to subsidize a student religious publication as part of a general policy of supporting student publications. In 2002, the court gave the imprimatur of constitutionality to educational vouchers issued by local governments to ease the burden on parents who wish to send their children to private schools, including religious ones, rather than to public schools.²²

An exclusive focus on Supreme Court decisions, however, may convey a misleading impression of the character of church-state relations throughout much of American history. State secularism has not only been questioned in principle by a long of Christian conservatives (up to and including Justice Antonin Scalia of the current Supreme Court, to say nothing of the increasingly influential "religious right" in American politics), but it has also been violated in practice more often than a purely constitutional history can reveal.²³ Although the strict separationist view finds support in the opinions of such Founding Fathers as Jefferson and Madison, and may indeed conform to the "original intent" of the authors of the First Amendment, it does not in fact accurately reflect the protean state of the church-state relationship as it developed historically. If we take the "state" to mean not simply the federal government but also state and local governing bodies--down to the level of school boards--a different picture emerges. As Sydney Ahlstrom, the great historian of American religion, has pointed out, the United States until recently had an informal "quasi-establishment" which reflected the overwhelmingly Protestant character of the population and its culture.²⁴ In ethnoreligious terms this meant that the long-standing claim that public education was "non-sectarian" actually served as the rationale for teaching a non-denominational Anglo-Protestantism.²⁵ Until some controversial Supreme Court decisions of the 1960s forbade the practice, Protestant prayer and reading from the King James Bible were routine practices in American public schools. To this day legislative bodies pay chaplains of various faiths to deliver invocations and reference to the Almighty and appeals for His favor are staples of political discourse. In the 1950s, this form of theistic "civil religion" gained more sanction on the national level than it had ever

received before. As part of the cold war struggle against "godless" communism, "In God We Trust," (which we have seen had been imprinted on coins since the Civil War) was made the official motto of the United States, and the pledge of allegiance to the flag required of school children added the words "under God" to its description of the nation to which loyalty was being pledged. The Supreme Court has not found such customary and ceremonial invocations of Judeo-Christian theism to be in violation of the establishment clause.²⁶

In this realm of political discourse and public patriotic ritual French *laïcité* clearly requires a stricter separation of church and state than does the American form of civil religion. In France atheism is respected and protected; in the United States freedom of religion exists primarily for the benefit of the conventionally religious. It is difficult, for example, to imagine an avowed atheist, agnostic, or even someone without a mainstream religious affiliation, being elected to a high American public office.²⁷ If the religious right has its way, the range of religious freedom and toleration would include only Christians, including Catholics, and possibly Jews. Major efforts have been exerted to amend the constitution to allow for school prayer and Bible reading, campaigns that may yet be successful. Some very recent controversy has centered on the question of whether or not it is permissible to display pictures or sculptures of the Ten Commandments in public places.²⁸ Acceptance of this practice would mean in effect that the specific moral precepts identified with Judaism and Christianity (including the imperative to worship one god) would thus be enshrined as the nation's official code of conduct.

The toleration of ethnoreligious pluralism that has developed in the United States, mostly in the twentieth century, is threatened by these recent developments. The equal rights of the relatively small

minorities that lack a Judeo-Christian conception of God and morality--not only atheists and agnostics, but also East Asian Buddhists, South Asian Hindus, and Middle-Eastern Muslims--are not so much persecuted as denied recognition and symbolic representation by the official public religiosity. The efforts of Irish, Italian, and Polish Catholics, as well as Jews, to be admitted to the big tent as "white," theistic Americans have been generally successful, as reflected in the Supreme Court decisions that have undermined Anglo-Protestant privilege or preference.²⁹ But currently the forces for extending further or even maintaining the existing separation of the state from religion are beleaguered. The politicization of Protestant fundamentalism and its alliance with conservative Catholics on issues like abortion and gay rights pose a profound threat to a liberal, secularist interpretation of the first Amendment.

In France the situation is rather different. The main source of current ethnoreligious tension is the immigration of large numbers of Arab Muslims from the former French colonies of North Africa, who now constitute approximately 7 per cent of the population. (The exact percentage is very difficult to determine because the French census does not track race, ethnicity, or religion.)³⁰ The long-standing conflict between secularist republicans and devout Catholics seems to be virtually resolved.³¹ One reason is the apparently durable compromise on education described earlier. Another may be the significant decline in the Catholic observance and also presumably in the intensity and salience of Catholic belief. Reinforcing this *détente* between Catholicism and the state is also a decline in militant anticlericalism on the left. As the church comes to seem less dangerous to the republic, secularist republicans view it more benevolently. As the career of Jacques Chirac and other current political leaders

demonstrate, it is no longer--as it once was--a political liability to be known as an observant Catholic, provided that one does not invoke God and religion in a public or political context. The two competing faiths of the French people--the universalist version of nationalism that proclaims France to be unique in its ability to embody and propagate the secular ideals of the Enlightenment and the ethnic Catholicism associated with a long-standing belief that France was meant to be the foremost defender of the faith and "the eldest daughter of the church"--have resolved their differences or are at least willing to put them aside for most purposes.³²

But this rapprochement of the two historical claimants to French ethnic identity is not necessarily good news for Arab Muslims. Although holding contradictory beliefs and visions of France, the Republican left and the Catholic right agreed on one thing--the ideal of a culturally homogeneous nation. Neither has been able to countenance cultural or religious pluralism, except to the extent that they now, more or less tolerate each other, as well as Jews (who benefit from guilt-ridden memories of French collaboration with genocidal German antisemitism during World War II). The current consensus accepts the principle of *laïcité*--the exclusion of religious expression and symbolism from what is considered public space, making faith basically a personal and private matter, neither to be encouraged nor inhibited by the state. As we have seen in the case of education, this policy has not been followed consistently because of the extent to which the government has sanctioned and subsidized private schooling under religious auspices. In addition the state promotes and supports religious bodies or councils in order to facilitate communication with faith-based communities. The council of Rabbis established by Napoleon to represent Jews still exists, and formal ties have long existed

between government bureaus and both Catholic diocesan associations and Protestant synods. In 2003, Muslims received similar treatment within this system of institutionalized religious pluralism when they gained the right to elect a council empowered to make representations to the state on behalf of their community.³³

But the headscarf controversy that began in 1989 and culminated in the banning of the "veils" worn by some Muslim girls in the public schools in 2004 exposed a conflict between what many Muslims took to be their right to free religious expression and the French conception of *laïcité*. The American gut reaction to the ban has been to side with the girls, concluding that what the First Amendment calls "the free exercise" of religion has been denied. When a Muslim girl in Oklahoma was prohibited from wearing her headscarf to school, the Attorney General of the United States intervened on her behalf.³⁴ In late 2004, the State Department publicly chastised France for violating what was taken to be a correct understanding of church-state relations in a democracy.³⁵ Very few American voices were raised in defense of the French policy, which was generally viewed as a denial of religious liberty. (It may be indicative of the American attitude that a federal court ruled in 1994 that a California school district deprived a Sikh boy of his freedom of religious expression when it denied him the right to wear to school, not only his turban--there was no question about that--, but also his ceremonial dagger, provided of course that it was unsharpened.³⁶)

But the issue is not as clear-cut as it has apparently seemed to most Americans. The Stasi Commission, which recommended the ban, concluded that the wearing of veils by Muslim girls was a relatively recent phenomenon, beginning the early 1980s and that it reflected the growth of a militant Islamic fundamentalism that constituted a serious

threat to the unity and essential values of French society. Feminists also argued that men and boys imposed the headscarves on the girls, who were thus rendered unequal and subservient in a way that clashed with French conceptions of gender equality. The commission did not rely on this argument but did condemn the coercion exerted on the girls from within the Muslim community and the persecution, ostracism, and physical abuse visited on those who refused to comply. They also exposed the extent to which permission to wear the veil opened the way to other demands deemed incompatible with public education, such as a refusal by Islamic girls to take gym classes in suitable garb or even be taught by male teachers.³⁷

Nevertheless the headscarf controversy and some of the rhetoric associated with advocacy of a ban have left many French Muslims with a feeling that their ethnoreligious identity has been devalued. The Stasi Commission conceded that the recent surge of radical Islamic fundamentalism derives in part from the frustration of legitimate aspirations for equality, especially on the part of young men. It fully acknowledged the existence of a pattern of prejudice and discrimination against Muslims and the disadvantaged social and economic circumstances in which many of them are forced to live, often in dismal and deteriorating *cités*, (public housing projects).³⁸ The commission made several recommendations designed to address the underlying socio-economic causes of fundamentalist extremism and to ensure that Muslims are accorded equal treatment with Christians and Jews in their relations with the state, but the Chirac government chose to ban the veil and ignore the other proposals.³⁹

It may be helpful to an understanding of prejudice and discrimination against Muslims in France that a substantial majority of them are of Arab ethnicity. Historically speaking, the French have

tended to take a dim view of Muslims in general, but there are indications that they have had a particularly strong antipathy to Arab Muslims. In nineteenth century Algeria, as the historian Patricia Lorcin has pointed out, the French colonizers demonstrated a strong preference for the ethnic Kabyles, or Berbers, over the Arabs. (Kabylia is the region of Algeria in which Berbers predominate.) The Kabyles were viewed as more civilized and closer to Europeans despite their adherence to Islam.⁴⁰ A quite substantial minority of North African immigrants to France are in fact Berbers rather than Arabs. During the past quarter of a century, this group has developed an intense ethnic self-consciousness and made strong a claims to distinctive culture (often called *berb rit *) both within their principal homeland of Algeria and within the larger Muslim community in France. Possessing their own language (Tamazight) and a history that goes back to the time before the Arab conquest of North Africa, their assertion of an ethnicity and even nationality distinct from that of Arabs is quite convincing. Although continuing to adhere to Islam as a religion, they have not embraced "Islamism" as an ideology, which they tend to view as an Arab cultural imposition. To the extent that the French authorities and the French public are aware of this ethnic divide among North African immigrants, they have tended to look upon the Kabyles with a greater degree of benevolence than is normally accorded to Arabs, seeing them as a possible counterweight to Arab religious extremism. Since wearing a veil has apparently never been a part of Berber Islamic culture, it seems safe to assume that the headscarf wearers have been mostly Arab girls. Berberist independence from Islamic militancy is reflected in the fact that the community's leaders and organizations have supported *laicit * in education as protection against "Islamist 'manipulation' ".⁴¹

The stubborn French refusal to acknowledge ethnicity as a meaningful category of analysis apart from religion, or even to gather statistics based on how groups identify themselves, has inhibited the investigation of how the socioeconomic status of the Kablyes compares with that of ethnic Arabs among the French population of North African derivation. One suspects that they have done better, but it is not possible to do more than hypothesize on this question without more evidence than is currently available. What seems beyond dispute is that they would be more comfortable in the multicultural, ethnically pluralistic France that appears to be emerging than those segments portions of the Islamic population that are drawn to religious purism and fundamentalism.

The stereotypical Arab is likely to be regarded as more militant and implacable in his religion and more hostile to the values of Western Civilization than any image of the Berber or Kabyle that may exist in the French mind. The charge frequently made against Arab Muslims in France, sometimes by prominent intellectuals, is that they are congenitally incapable of adapting to *laïcité* or a proper separation of church and state. They also seem inherently hostile to current European views of gender relations. In other words, unlike the European immigrants who have been incorporated into the French melting pot, they are deemed inassimilable and their presence is regarded as dangerous to the republic. Part of this distrust and hostility can be attributed to the immense French frustration over the Algerian war, when it seemed, rightly or wrongly, that Algerian Arabs had turned their backs on an offer to become equal citizens of a greater France.⁴² Also the million or so *pièds noirs*--the French settlers in Algeria who fled after independence--contributed to the hard core of Arab and Muslim haters in the mother country.

Recent news reports suggest, however, that an overwhelming majority of French Muslims, Arabs as well as Kabyles, have accepted (or at least resigned themselves to) the headscarf ban and have given little or no support to fundamentalist terrorism. When Iraqi insurgents demanded a rescinding of the ban as the price for releasing French hostages, the French Muslim community evinced little sympathy for the idea.⁴³ France has not yet suffered from the recent wave of Islamic terrorism associated with *Al Qaeda*, partly perhaps because of a lack of French support for America's invasion of Iraq. Hence the climate may now exist for a gradual reduction of ethnoreligious tensions and the integration of Arab as well as Berber Muslims into a France that is already backing into pluralism, as reflected in the recent harmonization of Republican, Catholic, and Jewish identities. So long as minority ethnoreligious groups play by the rules of a secular but tolerant society they should be able to retain their distinctive cultural attributes and solidarities.

There are certainly anti-Islamic sentiments in the United States today as a result of 9/11 and some of the fallout from the war in Iraq. But historically the United States has become, relatively speaking, a bastion of religious pluralism, moving from mere toleration of minority religions to their full social, cultural, and political inclusion.⁴⁴ There was no significant history of Islamophobia in the United States before 9/11 and what has occurred since is less virulent than might have been expected, given the apparent provocation. What needs to be recognized for comparative purposes is that for Americans Islam is purely and simply a religion and not in any sense an ethnicity. It happens that a majority of Arab Americans are Christians not Moslems (mostly immigrants from Syria, Lebanon, and Palestine) and that a majority of Muslims are not of Arab extraction but come from other

parts of the Islamic world.⁴⁵ Consequently the kind of association between a denigrated ethnic group and an alien religion, such as been made in France, could not readily occur. So the United States up to now, and in the foreseeable future (unless the religious right succeeds in undermining separation of church and state and imposing a quasi-theocracy) has done relatively better than France in coming to terms with ethnoreligious pluralism. Of course if the subject under discussion were ethnoracial pluralism one would have to come to a contrary conclusion.

NOTES

¹ See George M. Fredrickson, *Racism: A Short History* (Princeton, 2002), pp. 139-150.

² On the Curse of Ham, see *Ibid.*, 43-45. On the Jewish nose, see Sander Gilman, *The Jew's Body* (New York, 1991), pp. 169-193.

³ George M. Fredrickson, "Diverse Republics: French and American Responses to Racial Pluralism," *Daedulus* 134 (Winter 2005), 88-101.

⁴ See Michael Winock, *Nationalism, Anti-Semitism and Fascism in France* (Stanford, Calif., 1998).

⁵ See Robert N. Bellah, *The Broken Covenant: American Religion in Time of Trial* (New York, 1975).

⁶ Paul A. Silverstein, *Algeria in France: Transpolitics, Race, and Nation* (Bloomington, 2004), p. 143. For a critical discussion of the French conception of "civil religion," see Guy Coq, *Laïcité et République: Le Lien Nécessaire* (Paris, 2003), pp. 143-152.

⁷ Such as during the 1790s or in the years just preceding the separation of church and state in 1905 when Emile Combes was prime minister.

⁸ The United States has an intellectual tradition of secularism, agnosticism, and even atheism, but American "free thinkers" have not aspired to mobilize political power for the purpose of repressing religion. They have, for the most part, simply sought for themselves the same freedom of belief and expression that exists for the adherents

of theistic religious. See Susan Jacoby, *Free Thinkers: A History of American Secularism* (New York, 2004). On the "strong secularism" in late nineteenth-century American thought, see Noah Feldman, *Divided By God: America's Church-State Problem--And What We Should Do About It* (New York, 2005), pp. 111-134. In my opinion, Feldman somewhat exaggerates the internal consistency and influence of this viewpoint. Most of its adherent criticized only dogmatic and intolerant religion, not religion itself.

⁹ On anti-Irish attitudes in the mid-nineteenth century, see especially Dale T. Knobel, *Paddy and the Republic: Ethnicity and Nationality in Antebellum America* (Middletown, Conn., 1985), and Noel Ignatieff, *How the Irish Became White* (New York, 1995).

¹⁰ See Drew Gilpin Faust, *The Creation of Confederate Nationalism: Ideology and Identity in the Civil War South* (Baton Rouge, 1988).

¹¹ This reform was called the Civil Constitution of the Clergy. See Jean Louis Ormières, *Politique et Religion en France* (Brussels, 2002), pp. 28-35.

¹² On developments between 1792 and 1797, see *Ibid.*, 38-46.

¹³ *Ibid.*, 47-106, *passim*.

¹⁴ *Ibid.*, 113-128.

¹⁵ *Ibid.*, 153.

¹⁶ See *Ibid.*, 163-189, for an account of these developments.

¹⁷ On "les crises scolaire" of 1984 and 1994, see especially Coq, *Laïcité*, 55-89.

¹⁸ On the pre-Revolutionary establishments, see Leonard Levy, *The Establishment Clause: Religion and the First Amendment* (Chapel Hill, 1994), pp. 1-26.

¹⁹ *Ibid.*, 27-78.

²⁰ See Isaac Kramnick and R. Laurence Moore, *The Godless Constitution: The Case Against Religious Correctness* (New York, 1997)

²¹ See George M. Fredrickson, "The Coming of the Lord: The Northern Protestant Clergy and the Civil War," in Randall M. Miller, et al, eds., *Religion and the American Civil War* (New York, 1998), pp. 110-130.

²² Feldman, *Divided by God*, 207-212.

²³ A useful short survey of this constitutional history is Edwin S. Gaustad, *Church and State in America* (New York, 1999). See also Levy, *Establishment Clause*, *passim*.

²⁴ Sidney E. Ahlstrom, *A Religious History of the American People*, 2nd ed., (New Haven, 1972), pp.381-383.

²⁵ See Feldman, *Divided by God*, 86-92.

²⁶ *Ibid.*, 165; Ahlstrom, *Religious History*, 954-955.

²⁷ According to Susan Jacoby, "In a nationwide poll released in the summer of 2003, fully half of Americans said they would refuse to vote for an atheist for president--regardless of his or her other qualifications." (*Freethinkers*, 7-8.)

²⁸ The court decided that it was acceptable to have a representation of the Commandments as one monument among many on the grounds of the Texas state capital but not as a plaque on the walls of Kentucky courthouses.

²⁹ On how some previously-denigrated minority groups have become "white" and fully accepted, see especially David Roediger, *Working Toward Whiteness: How America's Immigrants Became White* (New York, 2005), and Matthew Jacobson, *Whiteness of a Different Color: European Immigrants and the Alchemy of Race* (Cambridge, Mass., 1998).

³⁰ The 7 per cent figure for those "Arab and Muslim" is from *The New York Times* for April 9, 2003.

³¹ This is the conclusion of Pierre Birnbaum in *The Idea of France*, trans. by M. B. DeBevoise (New York, 2001), pp. 207-223.

³² *Ibid.*

³³ *New York Times*, April 14, 2003.

³⁴ Jane Kramer, "Taking the Veil," *New Yorker*, November 22, 2004, p. 61.

³⁵ *San Diego Union Tribune*, January 5, 2004.

³⁶ There is an account of this case in the section entitled "Cross Cultural Law 101" in the *USC Trojan Family Magazine* (Spring 2000).

³⁷ Commission de Réflexion sur l'Application du Principe de Laïcité dans la République, *Rapport au Président de La République*, Remis le 11 décembre, 2003.

³⁸ *Ibid.*, 43-47.

³⁹ Kramer, "Taking the Veil," 62.

⁴⁰ See Patricia M.E. Lorcin, *Imperial Identities: Stereotyping, Prejudice, and Race in Colonial Algeria* (New York, 1999), *passim*, and Silverstein, *Algeria in France*, 52-55, for discussions of the "Kabyle Myth" in French colonialist thought.

⁴¹ Silverstein, *Algeria in France*, 219. My entire discussion of the Kabyles draws almost exclusively on Silverstein's book, which focuses heavily, indeed almost exclusively, on this segment of the Algerian immigrant population in France. For ample evidence of the cultural self-consciousness of this group see their web site--www.tamazgha.fr.

⁴² For some perceptive comments on the role played by memories of Algeria in contemporary Islamophobia, see Birnbaum, *Idea of France*, 237-238.

⁴³ Kramer, "Taking the Veil," 71.

⁴⁴ See William R. Hutchison, *Religious Pluralism in America: The Contentious History of a Founding Ideal* (New Haven, 2003).

⁴⁵ My information on Arab Americans comes from an excellent PBS documentary in the Crossfire series, which is available on the PBS web site if one searches for "Arab-Americans."