

LIBERTÉ, ÉGALITÉ ET LAÏCITÉ: THE USE OF HIJAB IN PUBLIC SCHOOLS AS A THREAT TO THE FRENCH REPUBLICAN ONTOLOGY (1989-2004)

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Abstract

This paper analyzes the perception construction of the hijab use in public schools as an ontological threat to France. Considering laïcité as one of the pillars for French society and identity and the school as the basis of the construction of this narrative, the use of the hijab could be considered as a threat to religious neutrality in the public spheres, injuring the basic principles of the Republic. This situation led to the approval of a law banning the use of all kind of apparent religious garments in primary school across France, despite religious freedom being a fundamental right in the country. As a methodology, it conducts a discourse analysis of the statements and opinions of French leaders and institutions of the executive and judicial branches in relation to the use of clothing in relation to the principle of laïcité and freedom of worship in France between 1989 and 2004.

Keywords

Ontological Security; *Laïcité*; Islam; Religious Freedom; France.

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Introduction

Terrorist attacks have been treated as a security issue in France since the 1980s. However, since the 9/11 event, such threats have been correlated with Islamic extremism, both by the media and by the French government (France, 2006). These concerns about the French State's security and its citizens regarding the Muslim community in the country permeated social layers and brought to debates issues on identity and private life.

It is known these speeches addressed by the state and the media have increased the stigma towards Muslims in France. Stéphane Bauzon (2017: 190) states that "the terrorist attacks carried out by Islamists on French territory in recent years have only reinforced this mistrust towards the Muslim religion". Moreover, one can also say that there was a development of a type of distrust not only regarding the religion, but towards representations and symbols of it, being the use of the hijab as the greatest example of this phenomenon.

However, despite being one of the countries from which ideals such as tolerance and religious freedom spread to the rest of the world, the country's government approved in 2004 a law prohibiting the use of the hijab by Muslim girls in primary public schools. This measure was approved by the justification of "reaffirming the republican symbol of *laïcité*^{1, 2} promoting the equality and emancipation of Muslim women" (Bauzon, 2017: 186) In addition, the French educational system aims to increase the country's internal cohesion by marginalizing "regional and religious allegiances" (Windle, 2004: 97) . Also, according to Windle (2004: 97), concerning the French public school system, "a 'free, secular, and compulsory' national educational system is one of the key guarantors of

¹ Although the term can be translated directly into "secularity" or "secularism", I opted for the original use of the symbolic and cultural charge that is brought, which does not occur when there is translation. This justification for the non-option of translation applies to all other terms in foreign language in this work.

² According to the French government *itself*, *laïcité* is a value that guarantees "freedom of conscience". Therefore, it allows "the freedom to manifest their beliefs or convictions within the limits of respect for public order." It is concluded that "*laïcité* implies the neutrality of the State and imposes the equality of all before the law without distinction of religion or conviction" (France, [s.d.]).



republican values [...]". Thus, wearing the hijab could "symbolize [...] a threat to the very conditions of the existence of the Republic" (Windle, 2004: 97).

Despite Windle's (2004) statements, it can be seen that explanations about the use of the state apparatus to deal with the Islamic issue at schools have been insufficient. This is shown by the concentration of studies in state security having the State as the main study object (Gregory, 2003) and negligence of the ontological issue of security seen through French society's lens. Other thinkers try to understand the effect of these religious symbols using other interpretations. Whether by the media, by gender studies or by social issues such as integration and immigration (Carle, 2004). However, these works fail to fully explain the origins of the motivations of French policies to avoid the use of the hijab in the country's public schools, although they are sometimes interpreted as inconsistent with the French values of freedom and equality themselves.

According to Resende (2017: 90), when she talks about the effects of the 9/11 attacks on American society, she says this event produced a trauma in the collective imaginary of that nation provoking "questions of the dominant discourses about America and about Americans". Then, in the face of this identity crisis, the thinker states that, in order to overcome trauma and restore social order, "the articulation of a new dominant discourse capable of recommence is the framework of intelligibility of reality broken in 2001" (Resende, 2017: 90). Likewise, the use of the hijab by girls in French public schools has generated a crisis in the dominant narratives about the identity of the country, role of school and the founding principles of the present-day French Republic, such as freedom and secularism.

Given the explanatory insufficiency offered by the dominant literature, this work aims to offer a perspective of the problem through the ontological security lens. Based on the security perspectives' expansion, and the studies on identities as objects to be securitized by the State (Mitzen, 2006; Steele, 2008; Subotić, 2016; Resende, 2017), this text focuses on answering the following question: how can the use of hijab in primary schools be considered as an existential threat to France? Through this approach, this article's main argument finds itself at the following statement: Muslim religious manifestations can be constructed as supposed threats to French national security, even if this process is against French Republic's founding values.

With the objective of analyzing the impact of this garment on the French identity imaginary, one can see that discourse analysis makes it possible to understand the discursive practices and narratives that shape perceptions of reality (Hansen, 2013). Another possibility offered by this method is that it "not only to explicate the content of a state's biographical narratives, but also to reveal how a discourse's effects constitute certain types of action" (Steele, 2008: 10–11). In addition, the analysis of speech acts by authorities are both a source and a methodological practice for this work.

The choice of temporal scope is justified by the following situations: in 1989, an episode occurred that became known, in French known as *affaire des foulards islamiques*³, rekindled the public debate about the limits of secularism within French society, notably

³ Translated as the "case of Islamic veils", this event occurred when three girls of school age and of Maghreb origin were expelled from the school where they studied for insisting on the wearing of the hijab in the classrooms.



within schools. In 2004, one can consider as the apex of this discussion when there was a prohibition, by law, of the use, not only of the hijab, but as of other apparent religious garments in public schools. Thus, this work will be divided into four parts. The first takes place in the understanding of ontological security as a theoretical approach to understand the securitization of identity as a political practice. The second part is dedicated to understanding the space of *laïcité* in the French imaginary as part of its identity. The third part will have the objective of analyzing the phenomenon's unfolding through the approval of the ban on the use of hijab in French schools in 2004. The last part is intended for the final conclusions on the issue.

Ontological security: what is it and why is it important?

Benedict Anderson (2006: 6) states that "communities are distinguished not by their falsehood/authenticity, but by the style they are imagined." These imaginations are based on symbols and narratives that offer "a sense of space and a sense of place" (Subotić, 2016: 612) for individuals belonging to these same communities. It can be said, then, that narratives "play a critical role in the construction of political behavior [...]. We create and use narratives to interpret and understand the political realities in our surroundings" (Patterson and Monroe, 1998: 321).

Thus, Subotić (2016: 612) says that these narratives serve as autobiographies. Used by both individuals and larger groups, these autobiographies function as an ontological reference of those who reproduce it. By creating a story about "where did 'we' come from, how we did come to be who we are, what bring us together in a group, what purpose and aspirations does our group have," communities can create an ontological anchor that gives them "a sense of stability and allows us to move forward." According to Steele (2007: 904), "state agents give meaning to their actions to others through this narrative [...]". Thus, Subotić (2016: 612) concludes by stating that one cannot understand the behaviors of political actors without "understand what is the normative narrative underpinning of the policy choices actors make [...]". Therefore, they are narratives that enable the ordering of a sense of "who I am", which enables the construction of rational calculations as a "precondition for knowing what to do" (Somers, 1994: 618).

However, when this narrative and the identity that comes from it suffers a crisis, the state tends to take certain measures to resume the previous balance. According to Steele (2008b: 2) in this scenario, "states seek social actions to serve their self-identity needs, even when these actions compromise their physical existences". Thus, the author even states that ontological safety is more important than physical security. This is due to state's willingness to keep "self-concepts consistent, and the Self of states is constituted and maintained through narrative [...]" (Steele, 2008: 3).

However, what is ontological security? According to Mitzen (2006: 342), she refers it as "the need to experience oneself as a whole, continuous person in time – as being rather than constantly changing – in order to realize a sense of agency". Thus, feeling ontologically secure means being safe about one's own identities.



Also, according to Mitzen (2006: 345), ontological security becomes important because, through this perspective, identity is the basis of the actors' agency. According to her, when the individual is in an ontological insecurity situation, it "cannot relate ends systematically relate to means in the present, much less plan ahead". For these moments of "profound ontological crises" (Subotić, 2016: 614), is called trauma. Trauma, in turn, occurs when "external events cannot be neatly placed into the ontological security narrative because they represent a challenge to the state internal or external identity" (Subotić, 2016: 614).

In the face of these ontological crises, the narratives present in the imaginaries of the communities are activated in order to give a strategic basis for political actions (Subotić, 2016). According to Subotić, the use of these discourses by political leaders serves to create cognitive bridges between political action and the restoration of autobiography so that its continuity is maintained. "Narratives provide intersubjective meaning to policy change. They make political change comprehensible and acceptable" (Subotić, 2016: 616).

Laïcité as France's Ontological Pillar

As part of the narrative of what it is to be French, *laïcité* is one of the most important aspects of the Republic's ontology. It is part of the national myths and symbols that "are receptacles that allow people to project onto them their idealized images of their values, cultures, histories, peoples and lands. In France, a particular understanding of *laïcité* is linked to a sense of identity" (Gunn, 2004: 429). However, to better understand the importance given to this concept in the French imaginary, it is worth making a brief historical recap of its construction.

According to Gunn (2004), there were two historical periods in France that were essential for the development of this concept as part of the country's autobiographical narrative: the Revolution of 1789 and the Period of the Third Republic (TR) which lasted from 1870 to 1940. The most important point the author wants to discuss is that the construction of *laïcité* "did not embody the high principles of tolerance, neutrality, and equality; rather it emerged from periods of conflict and hostility, most of which targeted the Roman Catholic Church" (Gunn, 2004: 433).

In the French Revolution period, a main point of the revolutionaries' criticism was the influence that the Catholic Church had on the state's public affairs. The objectives of the most radical (the Jacobins) were a total separation between the State and the Church and the dechristianization of French society. "[...] the French revolutionary spirit of citizenship is understood as freedom of religion" (Carle, 2004: 66). Despite later, it was turning against Protestants and Jews, the Catholic Church was the main target hit by the revolution having its assets confiscated by the state and its leaders were impeached and hunted. Gunn (2004: 438) says there was a "demand that citizens choose between their religions and the state". Then, according to Carle (2004: 66), "one of the most valued legacies of the Revolution is the secular state and institutional structure of the public, secular education implemented by Jules Ferry under the Third Republic [...]".



During the Third Republic, after having gone through several political changes, the Revolution's extremism had already disappeared. Nonetheless, according to Gunn (2004), it was during this period that the term *laïcité* has begun to be more common in political discourses. One of the great milestones of TR in this sense was the total legal division between the Church and the state in 1905, which had as its principle, present since the times of the Revolution, that there be "the separation of civil society and religious society, the State not exercising any religious power, and the Churches no political power" (Capitant, 1930: 305). Then, "in France, *laïcité* identifies with the Republic" (Bauzon, 2017: 177).

At the same period of TR, the French government took its first steps to establish a public primary education system and "training teachers as defenders of science to counterbalance the village priest" (Windle, 2004: 98). "The new structure of secular power replaced the religious community with a political community, excluded religion from public political life, and gave rise to a still present anti-religious and anticlerical discourse which makes *laïcité* a particular experience". This thought was in the perception of the French State that it must "guarantee freedom of conscience for all and the equality of all convictions" (Nugier *et al.*, 2016: 16) by relegating religion to the private environment.

Thus, the State was responsible for the religious neutrality of citizens within all public spheres (Nugier *et al.*, 2016: 16). In addition, French secularism is seen as a guarantor of neutrality on the part of the State with all religions and a cohesion that allows national unity (Berg and Lundahl, 2016). As a result, the wearing of religious clothing in French schools is regarded as a proselytizing religious act and as "an unacceptable expression of a religious background that infringes upon the neutrality and the laicist character of the public school" (Shadid and van Koningsveld, 2005: 48). All this is demonstrated in a speech by former French Prime Minister Laurent Fabius in 2003, in which he says: "The school is not just one within many places; is where we shape our little citizens. And this tripod: *laïcité*, Republic, school, is the tripod on which we support ourselves" (Fabius, 2003).

It can also be affirmed that the French State model of seeing society and its relationships with it reinforce the neutrality of religious representation. Based on the Jacobean centralizing and unitary model, the system today insists on an individualistic relationship between the State and people (Doyle, 2011: 487). According to Doyle (2011: 478) this is explained by a legacy of the revolutionary period in which, in order to "combat the hierarchy of hereditary states", the ideal of the reconstruction of French nationality would be based on the emancipation of individuals from "affiliation groups". In other words, "French republicanism encouraged a strong serum of democratic public power but relegated cultural affiliations and identities, including religion, to the private sphere" (Doyle, 2011: 478).

The Case of Hijabs in Primary Schools

In 1989, three Muslim girls were temporarily suspended from their schools for their insistence on wearing the hijab in the classroom. This has generated heated debates within French society about whether or not the right to wear the veil, "revived existing



controversies, exploited French fears of Islamic fundamentalism and again dramatized continuing concerns about the future of Muslim immigrant communities in France" (Feldblum 1993: 61). The controversy reached the highest court of justice of France (the *Conseil d'État*) from which came the opinion that the use of the hijab or expression of the religion of those girls do not affect the principles of *laïcité* (Gunn, 2004). However, the same court said that students can be passive to punishment if they try to make any kind of religious propaganda or disrupt school activities

Because it was not clearly solved, the issue of the use of the hijab by Muslim students in primary schools was still a fuel of debate in the country. In addition, the increase in immigration from former muslim majority French colonies to the country, from the 1980s, began to produce a certain social tension in relation to the wearing of clothing that distinguish women from this religion. The use of the hijab and other types of adornments worn by Muslims in France in public places causes the status of *laïcité* and its limits to be questioned. This even causes a suspicion among the French whether Muslims prefer their Islamic identity than French identity (Gunn, 2004). As many of these women are immigrants or their daughters, they are seen as foreigners, a non-national symbol that has not been fully integrated into the standard and genuinely French values, according to the prevailing identity narratives. "When the French see the veil, they are not proud that their country is tolerant and welcoming of other peoples and religions, but feel that something foreign and non-French has infiltrated their society (Gunn, 2004: 418-419).

Since this episode in 1989, several similar cases have been disputed in France, between those who wanted a purer *laïcité* and those who did not see conflicts between the use of religious devices and the legal concept. Also, according to Gunn (2004), however, in most cases, the *Conseil d'État* was in favor of wearing the veil, but always warning the issue of proselytizing and disturbance of order. However, in 2004, legislation was passed almost unanimously that effectively banned the use of hijba in public schools (Windle, 2004).

This movement to strengthen *laïcité* (some authors even call it *nouvelle laïcité*)⁴ began in 2003, when former Prime Minister Raffarin said during a television interview that the veil should be punished absolutely in public schools (Ockrent and Leclerc, 2003). Soon after this episode, the Minister of the Interior (who would end up being the president of the country) Nicholas Sarkozy said before the Union of Islamic Organizations of France that no woman should wear the veil when taking photos for official documents in the Republic (Gunn, 2004). However, although the *laïcité* issue was built in relation to the Catholic Church and expanded to other religions, "the threat posed by Catholicism has never been portrayed exactly as the current threat of Islam is by the mainstream *media*. The old mistrust of religious power is now combined with the fear of the formation of separatist communities" (Windle, 2004: 98).

Prime Minister Raffarin's concern about the alleged threat that the wearing of the hijab posed to the Republic was based on an issue called *communautarisme*. Based on "a life founded on belonging to the Muslim religion", the *communautarisme* "is perceived as the refusal to shape the traditional French lifestyle and even as the will to reproduce in the national territory true enclaves of its original countries" (Bauzon, 2017: 189). This

⁴ To delve into the issue see Nugier et al (2016).



is reinforced by the minister's own words by saying that there should be a "debate that engages in school and its future" since "we are all convinced, that the school is the primary space of the Republic" (Raffarin, 2003). In addition the minister (2003) goes on to say that it must be ensured that it is in the school that the "supreme value that is the Republic and that there are no ostentatious symbols of *communautarisme* that come to unbalance our school balance". Raffarin concludes by saying that the school should remain as "the space par excellence of the Republic, soon of the *laïcité*". Therefore, it is clear the perception of the French authorities that French identity was at risk of existence for alleged infringements of *laïcité* by religious groups.

In view of the increased intensity of the debate across the country, President Jacques Chirac proposed the creation of a committee to assess the situation that should give him an opinion by the end of 2003. This committee aimed to generate "reflection on the application of the principle of *laïcité* in the Republic" (Stasi, 2003: 2). Named Stasi report (last name of the committee leader), the document proposed several proposals for social inclusion and improving the lives of marginalized communities, such as Muslims. However, the point that received the most attention from the public stated the following:

"Adopt the following provision for schools: in respect of freedom of conscience and the proper character of establishments under contract, clothes and manifesting signs of religious or political belonging are prohibited in schools, colleges and high schools" (Stasi, 2003: 68).

In December of the same year, President Chirac gave his opinion on the report and addressed the issue of the use of religious ornaments in public schools in the country. On national television, the president thanked the Stasi commission's efforts and made remarks that would explain the approval of the ban on the use of religious parts by the French parliament in 2004. As he begins his speech, Chirac says that

"the debate on the principle of laïcité resounds in the depths of our consciences. It reminds us of our national cohesion, our ability to live together, our ability to gather about the essentials. The laïcité is inscribed in our hearts. It is at the heart of our identity" (Élysée, 2003: 1).

By reaffirming that France is known "as the homeland of human rights", he continues to praise the principle. Moreover, it tells how *laïcité* is responsible for the reality in which France lives. "It is in fidelity to the principle of *laïcité*, the cornerstone of the Republic, the axis of our common values of respect, tolerance, dialogue, that I call all French and all French to come together". Continuing, "these values underpin the uniqueness of our nation. [...]. It is these values that make France". He also makes direct references to the *communautarisme* stating that it "cannot be a choice of France. He would be contrary to our history, to our traditions, to our culture" (Élysée, 2003: 1-3).

Recalling the principle that "school is a republican sanctuary that we must defend" (Élysée, 2003: 5), Chirac offers his final opinion on the issue. These are his words:

"With that in mind, I estimate that the carrying of clothes or symbols that ostensibly manifest the religious must be outlawed in schools, colleges and



public schools. The discreet signs, for example, a cross, a star of David, or a hand of Fatima, will naturally remain possible. Unlike ostentatious symbols, that is, those that the size leads to perceive and recognize immediately their religious belonging, they cannot be admitted. They – the Islamic veil, whether it is its name, the kippa or a cross manifestly oversized – will have no room in public schools. The public school will remain secular” (Élysée, 2003: 5).

In March 2004, President Jacques Chirac signed a law passed by the National Assembly and the Senate that banned all types of religious clothing in schools, including the hijab. In the face of all this, it can be seen that the issue of *laïcité* and, consequently, the French identity saw in Islam and its clothing its greatest threat within the period analyzed. Although the Stasi Commission and President Chirac's statements were about religions in general, throughout the text it was possible to see that both the beginning and development of the debate on the limits of *laïcité* and *communautarisme* and religious clothing in public spaces, from 1989 onwards, Islam had been the main starting point.

However, although theoretically it is a contradiction within the logic of French values of tolerance and religious freedom and is a question of the opinions of the *Conseil d'État*, the 2004 decision is supported when looked at by the bias of ontological security. Resuming the thoughts of Steele (2008) and Subotić (2016), states create narratives about themselves so that their actions of both the past and the present and those of the future are justified in terms of identity. "[...] actors must create meanings for their actions to be logically consistent with their identities" (Steele, 2008: 11). Thus, it is understood why the policies and the resurgence of debates about *laïcité* within French society after the affair *des foulards islamiques*. Thus, anxieties about the future of their identity and the perception of the threats generated by Islam "justify a policy by reasoning what such a policy means or would mean about their state's respective sense of self-identity" (Steele, 2008: 12).

Putting into perspective the speeches of high-level officials of the executive power such as Jacques Chirac, Laurent Fabius and Jean-Pierre Raffarin it is seen that the religious expressions of French Muslims were being considered as threats to the continuity of the French hegemonic autobiography. Thus, fears and anxieties of French society regarding its identity, and consequently its existence, enabled the government to make these decisions.

Conclusions

As demonstrated by the new approaches of Security Studies, societal and identity issues have been seen as important interpretative keys of reality. In view of all that has been written, the conclusions of this text show that the manifestations and political mobilizations in France in relation to the use of the hijab in public schools, between 1989 and 2004, were reactions to the defense of the principle of *laïcité*, as one of the ontological bases of the country.

However, it is noteworthy that other issues that are necessary for understanding this issue are beyond the scope of this work. Reflections on whether these reactions came



from French society in general or only from those who seek to maintain the racial and religious status quo is a space that this work opens up for future approaches. Moreover, issues such as *communitarisme* and perceptions about this in relation to national integrity were points that were raised throughout the text but could not be developed comprehensively. Another point to be addressed is whether the threat seen in Islam is a prejudice only to Muslims or to any other non-Catholic religion, since France has a history of intolerance with Protestants (St. Bartholomew's Day) and Jews (Dreyfuss Affair). In any case, the aim of this work is not to exhaust the discussion, but only to bring a neglected perspective when it comes to identity in French society.

Within this same approach, speech acts from actors of high political positions (notedly the executive body) were analyzed, who were received by a French society who were fearsome and anxious about their identity due to the large influx of Muslim immigrants from former French colonies to mobilize narratives. In doing so, cognitive connections were created with the French autobiography that made acceptable the decisions to prohibit the wearing of ostentatious religious clothing within public schools as a way to protect the ontological bases of national identity. However, in the face of immigration movements and typical religious clothing, Islam has become the main target of these policies.

Therefore, the debate regarding the use of the hijab in public schools may be within the debate of ontological security. As demonstrated throughout this work, the use of the state apparatus was used as a tool to protect French identity by protecting the principle of *laïcité*, before Islam, within public schools.

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