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Sexual Violence as the Language of Border Control: Where French Feminist and Anti-immigrant Rhetoric Meet

When I first arrived in the Paris region in 1999 to do research on the struggle by undocumented immigrants (*les sans papiers*) for basic human rights, discussions of violence against women were remarkably absent from the public arena. Nongovernmental organizations and researchers had begun to broach the topic, but with little public visibility.[1] However, this changed in late 2000, with a media explosion on the issue of *les tournantes*, or the gang rapes committed in the *banlieues* of Paris.[2] Such *tournantes* involve boys "taking turns" with their friends' girlfriends, both parties usually being of Maghrebian or North African origin. A film called *La Squale* (2000) first told the story of such collective rapes—predominantly anal or oral assaults, to preserve the girls' virginity.[3] This attention to violence against girls of North African origin in the *banlieues* mushroomed to fill public space—for instance, the number of newspaper articles about gang rapes increased tenfold from 2000 to 2001 (Mucchielli 2005).[4] Additionally, a testimony by Samira Bellil, *Dans l'enfer des tour-*

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[1] The national Enveff survey on violence against women was carried out in 2000, and while the organization Association Européenne contre les Violences Faites aux Femmes au Travail (AVFT or, European Association against Violence against Women at Work) has been fighting sexual harassment in the workplace since the 1980s, the AVFT has received minimal public support or attention.

[2] Translated as "suburbs," *banlieues* are more closely equivalent to American inner cities.

[3] See, e.g., Chambon 2001; Sciolino 2003.

[4] There were eighteen articles in *Le Monde* alone (Mucchielli 2005).

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nantes (In gang-rape hell) (2003), together with the burning alive of a girl named Sohane Benziane in a *banlieue* basement by a male friend, inspired a social movement called Ni Putes Ni Soumises (NPNS), or Neither Whores Nor Submissive, intended to claim a place for girls outside the two available categories of submissive or sexually promiscuous.[5] Articles appeared in all the French newspapers and in the *New York Times*, on radio and television programs, and also in magazines such as *Vanity Fair* and *Elle*.

How should we make sense of such a sudden focus by the public and the media on sexual violence in France? It is critical to note that media coverage of sexual violence there has been much less common than in places such as the United States; sexual violence, like sexuality in general, has tended to fall into the realm of the private, one aspect of a strong distinction in French republican discourse and practice between the public and the private, which is only now changing with debates over civil unions (*pacs*), gender parity in politics (*parité*), and, most recently, the sex lives of major politicians.[6] Indeed, between 1998 and 2000, only three newspaper articles concerning instances of gang rapes appeared in France. But gang rapes did occur, not just in *banlieues* but all over France—the daily presses simply did not consider the trials worthy of coverage (Mucchielli 2005). Was this—the publicity of the *tournantes*—finally the moment of recognition of violence against women and a blurring of the distinction between public and private on this issue? Understood differently, why did both a public and a state that had not been interested in rape or sexual violence suddenly become concerned about it?

I want to suggest that, put in the larger context of debates in France about immigration, national security, and a growing Europe-wide form of Islamophobia, the focus on sexuality—and sexual violence, more specifically—can be explained by the fact that it has become the discourse of border control and the way borders are policed. It takes the place of a political language of immigration and allows for "dead certainty" in what Arjun Appadurai (1998) might call times of uncertainty.[7] Indeed, a focus on sexual violence works here to help define the parameters of the French nation-state as well as who is included and who excluded, culturally, racially, and legally. More specifically, as the media coverage of the *tournantes*

[5] See Nadine Naber's insightful analysis of how these two categories work in the Arab-American context (2006).

[6] See Eric Fassin's discussion of the politicization of sexuality in France (2006), and Deloire and Dubois (2006) on sex and French politicians.

[7] See, e.g., Vincent Geisser's book on the new Islamophobia (2003).

reveals, through a discourse against sexual violence, men of North African and Muslim origin are excluded as barbaric and uncivilized, and now as violators of women's human rights. This is because the debates and policies on sexual violence function according to logics of cultural otherness, condemning violence primarily when it is attached to readily recognized tropes of alterity, such as forced marriage, honor killings, or excision (female genital mutilation).

This new public focus on sexuality in France is shaped by two transnational discourses, even as it exceeds them. First, such public attention functions as a postcolonial extension of colonial discourses on sexuality and morality that coded race and class in sexual terms (Mani 1990; Stoler 1997); in other words, it perpetuates a colonially derived racist discourse that erases the role of race. In the contemporary context, we can understand this also as an example of "fighting sexism with racism" (Razack 1995, 72). Second, it is simultaneously the result of a newer phenomenon, a transnational discourse on violence against women, which, in existence and use only since the early 1990s, has shifted and blurred the boundaries between public and private, consolidating concerns that heretofore had not been linked, such as rape, domestic violence, female excision, sexual slavery, sati, and the rape and torture of political prisoners. The category "violence against women"—now an official part of UN, international policy, and human rights agendas—was created as the lowest common denominator from the women's movements in the North and South, taking the issue of bodily integrity as their common base (Keck and Sikkink 1998; Miller 2004). But in its more institutionalized, dominant form, sexuality is often recognized only through the framework of racial, cultural, and religious difference; in other words, sexual violence is noted primarily when it is attached to other types of difference.

I look at how these two transnational discourses work together in France, how they overlap, and where they diverge. At different points, each blends into a neocolonial discourse on saving Muslim women—the discourse used, for instance, by the Bush administration to justify invading Afghanistan and liberating women from the Taliban (Abu-Lughod 2002). So, in addition to illuminating the politics of immigration, an exploration of the politics of sexual violence and immigration in France enables us to see a central paradox of transnational discourses on violence against women: while they allow women to name and struggle against violence, they can also serve to perpetuate such violence as part of larger nationalist and imperial projects.

My argument is that these debates about sexual violence and immigration are couched in a series of contests over the meaning of "public order" (*ordre public*), which, when violated, allows for the deportation of

those enacting violence or the entry of those who have been violated. In the process of defining what constitutes public order, the debates work to exclude certain types of people from the French nation-state through the saving of a few select women. To illustrate this, I discuss two highly charged public debates: that on prostitution, which includes the 2003 ban on *racolage passif*, or passive soliciting, and the 2004 ban on the headscarf, or more precisely, on all "ostentatious" religious symbols in schools. While these bans are presented in some sense as promoting the emancipation of women, I contrast them to another set of legal provisions—the bilateral accords with Algeria, Morocco, and Tunisia that protect personal status laws based on shari'a in France. The contrast renders visible the larger exclusionary structures and logics of the postcolonial state hidden and rationalized by talk of emancipation of women.

Together, these examples illustrate how violence can be spoken and heard only in certain terms and spaces, requiring specific culturally and racially marked performances. This in turn circumscribes membership in the nation-state. Ultimately, I suggest that the treatment of sexual violence reveals not only the condition of immigrants but also the nature of the postcolonial French state and the way it deals with difference: an analysis of sexual violence exposes contemporary French republican universalism as a practice that can accommodate difference only in an exceptional, discretionary manner—one that takes place at the expense of its avowed politics of universal equality.

Prostitution and the headscarf: Protecting women, protecting borders

Against trafficking in women: Emancipating women through deportations

In March 2003, a new law against passive soliciting went into effect. Specifically, Article 18 of *la loi pour la sécurité intérieure* (law for internal security) criminalizes passive soliciting, giving sentences of up to two months in prison and fines of 3,750 euros.[8] In the name of protecting women, the law mandates that any woman whose dress or attitude gives the impression that she is soliciting money for sex can face both a fine and extended jail time. The dual goals of this law, according to Nicolas Sarkozy, then the interior minister, are to combat human trafficking—and thereby to protect

[8] Law no. 2003-239 of March 18, 2003, published in the *Journal officiel*, no. 66, March 19, 2003 (correction published in the *Journal officiel*, no. 129, June 5, 2003). In addition, Article 28 of this law withdraws the residence permit of anyone arrested for passive soliciting—a direct attack against immigrants.

migrant women victims—and to protect public order, which could be disrupted by such soliciting.[9] According to Article 29 of the law, undocumented prostitutes are given a temporary residency permit if they agree to divulge the names of their pimps to the police. Here, the law purports to save the vulnerable by criminalizing the guilty, helping to fight against what has been depicted as a morally repugnant practice—the global trafficking in women.

The debate on prostitution in France was initially spurred on by the need to bring French laws into conformity with international and European laws, specifically those on the trafficking of human beings (Vernier 2005, 128). To this end, there was an intense debate in France between proponents of the official state policy of abolitionism and advocates for prostitutes' rights and health associations, who insisted on a distinction between forced sex and voluntary sex work. The whole debate was part of a larger discussion on the newly legitimated category of violence against women, raised in part at the UN Beijing +5 conference in New York in 2000.

While the 2003 French law on passive soliciting was prompted by this international mandate, the law reframed the terms of the debate on prostitution, as it reflected a broadening of state powers to act in the name of security. Under this law, the state is now allowed to act against prostitution if there is active "exhibitionism" that damages public order and security. The law claims to protect migrant women from trafficking under a national rhetoric of law and order, one increasingly prominent since the 2001 elections in France and on the front pages of newspapers all over the world as France erupted in riots in November 2005. Crucially, the term "passive soliciting" is defined in such a way that the police can act as sovereign: they have the power to determine what behaviors constitute "soliciting" since it is defined as "passive," not active. Appearance is what is at stake; it almost goes without saying that such policing is racially informed. Sarkozy has explicitly stated that migrant women are the primary targets of this law; in this case, they come primarily from Eastern Europe and sub-Saharan Africa. Indeed, it is estimated that 75 percent of street prostitutes in Paris and 50 percent in France overall are foreign—

[9] For instance, see *la circulaire d'application* (circular denoting application of the law), which justifies the reinstatement of the ban against passive soliciting because it is likely to disrupt public order, particularly in the realms of "la salubrité et la sécurité publiques" (public health and security), and because, at the same time, it promises to do away with the source of profit from prostitution, which in turn will help stop human trafficking (cf. Vernier 2005, 131).

and are for the most part undocumented.[10] While the law is purportedly about holding mafia and trafficking networks accountable for exploiting women, in practice this law permits increased identity checks by the police, blending easily into a policing of undocumented immigrants. In other words, this fight against soliciting in the name of security and of protecting women only thinly masks an anti-immigrant politics. That there is a slippery slope between saving and deporting is clear in the discourse of the former interior minister: "It seems wise to escort girls who do not speak our language and who have just arrived in our country back to their country of origin in order to release them from the grasp of their pimps. It is a humanitarian duty!" (Sarkozy in French Senate 2002; cf. Allwood 2004).

Rather than making forms of soliciting such as prostitution disappear, the law has taken them off the streets, locking them into clandestine spaces. Indeed, this law does not address the causes of solicitation, nor forms of nonstreet prostitution, and it has been proven singularly ineffective at apprehending trafficking networks (Guillemaut 2004). A March 2005 evaluation of the effects of the law showed that street prostitutes have been pushed into isolated places like forests and parks, where they are more subject to violence (Chemin 2005).

Thus, despite the rhetoric of protection of women, in this case it seems that women are hardest hit. The effects coincide with those of many transnational antitrafficking policies, which include limiting visas to women from trafficking-origin countries and increasing policing of borders, with large penalties for undocumented migrants. These policies often end up punishing the women who most need protection from the exploitative conditions they face both in the process of migrating and as new immigrants, and they ignore the reality of female labor migration, which can often involve the sex industry as a step in the process of achieving economic independence.[11] Instead, this law, like many antitrafficking campaigns, has divided women up into those who are seen as helpless, innocent victims who must be saved and those who are seen as responsible for their own predicament and therefore forfeit their right to state protection. The women who do not come forward to ask for help by denouncing their pimps are often understood as somehow consenting to their conditions—that is, they are prostitutes disrupting public order, not victims of trafficking—and hence, not within the realm of protection. In

[10] These are estimates from the French Senate, Europol, and French research institutes. See also Sciolino 2002.

[11] For more on the contradictions of antitrafficking discourses and practices, see Doezema (2000), Chapkis (2003), and Guillemaut (2004).

fact, they are seen as deserving the opposite: rather than being protected, those without papers are deported.

The headscarf debate: Ni voile, ni viol

This same dual logic of security and the protection of women is present in the 2004 ban on "ostentatious" signs of religious affiliation in public schools—the focus of which is the *hijab*, or headscarf. The debate on the 2004 ban on so-called ostentatious religious symbols officially turns on the definition of *laïcité*, or secularism, which underlies the French conception of government and separates church and state. In its most basic form, *laïcité* prevents the state from placing religious symbols in the public domain, even though in practice it has meant that the state structures and defines public life, including the content of speech and behavior. It does so according to predefined universal values, which must therefore be free of religious or ethnic identities. *Laïcité* is tied to the belief that a uniform, secularized identity is the best guarantor of national identity—an identity that is increasingly seen as threatened by the growing Muslim population in France, as well as in the European Union. Here, to perform one's religion too well, to take religion too seriously, is interpreted as a sign that one rejects the Republic (Bowen 2004). Rather, to demonstrate loyalty to the Republic, one must protect a neutral public space. The rhetoric, again, is about maintaining public order, despite the fact that the notion and meaning of "public" is being debated and reinterpreted especially vigorously in these very debates.

Examination from a different angle, however, shows that another key reason given for the ban is to protect young Muslim girls in the *banlieues* and elsewhere from patriarchal practices associated with a radicalizing Islam. This in turn draws on a neocolonial, anti-Muslim discourse. As the minister of urban affairs suggested at the hearings conducted by the Stasi Commission on Laïcité, there are three reasons why girls wear headscarves: because boys make them, because they want to show that they do not want to belong to the Republic, and because they are under pressure from the international movement of political Islam (cf. Bowen 2004).[12] The ban is hailed as a step forward to protect young girls from religious parents

[12] This is the presidential commission that conducted hearings on the topic of *laïcité*, headed by Bernard Stasi. The minister of education, Luc Ferry, thus proposed in February 2004 to prohibit "'signs and clothing that draw attention to (*manifestent ostensiblement*) the religious affiliations of pupils' in the public primary, middle, and high schools" (Bowen 2004, 31). For interesting analyses of the meaning of *laïcité* in this context, see Bowen (2004), Asad (2005), and Scott (2005).

who either force them to wear the headscarf when outside or else keep them at home altogether. Similarly, for the majority of French feminists, who have generally favored the ban, the headscarf is a "confirmation of the underdeveloped status of women in radical Islam" (Brenner 2004).[13] As an article in *Vanity Fair* claims, "the battle of the headscarf is the first sign that France may be turning its attention to 'les invisibles' trapped in the prisonlike fortresses of the housing projects" (Brenner 2004). This is a reference to young girls such as those involved in NPNS, who revealed the problem of *les tournantes* in the housing projects. The battle of the headscarf is therefore now also linked to a transnational battle against sexual violence. While gender was of course an issue in the headscarf debate in 1989, the link to sexuality is new (Fassin 2006). Here, the battle against the headscarf—also construed as a battle against violence against women—stands in for the battle against conditions in the *banlieues*, allowing an elision of the very real structures of inequality that lead to the so-called prisonlike housing conditions.

Again, it is instructive to compare this ban to the one on prostitution, which from all indications has not succeeded in protecting prostitutes but, rather, discriminates against immigrants. Enacted to "protect" Muslim girls from patriarchal Islam, how has this headscarf ban worked on the ground? One answer is that this ban, like the ban on passive soliciting, coincides nicely with an agenda of heightened security associated with eliminating delinquency and terrorism. In particular, overlapping with the goals of defending *laïcité* and emancipating women, the ban is justified by being linked to the putative barbarity of male Muslim youth, who are supposedly increasingly influenced by Islam in the declining situation of the *banlieues*. Nacira Guénif-Souilamas and Eric Macé (2004) argue that those who support the ban in the name of the emancipation of women in fact produce and rely upon the figure of a violent Arab as a counterpoint of the oppressed veiled girl—one who both rapes and is potential fodder for delinquency and even terrorism. Thus, an indirect result of the debate on the headscarf is an increased legitimacy for the policing of men and boys of Arab or Maghrebian origin and for deporting those without French nationality if they are violent. Former interior minister Sarkozy's stated desire to deport "all foreigners" who took part in the November 2005 riots, including those with residency permits, illustrates this mentality (BBC News 2005). Sarkozy's policies also reveal the way sexual violence is used as a particular form of the politics of immigration: for instance, the violence of

[13] Brenner refers to Anne Vigerie's argument here; for more on this point of view, see Vigerie and Zelensky (2003).

the riots led directly to a retraction of the recognition of marriages between French nationals and foreigners. Here, violence, sexual violence, and families get conflated, resulting in one clear action: a closure of borders.

As another example of how certain types of citizen-subjects are constituted as exemplary and others silenced or literally deported as a result of discourses on violence, I turn briefly to the debate among feminists over the meaning of feminism itself in the context of immigration and the ban on the headscarf. The battleground is complex, and solidarities easily disrupted, but the two shifting sides include the more mainstream, republicanist feminists, who support the ban on the headscarf (including a mix of people and institutions such as the philosopher Elisabeth Badinter, the Socialist Party, and the Iranian exile Chahdortt Djavann), and the antidiscrimination feminists, who are against the ban (including the sociologist and former mayor of Dreux Françoise Gaspard, the sociologist Christine Delphy, and many from the social movements for immigrant and minority rights).[14]

In a revealing move, it is the mainstream republicanist feminists who have championed NPNS and helped to create the media explosion about violence in the *banlieues*. To be clear, NPNS supported the ban on the *hijab*, suggesting that it promotes violence, sexism, and patriarchy.[15] The group's rhetoric hints at cultural or religious explanations for violence; for example, Islam is turned into a symbol of violence in a seemingly cause-effect relationship, demonstrated by the slogan *Ni voile, ni viol*—Neither veil nor rape.[16] The group combines its struggle against violence against women in the *banlieues* with a struggle against violence in places like Saudi Arabia. In so doing, its discourse contributes to naturalizing a relationship between Islam and violence: it does not ask why such violence is occurring in the *banlieues* now and why it did not take place ten years ago or how violence in these housing developments (*cités*) compares to violence in other disenfranchised areas.

It is perhaps no wonder, then, that NPNS's message has been eagerly embraced by the French public—not only by journalists but also by politicians such as the consecutive prime ministers Jean-Pierre Raffarin and Dominique de Villepin, as well as the Socialist Party more broadly. Fadela Amara, cofounder of NPNS, was invited to sit on various high commissions, such as the National Commission on Human Rights, and when Sarkozy

[14] For a more detailed description of the two sides, see Tévanian (2005, 48–50).

[15] For more on NPNS, see Fadela Amara's (2004) testimony, *Ni putes ni soumises*.

[16] See Abu-Lughod on how the use of cultural and religious explanations feeds the current obsession with the "plight of Muslim women" (2002, 783).

was elected president of the French Republic in May 2007, she was appointed junior minister for urban policy by his government. While many women of immigrant origin agree that NPNS did well by speaking out against violence against women, they are concerned that such violence is portrayed either as unique to the *banlieues* or as more prevalent there (Carrel 2005). In the face of the media blitz on NPNS and the *tournantes*, Christelle Hamel (2003) responded by drawing on the initial 2001 results of the Enveff study on violence against women to show that rape cuts across all social classes and ages. Similarly, the sociologist Laurent Mucchielli (2005) made a compelling case that gang rapes have actually taken place consistently since the 1960s and, if anything, have declined. Gang rapes seem to be a phenomenon associated with youth, but they are not associated with a particular ethnicity, culture, or religion—not in terms of either the perpetrators or the victims. Thus, those who criticize NPNS, including many women of immigrant origin, condemn the instrumentalization of women's suffering for political ends.[17] They do not necessarily blame NPNS's initial message but, rather, the reception and cultivation of the group by the French media and state to produce a violence that is ethnicized and used to mark the boundaries of otherness and the enemy within.

The second group of feminists—the antidiscrimination feminists—generally falls on the side of rejecting the ban.[18] They do so in the name of a "feminism of responsibility" (Tévanian 2004, 8), focusing on girls who are penalized by the ban and arguing that they will be further isolated by being expelled from school. Various arguments have been made against the ban—for instance, that it will give Islamic militants more access to these girls, leaving them to be the girls' only interlocutors, and that the ban goes against the traditional role of schools, which is to cultivate future citizens as a means of creating universal subjects. Furthermore, as the argument continues, to exclude young girls from the citizen-forming process is to exclude them from society entirely, and, perhaps most critically, to focus on the headscarf renders banal or insignificant the very real eco-

[17] See, e.g., S., fille de Smaïl et Dahbia 2004.

[18] These groups include Les Blédardes (a feminist collective: Girls from the *Bled* [Algeria's countryside]), Le Collectif Féministes pour l'Égalité (the Feminists for Equality Collective), Femmes Publiques (Public Women), Les Panthères Roses (the Pink Panthers), Les Indigènes de la République (the Indigenous/the Natives of the Republic), as well as some better-known antiracist groups such as MRAP (Le Mouvement contre le Racisme et pour les Amitiés entre les Peoples, or the Movement against Racism and for Friendship among Peoples) and La Ligue des Droits de l'Homme (the Human Rights League).

nomic problems in the *banlieues* and the increasing anti-Arab and anti-Muslim sentiments.[19]

Many of these antidiscrimination feminists are thus reworking the idea of what it means to be emancipated, bringing notions of race and racism to an intersectional analysis of gender, sexuality, class, and related forms of violence. A February 2007 statement by the group Les Indigènes de la République is an example of this, hailing women who have experienced racist and sexist violence to come together to form an indigenous anti-imperialist feminism, one that need not be incompatible with other forms of identity, including religious faith.[20] In the process, however, these feminists bump up against the ways that feminist actions taken in the name of protecting women from sexual violence cultivate anti-immigrant sentiment. This in turn permits certain types of action by the state that completely skirt what these feminists see as the real questions of structural and racial inequality that shape various forms of violence. By fighting over what performances are allowed or required by the state and what is permitted to constitute the public sphere, women of immigrant origin end up marking the boundaries of the nation-state, both internal and external, metaphorical and literal: they are the grounds on which these debates are occurring.

Bilateral accords: Protecting colonial remnants

The bans on passive soliciting and the *hijab*, as well as the exposure of the *tournantes*, all turn in some important way on a discourse about the protection of women from violence and oppression—whether or not this rhetoric actually holds in practice. To further illuminate how sexual violence functions in contemporary French political discourse, and thus ultimately to think about the nature of the postcolonial French state, I want to turn now to another set of legal provisions that do not even claim to be concerned with violence against women, even as the women who are subject to them insist that those provisions legalize violence and discrimination. I refer specifically to the bilateral accords signed with former North African colonies, which enshrine in the French Civil Code a respect for the *statut personnel*, or personal status, of those with Algerian, Moroccan, or Tunisian passports despite their place of residence. In other

[19] See the journal *Prochoix* (Summer 2003, Autumn 2003, and Spring 2004) for a discussion of these positions and debates. See also Scott 2005.

[20] See also, e.g., Les Blédardes et Les Mots Sont Importants 2006, and S., fille de Smaïl et Dahbia 2004. For more on intersectionality, see Crenshaw (1995).

words, persons with these passports are subject to the legal family code of those countries, largely based on shari'a law. My goal here is to question why, if preventing violence against women is so important, these particular laws are permissible.[21] While I might have chosen other types of violence rendered invisible by the dominant discourse, I focus on these to demonstrate the role of cultural difference in the fight against violence against women. Why is cultural difference acceptable here, when it is not in the case of the *hijab*?

With Algerian independence in 1962, France signed a judicial agreement that provides for the application of Algerian laws in France and French laws in Algeria. France made similar agreements with Morocco and Tunisia following their independence. These laws, still in effect in contemporary France, were all designed in the spirit of reciprocity; they were designed to allow French citizens living in these countries to continue to be governed by French law, and, for instance, Algerian citizens living in France to be governed by Algerian law. While Article 3 of the French Civil Code states already that all foreigners in France are subject to their own national laws concerning matters of personal status, the bilateral accords laid out the details of this postcolonial relationship. Of crucial importance here is that these bilateral accords relate to the private sphere; they include the realm of marriage, rights and duties of husband and wife, custody of children, divorce, inheritance, and division and control of family property.

The application of foreign laws in France is valid only insofar as it does not interfere with the public realm or with public order. This concept, therefore, as in the cases of prostitution and the headscarf, becomes the ground of contestation for what it means to be French. Who decides when a practice threatens French notions of public order or when order is disrupted? As John R. Bowen (2001) insightfully argues, French public order is a normative construct that, rather than being a description of behavior, more accurately reflects the relationship of law to morality. Law is assumed to shape moral order as legal boundaries help shape our actions, which, in turn, help create us as moral subjects. Thus, public order—and the exceptions made in its name—is shaped by different forms of law, from administrative to judicial to international private law (Andrez and Spire

[21] The ways in which violence against women is deemed important are illustrated by the increasing number of initiatives to fight violence against women in France, from the French government institution La Halde to the recent (2006) French law condemning violence against women.

2001). My goal here is to examine the normative construct of French society that emerges from these sometimes conflicting jurisdictions.

Many of the undocumented women (or "*sans papières*") I worked with during the primary period of my fieldwork in Paris (1999–2001) either fell into that status because of these bilateral treaties or were unable to obtain papers or escape domestic violence because of them. It is important to note that while the bilateral accords themselves remain unchanged, reforms of the personal status laws in the Maghreb along with French jurisprudence on the matter and the fluctuating influence of international legislation together shape the effect of these accords on Maghrebis living in France and help determine when exceptions must be made to uphold public order. Up until 2004, for instance, French jurisprudence on the application of the personal status laws allowed Moroccan and Algerian women to be repudiated by their husbands despite being residents of France—meaning that the laws permitted a unilateral divorce on the part of the husband, with or without the wife's knowledge. This usually entailed the husband's returning to Morocco or Algeria to enact the repudiation while at the same time asking a French judge for *exequatur*, or the right to apply a judgment made by an Algerian or Moroccan judge to a French resident. Once the wife was repudiated, she could lose her legal status in France because it was often dependent on that of her husband. Immigrant rights associations have recorded hundreds of examples of such discriminations: older women, at age sixty-five or seventy, out on the street after being repudiated, with no papers or means of supporting themselves; children taken from women after repudiations, with no chance to fight for custody; and women being repudiated after their husbands get their residency permits.[22]

Repudiation is just one aspect of the personal status laws protected by the bilateral accords, but it was the subject of much changing French jurisprudence in the 1990s and, as such, demonstrates the negotiation of sovereignty through a debate about who defines the public order: Specifically, what role do international laws and norms play in the definition of public order? Who is allowed to define which differences are acceptable and which cannot be tolerated? Who, ultimately, has the power to decide on the exception to these accords—the very definition of sovereign power (Schmitt [1922] 1985)? In particular, bilateral treaties trump the Civil Code in the hierarchy of French norms—in other words, the bilateral treaties that enshrine respect for shari'a should be respected unless they violate French public order. But according to the conflict of law that provides

[22] See S., fille de Smaïl et Dahbia 2004. See also Comité d'Action Interassociatif 2004.

the rules of precedence, international conventions take precedence over bilateral treaties, and hence if the laws enshrined in the bilateral treaties stand in tension with international norms, they must also be abrogated. For instance, in 2001 the Cour de Cassation ruled that the French conception of public order was not in principle contradicted by a unilateral repudiation.[23] And thus French courts allowed repudiations under certain conditions, finding that they did not necessarily contradict notions of women's rights or promote violence against women. But in 2004, the same court ruled against repudiations in France because they go against the principle of equality of husband and wife enshrined in the European Convention on Human Rights. In particular, the court found, they are in tension with international public order. The legal records from the Cour de Cassation reflect this change with a series of cases brought in 2004 by French residents of Algerian or Moroccan nationality. These women appealed to French judges to overturn the repudiations pronounced by their husbands in Algeria or Morocco. The French judges responded by making exceptions to the bilateral accords, justified by the European Convention on Human Rights, as well as by the protection of international public order. In other words, while French judges may not have always agreed with the application of all elements of the bilateral accords, it is largely through the intervention of international norms that a change has been made to their application.

Many other practices protected by the bilateral accords have been points of contention for Maghrebi women living in France, who argue that the accords institute inequality between men and women.[24] The family code was reformed in Algeria in 2005, and the Moudawana, the family code of Morocco, in February 2004, but many of the provisions in both codes remain objectionable to Maghrebi women in France and in the Maghreb. For instance, in Algeria women still require the permission of a guardian to marry, they receive only half of what men receive in matters of inheritance, and repudiation and polygamy are still legal. In Morocco, polygamy and repudiation are both still legal, even while the law of obeying one's husband has been abolished.[25]

Let me be clear: my goal here is not to assess the personal status laws in North Africa. What is relevant for my present purposes is what they do and how they work on French soil, and an important part of this is to note

[23] See Bowen (2001, 18–19) for an analysis of the different approaches to the issue of repudiation in France.

[24] See, e.g., Duchemin and Si Mohamed 2005.

[25] See, e.g., S., fille de Smaïl et Dahbia 2004.

that the ways in which these laws are enacted in France are different from their practice in North Africa, precisely because the French make judgments about and involving shari'a without actually having shari'a courts. Despite having the right to do so, French judges rarely apply shari'a law in French courtrooms, but they do interpret decisions made in shari'a courts in the Maghreb when deciding whether or not to accept these judgments for French residents. My concern, therefore, is both the particular application and interpretation of these laws in France and the work these laws do, which has been to leave many women without legal rights. I ask why—despite the battles women of Maghrebi origin continue to wage against these laws, which they argue further inequality and often violence—these bilateral accords have largely been ignored while the oppression of women is denounced in the case of the *banlieues* or the *hijab*.

The dirty secret of legal pluralism in France

In a country so passionately committed to republican universalism—indeed, it is often considered the "defining trait of the French republic, its most enduring value, its most precious asset" (Scott 2004, 33)—we must ask how France can respect a separate legal system based on differential status between men and women.[26] Republican universalism entails equal legal treatment for all, without exception for religion, ethnicity, race, or gender; this was one of the key arguments used against the wearing of the headscarf in public schools. Why is it, then, that personal status laws continue to be respected, particularly when women of North African origin themselves argue that the bilateral accords enshrine practices they consider oppressive? They have stated repeatedly that their nationality is not something they want protected, particularly in this select form.[27]

A detailed history of the bilateral accords is beyond the purview of this essay. I want to suggest, however, that their place in contemporary France cannot be understood without tracing some of their colonial genealogy. Indeed, they must be viewed through the lens of a historically stratified citizenship, in which French citizens with full rights of political participation were distinguished from French nationals, who were subject to

[26] Bowen writes about the reality of legal pluralism in France, which, he says, "exists as a dirty secret, one which the mainstream hopes will, one day, crumble away to leave behind the smooth fabric of a legal community of secular citizens" (2001, 14). On this topic, see also Asad (2005).

[27] There are many associations of Maghrebi women who are fighting to abolish the institution of the personal status laws in France, and one of the best known is Femmes contre Intégrismes (Women against Fundamentalisms), which, while based in France, now has a transnational presence.

French rule but had no political rights. In other words, until 1946 one could be a French national without being a citizen.[28] In the case of the North African colonies, the legal difference between citizens and subjects played out in large part through personal status. For example, from October 1830 until Algerian independence in 1962, France admitted what was called local law—in other words, the French recognized various legal codes, courts, and jurists that existed before the arrival of the French in Algeria. These included Koranic and Mosaic laws and institutions, as well as Berber and Mozabite customary laws.[29] Local law applied only to the arena of civil status—marriage, divorce, filiation, and inheritance—and we see this carried over in the bilateral accords. The goal was to grant citizenship only when people were ready, because colonial subjects were typically seen to be unready and immature. Assimilation policy held that people would be governed by local law until they were ready to assume French law; to this end, clauses of exceptionality were instituted at various points during the colonial regime.[30] In other words, exceptional status was created for exceptionally "civilized" individuals. To qualify as an exceptional individual—a French citizen rather than a French national or colonial subject—one had to indicate a desire to be French, which involved a performance that proved one could think and act in a French way. One of the best indications of this was renouncing one's legal personal status or local law (Bowen 2001). This exceptional status, however, was presumed to be a temporary step in the process of creating all subjects as equal before the law.

In the colonial era, difference and inequality were thus legally encoded and located in the realm of the private, and this has persisted in the bilateral accords. Similarly, both the colonial era and the contemporary bilateral accords exemplify the idea that the private realm is pivotal in the decision to assimilate people into or exclude them from the French nation-state. Without denying the fact that the bilateral accords act as a site of both organization of French state power and emancipation from it—allowing certain groups to escape being disciplined by the French state—I am concerned with those who want both to follow and to be subject to French laws while they are living in France and who, in having chosen to live in France, would in any other circumstance be so entitled. Since one had the choice in the colonial era to renounce local law, at least theoretically,

[28] For more on citizenship, see Weil (1991), Noiriel (1996), and Bowen (2001).

[29] See Todd Shepard (2006) for a wonderful history of the colonization and decolonization of Algeria.

[30] Of course, most subjects could never be quite civilized *enough*—see Colonna (1997) and Stoler (1997).

then why not now? Indeed, to put this issue into perspective, it helps to note that Tunisia currently refuses to respect repudiations allowed in other countries, and both Britain and Belgium give immigrants the right to be subject to the laws of their country of residence as opposed to those of their country of origin, preferring not to enact repudiations on their soil. In other words, this is not a simple issue of respecting the sovereignty of other countries or the principles of extraterritoriality; it is about the meaning and enactment of sovereignty itself, which political theorists such as Carl Schmitt ([1922] 1985) and Giorgio Agamben (1998) have argued is ultimately about the power to make exceptions.

Women's rights, antidiscrimination, and immigrant women's groups regularly demonstrate against these treaties, calling for equality before the law and denouncing all fundamentalisms, but to no avail. When state representatives do respond to these calls for equality, it is to say that these treaties are related to the sovereignty of nation-states and are designed to protect their cultures. Maghrebi women, in turn, respond by suggesting that this is a racist argument, couched as cultural relativism, which assumes that certain people are "programmed to live with injustice" (S., fille de Smaïl et Dahbia 2004). It is not necessary to point out that the state rhetoric offered in this case contradicts the desire to ban the headscarf: the argument used against the headscarf, drawing on the discourse of violence against women, does not distinguish between women who are citizens and those who are foreigners—women are subjects of a universal discourse of human rights and should be protected, whatever their nationality.

I thus return to my original question: why does neither the state nor the French public respond to protests by women of Maghrebi origin but simultaneously focus so intensely on sexual violence in the *banlieues*, arguing that Islam oppresses women? The bilateral accords and their effects certainly do enter into public spaces: women regularly march in the street calling for the *abrogation du code de la famille* (abrogation of the family code). Additionally, the women who are rendered undocumented by virtue of these laws subsequently line up in the prefectures requesting new papers or go to court to fight for their rights. Sometimes they end up on the street, with nowhere else to go, participating in forms of prostitution that *do*, "officially," disrupt public order. Thus, the argument that the bilateral accords do not disrupt or affect public order—while gang rapes in the *banlieues* do—is true only insofar as the state has chosen not to recognize these disruptions as threats to public order. In other words, it begs the question, Why are these not seen as issues of public concern? What is the public order being upheld here?

In trying to make sense of these contradictions, I want to briefly recount

a story of a woman for whom an exception was made. I draw on her case in particular because it is one of the rare exceptions that is not about repudiation in which a judge decided that for reasons of public order, the Civil Code should take precedence over the bilateral accords. I argue that her cultural otherness is crucial to the exception made; of course, while it is speculative on my part to make this claim without direct access to how or why the decision was made, it nonetheless illustrates the sexually imbued cultural exoticism that I argue is a necessary (although not sufficient) condition both for talking about sexual violence broadly in France and for being heard. In other words, combined with the other examples I have presented, her story cannot be interpreted as accidentally compelling to judges.

This story was told to me by the woman, Zina, herself; the narrative is hers.[31] But before proceeding, I want to draw attention to the way her narrative resonates with orientalist fantasies that turn on the idea that non-Western and particularly Muslim cultures are more patriarchal than Western ones. These fantasies have clear plotlines, with Muslim men as villains, and they conclude with Westerners coming to the rescue of oppressed, veiled women (Mohanty 1988; Spivak 1988; Razack 2001). Without in any way calling into question Zina's experience of violence, my goal is simply to point out how difficult it is for Muslim women to tell their stories of sexual violence without having them reimagined and translated as orientalist fantasies. Personal stories are often codified as larger narratives, particularly in the case of traumatic events for which there may be no easy words. In this sense, one might explain Zina's story as drawing on larger narratives simply because the narrative is a familiar way to speak about the violence she endured in such a way that she is able to be heard.

Zina told me that although she was born in Algeria in 1962, right before Algerian independence, she grew up in France and attended French schools. However, at age 16, right before completing her *bac*, or baccalaureate (the equivalent of a high school diploma), her father took her to Algeria for what she believed to be a family vacation. While there, her papers were confiscated by her father, who arranged for her to marry an Algerian man against her will. She explained that the man she was to marry was an "*intégriste*"—what translates as an Islamic fundamentalist

[31] I met Zina during my fieldwork in Paris from 1999 to 2001, and the story I present here is drawn from our many conversations, as well as from her presentation of her story to an immigrant rights group in her quest for papers. "Zina" is a pseudonym.

or Islamic militant.[32] She was kept in her house for sixteen years, confined without permission to go outside, during which time she gave birth to three daughters. She said that these were sixteen years of hell: she was sexually assaulted by both her husband and her husband's brother. Her husband told her that he would rather see her dead than anywhere else or with anyone else and that he would kill her if she tried to escape. Eventually, however, after long years of covert planning, she managed to escape back to France.

When Zina was initially taken by her father, she had had a ten-year French residency permit, but because she left the country and did not claim French nationality at age 18, she had forfeited her right to it, as one cannot claim it if not resident in France. She was therefore banned from France, unable to continue her studies or to work, despite having been resident for most of the first sixteen years of her life. In order to return, Zina needed to apply for residency papers just like any other first-time applicant, an application that could either be immediately refused or take years to process.[33] It was the prerogative of her father and now of her husband to keep her, as the bilateral accords enshrined male guardianship of wife and children as well as the duty of the wife to obey her husband. Zina was thus still legally bound to her husband while in France, unable to divorce without her husband's permission—and he wanted her back.

Trying first for political asylum and then being rejected, and without any other options, Zina applied for territorial asylum, which was instituted for victims of Islamic groups in Algeria; this was initially a discretionary category used to supplement the French state's narrow interpretation of asylum as only for victims of state persecution.[34] When more formally instituted in 1998, territorial asylum was granted for those "whose life or liberty is threatened in their countries" or "who have been exposed to treatment contrary to Article 3 of the European Convention on Human

[32] As Minoo Moallem (2001) has pointed out, the demonizing representation of fundamentalism has led many scholars to avoid it altogether or to use the alternative terms "political Islam," "Islamic militancy," "communalism," or "orthodoxy." I use "fundamentalism" here as what I understand to be the closest translation for *intégriste*, which was the word Zina herself used.

[33] See Délégation aux Droits des Femmes et à l'Égalité des Chances entre les Hommes et les Femmes (2005), where this is called "double violence" against women of immigrant origin.

[34] Territorial asylum has been replaced by another category, subsidiary asylum. This is Law no. 2003-1176 of December 10, 2003.

Rights" (which prohibits "inhuman or degrading treatment").[35] However, the minister of the interior said that this measure should be applied "as an emergency humanitarian measure . . . of limited application . . . largely discretionary . . . for exceptional cases . . . and of limited significance."[36] An amendment further specifies that territorial asylum should be granted only "under conditions compatible with the national interest," suggesting that asylum could be granted or denied for reasons other than the individual's protection.[37] When I returned to France in June 2001, Zina had incredible news: she had been granted territorial asylum—one of the lucky few of the tens of thousands who had applied.[38] An exception had been made for her, as her case was deemed in the "national interest" and a violation of French public order—that is, the Civil Code was allowed to trump the bilateral treaties, as respect for personal status laws in her case was seen as infringing on French legal norms.[39]

Orientalist exceptions

In order to understand exactly how Zina's case is in the national interest, it is necessary here to elaborate on the colonial remnants in contemporary legal and political practices. In colonial Algeria, the French frequently defined their struggle as one to liberate Algerian women. I am suggesting that women of Maghrebi origin still play a pivotal role in postcolonial France, marking the interior borders of the nation-state. However, there is a difference in the way that these borders are now drawn: in the colonial era, the French insisted that Algerian Muslims and other native Algerians could become full French citizens if they renounced "local law." Now, the will to give up local law is not enough—in fact, it is not even legally permitted in the bilateral accords. In this regard, Zina's story illustrates both the continuity with the colonial regime and a change in the mech-

[35] Law no. 98-349 of May 11, 1998, on the entry and residence of foreigners in France and the right to asylum (*relative à l'entrée et au séjour des étrangers en France et au droit d'asile*).

[36] National assembly, December 15, 1997, Paris; emphasis added. Compare Delouvin 2000, 67.

[37] Law no. 98-349 of May 11, 1998. In other words, when the applicant does not meet the Geneva Convention definition, the law gives OFPRA (roughly translated as French Office for the Protection of Refugees and Stateless Persons) and the appeal board the power to suggest to the Ministry of Interior that it grant territorial asylum, but the minister is under no obligation to accept the application, even with proof that the applicant's fear of persecution is well founded. See Delouvin 2000, 68.

[38] See http://www.forumrefugies.org/pdf/refugies/stats/demandes_asile_territorial_1998–2003.pdf; there were a total of 1,058 people accepted out of nearly 90,000.

[39] Law no. 98-349 of May 11, 1998.

anism of exceptional inclusion. Making an exception for her fulfills the original civilizing mission of saving the natives from barbarity, and it fulfills the well-worn practice of defining Western women as free by representing women elsewhere as enslaved (Collier, Maurer, and Suárez-Navaz 1995, 15), a practice that continues today in the form of a neocolonial discourse justifying the United States' invasion of both Afghanistan and Iraq for the sake of their women (Abu-Lughod 2002; Volpp 2006). Yet in order to demonstrate French civility there must also be clearly recognizable otherness or radical alterity, such as forced marriage, a potent signifier of the backwardness or otherness of Muslim women (Rytkonen 2002; Volpp 2006). But just as important, in Zina's case, she was "familiar" to the French officials in that she spoke French like a native and had been schooled in France. Yet they saw an utterly "foreign" practice imposed on her, one that compromised her freedom and, crucially, her bodily integrity (i.e., by being imprisoned in Algeria, and by both her father's and her husband's physical violence). She was not talking about "common" domestic violence but a particular, recognizable, culturally marked, exoticized form of violence.

Women who cannot place their struggles in the discourse of otherness—those who cannot harness orientalist tropes, or configure themselves as "Third World Women" (Mohanty 1988, 61), but who condemn all patriarchies, fundamentalisms, and inequalities full stop—have more trouble mobilizing the attention of the French state. This is why those protesting against the bilateral accords do not get heard: they do not highlight otherness but, rather, similarity and equality. They refuse to call up the colonial specter or harness the neocolonial rhetoric that casts Muslim women as victims to be saved; instead, they talk about equality under the law and insist on systematic political and legal reform and inclusion. Yet the French state has trouble engaging in this form of politics when it comes to those of immigrant origin—sexual violence forms a key site for the management of difference precisely because it permits a form of discretionary, exceptional power, not a form of politics that addresses either racism or structural inequality.

French universalism revealed: Protecting exceptional difference

I want to bring these various arguments together to come to some conclusions about sexual violence, the politics of immigration, and French universalism. Semiotics plays a critical role in locating such violence outside the nation-state. As we have seen, the government has decided what each performance entails and what each sign means. Wearing the headscarf, for

example, is fixed as a coerced act from which women must be saved. As Bernard Stasi, the head of the Commission on Laïcité, stated, "Objectively, the veil stands for the alienation of women" (cf. Scott 2005, 116).[40] Indeed, as Talal Asad (2005) has pointed out in his analysis of the ban on the veil, rather than assessing the validity of certain practices and signs for the secular Republic, government officials have constituted those meanings themselves. Looking at the bans of the headscarf and of passive soliciting in conjunction with the bilateral accords, we must conclude that the postcolonial French state refuses to allow women of immigrant origin to be subjects in and of themselves—desires and intentions are assumed for them. They are presumed to be devoid of reason and unable to make rational choices, perhaps even more so than colonial subjects, who were at least considered able to choose, even if their choices were not respected. According to official government discourse, women are unquestionably oppressed by the headscarf, but they do not mind being subject to laws that institute inequality between men and women—this is seen simply as their culture, part of the private, intimate space that should remain untouched by the state. Paradoxically, sexual violence such as gang rape is considered part of public space, while inequalities in the law are framed as private space. And, in a related twist of logic, public order is maintained by exceptional and discretionary measures while questions of equality under the law are relegated to the private sphere. This logic reveals a state that can act outside or beyond the law, one in which the sovereign exception becomes the rule: increasingly, neither citizens nor residents are considered persons with equal rights but only occasionally deserving of special—often humanitarian—measures. This is precisely French republican universalism's response to difference: recognize it exceptionally and deport the rest.

Acknowledging that transnational discourses of violence against women may get recuperated by colonial and neocolonial discourses of cultural otherness and by postcolonial nation-states, we are left with the question of how to recognize the very real violence that the founding members of NPNS, and Zina, for that matter, endured; the question becomes how they can speak their violence without being effectively silenced or coopted by nationalist or postcolonial projects. By being rendered audible only through stereotypes, survivors of violence are silenced as subjects, and as anything other than victims. As Sherene Razack (2001) has pointed out in the case of South Asian women in Canada, the power of orientalist fantasies has left women the choice either of attending to cultural differ-

[40] Scott (2005) cites Emmanuel Terray (2004, 113).

ences and being stereotyped as other or of ignoring cultural differences and keeping in place a notion of the universal subject who stands outside community and culture.

The examples I have drawn on in this essay lead to a two-part answer to this predicament of recognizing violence. Whether or not the more institutionalized transnational discourse on violence against women can really ever have substance without its accompanying imperial tropes (Razack 1995) is still unclear, but it has provided the means—instituted through the European Convention on Human Rights—by which to challenge the bilateral accords and the ability of the French state to keep certain residents unequal under the law. With the need to conform to a notion of international public order, an avenue has opened up for French judges to change their practice of accepting repudiation on French soil. They are held to certain standards rather than being allowed to function by exceptional and discretionary measures. The second answer is revealed by the first, which exposes the way the French postcolonial state—and its republican universalism—deals with difference: it is deported, or removed in various active and passive, literal and metaphorical, ways, unless it fits a larger national narrative about a superior state of civilization. In order to truly combat sexual violence—not to simply use it as strategy of governance—France must address difference with a form of politics that furthers universal equality, not exceptionality.

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References

Abu-Lughod, Lila. 2002. "Do Muslim Women Really Need Saving? Anthropological Reflections on Cultural Relativism and Its Others." *American Anthropologist* 104(3):783–90.

Agamben, Giorgio. 1998. *Homo Sacer: Sovereign Power and Bare Life*. Trans. Daniel Heller-Roazen. Stanford, CA: Stanford University Press.

Allwood, Gill. 2004. "Prostitution Debates in France." *Contemporary Politics* 10(2):145–57.

Amara, Fadela, with Sylvia Zappi. 2004. *Ni putes ni soumises* [roughly translated as Neither whores nor submissive]. Paris: La Découverte.

Andrez, Emmanuelle, and Alexis Spire. 2001. "Droits des étrangers et statut personnel" [roughly translated as The rights of foreigners and personal status law]. *Plein Droit* 51 (November). http://www.gisti.org/doc/plein-droit/51/statut.html.

Appadurai, Arjun. 1998. "Dead Certainty: Ethnic Violence in the Era of Globalization." *Public Culture* 10(2):225–47.

Asad, Talal. 2005. "Reflections on Laïcité and the Public Sphere." *Items and Issues* 5(3):1–5.

BBC News. 2005. "France to Deport Foreign Rioters." *BBC News*, November 9. http://news.bbc.co.uk/2/hi/europe/4422422.stm.

Bellil, Samira. 2003. *Dans l'enfer des tournantes* [roughly translated as In gang-rape hell]. Paris: Gallimard.

Les Blédardes et Les Mots Sont Importants. 2006. "Sexisme et homophobie: Le traitement médiatique et ses impasses (Première partie)" [roughly translated as Sexism and homophobia: Media coverage and its deadlocks (Part I)]. May 17. http://lmsi.net/spip.php?article262.

Bowen, John R. 2001. "Shari'a, State, and Social Norms in France and Indonesia." International Institute for the Study of Islam in the Modern World Working Paper no. 3, ISIM, Leiden.

———. 2004. "Muslims and Citizens: France's Headscarf Controversy." *Boston Review*, February/March, 31–35.

Brenner, Marie. 2004. "Daughters of France, Daughters of Allah." *Vanity Fair*, April. http://www.mariebrenner.com/articles.html.

Carrel, François. 2005. "'Ni putes ni soumises': Une arme à double tranchant" [roughly translated as "Neither whores nor submissive": A double-edged sword]. *Découverte: Pan Afrique/Respect Magazine*, February 23. http://www.afrik.com/article8144.html.

Chambon, Frédéric. 2001. "Les viols collectifs révèlent la misère affective et sexuelle des cités" [roughly translated as Gang rapes reveal the emotional and sexual deprivation of the housing projects]. *Le Monde*, April 24, 10.

Chapkis, Wendy. 2003. "Trafficking, Migration and the Law: Protecting Innocents, Punishing Immigrants." *Gender and Society* 17(6):923–37.

Chemin, Anne. 2005. "La loi Sarkozy a repoussé les prostituées à la périphérie des villes" [roughly translated as Sarkozy's law has forced prostitutes to the city peripheries]. *Le Monde*, March 17. http://fr.mailarchive.ca/soc.feminisme/2005-03/4183.html.

Collier, Jane, Bill Maurer, and Liliana Suárez-Navaz. 1995. "Sanctioned Identities: Legal Constructions of Modern Personhood." *Identities* 2(1–2):1–27.

Colonna, Fanny. 1997. "Educating Conformity in French Colonial Algeria." In *Tensions of Empire: Colonial Cultures in a Bourgeois World*, ed. Frederick Cooper and Ann Laura Stoler, 346–70. Berkeley: University of California Press.

Comité d'Action Interassociatif "Droits des femmes, droit au séjour: Contre la double violence." 2004. "Femmes et étrangères: Contre la double violence; Témoignages et analyses" [roughly translated as Women and their foreign status: Against double violence; Testimonials and analyses]. November. http://doubleviolence.free.fr.

Crenshaw, Kimberlé. 1995. "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color." In *After Identity: A Reader in Law and Culture*, ed. Dan Danielson and Karen Engle, 332–54. New York: Routledge.

Délégation aux Droits des Femmes et à l'Égalité des Chances entre les Hommes et les Femmes (roughly translated as Delegation for Women's Rights and Equal Opportunity between Women and Men). 2005. "Compte Rendu" [Summary], no. 19, June 7. http://www.assemblee-nationale.fr/12/cr-delf/04-05/c0405019.asp.

Deloire, Christophe, and Christophe Dubois. 2006. *Sexus Politicus*. Paris: Albin Michel.

Delouvin, Patrick. 2000. "The Evolution of Asylum in France." *Journal of Refugee Studies* 13(1):61–73.

Doezema, Jo. 2000. "Loose Women or Lost Women? The Re-emergence of the Myth of White Slavery in Contemporary Discourses of Trafficking in Women." *Gender Issues* 18(1):23–50.

Duchemin, Nathalie, and Nasséra Si Mohamed, on behalf of Femmes d'Ici et de Là-bas (Women from Here and from Far) de l'Association Culturel Berbère. 2005. "Le code de la famille: Au centre de la problématique démocratique Algérienne" [roughly translated as The family code: The central problematic of the Algerian democracy]. Working paper, L'Association Culturel Berbère, Paris, November 1.

Fassin, Eric. 2006. "The Rise and Fall of Sexual Politics in the Public Sphere: A Transatlantic Contrast." *Public Culture* 18(1):79–92.

French Senate. 2002. "Compte rendu analytique officiel de la séance du 14 novembre 2002" [roughly translated as Official summary of the meeting of November 14, 2002]. http://www.senat.fr.

Geisser, Vincent. 2003. *La nouvelle islamophobie* [roughly translated as The new Islamophobia]. Paris: La Découverte.

Guénif-Souilamas, Nacira, and Eric Macé. 2004. *Les féministes et le garçon arabe* [roughly translated as The feminists and the Arab boy]. Paris: Éditions de l'aube.

Guillemaut, Françoise. 2004. "Trafics et migrations de femmes: Une hypocrisie au service des pays riches" [roughly translated as The trafficking and migration of women: A hypocrisy in the service of rich countries]. *Hommes et migrations*, no. 1248 (March–April): 75–87.

Hamel, Christelle. 2003. "'Faire tourner les meufs' Les viols collectifs: Discours des médias et des agresseurs" [roughly translated as "Taking turns with chicks": Gang rapes; The discourse of the media and the attackers]. *Gradhiva* 33:85–92.

Keck, Margaret E., and Kathryn Sikkink. 1998. *Activists beyond Borders: Advocacy Networks in International Politics*. Ithaca, NY: Cornell University Press.

Mani, Lata. 1990. "Contentious Traditions: The Debate on *Sati* in Colonial India." In *Recasting Women: Essays in Indian Colonial History*, ed. Kumkum Sangari and Sudesh Vaid, 88–126. New Delhi: Kali for Women.

Miller, Alice M. 2004. "Sexuality, Violence against Women, and Human Rights: Women Make Demands and Ladies Get Protection." *Health and Human Rights* 7(2):17–47.

Moallem, Minoo. 2001. "Transnationalism, Feminism, and Fundamentalism." In

Women, Gender, Religion: A Reader, ed. Elizabeth A. Castelli, 119–45. New York: Palgrave.

Mohanty, Chandra Talpade. 1988. "Under Western Eyes: Feminist Scholarship and Colonial Discourses." *Feminist Review*, no. 30:61–88.

Mucchielli, Laurent. 2005. *Le scandale des "tournantes": Dérives médiatiques, contre-enquête sociologique* [roughly translated as The scandal of the *tournantes*: Media drift, a second sociological inquiry]. Paris: La Découverte.

Naber, Nadine. 2006. "Arab American Femininities: Beyond Arab Virgin/American(ized) Whore." *Feminist Studies* 32(1):87–111.

Noiriel, Gérard. 1996. *The French Melting Pot: Immigration, Citizenship, and National Identity*. Trans. Geoffrey de Laforcade. Minneapolis: University of Minnesota Press.

Razack, Sherene. 1995. "Domestic Violence as Gender Persecution: Policing the Borders of Nation, Race and Gender." *Canadian Journal of Women and the Law/Revue Femmes et Droit* 8(1):45–88.

———. 2001. "A Violent Culture or Culturalized Violence? Feminist Narratives of Sexual Violence against South Asian Women." *Studies in Practical Philosophy* 3(1):80–104.

Rytkonen, Helle. 2002. "Europe and Its 'Almost-European' Other: A Textual Analysis of Legal and Cultural Practices of Othering in Contemporary Europe." PhD dissertation, Stanford University.

S., fille de Smaïl et Dahbia. 2004. "Femmes, féminismes et immigration (Première partie)" [roughly translated as Women, feminisms, and immigration (Part I)]. *Les mots sont importants*, August 6. http://lmsi.net/spip.php?article281&var_recherche=Femmes%2C%20F%E9minismes%20et%20immigration12/21/20072:20PM20.

Schmitt, Carl. (1922) 1985. *Political Theology: Four Chapters on the Concept of Sovereignty*. Trans. George Schwab. Cambridge, MA: MIT Press.

Sciolino, Elaine. 2002. "Streetwalking, en Masse, for the Right to Tempt." *New York Times*, November 6, A4.

———. 2003. "A Crime of the Young Stalks France's Urban Wastelands." *New York Times*, October 24, A4.

Scott, Joan Wallach. 2004. "French Universalism in the Nineties." *differences: A Journal of Feminist Cultural Studies* 15(2):32–53.

———. 2005. "Symptomatic Politics: The Banning of Islamic Head Scarves in French Public Schools." *French Politics, Culture and Society* 23(3):106–27.

Shepard, Todd. 2006. *The Invention of Decolonization: The Algerian War and the Remaking of France*. Ithaca, NY: Cornell University Press.

Spivak, Gayatri Chakravorty. 1988. "Can the Subaltern Speak?" In *Marxism and the Interpretation of Culture*, ed. Cary Nelson and Lawrence Grossberg, 271–313. Urbana: University of Illinois Press.

La Squale. 2000. Directed by Fabrice Genestal. Paris: Ciné Nominé.

Stoler, Ann Laura. 1997. "Sexual Affronts and Racial Frontiers: European Identities and the Cultural Politics of Exclusion in Colonial Southeast Asia." In *Tensions*

of Empire: Colonial Cultures in a Bourgeois World, ed. Frederick Cooper and Ann Laura Stoler, 198–237. Berkeley: University of California Press.

Terray, Emmanuel. 2004. "L'hysterie politique" [roughly translated as Political hysteria]. In *Le Foulard islamique en question* [roughly translated as The Islamic headscarf in question], ed. Charlotte Nordmann, 103–17. Paris: Éditions Amsterdam.

Tévanian, Pierre. 2004. "Une loi antilaique, antiféministe et antisociale" [roughly translated as An antisecular, antifeminist, and antisocial law]. *Le Monde Diplomatique*, February, 8.

———. 2005. *Le voile médiatique, un faux débat: "L'affaire du foulard islamique"* [Media covering, a misleading affair: "The case of the Islamic veil"]. Paris: Raisons d'Agir Éditions.

Vernier, Johanne. 2005. "La loi pour la sécurité intérieure: Punir les victimes du proxénétisme pour mieux les protéger?" [The internal security law: Punishing victims of prostitution in order to better protect them?]. In *La Prostitution à Paris* [Prostitution in Paris], ed. Marie-Elisabeth Handman and Janine Mossuz-Lavau, 121–52. Paris: Éditions de La Martinière.

Vigerie, Anne, and Anne Zelensky. 2003. "Laïcardes, puisque féministes" [Secularist, since feminist]. *Le Monde*, May 30. http://eleuthera.free.fr/html/238.htm.

Volpp, Leti. 2006. "Disappearing Acts: On Gendered Violence, Pathological Cultures, and Civil Society." *PMLA* 121(5):1632–38.

Weil, Patrick. 1991. *La France et ses étrangers: L'aventure d'une politique de l'immigration de 1938 à nos jours* [France and its immigrant population: The journey of an immigration policy from 1938 to the present]. Paris: Gallimard.