

Chapter 6

Minorities In, Minorities Out: Cemeteries, Religious Diversity and the French Body Politic in Contemporary and Historical Perspective



Alistair Hunter

6.1 Introduction

Until recently, France's Muslim population – the establishment of which was largely due to migration and subsequent family formation of North and West African workers from the 1950s onwards – expressed a clear preference for repatriation in the event of death (Attias-Donfut & Wolff, 2005; Chaïb, 2000; Godard & Taussig, 2007). Yet research for this chapter indicates that Muslims' attitudes in this regard are changing: the numbers opting for local burial in France are steadily increasing. This trend among Muslim populations of migrant background has been documented in certain European countries (Balkan, 2015 for Germany; Hunter, 2016a for the UK), yet in others repatriation remains strongly favoured (Ahaddour et al., 2019 for Belgium; Kadrouch Outmany, 2016 for Belgium and the Netherlands; Moreras & Tarrés, 2012 for Spain). In France, as elsewhere, the shift to local burial has particular ramifications for the management of religion in public space (Afiouni, 2018), in a context which increasingly favours a restrictive interpretation of France's secular (laicist) framework.

At issue is the creation of separate confessional burial sections (*carrés confessionnels*), which many Muslims (and Jews) view as an essential element of religiously respectful burial practice, along with eternal grave rights and orientation to Mecca, among others. Lacking a singular centralised authority in Islam, there are nonetheless many interpretations of what is or is not acceptable in terms of burial practice. French law regarding the management of burials and cemeteries is also open to interpretation. While *de facto* separate burial sections may be granted at the discretion of municipal authorities, such decisions are arbitrary, subject to the

A. Hunter (✉)

University of Glasgow, School of Interdisciplinary Studies, Dumfries, UK
e-mail: Alistair.Hunter@glasgow.ac.uk

© The Author(s) 2023

A. Maddrell et al. (eds.), *Mobilities in Life and Death*, IMISCOE Research Series, https://doi.org/10.1007/978-3-031-28284-3_6

105

vagaries of local politics, and have a shaky legal foundation. Because of this, many municipalities (*communes*) have hesitated to create *carrés musulmans*, leading to an alarming lack of Muslim burial space to meet the coming demand. Muslims in France therefore face a distressing dilemma: either to choose a local burial in France which may contravene deeply-held religious beliefs but keeps families together, or the involuntary repatriation of the deceased to their ancestral homeland, ensuring a ‘proper’ Islamic burial yet at the expense of continuing bonds (Benbassa & Lecerf, 2014). The latter option constitutes an “infrastructural violence” (Maddrell et al., 2021; see also the Introduction to this volume), separating families geographically as well as impeding a process of integration which becomes perceptible not only through the standard economic and socio-cultural indices, but also through memorialisation and bodily incorporation in the soil of France itself (Chaïb, 2000; Nunez, 2011).

In developing these lines of analysis, I draw on qualitative fieldwork undertaken in France in 2016, consisting of 14 semi-structured interviews with religious representatives, funerary professionals, and politicians at local and national levels. Interview topics included burial location preferences, the availability of confessional sections, the extent to which ritual adaptations are possible, and the diversity of funerary practices among Muslims in France. Interviews were transcribed and analysed according to the principles of thematic coding analysis, with the support of N-Vivo data analysis software. Supplementing the analysis of interviews are visits and observations of Muslim burial spaces in the Paris region. This contemporary research data is combined with an analysis of secondary sources detailing the history of burial space for earlier religious minorities in France. This historical perspective is considered in the first part of the paper. Under the *Ancien Régime*, religious minorities such as Jews, Protestants and free-thinkers were regularly denied burial as equals in French cemeteries, and sometimes rejected entirely from cemeteries (*refus de sépulture*). Legislators in the nineteenth century intervened to ensure civil harmony and equality, and by extension full membership of religious minorities in the French body politic. The outcome these policymakers sought, at both local and national levels, was to reinstate social peace to the public space of the cemetery, idealised as the one institution where the Republican ideals of liberty, equality and fraternity might reign (Kselman, 1993).

The second part of the paper argues that today’s refusal to create Muslim sections in French municipal cemeteries constitutes a modern-day *refus de sépulture* which harms social harmony and cohesion. Nonetheless the scale at which this rejection takes place is of a different magnitude: not removal from the consecrated part of the cemetery, but potentially complete ejection from the national territory, with perverse effects for the integration of migrant-origin communities. In the contemporary period, as we enter what appears to be a new phase of conflict – specifically over the place of Islam and Muslims in French society – it is incumbent on legislators to once again intervene as guarantors of equality and freedom of belief for all citizens.

6.2 Cemeteries as Sites of Religious Conflict: From the Wars of Religion to the Law of 14 November 1881

Burial practices in France in the early modern period were marked by two key characteristics, namely (i) the near-monopoly of the Catholic Church over funerary matters, and (ii) the preference for *intra-muros* churchyard burial, even within the church, or adjoining it. The latter feature was a consequence of Catholic belief in the power of intercessory prayers for the dead. The closer one was buried to the source of those prayers, i.e., the church, the better (Harding, 2002; Roberts, 2000). In the nineteenth century, the authority of the Church and the preference for *intra-muros* burial came to be challenged by the civil authorities who were compelled to legislate on burial practices due to public health concerns (Trompette & Griffiths, 2011) and conflicts over the role of religion in French society.

The cemetery reforms of the nineteenth century cannot be isolated from the problematic treatment of the dead along confessional lines in earlier times, particularly the hostility which arose between Catholics and Huguenot Protestants in the sixteenth to eighteenth centuries (Roberts, 2000). As Keith Luria writes, “[i]n the sixteenth-century Wars of Religion, and in the memory of those wars nurtured by polemicists on both sides, corpses and cemeteries became focal points for some of the most bitter strife” (Luria, 2001, p. 186). Desecration and disinterment of dead bodies was common (Harding, 2000; Roberts, 2000), a ritual violence in which each group proclaimed its purity by targeting the polluting presence of the heretical ‘Other,’ both the living and the dead (Roberts, 2000). The refusal of Catholic priests to bury Protestants in parish burial grounds led to royal edicts in the late sixteenth century commanding that Protestants should be buried separately from Catholics.

Such royal interventions initiated a weakening of the control of the Catholic Church over burial matters, a trend which accelerated during the Revolutionary period, set in motion by the Decree of 2 November 1789 which put all Church property under the nation’s ownership (Kselman, 1993). Henceforth, responsibility for cemeteries lay with secular authorities – the municipalities – not the Church. However, given the chaos of the Revolutionary period, the local authorities were poorly placed (in terms of human and financial resources, notably) to fulfil their new responsibilities in the cemeteries (Ligou, 1975). Indeed, the chaos of the Revolutionary period witnessed widespread neglect, even negligence, towards the dead. As Trompette and Griffiths (2011) write, “[U]nder the *Terreur*, the burial service is a disaster, the fields of rest receiving the bodies pell-mell, thrown one on top of the other in mass graves” (p. 36, n. 16, author’s translation). Some prominent Revolutionaries went as far as to propose the complete de-Christianisation of cemeteries (Kselman, 1993), but such proposals were never acted upon, and burial matters operated in a “legal vacuum” during the Revolutionary period up until 1804 (Meidinger, 2002).

Nonetheless, the neglect of the cemeteries in the aftermath of the Revolution is consistent with a de-Christianised materialistic view of death, as a biological fact of life to be rapidly disposed of. However, such a view proved socially unacceptable, as increasing public outrage at the state of cemeteries in the final decade of the eighteenth century attests (Kselman, 1993; Trompette & Griffiths, 2011). For some, the materialist religious perspective was symptomatic of a more general moral crisis of the Revolution, bordering on nihilism: disabusing the citizenry of the consolation afforded by belief in an afterlife, however illusory that might be, risked undermining the whole social order (Kselman, 1993). Discussing post-revolutionary France, Laqueur argues:

In a new world the despotism of the Church would be overthrown and mankind's natural feeling for the sacredness of the dead would be directed toward a better purpose. It was needed; without it there would be no love of country or of family. (Laqueur, 2015, p. 306)

It was in this ideological context that the Decree of 23 Prairial Year 12 (1804) was drafted, a piece of legislation so central that it continues to largely underpin the governance of cemeteries in France and adjacent countries to the present day.

6.2.1 The Decree of 23 Prairial Year 12 (1804)

The 1804 law heralded the “foundation of a new cult of the dead” (Ariès, 1977, p. 226, author’s translation). In particular, the innovation of an individual grave for each citizen for a minimum period of time was the cornerstone of the new cult. Not only did this measure ensure a certain threshold of equality among citizens in death (Trompette & Griffiths, 2011), it facilitated new modes of continuing bonds between the living and the dead (Kselman, 1993), which Catholic practices of intercession had previously sustained. As noted, the Republican authorities were keen to support such attitudes, believing that the cult of the dead was essential to the maintenance of social order and peace. To prevent the re-occurrence of heretical dead bodies being fought over by the living, the 1804 law sought to minimise the scope for conflicts. Thus, the different religious traditions were to be separate but equal in terms of burial space. Article 15 of the Prairial decree granted the right to a separate cemetery, or enclosed section (*enclos*) within the communal cemetery, to each religious denomination practised in the locality concerned. This gave religious minorities in particular new guarantees and rights. Rather than being an attack on religion (although this was how it was experienced by some Catholic clergy at the time: see Kselman, 1993), the law of 1804 sought to cultivate toleration of and between religions.

The principles of tolerance and pragmatism were particularly in evidence with regard to the two recognised religious minorities, Protestants and Jews. In her analysis of Jewish burial space in nineteenth-century France, Isabelle Meidinger argues that “since [Judaism and Protestantism] were minority cults and were not in direct opposition to State or civil structure, as was Catholicism, the State developed a model of regulation which was more conciliatory and open to religious particularities” (Meidinger, 2002, p. 37).

Jewish burial space expanded rapidly in the nineteenth century, at a time when parish burial grounds previously under the control of the Catholic Church were being dug up and transferred to new sites under municipal control (Kselman, 1993). More or less tacit agreements were concluded between municipalities and Jewish congregations stipulating that their dead would not be liable to exhumation, a key requirement of Jewish burial practice. That such agreements were unproblematic is especially surprising given that “the Napoleonic legislation built the entire administration of cemeteries on [the] principle [of grave reuse]” (Meidinger, 2002, p. 38).

However, the 1804 law heralded complex administrative arrangements insofar as municipal authorities were in overall charge of the new cemeteries, but with each religious authority having oversight of who was buried in its particular burial space (Kselman, 1993). The ambiguities of this mode of governance led to a particularly sensitive situation for those not considered deserving of burial – or not wishing burial – according to the rites of the faith in which they were born. The law said nothing regarding the fate of those baptised as Catholic who were non-practising, free-thinkers, ex-communicated, had not receive the last sacraments, or who died in what were considered to be ‘scandalous’ circumstances (Lalouette, 1997; Nunez, 2011). The inclination of many parish priests was to refuse burial (i.e., burial in consecrated ground) to all such cases. *Refus de sépulture* was thus a frequent and highly potent clerical sanction of immoral lifestyles (or life-endings). Historically churchyards had set aside unconsecrated (and poorly maintained) areas for these unfortunates, and burial there was widely deemed to be shameful and bring dishonour to families (De Spiegeleer & Tyssens, 2017; Kselman, 1993). By delegating to clerics the power to decide who to bury in the consecrated parts of the cemetery, the French State was effectively complicit in the Church’s stigmatisation of these citizens, and those affected were not slow to make their outrage known. Moreover, this situation was not unique to France. While the European culture wars of the nineteenth century were fought in several domains, cemetery disputes were among “the most emotionally charged” (De Spiegeleer & Tyssens, 2017, p. 15) and were recorded in several European countries (Clark & Kaiser, 2003). The 1860s and 1870s, in particular, witnessed a great deal of civil unrest in cemeteries which escalated into national scandals (De Spiegeleer & Tyssens, 2017; Lalouette, 1997; Ligou, 1975). In France the legislators were yet again called to action.

6.2.2 *The Law of 14 November 1881 and the Emergence of Confessional Sections*

The Law of 14 November 1881 repealed Article 15 of the 23 Prairial Year XII Decree, thereby abrogating the ‘separate but equal’ principle which had governed confessional burials after 1804. Henceforth, cemeteries were to be laicised, meaning that the system of separate sections for each faith group was abolished. Accordingly, the walls and hedges which separated the *enclos* were to be removed, and the same

applied to religious symbols such as crosses and chapels in the collective parts of the cemetery. Furthermore, the existing privately-owned community cemeteries were to be closed. Jews, Catholics and Protestants would from now on be buried side by side, without distinction, with the mayor deciding the emplacement of graves rather than the clerics.

Despite the letter of the law stipulating a religious ‘neutralisation’ of cemeteries, the way in which this was implemented – particularly with regard to religious minorities – once again testifies to the flexibility and tolerance of officials at both national and local levels. Regarding the pulling down of hedges and walls demarcating Jewish and Protestant *enclos*, the Minister of Interior sent explicit instructions that these should not be touched until such time as the reorganisation or enlargement of the cemetery occasioned their removal (Meidinger, 2002). In place of the legally sanctioned *enclos*, a patchwork of de facto confessional sections (*carrés confessionnels*) gradually emerged in municipal cemeteries. This first occurred in 1882 in Paris, where the anti-clerical city authorities removed the hedges and walls demarcating the seven Jewish *enclos* in the city’s cemeteries (Nunez, 2011). However, as a point of compromise, a de facto separation was instituted for Jewish burials in Paris. This compromise solution was possible due to the mayor’s prerogative to allocate each burial plot, as enshrined in the *Code général des collectivités territoriales* (CGCT, 1996). It was therefore possible to group together those Jews who requested burial together in a particular section or *carré*. Copied in other locations, this new funerary framework enabled municipalities to reconcile the 1881 law with the religious needs of local constituents, but “without requiring the administration’s full endorsement of religious groups” (Meidinger, 2002, p. 42).

These particular cases of flexible treatment vis-à-vis religious minorities should not be viewed as anomalous but rather as being in accordance with the broader spirit of the municipalisation of the cemeteries. Rather than an attack on religion, as the 1881 law was interpreted by the Church (Lalouette, 1997), the authorities were seeking, through neutralising the cemeteries, to once again bring back civility and respect in a context where dead bodies had become a key battleground in the Culture Wars (Kselman, 1993; Meidinger, 2002), much as the 1804 reform was about bringing peace to the cemeteries after the excesses of the Revolution and, before that, the Wars of Religion. As Kselman (1993, p. 199) puts it: “The cemetery thus took on for Republicans a utopian aspect; it was a projection, a kind of heaven where French men and women all slept peacefully, undisturbed by the quarrels of the living.”

The possibility of creating *carrés confessionnels* continues to the present day, in a context of religious diversity which is rather different to that known at the end of the nineteenth century. In particular, Islam – a religious tradition lacking any substantial presence or official recognition when the above reforms were instituted – is now firmly established in France. What then of the place of Islam in the contemporary French cemetery? Does the flexibility which over time characterised the Jewish and Protestant experiences also extend to Islam? As will be shown in the next section, the history of Muslim burial in France oscillates between phases of special treatment and more intransigent implementation of *laïcité*. The phases of

special treatment mirror the patterns observed for the earlier established religious minorities, whereas in the present period Muslim communities face significant barriers to accomplishing confessional burial in large swathes of the country.¹

6.3 Placing Islam in the Municipal Cemetery

In earlier times, as with Jewish and Protestant communities, Muslims had their place at that most iconic and romanticised of all French cemeteries, Père-Lachaise in Paris. A Muslim *enclos* was inaugurated there in 1857, at the behest of the Ottoman Embassy. The provision of this facility, strongly supported by the Ministries of Foreign Affairs and of the Interior, was framed as a “reciprocity of tolerance,” since under the Ottoman *dhimmi* system French Christians in Ottoman lands had a right to burial in their own cemeteries (Nunez, 2011, p. 19, author’s translation). However, the *enclos musulman* at Père-Lachaise was used but rarely (two burials per year on average between 1857 and 1881), and – as in other European countries – it was only during WWI that the question of Muslim burial started to be urgently posed in France (Haapajärvi et al., 2020). The archival record on the topic of the Muslim soldiers from France’s colonies who died in WWI, some 100,000 in total (d’Adler, 2005), attests to the care which the military authorities took to facilitate Islamic funerary rites and observances (Nunez, 2011). Most crucially, the writ of the newly laicised burial legislation did not extend to the military cemeteries. Thus it proved entirely possible to establish separate *carrés* for Muslim soldiers, oriented towards Mecca, in which shroud burial was envisaged (*ibid.*).

More debatable, however, was the sensitivity of the authorities to burials of Muslims in the municipal cemeteries. This principally concerned male migrant workers from North Africa who began to arrive in large numbers from around 1910 onwards (Sayad, 2006). Paris and its surrounding suburbs were particularly concerned, as this region was (and would remain) the most important destination for migrant workers from France’s (former) colonies in North and West Africa (d’Adler, 2005). The impression given in the archival record is that there was a reluctance on the part of mayors to create *carrés musulmans* in conformity with the 1881 law (Nunez, 2011). For one, space was at a premium in the existing Parisian cemeteries (*ibid.*). But beyond the question of available land, officials at the *Département de la Seine* (in which Paris was then situated) were in favour of a more specific, indeed exceptional, treatment of the issue.

Plans for a Muslim-only cemetery were developed from 1924. Although such a project – built with public funds – would be in utter contradiction with the law of 1881, its backers argued that a Muslim cemetery – like the Grand Mosque of Paris, which opened in 1926 – was nonetheless squarely in the national political interest,

¹The Alsace-Moselle region was annexed by Germany between 1871 and WWI. For this reason, the law of 1881 does not apply in this part of France, and a Muslim cemetery was opened at Strasbourg in 2009.

in order to demonstrate to Muslims in the colonies that France accorded the highest respect to their faith and was deeply grateful for the ultimate sacrifice paid by their co-religionists during WWI (d'Adler, 2005). A decree was signed in 1934 by none other than the President of the Republic, Albert Lebrun, which made the future cemetery a private annexe of the 'Franco-Musliman' Hospital at Bobigny, north-east of Paris. This 'privatisation' took the cemetery outside the writ of the 1881 law, thereby enabling the creation of an authentically Muslim burial ground in which all the customary rites could be observed, while respecting the diverse backgrounds of those buried there in terms of geographic origin, migratory motive, denomination, and rank (Debost, 2011; El Alaoui, 2012).

The Muslim Cemetery at Bobigny opened in 1937. It had space for 6000 graves and it was estimated that it would meet the demand for Muslim burial over the next three decades. However, as early as 1952 it became apparent that space was running out (Nunez, 2011). Observation of headstones at the site by the author attests to the frequency of premature death among those buried there, due to the dangerous working conditions and accidents to which the migrant workers were exposed (see also El Alaoui, 2012). A new location for Muslim burials was therefore necessary from the mid-1950s. A solution in conformity with the 1881 law was implemented at the huge necropolis of Thiais, to the south of Paris. Covering 103 hectares, several divisions were tacitly set aside for Muslim families in 1957, at the request of the Grand Mosque of Paris (ibid). The *carrés musulmans* at Thiais would in time expand to cover some 15 divisions, out of 130 in total, thereby constituting what is presently by far the largest Muslim burial space in France (Aggoun, 2006).

6.3.1 The Spectre of Involuntary Repatriation: A Legal Framework No Longer Fit for Purpose

The graves at Bobigny, Thiais and the *carrés musulmans* created subsequently represent a small fraction of the total number of Muslim citizens who have died in France. Instead, most have been repatriated to countries of origin for burial. Indeed, until recently, a large majority of Muslim families had tended to repatriate their deceased: Godard and Taussig (2007) calculated that in 1997, some 95% of Muslim bodies were repatriated. By 2007, this proportion had fallen somewhat, but was still in the order of 85%. Godard and Taussig's figures must be treated with some caution, given the difficulty in procuring reliable data on repatriations (Afiouni, 2018) and the impossibility of statistically describing the country's religious make-up. The French census does not ask questions about religious affiliation, and estimates are instead generally based on the proxy of nationality or parental nationality. Beyond the specifics of the French debate on ethnic statistics, traditional survey instruments rarely seek to distinguish practising from non-practising Muslims, which further complicates efforts to understand the reality lived by Europe's 'sociological Muslims' (Bowen, 2011). That being said, the importance of a religiously 'proper'

burial seems to be shared by both practising and non-practising Muslims, as research by Milewski and Otto (2016) has described. They show that an Islamically proper burial is nearly as important to Turkish-origin individuals in Germany who otherwise do not have a strong religious orientation, as it is to those for whom religion is important in all aspects of life. Yet for others, to be buried in the mixed part of the cemetery would be welcomed – but this choice is sometimes not offered by the authorities, assuming that all those identifiable as ‘Muslims’ would wish to be in the Muslim-only section (Kmec, 2021).

The precision of Godard and Taussig’s figures notwithstanding, the interviews conducted just 10 years later for this chapter suggest that Muslim preferences regarding burial location are in a phase of major reorientation, albeit perspectives on the pace of this transition vary widely. According to a senior representative of a Muslim representative body, as many as 80% of Muslims are now buried in France (Hakim, imam of Algerian background),² which would constitute a remarkable shift in the space of a decade. By contrast, many of those with a commercial interest in the question observed a more modest change in preferences. One Paris-based Muslim funeral director (FD) with long experience in the industry observed that whereas in the past 95% of his clients opted for repatriation, these days it is “almost 50–50” (Adil, male FD of Middle Eastern background). A second funeral director concurred: “One out of every two people wishes to be buried in France” (Basem, male FD of Algerian background). Most other Muslim funeral directors whom I spoke to in the Paris region contended that a majority of their clientele still prefer repatriation, but in lesser proportions than before, around 70% (Deniz, male FD of Turkish background; Gazala, female FD). Basem and Cemil (male NGO worker of Turkish background) also underlined that the continued preference for repatriation was dependent on the nationality of origin, with some sending states such as Tunisia and Turkey facilitating or subsidising repatriation.

While there was a lack of consensus on the pace of the shift from repatriation to local burial, there was unanimity on the generational and family factors driving this trend. Recent quantitative evidence from France (representative of all foreign-born residents (and their descendants), not just those from Muslim-majority countries) confirms this generational shift from repatriation to local burial (Safi, 2017). “Repatriation is on the way out,” Gazala explained. She argued that this was a generational shift. Amongst the first-generation, the great majority favor repatriation. Yet the second-generation – French citizens of North African background – don’t have the same link to the country of origin. They go there on holiday every 2 or 3 years but the connections to the “old country” are not the same. Also crucial was the strength of transnational family connections, as this author has observed in other migratory contexts (Hunter, 2016b):

²For reasons of confidentiality, interviewees and other research participants have been given pseudonyms, unless there is a specific agreed reason to name a participant. All direct quotations from interviews have been translated from French into English by the author.

The whole family is here in France. People say: ‘[The deceased] has to be close to us.’ Before, families didn’t imagine that they would remain in France. (Adil, male FD of Middle Eastern background)

Often, and I hope it stays that way until I retire (laughs), the first generation wants to return and they want to be repatriated. But their children who are born here, who have their family here, who haven’t really got to know the country of origin, they find it difficult to accept repatriation. (Amadin, male FD from West Africa)

In the next 20 years, they are going to want to be buried here because the coming generation, they don’t have relatives in Turkey. All their relatives, their friends, are here. So in the next 20 years, it’s surely going to change. (Cemil, male NGO worker of Turkish background)

It’s quite expensive to repatriate, firstly. And secondly, many people have few relatives back home to look after their graves. Why send a dead body over there? The families aren’t going to travel to see it. (Hakim, imam of Algerian background)

Coupled to this change in funerary norms, demographic patterns mean that more and more first-generation migrants originating from Muslim-majority countries (particularly in North and West Africa) will reach older age in the coming decades (Rallu, 2017). By extension, we will see increased numbers of deaths in this cohort of the population.

The research conducted for this chapter indicates that the supply of burial space has not expanded to anticipate these coming trends in demand: mayors are still reluctant to allow *carrés musulmans* to develop in the cemeteries under their control. As Hakim, a leading representative of Muslims at the national level put it: “The municipalities accept [the creation of *carrés musulmans*] with a lot of difficulty ... even now there are efforts made to turn away from [this idea].” In certain parts of France the situation is concerning, for example in the *département* of Seine-Saint-Denis north-east of Paris, which is estimated to have the largest proportion of Muslims in France, at around 40% of the population. Despite the potential electoral weight of the Muslim population, “there is a major lack of *carrés musulmans* in Seine-Saint-Denis (...) A few communes, a small minority, where there are *carrés musulmans*,” states Karim (male NGO worker and former local politician of Algerian background).

Nationwide, no accurate statistics exist on the number of cemeteries possessing a *carré musulman* and, as with the proportion of repatriations to local burials, estimates vary quite widely (Afiouni, 2018). In the early 2000s Aggoun (2006) reported that around 70 communes throughout France had instituted *carrés musulmans*. Even accounting for the fact that many communes do not have a significant Muslim presence, this is still a tiny fraction of France’s 36,538 communes, each of which is required to provide burial space (either singly or in partnership with neighbouring communes). In April 2020, in response to the COVID-19 crisis and the suspension of international repatriations, the former president of the ‘French Council of the Muslim Faith’ (*Conseil français du culte musulman*), Anouar Kbibeche, decried the lack of Muslim sections in French cemeteries, estimating their number at about 200 (France Info, 2020). That same month his successor Mohammed Moussaoui – also highlighting the lack of Muslim burial space – claimed the figure was around 600 (France24, 2020). The lack of clarity from Muslim umbrella

organisations suggests a lack of priority given to this dossier, and indeed this was confirmed in interviews. Mosque construction, religious education for school-age children, and halal food certification are all viewed as higher priority issues, according to Farid (male NGO worker of Algerian background). The ex-president of one umbrella organisation acknowledged that “we haven’t put in place a service which monitors [burial issues]” (Hakim, imam of Algerian background).

There are various reasons for the reluctance of local authorities to create designated Muslim areas in the cemeteries under their control. The first reason is the insecure legal basis for their development. While *de facto* confessional sections have been in existence since the early 1880s, their legality has never been explicitly codified. The Ministry of Interior has at several points reminded mayors about the prerogative they hold to create confessional sections, and specifically *carrés musulmans*, in their cemeteries. A ministerial circular to that effect was published in 1975, reiterated in circulars of 1991 and 2008, setting out more explicitly the possibilities for Muslim burial sections. The circular of 28 November 1975 stipulated that any grouping by confession must necessarily be a *de facto* grouping and that the neutrality of the cemetery as a whole must be preserved. The circular of 14 February 1991 further stipulated that the resulting section must not be separated by any material means (e.g., a wall, hedge or ditch). Nonetheless, a 2006 report by Senators Sueur and Lecerf noted that even if the practice of confessional sections is encouraged by the Interior Ministry through these circulars, the final decision rests with the mayor, and his/her interpretation of the existing legislation. Their report further noted that mayors find themselves “in a situation of relative legal insecurity” (Sueur & Lecerf, 2006, p. 89, author’s translation), since confessional sections are the “outcome of *de facto* situations without any legal recognition” (Dutrieux, 2014, author’s translation). This shaky legal ground is sure to be tested if ever the decisions of mayors on this matter are subject to legal challenge: “the [technical] illegality of the confessional section nonetheless remains certain” (*ibid.*).

In addition to the legal insecurities which may cause mayors to think twice before acceding to demands for Muslim burial space in their communes, the vagaries of local politics also impede the creation of *carrés musulmans*, as is the case with Islamic places of worship in France (Hancock, 2020). This politicisation of Muslim cemeteries seems to be a rather recent development. Up until the start of the 1980s the place of Islam in French municipal politics did not arouse many debates. The role of the central government in facilitating the incorporation of migrant workers at local levels (for example in developing specific housing for them: see Hunter, 2018) meant that local politicians essentially played a supporting role, such as in discretely funding prayer rooms and in initiating *carrés musulmans* in local cemeteries (Geisser, 2001). These actions were both pragmatic and technocratic. It was not until what Geisser (2001) calls the ‘triple crisis’ of the central State of the 1980s – in cultural, social and economic terms – that Islam began to be instrumentalised in local politics by the different actors involved (mayors, municipal opposition, neighbourhood associations, trade associations). As one of my respondents, Jean-Philippe, a politician at the national level, put it:

There were some fights [over cemeteries] at the last local elections. I am thinking of a commune like [name of commune] – it had been Communist forever but swung this time to the centre-right, by a very small margin of votes, and where my centre-right colleagues had promised, effectively, a *carré confessionnel* for the commune. And the weight of the population of North African and Muslim origin there certainly contributed to this swing. So you have a problem which is becoming a political problem, and as you know France is also a country where the far-right scores particularly highly. It goes without saying that this theme is seized upon by the far-right so as to say: ‘Especially no *carrés confessionnels* here!’

Continuing in this line, for other observers the hesitation of mayors is ascribed to racist motives, pure and simple (Farid, male NGO worker of Algerian background). Attmane Aggoun decries a situation in which “the opening of a confessional section continues to occur at random and cannot be subsumed to any political logic” (Aggoun, 2009, p. 35, author’s translation). According to Farid, this was evidenced in comments that confessional sections are sometimes created following a collective trauma (e.g., a racist killing) or the death of a local celebrity who happened to be Muslim.

In summary, legal vulnerabilities and politicisation of the issue have discouraged communes from inaugurating *carrés confessionnels*. This is additionally compounded by administrative restrictions on where one can be buried: either in the commune where one is habitually resident or in the commune where death occurs (CGCT, 1996, Art. L. 2223–3). It is these restrictions which lead to the distressing scenario noted at the start of this chapter, namely the prospect of involuntary repatriation. If the commune in which residence is established or where death occurs does not have a Muslim burial section, families must either choose local burial in the religiously-mixed part of the cemetery, which may contravene the religious beliefs of the deceased or their family; or repatriation to the ancestral homeland, ensuring a ‘proper’ Islamic burial yet separating the bereaved from the deceased. The infrastructural violence inherent in this dilemma is captured eloquently by two senators, Esther Benbassa and Jean-René Lecerf, in a parliamentary report of 2014:

A deceased person and their family are not given the capacity to proceed to a burial in conformity with their religion if the cemetery in the commune where the deceased resided or died does not dispose of a confessional section, insofar as the funerary legislation only permits burial in these two places. Consequently, the choice is reduced to the alternatives of foregoing the confessional section or of opting for expatriation of the body. (Benbassa & Lecerf, 2014, p. 50, author’s translation)

A politician interviewed for this project concurred with this view, and noted the counter-productive effects of the current burial legislation from an integration perspective: “To know that after your death, your body will effectively quit a country which you consider as your own and which in most cases you have citizenship rights is a particularly perverse factor for the integration of this population” (Jean-Philippe, male French politician). Similar arguments relating preferred burial location to integration have been discussed elsewhere in the literature (Chaïb, 2000; Hunter, 2016b; Oliver, 2004).

The last decade has witnessed the development of certain trends which could force families into involuntary repatriation, namely the attitudinal shift from repatriation to local burial and the lack of communes disposing of Muslim burial sections. In the Paris region, where the situation is perhaps most pressing, the only reason that this situation is yet to become scandalous is that a few municipalities possessing Muslim sections with ample spare capacity have relaxed their eligibility criteria so that people who do not pass away or reside in that area may be buried there, subject to an additional fee. In effect this is a way for the municipalities concerned to generate additional income, as well as soaking up the pressure generated by intransigent mayors who refuse to create *carrés musulmans*. Several of the Parisian funeral directors whom I interviewed mentioned this “solution,” which moderately increases the options and agency available to bereaved families intent on local burial. That said, such cemeteries are often in more peripheral parts of the greater Paris region, often an hour or more away from central Paris by public transport. This makes regular visiting of a relative’s grave – a practice considered to be virtuous by many Muslims – more expensive and time-consuming than burial in one’s own commune. This is a further example of the “infrastructural violence” inherent in the present system (Maddrell et al., 2021), perpetuating a “systematic discrimination in and through space” which migrants in France have long suffered (Bernardot, 2008, p. 68; see also Hunter, 2018; Sayad, 2006).

In all other cases where there is no local connection, the permission of the mayor is required for burial in a commune with a Muslim section. “Sometimes they refuse, other times they accept” (Adil, male FD of Middle Eastern background). The national-level politician whom I interviewed has received lots of correspondence from Muslim citizens who are not able to access a *carré musulman*, complaining of the ‘postcode lottery’ of Muslim burial in France. Yet he has also discussed this at length with mayor colleagues “who have confessional sections and who tell me ‘I have stopped permitting anyone without a local connection from being buried in my commune because I don’t have enough places for the people from my own area’” (Jean-Philippe, male French politician). A similar line was taken in Clichy-sous-Bois, north-east of Paris: “[People from outside] would love to be buried in a *carré musulman*, for example at Clichy ... Since it’s a small one, here we have said it’s only for *les Clichois*” (Karim, male NGO worker and former local politician).

Clearly, recourse to burial in peripheral communes for those without a local connection is not a sustainable solution, and my interviewees noted that already some of the peripheral *carrés musulmans* were close to saturation. This ‘sticking plaster’ approach to what is a systemic problem has only become more inadequate in the context of the COVID-19 pandemic, during which the international repatriation of bodies was suspended. The research for this chapter was conducted well before the pandemic intervened. However, headlines in the national media such as “COVID-19: The distress of Muslims faced with the lack of places in French cemeteries” (France24, 2020) indicate a problem which remains unresolved, with deeply painful consequences for those concerned.

6.4 Conclusion

The lack of *carrés musulmans* in France potentially produces an infrastructural violence – the dilemma of either involuntary repatriation or local burial contravening religious beliefs – which is every bit as damaging for civil harmony as the Catholic clergy’s *refus de sépulture* was to free-thinkers and Protestants in the nineteenth-century. Back then, alarmed by clerical denial of a dignified burial for all citizens, the secular State intervened on several occasions to reform the management of cemeteries. This chapter has argued that the current mode of managing Muslim burial in the cemetery runs contrary to the spirit of these legal reforms. Most crucially, the secular cemetery reforms of the nineteenth-century should not be read as an attack on religion. Rather they aimed to reinstate civil peace and harmony, via measures which revealed both Republicanism’s Catholic inheritance and the State’s favourable treatment of religious minorities. As we enter what appears to be a new phase of conflict – specifically over the place of Islam and Muslims in French society, including in the municipal cemetery – history teaches us that the management of cemeteries must once again be reformed. In the interests of civil harmony, equality and freedom of belief, it is incumbent on the secular legislator to intervene.

Unfortunately, the prospects for legal change are far from clear. A small number of contemporary lawmakers have sought to raise awareness of the above issues. A 2006 parliamentary report by Senators Jean-Pierre Sueur and Jean-René Lecerf on funerary legislation concluded that the Interior Ministry circulars of 1975 and 1991, inciting mayors to create *carrés musulmans* in the cemeteries under their supervision, were sufficient to resolve this question and that new legislation was therefore not required. All that was required was “more profound dialogue with mayors” in order to convince them of the social utility of implementing *carrés musulmans* (Sueur & Lecerf, 2006, p. 92; author’s translation). However the continuing paucity of Muslim sections later led one of the authors of that report to reconsider this position. Thus in his subsequent 2014 report co-authored with Esther Benbassa on the fight against discrimination, Lecerf noted that mere dialogue and cajoling of mayors “seemed to have reached its limits” (Benbassa & Lecerf, 2014, p. 49; author’s translation). Benbassa and Lecerf therefore recommended conferring a legal basis to the creation of confessional sections in cemeteries, judging that it “behoves the legislator to guarantee a real choice to the deceased and their families in order to permit them to freely exercise their religion, including in death” (ibid., p. 50; author’s translation). Yet until now such recommendations have provoked fierce resistance from politicians, and mediatised polemics (see Afiouni, 2018). While families of Muslim origins do have a degree of choice – between burial in the commune of residence, in a more distant commune if space is available, or repatriation and burial in the ancestral homeland – each choice implies a potentially intolerable transgression of religious convictions or family togetherness.

The quest for equality and freedom of belief goes hand in hand with a broader mission of social cohesion. The cemetery reforms of the nineteenth-century promoted social cohesion in three ways. Firstly, they made it possible for each

citizen, even the poorest, to have his or her allotted place in the cemetery. Secondly, the equal recognition of all the main religious communities in the unique space of the cemetery was a material proof of the neutrality of the state while facilitating the spiritual assistance which the deceased and the bereaved required. Thirdly, denying the clergy the right to refuse burial in consecrated ground put an end to the shameful treatment of citizens who died in what were then deemed immoral circumstances. Today the refusal to create *carrés musulmans* constitutes a modern-day *refus de sépulture* which similarly destroys social cohesion. Nonetheless the scale at which this rejection takes place is of a different magnitude: not removal from the consecrated part of the cemetery, but potentially complete ejection from the national territory. This not only constitutes an infrastructural violence which separates families geographically. It also – perversely – blocks a process of integration for migrant-origin communities which can be read not only in the standard economic and socio-cultural indices, but also in the act of memorialisation and incorporation in the soil of France itself (Chaïb, 2000). Granted, integration should not always be viewed in such binary terms, and many will seek to honour ties to more than one *patrie* in death – both the ancestral homeland and France. However, negotiating these different impulses to mobility in life and death, from the local to the transnational, is a complex affair, especially in the Islamic context of eternal grave rights, signifying perhaps the ultimate form of immobility.

References

- Afiouni, N. (2018). La gestion du pluralisme funéraire en France et en Grande-Bretagne: Les enjeux politiques, législatifs et identitaires. *Diversité Urbaine*, 18, 31–45.
- Aggoun, A. (2006). *Les musulmans face à la mort en France*. Vuibert.
- Aggoun, A. (2009). Le cimetière franco-musulman de Bobigny: Lieu de mémoire, traces d'immigration et patrimonialisation. *Études Sur La Mort*, 136, 33–42.
- Ahaddour, C., den Branden, S. V., & Broeckaert, B. (2019). 'God's land is vast': Attitudes and practices of Moroccan Muslims regarding burial and repatriation of the deceased. *Mortality*, 24(1), 32–60.
- Ariès, P. (1977). *L'homme devant la mort*. Éditions du Seuil.
- Attias-Donfut, C., & Wolff, F. C. (2005). The preferred burial location of persons born outside France. *Population*. (English Edition), 60(5–6), 699–720.
- Balkan, O. (2015). Burial and belonging. *Studies in Ethnicity and Nationalism*, 15(1), 120–134.
- Benbassa, E., & Lecerf, J. R. (2014). *Rapport d'information relatif à la lutte contre les discriminations*. Sénat.
- Bernardot, M. (2008). *Loger les immigrés: La Sonacotra 1956–2006*. Editions du Croquant.
- Bowen, J. (2011). *Can Islam be French? Pluralism and pragmatism in a secularist state*. Princeton University Press.
- CGCT. (1996). *JORF*, 47. <https://www.legifrance.gouv.fr/jorff/id/JORFTEXT000000559852>
- Chaïb, Y. (2000). *L'émigré et la mort: La mort musulmane en France*. Aix-en-Provence.
- Clark, C. M., & Kaiser, W. (2003). Introduction: The European culture wars. In C. Clark & W. Kaiser (Eds.), *Culture wars: Secular-Catholic conflict in nineteenth-century Europe*. Cambridge University Press.
- d'Adler, M.-A. (2005). *Le cimetière musulman de Bobigny: Lieu de mémoire d'un siècle d'immigration*. Autrement.

- De Spiegeleer, C., & Tyssens, J. (2017). Secularizing funerary culture in nineteenth-century Belgium: A product of political and religious controversy. *Death Studies*, 41(1), 14–21.
- Debost, J.-B. (2011). Le cimetière musulman à Bobigny: Patrimonialisation d'un lieu unique de l'histoire de l'immigration en France. In *Histoires d'ici, mémoires d'ailleurs ...* (pp. 87–95). Archives départementales de Seine-et-Marne.
- Dutrieux, D. (2014). *Laïcité et sépultures: Aspects juridiques*. <http://www.resonance-funeraire.com/index.php/reglementation/1340-laicite-et-sepultures-aspects-juridiques-Ire-partie>
- El Alaoui, S. (2012). L'espace funéraire de Bobigny: Du cimetière aux carrés musulmans (1934–2006). *Revue Européenne des Migrations Internationales*, 28(3), 27–49.
- France Info. (2020). *Décès liés au coronavirus: Les 'carrés musulmans sont saturés.'* https://www.francetvinfo.fr/sante/maladie/coronavirus/deces-lies-au-coronavirus-les-carres-musulmans-sont-satures-alerte-le-conseil-francais-du-culte-musulman_3917727.html
- France24. (2020). *Covid-19: La détresse des musulmans face au manque de place dans les cimetières français*. <https://www.france24.com/fr/20200415-covid-19-la-d%C3%A9tresse-des-musulmans-face-au-manque-de-place-dans-les-cimeti%C3%A8res-fran%C3%A7ais>
- Geisser, V. (2001). L'implication des élus français d'origine maghrébine dans la gestion politique des affaires islamiques. *Civilisations*, 48(1–2), 145–151.
- Godard, B., & Taussig, S. (2007). *Les musulmans en France: Courants, institutions, communautés, un état des lieux*. Laffont.
- Haapajärvi, L., Debost, J. B., & Afouni, N. (2020). Muslim cemeteries and politics of belonging: A comparative case study of France, Finland and the UK. *AEMI Journal*, 17, 51–70.
- Hancock, C. (2020). Accommodating islamophobia: How municipalities make place for Muslims in Paris. *Social & Cultural Geography*, 21(4), 527–545.
- Harding, V. (2000). Whose body? A study of attitudes towards the dead body in early modern Paris. In B. Gordon & P. Marshall (Eds.), *The place of the dead: death and remembrance in late medieval and early modern Europe* (pp. 170–187). Cambridge University Press.
- Harding, V. (2002). *The dead and the living in Paris and London, 1500–1670*. Cambridge University Press.
- Hunter, A. (2016a). Deathscapes in diaspora: Contesting space and negotiating home in contexts of post-migration diversity. *Social & Cultural Geography*, 17(2), 247–261.
- Hunter, A. (2016b). Staking a claim to land, faith and family: Burial location preferences of middle eastern Christian migrants. *Journal of Intercultural Studies*, 37(2), 179–194.
- Hunter, A. (2018). *Retirement home? Ageing migrant workers in France and the question of return*. Springer International Publishing.
- Kadrouh Outmany, K. (2016). Religion at the cemetery: Islamic burials in The Netherlands and Belgium. *Contemporary Islam*, 10(1), 87–105.
- Kmec, S. (2021). *Of barriers and benches: A visitor's experience*. <https://cemi-hera.org/of-barriers-and-benches-a-visitors-experience/>
- Kselman, T. (1993). *Death and the afterlife in modern France*. Princeton University Press.
- Lalouette, J. (1997). *La libre pensée en France: 1848–1940*. Albin Michel.
- Laqueur, T. (2015). *The work of the dead: A cultural history of mortal remains*. Princeton University Press.
- Ligou, D. (1975). L'évolution des cimetières. *Archives de Sciences Sociales des Religions*, 39, 61–77.
- Luria, K. (2001). Separated by death? Burials, cemeteries, and confessional boundaries in seventeenth-century France. *French Historical Studies*, 24(2), 185–222.
- Maddrell, A., McNally, D., Beebeejaun, Y., McClymont, K., & Mathijssen, B. (2021). Intersections of (infra)structural violence and cultural inclusion: The geopolitics of minority cemeteries and crematoria provision. *Transactions of the Institute of British Geographers*, 46(3), 675–688.
- Meidinger, I. (2002). 'Laïcisation' and the Jewish cemeteries in France: The survival of traditional Jewish funeral practices. *Journal of Modern Jewish Studies*, 1(1), 36–48.
- Milewski, N., & Otto, D. (2016). The importance of a religious funeral ceremony among Turkish migrants and their descendants in Germany: What role do socio-demographic characteristics play? *Journal of Intercultural Studies*, 37(2), 162–178.

- Moreras, J., & Tarrés, S. (2012). Les cimetières musulmans en Espagne: Des lieux de l'altérité. *Revue Européenne des Migrations Internationales*, 28(3), 13–26.
- Nunez, J. (2011). La gestion publique des espaces confessionnels des cimetières de la Ville de Paris: l'Exemple du culte musulman (1857–1957). *Le Mouvement Social*, 237, 13–32.
- Oliver, C. (2004). Cultural influence in migrants' negotiation of death: The case of retired migrants in Spain. *Mortality*, 9(3), 235–254.
- Rallu, J.-L. (2017). Projections of older immigrants in France, 2008–2028. *Population, Space and Place*, 23(5), 1–14.
- Roberts, P. (2000). Contesting sacred space: Burial disputes in sixteenth-century France. In B. Gordon & P. Marshall (Eds.), *The place of the dead: Death and remembrance in late medieval and early modern Europe* (pp. 131–148). Cambridge University Press.
- Safi, M. (2017). Varieties of transnationalism and its changing determinants across immigrant generations: Evidence from French data. *International Migration Review*, 52(3), 853–897.
- Sayad, A. (2006). *L'immigration ou les paradoxes de l'altérité: Tome 1, l'illusion du provisoire* (Vol. 1). Raisons d'agir.
- Sueur, J.-P., & Lecerf, J. R. (2006). *Rapport d'information sur le bilan et les perspectives de la législation funéraire*. Sénat.
- Trompette, P., & Griffiths, R. H. (2011). L'économie morale de la mort au XIXe siècle: Regards croisés sur la France et l'Angleterre. *Le Mouvement Social*, 237, 33–54.

Open Access This chapter is licensed under the terms of the Creative Commons Attribution 4.0 International License (<http://creativecommons.org/licenses/by/4.0/>), which permits use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons license and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter's Creative Commons license, unless indicated otherwise in a credit line to the material. If material is not included in the chapter's Creative Commons license and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.

