

Dissonances within *Laïcité*

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The “debate” over the prohibition of the “Islamic headscarf” and other “visible,” “conspicuous,” or “ostentatious” signs of religious belonging in public schools, revived by the conclusions of the Stasi Commission,¹ the intervention by the President of the Republic, and the introduction of a “simple and clear” bill by the Minister for Education, has seen no end of opacities and displacements.² The contradictory implications of the demand for a legislative intervention, which its promoters sought to ignore or imagined would be easily mastered, have proved to be uncontrollable in the national as well as the international sphere.

All this would be laughable, especially if one takes a bit of distance from the self-absorption of members of the French political class and intelligentsia, convinced that the terms in which they define the facts of the “problem” are universal. In fact, the contrast is glaring between, on one side, the thinness of the pretext (a small number of cases not settled by the ruling of the Conseil d’Etat [France’s highest administrative court, which advises the executive on legal matters – tr.]; the intervention by the Education Ministry’s mediator), the stereotyped quarrels between partisans and adversaries of a law setting disciplinary norms in schools (a tired remake of the great “republican battles” of the Third, Fourth, and Fifth Republics), and, on the other side, the enormity of the principles at stake (the constitutional secularism of the state, the equality of the sexes, France’s mission as defender of Enlightenment in the world), but also the gravity of the social situations that overdetermine every political “gesture” touching on gender relations, the postcolonial heritage of the French nation, religious forces and currents around the world, the future of the educational institution – in short, politics. But the debate, or pseudo-debate, can acquire another function: it exposes the crisis, no doubt irreversible, of an idea joined to the construction of the national state. The dissonances within *laïcité* [the specifically French-republican version of secularism – tr.] are not new; indeed, they are one of its conditions of possibility (since *laïcité*, which has been reshaped and moderated many times, is de facto essentially a social and political compromise).³ However, the form they take today clearly shows that this typically republican institution is at a crossroads, that it is its principle that is in question.

President Chirac’s initiative – which is supported by the party advisors who represent his 2002 “electorate” (the conservative Union for a Popular Movement (UMP) and the Socialists in particular) but divides the teaching profession, promises schools endless controversies over dress codes, opens a road to Islamist

clerics who are elevated to defenders of freedom of conscience and the dignity of stigmatized Muslims, feeds antisemitism,⁴ substantiates le Pen-inspired fantasies about foreign subversion, makes French legislators ridiculous, elicits incomprehension in international public opinion, and, to top it off, will probably turn out to be impracticable or ineffective – is charged with solemnly affirming the principles of *laïcité à la française*. It would not be the least of the ironies that in reality it brings its *coup de grâce*.

At the time of the first “headscarf affair” (at the Collège de Creil in fall 1989), pragmatically settled at the behest of the Jospin government by an opinion of the Conseil d’Etat (which is not always easily applied, but has proved manageable aside from a few exceptions⁵), some of us already tried to point out the flagrant contradiction inherent in exclusion: one claims to defend young girls against religious fundamentalism, of which sexism is an intrinsic part,⁶ by *banishing* them from school, i.e., making them personally – in their lives, their futures, their flesh – bear the penalty for the injustice of which they are the “victims,” and sending them back to the communitarian space dominated by precisely this religious sexism.

In the period that followed, although the frequency and intensity of school conflicts fluctuated from year to year, three facts in particular emerged:

- 1) The individual “motives” of young girls who wear “veils” – not the only element to be assessed politically (since before being the object of a “choice” or a “custom,” the *hijab* in its different variants is a cultural, religious, and increasingly a political symbol, which the law will naturally accentuate), but one which, from the standpoint of democratic education, one cannot abstract away from – are extremely diverse in and outside Europe, when they are inscribed in a framework of more or less physical and psychological violence as well as when they express forms of personal emancipation and “feminist” striving (exemplarily, Afghanistan on the one hand, Turkey on the other). In France itself, these motives range from adherence to forms of militant Islamism, to submission to family and social pressure, to personal attempts to silently express a “difference” the dominant society seeks to suppress or manipulate.⁷
- 2) Part of the teaching profession, increasingly called upon by the state and families to alleviate the effects of social suffering while the conditions of its work are undermined by the accelerated devaluation of its social status and its educational purpose, is turning toward a “law-and-order” ideology which combines feelings of powerlessness, appeals to state authority, and fear of the transformations of the contemporary world. This ideological tendency is exploited and amplified by a “republican” intellectual lobby of the right and of the left, for which “*laïcité*” and “the French exception” serve as ready-made ideas at the level of “principles.”⁸
- 3) Phenomena of stigmatization and discrimination, inveterate in French postcolonial society and directed above all against populations of “Arab-Muslim” origin,

promote the development of political-religious fundamentalist ideologies which, though in a tiny minority, constitute a potential danger to democracy (symmetrical to that represented by the Front National, but in the end tending in the same direction).

Under these conditions, we renewed our criticism of repressive legislation and exclusionary practices, notably by associating ourselves with the petition “Oui à l'école laïque, non aux lois d'exception” [Yes to the secular school, no to exclusionary laws].⁹ I see no fundamental reason to revisit this position today, which has moreover been joined by others marked by a *political* concern to return the debate to the terrain of national and international realities and to protect the educational institution from instrumentalization by strategies that resolve social divisions by symbolic means (which also implies warning it against its own fantasies of disintegration).¹⁰ But this principled position is by no means sufficient. It leaves open a number of problems which turn theoretically around the *current* meaning of the idea of *laïcité* (obliging us to reexamine its principles, origins, and history), and practically around the question of the role of the *school* in the ideological conflicts of the contemporary world. Among these questions, and without any pretense of being exhaustive, I would like to schematically raise four.

The first concerns the distinction between the “political” and the “religious.” We know that one of the Stasi Commission's proposals – not retained by the government, but very popular among teachers – was to extend the prohibition to political symbols. The discussion that followed showed that many of those who advocate the prohibition of the Islamic veil (and religious symbols generally) oppose its extension to “the political,” regarding the permission of political expression in school (which is in fact only a generation old and accompanied by restrictions) as a democratic achievement. This means that they believe in the existence of a rigorous line of demarcation between the political (which would be fundamentally “*laïque*” or “secularized,” at least in “our” societies)¹¹ and the religious (which would be ... “religious”). But it also showed that this line of demarcation is doubtful or called into question in practice precisely at the sensitive point: Islam, and secondarily Judaism.¹² Some bright minds explain that the principal danger is not religion but its *political use* by clerics influential among immigrant/Muslim youth, or else the aggressive projection of ethno-national solidarities, in particular those connected to the Israeli-Palestinian conflict, into French space – thus to a political problem, but one in which religion is immediately enrolled and instrumentalized (the “Jewish” state, “Holy Land,” “Sacred Places,” etc.).

In fact it would be necessary to admit that there is no natural distinction between the political and the religious, but a historical one resulting from decisions that are themselves political. In modern states, extreme forms of this permanent tension correspond to the existence of parties officially inspired by confessional ideologies or interests (“Christian,” “Muslim,” “Hindu,” etc.), but

also to the powerful religiosity that animates anti-religious political ideologies – sacralized “secular struggle,” as in France, socialist or nationalist messianism, etc. This tension gives rise to all kinds of combinations, which are not equivalent, but it never disappears. The two terms have never been, and are now less than ever, “exterior” to one another. In the current period, for reasons involving the circulation of populations and mixing of cultures connected to “globalization” and the crisis of the symbolic bases of the nation-state (“sovereignty”), this tension has entered a new phase of intensification and transformation, leading at once to the mobilization of institutional “authorities” and the interventions and claims of “citizens,” and consequently making politics more than ever a site in which religious beliefs are invested, and the place of religion in the public space a political matter. Many discourses on *laïcité* as a “French exception” (subtext: the ideal and definitive solution to the problem of “spiritual power,” as Auguste Comte said) are underpinned by the illusion that this Pandora’s box can be kept closed, or its opening indefinitely postponed – whereas, as such, they are themselves ways of opening it. There are neither *intrinsic* grounds nor *intrinsic* ways of separating the expression of political opinions from that of religious opinions.

The existing conception of *laïcité* is in fact a way for the state to impose a double *definition of limits*: limits to acceptable ideological conflict, based on a certain institution of consensus or of “civil peace” (but always privileging certain interests or social forces), and limits to the translation of religious beliefs into political positions, based on a certain institution of “truth” (which plays a greater or lesser role in official scientific proposals and the principles of argumentative, “communicative” morality). We cannot pretend that these conceptions do not have their reasons, or that doing away with them as such would produce a “liberation of politics.” But neither can we indulge in the illusion that the institutional forms connected to parliamentarism, the juridical “monopoly” of the nation-state, and thus nationalism, the translation of social movements into the language of natural right or secular hope in the historical context of the *universalization* of European culture, will suffice indefinitely and without alteration to “constitute” political conflict or codify its institutional limits – including in Europe and in France. The question inevitably arises (in fact it has already arisen) of the terms in which the state defines political or political-religious expression – borrowing its vitality from ideological conflicts, which are essential to citizenship itself (the “right to politics” for all), without for all that perpetuating civil war or a “state of exception.”

This first question immediately leads to a second, which concerns the “neutrality” of the public space and the presence at its heart of marks of identity, and thus marks of social, cultural, and more fundamentally anthropological difference. Here again, allegedly self-evident and natural thresholds turn out upon examination to be wholly conventional, shot through with strategies and norms, with evolving relations of forces among groups, subjectivities, and powers, dictating

the very sense of the categories “public” and “private.” This is why we should not be surprised by the rise of discussions about the length (and very existence) of beards, nor by the comparison of the problems of propriety raised by the “veil” and the “thong,” nor by proposals to reestablish uniforms, nostalgically evoking the “republican school” of the nineteenth century and the classic utopian models for representing the “citizen” (the unity of the two arising from the fact that the school has always furnished the privileged place for implementing utopias of citizenship). And we should not be surprised that, in the sudden emergence of “trouble” in the relations between *representation* and *publicity*, religion (belief, communitarianism, subjectivation) and sexuality (the ultimate but “obscene” anchoring point of controls and affirmations of identity) appear inextricably mixed.

Here we should consider two questions. First, what is the relation between state neutrality and neutrality in education? This question can be illuminated by the debate between those who maintain that *laïcité* should be interpreted as the school’s neutrality *with respect to* religious beliefs (and thus respect for their equal expression) and those who insist that religious beliefs must be *suspended* within the school walls (two interpretations that reflect different philosophical models of secularism¹³). Both are correct and incorrect. In our society, the school (particularly the public school, detached from the family and reattached to the state as sovereign power, above parties and governments) is essentially a place of *transition* between the space of “private” existence and the existence of “public” space – but one legally *situated within the public space itself*. This imposes contradictory imperatives between which it must negotiate. The school must be a closed space, but one in which information and representatives from the “outside” circulate. The school must prepare (and thus anticipate, simulate) the relativization of social belonging, beliefs and ideologies, in order to facilitate the entrance of individuals into the “political” sphere, citizenship; it thus has to virtually *detach* individuals from their *primary* identities (which is in fact a very violent process – a sort of dismemberment, a separation from their identities,¹⁴ but which then ideally allows these identities to be claimed, though from the “distance” implied by the primacy of the *second*, common political identity). But the school must also give individuals the means to “represent” their ideologies and belongings in political life, though without itself being political, i.e., without speaking the language of politics except indirectly and metaphorically (through history, literature, philosophy). Holding these contradictory imperatives together, and *a fortiori* holding them together in an *egalitarian* way, would evidently require highly favorable circumstances... It can be expected that practice approaches them only very incompletely, or attains them only at the price of successive conflicts (which it is just what is happening at the moment). What is demanded of the school is not that it be “neutral” like the state, but that it *carry out a neutralization* or constitute an *additional neutrality* between two *non-neutral* “spaces” – what we call “private” and “public” – in a way that avoids confusing them.

But this brings us to another question: what should be the *marks of the "public" space* in general, and more particularly of the educational space which doubles it? *There is no simple answer to this question*, which has a tendency to "deny" itself (a *mark of identity* or a *mark of uniformity* is a sort of contradiction in terms), but what is certain is that there cannot not be marks.¹⁵ The *marks of neutrality* are obviously not themselves "neutral," either in terms of their visibility (to say nothing of their ostentatious character) or in terms of their meaning (since they embody a history, sacralized traditions, and refer to a symbolic sovereignty – that of the "nation," of the "people"). It must be said that the hierarchy of marks, their dominant or dominated character, the modalities of their "visibility," are the object of permanent conflict, sometimes of ideological "war."

The *ideal* (republican) school would accept no marks other than those of equality, those that proclaim that the students' bodies and minds are entirely "docile," available for learning, those of the teachers (for whom, let's not forget, the problem *also* arises) solely oriented to accomplishing their educational mission. The *real* school "tolerates" a greater or lesser number of individual or collective marks, which are spontaneously interpreted as privileges, preserves, resistances, or provocations (long hair, "eccentric" clothing, insignia or flags taken to be "lax" or "indecent").¹⁶ But a common feature of all marks is that they are applied *to the body* and exploit it. This is why sexual determination is omnipresent in the war of marks. A conflict that calls into question the double allegiance of certain students in relation to nation and religion, and the degree of independence of one in relation to the other, would not crystalize around an article of clothing charged with sexual symbolism (the visibility of certain parts of the female body) if republican schools had not become mixed in the course of the last half century, and if this mix had not made the difference between the sexes (and different ways of instituting or controlling it) a problem for the school, which cannot be settled by pure "secular" doctrine. Thus, wearing the veil also functions as a sexual identity claim, according to a certain modality (which can be deemed "alienated" or "servile," but what of others?), and (selective) prohibition as a denial of the insistent presence of desire in the relations among the subjects of the educational institution, or in any case as a confession of the difficulty of controlling it. It would also be necessary to think about the relation of this hystericization of marks of political-religious belonging to a context in which the "ostentatious" exhibition of desire is deprivatized, invades the public space, but is also commercialized, banalized, and finally dulled. One can note that between girls with tight jeans and girls with the Islamic veil it is not certain that the former are more "sexual" (I don't say "sexy"), and it is this that gives rise to the problem – as much as and more than imagining them submitting their history or philosophy lessons to the censorship of the Koran (which could also turn into the reverse...). It is also here that it would be necessary to investigate the meaning of the spokesmen of Islam's claim (often silencing the girls and women involved, and speaking in their name) to demand "modesty" in a society that constantly exploits the female body in advertising.

The imams' indifference to sex is no more credible than that of the clerics of any other religion, and their insistence on modesty is more suggestive of obsession than protection.

The third question that arises concerns the intensification of cultural conflict around the liberation of women in the "postcolonial" context. It is not certain that what is central here is the divergent ways different traditions conceive of the relations between private and public. Or rather, this can only be analyzed in relation to a concrete historical context in which the delayed effects of decolonization, like the conflicts that rage around the world (including and spilling over into Europe, West and East, North and South) around the abolition of patriarchy and the equality of the sexes, are no longer really separable. We must be careful to avoid simplifications, but we must also say that the contradiction between two emancipatory claims is total: those which fight ethnic discrimination, cultural racism, the hegemony of the old imperial nations, and those which fight the subordination of women and the violence and denial of equality to which they are subjected. Such a contradiction seems practically insoluble, save in the very long term. This is why none of the symmetrical discourses that seek to erase it is credible: neither that which presents "women's struggle" and that of "oppressed peoples" (or minority ethno-religious groups) as spontaneously convergent (although their conceptions of "community" are antithetical), nor that which presents the institutions and values of the "West" as the model and vehicle of women's emancipation everywhere (especially in the Muslim world) – although the West has developed its own massive forms of subordinating women, and a whole part of its "feminism" begins by denying the speech of "minority" women any validity, and calling for legal assistance and coercive state intervention against them.¹⁷

We must not lose sight of the tragic character of a situation in which young women, somewhere between childhood and maturity, become the stake of a merciless struggle for prestige *between two male powers* which try to control them, one on behalf of patriarchal authority wrapped up in religion, the other on behalf of national authority wrapped up in secularism. Whatever the intentions and the "ruses" by means of which young French (and other) Muslim women sometimes (but not always, it must be said) negotiate their autonomy,¹⁸ it is in fact unbearable to see them directly or indirectly forced by their families (and especially by the violence of their "big brothers") to symbolically veil themselves in order to be "respected" (which is to say held in contempt in another way). The spectacle of a "spontaneous" demonstration of veiled women against the law in the streets of Paris, solidly ensconced by men who prevent any of their "sisters" from communicating with passersby or journalists (coinciding with similar demonstrations in cities around the world), provides food for thought. But it is just as unbearable to see the school system, men and women together, fomenting a civilizational conflict, making the "unveiling of Muslim women" in the republican institution par excellence a point of honor, unknowingly repeating (but this ignorance has its own

history – that of colonial bad conscience) the gesture French soldiers perpetrated on the bodies of their mothers and grandmothers during the Battle of Algiers.

How can we escape this vicious circle? First of all, evidently, by conferring a maximum of freedom of choice *on those involved*, knowing that there is no absolute freedom, no doubt, and that freedom includes the possibility of “voluntary servitude” as well as revolt, but also that they grow up in a transnational society where the omnipotence of the patriarchal family is shaken, and where alternative models exist (which is not to say that the equality of the sexes is assured). Secondly, by demanding that the French Republic make some efforts toward collective historical memory regarding its own reticence to grant women anything less than educational and civic equality.¹⁹ Finally, last but not least, by insistently posing the question of the origins of social exclusion, which promotes religious fundamentalism and regression toward patriarchy (in the defensive form typical of what historians call “the invention of tradition,” whereby communities suffering discrimination try to maintain their solidarity), but also aggravates competition between the generations and sexes – in which, for reasons that are well known (including the power of stereotypes stigmatizing the “Arab male,” but also the will of girls to use the educational system and a professional future as a means of emancipation),²⁰ girls are advantaged vis-à-vis boys in academic life in particular, arousing as an indirect consequence the aggressiveness of many of the latter, destined for “preferential unemployment” by attending inferior schools. It is true that here there is no reason to be optimistic: a society in which the idea of social equality has become an empty slogan (remember the “social rift” discourse on which elections regularly turn), and the idea of “positive discrimination” anathema,²¹ has little chance of looking in the face the causes of regression and violence it attributes to the inferiority of certain cultures.

Finally, the fourth question we have to examine – perhaps the most important of all at the moment – concerns the dilemmas of discipline, of authority and freedom, in the schools. A recent poll reveals that a majority of secondary school teachers support the planned legislation, and even want to extend the ban to all “visible” symbols of a political or religious nature.²² All polls need to be interpreted, which does not always go without saying and depends on a number of conjunctural factors. My interpretation is that the determining factor here is the disciplinary problem. Teachers destabilized by the crisis of the schools are not much concerned about the influence of Islam or its interference with their teaching (a situation that could perhaps change if they were required to incorporate the “religious fact,” amounting in the end to a certain “positive” conception of *laïcité*, in their programs). And I do not believe that many of them (there are of course exceptions) are concerned with the liberation of women, or believe they can contribute to it through school regulations. On the other hand, they *are* concerned with what they experience as the collapse of the authority of their position: at once in the concrete form of the rise of indiscipline and illegality in the schools

(especially in “*zones difficiles*” – a euphemism for the pockets of poverty in French society in which large parts of the immigrant population, but also many French Jews repatriated from Algeria, are concentrated²³), in the form of a loss of professional prestige and an inability to resist the claims and pressures of families, and more abstractly (though neither least importantly nor least painfully) in the form of a generalized uncertainty about the “power” of knowledge and its bearers in contemporary society. It is certain that the meritocratic ideology of French society has led to the overestimation, even the mythologization, of this power, but it is also certain that it has become the object of concerted attack by both the market and the state, and that in this case this is taken by teachers as a sort of betrayal.

The failure to take this dimension into account seems to me to be the great weakness of our criticism of the “exclusionary legislation” – which, we could say, forcing the issue a bit, by displacing it and offering an inadequate response prefabricated by political power, reveals the existence of a “situation of exception” in the school system that has gradually taken hold in the last twenty years (who will speak of the responsibility of “socialist” governments in this regard?), and has drastically reduced the teaching profession’s own capacity for initiative (even if, here too, there are exceptions). It is in this context that teachers see no other remedy for their impotence than symbolically reaffirming the power of the state for which they work, which they reckon will reestablish a ruined equilibrium to their advantage. *Laïcité*, however defined, is not the aim but the instrument of this corporate reflex.

Here too, however, in order to avoid stigmatizations and lamentations (“It’s the teachers’ fault!,” “What happened to the 68ers?”) and move beyond moral exhortations (“Beware the Lепенization of the mind!”), a theoretical detour is required to understand how a crisis whose conjunctural causes are clear enough has also taken root in the inherent contradictions of the institution itself, suddenly brought to the limit of its capacities or deprived of the compromise formations which sustain it. Clearly, this means that the function of authority, without which there is no practice of teaching in the academic form we know (and which liberal pedagogical reform or libertarian contestation can at most attenuate or mask, but not abolish: that would amount to destroying the “ideological state apparatus”) has always necessarily had an impure, heterogenous source. In part it draws (and believes it draws) on *the power of knowledge itself*, which is to say on its capacity to *transform the thinking of individuals*, and thus their existence. This power of knowledge is in part the source of the interest it arouses, of the “desire to know” (and to teach) it awakens and maintains (on the condition, among others, of appearing accessible, appropriable, transmissible with effort). But it also in part draws on (and visibly takes root in) more or less interconnected *social “powers”*: age or experience, credentials, and especially *that of the “teaching profession,”* which collectively incorporates a hierarchical and disciplinary institution, embodying, even if in a subaltern position, one of the organs of public power. The school and its functionaries evidently fulfill all sorts of functions on which the transmission of knowledge is based and which exceed it: functions of professional

training, cultural and civilizing functions, “hegemonic” functions in the formulation and critique of the dominant ideology, the civic function of transforming the private individual into the political citizen. But none of these functions can be dissociated from authority. This is why there is a necessary tension, not to say a contradiction (but one that can lead to thought and action), between the *authoritarian* side of the teaching function and its *democratic* side, which consists at once in equality of opportunity and conditions that try to promote it, and in equal right to expression (and thus, at a basic level, the “right to politics”), which it tries to provide to all through the mastery of language and knowledge, and which it can, within certain limits, try to institute at its heart.

This is also why it is tragic that, confronted with a political conflict on its own terrain, at once delimiting and gradually calling into question most of its functions and the conditions of its exercise, on this point the teaching profession doubts its own capacities and its future, hastening to reduce them to their most restrictive, least intellectual dimension, implicitly entrusting their theorization to doctrinaire ideologues who brandish their Condorcet the way others brandish their Bible or their Koran, and demanding a fictitious “solution” from a political power whose concern for the general interest today extends little beyond the reading of opinion polls.

It will have been understood, I think, that a chance has been missed to rethink the history of *laïcité*, the place of the institution of teaching (and in this sense of the power proper to knowledge) in the articulation of the political and the religious, the marking and the demarcation of public and private spaces, the status of the difference of the sexes with regard to citizenship, and their collective evolution. In short, a chance has been missed to think and *deal with political questions politically*. It thus remains, since nothing has been “settled,” to prepare the elements for a resumption of the debate on other bases and under different conditions (which will probably be no more serene, but which could make the stakes more visible). This can only be done, it seems to me, on the condition that we deepen the questions of which I have proposed a preliminary list: renewing the debate on *freedom of expression* and democratic practices in the schools – but this renewal itself has all kinds of preconditions, inside and outside the school, first of all the struggle against exclusion, which pushes back psychological insecurity and despair (“negative individualism”); reviving the movement for *equality*, and reflection on its *internal contradictions* (in particular those that set different emancipatory movements, or different forms of resistance to discrimination, against one another); reconstructing the idea of *universality* in a way that does not simply make it the formal envelope of “legitimate” political communication, but the stake and result of a confrontation of *all* the political discourses in the contemporary world (including theological-political ones) that, within and across national frontiers, express “viewpoints on the universal.” This deepening is unlikely to come from national republicanism (which would now have to be

called national republicanism-secularism), just as it unlikely to come from a religious or theocratic worldview, even one “on the left.” But a social, cosmopolitical, anti-authoritarian democracy could attempt it.

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(Translated by James Ingram)

NOTES

A French version of this essay appears in *mouvements* (2004) and, in abbreviated form, in *Le foulard islamique en questions*, ed. Charlotte Nordmann (Paris: Editions Amsterdam, 2004).

1. [Tr. – Appointed by President Chirac in July 2003 to study the “application of the principle of secularism in the Republic.” Headed by Bernard Stasi, a politician and former presidential adviser, and composed of academics (including Régis Debray, Gilles Kepel, and Alain Touraine) and public servants, the commission heard submissions, then in December 2003 tabled a 77-page report recommending a ban on visible religious and political symbols in public schools along with a variety of other measures intended to promote tolerance, religious freedom, and official secularism.]

2. The text of the bill adopted by the National Assembly on its first reading, February 10, 2004, reads: “Article 1: . . . In primary and secondary schools, the wearing of symbols conspicuously displaying religious belonging by students is prohibited. According to internal rules, the initiation of a disciplinary procedure is preceded by a dialogue with the student . . . Article 4: The arrangements of the present law are to be subject to evaluation one year after it comes into force.”

3. As is opportunely recalled in the article “Laïcité” in the *Encyclopaedia Universalis* by sociologists Jean Baubérot and Emile Poulat, uncontested experts on the subject.

4. This aspect, which is seldom evident (since it is masked by the origin of the conflict – which remains the reference point, so that everyone perceives and calls the law the “anti-headscarf law” – and by the noisy controversy of small, openly antisemitic Islamist groups and certain self-appointed spokespersons of the French Jewish community, joined by Algerian “eliminationists” engaging in politics by proxy), seems to me fundamental. I do not understand this in the sense of generalized antisemitism, at once Judeophobia and Arabophobia, which I have elsewhere suggested is paradoxically fed by the repercussions of the Israeli-Palestinian conflict around the world, but in the most traditional sense. We cannot fail to note that skullcap-wearing Jews are no less targeted than veil-wearing Muslims, and the manifestations of stigmatization which give rise to their exclusion are no less violent. It is worth recalling here not only, with Jean-Luc Nancy (“Laïcité monothéiste,” *Le Monde*, January 2, 2004), the theological background of the idea of *laïcité*, but also the asymmetry that separates Christianity from the other two religions on this point (and cannot be masked the extension of the ban to “large crosses,” which one hardly ever sees outside of a few traditionalist groups). This is a social and political asymmetry, since France has in fact lived for two centuries under a regime of “*catholaïcité*” (Edgar Morin’s very apt pun . . .). From the perpetuation of Christian holidays in the republican calendar to the state management of the religious heritage, the “national” culture is largely defined as Christian, and more precisely as Catholic. It is a theological asymmetry because the idea of a “private” religion, located essentially in one’s heart of hearts, all the more true the more “invisible” it is (like the church of the same name), is a Christian theological idea (St. Paul’s “circumcision of the heart”), to which Judaism and Islam oppose the idea of social community of mores and rules. This is why the idea of *prohibiting display*, which inverts the defamatory practice of imposing marks of recognition on religious groups, cannot have the same meaning with regard to all religions, as Bruno Latour has noted (“La République dans un foulard,” *Le Monde*, January 17, 2004).

5. These exceptions must naturally include the (rare) situations in which teachers, drunk on ideology or terrorized by their inability to control social violence which spills over into the schools, make the exclusion of veiled students the condition of their work, as well as those (also rare)

situations in which young girls, seeking heroism and publicity, whether or not they act on their own initiative, “stage” a symbolic conflict with the institution, which the mass media hurry to amplify and which defenders of individual liberties greet with bowed heads.

The November 27, 1989 Conseil d’Etat opinion holds that “wearing the veil does not contradict the values of the secular and republican school” and leaves headmasters “latitude to act on a case-by-case basis.” Jospin’s December 1989 memo calls for “a dialogue between parents and headmasters so that, in the interest of the students and out of concern for the best operation of the school, they will give up wearing the veil.” In November 1992 the Conseil d’Etat overturned internal school regulations automatically excluding veiled students, but in September 1993 it confirmed the exclusion of students refusing to participate in certain courses (physical education), while in December 1999 the minister ordered that a veiled student who had refused to participate in swimming class be reinstated. Minister Bayrou introduced the idea of “ostentatious symbols” in a September 1994 memo. In October of that year, the Administrative Tribunal of the Lower Rhine region judged that the veil is not “in itself an ostentatious symbol.” In December 2000 the High Council on Integration concluded in a report that “Islam is compatible with the Republic” and “it is not necessary to prohibit veiled girls from going to class.” In November 1994 the Ministry for Education had nominated a mediator, Hanifa Cherifi, to settle matters concerning the veil by working with students, families, teachers, and administration. A member of the Stasi Commission, whose recommendations (combining the bill prohibiting religious symbols with diverse measure publically recognizing the Muslim religion and the struggle against discrimination) she approved as a whole, Cherifi estimated that there were a thousand cases of “veils at school,” and a hundred of “headscarves worn in class.” This summary follows that in *L’Humanité*, April 30, 2003.

6. Anchored in historical religions themselves, which are always based on the control of relations between the sexes and marriage. It is entirely possible that, from this point of view, contemporary Islam, although riven with contradictory currents (among which the voice of women has begun to make itself heard; see Margot Badran, “Islamic Feminism: What’s in a name?,” *Al Ahrām Weekly Online* 569, 17–23 January 2003), represents an extremity within monotheism, by reason of its secular association with patriarchal forms of society, but also due to a “theological complex” which represses female sexuality as such, whose transformation would imply a refoundation of religious revelation. On this point, one should neither rush to judgment nor close the question opened by Fethi Benslama in *La psychanalyse à l’épreuve de l’Islam* (Aubier-Montaigne, 2002). This exceptional character of Islam, if it resists comparative analysis with the other variants of the Western religious tradition (of which Islam itself is a part), of course does not lead to a need for segregation, but to a particular duty of the school with regard to the women who wear the sign of belonging in the umma.

7. See esp. the study by F. Gaspard and F. Khosrokar, *Le foulard et la République* (Paris: La Découverte, 1995).

8. This lobby got a head start in terms of public opinion campaigns, publications, institutional pressure, etc. But others have organized in turn, notably on confessional (in particular around the interventions of Pope John Paul II and those close to him in the French Church; see the intervention of the “Paroles” group, “De l’inutilité d’une loi déplacée,” *Le Monde*, February 2, 2004) and neoliberal (around A. Madelin, very aggressive at the moment on the “cultural” front; see “Voile, la loi de trop,” *Le Monde*, February 5, 2004) lines.

9. Published in *Libération*, May 20, 2003, with the tendentious title, “Oui au foulard à l’école laïque” [Yes to the headscarf at the secular school], signed by myself, Saïd Bouamama, François Gaspard, Catherine Lévy, and Pierre Tevanian.

10. Among these positions, I call attention in particular to that of the Ligue des Droits de l’Homme at its Congress at Evry, June 7, 8, and 9, 2003 (the resolution adopted at the 82nd Congress, “Liberté, égalité, fraternité, laïcité,” judges that there is no reason for legislation on the wearing of religious symbols at school) and that of Jean Baubérot, the only member of the Stasi Commission to refuse to play the game of unanimity (see his article in *Le Monde*, January 3, 2004, “Laïcité, le grand écart,” where he notably asks, concerning *laïcité*, how one can “concede almost everything to the Alsations-Mosellians and practically nothing to Muslims”).

11. It is often explained that the principle of this distinction has its origins in Christianity, as against other religions: "Giveth unto Caesar what is Caesar's, and unto God what is God's..." This confers on Christianity a political privilege, even a "secular" one. Much suggests that this interpretation is a retrospective projection on the compromising Christian dogma that finally resulted from the epochal struggle between church and state. In any case, we require a real discussion of "comparative theology."

12. When we take everyday situations into account, especially those of school-age youth, we also see that political, religious, or political-religious "identifications," which are not fixed, correspond to what sociologists call strategies of "distinction." Their subjective source thus lies beyond this alternative. But they are amenable to it, and this is one of the aspects of the current "crisis" which requires us to emphasize – and not necessarily to bemoan – the "active" connection between adolescent subjectivity and institutional "grand narratives."

13. Here it would be necessary to engage in a philosophical genealogy of *different* institutional conceptions of "secularism," going back to the classical period of the constitution of the modern nation-state and extending to contemporary alternatives, which are irretrievably situated in a transnational and "multicultural" context on which prospects of a "war of civilizations" weigh heavily, and which different apparently antagonistic forces promote. French-style *laïcité* is strongly marked by the "Hobbesian" model, which makes the state (as the representative of the people) the bearer and principal agent of *the institution of truth*. It is notably marked by the state's monopoly – or, failing that, control – over the educational process, an essential aspect of which is the diffusion of scientific knowledge and the relativization of "opinions" or "beliefs." We have an illustration of this in the current conjuncture in the proposal to introduce into the curriculum the teaching of "the religious fact," meaning an objective perspective (scientifically-based, historical and sociological) on the diversity of religious discourses. The blindspot of such an institution is generally its implicit nationalism and its inability to "relativize" the cultural postulates on which its conception of scientificity is based. This model can be distinguished from a "Lockean" model, in which the state does not superimpose any instituted truth on beliefs and religious narratives, but "contents itself" with fixing the rules of the game for civil society, i.e., marking the distinction between legitimate beliefs, which respect freedom of conscience, and illegitimate beliefs, which do not restrict themselves to the private sphere or threaten the freedom of others (in reality this "minimal" function is never innocent: for Locke himself, it led to the exclusion of Catholicism, the religion of intolerance, from the field of tolerance – a place which in other contexts may be occupied by Islam, by "cults," "secular religions," etc.). The difficulties that arise from this model are the inverse of those of the previous one: an example of this today would be the fact that in some US states (the "Bible Belt") it is becoming very difficult to teach Darwin's theory of evolution, which is regarded as an assault on freedom of conscience and religious convictions of many families. To these two competing models from the classical period we could oppose a third, which is no doubt utopian, but has also been *practically* at work in the history of democratic politics, which I call "Spinozist": it makes religious (and more broadly ideological) belief neither the *private residue* of "civic religion" or instituted truth nor the *spontaneous organizing principle* of civil society, assigning the state the formal role of regulator, but a particular (and no doubt conflictual) mode by which individuals *form collectives* in the public sphere, or "subjectively" interpret what is "common." This amounts to making "parties" (not only political parties, as in our constitutional texts, but also religious or political-religious ones) the "contractants" [*parties prenantes*] in the ongoing process of public-opinion formation. The difficulty with this model, dramatically illustrated by certain contemporary situations, is maintaining over the long term the pluralism that each of the actors tends to negate or ignore for the sake of his own cause.

14. Except of course for a category of individuals who enjoy the "privilege" of having this second identity as their first: for example, the children of civil servants (whom Pierre Bourdieu called the "state nobility" – without forgetting the "state petty nobility"), for whom school is nothing other than a "natural" extension of the familial milieu. And it is undoubtedly no accident to find many of the fiercest defenders of *laïcité*, for whom the "veil" as such is a figure of the profanation of the place of truth, in this genealogical space. But this is not a determinism. And there would also be the place to examine more closely the contradictions that accompany this "second nature."

15. Even if they are not the same in all societies and countries: US students recite a pledge of allegiance to the Republic at the beginning of each day; in France this would be regarded as political interference, implicitly presupposing that patriotism is on the right...but one is particularly concerned with the uniformity of buildings, clothing, codes of "politeness" among teachers and students. By an amazing coincidence, at the very moment that practically all America is up in arms against the threat to religious and/or cultural freedom in France – from the spokesman of the ultra-conservative government to "queer" groups at west coast universities – the country is rocked by the "scandal" occasioned by the appearance for a few seconds of the right breast of pop singer Janet Jackson during the half-time show of a national sports event (the Superbowl), seen by millions of families...

16. During my own provincial schooldays it was pants or crinolines for girls, jeans for boys – a sign of "Americanization." Such is the casuistry of clothing, which we can be certain is now in full swing. The idea of the "headscarf," as we know, is not defined materially but ideologically by public authorities, who on this point are more theological than their charges. It is thus open to metaphor, in every sense. A beard or a bandana can be equivalent to a headscarf, and if some political-religious movement decided to advise its adepts to dress in green, red, or black, it would be necessary to "prohibit" green, red, or black...

17. Here one thinks of the famous formula by which Gayatri Chakravorty Spivak sums up Western "feminism" confronting the Third World: "White men saving brown women from brown men." Spivak's 1988 essay, "Can the Subaltern Speak?," discusses of how the British Empire "constructed" the question of the self-immolation of Hindu widows – *sati* or "suttee," at the price of a semantic slide which it would be interesting to consider in light of the current uses of the word *hijab* – as a symbol of female oppression and a privileged object of civilizing intervention by the colonizer. It is now taken up and amplified in her book *A Critique of Postcolonial Reason* (Cambridge, MA: Harvard University Press, 1999). To characterize the *impossibility* of feminine speech finding a place between patriarchal discourse, which manipulates tradition and culture, and that of imperialism, which manipulates law and morality, Spivak borrows the category of the "differend" from Jean-François Lyotard.

18. And this is even more the case in the Mediterranean ensemble as a whole: particular importance should be accorded in this regard to the analysis of journalist and essayist Salima Ghezali (editor of the newspaper *La Nation*, one of the most courageous voices of Algerian civil society), who shows that very similar claims to personal autonomy in some cases lead young girls to adopt the "Islamic veil" against their stigmatization, and in other cases to refuse its imposition.

19. We should not forget that after the French Revolution, which saw the rise and the repression of a large equal rights movement – "feminist" *avant la lettre* – the French nation consigned women to the tutelage of the Church for 150 years, reserving political education for men. But it must also be said that, in the current controversy, certain "feminist" statements (like "Droit des femmes et voile islamique. Notre appel à Jacques Chirac," a petition that appeared in the weekly *Elle*, December 8, 2003, with a number of prestigious signatures) tend less to affirm solidarity with Muslim "sisters" than to appropriate them as substitutes and alibis for a general claim in distress.

20. We would require a careful history of the "romance" between the republican school and girls from the North African immigration, the successes it has achieved, the hopes it has fostered, the illusions it has created, the obstacles it has met, and the difficulties and resentments it has led to.

21. The High Council on Integration, chaired by philosopher Blandine Kriegel, has just recalled the incompatibility of this idea with republican principles in its annual report ("Le contrat et l'intégration"), allowing the President of the Republic to score points against his younger, less intransigent political rivals (Mr. Sarkozy). During this time, although millions of French citizens are first-, second-, or third-generation North African immigrants, "Arab names" remain effectively banned from political representation and high administrative posts, with a few "symbolic" exceptions (a state secretary here, a "Muslim prefect" there...).

22. See Philippe Bernard, "Trois enseignants sur quatre veulent l'interdiction des signes religieux," *Le Monde*, February 4, 2004, commenting on the CSA poll for *Le Monde* and *La Vie*, which appeared the next day. After taking legal advice, the government gave up the term "visible" in favor of "conspicuous" in order to avoid explicit contradiction with the European Human Rights

Convention's articles on freedom of religious expression (see Marceau Long and Patrick Weil, "La laïcité en voie d'adaptation," *Libération*, January 26, 2004). The details of the poll show eloquently that, for a majority of teachers, the question of the veil is part of broader set of problems concerning "collective life," and that adopting the law is not conceived as taking a "philosophical" position but as a means of reinforcing their pedagogical authority and disciplinary power (which, to be sure, are not ideologically "neutral").

23. A study "on victimization," led by Prof. Eric Debarbieux at the request of the Ministry for Education, amply confirms the correlation between social exclusion and school violence (see "Plus d'un élève sur cinq se sent en situation de forte insécurité," *Le Monde*, January 30, 2004). Without in any way minimizing the gravity or specific meaning of "sexist" violence by boys against girls, whether or not it takes place under political-religious cover – providing the Stasi Commission and the legislature with one of their main arguments in favor of a repressive law – this should no doubt be situated in a larger context, which corresponds to that of teachers' perception of their deteriorating working conditions.

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