

WHAT'S IN A SCARF?

The Debate on *Laïcité* in France

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When my friend Susan Suleiman asked me what the title of this essay was going to be, I lazily decided to bank on her talent for translating and to send it to her in French, so much was I at a loss for a satisfying English equivalent for the word "*laïcité*." I was dumbfounded to learn that she, such a prominent "go-between" of the two cultures, would not translate it, thus implying that there was no proper equivalent in Anglo-American, especially not the term of "secularism." Must we infer from this that French *laïcité* is a closed idiosyncrasy, an hapax, as the generally hostile reactions—and not only from Muslim countries—that have been expressed in reaction to the French government's legislation on the matter of the Islamic scarf would lead one to think?

With regard to this question, I would like to go back to another source of misconception. In France, those who supported the 2004 law proscribing the display of ostentatious religious symbols (referred to hereafter as the "head-scarf law") came from all walks of life, but it so happens that many feminist activists stepped in. For example, the Grande loge féminine de France called for legislation, whereas the rest of freemasonry remained quite reticent.¹ As a result, this law has been understood by some feminists as a progressive one whose main purpose is to protect Muslim women from the yoke of tradition, be it actually transmitted or artificially reinvented. For the left wing, this has been the most conclusive argument, just as it certainly has been the best compensation for the fact that the law limits teenagers' freedom of expression and creates a conflict of values for the left wing itself. What has been missed is the possibility that, to those of Arabic or Muslim descent, such legislation may recall the frantic rush towards modernism that characterized the North African or Middle Eastern dictatorial regimes, from Mustafa Kemal's Turkey to the military regime of Algeria. Even if fundamentalists have known how to

turn such confusion to their advantage, it is still possible to superimpose a revolutionary rhetorical vein to defend such a questionable or regressive—from a feminist point of view—practice as the Islamic veil. The quandary well illustrates the tragic and persistent misconstructions entailed by any mechanism of compulsory emancipation. This very paradox is at the core of my essay.

The problem with French *laïcité* is that as soon as it is taken to designate anything other than its original field, which is that of the role allotted in public space to religious denominations and to religion in general, it gets entangled in all sorts of debates that go far beyond what is at stake in a mere reorganization of religious life within the framework of democratic modernity. The recent debate on *laïcité* has made it possible once again to put all the implicated problematics on the table. On 10 February 2004, the Assemblée Nationale voted into law the bill that proscribes ostentatious religious signs, putting a momentary end to the eternal issue of the scarf (which began in 1989). I shall not hark back to the details of the process that led the republic to enact such a law, one that quite dumbfounded France's neighbors. Instead, I would like to look at the span of time during which these discussions stirred the French. Moreover, the French model of separation is starting to cross borders in Europe, and I hope, later in the essay, to dispel a few Franco-American misunderstandings on that topic.

I wish first to show how French *laïcité*, as it is understood on this side of the Atlantic, has been distorted. Indeed, this version of *laïcité* is usually thought to be bellicose, whereas the French tradition is, in fact, diverse, and a moderate *laïcité*, one that is understood by the French to be defensive, has had the upper hand since the beginning of the twentieth century. Second, I wish to highlight yet another distortion, one brought about by a fusion between the debate on *laïcité* and that on communitarism. The fact is that an imagined communitarism, which is always seen as coming from the enemy, has tended to become the absolute Other to the French model of community in the political discourse.

Finally, I endeavor to define the French way of dealing with communities that has endured, until the issue of the headscarf intervened, by taking the historical example of the Jews, which should help us to grasp what the issue is about, notably so through the concept of the "assignment community" (*communauté d'assignation*). In the assignment community the self-perception that a particular religion might have is displaced by a form of citizenship imposed from the outside by the public power, which the group members are to, eventually, internalize. Being the sole legacy of the Enlightenment, or of the French Revolution, the paradigm of the attitude taken towards the minority groups was already the result of revolutionary emancipation on the one hand, and of preoccupations for public order, of counterrevolutionary Catholicism, and of Napoleonic and regressive power politics on the other hand. Such a combination has survived to this day. The reorganization of French Judaism has been invoked as a model for the creation of the Conseil français du culte musulman,

Judaism being taken as a first, an exemplary, and a political shaping of a minority cult. Indeed, if no reference was ever made officially to the model of the Consistoire in the recent process that led to the creation of the Conseil français du culte musulman, it was obviously at the back of the minds of its latest supporters, starting with the Interior Minister Nicolas Sarkozy.

(En)countering a Simplistic Opposition between France and the United States

The rift that we commonly see separating French and American models of *laïcité* has come to structure the perceptions one might have of the issue on either side of the Atlantic, but it is all too often simplistic. I shall start with “deconstructing” this transatlantic difference in order to delineate the actual watershed between a French and an American *laïcité* and to dismantle as completely as possible the misconstructions that proliferate on both sides. In France, American society is most often thought to be literally stifling under the weight of religion, but the antinomy is treacherous. The truth is that in the United States, just as in France, there are two contrasting traditions grappling with each other. I shall describe them briefly, borrowing from the typology suggested by Denis Lacorne.² He makes a distinction between: 1) the “accommodationists,” like Bush, who would make room for religion within the public sphere (insofar as the Constitution will permit this); and 2) the “separatists,” who wish to reinforce the division between church and state provided for by the First Amendment. Lacorne notes that a few traces of civil religion have remained in the United States, but that such traces have been erased in France since the law of 1905 was voted for the sake of pacification. One could invoke the naturalization ceremonies as an example. That said, we, in France, tend to neglect the fact that the “Founding Fathers,” children of the Enlightenment that they were, were by and large atheists or deists. The “one nation under God” slogan is rather recent. And above all, we forget in France that the United States can not only claim a public system of education but that, unlike in France, American private schools are subsidized neither by the states nor by the federal government. These observations will hopefully allow us to avoid rehashing the oversimplified dichotomies that poison the transatlantic debate on the topic. Contrary to what a deep-seated assumption claims, then, *laïcité* was born as much from the American Revolution as from the French one, and there is no reason to rank it among the notorious “French exceptions.” Not even in Europe can this be the case, since *laïcité* was instituted as early as 1795 in the Netherlands.

If the perception that we have in France of the relations between church and state in the United States is somehow distorted, the Anglo-Saxon world also has its fair share of misunderstandings. The hostile commentaries that arose about the voting of the headscarf law demonstrate this, especially in

Great Britain, where a columnist denounced the law as the most reactionary text enacted by a European parliament since 1945. The British and the Americans have reduced French *laïcité* to its most bellicose version, whereas numerous specialists, and most notably historians who have produced subtle analyses of the parliamentary debates that took place during the vote of 1905, have convincingly shown that the conception that prevailed was not that of the “eradicators,” nor of the supporters of a bellicose *laïcité*, but indeed that of the moderates. And here, I shall make a short historical detour.

The 1905 law brought to an end more than a century of struggle over what place there could or should be for religion in postrevolutionary France. It is often forgotten that the Constitution of February 1795—known as the “year III Constitution”—was the first French text ever to provide for the separation of church and state. It reads: “No one can be prevented from following the rites of the cult they may have chosen. No one can be compelled to participate in the expenses of any cult. The Republic does not remunerate any.” It is true that the Concordat implemented by Napoléon Bonaparte constituted a partial restitution to Catholicism of its privileged status, but even the Restoration failed to erase altogether the legacy of the Revolution. The conception of the republic that developed during the course of the nineteenth century did not necessarily require an antireligious struggle. Several priests blessed the Liberty trees that were planted everywhere after the fall of Louis-Philippe in 1848. It was during the Second Empire that antagonism set in between the supporters of the republic on the one hand and the church on the other. Indeed, those were times of close collaboration between the Catholic hierarchy and the regime, as is shown in *La Conquête de Plassans*, a novel written by Émile Zola in 1874. However, the “eradicators” were still few and far between among the political class of the Third Republic. For example, a November 1882 circular full of moderation advised teachers to deal with the matter of crosses in the classrooms with great care and to act according to “people’s wishes.”

In 1904 Émile Combes, who was then prime minister, a Radical, and a Freemason, presented a bill of separation. A controversy broke out right away between those who were in favor of simply reorganizing the various cults while taking into account the “intermediary bodies” already in existence (i.e., the Church as it was structured and subordinated to Rome) and those who demanded the full extirpation of Roman Catholicism, notably by encouraging the formation of schismatic churches that would be independent from Rome. (This stance could be considered a secular manifestation of the old gallicanism, the tendency of power, long before the French Revolution, to take charge of the religious problem and to isolate itself from Rome as much as possible.) The debates over the bill were all the more passionate because of the position adopted by Catholics during the Dreyfus Affair.

The two different models of separation vied in Parliament. The Radicals wanted the state to stop recognizing the Catholic Church and to limit itself to

guaranteeing believers a right of association to celebrate their cult. Others, among them Aristide Briand, thought on the contrary that the law must organize the use of the churches according to their historical structure, that is to say, the bishoprics. It is the latter version (the more moderate one, really) that was to prevail with the voting of the law's famous fourth article, which was proclaimed on 11 December 1905. This article was supported, among others, by Francis de Pressensé, a Protestant, and Jean Jaurès, a Socialist. The law provides that a cult's property should be devolved to its "associations" according to "the rules of general organization of the cult for whose administration they will assume responsibility." Rome and the Church then refused to constitute the said cult associations; this postponed the much called-for appeasement, which was only reached in 1924, once the ordeal of the Great War had completed the reconciliation between the "two Frances." Despite the fact that, even within the Republican Party, the "pact of *laïcité*" was struck in the sound and the fury, it turned out that some of its most faithful militants, such as Édouard Herriot, prime minister during the Cartel des gauches, were the first to consider building a mosque in Paris so as to inscribe Islam officially on the map of the French capital.

Has such a dichotomy between eradicators and moderates endured? We can say that it has. As revealed by the recent debate over the headscarf law, the "camp of *laïcité*" remains divided. One Michel Morineau, a former secretary-general of the Ligue de l'enseignement, continues to argue that the true spirit of the 1905 law of separation of church and state was above all an attempt at ending the religious war and not at eradicating Catholicism altogether. Similarly, Jean Baubérot, president of the École pratique des hautes études and the author of numerous studies of *laïcité* (and also the only member of the Stasi Commission to have abstained from voting in favor of a law), by no means contests the *laïcité* of Briand and of Jaurès—the "principle of the separation of the two spheres"—, but often warns against the dangers of a certain fundamentalism that would set an ideal *laïcité* against real religions.³

However, there are also passionate advocates of the most affirmative version of republican *laïcité* among French intellectuals, such as the philosopher Henri Pena-Ruiz. His own understanding of *laïcité* includes not only freedom of conscience but also a strict equality between believers, atheists, and agnostics. In his opinion the public privileges of the religions are not any more acceptable than an official privileging of atheism would be. It is therefore preferable to insulate the public sphere, which is dedicated to the common good, from the influence of any lobby. To prevent religions or atheism from impinging upon the public sphere does not amount to denying them any collective expression, but it is a safeguard against any inequality between adherents of the various types of spiritual options and a way of maintaining the nondenominational dimension of the space where they must coexist. It should be said, however, that the Stasi Commission report does not ultimately endorse such an unrelenting belief in the necessity of a neutral public space.

It recognizes that beyond sheer neutrality, there is a positive dimension to the concept of *laïcité*.

Nevertheless, we can say that it is primarily in a defensive mode that French public opinion perceives *laïcité* today. A survey entitled "Les Français, l'intégration et la laïcité" carried out on 14 and 15 January 2004—that is, in the midst of the debate around the bill—, showed that *laïcité* only came fourth (55 percent) among the elements considered the "most important" to the shaping of French identity.⁴ It was preceded by language, the social security system, and culture/patrimony. Twenty percent of the interviewees thought that the proscription of ostentatious religious signs constitutes the staple principle of *laïcité*. Conversely, 46 percent understood "the freedom for every man and woman to choose their religion" to be the most fundamental aspect of *laïcité*. However, 57 percent saw those ostentatious signs as "a threat for national unity."

As a conclusion to this brief historical digression, which has now brought us back to current preoccupations, one could say that those who wish to retrace the history of French *laïcité* should beware of adopting too teleological a view. In the course of the debate on headscarves the world of militant *laïcité* has been reshuffled as people have sided with the text or not. New rifts have formed, which now divide a number of organizations, including some teachers' unions. What could enlighten the various stands that have been adopted is the failure, back in 1984, of the idea of a "great unified public service" that had been that of Alain Savary, the then Socialist minister of National Education. Among other projects, he intended to eliminate subsidies for private schools. President François Mitterrand had to retreat in the face of the massive demonstrations organized to protest against such a bill. His disengagement provoked a deep crisis and the *laïcité* camp interpreted it as a defeat. It was at that moment that organizations such as the Ligue des droits de l'homme decided to turn their back on the narrow-mindedness that had so far confined *laïcité* to the anticlerical fight and to embrace the theme of "equality of rights" as well as the struggle "against the discriminations that are tainting the social contract."⁵ That is the reason why a whole series of associations that had traditionally sided with the *laïcité* camp (the Mouvement contre le racisme et pour l'amitié entre les peuples [MRAP], the Ligue des droits de l'homme, and, to a lesser extent, the Ligue de l'enseignement) opposed the bill, although they were sometimes quite embarrassed to be protesting alongside Muslim fundamentalists. They have been called the "neocommunitarians" ("*néo-communautaristes*") by those who hold on to their classical "anticlerical" positions.⁶

The Issue of Communitarism, or the Other Side of the Debate on *Laïcité*

Paradoxically enough, part of the difficulty in perceiving what is really at stake in the current debate on *laïcité* comes from the fact that it is contaminated by

controversy around the issue of American-style communitarism. The problem is that notions and concepts born in an American scholarly context have been considerably distorted when mobilized in a French political context. In an article about anti-Semitism, Jürgen Habermas remarked upon the complex distortion that took place whenever scholarly American debates were transferred into the politicized world of Europe, where universities are not, as is the case in the United States, kept at a respectable distance from public life.⁷ Whereas the expression of "political correctness" was coined in the American academic milieu to defend European culture and its "canon" against the attacks of a "cultural left" keen on deconstruction, the expression migrated to the Old Continent at the beginning of the 1990s to designate something else entirely. Whenever "political correctness" is being berated in Europe (primarily in Germany and France), what one generally has in mind are the social limits that have supposedly been imposed by minorities upon the mainstream. Minority groups are thought to impose a series of taboos upon the public space, and opposing political correctness can be seen simply as a way to fight for emancipation. It may even be read as a contestatory *soixante-huitard* attitude railing against a "conformist consensus" in the name of freedom of expression. It is perfectly acceptable to flaunt one's "political incorrectness" in France today as a means to denounce "mainstream" or "majority" thought; it even occasionally paves the way to notoriety, as authors such as Maurice Dantec, Renaud Camus, Michel Houellebecq, or Oriana Fallaci show.⁸ One might exaggerate a little and say that to strike such an attitude does not so much identify "neoreactionaries," as Daniel Lindenberg put it,⁹ as "right-wing revolutionaries" (to borrow from Zeev Sternhell's typology). In other words, there has been a shift from campus conservative irony to active social criticism, in which right-wing ideology has combined with a renewed rebellious drive. Insofar as minorities are being upbraided for trying to obtain a recognition of their norms by the mainstream, the use of the expression "political correctness" has become tainted in Europe with a certain nostalgia; it seems to hark back to a notion of social, cultural, or ethnic homogeneity that now seems threatened by an otherness that appears dangerous. This observation helps to account for the intellectual context in which the headscarf debate took place.

Such an active nostalgia for homogeneity qualifies the stand of what one might dub the "taboo transgressors," namely, Martin Walser in Germany¹⁰ and Michel Houellebecq—him again—in France (the latter being busy upbraiding the *soixante-huitard* culture that is now seen as dominant). There is a corollary to it, which turns the notion of communitarism into a *Feindbild*, an enemy of contemporary France. One may wonder how communitarism, a theory born in the United States in the wake of John Rawls' critique of liberalism, has come to signify the absolute enemy in France. First of all, the fact that American communitarians threaten neither the principle of unity nor the reference to the republic has been evacuated. The common good does not appear as the prevailing either of one community or a *Leitkultur* over another but as

the preservation of the very system, multicultural in its very essence, that insures harmony between several communities. A received notion holds that the community acts as an airlock, as a necessary phase, and as a passage towards an open society, that those who do not belong to a group to begin with cannot be integrated in American society, and that the communitarian stand is much more the mark of integration than the symbol of its failure. The French have never taken to this notion. In France the research institutes and individual voices (such as sociologists Alain Touraine and Michel Wieviorka and philosopher Alain Renaut) that have a less bleak vision of communitarianism are undoubtedly a minority among intellectuals.

In a recently published text, however, Pierre Birnbaum, a sociologist, has shed light on the shortcuts that certain American, Anglo-Saxon, and German interpretations of the "French model" have taken.¹¹ According to him, analysts tend to oversimplify and misunderstand French history, be they advocates of the "French model," who praise a civic nationalism that has no ethnic content (Ernest Gellner, Habermas), or, conversely, its communitarian contemptors (Michael Taylor, Michael Walzer, Will Kymlicka), who more or less violently attack its supposedly endemic jacobinism and assimilationist rage. The "Thick State" side, which has been and is congenial to the formation of the republic, is read by Birnbaum as a legacy from the long struggle that the supporters of the Revolution and the Enlightenment had to wage against a form of ethnic nationalism inherent in the French tradition. The counterrevolutionary spirit and local resistance, here and there, to integration into the republic helped to form a very particular type of French nationalism at the end of the nineteenth century, one that believed in the values of Blood and the Land. Countries like the US and even Great Britain never had to contend with the same kind of resistance. This trend is thoroughly alien to the Anglo-Saxon world, where one may be "Burkian" (i.e., a critic of the Revolution's legacy from a liberal point of view) and "left-wing" at the same time. Such a combination is untenable, both intellectually and politically speaking, in the Hexagon.

This line of thought must be furthered by another, which brings us back to the symbolic meanings of the reassertion of *laïcité* by the headscarf law. In this case, as in the one mentioned above, the characteristics of the French model of "strong democracy" (which, through the integration of individuals, demands from them a high level of civic commitment and a renunciation of a display of their belonging to a group outside a private sphere whose borders are not set) did not spring up spontaneously; they came as a reaction. If France is seen as a jacobin country, one must still take into account the democratic dimension of the formation of the republic. This aspect is often disregarded in unnuanced presentations of the French model as a great devourer of particularisms. There really is a specifically French way to deal with local, linguistic, or religious particularities (which I will discuss later on). The importance that republicans, Socialists such as Jaurès, and even the republican public school have attached to the theme of the "little fatherlands" ("*les petites patries*") at

the beginning of the twentieth century (as historians such as Jean-François Chanet, Anne-Marie Thiesse, and Stéphanie Morel have shown) proves this. As observed above, the fact that moderates, and not eradicators, had the upper hand in the process of separation of the church and state also attests to it. More recently, the difficult attempts at resolving the question of Corsica, or the attempts at reintroducing a certain amount of affirmative action in France, point to it. I grant that public opinion goes not greet such measures with outbursts of enthusiasm: according to the aforementioned survey conducted in January 2004, 60 percent of interviewees were opposed to them, with a higher proportion of the persons opposed among the young. Nonetheless, compromise remains popular since the same survey revealed that 59 percent of those surveyed supported, when necessary, the replacement of pork in the dining halls of primary and high schools (that is, in the very heart of the republic), so as not to infringe upon the convictions of Jewish or Muslim pupils. This aspect of the life of the republic, which is at the same time more balanced and a far cry from both the "veil of ignorance" thrown over particularisms and from Rawls' consensus, is bound to be forgotten when one sets out to make a standard (as is the case with partisans of the republic and French sovereignty) or a countermodel out of the French type of republic.

One ought therefore to be suspicious of unnuanced presentations. If the image of France as the very embodiment of an assimilationist nationalism—or as the countertype to the American "salad bowl"—largely pertains to an imagined France rather than to historical or sociological reality, if France does adopt policies of real recognition in spite of the obstacles that the presence of a strong ethnic and self-contained nationalism represent, one must minimize the outcries of the Anglo-Saxon adversaries to the stand that has been taken as far as *laïcité* is concerned by the Stasi Commission and then by President Chirac. It is true that the taking into account of ethnic or religious diversity proceeds, temporarily, from the reckoning with the French colonial past, and it is also true that, in a way, the proscription of the headscarf indicates a change in dealing with such a memory. The step taken by France with this law must be interpreted as the tracing of a border, of a limit, and not as an atavistic rejection of diversity, nor as the proof that a type of *laïcité* that would eradicate is still alive.

On the other hand, the idea of a multicultural society conducive to more harmonious social links is seldom advocated in France. As a matter of fact, a certain number of French intellectuals see the anti-Semitism that flared up in fall 2002 as some kind of counterproof that the multicultural society, with its ideal of mixed marriage (*métissage*), is a failure. They contend that, far from allowing for an idyllic cohabitation between groups with strong identities, communitarism would only bring about a conflictual juxtaposition of self-enclosed groups. A counterexample to the counterproof would be the immense interest kindled by two young veiled women, Alma and Lila Lévy-Omari. These two French Muslims were excluded from their Aubervilliers high school in October 2003 for wearing the veil. It is hardly irrelevant to the media

uproar that followed that their father should be of Jewish descent and an MRAP militant and that their mother should be a Kabyle. The left wing effortlessly turned them into the symbol of an unexpected cohabitation between two of the most antagonistic communities in France today.

The most influential among the intellectuals who rail against an idyllic vision of the multicultural society is certainly the sociologist Pierre-André Taguieff. He contends that the very idea of mixed marriage is a pure reversal of social darwinism, an eternal protest against the "closed society" that was inspired somehow by Henri Bergson's Christian-oriented philosophy.¹² The latter's vision of a "normative communitarism" excludes both the principle of *laïcité* and the privatization of faith (the two classical poles of *laïcité*). Taguieff adds that due to a mad logic the contemporary critics of communitarism are now those who themselves reason according to the most communitarian logic.

True enough, Taguieff has met with approval from quite a few voices in France, which have been raised on the mode of the self-fulfilling prophecy. It is easy for Taguieff to savage the "communitarism" that has become an "anti-communitarism" when the Muslim fundamentalist Tariq Ramadan denounces in his texts (including one published in *Le Monde*¹³) the "communitarism" of Jewish intellectuals who side with Israel. It is easy when Pascal Boniface, a geopolitics specialist who is close to the Socialist party (but no longer a member), starts railing against "communitarism" and attacking the "Jewish community" of France which "could become a loser [...] by dint of too much leniency in the face of the Israeli government's impunity."¹⁴ The fact that the communitarism that is stigmatized should almost always be Jewish is easily verified by the following revelatory remark from Boniface's controversial letter to Socialist party leader François Hollande, which was reprinted in *Le Monde*: "The community of Arabic and/or Muslim origin is certainly not as well organized, but it will want to weigh in on things, and will soon be numerically stronger, if this is not already the case." When somebody like Boniface advises the head of a political party such as the Socialist party to give up their commitment to Israel on the grounds that it would be more beneficial, politically speaking, to adopt pro-Palestinian positions that could seduce young people of Arabic origin, one can indeed agree with Taguieff's diagnosis.¹⁵

Nevertheless the question remains as to what is expressed by the communitarism that so scares contemporary France; the expression holds the same amount of menace that those of "totalitarianism," "communism," or "fascism" held in the past and is so efficient in discrediting the adversary that it has come to designate the French model's Other. Communitarism "could not possibly be France's choice," Jacques Chirac declared in the speech he delivered on 17 December 2003 to present the bill proscribing ostentatious religious signs. A mere semantic scan of the Stasi Commission's report on *laïcité* is enough to glean to what extent the notion of communitarism has been turned into a countermodel in today's "French ideology" (to parody Bernard-Henri Lévy), and, with this notion, the very project of a multicultural society.

One need only see what Pierre-André Taguieff makes of it. The adjective "communitarist" is systematically associated with the noun "withdrawal." "Communitarist logics" are animadverted and used to designate the behavior of those who "give priority to a particular group rather than to belonging to the Republic," etc. At the same time, constant reference to the community is made in the text, and to what can this refer, in the context created by the debate on *laïcité* or in the history of the relation between the French republic and its minorities, if not a dream of ethnic homogeneity?

The Assignment Community, or the "Real" French Model of *Laïcité*?

At the outset of this essay I was wondering whether French *laïcité* could be interpreted as a national idiosyncrasy, which would account for the incomprehension that European diplomats have manifested in reaction to the headscarf law. It is possible to distinguish roughly between three types of *laïcité*, or rather of relations between the state and religion, in Europe: 1) that of the state religion (Great Britain, Greece); 2) the concordat system, in which certain religions are recognized and, moreover, receive financial assistance through the system of taxes (Germany); 3) a system of strict separation (as in France or, to a lesser extent, in the Netherlands). In fact there are more links between one type and another than one might think. For example, it is often overlooked that the issue of the veil, which created controversy in France in 1989, had been debated the same year in England during a similar case (but one with a different outcome). One does not, then, always heed the fact that the third type of *laïcité* is making headway in Europe, especially in Belgium, nor that Turkish Kemalism owes much of its inspiration to the French model. If, then, French *laïcité* is not an isolated phenomenon by any means, what is striking, on the other hand, if one were to take a look at the integration process of the Jews in the post-Revolution state, is the very special style lent to *laïcité* by the context in which the state has dealt with non-Christian minorities.

The forms given to the organization of the cults during the nineteenth century testify to a will of emancipation and of greater access to citizenship for a certain number of minority groups. In the case of the Jews, however, a case that stands as a paradigm for such a will to develop, this process remains stained by deep-seated prejudices, namely by an anti-Semitism of resistance and of reconquest that is distinctive of nineteenth-century Catholicism as well as of the typical anti-Semitism of the French Enlightenment (the study of which Arthur Hertzberg pioneered).¹⁶ Such tension between a will of emancipation and one of repression results in the following paradox: French *laïcité* creates an airlock towards integration, but it does so through compulsory membership in the community. This is what happened in the case of the Jews at the beginning of the nineteenth century.

For Napoléon, in 1806, the question of structuring the cult of the approximately 60,000 Jews who were part of the Great Empire was bound up with the repression of a supposed Jewish usury in Alsace, which figured prominently in all the debates on this issue at the time. As a matter of fact, it had become as much a political problem as a religious one for the Emperor. In his well-known work, *Napoleon and the Jews*, historian Robert Anchel has also exposed the indirect but decisive influence of an anti-Jewish party.¹⁷ The latter could boast such big names as that of the Viscount de Bonald, a Catholic writer and spiritual father of the counterrevolution led by the newspaper *Le Mercure*, as well as that of the Abbot Augustin Barruel, the famous inventor of the conspiracy theory. Anchel has reconstituted the anti-Jewish diatribes of Napoléon in the Conseil d'État. It must be acknowledged that such anti-Semitism was moderated by some of the Conseil's jurists. (This was the same council that, endowed with quite different functions, had to give its ruling in 1989 on the issue of the Islamic veil.) Anchel even relates a surreal scene during which Napoléon and one of his counselors were having a violent argument about the content of the Talmud, which neither had read and which they knew by mere hearsay. The problem was thus solved well before the controversy had abated; an assembly of deputies was convened, supposedly to represent the Jewish population. They had been named by the prefects and were in charge of resolving the question of debts to the Jews and of their possible suspension. In Parliament, a malicious questionnaire that insisted on polygamy and divorce (abolished by the Code Civil) had been elaborated, probably so that the answers would permit the Jews to be deprived of the citizenship granted to them by the Revolution. The issue of mixed marriage (between Jews and non-Jews) was the topic of many heated discussions. The public powers fought for it, seeing it as the only way to "change the spirit of the Jews."

Subsequently, Napoléon wished to have Parliament's decisions endorsed by the meeting of a Great Sanhedrin in 1807; such a religious body would resuscitate the juridical forms of ancient Israel in the nineteenth century. His idea was to lend the authority of the Talmud to his decisions and to turn them into laws for Jews throughout the world. The inconsistency that would become the crux of any subsequent dealing with religious minorities was already at play here: whereas the Jews were expected to become "brothers" of the other citizens, they were the object of special measures, including repressive ones. The Sanhedrin nevertheless succeeded in resisting the imperial will on the subject of mixed marriage, renouncing the anathema pronounced against it while obstinately refusing to grant mixed marriages religious consecration. The Great Sanhedrin had little influence among Jews at that time, but it still resulted in cementing the unity of French Jews, who until then had been split between Portuguese and Germans, and in constituting French Judaism. The latter shifted from a formal reality to an actual one. It is precisely what remains at stake in the measures taken to organize minority cults, more so than the effects of the ruling of dogmas and doctrines. (Of course, the

context is now democratic and freed from Napoleonic authoritarianism.) The aim is nothing less than to transform a minority community by civic magic, thus providing the state with modern and authoritative interlocutors who can be received as persons installed by tradition and history. In other words, and under the guise of communitarian ideology, French *laïcité*, be it concordat-like or postseparation (1905), is, to this very day, conducive to community.

Jean Baubérot, one of the historians of *laïcité*, commented upon the way in which Jewish emancipation proceeded in the wake of the French Revolution with the following remark, upon which I would like to focus for the sake of my argument: "The case of the Jews is exemplary here [...]. The minority individual finds himself in a tricky situation. He is asked a lot more of than the majority individual; he is asked to behave as if detached from the group to which he belongs, but on the other hand he is recurrently sent back to such a communitarian belonging, no matter how much distance he has or tries to have from the norms of his group." He goes on to write, "And here, we can say that the France of the beginning of the twenty-first century was not drastically different from that of the eighteenth century."¹⁸ Napoleonic fictions—which substituted an imagined community for real groups or nations—have a contemporary counterpart. To take one example: when the powers that be overlook the different meanings of the various religious signs within the three religious creeds (Islam, Judaism, Christianity) and declare a fake equivalence between the veil, the kippah, and the cross, thereby indirectly interfering with the content and the interpretation of dogma. This is a consummate example of the interventionist attitude that the jurists of 1905 had wanted to avoid, but that was at stake with the Jews in 1806 and with the project to create a "French Islam" ("*islam républicain*").

Conclusion

The metamorphosis machine, which turns groups into religious communities and into "denominations" by splitting what is inevitably united in religions such as Judaism and Islam (i.e. religion and politics), has undeniably been put to work again. The idea behind this process was to contribute to the integration of French Muslims. The fact that the government that enacted the headscarf law should have been a right-wing one is hardly a coincidence; it traditionally tends to deny the social origins or aspects of problems and to amalgamate them instead with identity questions. The state obviously intends to once again create assignment communities and force the Muslims into them while pretending to fight communitarianism. But in spite of all that, one can ask if a kind of renewal of an active (if not bellicose) *laïcité* that would intervene in matters of dogma is not full of potential "perverse effects"—to use Albert Hirschmann's expression¹⁹—or unexpected backlash?

First of all, as I have previously pointed out, this kind of approach to the problem implies the exclusion of self-representations of the religions that one

wishes to reorganize. But it so happens that Islam as well as Judaism do not constitute a religion that would be a "creed," or a "denomination," but are civilizations, as the Israeli sociologist Shmuel Eisenstadt suggests. And it is precisely into that separation that political religions are forced to enter the republic, and the struggles around religious symbols such as the headscarf testify to such a tension. These religions are all the more involved as the ideal of *laïcité* seems to have become a discourse that tends in France to replace an impossible public religion (that of reason and progress) or secular messianism (communism), which has been losing ground since 1989. What such a *laïcité*, which I prefer to call a substitution *laïcité*, requires is not only the opening up of the national state to diversity, but also reformulation of individual identity. The question remains as to whether contemporary French society retains enough attraction to obtain real intellectual reform from these individuals, just as that exacted from the Jews by Napoleonic France. Isn't the republic currently devolving its responsibilities onto religions in order to secure public order and peace in the suburbs—at the cost of an increasing communitarization of its political mores? Will it be able to achieve the adhesion of Islam to the republic, insofar as Islam, unlike Judaism, is a minority religion in Europe but is seen by some of its members—especially supporters and militants of radical Islam—as potentially a majority one, through proselytizing? The answer to these kinds of questions will reveal whether the French "republican reactor" is exhausted or whether it can remain a model.

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Notes

1. See my article, "La Loi sur le voile divise le camp laïc," *Le Monde*, 17 January 2004.
2. See, for example, Denis Lacorne, "God is near, l'instrumentalisation du religieux par le politique aux Etats-Unis," in *Religion et politique, une liaison dangereuse*, ed. Thomas Ferenczi (Brussels: Complexe, 2003), 179-88 and his unpublished paper delivered at the Assemblée Nationale for a roundtable called "La laïcité et l'intégration en Europe," during the Treizième Journée du livre politique on 7 February 2004.

3. Jean Baubérot, "La laïcité entre citoyenneté et droits de l'homme," in Ferenczi, *Religion et politique*, 235-55.
4. "Les Français, l'intégration et la laïcité," TNS/SOFRES survey (for *Lire la politique*) of 1,000 people aged 18 and above, 14 and 15 January 2004, http://www.tns-sofres.com/etudes/pol/090204_laicite_r.htm.
5. *Le Monde*, 17 January 2004.
6. See my article cited in note 1.
7. Jürgen Habermas, "Tabuschränken: Eine Semantische Anmerkung," *Süddeutsche Zeitung*, 7 June 2002.
8. Michel Houellebecq, *Les Particules élémentaires* (Paris: Flammarion, 1998); Maurice Dantec, *Laboratoire de catastrophe générale, théâtre des opérations II* (Paris: Gallimard, 2001); Oriana Fallaci, *La Rage et l'Orgueil* (Paris: Plon, 2002).
9. Daniel Lindenberg, *Le Rappel à l'ordre: Enquête sur les nouveaux réactionnaires* (Paris: Seuil, 2002).
10. See the scandal aroused in Germany after the publication of his *Tod eines Kritikers* (Frankfurt: Roman Suhrkamp, 2002), which describes the murder of a book reviewer of Jewish origin, implicitly targeting Marcel Reich-Ranicki.
11. Pierre Birnbaum, "Entre universalisme et multiculturalisme: le modèle français dans la théorie politique contemporaine," in *La Constellation des appartenances, nationalisme, libéralisme et plurlisme*, ed. Alain Dieckhoff (Paris: Presses de Sciences Po, 2004), 257-80.
12. See, for example, Pierre-André Taguieff, *La Nouvelle Judéophobie* (Paris: Mille et une nuits/Fayard, 2002).
13. Tariq Ramadan, "Antisémitisme et communautarisme: des abcès à crever," *Le Monde*, 29 October 2003.
14. Both this quote and the following one by Boniface are cited in Camille Boulongne, "Le géopolitologue Pascal Boniface quitte le Parti socialiste," *Le Monde*, 19 July 2003.
15. On the Pascal Boniface affair, see my *Histoire personnelle de l'antisémitisme* (Paris: Robert Laffont, 2003), 134-39.
16. Arthur Hertzberg, *The French Enlightenment and the Jews: The Origins of Modern Anti-Semitism* (New York: Schocken Books, 1968).
17. Robert Anchel, *Napoléon et les juifs* (Paris: Presses universitaires de France, 1928).
18. Baubérot, "La laïcité," 237. See also his *Histoire de la laïcité française* (Paris: PUF, 2000).
19. Albert Hirschmann, *Deux Siècles de rhétorique réactionnaire* (Paris: Fayard, 1991).

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