

Trying to Understand French Secularism

Talal Asad

In modern society there is typically a multiplicity of religious beliefs and identities, and—so we are told—they can be held together only by a formal separation between religious belonging and political status, and by the allocation of religious belief to the private sphere. To be fully part of a democratic community, citizens holding different religious beliefs (or none) must share values that enable them to have a common political life. These values reflect the unity of the state that represents them. Without shared values there can be no integration, without integration no political stability, without some measure of stability no justice, no freedom, and no tolerance. Secularism provides the framework for realizing all these things.

But what do people mean when they say that the integration of a national population requires them to “share fundamental values”? Partly they mean that all citizens should “respect the law,” and that therefore they should accept the final authority of the national state (but foreign nationals resident for varying periods in the state as well as tourists and visitors from many lands are also expected to “respect the law” without sharing fundamental values). Sometimes they also mean that if members of society share verbal and behavioral codes they can communicate better with one another (although good communication is as likely to facilitate dispute and disagreement as it is to secure consensus). Mostly what people have in mind, I think, is something that they all value equally and that *therefore* holds them emotionally together. An interesting question is why everyone’s having essentially the same values should be thought to be so crucial for urban societies in which most interactions are between strangers, more often than not ephemeral in character, and in which most people are probably thankful they do not have to bond emotionally with one another in every urban encounter. In each society there are circles of trust and mistrust, archi-

pelagos of solidarity set in seas of danger or distaste, that do not coincide with state boundaries.

It will quickly be pointed out that this sharing of values and sentiments is not about quotidian life but about collective decision making at a nation-state level by which diversity is managed and a sense of national belonging is fostered, and that the latter can only happen if civil status is separated from religious affiliation. But although it is normal for liberal democracies to insist that all citizens have the same civil and political rights—for example, that they are entitled to due process, to political and legal representation, and so on, irrespective of belief, race, or gender—it does not follow that religious, racial, or gender criteria are necessarily excluded from consideration in assessing or improving the status of legal persons who are citizens.¹ In other words, neither the qualities that make all citizens politically equal in a liberal democracy nor those that differentiate them in it require “the general sharing of core values”—a homogeneity that defines *the nation* as a community of sentiment rather than the state as a structure of law.

In relation to the European Union, one often reads that “A shared religious heritage based on Christian values . . . may be seen as one formative cultural influence at the heart of and giving substance to ‘European’ civilization.”² Although the constitution of the European Union excludes any reference to Christianity, the sentiment that Christianity is central to its heritage remains quite common in Europe. Many French people, while strongly opposed to any mention of religion in the EU Constitution,³ have no difficulty in speaking of their “Judeo-Christian legacy”⁴—a pregnant phrase now that “Islam” has become the Stranger Within. A history of shared cultural values is taken to be a sound basis for political union. What it means to say that Europe shares a religious heritage, however, given its recent history of bitter conflicts and wars, is not clear. Nor is it obvious what “Christian values” (or “Judeo-Christian values”) are, given that historically Christians (and Jews) have valued a wide range of often inconsistent things on the basis of different interpretations of traditional texts. Nevertheless, the idea that a successful modern nation-state rests on a dominant culture that encodes shared values is now commonplace.

The assumption that there are core values, a national culture that secures political unity, enables many people in Europe to ask: How do the values of Muslim immigrants affect the unity of the nation? Many non-Muslims express anxiety because of their belief that “Islam” does not negotiate with “non-Islam.” One response to that has been to insist that both in the past and today many Muslims *have* negotiated with non-Muslims, and *have* adapted to life in politics ruled by non-Muslims—especially in colonial countries. But beyond such attempts at liberal reassurance it can be argued that even in liberal societies politics is not merely about toleration and adjustment. Because of the emphasis on autonomy in modern secular society, democratic politics is also about resisting power that demands adjustment to privileged norms, about exerting pressure to alter laws that underwrite social conditions regarded as unjust or unreasonable. The liberal claim that

societies must be “open” implies that majorities do not have an absolute right to remain undisturbed. Even in a democracy the majority may have to learn to reorient itself. “Assimilation” is never a one-way process, but the attitude of the majority to its signs is always critical: Is the process to be read as enrichment (never tidy, often unpredictable in its consequences) or as contamination (“adulteration,” “debasement,” “mongrelism”)? There is in fact no “final solution” to political problems—other than death.

The preoccupation with unity has been a central feature of authoritarian discourse, and the requirement of loyalty to symbols of the nation is central to that political tradition. I do not mean to suggest that it is always an indicator of authoritarianism. My thought is that the call for “unity” and “integration” may be seen as part of the problem of *centralized state control*. Those who are to be unified or integrated are required to submit to a particular normative order. The solution to that problem has taken various forms. The genocidal horror inflicted on European Jews by the Nazi state, including Jews who had assimilated, was one such “final solution.” Effacing public signs of religious difference in order better to integrate with the abstract state they inhabited did not save them. For this racist state, assimilation was itself highly dangerous because it carried the implication of degeneration.

Racist states seem to have emerged in Europe at the threshold of modernity. The Spanish historian Rodrigo de Zayas describes how, during the latter part of the sixteenth century, Spanish ruling elites came to the conclusion that Moriscos (Spanish Muslims who had been forcibly converted to Catholicism) had to be eliminated in order to attain a unified nation. They discussed ways of attaining that end, including genocide, assimilation, and deportation. Being assimilated to the state religion did not save the Moriscos. In 1609 a law was finally passed in favor of deportation, resulting, Zayas writes, in the first racist state in European history.⁵ True, there was an earlier “racist” law forbidding anyone who didn’t have “clean blood” from taking up a paid position in Spain—the person concerned having to prove that no Jew or Muslim had been a member of his family for at least four generations.⁶ Zayas argues, however, that this was a confused way of trying to identify “religious purity” in *specific* cases. By contrast, the 1609 law focused neither on religion nor on the individual case but on an entire minority population identified formally as “a different nation” according to cultural signs (dress, language, habits, etc.). This reading amounted, in effect, to a “secular” response to the problem of integration, even though it had emerged from the realm of Catholic Kings. In many respects, Zayas claims, the “Morisco question” in the sixteenth century anticipates the “Jewish question” in the first half of the twentieth: a concern with the “political health” of a governed population.

In what follows I want to look in some detail at another secular reading recently rearticulated in France in relation to its Muslim citizens, which is certainly not as drastic as either of the two I have mentioned. France is, after all, a democratic country, in which various liberties are safeguarded, legally and in everyday intercourse. I reflect on the recent

restatement of *laïcité* from an anthropological perspective, by which I mean simply trying to see a particular public event—or series of interlinked events—as the articulation of a number of organizing categories typical of a particular (in this case political) culture. The event on which I focus is the so-called Islamic veil affair and its central articulation is the Stasi commission report. But first a caveat: much has been written on this subject, some arguing for and some against the right of young Muslim women to wear the headscarf in school; my essay is not part of that debate. Nor is it in any sense an attempt to offer solutions to what is often called “the crisis of *laïcité*.” Its more modest aim is simply to try to understand some concepts and practices of French secularism.

For most of 2003 and much of 2004, following a speech by then Interior Minister Nicolas Sarkozy in April 2003,⁷ French public opinion was exercised by the affair of “the Islamic veil.” Should Muslim girls be allowed to wear a covering over their hair when they are in public schools? The dominant view was definitely that they should not. A considerable amount of polemic has been published on this topic, in France as well as elsewhere.⁸ This was not the first time that the matter had been publicly discussed, but on this occasion the outcome was a law prohibiting the display of religious differences in public schools. The headscarf worn by Muslim schoolgirls has become a symbol of many aspects of social and religious life among Muslim immigrants and their offspring to which secularists object. Researchers have inquired into the reasons for their lack of integration into French society,⁹ and especially for the drift of many of their youth toward “fundamentalist Islam” (*l’islamisme*), a drift that some trace to pervasive racism and to economic disadvantage, but that others see as a result of manipulation by conservative Middle Eastern countries and by inflammatory Islamist Web sites. Intellectuals have debated whether and if so how it is possible for religious Muslims to be integrated into secular French society. The passions that have led to the new law are remarkable, and not only on the part of French Muslims. The majority of French intellectuals and politicians—on the left as well as the right—seem to feel that the secular character of the Republic is under threat because of aspects of Islam that they see as being symbolized by the headscarf.

Grace Davie, a well-known British sociologist of religion, has written extensively on contemporary European religion. Referring to France, she writes, “It is . . . the country of Western Europe which embodies the strictest form of separation between church and state. The French state is rigorously secular—or ‘*laïque*,’ to use the French term. It is conceived as a neutral space privileging no religion in particular and effecting this policy by excluding the discussion of religion from all state institutions, including the school system.”¹⁰ Statements like this assume that French secularism is built on relatively simple and austere principles. As I shall argue, this is far from being the case.

People commonly find the origin of *laïcité* in the constitution of the Third Republic at the end of the nineteenth century. But secularism has many origins, and I find it useful to begin the story in early modern times. At the end of the sixteenth-century wars of religion, the states of Western Christendom adopted the *cuius regio eius religio* principle

(the religion of the ruler is the religion of his subjects). This agreement is part of the genealogy of secularization in that it attempted to resolve *particular religious* problems by adopting a *general political* principle at a time when “the core of religion” was coming to be seen as an internal matter. Contrary to what is popularly believed, it was not the modern world that introduced a separation between the religious and the political. A separation was recognized in medieval Christendom, although of course it meant something very different from what it means today. For one thing, it articulated complementary organizing principles. Although in theory distinct, “temporal power” (the monarchy) and “spiritual power” (the church) together embraced the entire realm through a multiplicity of mutually dependent—and sometimes conflicting—*personal* relations. The medieval idea of the king’s two bodies (the body natural and the body politic, the one physical and the other metaphysical) was eventually transfigured.¹¹ The state became de-Christianized and *depersonalized*: political status (a new abstraction) could be separated from religious belonging, although that doesn’t mean it was totally unconnected with religion. The dominance of “the political” meant that “religion” could be excluded from its domain or absorbed by it. That in turn presupposed a political concern with identifying religion either in its nominal or adjectival forms. The reading of uncontrolled religion as dangerous passion, dissident identity, or foreign power became part of the nation-state’s performance of sovereignty. Defining religion’s “proper place” while respecting “freedom of conscience” became both possible and necessary.

Put another way: once the state became an abstract, transcendent power, independent of both rulers and ruled (as Hobbes famously theorized it), it was possible to argue about the scope of its national responsibilities toward social life as a whole—the space in which subjects with different (religious) beliefs and commitments live together. It became natural for *the state*—now seen as an overarching function distinct from the many particular purposes of social life, and distinct also from the national bureaucrats, parliamentary representatives, judges, and other officials who carried out that function—to decide not only who was deserving of (religious) tolerance in that life but what (religious) tolerance was. And it became possible to think about mobilizing the sentiments of *both* rulers and ruled in support of the integrity of beliefs that could be obeyed. Signs (emblems) were needed for the abstract state to represent itself, of course, and beyond that, it needed the ability to deal with signs that defined what it represented. Signs are important to all political authority, but especially so to the modern state because of the several domains that it carves out and the diverse activities it regulates.

In 1589 the Edict of Nantes gave French Protestants the right to practice their religion in a Catholic realm, at the very time when Spain was on the verge of expelling its Muslim converts to Christianity. Although the Edict was revoked in 1685, the French Revolution a century later denounced all “religious intolerance” and attacked the ecclesiastical hierarchy in the name of Liberty, Equality, and Fraternity. The political oratory and pamphleteering of the Revolution crystallized a public space that was national in its focus and

ambition. By then, of course, the essence of religion had come increasingly to be defined as consisting essentially of personal belief, so that the Church as a public body appeared primarily to be a rival for political authority. The result was nearly a century of bitter conflict between the state and its internal competitor for sovereignty, a conflict finally resolved under the Third Republic, which was dedicated to a civilizing mission in the name of the Revolutionary ideals of humanity and progress.¹² When in 1882 the Third Republic made secular schooling compulsory for six- to thirteen-year-old children, national education became a means of inculcating positivist humanism in its future citizens and weaning future generations away from the historical Church. It was coincidentally then, under the Third Republic, that a significant extension of France's colonial conquests took place, justified by its *mission civilisatrice*, the crusading complement to its positivist nation-building at home. (Although Algeria had been conquered earlier in the century, in 1830, Tunisia was annexed in 1881 and Morocco in 1907, both under the Third Republic—as were other places in the Pacific, Southeast Asia, and West Africa.) Anticlerical schooling at home, unequal agreements with the Church, and imperial expansion abroad were the pillars on which *laïcité* was established under the Third Republic, a significant moment in the formation of modern French nationalism. Algeria was an exception to the onslaught of positivist schooling. Here Church and state worked hand in hand, with the former being encouraged by the latter to organize the religious conversion and appropriate schooling of Muslim Algerians.¹³

Interestingly, with the coming of the Third Republic, established after the ignominious defeat of France by Prussia in 1870, some people sought to present the secular Republic as “a Muslim power” and even tried to invent an “Islam of France.” Established together with Catholicism, Protestantism, and Judaism as religions entitled to state funding for schools, Islam differed from those three in being recognized only in one part of France: Algeria. Patriotic orientalist like Louis Massignon, who survived the Great War, became applied Islamologists in the service of France, enthusiasts for the project of emancipating Muslims within the framework of the French empire.¹⁴ It was the Republic that would decide who was worthy of being emancipated, and *how*, by bringing to bear its own passion for *laïcité* as the exercise of benevolent power.

I want to suggest that the French secular state today abides in a sense by the *cuius regio eius religio* principle, even though it disclaims any religious allegiance and governs a largely irreligious society.¹⁵ In my view, it is not the commitment to or interdiction of a particular religion that is most significant in this principle but the installation of a single absolute power—the sovereign state—drawn from a single abstract source and facing a single political task: the worldly care of its population regardless of its beliefs. As Durkheim points out in his writings on integration, the state is now a transcendent as well as a representative agent. And as Hobbes had shown, it could now embody the abstract principle of sovereignty independent of the entire political population, whether governors or governed, and independent of any supernatural power.

One way of looking at the problem that interests me is this: since “religion” directs the attention of subjects to *otherworldly* concerns, state power needs to define its proper place for the *worldly* well-being of the population in its care. (This doesn’t include the guarantee of life; the state may kill its own or let them die while denying that right to anyone else. But it does include the encouragement of a flourishing consumer culture.) An image of worldly well-being that can be *seen* in social life and so *believed in* is needed, but so is an answer to the question: What are the signs of religion’s presence? *Laïcité* therefore seems to me comparable to other secularisms, such as that of the United States, a society hospitable to religious belief and activism in which the federal government also finds the need to define religion. In the American case, however, there is more reliance on courts than on legislation.¹⁶

Reading Signs

Because religion is of such capital importance to the lay Republic, the latter reserves for itself the final authority to determine whether the meaning of given symbols (by which I mean conventional signs) is “religious.” One might object that this applies only to the meaning of signs in public places, but since the legal distinction between public and private spaces is itself a construction of the state, the scope and content of “public space” is primarily a function of the Republic’s power.

The arguments presented in the media about the Islamic headscarf affair were therefore embedded in this power. They seemed to me not so much about tolerance toward Muslims in a religiously diverse society, not even about the strict separation between religion and the state: they were first and foremost about the structure of political liberties—about the relations of subordination and immunity, the recognition of oneself as a particular kind of self—on which this state is built, and about the structure of emotions that underlies those liberties. The dominant position in the debate assumed that in the event of a conflict between constitutional principles the state’s right to defend its personality would trump all other rights. The state’s inviolable personality was expressed in and through particular images, including those signifying the abstract individuals whom it represented and to which they in turn owed unconditional obedience. The headscarf worn by Muslim women was held to be a religious sign conflicting with the secular personality of the French Republic.

The eventual outcome of such debates about the Islamic headscarf in the media and elsewhere was the president’s appointment of a commission of inquiry charged with reporting on the question of secularity in schools. The commission was headed by examiner Bernard Stasi, and it heard testimony from a wide array of persons. In December 2003, a report was finally submitted to the president, recommending a law that would prohibit the display of any “conspicuous religious signs [*des signes ostensibles*]” in public

schools—including veils, kippas, and large crosses worn around the neck. On the other hand, medallions, little crosses, stars of David, hands of Fatima, or miniature Qur’ans, which the report designates “discreet signs [*les signes discrets*],” are authorized.¹⁷ In making all these stipulations, the commission clearly felt the need to appear evenhanded. The proposed law was formally passed by the National Assembly in February 2004 by an almost unanimous vote. There were some demonstrations by young Muslims—as there had been earlier when the Stasi commission had formally made its recommendation—but the numbers who protested openly were small. Most French Muslims seemed prepared to follow the new law, some reluctantly.¹⁸

I begin with something the Stasi report does not address: according to the Muslims who are against the ban for reasons of faith, the wearing of the headscarf by women in public is a religious *duty* but carrying “discreet signs” is not. Of course there are many Muslims, men and women, who maintain that the wearing of a veil is *not* a duty in Islam, and it is undoubtedly true that even those who wear it may do so for a variety of motives. But I do not offer a normative judgment about Islamic doctrine here. My point is not that wearing the veil *is* in fact a legal requirement. I simply note that *if* the wearer assumes the veil as an obligation of her faith, *if her conscience impels her to wear it as an act of piety*, the veil becomes for that reason an integral part of herself. For her it is not a *sign* intended to communicate something but *part of an orientation, of a way of being*. For the Stasi commission, by contrast, all the wearables mentioned *are* signs, and are regarded, furthermore, as *displaceable* signs. But there is more to the report than the veil as material sign.

The Stasi commission takes certain signs to have a “religious” meaning by virtue of their synecdochic relation to systems of collective representation—in which, for example, the kippa stands for “Judaism,” the cross for “Christianity,” the veil for “Islam.” What a given sign signifies is therefore a central question. I stress that, although the Stasi report nowhere defines “religion,” it assumes the existence of such a definition because the qualifying form of the term (“religious signs”) rests on a substantive form (“religion”).

Two points may be noted in this connection. First, precisely because there is disagreement among contemporary pious Muslims as to whether the headscarf is a divinely required accoutrement for women, its “religious” significance must be indeterminate for non-Muslims. Only by rejecting one available interpretation (“the headscarf has nothing whatever to do with real religion”) in favor of another (“the veil is an Islamic symbol”) can the Stasi commission insist on its being obviously a “religious” sign. This choice of the sign’s meaning enables the commission to claim that the principle of *laïcité* is breached by the “Islamic veil,” and that since *laïcité* is not negotiable the veil must be removed. (To some extent this variability of interpretation was played out subsequently in relation to the meaning of the Sikh turban.¹⁹)

The second point is that the “religious” signs forbidden in school premises are distinguished by their gender dimension—the veil is worn by women, the kippa by men, and

the cross by both sexes. The object of the whole exercise is, of course, to ban the Islamic veil partly because it is “religious” but also because it signifies “the low legal status of women in Muslim society” (a secular signification). The girls who are the object of the school ban are French, however, living in France; they are therefore subject to French law and not to the *shari’a*. Since French law no longer discriminates between citizens on grounds of gender or religious affiliation, *since it no longer allows, as it did until 1975, that a man may chastise his wife for insubordination*, the sign designates not a real status but an imaginary one, and therefore an imaginary transgression.

Ideally, the process of signification is both rational and clear, and precisely these qualities make it capable of being rationally criticized. It is assumed that a given sign signifies something that is clearly “religious.” What is set aside in this assumption, however, is the entire realm of ongoing discourses and practices that provide authoritative meanings. The precision and fixity accorded to the relationship of signification is always an arbitrary act and often a spurious one, insofar as embodied language is concerned. In other words, what is signified by the headscarf is not some historical *reality* (the evolving Islamic tradition) but *another sign* (the eternally fixed “Islamic religion”), which, despite its overflowing character, is used to give the “Islamic veil” as a stable meaning.

Assuming, for the sake of argument, that certain signs are essentially religious, where and how may they be used to make a statement? According to the Stasi report, secularism does not insist on religion’s being confined within the privacy of conscience, on its being denied public expression. On the contrary, it says that the free expression of religious signs (things, words, sounds that partake of a “religious” essence) is an integral part of the liberty of the individual. As such, it is not only legitimate but essential to the conduct of public debate in a secular democracy—so long as the representatives of different religious opinions do not attempt to dominate.²⁰ But what “domination” means when one is dealing with a religiously defined minority, whose traditional religion is actively practiced by a small proportion of that minority, is not very clear.

It is interesting that the determination of meanings by the commission was not confined to what was *visible*. It included the deciphering of psychological processes such as desire and will. Thus the wearer’s *act of displaying the sign* was said to incorporate the actor’s *will* to display it—and therefore became part of what the headscarf meant. As one of the commission members later explained, its use of the term “displaying [*manifestant*]” was meant to underline the fact that certain acts embodied “the will to [make] appear [*volonté d’apparaître*].”²¹ The *Muslim identity* of the headscarf wearer was crucial to the headscarf’s meaning because the will to display it had to be read from that identity. (Another aspect of its meaning came from equating the will to make the veil appear with “Islamic fundamentalism” or “Islamism,” terms used interchangeably to denote a range of different endorsements of public Islam.) Paradoxically, Republican law thus realizes its *universal* character through a *particular* (i.e., female Muslim) identity, that is, a particular psychological internality. However, the mere existence of an internal dimension that is

accessible from outside is felicitous for secularism. It opens up the universal prospect of cultivating Republican selves in public schools. At any rate, “the will” itself is not seen but the visible veil points to it as one of its effects.

“Desire” is treated in an even more interesting way. The commission’s concern with the desires of pupils is expressed in a distinction between those who didn’t really want to wear the headscarf and those who did. It is not very clear exactly how these “genuine desires” were deciphered, although reference is made to pressure by traditional parents and communities, and one assumes that some statements to that effect must have been made to the commission.²²

It is worth remarking that solicitude for the “real” desires of the pupils applied only to girls *who wore the headscarf*. No thought appears to have been given to determining the “real” desires of girls *who did not wear the headscarf*. Was it possible that some of them secretly wanted to wear a headscarf but were ashamed to do so because of what their French peers and people in the street might think and say? Or could it be that they were hesitant for other reasons? However, in their case surface appearance alone was sufficient for the commission: no headscarf worn *means* no desire to wear it. In this way “desire” is not discovered but semiotically constructed.

This asymmetry in the possible meanings of the headscarf as a sign again makes sense if the commission’s concern is seen to be not simply a matter of scrupulousness in interpreting evidence in the abstract but of guiding a certain kind of behavior—hence the commission’s employment of the simple binary “coerced or freely chosen” in defining desire. The point is that in ordinary life the wish to do one thing rather than another is rooted in dominant conventions, in loyalties and habits one has acquired over time, as well as in the anxieties and pleasures experienced in interaction with lovers and friends, with relatives, teachers, and other authority figures. But when “desire” is the objective of *discipline*, there are only two options: it must either be encouraged (hence “naturalized”) or discouraged (hence declared “specious”). And the commission was certainly engaged in a disciplining project.

So the commission saw itself as being presented with a difficult decision between two forms of individual liberty—that of girls whose desire was to wear the headscarf (a minority) and that of girls who would rather not. It decided to accord freedom to the latter on majoritarian grounds.²³ This democratic decision is not inconsistent with *laïcité*, although it does conflict with the idea that religious freedom is an *inalienable right* of each citizen—which is what the Rights of Man (and, today, human rights) articulate.²⁴ But more important, I think, is the detachment of desire from its object (the veil), so that it becomes neutral, something to be counted, aggregated, and compared numerically. Desires are essentially neither “religious” nor “irreligious,” they are simply socio-psychological facts.

Now I have been suggesting not only that government officials decide what sartorial signs mean but that they do so by privileged access to the wearer’s motive and will—to her subjectivity—and that this is facilitated by resort to a certain kind of semiotics. To

the extent that this is so, the commission was a device to *constitute* meanings by drawing on internal (psychological) or external (social) signs, and it allowed certain desires and sentiments to be encouraged at the expense of others. A government commission of inquiry sought to bring “private” concerns, commitments, and sentiments into “public” scrutiny in order to assess their validity for a secular Republic. The public sphere, guarantee of liberal democracy, does not afford citizens a critical distance from state power here. It is the very terrain on which that power is deployed to ensure the proper formation of its subjects.

From its beginning the idea of the secular Republic seems to have been torn in two conflicting directions—insistence on the withdrawal of the state from *all* matters of religion (which must include abstention from even trying to define “religious signs”) and the responsibility of the state for forming *secular citizens* (by which I do not mean persons who are necessarily “irreligious”). The Stasi report seizes this basic contradiction as an occasion for creative interpretation. The trouble with the earlier legal judgments relating to the veil, it says, is that “the judge did not think he had the power to pronounce on the interpretation of the meaning of religious signs. Here was an inherent limit to the intervention of the judge. It seemed to him impossible to enter into the interpretation given to one or another sign by a religion. Consequently, he was not able to understand that the wearing of the veil by some young women can mean discrimination between man and woman. And that of course is contradictory to a basic principle of the Republic.”²⁵ The Stasi report regrets that judges in these cases had refused to enter the domain of religious signs. It wants the law to fix meanings, and so it recommends legislation that will do just that. But first it has to *constitute* religious signs whose meanings can be deciphered according to objective rules. For what the commission calls “a sign” is nothing in itself. “Religious signs” are part of the game that the secular Republic plays. More precisely, it is in playing that game that the abstract being called the “modern state” is realized.

One might suggest that for the Stasi commission the headscarf worn by Muslim schoolgirls is more than a sign. It is an icon in the sense that it does not simply designate but evoke. What is evoked is not a “headscarf [*un foulard*]” but “the Islamic veil [*le voile islamique*].” More than an image, the veil is an imaginary—a shrouded difference waiting to be unveiled, to be brought into the light of reason, and made indifferent.

Dealing with Exceptions

The Stasi report insists that secularism presupposes the independence of political power as well as of different religious and spiritual choices; the latter have no influence over the state, it says, and the state has none over them.²⁶ What emerges from the report, however, is that the relationship is not symmetrical. It is claimed that the Republic treats all religions equally. But this does not preclude its taking certain decisions that affect religion,

although religion may never intervene in matters of state. This asymmetry is, I suggest, a measure of sovereign power.

Schmitt pointed out that sovereignty is the ability to define the exception. *Laïcité* is made up of exceptions, and it is the function of sovereignty to identify and justify them—to forestall thereby the Republic’s “disintegration.” But in view of the famous doctrine that France is “la République une et indivisible,” it is not entirely clear how the fear of “disintegration” relates to the singular, invisible state as opposed to those many persons (officials and citizens) who *represent* it.

Defenders of *laïcité* (and they include most assimilated Muslims²⁷) argue that the debate over the headscarf is to be understood as a reluctance on the part of the French state to recognize group identity within a Republic that is represented as a collection of secular citizens with equal rights, inhabiting a level public sphere. Of course there are differences in France, they say, and these must be recognized as aspects of people’s identities so long as they do not threaten the unity of society. In articulating national unity, state neutrality, and legitimate diversity, secularism creates, over and beyond the traditional attachments of each person, that larger community of affections (*la communauté d’affections*), “that collection of images, values, dreams, and wills that sustain the Republic.”²⁸ For this reason religious liberty must be subject to the demands of public order, as well as to the efficient performance of economic tasks.²⁹ “The Republic” itself stands apart from all its members, and although it depends on images, values, dreams, and wills that bind them together *as a community of sentiments*, it imposes the principle of abstract equality on all citizens irrespective of individual emotions, in a rational process of signification that is at once semiotic and political.

The first question here is whether there is any place in *laïcité* for rights attached to religious groups. And the answer is that indeed there is, although such groups are usually thought of as exceptions. Perhaps the most striking are Christian and Jewish schools, private establishments “under contract [*sous contrat*]” to the government, which are heavily subsidized by the secular state. In these state-supported religious schools, where it is possible, among other things, to display crosses and kippas, and where religious texts are systematically taught, pupils nevertheless grow up to become good French citizens. How important is this educational sector? According to the latest government figures, slightly over 20 percent of all high-school pupils are enrolled in religious schools.³⁰ (Incidentally, even in public schools, where “conspicuous religious signs” are now forbidden, separate dining arrangements are made for Muslim and Jewish pupils who wish to follow their religious dietary laws.)

Here are some other examples of “religious groups.”

Alsace-Moselle is the one region in which the state pays the salaries of priests, pastors, and rabbis, and owns all church property. (In the rest of the country, only churches built before 1905 are owned and maintained by the state.) There are historical reasons for this exception,³¹ and the Stasi report suggests these exceptional arrangements be retained on

the ground that the population of that area is especially attached to them—that is, because they are part of its regional identity. Retaining these arrangements does not, the report insists, conflict with the principle of secularism.³²

Another exception is this: although the Republic is secular, the Church of Rome has a very special position within it. The *modus vivendi* put in place from 1922 to 1924 between France and the Holy See allows the Republic to recognize “diocesan associations” within the framework of the 1905 law.³³ These autonomous associations are territorially defined, and they have complicated financial rights and obligations in relation to the state. Today they are the bodies representing the Catholic Church in official dealings with the Republic. In addition, there are religious councils—such as the so-called Muslim council (Conseil Français du Culte Musulman) and the highly respectable council that represents the Jewish community (Conseil Représentatif des Institutions Juives de France). On the analogy of the Catholic Church, these organizations constitute *interlocutors* of the secular state as it aims to define “the proper place of religion.”³⁴

There are more exceptions that re-enforce the attachment of individuals to religious communities: chaplains in the army, in colleges, schools, prisons, and hospitals, are all provided and paid for by the state. Jewish and Muslim funerary rites are permitted in cemeteries, although the cemeteries are all owned and maintained by the state. According to the 1987 law, gifts made to religious associations benefit from tax concessions—like other associations that provide a general public service. The Stasi report acknowledges these exceptions to the principle of the state’s absolute neutrality but sees them as “reasonable modifications” that allow each person to exercise his/her religious liberty.³⁵

France is not—and never has been—a society consisting only of individual citizens with universal rights and duties. Signs are not neutrally distributed in the Republic. French citizens *do* have particular rights by virtue of belonging to religious groups—and they have the ability to defend them. Thus early in 1984, when the Mauroy government attempted to introduce limited state intervention in religious schools, massive demonstrations in Paris and Versailles (about a million in the former) led to the government’s fall. Although demonstrations are not in the normal sense part of a reasoned *debate*, they do of course express and defend political positions in a passionate yet legally permitted way.

Thus the subsidized religious schools throughout the country, the diocesan associations, the special arrangements in Alsace-Moselle, the religious associations that lawfully receive donations and hold property, as well as the religious gatherings that have the right to perform burial rituals in public spaces or march in funeral processions through public thoroughfares, all have a politico-legal presence in the secular structure of the French Republic. To these organizations belong many citizens, clerical and lay, whose sensibilities are partly shaped by that belonging. Do such groupings amount to “communitarianism”? The term is less important than the fact that France consists of a variety of groupings that inhabit the public space between private life and the state. And since they dispose of

unequal power in the formulation of public policy, the state's claim of political neutrality toward all "religious" groups is rendered problematic.

The Stasi commission is aware of exceptions to the general rule of *laïcité*. It explains them by distinguishing between the founding principle of secularism (that the lay Republic respects all beliefs) and the numerous legal obligations that issue from this principle but also sometimes appear to contradict it. The legal regime, it points out in its report, is not at all a monolithic whole: it is at once dispersed in numerous legal sources and diversified in the different forms it takes throughout mainland France and in its overseas territories.³⁶ The scattered sources and diverse forms of French secularism mean that the Republic has constantly to deal with exceptions. I want to suggest that *that* very exercise of power to identify and deal with the exception is what subsumes the differences within a unity and confirms Republican sovereignty in the Schmittian sense. The banning of the veil as a sign can therefore be seen as an exercise in sovereign power, an attempt by a centralized state to dominate public space as the space of particular signs.

A salient feature of Republican political theology is its postulate of an internal enemy. For much of the nineteenth century, this enemy was the Church. In fact, in the latter part of the nineteenth century French Catholicism was not a politically unified force. Thus the historian Émile Poulat has identified four tendencies among French Catholics in that period—integristism and liberal, bourgeois, and popular Catholicism—each of which took different positions on political, economic, and devotional matters.³⁷ Integrists, for example, hoped for a restored Catholic monarchy and a reempowered Church that would guide the nation, but bourgeois Catholics, committed to a faith of personal salvation and therefore content with a "private" place for religion, supported a Republic that stood for the freedoms won in the Revolution of 1793. But the unity sought by secularism needed a recognizable enemy, and a homogenized Catholic Christianity filled that role. Out of its struggle with Catholicism, *laïcité* produced its own ideology, which has now become vital in the struggle with another enemy—a homogenized "fundamentalist Islam."³⁸

I want to stress that my interest is not in arguing that France is inadequately secular or that it is intolerant. I should certainly not be taken to be arguing for the veil as a right to cultural difference or for the girls' right to practice their faith. My concern is to try and identify some of the questions addressed or excluded by *laïcité*, to begin an analysis of its economy of public signs, to try to locate some of the subjects in its public spaces. I have been implying that no actually existing secularism should be denied its claim to secularity just because it doesn't correspond to some utopian model. Varieties of remembered religious history, of perceived political threat and opportunity, define the sensibilities underpinning secular citizenship and national belonging in a modern state. The sensibilities are not always secure, they are rarely free of contradictions, and they are sometimes fragile. *But they make for qualitatively different forms of secularism.* What is at stake here, I think, is not the toleration of difference but sovereignty, which defines and justifies exceptions, and the quality of the spaces that secularism defines as public. The "crisis of *laïcité*" seems

to me uniquely embedded in a political struggle over two idealized models of France's future, a division that cuts across left and right parties: a highly centralized and controlling state versus a decentralized and minimalist one, in both of which the need to exercise sovereignty seems to be taken for granted. This struggle has somehow come to be linked to the state's principled definition of religion and its "public" limits in the interest of creating "a community of sentiment."

At any rate, in my view it is wrong to see secularism primarily as the modern formula for toleration (enduring a difference that strikes one as intolerable). There are obviously rigid secular societies and relaxed religious ones. Besides, the idea of tolerating difference—itsself a complicated idea, ranging as it does from indifference to endurance—predates the modern political doctrine of toleration. Secularism has to do with particular structures of freedom and sensibilities within the differentiated modern nation-state. It has to do with conceptualizing and dealing with sufferings that appear to negate or discourage those freedoms and sensibilities—and therefore it has to do with agency directed at eliminating sufferings that conflict with them. In that sense secular agency is confronted with having to change *a particular distribution of pain*, and while in that capacity it tries to curb the inhuman excesses of what it identifies as "religion," it allows other cruelties that can be justified by a secular calculus of social utility and a secular dream of happiness. It replaces patterns of premodern pain and punishment with those that are peculiarly its own.

Here are some familiar examples (I leave aside Stalinist and Nazi atrocities): the deliberate destruction of civilian populations in the Allied bombing of German and Japanese cities during World War II, the ruthless American prison system, the treatment of non-European asylum-seekers by EU countries. All of these actions by liberal democracies are based on calculations of worldly pain and gain, not on religious doctrines and passions. Anything that can be used to counter attempted subversions of the state—any cruelty or deception—acquires justification as a political technique. In "a state of exception," liberal democracies defend "the rule of law" not only by issuing administrative orders to eliminate public disorder but also by the extrajudicial means of secret violence (the inflicting of pain and death), so long as that contradiction doesn't cause a public scandal.³⁹ Deliberately inflicted suffering in modern war and government blends into the widespread social misery produced by neo-liberal economic policies. Thus apart from the enhanced scale of suffering due to modern techniques, the quality of human suffering is often shaped by changed relations and ideas. People are taught that they are free and equal and find to their anguish that they are not: encouraged to believe that they can fulfill all their "normal" desires—even be desired by others—they find they cannot and are not. The modern sufferer's sense that pain is always worldly, or that it no longer has any moral significance, perhaps makes it less easy to bear. Certainly, modern poverty is experienced as more unjust—and so as more intolerable.

Incidentally, I do not suggest that the distribution of pain engendered by modern power is worse than the distribution in premodern societies but only that it is different. Nor do I make the foolish claim that there has been no progress in matters of suffering. The cure of various illnesses and improvements in public health and welfare are undeniable social facts that have led to the amelioration of distress and affliction. My point is only that more is at stake in secularism than compassion for other human beings in plural democratic societies. And nothing is less plausible than the claim that secularism is an essential means of avoiding destructive conflict and establishing peace in the modern world. Secular societies—France among them—have always been capable of seeking solidarity at home while engaging in national wars and imperial conquests. They are also likely to pay greater attention to problems of political order and social solidarity than to the distress that might be caused to members of one or another religious group by government policies aiming at national unity.

Today, France is being incorporated into the fiscal structure of the European Union. This situation, as well as the transnational movements of peoples and resources, of words and images, affect it in unpredictable ways. The state *appears* to be less strong than it was. Problems of political order and social security begin to seem ever more urgent.

Passionate Subjects

“Liberty, Equality, Fraternity” is a well-known image of the lay Republic. It is claimed that the secular state will not tolerate any intolerance within its jurisdiction. Its law inscribes “freedom of conscience” and “liberty of expression,” “equality of political rights” and “equal access to the benefits of the welfare state.” Liberty and equality thus refer to the legal status of citizens but fraternity is essentially a matter of affect, one’s bond with the nation. It is thus an indication of the fact that *laïcité* is not simply a matter of legal inscriptions and political arrangements (the law state).

So how fraternal are the relations the nation oversees among its religiously diverse members? Is the nation simply the unit that is bound together in sentiments of solidarity? Vincent Geisser documents the growing tide of hostility toward Muslims and Arabs living in France today and recounts the many public statements and actions that have sought to connect this population with concerns about national security.⁴⁰ According to Geisser and others, dislike of Muslims and Islam has roots in a bitter colonial history—especially its troubled relations with Algeria—which is kept alive by a million colonial settlers who “returned” to France after its independence. “French” as an identity is commonly opposed, as it was in Algeria, to the inferior categories of “Arab” or “Muslim” (or “maghrebini”). This public attitude is now reinforced by a new concern about international terrorism. Yet in the nineteenth century a long line of French writers and travelers (including Nerval, Lamartine, and Flaubert) depicted Arabs and Muslims sympathetically—

reflecting, as they did so, their nostalgia for a world being ravaged by modernity. The passions involved then and now should not, therefore, be seen as a product of straightforward enmity. The sensibilities they express are now, as in the colonial past, sometimes fragile and contradictory. The point I wish to stress, however, is that these sensibilities go beyond “the historic conflict with the lands of Islam”; they are integral to the secular project attached to the Republic, which is to promote a certain kind of national subject who is held to be essentially incompatible with an “Islamic subject”—not merely in the legal but also in the psychological sense.

In a book that appeared a year before Geisser’s,⁴¹ Daniel Lindenberg (professor of political science in the University of Paris VIII) maintains that this wave of Islamophobia is part of a wider reactionary movement that has acquired new force and includes hostility to mass culture, feminism, and antiracism. On the one hand, popular writers like Michel Houellebecq and Oriana Fallacci (an Italian but widely read in France) attack Muslims in language that is very reminiscent of Céline’s anti-Semitic obsessions in *Bagatelles pour un massacre*. On the other, eminent Catholic intellectuals such as Alain Besançon and Pierre Manent are able to get a sympathetic audience for their anti-Muslim sentiment.⁴²

One aspect of this sentiment is evident in the way public talk about Muslims in France has become entangled with public concern over hostility toward Jews. For the Stasi report the rise of anti-Semitism is a major theme, to which it devotes an entire section. “The threats to secularism,” it notes, “go hand in hand with a renewal of violence toward persons belonging to, or thought to belong to, the Jewish community.”⁴³ Rémy Schwartz, *rapporteur* to the commission, was more explicit, in a statement to a journalist from *The New Yorker*. The old judgment about the veil in schools may have been adequate in 1989, he observed, but now the situation was very different. Wearing the veil had become part of an Islamic threat: “What we have now is part of a global politics of anti-Semitism, and it had to be limited.”⁴⁴ According to this authoritative statement, the Stasi commission’s major concern was to confront the symbol of this new global danger because it threatened the founding values of *laïcité*—Liberty, Equality, Fraternity—from *outside*.

Animosity toward Muslims is now more pervasive than toward any other religious or ethnic group.⁴⁵ Put another way: anyone who wants to be taken seriously in public life cannot afford to be known as an anti-Semite—even the National Front now attempts to avoid appearing anti-Semitic in public—but the same cannot be said of people hostile to Islam.⁴⁶ (Incidentally, even the common claim that political criticism of the state of Israel is often “a mask for anti-Semitism” acknowledges in effect that this prejudice needs to be disguised when expressed publicly.⁴⁷) By contrast, there are many prominent intellectuals in France who publicly express opinions Muslims say they find offensive, intellectuals who remain highly respected.⁴⁸ Acts and statements offensive to Jews, on the other hand, issue largely from sections of the population that are already far from respectable: extreme right-wing elements (neo-Nazis) or Muslim youth in the “sensitive” *banlieus*. (It need hardly be said that the neo-Nazis are no friends to Muslims either.)

Sometimes the anti-Jewish acts of young Muslims are explained as a consequence of their identification with Palestinians living under Israeli military occupation or of the social exclusion and economic disadvantage suffered by Muslims in contemporary France. Invariably such explanations are denounced by some in the media as tantamount to “excusing criminal violence,” and blame is placed instead on a world-wide Islamic movement.⁴⁹ Nothing, it seems, could be clearer than this as an example of the social danger of religious passion. And yet a very small proportion of French Muslims are practicing followers of their faith.⁵⁰

The complicated emotional relationship of many French Jews with the Israeli state is too sensitive a subject for most non-Jewish commentators to deal with publicly. A thoughtful piece entitled “The Jews of France, Zionists without Zionism,”⁵¹ written by Esther Benbassa (professor of the history of modern Judaism at the *École Pratique des Hautes Études*), underlines the tension between the passionate attachment of French Jews to the state of Israel and the ideological claim by the latter that all Jews belong in Israel, “in their own state.” Israel’s liberal democracy is, of course, distinctive in many ways. As the state of the Jewish nation, it is *not* the state of all its citizens (there is a Palestinian minority in Israel), and at the same time it *is* the state of a large population of noncitizens who are also nonresidents (Jews in other countries). Does the French state also include and exclude citizens from the French nation? Not in quite the same way, for although French Muslims tend to have strong sympathies with the predicament of Palestinians under Israeli occupation (and Iraqis since the U.S. invasion), no foreign state beckons them *as Muslims* to come and join “their own state.”

Nevertheless, my point is that both Jews and Muslims in France have complicated imaginaries of distance and closeness, complicated emotions of belonging and rejection. What is missing in Benbassa’s account, therefore, is a discussion of the implications this tension has for the relations of French Jews with French Muslims, for both of whom identity is at once local and transnational, and for whom memories embrace many different times and tempos. And notably missing too is a consideration of the ambivalent feelings of French Jews of Algerian origin for “Algeria”⁵²—at once nostalgic and fearful.⁵³

There is, in other words, a conceptual problem that lies beyond the friction between Jews and Muslims in France. It concerns the idea—on which *laïcité* is premised—that secular citizens are committed to a *single nation* (a single collective memory, as Renan put it in his influential disquisition on “the nation”) and therefore to a *bounded* culture. Benbassa’s article shows that precisely because secularism is a *state* doctrine, devised for the purpose of dealing with *state* unity, it does not fit well with a world of multiple belongings and porous boundaries, nor can it acknowledge the fact that people identify emotionally with victims in the past and with victims in other countries as “their own.” Her article helps one to understand that, for subjects occupying different sites, different things are politically imaginable and therefore possible within networks of uneven con-

straint and sentiment. There is much more to national emotions than selective memory and forgetting (Renan), as I shall argue in a moment.

However salient anti-Semitism is today, as a social phenomenon it seems to me to be given greater emotional recognition by French politicians, public intellectuals, and activists than parallel expressions of prejudice against Muslims.⁵⁴ This asymmetry is due in part to a general sense that anti-Semitism has been the cause of greater cruelty in modern Europe than anything perpetrated by anti-Arab racism or by anti-Islamic phobias. It is not easy to measure experiences of cruelty against one another, but there is no doubt that the systematic attempt by the Nazis to eliminate all of Jewry within the modern nation-state is without parallel. Yet the cruelties perpetrated by the French in Algeria were not minor. They stretch from destroyed villages, orchards, wells, and fields during the conquest in the nineteenth century through numerous massacres of Muslims to the torture chambers of the Battle of Algiers in the twentieth century.⁵⁵ But all this is remembered (and therefore reexperienced) as having taken place “outside France,” and the victims are thought of as “non-Europeans” (as their successors in France still are), and therefore to be taken less seriously.

In an interesting book on the symbolic role of the Holocaust in France, Joan Wolf has shown how the meaning of that event for Jews has been appropriated by diverse groups for their own discursive purposes. “After the 1990 desecration of a Jewish cemetery at Carpentras,” she writes, “the nation denounced the ‘fascist’ Le Pen in a narrative that was tantamount to a repudiation of Vichy and an identification with its Jewish victims, and the Holocaust came to stand for the suffering and innocence of the French people at the hands of the evil and guilty Vichy regime.”⁵⁶ Wolf points to the gap between the Jewish experience of trauma and the non-Jewish political rhetoric of victimhood under the Vichy regime. Certainly the Nazi racial persecution of Jews followed by their mass murder remains the dominant element in Jewish collective memory—and therefore in their sense of victimhood. Wolf has virtually nothing to say, however, about the involved and evolving relations between Christians, Muslims, and Jews in Algeria both before and after the struggle for independence. These relations tend to be differently nuanced in the collective memory of each group of immigrants in secular France. French Muslims have their own collective sense of victimhood (apart from contemporary Islamophobia in France, there are memories of colonial Algeria, images of Israeli suppression of Palestinians, etc.). But here I want to draw attention to the symbolic dependence of a morally restored France on the public recognition of Jewish suffering. This linkage, I suggest, carries its own emotional charge, one that makes it easy to substitute “Islamic fundamentalism” (read “Islam”—and so “Muslims”) for Vichy’s *ideological* anti-Semitism, and thereby intensifies public distrust of French Muslims as dangerous outsiders within the gate. The values espoused by Vichy are now claimed to be an interruption of “real France,” although Vichy was no less a part of modern France than the *maquis* was.⁵⁷

The shame-faced awareness on the part of many French that they themselves participated in the historic cruelty against the Jews under Vichy encourages not only their calling publicly for exceptional vigilance against anti-Semitism but also their denouncing with exceptional fervor any incident that might be called anti-Semitic. Thus criticism of the state of Israel is often said to be a sign of suppressed anti-Semitism. When politicians condemn “anti-Semitism” in their opponents, their personal motives may be unclear but the effect of intimidation in public debate is evident.⁵⁸ But for most people the expression of concern about anti-Semitism seems to indicate a hope that a nation’s virtue once lost can be reclaimed, that moral damage it has done to itself can be repaired. At any rate, my main point is this: the attempt by many intellectuals and much of the media to shift the entire question of anti-Semitism to “confronting the danger of Islamism” has the comforting effect for many of diverting attention away from the historical prejudice against Jews in France and away, therefore, from the more general question of the role of anti-Semitism (*as well as of Islamophobia* and of varieties of racism) in the construction of French national identity. And the demands of national identity in France today are deeply rooted in the idea of a secular Republic with its own glorious history.

This web of emotions indicates how fraught the very idea of neutrality is in the politics of secularism. Guilt, contempt, fear, resentment, virtuous outrage, sly calculation, pride, anxiety, compassion, intersect ambiguously in the secular Republic’s collective memory and inform attitudes toward its religiously or ethnically identified citizens. *Laïcité* is not blind to religiously defined groups in public. It is suspicious of some (Muslims) because of what it imagines they may do, or is ashamed in relation to others (Jews) because of what they have suffered at the hands of Frenchmen. The desire to keep some groups under surveillance while making amends to others—and thus of coming “honorably” to terms with one’s own past, of reaffirming *France* as a nation restored—are emotions that sustain the integrity of the lay Republic. And they serve to obscure the rationality of communication and the clarity of signs that is explicitly assumed by the Stasi commission.

“Fraternity” is surely too simple a sentiment—even as a secular ideal—for the densities of national politics. Put another way, all modern states, even those committed to promoting “tolerance,” are built on complicated emotional inheritances that determine relations among their citizens. In France one such inheritance is the image of and hostility toward Islam; another is the image of and (until recently) antipathy toward Judaism. For long, and for many, Jews were the “internal other.” In a complicated historical readjustment, this status has now been accorded to Muslims instead.

This is not to say that there is no criminal activity among young Muslims who live in the “sensitive” *banlieus*, and that patriarchal attitudes don’t characterize most Muslim “immigrants.” But then neither crime nor patriarchy is foreign to French society. Interpreters of *laïcité* who object to French Muslims on these grounds do not consider what makes criminality and patriarchal relations *defining* features of an ethnic or religious “cul-

ture.” Thus although the Napoleonic Code allowed a man to chastise his wife physically—a right abrogated only in 1975—it has not, to my knowledge, been argued that “French culture” was essentially barbaric.⁵⁹ Male violence against women is not unique to Muslim societies, and not all women who wear the headscarf in those societies are subject to male violence.⁶⁰

It is also true that the Iranian Revolution of 1979 and the increasing prominence of Islamic militancy in many parts of the Muslim world have frightened many secularists in France. But it is unclear just how all these things have come to be construed as a threat to the “foundational values” of the secular Republic. I refer not just to the obvious fact that Islam as a minority religion today is not comparable to the Catholic Church engaged in the nineteenth-century struggle for the soul of France. It is the notion of “foundational values” that is obscure here, given that *laïcité* predates the legal recognition of the principle of gender equality by about a century.

One might therefore wonder whether the headscarf affair wasn’t generated by a displacement of the society’s anxieties about its own uncertain political predicament or its economic and intellectual decline. In a witty and incisive review of the Stasi report, the French anthropologist Emmanuel Terray has recently claimed that this is how the headscarf affair should be understood—as an example of “political hysteria,” in which symbolic repression and displacement obscure material realities.⁶¹ Terray points out that in discussing the “threat to the functioning of social services,” the Stasi report makes no mention of inadequate funding but focuses instead on the minor difficulties created when some Muslims make “religious” demands in schools, hospitals, or prisons (see especially pp. 90–96 of the report). Of course, this is precisely what *laïcité* is. Its overriding concern is with transcendent values (the neutrality of the state, the separation of “religion” from politics, the “sacredness” of the republican compact) and not with immanent materialities (the distribution of resources, the flexibility of organizations, etc.). Isn’t this why the strong defenders of *laïcité* seem unwilling to explore the complicated connections between these two?

Terray’s article is a tour de force, and although his primary concern is with explaining the *origin* of the headscarf affair (unlike mine, which is to try to use it as a window into *laïcité*), I think that affair should not be seen simply as an irrational attempt to respond to a real political-economic crisis. I suggest that for many the antipathy (even hostility) evoked in this event is, quite simply, part of what it means to be a secular Frenchman or Frenchwoman, to have an identity formed by layers of educated emotions. The affair *is* about signs and about the passions evoked by them. The signs *do* have political and economic implications, but they do not stand as empty masks. The advocates of secularism claim that signs are important when they signify the worldly equality of all human beings and invite compassion for human suffering. There is a special sense in which

this claim is right, although the game of signification is much more complicated than spokespersons for the Republic declare it is.

Defenders of the veil claim that it is integral to their religious beliefs. Whether this is true or not interests me less than the following question: How does the secular state address the pain of people who are obliged to give up part of their religious heritage to show that they are acceptable? The simple answer is: by expecting them to take beliefs lightly. Most liberals are not passionate in expressing their beliefs. It is worth recalling that in early modern Europe neo-stoic thinkers who supported the emergence of the strong, secular state—the state that became the foundation of modern nationalism—did so because they saw passion as a destructive force that threatened the state. Since for them passion was identified with religious belief, this meant in effect a detachment from the latter—a skepticism in matters of faith. This virtue seems to have been absorbed into the style of liberalism, so that religious passion has tended to be represented—especially in a modern political context—as irrational and divisive. After the Revolution, passionate investments even in personal relationships were often frowned upon. Louis de Bonald’s well-known condemnation of divorce is an expression of just that attitude.⁶² (The Revolution had legalized divorce in 1791, but it was again made illegal in 1816.) The moral basis of the family would be undermined, de Bonald argued, if love were to be accepted as the criterion of its formation and dissolution. Although de Bonald was not a liberal, his distrust of passion finds echoes in the bourgeois cultivation of self-presentation in public through the nineteenth century into the twentieth. As in the political domain, so in the private—the sense among many is that passion is a disturbing force, the cause of much instability, intolerance, and unhappiness.

Passionate support of *secular* beliefs was not—is not—regarded in the same way. *That* passion is felt to be more like the public expression of “objective principle” rather than “subjective belief”—a criterion supplied by the Positive philosophy. Where, as in the French Revolution, secular passion led to Terror, this was precisely because it was a *revolution*, a divided people in the process of being made into a united Republic. In general, distress is a symptom of irrational and disrupted social conditions. “Good” passion is the work of secular enlightenment, not of religious bigotry. Yet ironically, although the emotional concern about anti-Semitism (or Islamophobia) is always an example of “good” (because secular) passion, being emotionally steeped in the *object* of anti-Semitism or Islamophobia (the traditions of Judaism or Islam themselves) may not be.⁶³

When Science and Progress are pursued in an orderly fashion, when the fatherland expands to include all of Humanity, when Universalism has conquered the world, then social tolerance, stability, and harmony will finally prevail. That, at any rate, has been the promise of *laïcité* since the Third Republic. The reality, however, is one of continuous instability and ruptures, and of the emergence of new threats. This requires a political theology.

Notes on the Political Theology of *Laïcisme*

“The state’s vocation,” declares the Stasi report, “is to consolidate the common values on which the social bond in our country is based. Among these values is the equality of men and women. Being a recent conquest, it occupies a place of great importance in our law. It is part of today’s Republican contract. The state will not remain passive in the face of any attack on this principle.”⁶⁴ The object of the report’s equalizing discourse is, after all, the young Muslim woman or schoolgirl. How is that equality conceived in this lay Republic, which is also (following the claim of its guardians) the inheritor of a “Judeo-Christian” legacy?

In August 2004, the Vatican published a document entitled “On the Collaboration of Men and Women in the Church and in the World,” which criticized social tendencies that it saw as trying to obliterate differences between men and women. The document was critically received in France as an attack on feminism and homosexuality (although the Republic’s representatives remained noticeably silent in the face of this attack on a basic Republican value). Among the critics was the eminent sociologist of religion Danièle Hervieu-Léger, who described the publication with some contempt as a sign of the inability of the Catholic Church to keep up with the times. She stressed, however, that historically Christianity had contributed greatly to the recognition of women’s dignity in cultures, such as the Roman, where women were inferior but went on to say that it now appeared to want to shut the door to progress again. She reminded her interviewer of Saint Paul’s statement to the Galatians: “in Christ there is no longer either master or slave, neither Jew nor Greek, neither man nor woman.”⁶⁵ The full verse (in the English Revised Version) reads: “There can be neither Jew nor Greek, there can be neither bond nor free, there can be no male and female: *for ye all are one in Christ Jesus.*” What this verse affirms is not, strictly speaking, the equality of these couples but their *unity in Christ*. The slave is not redeemed in the world according to this famous utterance, the Greek does not become a Jew. Christ died on the cross so that in him believers might have life everlasting *despite their differences*. What one is offered is not a legal entitlement but a refusal to read signs. By citing Saint Paul, Hervieu-Léger wishes to invoke the Republic, which, in its representative capacity, unifies all its citizens: male and female are one in France. Are we to understand that the ideological roots of modern secularism lie in Christian universalism?

The acquisition of the vote by French women in 1944 made explicit a unity that had hitherto been implicit. The right to vote now gives the individual woman power, albeit temporary power. A woman’s vote is equal to the vote of a man. But the *result* of that act is not social equality—it simply converts her individual identity as a woman with a unique biography and social position into a political unity. The vote itself is of no significance—it is the result of voting that is important. Through it both man and woman, whether they actually cast a vote or not, are bound to a representative body—in the semiotic as well as

the political senses. It is that body that offers the promise of freedom in the world. That body is co-terminous with the law, and the law doesn't only accord the same rights and freedoms to all citizens (redeem them) but demands obedience from them under threat of punishment. In Paul's utterance, by contrast, it is precisely *not* the law that promises redemption, *not* politics, but God's infinite love for all—regardless of difference. This freedom is not political; it does not rest on the circulation of political signs. It is the freedom and bondage that comes from *being in love*.

For Rousseau, the great theorist of freedom as will (and advocate of a civil religion), the domain of politics was a public space of male activity; the entry of women into politics would, he thought, be against nature. Most feminists have long been highly critical of Rousseau for this reason, but Mona Ozouf—following Pierre Rosanvallon—has recently offered an interesting interpretation.⁶⁶ The Rousseauian opposition between men (culture) and women (nature) radicalized the Jacobin conception of the citizen as someone whose abstract quality was connected to his autonomy. Precisely because women were seen as socially dependent on someone else, they were not eligible for full citizenship. That, says Ozouf, explains the late acquisition of the vote by women in France. In America and Britain, by contrast, women were given the vote much earlier, but as women and not as individuals. She then goes on to make a more intriguing if controversial observation to account for the singularity of French feminism: “If Frenchwomen experience their specific attributes in a less anguished and less recriminating way than do American women, is it not because, in France, differences are subordinate—and not contrary—to equality? When everyone has an intimate conviction that the abstract equality of individuals must inevitably triumph over differences, these differences can be experienced without being violently rejected *or* fetishized.”⁶⁷ The national genius of France, Ozouf believes, rests on the general conviction that “an essence [is] shared by all French people,”⁶⁸ and it is this essence that facilitates the French sense of gender equality.

But if women are at once equivalent and individually different, two questions arise. First, how do atomized individuals form a unity in the national community? The answer for some seems to be: by virtue of the essence they share (perhaps Durkheim's idea of “mechanical solidarity”). An abstract equality is already built into the notion of *French* citizenship, defining the necessary unity through equivalence. Second, what *differences* are accepted and why? Can the “Islamic veil,” as worn by French schoolgirls, be a site for rearticulating *conjunction and disjunction*? My impression is that this possibility is rejected because the veil is seen as essentially having a *veiling function* (it is a symbol that can be removed). It hides the truth of signs from the light of reason, which would allow difference to be read as it should be read: as—in Ozouf's formulation—difference subordinate to equality. What that truth points to is not the veil itself nor even its absence *but the command that it be removed*.

An argument is sometimes made by supporters of gender equality that the veil is intolerable because it symbolizes the attribution to women of an absolute or innate re-

sponsibility for the violence that may be done to them by men on the basis of gender difference, and that this responsibility is what generates the *subsequent* demand for its veiling by them. This argument is interesting for several reasons. First, it indicates an analytic misunderstanding, because the veil does not hide gender difference, it advertises it. Second, the argument betrays an unfamiliarity with Islamic law, because the latter does *not* attribute an absolute or innate responsibility to women for all violence done to them by men—which is *not* to say that men and women are always treated as equal subjects before that law, or that the law never sanctions violence against women. But the veil as a sign is at once less and more than the law. Third, the argument regards the headscarf independent of context or use, so that it becomes part of a theological rhetoric applicable equally to Afghan women under the Taliban and to French women living in France under French law. It obscures the distinction between causes and excuses, and therefore muddies the meaning of the veil as an “origin” or “justification” of violence. Finally, the argument makes it difficult to see how Muslim youths in the *banlieus* who assault young Muslim women for going about unveiled in public are dealt with by imposing a sartorial ban in public schools in the name of Republican values.

I should stress again that my concern here is not with defending the right to veil. My modest aim is to examine the argument that because veiling is a symbol of gender inequality and a cause of sexual violence against women it should be legally prohibited in public schools. I am persuaded that various powerful affects underpin this demand and that their presence facilitates the use of theological language in this debate.⁶⁹

Whatever the case may be, it is worth noting the distance of the Republican notion of gender equality (sexual difference is always subordinate to legal sameness) from the Pauline model of indistinction. There it is not that abstract equality *must* inevitably triumph over difference, it is that difference does not matter because in Christ Jesus men and women are one. It is not that they have the same power, that each has a vote of equal value. (Paul even admonishes husbands and wives to take their proper places *in this world*: “Wives, be in subjection to your husbands, as is fitting in the Lord. Husbands, love your wives and be not bitter against them”; Colossians, 3:18–19.) My point is not that Paul makes his “reactionary” meaning explicit here—if indeed it was Paul who wrote Colossians. It is quite simply that his affirmation about being one in Christ is not a sociological statement, for even the statement from Colossians does not contradict that oneness in Christ, a oneness that refers to those redeemed by Christ’s sacrifice, those who have let him enter them. “For the mind of the flesh is death; but the mind of the spirit is life and peace,” says Paul, “Because the mind of the flesh is enmity against God. . . . And if Christ is in you, the body is dead because of sin; but the spirit is life because of righteousness” (Romans 8:6–10). It is therefore in the universality of the spirit, in the fact that men and women, as subjects *in* the Lord, can live in righteousness, that the inequalities of particular bodies (dead because of sin) can be equalized—that is, brought equally to life and the same life.

This theology of unity has a coherence that the political theory of equality for which it is sometimes used does not. In her historical study of French feminism, Joan Scott supplies a dimension that is largely missing in Ozouf by problematizing what the latter takes for granted. The debate over gender equality has been indeterminate, Scott argues, because the terms in which it is carried out—"man," "woman," "individual," and so on—are subject to continuous transformation. "Post-suffrage feminism," she writes, "was constructed in the space of a paradox: there was the declared sameness of women and men under the sign of citizenship (or the abstract individual), and there was the exclusionary masculinity of the individual subject. On the one side was the presumed equality that followed from the legal metaphysics of universal rights: on the other was the inequality that followed from the presumed natural facts of sexual difference. It is in terms of this inconsistency . . . that we can understand . . . the conflicts that have characterized the most recent history of feminism."⁷⁰ Scott is aware that there is a paradox in asserting both abstract individualism *and* individual differences as valid. If the former "must inevitably triumph over" the latter, it is only by fiat, by an arbitrary decision, because the interpretability of signs makes it possible to represent differences as inequalities and vice versa.

Her interesting approach points to another conclusion: universal equality and particular difference are not diametrically opposed "principles." They are generalizations, the one relating to collectivities, the other to the individual. And as there is no such thing as an absolutely valid generalization (descriptive or prescriptive), one must decide whether certain generalizations (e.g., universal equality or particular difference) are relevant to the case at hand, and if so, why and in what way. Such "casuistical" reasoning is not necessarily an arbitrary concession to self-interest, a failure to uphold justice. It is the sustained investigation into and assessment of circumstances and forces in which the problem being considered is actually embedded. Instead of beginning with the axiom that difference is always subordinate to sameness, one asks: What are the arguments for saying that *this* difference—between woman and man, Jew and Muslim, employer and employee, and so on—is relevant *here*? How viable—politically, legally, morally—are the arguments for claiming that they are essentially the same or crucially different? One does not ask why the exercise of sovereign power justifies the exception to a universal rule but how ways of reasoning in this particular case can yield the conclusion they do. One is still, of course, left with the question: What sensibilities enable one to recognize what is relevant and reasonable in *this* case? (Why does one feel that it is reasonable, even in France, to take account of gender difference in providing public toilets but not in providing public schools?)

It is often pointed out by defenders that *laïcité* does not require citizens of the Republic to be identical. On the contrary, it encourages them to develop their individuality. The flowering of individuality that *laïcité* encourages, however, is founded on positivism and humanism.⁷¹ It is only a *particular* kind of individuality that is sought. Secular humanism, the philosophy that interprets the Republic, holds that what individuals share above every-

thing is life in this world, human life. The worldly life of the individual is the object of protection and welfare for every progressive republic; life is also “the ultimate sacrifice” the individual can make for its sake. It is the “sacredness” of the Republic, its legibility as “the sacred,” that gives it the authority to dissolve the paradoxes of gender equality. This assumption of “sacred” authority contrasts with Scott’s insistence that the tension between individual difference and general equality must be accepted as a paradox.

The modern, abstract republic is invisible in itself. It therefore needs to represent itself through signs. But can an image represent the invisible? Or, in theological terms: How can the unrepresentable God be represented for humans? One way, famously, is through the icon, an image that mediates and organizes the relationship between the invisible God and his human worshippers. The icon is *dynamic*, linking the presence of the divine to the cultivation of the human spirit. By analogy, it is in the very *act* of sign deployment that the republic realizes itself in its citizens.

Régis Debray, politician, philosopher, and member of the Stasi commission, argues that the myth of the social contract is a sacred principle, functionally equivalent to divine revelation. In proposing that the Republic’s respect for what is sacred to others requires that others respect the sacred principle on which the Republic is founded (a social compact defining citizenship), he seems to imply that the toleration of difference is a more appropriate attitude *between* “civilizations” than within them.⁷² At any rate, simple invocations of the sacred in secular arguments of this kind dissolve the old Christian pair “spiritual” and “temporal” into the Republican “sacred.” By attaching the sign of sanctity to the modern concept of the abstract, de-Christianized state, it seeks to make political power exercised in the name of *the nation* untouchable, even as it is unspeakable.

Some members of the Stasi commission are also members of a nation-wide organization called “le Comité Laïcité République” (CLR), whose purpose is to defend and further the principles of French secularism. Founded in 1991, it includes members with Jewish, Christian, and Muslim backgrounds, many of whom are well-known personalities. CLR is clearly inspired by the positive philosophy of Auguste Comte and of his followers (especially Émile Littré). It can rightly claim to be at the ideological center of “the French Republic.”

The Web site that advertises the aims of this organization reflects the spirit and sometimes the wording of the Stasi commission report:

The school is the sacred place of the Republic, where one learns to become a citizen, where all children are taught to become free women and men, equal in rights and interdependent, regardless of their color, their origin, and their religious, philosophical, or cultural belonging. It is there that liberty, equality, and fraternity acquire their full, concrete meaning. That is why the school must remain a protected sanctuary, and with regard to it secularism should never allow commercial, communitarian, or dogmatic interests to intrude.⁷³

The school is sacred because proper formation is integral to the founding myth of the secular Republic.

Ironically, it is not religious schools that are said to be sacred but secular schools, those directly administered by the state, in which no “religious signs” may appear. Pupils may move between the sacred space and time of public schools and the profane space and time of the street (and of home, mosque, and Internet in the *banlieus*). Because the public school is sacred, it should not be exposed to contamination by worldly interests. One might expect that it was therefore also the protected space of imagination and fantasy in contrast to the “real” world of constraint. But for defenders of *laïcité* that does not appear to be so.

The public school is a pedagogic structure that “the Republic” presents as a space of emancipation. That space sustains contradictory demands, however: on the one hand, that the individual define herself, and on the other, that she be bound by an unconditional obedience to the nation-state and hence submit to schoolteachers and other state officials. This contradiction is nicely brought out in the following statement by a member of the Stasi commission, who insists that secular schools do not deny differences:

They simply take care that these differences are asserted in a way compatible with the universalism of rights and the personal freedom to define or even redefine oneself without being tied down by group loyalty. . . . An attitude of inquiry and of open-mindedness to knowledge is incompatible with the peremptory assertion of an identity more fantasized than freely chosen [*une identité plus fantasmée que librement choisie*], especially at an impressionable age. . . . Many of the pupils are minors, and it is unrealistic to maintain that they know clearly who they are and what they do.⁷⁴

According to positivism, fantasy is the very essence of “religion” because it asserts the possibility of existing in “another world.” If fantasy has any role in the formation of adults in the ultimate—scientific, industrial—phase of human progress, says positivism, it is to provide inconsequential amusement, play that must never be taken seriously. (The Romantic tradition has a more positive view of fantasy, allowing that it is necessary to both morality and sanity. As does Freud.) Only the disciplined subject, positivism insists, can choose freely, by breaking away from the traces she has inherited. This is possible only when she has been properly taught what is real and rational, which is why boys and girls must be subject to the same secular regime. What seems to emerge from *this* discourse is not that secularism ensures equality and freedom but that particular versions of “equality” and “freedom” ensure *laïcité*.

Laïcité is the mode in which the Republic teaches the subjects in its care about what counts as real, and what they themselves really are, in order better to govern them by letting them govern themselves. There is something more important at stake than the individual’s desire to decide for herself: what is to count as knowledge of reality on the

basis of which the autonomous self can make a “truly free choice” (moral, political, or economic). In the real world of capitalism in which the market imposes conditions of work and profitability and in which advertising manipulates zones of ignorance and desire among individual consumers, the idea of “free choice” means a happy immersion in a consumer culture. How far can the offspring of North African immigrants, unemployed and stigmatized, secure in *that* world an identity “freely chosen” in school? French positivism seems to conceive of “free choice” on the basis of two quite distinct forms of the liberal individual: the subjective version, which chooses in response to an “authentic, distinctive core,” and the forensic version, according to which the citizen can choose as a matter of “universal right.”

But *laïcité* has great ambitions. Like American Christianity, it aims to redeem the world.⁷⁵ A lyrical passage entitled “Secularism: A Hope for the Twenty-first Century” concludes the declaration of principles by the CLR:

Secularism faces not the past but the future of mankind. Carrier of reason’s future, it is open to the progress of thought. It wishes to be the liberator of intelligence. Secular humanism, living force of History, addresses itself to all women and all men, to all peoples. Rejecting all ethnocentrism and bearing emancipation for all, it attests more than ever—in a world becoming increasingly smaller—to the permanence and universal mission of the values of Liberty, Equality, and Fraternity. Today, secular humanism alone can nourish and guide the march of all peoples toward knowledge, toward a better existence and justice, toward peace and freedom.⁷⁶

The philosophy of secular humanism invoked here presupposes the existence of subjects who can find (or make?) an inner core that can be claimed to be authentic, an authentic self that needs to be both freed and regulated by an abstract, transcendent (state) power and by the impersonal power of the market, because each individual acquires his or her *proper* freedoms only through those powers. The maintenance of “universality” is a function of the state, which at the same time represents and speaks to a *particular* essence. But the limits to the state’s transcendence, as well as the excess generated by its passions, both continually undermine the clarity of its theology of signs.

Conclusion

Defenders and critics of the Islamic veil law represent it in different ways, but secularists, whether pro or con, employ the same political language, in which they assert something about the proper place of religion.⁷⁷ I think that in doing so most of them miss just how certain discourses can become part of the powerful practices that cultivate particular sensibilities essential to a particular kind of contradictory individual—one who is morally

sovereign and yet obedient to the laws of the secular Republic, flexible and tolerant yet fiercely principled. The liberal idea is that it is only when this individual sovereignty is invaded by something other than the representative democratic state, which represents his individual will collectively, and by something other than the market, which is the state's dominant civil partner (as well as its indispensable electoral technique), that free choice gives way to coerced behavior. But the fact that the notions of moral and political sovereignty are not coherent as descriptions of contemporary individual and collective life is less important than the facts that they are part of the apparatus of techniques for forming secular subject-citizens and that the public school has such an extraordinary ideological place in the Republic's self-presentation. Central to that apparatus is the proper deployment of signs, a topic with which I began this essay. So I end with a few further remarks about it.

The internationally famous Egyptian activist Nawal al-Saadawi describes a protest march of young women against the new law in February 2004:

The slogan raised by the girls and young women who demonstrated against the announcement made by the government of France was "the veil is a doctrine not a symbol." Another argument used as a part of the brain-washing process is to consider the veil an integral part of the identity of Islamic women and a reflection of their struggle against Western imperialism, against its values, and against the cultural invasion of the Arab and Islamic countries. Yet in these demonstrations the young women and girls who marched in them wearing the veil were often clothed in tight fitting jeans, their faces covered with layers of make-up, their lips painted bright red, the lashes around their eyes thickened black or blue with heavy mascara. They walked along the streets swaying in high-heeled shoes, drinking out of bottles of Coca Cola or Sprite. Their demonstration was a proof of the link between Western capitalist consumerism and Islamic fundamentalism, how in both money and trade ride supreme, and bend to the rule of corporate globalization. It was an illustration of how a "false consciousness" is shot through with contradiction.⁷⁸

What upsets Saadawi, of course, is the apparent mystification of the young women demonstrating against the French ban, which led them to express their self-negation, as it were. The interesting assumption that she and many others make is that a concern with adornment is incompatible with religious expressions, which, to be really "religious," ought to be concerned only with the transcendental and the unworldly, and that what is asserted to be mandatory Islamic behavior cannot be authentic if it is at the same time combined with "capitalist signs." (As always, particular definitions underlie the discourse about "religion," but it is curious that the *normative* character of this definition should so often go unnoticed by the "nonreligious.")

I have cited Saadawi for another reason, however. Contrary to the slogan of the young demonstrators—“the veil is a doctrine not a symbol”—Saadawi insists, like the Stasi commission, that it is precisely as a symbol that it is important. The interesting thing about symbols (i.e., conventional signs) is that they invite one to do a reading of them independently of people’s stated intentions and commitments. Indeed, the reading becomes a way of retrospectively constituting “real desires.” It facilitates the attempt to synthesize the psychological and juridical concepts of the liberal subject. Are these immature girls aware of what they are *really* saying when they assert their wish to wear the headscarf? Is their “contradictory” appearance an index of their confused desire to be modern? Can *that* desire be deciphered as a modern passion repressed by—and therefore in conflict with—the “fanatical” religiosity expressed by the Islamic veil? Doesn’t emancipation require the freeing of what is repressed and the dismantling of fanaticism? These are the kinds of question that suggest themselves and that seem to demand authoritative answers.

Vincent Geisser records some of the authoritative answers that appeared in the French media. At first, he notes, the young women with headscarves were represented as victims of their relatives. But then, in response to the latest sociological studies on the wearing of the veil, which showed a complicated picture of the young women’s motives for wearing it, the media chose an even more alarmist interpretation. “Henceforth it is the idea of ‘voluntary servitude’ that prevails in media analyses: that young French women should themselves choose to wear the headscarf is precisely what makes them even more dangerous. This act is no longer to be seen as the consequence of family pressure but as the sign of a personal—and therefore *fanatical*—commitment.”⁷⁹ This, as Geisser points out, makes the veil appear even more threatening to the state school and to Republican values in general. Once one is in the business of uncovering dangerous hidden meanings, as in the Spanish Inquisitor’s search for hidden beliefs, one will find what one is looking for. Where the power to read symbols includes the construction of (religious/secular) intentions attributable to practitioners, even the distinction, made in the 1905 law of separation between church and state, between “freedom of conscience” (a moral immunity) and “freedom of religious practice” (a legal right) becomes difficult to maintain with clarity.

Secularism is invoked to prevent two very different kinds of transgression: the perversion of politics by religious forces, on the one hand, and the state’s restriction of religious freedom, on the other. The idea that religion is a system of symbols becomes especially attractive in the former case, I think, because in order to protect politics from religion (and especially certain kinds of religiously motivated behavior), in order to determine its acceptable forms within the polity, the state must identify “religion.” To the extent that this work of identification becomes a matter for the law, the Republic acquires the theological function of defining religious signs and the power of imposing that definition on its subjects, of “assimilating” them. This may not be usually thought of as *coercive* power, but it is undoubtedly an intrusive one. The Stasi report does not pretend otherwise. The

secular state, it insists, “cannot be content with withdrawing from all religious and spiritual matters.”⁸⁰

Pierre Tevanian, a critic of the new law, has written that secularism as defined by the laws of 1881, 1882, and 1886 applies to the premises, the school curricula, and the teachers, but not to the pupils. The latter are simply required to obey school rules, to attend all lessons properly, and to behave respectfully toward others.⁸¹ These founding texts appear to be echoed in the Council of State judgment of November 27, 1989 (issued on the occasion of an earlier crisis concerning the veil), which the Stasi report cites (“education should be provided with regard, on the one hand, to neutral curricula and teachers and, on the other hand, to the liberty of conscience of the pupils”⁸²) and which it then glosses in its own fashion. Instead of withdrawing completely from anything that describes itself as “religion” (while insisting that no behavior be allowed that disrupts the proper functioning of education) the Stasi report chooses to interfere with “religion” by seeking to define its acceptable place.

Today it seems that “religion” continues to infect “politics” in France—partly as parody (the “sacred” foundation of the secular Republic) and partly as civilization (“Judeo-Christian” values in the education of secular citizens). Whatever else *laïcité* may be, it is certainly not the total separation between religion and politics said to be required for living together harmoniously in a diverse modern society. It is, by contrast, a continuous attempt by state apparatuses to encourage subjects to make and recognize themselves through appropriate signs as properly secularized citizens who “know that they belong to France.” (Only to France? Ultimately to France? Mainly to France?) Like other modes of secularism, *laïcité* is a modern form of political rule that seeks to define a particular kind of secular subject (whether “religious” or not) who can take part in the game of symbols—the right kind of conventional signs—to demonstrate his or her loyalty to the state.

Where does all this leave the notion of “a community of shared values,” which is said to be minimally secured in a modern democratic society by secularism? My simple thought is that differences in class, gender, region, and ethnic origin do not constitute a community of shared values in France. Besides, modern France has always had a sizable body of immigrants, all bringing in “foreign” ideas, habits, and experiences. The only significant difference is that since the Second World War they have been largely from North Africa. The famous slogan “la République une et indivisible” reflects a *nationalist* aspiration, not a social reality. Like people everywhere, the French are imbued with complex emotions about their fellow citizens,⁸³ including a simple feeling that “France” belongs to *them* but not to Others. In any case, the question of feelings of belonging to the country is distinct from that of the rights and duties of citizenship; the former relates to dreams of nationalism, the latter to practices of civic responsibility.

Public arguments about equitable redistribution of national resources exist in France as they do in every liberal democracy. Like other political matters they are negotiated—secretly as well as openly, to the satisfaction of all parties or of only a few. The state’s

integrity is, of course, fundamental to this. Its administrative institutions may be able to carry through decisions politically arrived at, or they may find themselves confronted with obstacles. But logically this process does not seem to me to require a principled reference by the state to “the proper place of religion” in a secular society—any more than it needs to have a principled reference to “the proper place” of *anything*. Viewed in historical perspective, the political culture of the modern nation-state is never homogeneous or unchanging, never unchallengeable or unchallenged. The ways in which the concept of “religion” operates in that culture as *motive* and as *effect*, how it mutates, what it affords and obstructs, what memories it shelters or excludes, are not eternally fixed. That is what makes varieties of secularism—including French *laïcité*—always unique.

If one accepts this conclusion, one may resist the temptation to think that one must either “defend secularism” or “attack civic religion.” One might instead learn to argue about the best ways of supporting particular liberties while limiting others, of minimizing social and individual harm. In brief, one might content oneself with assessing *particular* demands and threats without having to confront the *general* “danger of religion.”

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