

# French Secularism and the “Islamic Veil Affair”<sup>1</sup>

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In what follows I want to look in some detail at the so-called Islamic veil affair in France and its central articulation in 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 and understand some concepts and practices of French secularism.

For most of 2003 and 2004, following a speech by the then Interior Minister Nicolas Sarkozy in April 2003, French public opinion was exercised by the affair of the “*foulards islamiques*” [Islamic scarves].<sup>2</sup> 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. 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.

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<sup>2</sup> See John Bowen, “Muslims and Citizens, France’s Headscarf Controversy,” *Boston Review* (February/March 2004): 31. This is also a useful overview of the controversy.

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The headscarf worn by Muslim schoolgirls has become the symbol of many aspects of social and religious life among Muslim immigrants and their offspring to which secularists object. Researchers have enquired into the reasons for their lack of integration into French society, and especially for the drift of many of their youth towards “fundamentalist Islam” (*l’islamisme*), a drift that some of them trace to pervasive racism and to economic disadvantage, but that others see as a result of manipulations by conservative Middle Eastern countries and by inflammatory Islamist websites.<sup>3</sup> 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. It is felt by what seems to be the majority of French intellectuals and politicians—of the left as well as of the right—that the secular character of the Republic is under threat by aspects of Islam that they see as being symbolized by the headscarf.

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I want to suggest that the French secular state today abides in a sense by the *cuius regio eius religio* principle (the religion of the ruler is the religion of his subjects), even though it disclaims any religious allegiance and governs a largely irreligious society. 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

Emile Durkheim pointed out in his writings on integration, the state is now a transcendent as well as a representative agent. And as Hobbes showed, it can 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 *other-worldly* concerns, state power needs to define its proper place for the *worldly* wellbeing of the population in its care. (This doesn’t include the guarantee of life; the state may kill or let die its own while denying that right to anyone else. But it does include the encouragement of a flourishing consumer culture.) An image of worldly wellbeing 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.

<sup>3</sup> It is estimated that more than half the inhabitants of French prisons are young Muslims of North African origin. See *Jerusalem Report* (6 May 2002).

## *Reading Signs*

Because religion is of such capital importance to the lay Republic, that Republic 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 towards Muslims in a religiously diverse society, nor 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 underlie 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.

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The eventual outcome of such debates about the Islamic headscarf in the media and elsewhere was the President’s appointment of a commission of enquiry charged with reporting on the question of secularity in schools. The commission was headed by ex-minister 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*, that the report designates “discreet signs” (*les signes discrets*), are authorized.<sup>4</sup> In making all these stipulations, the commission clearly felt the need to appear even-handed. The proposed law was formally passed by the National Assembly

<sup>4</sup> *Rapport au Président de la République: Commission de réflexion sur l’application du principe de laïcité dans la République*, remis 11 December 2003, <[www.ladocumentationfrancaise.fr](http://www.ladocumentationfrancaise.fr)>. The report has also been published in book form as *Laïcité et République, Commission présidée par Bernard Stasi* (Paris: La Documentation française, 2004). My references are to the latter.

in February 2004 by an almost unanimous vote. There were some demonstrations of 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.<sup>5</sup>

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. However, *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, in contrast, all the wearables mentioned *are* signs, regarded, furthermore, as *displaceable* signs.

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”).

There are two points that 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.

The second point is this: the “religious” signs forbidden on 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

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<sup>5</sup> The Union of Islamic Organizations of France (UOIF) ordered its youth wing, one of the organizers of the February 13th demonstration against the law, to desist from open struggle against the law, although it did not discourage people from participating as individuals. At the annual meeting of the UOIF at Le Bourget in April 2004, its president denounced what he saw as the move from a “tolerant, open and generous secularism, that is to say a secularism aiming at integration [*une laïcité d’intégration*], to a secularism of exclusion [*une laïcité d’exclusion*]” signaled by the new law. See the account by Catherine Coroller, “UOIF: ‘La loi sur la laïcité est là et nous l’appliquerons,’” *Libération* (12 April 2004).

veil partly because it is “religious” but also because it signifies “the low legal status of women in Muslim society” (a secular signification). However, the girls who are the object of the school ban are French 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 it is precisely these qualities that 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 where 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” 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 being confined to the privacy of conscience, to 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 the different religious opinions do not attempt to dominate it. 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*.<sup>6</sup> 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

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<sup>6</sup> Interview with Ghislaine Hudson, published as “Laïcité: une loi nécessaire ou dangereuse?” *Le Monde* (11 December 2003).

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* (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 the veil’s effects.

“Desire” is treated even more interestingly. 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.<sup>7</sup>

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

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<sup>7</sup> See *Laïcité et République* 102–3.

latter on majoritarian grounds.<sup>8</sup> 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, any declaration of human rights) articulates.<sup>9</sup> 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 enquiry sought to bring “private” concerns, commitments, and sentiments into “public” scrutiny in order to assess their validity for a secular Republic. The public sphere, a 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

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<sup>8</sup> “After we heard the evidence, we concluded that we faced a difficult choice with respect to young Muslim girls wearing the headscarf in state schools. Either we left the situation as it was, and thus supported a situation that denied freedom of choice to those—the very large majority—who do not want to wear the headscarf; or we endorsed a law that removed freedom of choice from those who do want to wear it. We decided to give freedom of choice to the former during the time they were in school, while the latter retain all their freedom for their life outside school” (Patrick Weil, “A Nation in Diversity: France, Muslims and the Headscarf,” <[www.opendemocracy.com](http://www.opendemocracy.com)> [25 March 2004]).

<sup>9</sup> The Stasi report cites various international court judgments in support of its argument that the right to religious expression is always subject to certain conditions; see *Laïcité et République* 47–50. My point here is not that this right—or any other—*should* be absolute and unlimited; it is simply that a right cannot be inalienable if it is subject (for whatever reason) to the superior power of the state’s legal institutions to define and limit. To take away a right in part or whole on grounds of utility (including public order) or morality means that it is alienable.

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.<sup>10</sup>

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 school-girls 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*

A question that arises 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, that 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.<sup>11</sup> (Incidentally, even in public schools where “ostentatious religious signs” are now forbid-

<sup>10</sup> “Le juge n’a pas cru pouvoir se prononcer sur l’interprétation du sens des signes religieux; il s’agit là d’une limite inhérente à l’intervention du juge: Il lui a semblé impossible d’entrer dans l’interprétation donnée par une religion à tel ou tel signe. Par conséquent, il n’a pu appréhender les discriminations entre l’homme et la femme, contraires à un principe fondamental de la République, que pouvait revêtir le port du voile par certaines jeunes filles” (*Laïcité et République* 69–70). However, as far as school is concerned, the report believes that in dealing with some religious signs (texts) pupils should *not* concern themselves with theological meanings (*Laïcité et République* 34).

<sup>11</sup> See <[www.education.gouv.fr/systeme\\_educatif/enseignement\\_privé.html](http://www.education.gouv.fr/systeme_educatif/enseignement_privé.html)>. Of course, not all the parents of children enrolled in these schools have concerns about the spiritual education of their offspring; it is simply that they want them to have “a good education.” Because they are more selective (that is, middle class) and often better funded than public schools, religious schools tend to maintain higher educational standards. Their teachers are also less likely to go on strike than those working in public sector schools.

den, separate dining arrangements are made for Muslim and Jewish pupils who wish to follow their religious dietary laws.)

There are more exceptions that reinforce the attachment of individuals to religious communities: chaplains in the army, colleges, schools, prisons, and hospitals, are all provided and paid for by the state. Jewish and Muslim funerary rites are permitted in cemeteries although they 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.<sup>12</sup>

Thus these exceptions 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 towards 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 respect all beliefs) and the numerous legal obligations that issue from this principle but that 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. 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. 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.

I want to stress that my interest is not in arguing that France is inadequately secular or that it is intolerant. No actually existing secularism should be denied its claim to secularity just because it does not 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.

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<sup>12</sup> See *Laïcité et République* 52–4.

*What is at stake here, I think, is not the toleration of difference but sovereignty that 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.”*

### *Passionate Subjects*

The politics of secularism are fraught with emotion, calling into question the very idea of neutrality. Guilt, contempt, fear, resentment, virtuous outrage, sly calculation, pride, anxiety, compassion, all intersect ambiguously in the secular Republic’s collective memory and inform attitudes towards 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 re-affirming *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 are explicitly assumed by the Stasi commission.

All modern states, even those committed to promoting “tolerance,” are built on complicated emotional inheritances that determine relations among its citizens. In France one such inheritance is the image of and hostility towards Islam; another is the image of and (until recently) antipathy towards Judaism. For a long time, and for many, Jews were the “internal other.” In a complicated historical readjustment this status has now been accorded to Muslims instead.

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 take place to obscure material realities.<sup>13</sup> Terray points out that in discussing the “threat to the functioning of the social services,” the

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<sup>13</sup> Emmanuel Terray, “Headscarf Hysteria,” *New Left Review* 26 (March/April 2004): 118–27. See especially *Laïcité et République* 90–6.

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. Of course, this is precisely what *laïcité* is. Its overriding concern is with transcendent values (neutrality of the state, the separation of “religion” from politics, “sacredness” of the republican compact, etc.) and not with immanent materialities (distribution of resources, flexibility of organizations, etc.). Isn’t this why the strong defenders of *laïcité* seem unwilling to explore the complicated connections between these two?

The antipathy (even hostility) evoked in this affair 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. 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. As in the political domain so in the private, and the sense among many is that passion is a disturbing force, the cause of much instability, intolerance, and unhappiness.

*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?*

Passionate support of *secular* beliefs, on the other hand, 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.” Where, as in the French Revolution, secular passion led to Terror, this was precisely because it was a *revolution*, a divided people in 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.

## 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.<sup>14</sup> I think that in doing so most of them miss 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 a body other than the representative democratic state that represents his individual will collectively, and 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 fact 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 on it.

The interesting thing about symbols (that is, 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. Vincent Geisser records some of the ways that the French media represented those who wished to wear headscarves in school. 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 that 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.<sup>15</sup>

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<sup>14</sup> For example, Henri Pena-Ruiz, "Laïcité et égalité, leviers d'émancipation," *Le Monde diplomatique* (February 2004): 9; and Pierre Tevanian, "Une loi antilaïque, antiféministe et antisocial," *Le Monde diplomatique* (February 2004): 8.

<sup>15</sup> *La nouvelle islamophobie* (Paris: La Découverte, 2003) 31 (italics in original).

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, 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."<sup>16</sup>

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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 towards others.<sup>17</sup> 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) that 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") and that it then glosses in its own fashion.<sup>18</sup> 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.

<sup>16</sup> "Il ne peut se contenter d'un retrait des affaires religieuses et spirituelles" (*Laïcité et République* 32).

<sup>17</sup> Tevanian 8.

<sup>18</sup> "L'avis énonce que le principe de laïcité impose que l'enseignement soit dispensé dans le respect, d'une part, de cette neutralité par les programmes et par les enseignants, d'autre part, de la liberté de conscience des élèves" (66).

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 a continuous attempt by the state apparatuses at encouraging 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 of class, gender, region, and ethnic origin do not constitute a community of shared values in France. Besides, modern France has always had a sizeable body of immigrants, all bringing in “foreign” ideas, habits, and experiences. The only significant difference is that since World War II 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, including a simple feeling that “France” belongs to *them* and 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.

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 over 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.”