

Hijab: la lutte continue

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Two books study the relationships between European societies and their Muslim minorities, in the wake of the Hijab controversy. Joan W. Scott claims that critical republicanism, as defined by Cécile Laborde, leads us to question the republican value of actual institutions and norms. It appears that France is not too republican, but not republican enough.

Under review: Christian Joppke, *Veil: Mirror of Identity*, Cambridge, Polity Press, 2009, and Cécile Laborde, *Critical Republicanism. The Hijab Controversy and Political Philosophy*. Oxford, Oxford University Press, 2008.

The furor has subsided over the French law of 15 March 2004, banning the wearing of conspicuous religious symbols in state schools, but its implications continue to be debated by scholars and activists within and outside of France. This is because the problem the law addressed – how (or whether) to integrate minority Muslim populations into the formerly more homogeneous nations of Western Europe – has not gone away. If anything, the “Muslim Question” looms even larger five years after the law’s passage. And, interestingly, although politicians and policy analysts readily acknowledge the need to confront the socio-economic realities (discrimination, racism, ghettoization) faced by these communities, the headscarf remains central to their discussions.

I find this puzzling. Of course, the explanation given is that headscarves embody the backwardness or illiberality or unfettered patriarchy of Islam and that this is incompatible with the “primordial” commitment to gender equality of secular liberal democracies. For Christian

Joppke, it is very simple: “the Islamic headscarf [i]s a challenge to liberalism” (p. ix), because it inevitably and incontestably signals the subordination of women. But other religions also preach women’s inferiority (and require head coverings), yet rarely do we hear complaints about the unacceptability of orthodox Judaism because it requires married women to shave their heads, or about the humiliations implied by the headgear of nuns in Catholic orders. Nor, for that matter, are liberal democracies scrutinized for their own bad practices that produce gender *inequality*: the persistently low numbers of women in elective office, wage and employment differentials by sex, or cultural norms that put obstacles in the way of careers for women in, say, science or sports. These communities and practices usually have not been singled out for state intervention, nor have they been deemed antithetical to the values of particular nations. One has to conclude that these days anxiety about the status of women attaches only to Islam and that the opposition to Muslim headscarves is synecdochical: it expresses a more general opposition to Islam as a whole.

Scholars differ about the sources of this opposition. Some attribute it to racism rooted in the colonial past; others to interpretations of secularism and/or national identity in Western states; still others to the very nature of Islam. Two new books offer strikingly different perspectives on the issue, even as they both focus on the European side of the conflict. Christian Joppke’s position is largely defensive. He examines the different forms of liberalism and nationalism in France, Britain, and Germany as they take on a common foe. “It is time to stop denying”, he asserts emphatically, “that Islam constitutes a fundamental challenge to liberalism.”(p. xi) In contrast, Cécile Laborde is more critical of the French republicanism that is her subject. Sensitive to the ways “minorities are constituted through the normality-defining power of the majority” (p. 18), she refrains from blaming Islam for France’s reaction to it and investigates instead the contradictions between the principles and practices of republican secularism that became evident during the French headscarf debates. Joppke buys the rhetoric of the “clash of civilizations” (p. 111: “Samuel Huntington has got it right: ‘The underlying problem for the West is not Islamic fundamentalism. It is Islam.’”); Laborde insists on looking at both sides. Citing critics of the ways in which *laïcité* was implemented, she comments “It is unfair to ask Muslims to contribute to the maintenance of an ideal secular state if the latter is no more than a myth.”(p. 66) Her aim, however, is not to repudiate the principles of republican

citizenship, but rather to realize them more perfectly than has thus far been the case. For her “opposition to the ban on religious signs does not imply opposition to secularism per se.” (p. 81) Rather, the goal is to combine normative generalization with contextual relevance in a theory she calls “critical republicanism.”(p. 82) Joppke’s book offers more of the same to those who have been following these debates; it is a one-sided tract with some useful comparative insights. Laborde’s is an original intervention that demonstrates the clarifying possibilities of critical political theory.

Joppke’s title, *Veil: Mirror of Identity*, refers to the different ways that France, Britain, and Germany have responded to the challenges posed by adherents of Islam in their midst. The “mirror” reflects the various forms liberalism takes as well as their potential hazards. Joppke prefers French “ethical” liberalism (the requirement that all citizens endorse the principle of public neutrality in matters of religion) even though it can result in repression (the prohibition of the headscarf which violates individual rights of conscience) because, in the end, it produces an inclusive national consensus. He is more dubious about British tolerance (allowing the headscarf) because it “encourages illiberal extremism” (toleration of the intolerant – Islam in this instance) and because its multiculturalism precludes the construction of a genuine national “meta-community.” (p. 115) He is most critical of the exclusionary Christian emphasis of German nationalism, which, he finds, hardly merits the designation of liberalism. His separate chapters on each country bring together interesting and useful information about court cases and legislative battles and it is here that the framework of comparative politics serves him well. The problem, though, is that each case is also reified, as if these were immutable traits of national character rather than dominant political positions that are (even by his own evidence) internally contested.

Moreover, in the case of his preferred example – France – he dismisses critics who look beyond abstract principles to examine the motives of proponents of the headscarf ban. There is no racism, he insists, no Islamophobia. He adds (referring to Britain as well as to France) that discrimination is more often based on socio-economic conditions than on religious objections, as if there weren’t a relationship between the two. And he maintains, citing a variety of public opinion polls and statistics on intermarriage, that integration is working successfully in France. If

there is a continuing problem, it is with doctrinaire Muslims whose beliefs are “incompatible with liberalism, most notably with its private-public distinction.” (p. 122) Most French Muslims accept *laïcité*, he says, and he seems to attribute this to France’s hardline. It “is the only country in Europe to confront its Muslim minority with an attitude, and one that has paid off.” (p. 125) The ringing endorsement of France’s policy seems finally to have been the point of the book. All the contrasts (with Islam, Britain, and Germany) establish France as the epitome of liberalism in Joppke’s view of it. The French headscarf ban is thus an exemplary law, an example of “best practice” in difficult circumstances.

Cécile Laborde disagrees. “The ban on the hijab in schools [...] cannot be defended on any of the main grounds presented by official republicans.” (p. 14) The requirement for public neutrality, she says, does not apply to schoolchildren; forcible removal of the headscarf cannot be equated with female emancipation; and the public assertion of religious or cultural identity is not the same as a refusal to integrate. This does not mean that all demands for recognition should be granted; indeed Laborde thinks that policies based on the recognition of separate minority identities are usually ill-advised because they reproduce the invidious differences that underlie discrimination. At the same time, she argues, the realities of discrimination and disadvantage must be addressed if republican principles are to be realized. “Too often, official republicanism functions as an uncritical ideology which both legitimizes the status quo by idealizing it and imposes unreasonable burdens of compliance on challengers, outsiders, and minorities.” (p. 15)

The solution is to seek institutional change so that the “liberal, difference-blind ideals of equality and impartiality” (p. 18) are more consistently applied: not affirmative action for minorities, but “systematic efforts to fight ethnic discrimination”, economic disadvantage and geographic segregation. Not a multicultural celebration of identity and difference, but programs that promote a universal vision of personal autonomy that is nonetheless sensitive to the “different ways autonomy can be exercised in pluralist societies.” (p. 15) The key criterion for this program of reform is the goal of non-domination: “Citizens do not need to have their particular identities and cultures positively recognized and affirmed by the state; they need only not to be dominated.” (p. 16)

The effort to remove domination, of course, requires the acknowledgment that certain groups face obstacles to full inclusion precisely because of their ethnicity or religion. “The normativist, abstract bias of French national republicanism combined with its eschewal of any form of ethnic monitoring, meant that actual practices of discrimination on ethnic grounds long tended to be underestimated and left unchecked.” (p. 221) Ethnic statistics need to be kept, but not as grounds for positive discrimination based on ethnic identity. The solution, says Laborde, is not to emphasize identity, not to reverse its negative valuation, but to insist on its irrelevance for republican citizenship. This nonetheless requires addressing discriminatory legal, educational, political, and social practices, many of which implicitly favor *majority* ethnic or religious groups. Thus, Laborde argues for a less Christian-based secularism and “a more genuinely neutral public sphere showing respect for all citizens.” (p. 19) She suggests that autonomy is not so much a substantive value as a “skill” that enables individuals to combat domination in whatever cultural or political circumstances they find themselves. And she calls for a rehabilitation of “the universalistic ambition of French republicanism” through the granting of voice and participation to all citizens, regardless of their origin or presumed ethnicity (p. 25).

The book is an exercise in political theory, drawing on many strands of liberal and democratic thinking, but strikingly original in its formulations. Focusing on the headscarf controversies allows Laborde to deal with concrete matters even as her interest is abstract and theoretical. As she compares principled statements with social practices, she reveals the contradictions and shortcomings of both sides in the debates. In this connection, the organization of the book is stunning. There are three sections, one on *égalité* that takes up the question of secular neutrality; one called *liberté*, on female autonomy; and a final chapter on *fraternité* that deals with national solidarity. Each section has three chapters: the first presents the official republican justification for the headscarf ban; the second, the reply of the critics to it, usually an argument that Laborde characterizes as multiculturalist or identitarian. The third chapter in each part offers Laborde’s normative alternative both to the official ideology and its critics. Each of the chapters does full justice to its subject, presenting the arguments of republican apologists and their critics so clearly and carefully that one appreciates the ambition and integrity of each side. For example, Laborde’s chapters on French republican arguments for the law on headscarves makes a far more coherent case than does Joppke, even though she ultimately rejects those

arguments because they refuse to acknowledge, indeed they obscure, the realities of discrimination and domination that Muslims face in France.

If Laborde rejects official republican justifications for the headscarf ban, she also refuses to endorse the position of its critics. On the one hand, she beautifully presents the case for those who insist that the *hijab* is an assertion of female agency – agency understood (in Foucauldian terms) not as an autonomous choice, but as action taken within the context of the relations of power through which all subjects are constituted. And she concedes that there are many valid reasons women might wear headscarves. She agrees, too, that state paternalism is not a good substitute for what might sometimes be familial patriarchal pressure. On the other hand, she differs with those (Étienne Balibar, Nacira Guénif-Souleimas) who, arguing that Muslim women are “caught in the crossfire of two dominations” (p. 147) – Islamic patriarchal and French nationalist/imperialist –, suggest that the best approach is to leave it to Muslim women to sort out their own response. Instead, Laborde offers a theory of non-domination which is meant to challenge both dominations through a process of education that develops “autonomy-related skills.” (p. 159)

The stress is on the notion of skills rather than substantive ideas of a good life as “a way of helping individuals resist domination within their own cultural and normative frameworks.” (p. 160) The skills are critical and analytic, establishing “discursive control” for individuals. (p. 155) They encourage the expression of opinions (“voice”) rather than accommodation to existing norms (“choice”) and of dissent rather than rejection or estrangement (“exit”) (p. 166). These are the skills, Laborde suggests, that are the heart of a *democratic* education because they lead to expanded participation in politics and to a non-exclusionary national solidarity.

If non-domination is the goal, then French national identity must be “de-ethnicized” along with minority identities. Indeed, “the onus is on mainstream institutions radically to reform themselves in ways that promote the political and social participation of all.” (p. 230) When obstacles to minority (in this case Muslim) inclusion are removed there will no longer be a single model of cultural assimilation that establishes civic identity. Anti-discrimination measures aimed at removing obstacles to minorities in education, the workplace, and politics will substitute for a

“politics of recognition” that ends by reifying the differences upon which discrimination is based. Only then will genuine national solidarity be achieved. This solidarity is neither singular nor multicultural; it is, as republican theory understands it, based on a sense of shared membership in a community of citizens. That this community is necessarily pluralistic is without question, but it is not identity-based. Instead, says Laborde, “the point is not a ‘Muslim voice’, but to give Muslims minimum discursive power so that they can (individually and collectively) find their voice(s) in public.” (p. 250)

She lists a number of ways to make this happen, all of which refuse the attribution of fixed identity while still combating discrimination based on difference: 1) getting rid of the discourse of national integration that posits immigrants versus French on the national scene; 2) destigmatizing the appearance of minorities rather than insisting on recognizing their difference; 3) including minority stories in narratives of the nation; 4) permitting the wearing of the *hijab* in state schools. The idea is to normalize the presence of Muslims rather than insisting on their (unacceptable) difference.

There is a certain sense in which Laborde’s position is idealistic, even utopian for it sometimes seems to make the solution of difficult social problems simpler than they are. For the Foucauldians among her readers (this one included), there is also the sense that she underestimates the intractability of relationships of power and of the importance of difference to their operations. Still, if critical political thinking requires not only analysis of what’s wrong, but visions of what could be right, this book represents a tremendous achievement. Critical republicanism, as Laborde imagines it, allows us to interrogate “the republican credentials of existing institutions and norms.” Taking republican norms at their word, provides a tremendously useful vantage for those seeking to change existing practices. They become the standard against which social ills can be diagnosed and the need for reform justified. From this perspective, headscarves become not the measure of Muslim intransigence, but of the shortcomings of the French political system. They reveal that France is not – as some of its critics have maintained – too republican, but “not republican enough.” (p. 257)

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