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Stuck in a revolving door : secularism, assimilation and democratic pluralism

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5

Laïcité's Modern Habits

On ne tuera pas l'esprit chrétien en fermant les écoles chrétiennes, et s'il doit (...) mourir, il mourra même sous une théocratie (Proust [*Correspondance* 1903]: III, 386).

[The Christian spirit will not be destroyed if we close the Christian schools, and if it is inclined to die (...), it will do so even under theocratic rule (my translation).]

In this chapter, I trace the historical vicissitudes and particularities of *laïcité* in relation to the more general concept of liberal secularism. To do so, I first briefly return to my discussion of secularism within liberalism in political philosophy, focusing specifically on the relevant elements for the comparison with *laïcité* that follows. Subsequently, I analyse four political cartoons from the time of the installation of the separation between Church and State in 1905, and I scrutinise the ways in which the relation between reason and religion appears in the work of scholars and politicians such as Ferdinand Buisson and Émile Durkheim, who were dealing with religion and education around the time of the introduction of *laïcité* as a principle of the French state.

5.1 *Laïcité* and secular liberalism

From the wars of religion on the European continent onwards, liberal political philosophers such as Locke and Mill saw secularism, in the sense of the mutual neutralisation of religion and the state, as pivotal to the peaceful organisation of society. While the state should become religiously neutral, religion, at the same time, should retreat into a separate sphere, which later on developed, more generally, into the so-called 'private sphere'. Thus, the liberal view of the state did not require, as the Christian (Catholic) state had once done, religious homogenisation to the point of forced conversion, nor did it keep different religious groups separated, as for example the Ottoman Empire had done. It 'only' required ethnic homogenisation through a process of gradual nationalisation, while creating a special sphere for religion.

As we have seen in the introduction and the previous two chapters, in the course of the development of Enlightenment thinking, philosophers increasingly came to believe that the liberal political philosophy of the separation of Church and State required religion's transformation into a 'modern', interiorised religion as a private belief, and its separation from 'traditional' ethno-cultural practices, such as, for example, linguistic and juridical ones. Thus, secularism increasingly seemed to require a certain kind of secularisation. And while in the early Enlightenment secularism could go together with a profound and publicly professed belief, as was the case, for example, with John Locke, thinkers of the later Enlightenment such as Voltaire and Kant, and also a nineteenth-century liberal like John Stuart Mill, increasingly suggested that religion should at least be transformed into private belief, if not vanish altogether to be replaced by or transformed into reason.

Thus, secularism led to the increasing institutional separation of religion from other aspects of culture, and to a view of religious belonging as membership of an association on the basis of a personal belief and a personal choice. The crucial question is whether such 'secularisation' is perhaps not as universally applicable a process as we might imagine. As several scholars have suggested and as we will consider more extensively in the course of this chapter, the specific solution of secularism only arose in the specific constellation of post-Reformation Europe, and its effectiveness and feasibility may therefore be dependent on the question of whether we are presently dealing with comparable historical constellations (Asad 1993; 2003; Bader 2006b; Seligman 2005).¹

¹ This relativity of the concepts of the 'secular' and, relatedly, of 'religion', has long been undertheorised in philosophy. See Asad's *Genealogies of Religion* (1993), one of the earliest contributions to the topic.

The American scholar Adam Seligman, in a recent paper presented at a conference on *laïcité* in Paris, stated the problem eloquently, although perhaps a little provocatively and in need of some qualification:

I would in fact claim that secularism is a very particular moment in the Christian process of negotiation of its own tradition—as was the Protestant Reformation and as is the phenomenon of Christian fundamentalism. (...) That a particular moment of this negotiation in Christianity is understood in terms of secularism has much to do with the privileging of belief over practice, of faith over works and of *Innerlichkeit* over external practice that has been part of Christianity from its origins (as evinced in its rejection of Jewish Law and its unique allegorical way of reading and interpreting scripture) and which received particular emphasis during the Protestant Reformation of the 16th century. (...) The consequent use—I would say, misuse, of this term—to characterise other civilisational endeavours, the Jewish, the Islamic, the Hindu, etc. is simply the spoils of war as it were: a consequence of the power differentials between the Christian, Jewish, Islamic, Indian and Chinese civilisations (Seligman 2005: 1).

With this in mind, let us now turn to the specificity of the French concept of *laïcité*.

Laïcité's specificity

Laïcité is a legacy of the struggle by the French Republic to gain political independence from the Catholic Church, a struggle which already began during the Revolution, but which was only definitively decided in 1905 when the great republican law institutionalised the separation of Church and State. This law had been prepared by republicans from the time of the installation of the Third Republic in 1870, after the defeat of France in the Franco-Prussian War. In 1870, the Second Empire was replaced by the Third Republic, which was faced with a defeated and extremely divided country, not only because of the war, but also because of the ongoing struggle between '*les deux France*'. The first France was the pre-revolutionary 'eldest daughter' of the Catholic Church. After the Revolution, it was claimed (and constructed) by traditionalists and counterrevolutionaries as the real, authentic France; the romantic Catholic 'tradition' that would have been passed on to new generations had it not been so rudely destroyed by the Revolution (Birnbbaum 1998). The other France was the post-Revolutionary 'État-nation', the political nation founded during the Revolution. As the negative of the first France, which received its rulers from

God (the king) and, most frustratingly, partly from Rome (the Jesuits dominating education), the new, modern France constructed itself as an autonomous self-constituting political nation.²

Laïcité is not a fully positivist French Enlightenment concept aimed against religion in general, as public opinion sometimes has it. Instead, it guarantees the freedom of every individual to have a religion or not to have one, to change this religion, or to have a different religion from everyone else. The 9 December 1905 law separating State and Church, which forms the basis for the centrality of *laïcité* in French society, has two central articles:

Article 1: 'La République assure la liberté de conscience. Elle garantit le libre exercice des cultes sous les seules restrictions édictées ci-après dans l'intérêt de l'ordre public'. Article 2: 'La République ne reconnaît, ne salarie ni ne subventionne aucun culte (...)' (quoted from Pena-Ruiz 2003: 276).

[First article: 'The Republic ensures the freedom of conscience. It guarantees the free exercise of religions with some reservations owing to the safeguard of "public order".' Second article: 'The Republic does neither recognise, nor pay nor subsidise any religion (...)' (translation quoted from Baubérot 1998: 117).]

Thus, in its original juridical formulation, the State does not support any religion—either financially or as far as content is concerned—yet at the same time *laïcité* is explicitly concerned with defining religious freedom. In this respect, it is quite different from Jacobinic Republicanism, where universal citizenship was supposed to replace particular religious attachments altogether. *Laïcité*, instead, requires the fundamental separation of Church and State and the explicit assignment of a proper domain to both. It only opposes religion in as far as it is identified as a producer of law, not in as far as it is a source of morality, belief, and meaningful experiences. Therefore, in its most general sense, *laïcité* is a *liberal* concept: religion is not recognised but the freedom of conscience is guaranteed (see also, for example, Laborde 2002).³ The difference

² Please note that the use of 'nation' in this context differs significantly from the internationally most common one, where nation and ethnic origin are closely linked. The political nation has been understood by Ernest Renan as the result of a 'daily plebiscite', which makes it the opposite of 'ethnic' origin. Yet both concepts of nation have their own nationalisms. For a more detailed analysis of the struggle between the 'two Frances' and its effects on the relationships between different societal groups, see the previous two chapters.

³ It would be useful to compare the concept of recognition in the French tradition with the ways in which it is used in contemporary multicultural theories. The Republic only abolished the system of 'recognised' religions in 1905, when the Concordat—the product of Napoléon's compromise between Republicanism and Catholicism—was definitively pushed aside in favour

between *laïcité* and other kinds of liberal secularism is a matter of degree: the French law from 1905 separates Church and State more rigorously than is the case in countries like Britain, Germany or Denmark (see introduction).

To a certain degree, *laïcité* contrasts with forms of liberal secularism that take the concept of tolerance as the central one to deal with diversity. These forms occurred in those countries where the divides between various Protestant denominations and Catholicism had already produced a division of political power before modernity's advent. This division had already partly dethroned the Catholic Church in the only hesitatingly Enlightening Europe of before the French Revolution. This process had produced various national churches in distinction from a monistic Catholicism. In the Protestant countries, therefore, it was easier to produce a division of power without radically separating the religious domain from the worldly domain. This meant that the religions of minorities could be more easily tolerated within the public sphere (Gauchet 1998).⁴ This public coexistence of several religions may have played a role in preventing the conflation of 'state' and 'public sphere' that seems to play a role in France (and Turkey), where it is suggested that 'the public sphere' is a realm that should symbolise, even express, the neutrality of the state.

Yet even in France, as we already saw in chapters one and two, contemporary political practices, like those in other Western countries, create ample space for religious pluralism, as well as encouraging the exercise of religious freedom. To give just one small example, contrary to what the law from 1905 prescribes and what received opinion thinks is still in practice, the French state does finance private religious schools and religious associations. It has also been recognised that the French state, against its ideology of the strict independence of State and religion, has a long tradition of the '*gestion*' of [governmental dealing with] religion.⁵ This not only implies its accommodation within the public sphere, but also, more strongly, its centralisation and at least partial control by the state.⁶

of a stronger Republic. Hence, in principle, in the French discussion we are talking about a legal definition of recognition. The recognition which has been dominant in multiculturalism concerns, in the first place, the intersubjective structure of respect and is based on the Hegelian concept of 'Anerkennung'. It concerns, for example in Charles Taylor's and Axel Honneth's conceptions, a structure of experiences of personal and intersubjective value. In such theories, recognition does not necessarily imply a competition between religion and politics.

⁴ Compared with Republican France, Protestant countries in general may be seen as less radically separationist. Yet radical Protestantism (Calvinism), for example, was more separationist than Lutheranism, so that within Protestantism, too, it is a matter of degree.

⁵ For recent examples, see Asad (2004), Roy (2005), Bowen (2005) and Benbassa (2003).

⁶ This was also the case in the colonial context, where the doctrine of *laïcité* was not always applied, and often accompanied by strong state interventions in religious matters (see Achi 2004; Webb 2005; Maussen 2006).

In France, an early division of power *between* religions did not take place, and the modern conception of citizenship adopted by the Republicans squarely opposed the heritage of the absolute monarchy. During the struggle between '*les deux France*' in the Third Republic, Republicans needed to develop an ideology that could replace or at least complement Catholic morality and that would spread the ideal of secular citizenship across the country. Due in particular to the introduction, in the course of the nineteenth century, of the *suffrage universel*, public schooling became crucial to preventing the people from voting for an authoritarian (Catholic) regime. As the famous Republican Buisson, one of the great proponents of public education, aptly stated in 1899:

Deux conditions sont nécessaires pour mettre sur pieds une république; l'une facile: lui donner une constitution républicaine; l'autre difficile: lui donner un peuple de républicains (Buisson 1899: 30).

[Two conditions must be fulfilled to help a Republic on its feet; one is easy: you have to provide it with a republican constitution; the other is difficult: you have to provide it with a people of republicans (my translation).]⁷

Buisson made clear that Republicanism required more than merely a juridically defined secularity; it needed a pedagogy to institutionalise a culture of Republicanism.⁸ The perception of this need gave an extra dimension to *laïcité*, which persists in its contemporary understandings where the concern is not so much the freedom of conscience and the disestablishment of religion, but rather a 'communitarian concern for civic unity', which tends to try to 'substitute democratic civic loyalty for religious and traditional allegiances' (Laborde 2002: 170-71).

Public education

Public, secular education was the most central institution called upon to help create the required 'people of Republicans'. Most of the laws passed in preparation for the law of 1905 concerned education (Baubérot 1993: 116). In

⁷ The neo-Kantian pedagogue Buisson was director of primary education from 1879-96 and edited the *Dictionnaire de Pédagogie et d'Instruction primaire*, which Gérard Raullet calls the 'bible of republican educators at all levels in the Third Republic' (1999: 16).

⁸ Schooling had been discussed from the Revolution onwards, most famously by Condorcet. In the Third Republic, however, it became one of the focal points of government, particularly in relation to the dangers produced by the (male) *suffrage universel* and by the possibility of uprisings such as the Commune (Baubérot 2000).

order to increase our grip on the symbolic aspects of the struggle around public education and its links to a general discourse concentrated on the advent of modernity, I would like to discuss four political drawings from the time of the separation law. These drawings can help clarify why tracing the genealogy of *laïcité* is so important for putting in perspective its position in the current context of ethno-religious diversity. The first drawing is a didactical one, perhaps not incidentally made in 1905 (see figure 1).



Figure 1. 'La déclaration des droits de l'homme et du citoyen' (Charles Fournigault, 1905)

In Fournigault's drawing, we see 'once upon a time' (autrefois) opposed to 'today' (aujourd'hui), and, parallel to this, pre-Revolutionary Catholic icons such as the castle, serfdom, and the 'commune' or the village as a precursor to 'community', opposed to the Republican institutions of school and the vote, which stand for modern 'society'. The transition from the pre-modern 'once' to modernity's 'today' takes place through the teaching of The Declaration of the Rights of Man and the Citizen. Please note the strong symbolic opposition between religious belonging and citizenship. Public school is presented as a crucial institution for the transition from a 'natural' provincial situation of communal social hierarchy to a 'civilised' urban democracy figured, for example, through the orderly partitioned windows. These windows act as mediators of a modern, mathematical view of the natural world 'outside' and, if we push the interpretation a little, function as symbols for the equality and (moral) freedom of all individual citizens.

The cartoons reproduced below could be read as ironic answers to the didactic efforts of those like Fournigault. These cartoons, drawn by the famous political cartoonists Roubille, Jossot, and Grandjouan, were published in the critical, anarcho-sindicalist magazine *L'Assiette au beurre* (see figures 2, 3 and 4). 'Choose, you're free' suggests that the transition from pre-modern to modern times also meant, for some, the replacement of one unitary system for another.



Figure 2. 'Choisis, tu es libre' ['Choose, you're free'] (Auguste Roubille 1904)

Roubille's cartoon suggests that the struggle between Church and State was a struggle about the centre of (pedagogical) power. It deconstructs the opposition between Catholic belonging and traditionalism on the one hand, and the freedom associated with modern citizenship on the other. It is either *catholicité* or *catholaïcité*, as *laïcité* was famously dubbed by Edgar Morin, and there is little freedom for the pupils on both sides of the spectrum.⁹ The two teachers depicted are women and this is not accidental. The first great *laïc* educational law, from August 1879, obliged every department in France to have a women's teacher training college. Jules Ferry, the minister of education, argued that Catholicism upheld its influence through women, positing that '*women must belong to Science (and not) to the Church*' (quoted from Baubérot 1998: 108). The smoking factory chimneys in the background of the cartoon suggest that underneath the superficial difference between public and private schools is found the same inescapable 'capitalist hell' (Langlois 1996: 109).



Figure 3. 'Respect' (Gustave-Henri Jossot 1907)

The 'Declaration' and 'Respect' contain some of the key concepts from the discourse of multiculturalism (see figure 1 and 3). The occurrence of 'respect'

⁹ In Rawlsian terms, *Catholaïcité* suggests in one nice pun that *laïcité*, like religion, entails a comprehensive doctrine. We will have to figure out where exactly contemporary *laïcité* spills over into such comprehensiveness while claiming to be neutral.

and 'commune' is particularly striking.¹⁰ It is as though the slogans of those forms of pluralism that seek to overcome the neglect of difference and inequality in formal conceptions of liberal citizenship that I discussed in chapter two, were anticipated in France in such a way that, as a cultural memory, they appear to imply a return to a pre-modern traditionalism linked to pre-democratic social structures. Thus, these forms of pluralism seem themselves to imply inequality.

'The Declaration' and 'Choose, you're free' also share a specific conception of history, where societal change takes place by going either radically backward or forward. Not the gradual mediation between group belonging and formal citizenship is the direction of modern society, but sudden change through revolutionary steps; what is implied is that only such change can move inherently immobile systems. We can only fall back into pre-modern, i.e. communal social structures, or be dragged in the direction of the inescapable 'capitalist hell', or else perhaps in the direction of a second Revolution promising an entirely new form of community. Because of this revolution-based conception of history, it is difficult for memory, tradition, community, and religion to be interwoven with modernity, freedom and democratic politics.

My first point of concern about the transposition of the frame of *laïcité* onto the contemporary questions surrounding the presence of Islam in France can be anticipated here. What we cannot responsibly do is transform the imaginary structure of the struggle between Church and State into an abstract opposition between politics and religion, and then translate it into a concern about the role of 'political religion' in contemporary society. This, however, appears to be precisely what happens in the discourse of *laïcité* (see also Roy 2005).

5.2 A philosophical *laïcité* or *une laïcité interiorisée*¹¹

The kernel of the Republican concept of *laïcité* was formed by the idea that a universal morality of citizenship and freedom could be compatible with inherited religious moralities. Kant's concept of a 'thin' universal morality provided the Republicans at the end of the nineteenth century with the universal, public morality of freedom with which they wanted to complement particular religious moralities.¹² The next cartoon reminds us of the enormous

¹⁰ As is the notion of 'recognition' in the text of the 1905 law. See footnote above.

¹¹ I borrow the term 'une laïcité interiorisée' from Claude Nicolet (1994).

¹² The following analysis is inspired by Raulet's (1999) excellent discussion of neo-Kantian debates about morality, and of Durkheim's answer to the Kantian antinomy of morality. I quote Durkheim's lessons from Raulet (1999: 24-27). The page numbers given refer to those listed by Raulet when he quotes from Durkheim's *L'éducation morale*; the translations are my own.

force of (neo-)Kantian thought in the development of the official secular philosophies of pedagogy at the turn of the nineteenth century (see figure 4).



Figure 4. 'Toujours les idoles' ['Idols forever'] (Jules-Félix Grandjouan 1904)

In this cartoon, Victor Hugo, the hero of nineteenth-century anti-clerical pedagogy, is carried around accompanied by idols from both the Republican and the Catholic side: Jeanne d'Arc, Kantian morality, duty and the moral law, immortal principles. Buisson formulated his ideal of a *laïcité interiorisée* (Nicolet 1994: 263) as follows:

Enseignez à l'enfant qu'il y bien des manières de croire en Dieu et de servir Dieu, mais qu'il n'y a qu'une sur laquelle tout le monde soit d'accord, c'est l'obéissance aux lois de la conscience et aux lois de la raison.

[To teach the child that there are indeed many ways of believing in God and serving God, but that there is but a single one on which all the world agrees and that is obedience to the laws of conscience and the laws of reason.]

Buisson follows the liberal definition of *laïcité* in suggesting that there exists a strict separation between religious moralities and the single moral law of reason, and that all religious moralities are compatible with this moral law, because, in the interpretation of Maurice Agulhon, it was considered not the result of a totalised conception of the world, but the 'common denominator of all cultures' (Agulhon 1981: 157, quoted from Raulet 1999: 31). *Laïcité* was not considered anti-religious because the universal humanist morality was deemed to merge with Christian morality, or at least to be compatible with it on the basis of a common denominator.

However, it did not escape attention that this interiorised, Kantian 'side' of *laïcité*, for all its universalism, followed a rather Protestant teleology in the way it conceived of the historical development of the relation between morality and religious belief. For this reason, the introduction of *laïcité* has also been interpreted as a 'Protestantisation' of French political structures, advocated in the Third Republic by particularly those philosophers and pedagogues influenced by the neo-Kantianism dominant at Republican universities and in governmental circles (see Agulhon 1981; Baubérot 2000; Raulet 1999; Birnbaum 1998).¹³ For Raulet, in Agulhon's footsteps, this is a reason to suggest that *laïque* morality could only conceive of itself as a complement to, instead of a competitor of Christian morality, because it 'en constituait une variante plus ou moins sécularisée, c'est-à-dire "Protestantisée", et à l'extrême, "kantianisée" ['constitutes a more or less secularised, that is to say "Protestantised", and ultimately "Kantianised" variety of it' (my translation)] (Raulet 1999: 32). The teleological progress from the Reformation to the Enlightenment to the Republic, Raulet suggests, obsessed as it was by the 'free' citizen, might not have been as easily compatible with other religious moralities, particularly not because, in the end, the Republic hoped for a *communauté affective* united around Republican values (Raulet 1999: 36).

At this point I want to make a remark which might be elucidating when tracing secularism's genealogy as a 'Whiggish' or at least Protestant concept that tends to overestimate interiority and neglect or even disrespect religious practice. Tracing this genealogy should not lead us to the suggestion that for example Islam and Judaism (and also Catholicism) are essentially more particularist (and less 'free') religions than Protestantism, and thus less compatible with modernity. Rather, we might consider that the strong distinction between interiority and law, between 'sentiment' and 'practice', or between 'universal(isable), liberal' and 'orthodox' religion, is itself a product of a modernist secularism that urgently needs to be deconstructed.

¹³ Raulet (1999) suggests that the popularity of Kant may have been caused partly by the idea that the Prussian ethics of duty, which was conflated with Kant's philosophy of transcendental morality, had led the Germans to their victory in the Franco-Prussian war.

We cannot take it for granted that some religions are essentially less compatible with or even supportive of minimal universalisable values than others. However, this question should be made less dependent on the question of whether these religions tend towards 'interiorisation': it rather depends on the historical processes in which they are involved and on the choices made by believers themselves. For example, Muslim feminists have stressed the minimal and egalitarian morality available within Islam (see Mir-Hosseini 2004).

The Jewish Enlightenment took off in early modernity and, as we have seen with Uriel Acosta and Spinoza, at certain points progressed radically (see introduction). But it is perhaps not superfluous to remind ourselves that it was precisely in a debate with Moses Mendelssohn that Kant argued, in *Religion within the Limits of Reason Alone*, that the 'Joch äusserer Observanzen' ['yoke of exterior observances'] (Kant 1990 [1793]: 185) to which the Jews submitted themselves in his eyes, had better be overcome. Mendelssohn held a less assimilationist view, arguing that Enlightenment could be reconciled with particular religious practices. Moreover, he already saw that this is also the case with regard to other religions that do not strictly separate a 'pure', moral or at least private concept of religion from religious practices. Mendelssohn argued that universal morality is not only compatible with Jewish moral law, but with the religious practices of many peoples, and thus he refused to go along with the Kantian 'either-or' suggestion about the meaning of Enlightenment.¹⁴

This does not mean that the 'liberalisation' or 'modernisation' of religion within a European context is unproblematic. To my mind, the most important problem lies in the *political context*, i.e. the power relations that their members are also involved in, and in the opinions all of us hold about what 'liberalisation' should actually entail. I hope to have shown in chapters three and four that the ambiguities of 'emancipation' and 'secularisation', which played a complicated role at the time of the Dreyfus Affair, were at least partly due to the minority status of the Jews and to the dynamics of the particular concept of 'universalisation' in the French nineteenth-century Republic, which concentrated on rendering religious practices invisible. Therefore, the ambivalence of (liberal) secularism should be analysed within a framework that also considers hidden assimilationism with regard to the ethno-religious

¹⁴ In Mendelssohn's eighteenth-century German: 'Nach den Begriffen des wahren Judentums sind alle Bewohner der Erde zur Glückseligkeit berufen und die Mittel derselben so ausgebreitet als die Menschen selbst, so milde ausgespendet als die Mittel, sich des Hungers und anderer Naturbedürfnisse zu erwehren!' [According to the notions of true Judaism, all inhabitants of the earth have been called to happiness and the means to achieve it are as extended as human beings themselves, as leniently distributed as the means to ward off hunger and other natural needs! (my translation)] (Mendelssohn 1989 [1783]: 412). Mendelssohn's option was quite different from Franco-Judaism or from the universalist Enlightenment that the Stasi committee proposes and that secularists tend to engage in implicitly.

heritage of minorities. I have suggested that for the Jews the laïcisation of religion led, at the very least, to highly ambivalent social positions, and that this was related to the fact that the 'particular' side of Judaism was more or less forgotten in the ideology of assimilation, though not in society. It is precisely this problematic which threatens to return with Islam if we do not remember it. In this sense, our assessment of the history of *laïcism* should not only deal with the law of 1905 or with the laws on public education that preceded it, but with the Dreyfus Affair as well.

Durkheim's Kant

A starting point for a subtle critical reply from 'within' the tradition of *laïcité* can already be found in Émile Durkheim's rethinking of Kantian morality. Durkheim was the first Republican professor of pedagogy at the Sorbonne, but he was also the first to deconstruct the opposition between rational and religious morality, detranscendentalising the secular idols from Grandjouan's cartoon about Victor Hugo in the process. Durkheim thought that Republican morality could not be entirely derived from an imagined, ideal or universal, but ultimately non-existing Reason. Therefore, he translated Kant's idea that Reason produces the moral law into the idea that the law is the product of a collective labour. In doing so, he subtly transformed Kant's antinomy of morality into a sociological view of humanity.

In Kant's view, morality on the one hand implies that the law should be produced by reason. In this sense, the law is given to the subject rather than constituted by it: it implies a certain kind of heteronomy, an '*Achtung für das Gesetz*'. On the other hand, morality implies that the subject gives itself the law: it implies autonomy. In his explanation of Kant's antinomy, Durkheim translates it into a slightly different one. As far as the autonomy pole of the antinomy is concerned, Durkheim stays close to Kant: we cannot think that '*la volonté puisse être pleinement morale quand elle n'est pas autonome, quand elle subit passivement une loi dont elle n'est pas elle-même législatrice*' ['the will can be fully moral when it is not autonomous, when it passively receives a law of which it is not itself the legislator'] (Raulet 1999: 123). But Durkheim's explanation of the heteronomy pole of the antinomy marks a distance from Kant. According to Durkheim, heteronomy means that '*la règle morale est oeuvre collective, nous la recevons beaucoup plus que nous ne la faisons*' ['the moral rule is the product of a collective, we receive it much more than that we make it'] (123). What precedes the subject for Durkheim is not pure reason but the collective, and with this argument

Durkheim makes the Kantian concept of morality, oxymoronically, 'sociologically transcendental'.

For Durkheim, it was important that Kantianism, as Protestantism, supposed the translation of the heritage of religious, transcendent morality into moral principles:

Avec le protestantisme, l'autonomie de la morale s'accuse encore, par cela seul que la part du culte proprement dit diminue. Les fonctions morales de la divinité deviennent son unique raison d'être; c'est l'unique argument allégué pour démontrer son existence. (...) Il faut aller chercher, au sein même des conceptions religieuses, les réalités morales qui y sont comme perdues et dissimulées; il faut les dégager, trouver en quoi elles consistent, déterminer leur nature propre, et l'exprimer en un langage rationnel. Il faut, en un mot, découvrir les substituts rationnels de ces notions religieuses qui, pendant si longtemps, ont servi de véhicule aux idées morales les plus essentielles. (...) Il faut découvrir ces forces morales que les hommes, jusqu'à présent, n'ont appris à se représenter que sous la forme d'allégories religieuses (Raulet 1999: 8, 10).

[With Protestantism, the autonomy of morality becomes even more apparent, if only because the part of the cult in the narrow sense is diminished. The moral functions of the divine become its only reason for being; this is the sole argument invoked to prove its existence. (...) We must look, at the very heart of religious conceptions, for moral realities which appear there as if lost and dissimulated; we must free them, find out what they consist of, determine their proper nature, and express them in a rational language. We must, in a word, discover the rational substitutes for these religious notions which, for so long, have served as vehicles for the most essential moral ideas. (...) We must discover these moral forces which man, until the present, has not learnt to represent to himself except in the form of religious allegories (my translation).]

Durkheim considers the heritage from the religious past as an indispensable reservoir of moral forces. Autonomy does not mean that we reject the religious heritage or that we rise above it in order to evaluate it critically from an Archimedean point of view. It is simply not clear what will be found there. Perhaps nothing, or, most probably, at least partly religion or tradition again, Durkheim suggests. What we need, rather, is a rational translation of the concretely developed historical moral forces that religions have carried with them. This preliminary deconstruction of *laïcité* by Durkheim teaches us that its moral-philosophical basis is more complex than some of the contemporary

claims about public schooling to be studied here suggest.¹⁵ In what follows and in chapter six, I will try to verify whether and in which ways this complication of the relation between belonging and freedom (or, in (neo-)Kantian terms, between religion and reason) appears in contemporary discussions about *laïcité*.

Public schooling and laïcité—with a brief return to Proust

We encounter the modernist dichotomies between belonging and freedom, tradition and modernity, communal belonging and citizenship, in contemporary neo-Republican explanations of the function of the public school in terms of *laïcité*. The neo-republican philosopher Cathérine Kintzler, who was one of the first to sign a petition, in 1989, against the wearing of the headscarf in schools, recently restated the republican idea of the public school. She defines it as a place which pupils attend not as consumers or in order to enjoy their rights, but in order to ‘s’autoconstituer comme sujet’ [‘constitute oneself as a subject’] (Kintzler 2003: 63). According to her, this means that pupils get the opportunity—but are also obliged—to distance themselves from all pre-rational, social, and religious forms of belonging. Pupils should be encouraged to critically evaluate all kinds of worldviews without already having made a decision about their membership of any particular one. Freedom can only be the result of ‘schooling’:

Toute l’argumentation revient à dire que les élèves présents à l’école ne sont pas des libertés constituées (comme c’est le cas des citoyens dans l’espace civil), mais des libertés en voie de constitution et que l’école est une institution productrice de la liberté (Kintzler 2003: 64).

¹⁵ In fact, Kant himself already did this. Ironically, the great philosopher of autonomy referred to veiling in order to make clear how ‘transcendental’ the sources of our moral sense are and how irrelevant this transcendence is: ‘The veiled goddess before whom we of both parties bend our knees is the moral law in us, in its inviolable majesty [*das moralische Gesetz in uns, in seiner unverletzlichen Majestät*]. We do indeed perceive her voice and also understand very well her command [*Gebot*]. But when we are listening, we are in doubt whether it comes from man, from the perfected power of his own reason [*aus der Machtvollkommenheit seiner eigenen Vernunft*], or whether it comes from an other, whose essence is unknown to us and speaks to man through this, his own reason. At bottom we would perhaps do better to rise above and thus spare ourselves research into this matter; since such research is only speculative [*bloss spekulativ*] and since what obliges us (objectively) to act remains always the same, one may place one or the other principle down as a foundation’ (Kant in Fennes 1983: 71, quoted from De Vries 1999: 375).

[The whole argument boils down to the idea that the students present in the school are not constituted liberties (as is the case with citizens in the public space), but liberties that are in the process of being constituted, and that the school is an institution that produces freedom (my translation).]

The Stasi committee gave a similar definition of what *laïcité* should entail in the context of public schooling. As we will study in more detail later on, it presents the transition from *appartenance* [belonging] to *autoconstitution* as something quite unproblematic that we can decide on when we pass the threshold of the school. In the process, the committee also adds the making of the 'citoyen':

À l'école de la République sont accueillis non de simples usagers, mais des élèves destinés à devenir des citoyens éclairés. [...L'école] doit favoriser une mise à distance par rapport au monde réel pour en permettre l'apprentissage (Stasi 2003: 4.2.2.1).

[At the school of the Republic are welcomed not simply users, but pupils destined to become enlightened citizens. [...The school] must encourage a distancing from the real world to permit this being learnt (my translation).]

This requirement of a *mise à distance* from the 'real world' is crucial to understanding what contemporary *laïcism* actually requires from people feeling attached to a specific religion. What does it mean that we have to take a distance from the 'real world' upon entering our schools? A certain distance will be taken by everyone, won't it? Do we really breed 'enlightened citizens' by asking people to remove and suspend the symbols and practices related to the ways in which they are attached to the 'real' world? Isn't the Stasi committee's proposal a direct reference to the kind of transcendental, Archimedean moral point of view which the neo-Kantians politicised, but which Durkheim already convincingly deconstructed?

In the following chapter, in which I read the Stasi Report in detail, I elaborate on the hypothesis that the prohibition of religious signs in public schools is at least partly the result of a wish to reaffirm the laicist foundations of public schooling in the struggle with a religion, namely Islam, which is perceived to be as threatening as clerical Catholicism once was. An indication of this might be that the discussion about religious signs (or *emblèmes*) in schools is as old as laïcism itself and has surfaced particularly at times of confrontation between the Republic and clerical or militant Catholicism. First, in the 1880's, in discussions about the confiscation of old school buildings by the state and about whether all the reminders of their Catholic origins, such as the crosses on the walls, ought to be destroyed. And afterwards, in 1937, when the minister of 'instruction

publique' [education] of the Front Populaire, Jean Zay, prohibited the crosses worn by scouts and the insignia of the 'Jeunesse étudiante chrétienne'.¹⁶

The question of whether religious signs should be allowed in public places has also divided secular minds from the beginning. For example, Buisson himself took a moderate position and thought that turning the law which ordered the *laïcisation* of schools into a 'croisade iconoclaste' [iconoclastic crusade] against religious signs in school buildings might have the wrong effect. Therefore, addressing the prefects, he advises: 'vous vous rappellerez toujours que le gouvernement, plein de confiance dans le bon sens public, a la prétention, tout en faisant respecter la loi, de la faire comprendre et de la faire aimer' ['you should always remember that the government, full of confidence in the public's good sense, even as it seeks to make the people respect the law, also claims to make the people understand and love the law' (my translation)] (Buisson 1888: 1473, quoted from Raullet 1999: 22).

I would like to briefly turn to Proust's moderate voice here. In a letter to his friend Georges de Lauris, he explains, in 1903, his problems with Émile Combes' proposal for a law definitively separating Church and State, which was the precursor to the law of 1905.¹⁷ Proust establishes some important connections between the Dreyfus Affair and the struggles surrounding this law. His remarks are about education:

Et vous pensez que les Ecoles libres apprennent à leurs élèves à détester les francs-maçons et les Juifs (...). Et il est vrai que, depuis quelques années, dans un monde sorti de ces écoles on ne reçoit plus de Juifs, ce qui nous est égal en soi, mais ce qui est le signe de cet état d'esprit dangereux où a grandi l'Affaire, etc. Mais je vous dirai qu'à Illiers, petite commune où mon père présidait avant-hier la Distribution des Prix, depuis les lois de Ferry on n'invite plus le Curé à la Distribution des Prix. On habitue les élèves à considérer ceux qui le fréquentent comme des gens à ne pas voir, et de ce côté-là, tout autant que de l'autre, on travaille à faire deux France (*Correspondance* III, 382).

¹⁶ Zay did so by appealing to *l'ordre public* and not to *laïcité*, as the French sociologist Émile Poulat recalls in a critical commentary on the headscarf law in *Le Monde*. Zay did not prohibit the Catholic signs because they were religious, but because they were associated with the fascist or at least the nationalist and right-wing side of militant Catholicism in the thirties (Poulat 2003). Poulat's most beautiful and accurate commentary on the headscarf/*laïcité* debate: 'Tout ce débat souffre d'une perte de mémoire' ['This entire debate suffers from a loss of memory' (my translation)]. Poulat also observed, in the same interview, that *laïcité* has replaced 'modernity' as a fashionable concept but that the content is comparable.

¹⁷ This law was proposed in 1903 by the anti-clerical party and it implied the expulsion of religious orders from France's territory, as well as the withdrawal of all state support for the maintenance of these buildings, which would lead to their predictable dilapidation.

[And you think that the 'Ecoles libres' (religious schools, Catholic schools in practice, YJ) teach their pupils to detest the freemasons and the Jews (...). It is true that, for some years now, in the world that comes out of these schools one no longer receives Jews, which does not matter to us in itself, but which signals that dangerous spiritual attitude from which the Affair, etc. grew. But I tell you that in Illiers [the model for *Combray*, YJ], the small community where my father presided over the distribution of prizes the day before yesterday, one has not invited the priest to the distribution of prizes since the laws of Ferry [the education laws from 1880 which prepared the full secularisation of education, YJ] came into effect. They habituate the pupils to consider those who visit the priest as people that they should avoid, and in this respect, just like those on the opposite side, we are working to create two Frances (my translation).]

This sharp and, in my view, acute observation has little to do with 'anti-secularism' or 'anti-modernism', but rather stems from a concern for mutual respect and societal peace, and from the conviction that the responsibility for societal divisions is something we all share. Proust's remark might be read as an anticipation of Olivier Roy's recent ironic comment on contemporary laicism: 'Comme si la vieille structure conflictuelle était inhérente à l'identité française et que seul changeait l'acteur religieux' [as if the old conflictual structure were inherent to French identity and only the religious actor would be different] (Roy 2005: 42, my translation).

While reflecting on the fact that Waldeck Rousseau, one of the politicians who prepared the anti-clerical Loi Combes, followed Catholic rituals on his deathbed, Proust wrote that 'c'est très utile de montrer à l'humanité que la religion et la politique n'ont rien à voir ensemble et qu'on peut être sévère au clergé et pieux tout de même' ['it is very useful to show humanity that religion and politics have nothing to do with each other and that one can be severe with the clergy and pious at the same time' (my translation)] (Proust 1970-1993: IV, 213, quoted in Fraisse 1996). Birnbaum (1998) reminds us that Mitterand followed Catholic rituals, and flags were flown at half-mast all over France after the death of the Pope. Sometimes, as Connolly writes, there is just no other option apart from 'gritted teeth tolerance' (2004: 69).

In conclusion, I would like to make a similar argument to the one I made in chapter two when criticising Morawska and Joppke's abstract distinction between nineteenth-century nationalist conceptions of citizenship and today's 'de-ethnicised citizenship'. In the same vein, I think that we cannot suggest that *laïcité de combat* was ubiquitous among Republicans in the early twentieth century and that present-day liberal *laïcité* is entirely different, having lost its ethnicising and assimilationist particularities. This is a projection of partiality

and wrongness onto the past. The problem is rather the ongoing suggestion that neutrality has (nearly) been achieved and that 'parties' or 'communities' have been transcended at the level of the nation-state. The most important distinction is that between moderate voices and less moderate voices, between more self-reflexive ones and less self-reflexive ones.

By the affirmation of the laïcist foundations of public schooling, religion in general is once again brought into competition with a modernist conception of subjectivity. A reflection on this modernist self-understanding is imperative. If we do not question the frame of *laïcité* and its counterpart, *communautarisme*, we risk referring our analyses of the problematic place of Islam in contemporary France back to an isolated and overly general cause: political religion or identity politics in general as the presupposed underlying cause of violence. Instead, we should analyse the constellation of this violence, its social context and the place of religion within it, without predetermining causalities on the basis of a modernist philosophical heritage. And here it may not be superfluous to recall that we are dealing with the religion of a minority with a largely postcolonial and postmigration background, and with issues of socio-economic marginalisation or exclusion. Let us now turn to reading the Stasi Report in detail.