

# From Secularism to Reciprocity: Banning the Veil in France and Beyond

Written by Peter Baehr and Daniel Gordon

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PETER BAEHR AND DANIEL GORDON, SEP 16 2013

A large volume of academic interpretation attended the 2004 law banning headscarves in French public schools. When in 2011 the French passed a second law, against wearing full-face veils anywhere in public, a sense of déjà vu discouraged in-depth scrutiny. While the first law triggered the publication of numerous books, such as J.R. Bowen's, *Why the French Don't Like Headscarves*,<sup>[1]</sup> we observe no voluminous commentary on the 2011 ban. For many observers, the second law must have seemed like a reprise of the "political hysteria" and "knee-jerk racism" that Joan Wallach Scott associated with the first.<sup>[2]</sup>

The two laws, however, are based on principles, not just prejudices—and they are based on different principles. Broadly speaking, the ban on headscarves in public schools was justified in terms of *laïcité*, or secularism, while the ban on full-face coverings was endorsed through the idea of reciprocity.

### Secularism

Secularism has been a central principle in French democracy since 1789. It is enshrined today in the French Constitution through Article 1, which states that the republic is "indivisible, secular (*laïque*), democratic, and social." Secularism is not to be confused with separation between church and state. Separation implies that the government will neither promote religion nor discriminate against it. But secularism is based on a suspicion that religion tends to bend the mind away from democracy. The government must militantly guard against religious influences in those places, such as schools, where it is essential to socialize individuals into the culture of equality and common citizenship.

Secularism requires that in key moments, or in key public institutions, the community's official religion must be democracy itself. Rousseau spoke of the need for "civil religion" in *The Social Contract*.<sup>[3]</sup> And Régis Debray, a leading proponent of the headscarf ban, has argued that the French republic must protect its own mode of "transcendence" in public schools against competing value systems.<sup>[4]</sup>

This militant concept of secularism does not of course attend all democratic societies. French secularism has been most influential in Turkey. Mustafa Kemal, who oversaw the creation of the Turkish Republic in 1923, was heavily influenced by Jacobin principles. The current Turkish constitution references Kemal's thinking; it states, like the French constitution, that the republic is "secular."<sup>[5]</sup> It is no surprise that headscarf bans in public schools have been prevalent (and of course contested by religious parties) in Turkey for decades. Most democratic constitutions, however, do not speak of the republic as "secular." Headscarf bans in public schools are generally perceived as infringement of the students' constitutional right to religious freedom. Hence, the French ban in 2004 did not unleash a wave of similar prohibitions in other countries.

### Reciprocity and the Face

The ban on full-face coverings in France was justified on the basis of a different, and apparently more universal, principle: reciprocity. Though hammered out by French intellectuals and politicians in governmental commissions in

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2009-2010, reciprocity presents itself not as a specifically French tradition but rather as a sociological discourse about the “minimal reciprocal duties necessary for living in common,” to quote a 2010 report of the National Assembly.[6] Reciprocity appears to be more compelling and adaptable in all democracies, except those most oriented around the individual’s right to religious expression. Hence, concerns about full-face coverings, and pressures to ban them, are likely to remain on the international scene for a long time to come.

Admittedly, the two principles, secularism and reciprocity, have some common traits. Most importantly, both have been deployed dualistically to construct Islamic symbols as expressions of resistance to democratic integration. The multiple meanings of headscarves and veils within Islamic cultures, i.e., their meanings for the women who wear them, often take a backseat to the unitary meanings attributed to them within a body of democratic theory. This body of theory can and should be criticized. Yet, our aim here is simply to point out that two different concepts—secularism and reciprocity—co-exist in this body, and no student of international affairs should be unaware of the nuances.

Secularism and reciprocity are sufficiently different that some of France’s major intellectuals supported one law and opposed the other. This is an indication that the discourse surrounding the 2011 law has its own history. Régis Debray, already mentioned, is a quintessential French revolutionary republican. His credentials include working with Che Guevara in Cuba and Bolivia. In 1967, he wrote a handbook for guerilla warfare, *Revolution in the Revolution*. He served on the Stasi Commission, created by President Jacques Chirac in 2003 to clarify the principles of secularism and apply them to the headscarf controversy. Before then, in 1989, he co-authored, with four other prominent public intellectuals, a letter to *Le Nouvel Observateur* against headscarves in public schools. In fact, this letter was influential in converting the headscarf issue from a localized and practical problem facing certain school administrators into a hot national “affair.”[7]

In his reflections on the headscarf issue, Debray emphasized the need to exclude ideological symbols that interfere with democratic socialization in the public schools. It is precisely to maintain an atmosphere of freedom that some coercion is needed. The spirit of common citizenship must be nurtured among students, and if necessary, protected by legislation and force. For democracy, according to Debray, is not natural; it is an artifice backed by power. “The republican synthesis has never been a dinner party but is rather a confrontation”[8] Yet, Debray has opposed bans on religious symbols that extend beyond the public schools. While students must learn about equality and citizenship in an atmosphere that guards against religious influences, adults can pursue their preferred mode of spirituality in a non-violent manner. One should be free, according to Debray, to express one’s religious commitments peacefully on the streets.[9]

The Turkish-born sociologist, Nilüfer Göle, a professor at France’s École des hautes études en sciences sociales, has flipped her analysis in the opposite direction. In a seminal book, she debunked French and Turkish secularism, arguing that this discourse of modernity and progress configures its alleged enemies in too simplified a fashion. She claimed that the headscarf, far from representing Islamic hostility to democracy, is a tool for “increasing participation on the public realm” and establishing “a tolerance for differences and separate identities.”[10] When Göle did this work in the 1990s, full-face veils were not yet on the horizon in Turkey and Europe. Once they began to grow in popularity, Göle conceded that they represented a separate problem. In testimony to a French Information Committee gathering academic opinions on whether to ban full-face coverings, she expressed opposition to the burqa. “It [the burqa] may be understood as a regression or, at least, a very radical will to rupture with reciprocity and exchange . . . The headscarf . . . does not pose the issue of the face’s visibility but only of the hair. In contrast, the burqa today poses the problem of recognizing the person’s face which they carry in the public sphere.”[11]

Göle’s analysis is consistent with that of Abdennour Bidar, a young Koranic scholar and philosopher. His testimony in the Information Committee was repeatedly quoted in this body’s final report. Bidar insisted that the full veil discourages communication. “By not giving me access to his or her face, the other intends provocatively not to be receptive to the communicative expectations inherent in the public space. On this basis, I am justified in considering his or her comportment as a symbolic violence inflicted on me.”[12]

## Internationalization

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The critique of the full-face veil, based on the idea that democracy is ultimately a face-to-face society, may appear ad hoc and discriminatory. But it is worth emphasizing that this animus now expresses itself in a sophisticated, intellectual form. Based on democratic conceptions, it is, regardless of prejudices that may have given rise to it, now able to exercise its own leverage—to cut across a broad spectrum of social types and political parties. Communists, socialists, conservatives, Muslims, and feminists all weighed in against the veil before the French Information Committee. Moreover, there was already a corpus of democratic and sociological theory, not focused on the veil, that emphasizes transparency and lends itself to criticism of the veil. According to Richard Bellamy, it “is through being a member of a political community and participating on equal terms in the framing of collective life that we enjoy rights.” He also remarks that “citizenship involves a degree of solidarity and reciprocity between citizens” and that such citizens “need to see each other as equal partners within a collective enterprise.”[13]

We can elaborate this statement by noting that, in Western traditions of politics, vision has played, and continues to play, a vital role in establishing norms of fairness and political solidarity. Metaphors such as enlightenment, openness, open society, transparency are central to the republican political aesthetic. The very notion of “public,” Hannah Arendt remarks in *The Human Condition*, suggests the “presence of others who see what we see and hear what we hear;” this “assures us of the reality of the world and ourselves.”[14] A face covered by a veil inserts an asymmetry into this space of appearance, breeching the idea of a public world in common. Whatever the intention of the wearer, the full-face veil acts as a partition separating citizens from one another.

The concept of reciprocity thus has a degree of abstraction, or universality, that allows it to migrate outside of France. When, in July 2011, Belgium implemented a ban on full-face coverings, the impact of the French model was palpable. The president of the Chamber of Deputies, Patrick Dewael, advised the Chamber to use the same “enlarged and updated conception of public order” that informed French discussion of the veil.[15] The legislative discussions in Belgium featured representatives from a wide spectrum of political parties affirming the importance of “the face” and “reciprocity” in democratic societies.

In Holland, a ban on full-face veils was ratified (but as yet not implemented) in January, 2012. The nationalist views of Geert Wilders have received much attention. But his argument, emphasizing the alleged incompatibility of the burqa with specifically Dutch Christian traditions, was supplemented by more universal claims that resemble those made in France. Thus, a government-issued news item on the ban stated:

“The government has reaffirmed the decision to introduce a general ban on wearing clothing that covers the face in public. It believes that people need to be able to look each other in the eye and interact with recognisable faces. Open communication is vital in public places. Wearing clothing that covers the face is not appropriate in an open society like the Netherlands, where participation in social intercourse is crucial.”[16]

In sum, bans on the full-face veil are now justified in terms of democratic reciprocity. We can expect to hear more of this argument in the future.

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[1] J.R. Bowen, *Why the French Don't Like Headscarves: Islam, the State, and Public Space* (Princeton University Press, 2008).

[2] Joan Wallach Scott, *The Politics of the Veil* (Princeton University Press, 2007), pp. 120-121

[3] Jean-Jacques Rousseau, *The Social Contract* (first pub. 1762; Book IV, Chap. 8 is entitled “Civil Religion”).

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[4] Régis Debray, *Ce que nous voile le voile: la République et le sacré* (Gallimard, 2004), p. 17.

[5] See Article 2 of the Turkish Constitution where the republic is defined as secular; but note that secularism is referenced numerous times throughout the Turkish constitution.

[6] Assemblée Nationale document no. 2648, Rapport de M. Jean-Paul Garraud, 23 June 2010, au nom de la commission des lois constitutionnelles, de la législation et de l'administration générale de la République sur le projet de loi (no. 2520) interdisant la dissimulation du visage dans l'espace public, pp. 15-16.

[7] Bronwyn Winter, *Hijab and the Republic: Uncovering the French Headscarf Debate* (Syracuse University Press), 2008, 136.

[8] Debray, *Ce que nous voile le voile*, 17.

[9] Régis Debray., "Sur l'Islam, la burqa, l'identité. . ." Interview with the journal *Réforme*, 15 January, 2010, 'retrieved from <http://www.toutsaufsarkozy.com/cc/article04/EkyFylyppEytPULMoz.shtml>.

[10] Nilüfer Göle, *The Forbidden Modern: Civilization and Veiling* (University of Michigan Press, 1997), pp. 2, 23, 138.

[11] Assemblée Nationale document no. 2262, 29 January, 2010, Rapport d'information au nom de la mission d'information sur la pratique du port du voile intégral sur le territoire nationale, , p. 597. (Cited below as ANRI.)

[12] ANRI, p. 286 for the above extracts from Bidar's testimony; p. 112 where this passages is partially quoted in the commission's final report.

[13] Richard Bellamy, *Citizenship: A Very Short Introduction* (Oxford University Press, 2008), pp. 16, 114.

[14] Hannah Arendt, *The Human Condition* (University of Chicago Press, 1958), pp. 50-3

[15] Chambre des Représentants de Belgique, Compte rendu intégrale séance plénière 4th session, 52<sup>nd</sup> legislature, plenary session 151, 29 April 2010 afternoon, p. 26.

[16] "Government Approves Ban on Clothing that Covers the Face," news item January 27, 2012, on the website of The Government of Netherlands. <http://www.government.nl/news/2012/01/27/government-approves-ban-on-clothing-that-covers-the-face.html>

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