

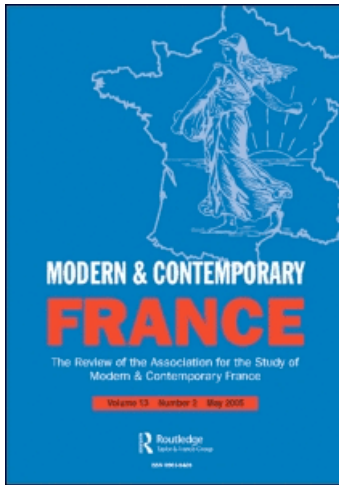
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# Laïcité and the Challenge of 'Republicanism'

Jean Baubérot

*This article examines how, with the aid of leading French intellectuals, the debate about laïcité and the Islamic headscarf apparently became transformed into a consensus in favour of banning the garment from state schools. It shows how 'combative laïcité', styled by its proponents as 'laïcité républicaine', triumphed with the assistance of figures who, in Gramsci's terms, played the role of 'organic intellectuals'. The volte-face of sociologist Alain Touraine is emblematic of this process. In 1989, when Régis Debray, Alain Finkielkraut and other intellectuals called for a ban on the Islamic headscarf, Touraine spearheaded a counter-manifesto in favour of 'une laïcité ouverte'. In 2003, however, Touraine joined other members of a presidentially appointed Commission in recommending that the headscarf be banned, paving the way for legislation passed in 2004 with the support of a wide consensus among politicians, intellectuals and the public at large.*

In 1989, the news magazine *Le Nouvel Observateur* published a manifesto by 'cinq intellectuels' (Elisabeth Badinter, Régis Debray, Alain Finkielkraut, Elisabeth de Fontenay and Catherine Kintzler, 1989), the title of which was splashed across the front cover: 'Profs, ne capitulons pas'. It was accompanied by a photograph of a girl wearing a headscarf. The manifesto and the way in which it was presented were typical of the 'combative' mode of *laïcité* (the French term for the formal separation of the state from organised religions)<sup>1</sup> which has featured prominently during the so-called Islamic headscarf affairs which since 1989 have flared up around the state school system in France. The manifesto began by suggesting that toleration of the headscarf was liable to prove what the authors called 'le Munich de l'école républicaine', Munich being a byword in French political discourse for the feckless appeasement of fascism. The following week 'cinq personnalités' (Joëlle Brunerie-Kaufmann, Harlem Désir, René Dumont, Gilles Perrault and Alain Touraine 1989) published a response in the

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weekly magazine *Politis* in which they called for ‘une laïcité ouverte’ and warned against the dangers of a ‘Vichy de l’intégration des immigrés’, an allusion to the authoritarianism of the Vichy régime during its collaboration with the Nazis in World War II. From both sides of the divide, each camp thus demonised the other by comparing its attitude to that of capitulation in the face of Nazism.

Asked by the government to rule on the matter, the Council of State, France’s highest administrative court, found that wearing the headscarf at school was not in itself incompatible with the code of *laïcité*, provided it was not accompanied by disruptive behavior. Fourteen years later, however, in December 2003, a Commission appointed by President Jacques Chirac to review the workings of the code of *laïcité* recommended legislation to outlaw the wearing of ‘signes religieux ostensibles’, meaning headscarves, in state schools. Nineteen of the 20 Commission members voted in favor of this recommendation (Baubérot 2006b). They included Alain Touraine, who in 1989 had been the leader of the manifesto arguing against such a ban. What I call ‘combative *laïcité*’, styled by its proponents as ‘laïcité républicaine’, had thus triumphed. It had been helped to victory by proponents who, in Gramsci’s terms, had played the role of ‘organic intellectuals’. In examining the role of those intellectuals in helping to create a consensus in favour of those banning the headscarf, this article shows how the arguments they deployed were grounded in notions of French republicanism and exceptionalism that were often far removed from empirical developments on the ground (see also Bowen 2007).

The first Islamic headscarf affair began in Creil, 50 kilometers to the north of Paris, when three teenage schoolgirls defied a new rule introduced by their Headteacher and refused on the grounds of their Islamic convictions to remove their headscarves during classes. The news media quickly linked the headscarf to fears of religious fanaticism and the supposed endangering of *laïcité*. Part of the context was the fatwa against Salman Rushdie proclaimed earlier in 1989 by the Ayatollah Khomeini in Iran, where women were required to cover their heads. The headscarf became seen as a symbol of religious oppression, stifling freedom of thought and equality among the sexes.

*Laïcité*, as originally defined in France in the late nineteenth century, is not fundamentally from that of a ‘secular state’ as understood by American jurists (Baubérot 2007b). But, unlike the United States, where the separation of church and state and acceptance of religious pluralism were firmly established from 1791 onwards, *laïcité* in France was the product of a long conflictual process which was resolved only slowly in which the main players were the state and the Catholic Church. *Laïcité* became institutionalised during the Third Republic: first in the state school system in the 1880s and then in the law of 1905 formally separating churches and the state.<sup>2</sup> These arrangements were incorporated in the constitutions of 1946 and 1958, establishing the Fourth and Fifth Republics respectively. But there was still by no means a complete consensus in favor of viewing *laïcité* as an integral part of French identity. Indeed, between 1946 and 1980, in its general usage *laïcité* became a byword not for constitutional consensus but for a still smoldering conflict over public subsidies for private schools, more than 90 per cent of them Catholic.

Support for *laïcité* was heavily identified with support for the Left. During the long quarrel over state versus private schools, hard-line advocates of *laïcité* often contrasted the absence of public support for private schools in the US with the provision of public funding for religious schools in France (Cornec 1965).

The situation changed during the 1980s, when the Left came to power. The experience of power blunted the Left's ideological charge. The general decline of Marxism was soon hastened by the collapse of the Soviet bloc. The identity politics associated with *laïcité* were largely laid to rest in 1984, when the Left was forced to abandon its plans to bring all schools, both public and private, into a unified (but flexible) mould of secular schools (*laïcité scolaire*). Since 1989, *laïcité* has become associated in general usage primarily with issues relating to Islam, notably through recurrent episodes of the headscarf affair.

It was in this new context that a number of intellectuals developed an ideology they called 'republican'<sup>3</sup> in which *laïcité*, now seen as part of the 'French exception', now (at last!) became part of a consensual notion of national identity (Baubérot 2006a). They were philosophers, generally identified with the Left, in many cases influenced by Jacques Muglioni, the senior figure in the Ministry of Education charged with overseeing philosophy teaching in French schools. Under his influence, in response to the emergence of a 'mass democratic school system', a new theory of education infused with the 'republican' spirit of *laïcité* emerged (Dubet 1996). An early proponent of this was Jean-Claude Milner (1984). Although Milner did not mention Islam, his arguments would later be recycled to great effect during the headscarf affairs, as in the following extract from the 1989 manifesto published in *Le Nouvel Observateur*:

L'école [doit] rester ce qu'elle est - un lieu d'émancipation - les appartenances ne doivent pas faire la loi à l'école. [...] Dans notre société, l'école est la seule institution qui soit dévolue à l'universel. C'est pourquoi les femmes et les hommes libres ne sont pas prêts à transiger sur son indépendance de principe, perpétuellement menacée par les pouvoirs de fait, économiques, idéologiques ou religieux. (Badinter *et al.* 1989)

Thus envisioned, 'l'école laïque' (a school system built on the principle of *laïcité*) cannot be built 'en réunissant dans le même lieu un petit catholique, un petit musulman, un petit juif' but by building 'un espace où l'autorité se fonde sur la raison et sur l'expérience [...] à ce titre [...], l'école n'admet aucun signe distinctif marquant délibérément et a priori l'appartenance de ceux qu'elle accueille' (Badinter *et al.* 1989). The question of public funding for private religious schools was not now at issue. But the arguments now being advanced against the headscarf recycled arguments previously used to contrast the universalism of a state school system based on *laïcité* with the particularism of private religious schools, which made it easy for activists and organisations dedicated to the cause of *laïcité* to transfer from the old battleground to the new one.

For philosophers such as Henri Pena-Ruiz, *laïcité* was fundamental to democracy. It was opposed to *communautarisme*, meaning the recognition of collective identities in the public sphere, and to a 'libéralisme économique débridé', which carried the risk

of imposing forces of domination threatening to the private sphere, the space in which the individual should expect to find an ‘accomplissement positif’ (Pena-Ruiz 1999). Thus conceived, *laïcité* is held to incarnate supremely ‘republican’ values. Régis Debray, to whom we probably owe the expression ‘laïcité, exception française’, contrasted the (French) Republic with (Anglo-Saxon) democracies (including republican forms of government and constitutional monarchies). ‘En République, chacune se définit comme citoyen’, asserted Debray. ‘En démocratie, chacun se définit par sa communauté.’ Debray certainly recognised that there was still room for improvement in France: ‘Il faut mettre plus de démocratie dans notre République. Lui enlever cette mauvaise graisse napoléonienne, autoritaire et verticale.’ The actual French Republic was thus insufficiently democratic. But ‘the republican ideal’ was of greater merit than mere democracy: ‘Comme l’*Homo sapiens* est un mammifère plus, la république est la démocratie plus. [...] La république, c’est la liberté, plus la raison. L’Etat de droit, plus la justice. La tolérance, plus la volonté. La démocratie, c’est ce qui reste d’une république quand on éteint les Lumières.’ According to Debray, ‘la République garantit l’autogestion des sacralités. Mais pour pouvoir faire respecter un “à chacun sa transcendance”, il faut que l’agent protecteur soit lui-même reconnu comme transcendant à ces transcendances particulières’ (Debray 1991, p. 356). The Republic thus possesses a higher form of sacredness than religious forms of transcendence. The model of *laïcité* propounded by Debray and like-minded philosophers is thus closer to the thought of Spinoza and to Rousseau’s concept of a civil religion than to Locke’s theory of separation between Church and State (Baubérot 2007b, pp. 21–31).

The distinction between ‘republic’ and ‘democracy’ was to become a *lieu commun* of the combative mode of *laïcité* and the notion of *laïcité* as a ‘French exception’ was to be the pivotal element in determining that distinction. The philosophical notion of the *res publica* was constantly treated as more or less synonymous with France itself. Within this optic, the state school system in France needed to operate by its own rules, at a kind of republican meta-level. In tandem with this distinction between ‘republic’ and ‘democracy’ ran a parallel distinction in which ‘laïcité républicaine’ was opposed to ‘communautarisme anglo-saxon’. Faced with the relegation of France to the level of a middle-ranking power, the growing marginalisation of French by English as an international language and the challenge of globalisation (the fall of the Berlin wall coincided exactly with the first headscarf affair), this intellectual construction drew on familiar features of the national imagination to make *laïcité* into an emblem of French identity.

But as we saw earlier, the so-called ‘republican’ position was not unanimously shared. When he published the original manifesto of five intellectuals in *Le Nouvel Observateur*, the magazine’s editor-in-chief, Jean Daniel, warned: ‘Je crains que l’on puisse déceler dans cette attitude un intégrisme laïque’ (Daniel 1989). The counter-statement published in *Politis* also denounced the position of ‘laïcistes purs et durs’, arguing: ‘exclure les adolescentes à foulard des écoles françaises, c’est déboucher sur un cul de sac dramatique en matière d’intégration. (...) L’exclusion fait le lit de l’intégrisme. Et aussi celui du Front national’ (Brunerie-Kaufmann *et al.* 1989).

The authors of the counter-manifesto shifted the focus from the question of *laïcité* to that of the ‘integration’ of immigrants. At the same time, they argued for a form of *laïcité* which they considered to be ‘plus ouverte’, ‘une école laïque au dessus des particularismes, dans le respect de ceux-ci’, a system that would not require pupils to break ‘abruptement avec leurs familles, leurs origines car on ne réussit pas à transplanter un arbre en lui coupant ses racines’. Thus understood, *laïcité* would in their view triumph by offering to each person ‘les conditions objectives d’un choix individuel à son rythme’. The counter-manifesto drew attention to current imbalances in the operation of *laïcité*: while Christian and Jewish schools were being subsidised by the state, no subsidies were being received by Islamic schools: ‘Le contrat laïque Etat-religions n’existe pas avec les musulmans.’ But *laïcité* must also be tempered, according to the counter-manifesto, so as to facilitate integration. Denouncing ‘quelques proviseurs qui font du zèle laïque’, the document asked ‘faudra-t-il demain prêter serment à la laïcité?’ and concluded that while it was certainly necessary to defend *laïcité*, it was equally important not to capitulate ‘face à l’intégration en panne et face à l’échec scolaire de nos banlieues’.

This counter-statement had a lesser impact than the original anti-headscarf manifesto. It was published not in *Le Nouvel Observateur* (where the original manifesto appeared) but in *Politis*, further to the left on the political spectrum and with a much smaller circulation. In addition, the authors of the counter-document explicitly refused to mimic the hype with which the original manifesto had been presented in *Le Nouvel Observateur*. The title of their statement – ‘Appel pour une laïcité ouverte’ – was more sober, it occupied a smaller part of the front cover and there was no accompanying photograph. In this way, they immediately lost the battle at the level of iconography. Newstands were full of other magazines with alarmist headlines featuring pictures of women wearing headscarves sometimes bordering on full-scale chadors. It was this kind of media coverage as much as the news itself and the arguments advanced by opponents of the headscarf that seemed quickly to sway a large part of public opinion. This was already apparent in the fact that the editor of *Politis* stated that, before publishing the counter-manifesto, the magazine had already received more letters on this than on any previous topic and two thirds of them were in favour of banning the headscarf.

From the outset, therefore, those opposed to such a ban faced an uphill struggle *vis-à-vis* public opinion. It took time to rally the necessary arguments against the so-called ‘republican’ camp. It was initially difficult to counter simplistic representations of the headscarf as a ‘yoke’, an ‘instrument of oppression’ and a ‘symbol’ of Islamic fundamentalism. It was not until 1995 that a serious sociological study documented the fact that the motivations of young women wearing headscarves were very varied and far less fanatical than was often claimed (Gaspard and Khosrokhavar 1995). Some opponents of a headscarf ban argued that instead of imposing an immediate legal requirement for the headscarf to be removed, girls should be allowed to wear it so that the emancipatory spirit of *laïcité* in the public system could be allowed time to do its work, to the point where girls would freely choose to remove their headscarves.

This approach had the disadvantage of appearing less clear-cut than that of the anti-headscarf camp. Public opinion regarded an ‘open’ form of *laïcité* as a weak, relativist form of *laïcité* out of touch with the hard realities of international politics and incapable of offering a specifically French notion of identity through the vehicle of *laïcité*.

The counter-movement also had a weaker impact because it was more diverse in nature than the anti-headscarf camp. It was not a single school of thought but a critical response to an ideology. By contrast, the philosophers of ‘republicanism’ held the initiative: they were the architects of a normative system of meaning. Their statements, cast in the same mutually reinforcing mould, benefited from the social prestige which philosophy enjoys in France, as well as constantly reiterated basic lines of thought that could be easily vulgarised. And, as the 1989 manifesto and subsequent events showed, they knew how to use the affective power of the mass media even while proclaiming the importance of reason. Against them there was no counter-current with comparable tools. The appeal published in *Politis* reflected an ephemeral meeting of different minds, the visible tip of an iceberg of intellectuals whose approaches were very disparate in nature. Some of them challenged the scholarly credentials of ‘republican’ *laïcité*, pointing out its historical or sociological errors (Julia 1990). Others proposed a view of *laïcité* which disconnected it from a specifically French vision of identity. Edgar Morin, for example, asserted that *laïcité* ‘est ce qui fait l’originalité même de la culture européenne telle qu’elle s’est développée à partir de la Renaissance [...] et qui se définit non par telle ou telle vérité ou doctrine mais par la relation antagoniste, complémentaire, active des idées opposées’ (Morin 1990). My own work is conceived in a similar vein.

But when a normative system of meaning resonates with socially constructed aspirations, scholarly criticisms attract little attention. The vision of history hawked around by the philosophers of republicanism resonates quite neatly with what people in France remember from their days at high school. By contrast, critiques of that vision are based on more recent, relatively little known scholarly work. One of the best examples of the *ad hoc* reconstruction of history is contained in the 2007 Report of the Haut Conseil à l’Intégration. To illustrate its conception of *laïcité*, supposedly a ‘fameuse exception française’, the High Council asserts that the law of 1905, which separated churches and the state in France, ‘[a] fait naître des imitations’ and cites by way of example... Mexico (Haut Conseil à l’Intégration 2007). In reality, the separation of church and state was accomplished in Mexico in 1861–1874 and the parliamentary *rapporteur* responsible for steering through the French law of 1905, Aristide Briand, had himself referred to this at length, concluding that ‘le Mexique possède la législation laïque la plus complète [...]: il connaît réellement une paix religieuse’. But when, in 2005, during the centenary celebrations of the 1905 law, Briand’s report to the National Assembly was republished (*Le Rapport Briand* 2005), the commemorative edition deleted altogether the chapter on legislation in foreign countries, in which Briand had found that *laïcité* had already been achieved not only in Mexico but also in Canada, the United States, Brazil and other countries (Baubérot 2006a, pp. 176–179).

The political climate in present-day France has been a very significant factor in the hegemony enjoyed by the so-called 'republican' conception of *laïcité*. In December 1991, the Algerian armed forces halted the electoral process after the Islamic Salvation Front won the first round of parliamentary elections. There then followed a terrible civil war in which massacres were committed on both sides and in the course of which terrorist attacks were carried out in France in 1995 by cells close to the Algerian-based Armed Islamic Group. There was also high-profile television coverage of the bodies of women killed because they had refused to wear headscarves. These events in Algeria resonated profoundly in France, which has long historical ties and close geographical proximity with Algeria and a population of about two million people of Algerian origin (Stora 2007). The events of 11 September 2001 and its aftermath also contributed to politically threatening images associated with dominant representations of the headscarf in France.

The only organised school of thought running counter to the hegemony of republican *laïcité* was that associated with the sociologist Alain Touraine and those who had studied with him. In 1989, they had already carried out work on the idea of a multicultural society, traces of which can be found in the Appeal published in *Politis*. This line of thinking was carried further in the 1990s. In Touraine's view, social changes such as the rise of mass culture and the politicisation of issues relating to personal life were blurring the distinction between private and public spheres, thereby strengthening the need for individuals to feel and defend a sense of cultural identity. Touraine distinguished the defense and promotion of cultural identity from what in France is called *communautarisme*, which is political rather than cultural in nature. In his vision, political democracy, founded on principles of universalism, and cultural diversity were opposed both to multi-*communautarisme* and to mono-culturalism. In a modern democracy, no majority group should attribute to its lifestyle the status of a universal value, for the principle of human rights 'ne se confond pas avec une forme particulière d'organisation sociale'. In this optic it is acceptable for an ethnic, national or religious community to organise itself in its own way and impose certain rules on its members on two conditions: those rules have to be freely accepted and they must not be perceived by the majority as contrary to fundamental freedoms. By way of example, the headscarf is cited, where, in the majority of cases, 'les jeunes filles voilées (...) s'appuient sur leur identité ethnique ou religieuse pour réussir leur entrée dans une modernité qui peut les détruire si elle leur impose d'abandonner toute leur identité culturelle' (Touraine 1996, p. 304).

François Dubet (1996) applied a similar analysis to the school system more generally, arguing that it was no longer possible to recognise all pupils as equal without recognizing the cultural specificities from which their individualities were constructed. In Dubet's view, affirmative action now needed to be taken with a determination comparable to that which drove the original introduction of the republican education system. This line of analysis was taken further by Michel Wieviorka, who observed that 'les Juifs de France n'ont pas été laminés par le modèle républicain, et bénéficient d'institutions leur permettant de présenter leur point de vue jusqu'aux sommets



de l'Etat;' by the same logic, it was now time to 'reconnaître, dans diverses affirmations identitaires, l'émergence d'acteurs contestataires'. While opposed to 'multiculturalism' understood as the reconstruction of public space around 'une institutionnalisation d'identités', Wieviorka also opposed 'le refoulement de la culture dans la vie privée' (Wieviorka 1996, p. 59).

Running through these diverse lines of thinking is a clear desire to find a way forward between two different forms of danger. Their shared aim is to fight against the excesses of republicanism without directly opposing republicanism. They are just as concerned as hard-line republicans to promote universalism and at the same time want to give it a more concrete form. If their alternative approach is to gain social legitimacy, it has to be couched in terms of a tradition of *laïcité* and republicanism. September 11 and its aftermath have made this more difficult, which explains why in 2003, after much hesitation, Alain Touraine finally gave his support to the call for a law banning the headscarf put forward in the report of the presidential commission on *laïcité* presided over by Bernard Stasi. In explaining his position, Touraine stated that it had become urgent to 'mettre un coup d'arrêt à la montée de l'islamisme dans les écoles. La situation et les pressions étaient telles qu'il n'y avait tout simplement pas le choix.' But he added almost immediately: 'La plus grande faiblesse de la loi, c'est qu'aujourd'hui nous ne sommes pas en mesure d'évaluer le danger et l'importance de la poussée islamiste.' Touraine went on to criticise 'l'irresponsabilité de ceux qui étaient chargés de fournir des données' to the Stasi Commission, as a consequence of which its report was completely lacking in data (Renault and Touraine 2005, p. 77). So how, in these circumstances, without having the necessary data, is it possible to speak of 'la montée de l'islamisme dans les écoles'? This absence of data – and one cannot help wondering if the absence was deliberate – might logically have led Touraine to abstain, as he had done during the earlier deliberations of the Commission before the final report stage. His vote in favor of a law banning the headscarf from state schools was emblematic of the hegemony which had come to be enjoyed by the discourse of 'republicanism'.

In the face of Islam, this hegemony remains strong. In the international arena the media regularly cite incidents relating to Al Qaida and the Taliban which continue to stoke fears that *laïcité* is threatened by Islamist fundamentalism. In Emmanuel Todd's view this situation reflects a structural change in belief systems in France. In the past, a socially strong Catholic Church 'donnait un sens à l'incroyance, à l'athéisme', whereas today 'la pratique religieuse catholique est désormais sans importance sociale' while Islam has become 'la victime sacrificielle du mal-être métaphysique, de la difficulté à vivre sans Dieu', and this tendency is especially strong among self-declared proponents of 'modernité' (Todd 2008, p. 38).

This hegemony is nevertheless more fragile than it may appear, especially when Islam is not directly involved. In recent years it has suffered two partial defeats. The first, in 2000, came when a new law was introduced designed to favour parity between men and women in political institutions. The debates which preceded that law were revealing (Bui-Xuan 2004). At first, measures of that type were thrown out by the

Constitutional Council, which argued that the 1789 Declaration of Rights opposed 'toute division par catégorie des électeurs et des éligibles'. Women associated with the prevailing 'republican' ethos shared this view. This was in effect the position taken by Dominique Schnapper. For her part, Elisabeth Badinter warned of the risk of 'contagion', stating: 'les femmes ne sont pas les seules victimes de la société, les autres aussi vont demander leur part, au mépris de la cohésion. Laissons entrer le particularisme dans la définition du citoyen et nous vivrons une sinistre cohabitation de ghettos différents. Je ne veux pas du communautarisme. La République repose sur l'abstraction de la règle' (cited in Bui-Xuan 2004, p. 256).

While the law on male–female parity was eventually adopted, the creation of an independent anti-racism authority, which had been proposed by the Haut Conseil à l'Intégration in 1998, was initially refused, perhaps out of fear of 'contagion'. But the need to recognise the importance of discrimination was pressed on various sides. Young sociologists such as Nacira Guénif-Souilamas analysed the resistance in 'post-colonial France' against recognising that the nation was no longer purely 'white' and showed how 'ethnicity' was often assumed to be 'others', not 'us' (Guénif-Souilamas 2007). The Haute Autorité de lutte contre les discriminations et pour l'égalité (HALDE) was eventually inaugurated in 2005. Since then it has been called upon to investigate various restrictions imposed in the name of *laïcité*. It found, for example, that mothers meeting their children at school entrances are perfectly entitled to wear headscarves, even if they are public servants. This institutional shift from 'integration' to 'anti-discrimination' is thus leading logically to the curbing of hard-line 'republicanism'.

It is true that this tendency is slowed by problems in the international arena. So long as an 'Islamist peril' appears a real threat, the ideology of 'republicanism' will meet a social demand and will enjoy wide media coverage. But even if the many criticisms which have been formulated against hard-line 'republicanism' are fragmented and far less visible in the media, they are not without influence. Significantly, the word 'diversity' is used increasingly in a positive sense by the media with reference to ethnicity and culture. The situation is thus far from static and the debate continues.

## Notes

- [1] The term 'laicity' is now used by some English-speaking scholars.
- [2] On the specific situation of France, see Baubérot (1999, 2004, 2007a) and Cabanel (2007). On the comparison with US, see Hargreaves *et al.* (2007).
- [3] Republicanism, as a political philosophy, is of course also developed outside the French context: see Pettit (1997) where, significantly, none of the 'republican' intellectuals with whom I am concerned here is mentioned.

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