The French Veil Debate: State Insecurity and the Family

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The family is often presented as an opponent to the state as the location of power, or as an alternative to state institutions. The 2004 law which banned French public school pupils from wearing religious symbols, implicitly focusing on the veil, exposed a 'tension between abstract universalism and embodied particularism'.[1] That is to say, it centred the debate on *laïcité* (secularism, roughly) onto the issue of an imagined conflict between a universal French republican identity and a specific religious identity which was embodied by the veil, taken as a synecdoche of Islam. Family is significant to this, as the French doctrine of *laïcité* essentially dictates that religious freedom is welcomed but only so long as it remains in the private arena. Balibar (2007) perfectly exemplifies the *laïque* (secularist) view by arguing that it is religion which organises the private sphere, specifically family and sexuality.[2] While a private–public binary is clearly artificial and religion does in fact shape both, he demonstrates the French assumption of the republican ideal of religion, as something that stays in the family. Therefore, when we talk about the 'religion versus the state' debate in a French context, we are exploring the ideas of private versus public spheres, even when family is not explicitly mentioned. Bowen argues that the foundation of *laïcité* is the existence of a public space where there is freedom of expression. *La croyance* (belief) must stay out of it, as a threat to free expression, while *le culte*, organised religion, must be regulated within it.[3]

I propose that an anthropological exploration of French experiences of family and religion would enable us to identify what is really at stake in the French headscarf debate. I first explore Foucault's theory of biopolitics and discipline and how this interacts with ideas of the private sphere and family. I then examine Iteanu's theory of hierarchy and values as inherently linked, suggesting that the veil debate centres on a perceived hierarchisation of familial/religious values over state/republican values. Finally, I critically discuss Abrams' approach to the state as an idea, which suggests that a reification of the state leads to essentialised categories of religious family and state, further obscuring the fault lines in this debate. I prove that an ethnographic focus on families sheds light on the insecurity of the French state, and its reliance on the public/private dichotomy.

Firstly, Foucault suggests that as the modern state emerges with its distinctive habits of biopolitics and discipline, the family as the main unit of governance is forced to retreat. He argues that the modern state makes the family into an instrument of governance, rather than a model of the state, as information required to control the population is gained through the family.[4] Before the modern state emerged, Foucault theorises, the state had had the power to make die and let live—that is, to execute or not. In practice, this is a weak form of power because the state ended up having little control over the living.[5] Killing someone may have been a power, but it was one that was abruptly ended when that person actually died. Therefore, a biopolitical shift to making *live* and letting *die* empowered the state by creating the arena of power as one where the state could actually act—the realm of the living.[6] However, Foucault's perspective on the state is limited in its usefulness in a discussion of religion because it attributes atheism to the citizens. It relies on them being focussed on life over death, assuming they ultimately desire to stay alive as long as possible and surrender up freedoms to the state so as to be made to live.

Talal Asad, an anthropologist of religion and secularism, highlights that religion causes subjects to look to 'other-worldly' concerns, meaning that the state needs to assert its place as a 'worldly' power.[7] This may explain why the French republican state is so concerned with keeping acts of religious belief out of its public sphere. An assertion of worldly power is evidenced in the discourses around the alleged oppression of Muslim girls by their families, who

1 Mayanthi Fernando, *The Republic Unsettled: Muslim French and the Contradicitions of Secularism* (Duke University Press 2014) 7.

2 ibid 16.

3 John R Bowen, *Why The French Don't Like Headscarves: Islam, the State and Public Space* (first published 2006, Princeton University Press 2010) 21.

4 Michel Foucault, *The Foucault Effect: Studies in Governmentality* (University of Chicago Press 1991) 100.

5 Michel Foucault, *Society Must Be Defended: Lectures at the Collège de France, 1975–1976* (Mauro Bertani and Alessandro Fontana eds, David Macey tr, Penguin 2004) 241.

6 ibid.

7 Talal Asad, 'French Secularism and the "Islamic Veil Affair"' (2006) Spring/Summer 2006 The Hedgehog Review 94.

boundary their sexuality by 'forcing' them to veil. For example, the 2003 Stasi commission argued that Islamism threatened secularism and women's rights in the *banlieues* (suburbs).[8] The family and its transcendent religious values infringe on state power in state institutions such as schools, and in areas like the *banlieues*. They limit state sovereignty within their territory. The French state is essentially insecure about its grip on power, and transcendent religious values highlight that its power of making live is only relevant so long as people desire material life above all other things.

It is commonly argued that the French state's choice of headscarves as the religious symbol to target is born of racism and imperial mores. Returning to Foucault, he argues that racism is a natural result of the biopower of making live and letting die so far discussed.[9] The state racialises groups within the human 'species' which allows it to leave some 'inferior' subspecies to die or be dominated, with the ultimate aim of strengthening the overall population. I argue that this is not the case in the veiling debate. Rather than dehumanising Muslim girls so as to abandon them to oppression and subordination, the French government is instead trying to force them up from the *family* level of identity to a *universal* French republican level of identity. It is trying to strengthen the republic as a whole by *integrating* everyone rather than *excluding* some.

The anthropologist André Iteanu demonstrates that *banlieue* Muslim girls, who are at the heart of the veiling discourse, actually do better than the boys at school, losing their accent more easily and integrating more into the urban world of work.[10] He suggests that their Islamic revival and return to veiling has arisen not because they feel excluded from wider French society, but in fact because they feel comfortable in this context and able to express themselves and their religious identity. Another anthropologist of secularism, Mayanthi Fernando, described Muslim French youth, second- or third-generation immigrants committed to citizenship and gaining academic qualifications beyond the Baccalauréat (taken at the same age as A levels), in such a way as to support this picture.[11] Iteanu suggests that the predominantly North African immigrant communities of the *banlieues*, low-status as they may be in mainstream French society, are relatively free from state influence, as police are less present or effective with them than with other groups. However, this freedom is reliant on the *banlieusards* (*banlieue*-dwellers) accepting a subordinate position.[12] The French state banning headscarves in school may be an expression of discomfort and insecurity at the fact that socially devalued girls are managing to achieve by its own measure of success—the Baccalauréat—even as they also embrace religious values in wearing the veil.

The anthropologist Didier Fassin (2006) suggests that this is a kind of racism without race. It culturalises biological difference so that it can be presented in a form more palatable to a nation that thinks of itself as egalitarian—a clash of Muslim family values versus *laïque* French society, rather than brown versus white.[13] While biopolitics' racist method of biologically constructing an Other is irreversible, 'culture' is allegedly something one can be integrated into or out of. This explains a French state policy which seems to be at best hypocritical and at worst foolhardy. The state simultaneously legislates to keep individual Muslim signs out of its institutions *and* to integrate Islam into its institutions, for example by giving it a Sunday morning slot on the French Two television station. The French state is trying not to force *out* the *banlieue* Muslim population, but to force it *into* the 'family' of the nation state. Muslim identity is acceptable when it is subordinate to French identity, and so an institutionalised religion which one picks up as a hobby, or listens to on the radio on Sundays, is no threat. What is a threat is a hierarchy of values where one's duty to (Muslim) family comes first. The French state has read this prioritisation of values into Muslim girls choosing to wear the headscarf to school.

Iteanu demonstrates this link between values and hierarchy by proposing that values necessarily imply hierarchy, as one thing is valorised over another.[14] He argues that this idea of hierarchy is unpopular in Euro-America and so the link between the two is concealed in an 'ideological twist'.[15] In fact, there is an ideological twist at the heart of *laïcité*, and this mystification explains why the French mainstream appears incapable of seeing the ludicrousness of the claim that children's clothing threatens the nature of the French state. Underlying the debate, I argue, is an assumption that state values of secularism come into conflict with family values of religious duty, along with state insecurity about the hierarchy of values being established with state below family. Such insecurity leads the state to assert itself by, for example, banning the veil in public schools. All the while, it has to reject the idea that there is a hierarchy or even an alternative source of identity for citizens to itself, as this would threaten the claim of the unity of French society.

It is perhaps hard for a non-French person to understand how deeply this desire for unity runs. As an example, the historian Camille Robcis argues that both sides in the French debates over legalising same-sex marriage drew on this ideological notion to support their argument. The 'anti' side argued that writing into law the legality of gay relationships reified difference, thus hurting unity. The 'pro' side argued that not allowing gay marriage singled out a group and reified difference thus hurting unity.[16] The French republican ideological project cannot openly acknowledge that there is a threat to its internal one-ness.

Iteanu draws parallels between the debate over giving the women the vote and the headscarf debate. Formerly, the state argued that women couldn't have the vote, not because of a lesser humanity, but because they were not as educated as men, which meant their choice of their vote might be swayed by their husband or priest.[17] The anxiety at the core of this position is that the private sphere would invade the public sphere which people enter when they vote, causing them to become 'occasional politicians', in Weber's words.[18] In the case of the veil, the state's argument is that Muslim women are not rationally fit to be French citizens because they subscribe to dogma and are spiritually and materially (in terms of their clothes) controlled by their families. The state's designation of the headscarf as a religious symbol is about psychological as well as visible differences. It assumes that Muslim women desire to wear the headscarf and so to belong to a particular system of values. The state conceals the fact that it is attempting to place its own values higher in this perceived hierarchy by labelling

8 Bowen (n 3) 11.
9 Foucault (n 5) 254.
10 André Iteanu, 'The Two Conceptions of Value' (2013) 3(1) HAU Journal of Ethnographic Theory 165.
11 Fernando (n 1) 13.
12 Iteanu (n 10) 166.
13 As cited in Fernando (n 1) 17.
14 Iteanu (n 10) 156.
15 ibid.
16 Camille Robcis, *The Law of Kinship: Anthropology, Psychoanalysis, and the Family in France* (Cornell University Press 2013).
17 ibid 167.
18 Max Weber, *The Vocation Lectures* (David Owen and Tracy B Strong eds, Rodney Livingstone tr, Hackett Publishing Company Inc 2004) 39.

the debate as one about *égalité* (equality) and rescuing oppressed women. Herein lies the ideological twist.

Why the veil particularly? As one anthropologist joked to me: when in doubt, use Foucault. Foucault's expansive theorising on state power includes a version of power premised on discipline, which works on the individual body and can coexist with a biopolitics focussed on controlling the population.[19] I argue this disciplinary kind of control better explains the veil situation, a conflict in which the French state has essentially taken against an embodied sign (the veil) and required individuals to change how they use their body as a result.

Fernando highlights the small scale of the issue at Jean Nouvel school, where there were around 20 veiled girls in a school of a thousand people. With only 20 bodies to remember and control, a girl called Nawel was repeatedly targeted, with or without her veil, because her name was remembered.[20] Iteanu argues that as conversion is treated by the state as an individual choice, the punishment can be individual. Indeed, the state had to view the banning of the veil in public schools as bodily discipline rather than spiritual control, as the latter would breach the principles of *laïcité*.[21] Asad builds on this by suggesting that the debate essentially boiled down to a misunderstanding of religious signs.[22] The state saw wearing the veil as merely a *choice* to demonstrate belonging to a community, while Muslims saw it as a *duty* to God and to their families. The state took a material sign and tried to assume a transcendent, familial meaning behind it, a choice to belong to one community more than the French national community.

Furthermore, Foucault argues that discipline and biopower as two forms of power overlap in the case of sexuality, something highly relevant in the case of the veil. Foucault suggests that sexuality is the meeting of biopolitics and discipline because it combines both population-wide focuses on fertility and reproduction, and individual focuses on the body and its experience of pleasure.[23] While the biological focus is not there in the case of the veil, there is a combination of two different scales of approach. Sometimes the state's discourse zooms in on individual Muslim women's bodies, allegedly constrained in their sexuality by being forced to veil by family. Sometimes it zooms out to the privatisation of sexuality through the covering of hair and body, considering this a threat to the concept of a sexually free, rational French citizenry. On the one hand, Nawel was told by a teacher not to cover her 'beautiful hair', in a comment on her individual beauty and attractiveness perhaps intended to boost her confidence and empower her to free her sexuality from her male family's control (a caricature of Nawel's actual motivations for wearing the veil).[24] On the other hand, we can connect the conversation around sexuality, as does Iteanu, to a broader pattern of French politicians being almost expected to have affairs, and to chastity being distinctly un-French. Iteanu uses the example of Rachida Dati, a highly significant French politician of North African heritage. Dati garnered a frenzy of popular interest when she announced her pregnancy but would not say who the father was.[25] Iteanu proposes that the French tabloids were ecstatic to see Dati, a woman who grew up in a conservative Muslim home, choosing a supposedly French 'free' sexuality over family rules. The veiling debate reveals an interest in sexuality both at the level of the individual body and in broader conceptions of French identity.

A final remark is necessary on the risks of reifying the concept of the 'state'. I suggest that a more productive route is to follow the sociologist Philip Abrams' logic of the state being an incredibly powerful idea, rather than a concrete object. Much discussion of family in relation to the state assumes the existence of a state that its values can clash with. In fact, the state is a 'unified symbol of actual disunity', something very evident in the headscarf debate.[26] For example, the argument that conflict over the veil emerges from complex colonial relationships implies that, before colonialism, the French Republic was unified in its identity. In fact, 'France' as an imagined community is very new. In 1794, only 11% of people living in its territory spoke French as a first language, which implies provincial identity was a much more powerful source of belonging than the nation.[27] One was, say, Basque, rather than French. Even the idea of *laïcité*, treated by the French as a cornerstone of their history, was not legally enshrined as a term until the 1946 constitution.[28] The state considers itself ancient and unified, despite all the historical evidence to the contrary. Bowen suggests that the French state idea emphasises 'continuity over rupture', assuming universal, historical French values such as *laïcité* so that so-called private—familial, religious—values can be treated as new impositions on a unified whole. The debate is therefore constructed as 'Muslim communities versus[29] the State'—'State', that is, with a capital 'S', reified in its institutions, in this case the education sector. In fact, if the state exists, it is as a series of interwoven ministries and people and ideas, all of which cannot be expected to be ideologically cohesive. In the case of the headscarf, for example, the Education League, the largest teachers' body, with two million members, *opposed* the 2004 law.[30] Conversely, we cannot homogenise 'Muslim community' as holding one driving ideology.

It may be too obvious a point that the three and a half million Muslims living in France are not unified in their position on the headscarf. First-generation immigrants encourage their children and grandchildren to pursue integration and financial success, while those in the younger generation criticise their parents for being 'bad' Muslims.[31] Bringing the family into an exploration of the construction of a state idea lets us examine essentialised categories and expose the lie of unity in the state. In this way, an ethnographic focus on families allows a deeper examination of the public–private sphere binary, and of the insecurities and falsities that such distinctions attempt to cover up.

19 Foucault (n 5) 242.
20 Fernando (n 1) 3.
21 Iteanu (n 10) 166.
22 Asad (n 7) 98.
23 Foucault (n 5) 252.
24 Iteanu (n 10) 167.
25 ibid 167.
26 Philip Abrams, 'Notes on the Difficulty of Studying the State' in Aradhana Sharma and Akhil Gupta (eds), *The Anthropology of the State: A Reader* (Blackwell Publishing 2006) 124.
27 Fernando (n 1) 9.
28 Bowen (n 3) 31.
29 ibid 14.
30 Fernando (n 1) 8.
31 Iteanu (n 10) 165.