

# Female Autonomy, Education and the *Hijab*

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**ABSTRACT** *This essay discusses one of the motives behind the recent ban on the wearing of Muslim headscarves (hijab<sup>1</sup>) in French schools: the belief that it assists the emancipation of Muslim girls from religious and patriarchal oppression.<sup>2</sup> The first section sets out a republican perfectionist case for the ban, based on Enlightenment assumptions about progressive secular rationalism, education to autonomy, and criticism of the pre-modern, patriarchal nature of Islam. The second section mounts a critical response, which rejects republican paternalism and connects insights from the post-modern sociology of religion with radical feminist theories of female agency. In the third section, I show that both arguments, even on the most sympathetic interpretation I present here, are flawed. I argue that although the ban on the hijab cannot be justified, republicans are right to worry about the dangers of domination in civil society. I then set out a ‘critical republican’ theory of non-domination which avoids the pitfalls of coercive paternalism without, however, leaving individuals unaided in the face of domination.*

**KEY WORDS:** Autonomy, education, feminism, republicanism, non-domination

## **Republican Perfectionism, Autonomy and the Ban on *Hijab* in State Schools**

The degree of equality in education that we can reasonably hope to attain, but that should be adequate, is that which excludes all dependence, either forced or voluntary. (Condorcet 1988: 274)

For the state, through its educational system, to seek to ‘exclude all dependence, either forced or voluntary’, is not an aim that many contemporary Anglo-American liberal philosophers would want to make their own. The Enlightenment utopia that individuals should be freed from their dependence on alienating and oppressive systems of thought, through the liberating power of rational education, is one which has been seemingly discredited by the collapse of authoritarian socialism in the

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twentieth century. Liberals, following John Rawls's endorsement of a *political* liberalism in 1993, have become wary of the risks of state oppression involved in the imposition of a conception of the good life as self-determination or autonomy. If the state appeals to the truth of, say, Concorcet's secular and individualistic rationalism, it fails to show respect to those citizens holding values (perhaps deeply held religious or communal values) which may well be misguided or oppressive, but which are still reasonable for purposes of liberal justification. Liberals should take ethical pluralism seriously, lest their liberalism ends up justifying state oppression in the name of a sectarian conception of the good.

Two important premises of this argument are rarely commented upon. The first is that anti-perfectionist, political liberals like Rawls implicitly assume that, *ceteris paribus*, state oppression is a worse evil than other forms of social oppression, on the grounds that the coercive use of state power deserves special justification. The second assumption is that the Enlightenment ideal of rational self-determination is a sectarian moral value whose promotion is inevitably oppressive. Neither premise would be unconditionally accepted by the French republican *laïcistes* discussed in this section. By *laïcistes*, I mean advocates of a militant conception of *laïcité* (secularism). *Laïciste* thought is rooted in the progressive, modernist philosophy of history endorsed by the humanist secular Left of the nineteenth and early twentieth centuries, with its conception of progress as liberation from traditionalist systems of beliefs, and it has been relatively immune from the profound reconsideration of the metaphysical and epistemological tenets of Enlightenment philosophy which, in the context of post-totalitarian, post-colonial, pluralist societies, has taken most of Western thought away from 'grand narratives', 'foundationalist' or 'comprehensive' ideologies of liberation and emancipation. One remnant of such hopes in Anglo-American liberalism is the theory of liberal perfectionism. French *laïcistes*, like liberal perfectionists, believe that the state should actively promote worthwhile forms of life and, further, that worthwhile lives are those that exhibit a high degree of individual autonomy. They equate autonomy with rational self-determination, and they are concerned about the way in which certain forms of socialization hamper the exercise of individual autonomy. The paradigmatic case of heteronomy for them is blind adherence to oppressive religious norms. They are worried about the pre-modern, oppressive dimensions of the contemporary Muslim revival, and see the *hijab* as a symbol of female and religious oppression, which gravely limits the wearer's autonomy. They justify the ban on the *hijab* in state schools through invocation of the emancipatory power of education. I develop these points below.

### *The Emancipatory State*

*Laïcistes* argue that the protection of freedom of conscience (*liberté de conscience*) should not trump the value of freedom of thought (*liberté de penser*) (Baubérot 1997: 305–314). Freedom of thought refers to rational critical thinking, according to chiefly secular criteria. The historical roots of this militant secularism can be

found in the protracted republican struggle against the French Catholic church, which had resisted the liberalizing impetus of the Reformation, made alliances with counter-Enlightenment and counter-revolutionary forces, and bitterly combated the republican promotion of individual reason and autonomy. Thus a number of nineteenth-century *laïcistes*, influenced by a radicalized Kantian ethics or by secular positivism, came to the view that certain forms of religious belief – those which implied abdication of the human capacity for rational, autonomous self-determination – were incompatible with republican citizenship. Religious belief, they believed, should be left to individual reason and conscience, not be moulded by externally imposed dogmas (Hayat 1999: 86). Further, the content of Catholic dogma itself encouraged subservience and dependency, as evidenced in its teachings about the inherently sinful and corrupted nature of human beings, its scriptures against the arrogance of human reason, and its theological justifications for the inequalities of Ancien Regime society. Such doctrines, republicans believed, contributed to enslave the people, and as the republic depended for its legitimacy and stability on enlightened and free public opinion, it should not tolerate them. As neo-Kantian philosopher Charles Renouvier put it, *laïque* morality should ‘aim to take minds away from superstitious beliefs, and above all from doctrines which contradict [the ideal of] justice’ (Gauchet 1998: 49). This militantly anti-religious interpretation of *laïcité* was much in evidence in the repression of religious congregations (such as Jesuit teaching orders) in the early twentieth century, and has recently resurfaced in the debate about the risks of mental manipulation and alienation of autonomy involved in membership of ‘harmful cults’ (*sectes nocives*), such as the Church of Scientology, leading to the notorious ‘anti-cult’ law voted by the French Parliament in 2002. Notice, however, that this law has a chiefly symbolic and educational, rather than repressive, effect: it warns of the dangers of cult membership (notably for children) but does not make it illegal. This suggests that the *laïciste* state is a *perfectionist* state – it does not refrain from passing moral judgements about the content of doctrines and it unashamedly promotes rationalist freedom of thought – but it is wary of *paternalistic* coercion – which would conflict with basic freedom of conscience-. Not unlike John Stuart Mill’s perfectionist liberalism, therefore, French *laïcistes* castigate religious doctrines that limit human dignity and autonomy, recommend that individuals who endorse them be ‘guided, reasoned with, educated’, rather than forcibly coerced into behaving autonomously, and only allow paternalist intervention in the case of children, who must be protected against premature indoctrination by their parents or community (Mill 1989).

Yet I would suggest that French republican perfectionism is more robust than Mill’s, as it is underpinned by three further beliefs. The first is that French republicans unreservedly attribute legitimate paternalist authority to the modern democratic state, which they see as an inherently benevolent, progressive and emancipatory institution – the institution, in fact, which brought into existence the modern, liberal autonomous individual (Nicolet 1994: 483; Rosanvallon 1990: 93–135). The post-revolutionary state was the chief agent in the historical transition from a communitarian order to an

individualistic one; it had promoted the autonomy of persons by liberating them from the grip of traditional loyalties and identities. The second, connected republican assumption is that the major sources of social oppression lay, not in the state, but in civil society and in particular in traditional identities and religions. Thus republicans see the contemporary multiculturalist movement as a regression towards reactionary counter-Enlightenment communitarianism, which reduces individuals to a fixed, essentialized identity, denying their basic individual dignity, and legitimizing the oppression of vulnerable individuals in the name of tradition, culture or religion (Kintzler 1996; Finkelkraut 1989). Throughout the 1990s, official reports repeatedly pointed to the dangers of *communautarisme* – which, in French, stands for the tendency of cultural groups to control and restrict the lives of their members by isolating them from wider society – and recommended that opportunities be provided for individuals to stand back or exit from their communities (*Haut Conseil à l'Intégration*, 1995, 1997). The third republican belief is that only state-controlled education holds the key to rational self-emancipation from such oppressive communities. It is on the educational battlefield that the French ‘cultural wars’ – the conflict between universalism and relativism, between individualism and *communautarisme*, between reason and identity – have been played out. Republican educationalists took *pédagogique* educationalists to task for denying that all children, regardless of their background, should be equipped with classical humanist instruction, centred on the mastery of universal skills and knowledge contents, instead of being patronizingly reduced to their ‘culture of origin’. Through state-promoted education, children should be enabled to ‘find in themselves the resources to break free from subjection’, as a recent report of the General School Inspectorate grandly noted. By contrast, ‘social authorities’ such as families, religious groups and cultural communities merely perpetuate the domination of heteronomous systems of thought. Within schools, pupils ‘learn not to have to endure spiritual subjections and lucidly to reflect on their ideological and religious conditioning’ (Pena-Ruiz 1999: 288). Writing in the midst of the 1994 headscarves affair, Kantian philosopher Catherine Kintzler argued that to educate a child is to encourage her to distance herself from her family or community beliefs and to reflect critically on them. ‘Children, she wrote, should forget their community and think of something other than that which they are in order to think by themselves’ (Kintzler 1996: 78–81, 85). One way in which the emancipatory state promotes rational autonomy is by banning signs of heteronomy and subservience in its schools.

### *Muslim Headscarves as Symbols of Female Religious Subservience*

The veiled Muslim woman has revived a potent imaginary about republicanism, gender and religion. In the early twentieth century, at the height of the republic’s struggle against religious congregations, the veiled Catholic nun was perceived as the antithesis of the republic, the ‘anti-Marianne’ (Rochefort 2002: 148) whose irrational religiosity and forced confinement ostensibly symbolized rejection of the republican ideal of secular progress, female autonomy and rationality. As women in

general were deemed highly vulnerable to the influence of the Catholic Church, their liberation from the grip of religion was a pivotal republican mission. Thus republicans opened up the promise of women's liberation from traditional, particularly religious, forms of social domination. This natural affinity between the French feminist movement and secular republicanism was further premised on denunciation of the historical manipulation of religion by patriarchal power. All monotheistic religions historically contributed to entrench the domination of women. Crucially, male domination was often played out on women's bodies, and particularly on the legitimate modes of physical appearance that faithful women should display as symbols of their loyalty to God – and to their husbands. Did not St Paul himself argue that women must wear the symbol of their subservience on their heads: 'man must not cover his head because he is the glory of God; as for woman, she is the glory of man' (Babès 2004: 28)? The control of women's bodies was tightly linked to the control of their sexuality, seen as a potential threat to the order of socially regulated procreation and family transmission. To those feminists who in the 1970s had fought for women's rights over their own bodies, the *hijab* raises the spectre of regression towards age-old impositions on women, reminiscent of the nineteenth-century Victorian corset or of the twentieth-century ban on women wearing 'masculine' trousers. While some argue that Islam is not inherently more sexist than Christianity or Judaism, others point to its specific theological complex inclined to repress feminine sexuality as such, and to its historical association with deeply patriarchal societies, notably Middle Eastern and Mediterranean. More to the point, Muslim societies worldwide have been confronted with rapid social change and widespread social destabilization in the event of decolonization and post-colonial globalization; and the contemporary re-assertion of patriarchal norms is symptomatic of the way in which women and their status become primary targets of the traditionalist, religious backlash experienced in such societies in transition.

Nor is this new. Throughout the nineteenth and twentieth centuries, the issue of women's dress had become a pivotal site of struggle between modernizers and traditionalists in the Muslim world. While modernizers (such as Mustapha Kemal in Turkey or the Shah in Iran) castigated the backward and oppressive practice of veiling as a potent symbol of myriad archaic restrictions on women's freedom, traditionalists (such as Ayatollah Khomeini in Iran or Egypt's Muslim Brotherhood) fought a rearguard battle to fend off the forces of modernization and preserve (or re-invent) an idealized Muslim community (Haddad & Esposito 1998; Moghadam 2003). As feminists have long argued, while collective identities are typically androcentric, the burden of maintaining their continuity and integrity through time is chiefly placed on women. 'Fallen women' – those women who are tempted and corrupted into 'modern', foreign ways of life – are blamed for failing to preserve the group's (men's) honour. In times of rapid change, defensive male-dominated communities feel a need to control women in their midst, usually through appeal to a rigidly sexist interpretation of a sacred religious text. Thus religious fundamentalism often takes the form of a 'patriarchal protest movement' (Bayes & Tohidi 2001: 18). Its neo-traditionalist rejection of secular modernity is principally expressed

through control of women's bodies and movement (through scriptures against sexuality, contraception or abortion, or against the breakdown of families caused by female work outside the home) and, in the case of Islam, through control of women's dress.

This feminist interpretation of fundamentalism as a patriarchal religious movement is implicitly endorsed by French republican feminists. Over the last few years, an alliance has been formed between the 'grassroots feminism' of young second-generation immigrants and the 'middle class feminism' of republican *laïciste* intellectuals, which generated an extraordinary pro-feminist consensus (Guénif Souilamas & Macé 2004: 8–10). Republican hopes for the emancipation of *beurettes* (young women of Arab origin), through educational and work opportunities, were dashed when it appeared that an increasing number of them were being forced by their families or spiritual leaders to wear the *hijab* and conform to traditional gender roles. Fundamentalists, exploiting Muslims' feelings of humiliation, in a tense international context, have actively sought the re-Islamization of immigrant areas, precipitating a dramatic regression of the status of young women. Women's appearance is held as a powerful signifier of specifically female virtues such as modesty, chastity and obedience, and their honour acts as a surrogate for the identity of embattled communities of males: men shore up their humiliated sense of identity (and virility) through control of 'how their women look' (Bloul 1996: 235). In the spring of 2003, young women of Muslim origin organized a country-wide march to denounce the humiliating blackmail to which they were routinely subjected: 'dress decently and wear a headscarf or else you are fair game for sexual harassment'. Against those men – fathers, brothers and imams – who claimed to define the legitimate parameters of Muslim womanhood, they defiantly proclaimed that they intended to be 'neither prostitutes nor slaves' (*Ni Putes Ni Soumises* is the name of their association) (Amera 2003). In this context, the *hijab* must be seen as 'more than a piece of clothing. It refers to a restriction of mixity, of individual liberty, and of gender equality'.

Thus republicans should heed the warnings of feminists living in Muslim countries who urge the French not to see the *hijab* as a mere manifestation of cultural particularism or private religious piety, and to show solidarity to women who have opposed veiling, from the Syrian and Iraqi women who, in the 1920s, publicly took off their veil, to Algerian and Iranian women today who resist fundamentalist oppression. Algerian feminist Wassyla Tamsali has urged feminists to denounce 'everything that reduces women to their reproductive sexuality and to their exclusive dependency on the community that decides their fate', and not to be intimidated by the religious claims made on behalf of the *hijab*: after all, the feminist struggle for abortion in the 1970s attacked a dogma that was more fundamental to the Catholic Church than veiling has ever been to Islam (Tamsali 2004). Misguided post-colonialist scruples should not stand in the way of the universalist promotion of female emancipation against the regressive force of religious, counter-Enlightenment forces. For, in addition to the imposition of a patriarchal interpretation of the Qur'an, the *hijab* symbolizes a broader religious, obscurantist protest against Western modernity, not

least the rationalist and emancipatory ambitions of state education. The wearing of headscarves has been associated with rejection by Muslim students (or their families) of subjects such as biology, history and some philosophy classes, on the grounds that they contradicted the teachings of Islam. Thus the *hijab* symbolizes, at best, a profoundly ambivalent attitude towards the benefits of secular free enquiry and, at worst, an obscurantist and oppressive assertion of the primacy of communal tradition or divinely ordained command over individual reason. It denies young girls the very benefits that republican education had promised them, namely, the possibility to emancipate themselves from their condition through the critical re-examination of beliefs inculcated by their families or communities.

*Education and Autonomy: the Case against Headscarves in Schools*

Thus far, I have elucidated two central premises of the *laïciste* case. The first is that the emancipatory ambitions of the republican state are best pursued through education to autonomy. The second is that Muslim headscarves are symbols of heteronomy. It is not immediately obvious, however, that the combination of these two premises – perfectionist and feminist – is sufficient to justify banning the *hijab* in schools. There are, in particular, two missing links in the argument. First, if the point of education to autonomy is that Muslim girls *voluntarily* take off their headscarves, why should they be *forced* to do in schools? Secondly – from an opposite perspective – if veiling is incompatible with a life of autonomy, why ban headscarves *only* in schools? Unfortunately, coherent answers to these questions are not readily available in the French literature. In this section, I attempt to reconstruct a coherent and plausible case, putting special emphasis on the distinctive republican conception of education.

Let me start with the second question. If we assume that the wearing of religious headscarves limits individual autonomy and that the state has a duty to promote individuals' interest in their own autonomy, why not ban the *hijab* in society altogether? Following Mill, *laïcistes* opine that the state may encourage, in a number of non-coercive ways, the pursuit of autonomy by its citizens, but what it cannot do is to coerce adult citizens into behaving autonomously. As we saw in our brief discussion of the French state's attitude towards dangerous cults, the state can alert citizens to the dangers of cult membership, but it cannot ban cults altogether. By the same token, arguably, the state can legitimately criticize the oppressive patriarchal order which requires women to cover their heads, but forcibly preventing Muslim women from veiling would fall outside the bounds of legitimate paternalist intervention. By contrast, and as Mill argued, a perfectionist commitment to the value of individual autonomy can legitimize paternalistic action in the case of children. Yet the *hijab* is typically worn by girls after they have reached puberty, when their ability to exercise consent and choice cannot be as swiftly disregarded as a younger child's. In so far as consent is what underpins the pre-emption against paternalistic intervention against adults, the fact that mature adolescents are capable of exercising (a measure of) it clearly provides

grounds for caution regarding the legitimacy of a blanket ban on headscarves. That schoolgirls may have chosen to veil, then, provides a *prima facie* argument against direct, coercive paternalism.

Yet this fact in turn provides a strong argument for indirect paternalism, whereby all pupils are inculcated with a comprehensive autonomy-promoting education. This is because – *laïcistes* argue – education to autonomy will allow Muslim adolescents critically to evaluate the norms into which they have been socialized, and become aware of the ways in which their seemingly autonomous decision to veil might not reflect an authentic, un-dominated choice. On the one hand, Muslim adolescents may be deceiving themselves about the implications of their choice. Too frequently, women are instrumentalized by local fundamentalist groups, and the ‘chosen scarf’ swiftly becomes a ‘forced scarf’, as young veiled women are then required to live up to standards of Muslim womanhood defined by patriarchal norms. So even if their initial decision to wear the headscarf is autonomous, it may impair their future capacity for autonomy. On the other hand, and more importantly, the decision to wear a headscarf may itself be a rationalization of the limited range of options open to Muslim girls: it may be, to use the term favoured by (some) Anglo-American liberals, an ‘adaptive preference’ – a preference which has been altered to fit unjust background conditions, so that its holder can conceal the injustice of her situation from herself. If the actual choice opened to young Muslim women is either to wear a headscarf and be shown respect by their male peers, or opt for ‘Western’ clothing and be subjected to abuse and harassment, they may seek to maintain their dignity and self-esteem by convincing themselves that their choice to veil is a free one. So while their freedom of action may not be externally limited, their desires and preferences have been internally shaped and constrained in unjust ways. The choice to veil, on the *laïciste* view, may be interpreted as an instance of *dominated choice*, whereby the chooser is subjected neither to harmful interference with her actions nor to direct coercive threats, but where the options open to her are equally unattractive and her option set has been framed by an unjust, patriarchal normative order. Thus ‘the fact that girls defend the headscarf does not make any difference [to the reality of their domination]’ (Zelensky & Vigerie 2003).

One difference the girls’ consent does make, however, is that a blanket ban on the *hijab* would be unduly coercive and would not address the root cause of female oppression – the internalization by women of pervasive norms of patriarchal socialization. What is required, instead, is an alternative socialization, and this is precisely what state education is designed to provide. *Laïcistes* and feminists appeal to Article 5 of the UN Convention on the Elimination of all Forms of Discrimination against Women, which focuses, not only on legal reform and prohibitions, but also on the ‘modification of social and cultural patterns of conduct of men and women’ with a view to ‘eliminate prejudices of female inferiority’. In *laïque* schools, young Muslim girls benefit from a non-sexist education, which exposes them to the variety of gender roles that can be freely taken up in French society, and they are inculcated with autonomy-related skills, which empower them to reflect on, and question, the broader cultural and

religious norms they have been brought up with. They are, for example, taught methods for evaluating the truth and falsehood, or relative probability, of various claims about the world; they are taught how to resist manipulation and made to understand that purely adaptive preferences can be avoided by 'stepping back' from their commitments and reflecting on how they were formed; they are taught that good lives are lives lived autonomously. Education, in other words, allows the only emancipation that is worth the name (because it is not brought about through coercive paternalism): self-emancipation.

Now our first question remains unanswered. Why then should Muslim schoolgirls be required to take off their headscarves upon entering the school? The *laïcistes'* implicit answer is that schools are not only spaces in which young people acquire a *capacity* for autonomy, they are – unique – spaces in which they can *exercise* and *experiment with* autonomous thinking and behaviour. First, an analogy can be made between the ban and other school regulations. Schoolchildren are routinely subjected to paternalistic authority, often of a coercive kind, not merely on educational grounds (as with standards of work and discipline) but also on more general perfectionist grounds. For example, while the state does not ban the sale of unhealthy, processed foods to children in shops and supermarkets, it may legitimately, on public health grounds, teach pupils about the benefits of healthy eating *and* forbid the sale of 'junk' food within its schools. By the same token, the state does not ban the wearing of headscarves in civil society, but it may legitimately forbid it within schools. In fact, it would be incoherent for state schools to promote values such as gender equality and autonomous critical enquiry while tolerating in their midst symbols that ostensibly contradict those values. Secondly, *laïcistes* argue that schools must provide a space where young Muslim adolescents can experiment with alternative constructions of female, Muslim, personal identity. Within schools, they become aware that they do not need to cover their head in order to be respected by others, they learn to think for themselves without having to second-guess what their spiritual leader or father would expect them to think, and they learn to interact freely with members of both sexes. Schools, therefore, provide a safe, domination-free environment where young women can try out and experience the various goods that the exercise of personal autonomy brings. Veiling, associated as it is with attitudes of subservience, humility and reserve, might in itself hinder the development of the virtues associated with autonomy, namely, self-belief, assertiveness and a critical mind. Thirdly, schools as 'spaces of liberty' must act as a counterweight to family and community pressure. They should be seen as allies by those Muslim girls who seek to escape from the restricted choices offered by their family or community. The ban in schools gives them arguments to refuse to wear headscarves altogether, and thereby contributes to undermine the powerful grip of neo-traditionalist, patriarchal groups in their communities. *Laïcistes* frequently insist that, were schools to tolerate headscarves, they would fail in their duty to protect vulnerable girls in their (often subdued and silent) struggle to assert their independence against community and religious dictates. Schools, in sum, have a special duty to assist the emancipation of young Muslim women.

### Female Agency and the Flaws of Republican Paternalism

Critics strongly reject the two premises of the *laïciste* case for the ban: the perfectionist defence of rational emancipation and the feminist critique of the *hijab*.

#### *Paternalism and State Oppression*

*Laïcistes* have neither resolved nor dissolved the liberal paternalist paradox eloquently formulated by Mill: the state gravely impinges on individual liberty if it prohibits certain individual actions merely on the grounds that they jeopardize the autonomy of those who engage in them. At most, the state may educate children so as to enhance their capacity for autonomy and self-emancipation, and it may also prohibit practices which cause obvious and durable harm to them, in a way that compromises their future capacity for autonomy. The ban on headscarves in schools in practice contradicts the first objective, and it does not fall within the scope of the second.

The first argument of critics is that, *even if* headscarves are symbols of heteronomy, to ban them in schools is unacceptably coercive. If, as *laïcistes* claim, the only emancipation of value is self-emancipation, then schools should only inculcate autonomy-related tools, not impose a substantive view of what counts as autonomous behaviour. Such imposition, even when it takes only indirectly coercive forms, such as education, may imply profound misrecognition of culturally different value-systems. When it takes a coercive form – the ban in schools – it makes a mockery of the *laïcistes*' proclaimed respect for Muslim adolescents' capacity for mature consent. A ban on religious symbols is no ordinary school regulation: it implies the *exclusion* of non-compliant pupils. The ban is thus both unfair and counterproductive: it perversely punishes those it deems to be victims, it perpetuates the very gender inequality it claims to combat, and it condemns Muslim girls to an almost certain 'educational death' (*mort scolaire*) ('Femmes Publiques' *n.d.*). Exclusion from school is a self-defeating form of punishment which openly contradicts its declared aim, namely, the emancipation of Muslim girls.

Furthermore, scepticism can be expressed about the grand claims made by *laïcistes* on behalf of the autonomy-promoting nature of state schools. Not only is it doubtful that republican schools historically lived up to the emancipatory ideology they profess but, today, the ideal of the school as a space of liberation from monolithic, pre-modern social structures and beliefs has lost credibility in a globalized world where children are subjected to a plurality of social influences, from youth culture to reconstructed family traditions (Dubet 1996: 100). More generally, individual autonomy is not the only value that schools should pursue: they should also foster children's sense of cultural identity and cultural coherence, if only as secure contexts for the exercise of autonomy. As critics of *laïcisme* put it in an Open Letter, 'one cannot demand that children and adolescents abruptly break with their families, with their origins. One would not transplant a tree by cutting its roots' (Brunerie-Kauffmann et al. 1989).

Secondly, critics challenge the *laïcistes*' simplistic account of harm, autonomy and socialization. This relies, at bottom, on three highly elusive or contentious claims. The first is that the wearing of headscarves harms women. Yet in so far as the *hijab* is only a religious symbol, and not an objectively and directly harmful practice, it is 'interpreted as an infringement on female dignity only on the basis of a reconstruction of what is known, or is thought to be known, about Islamic religion and civilisation'. In themselves, though, headscarves 'express nothing' (Kessler 1993: 99) and it is wholly illegitimate for state authorities to indulge in subjective interpretations of the meaning of religious and cultural practices, especially in cases where the harm they supposedly cause is exclusively of a psychological and symbolic kind. The link between headscarves and more tangible harms – such as forced marriages, for example – is at best tenuous and contingent. It is not permissible to restrict one liberty (the liberty to wear headscarves) in order to protect possible future liberties which are not directly impinged upon by the contested practice (Canto-Sperber & Ricoeur 2003; Delphy 2004). The second problematic claim is that adherence to a religion, and obedience to religious prescriptions, in itself indicates a posture of heteronomy and servitude. The concept of 'voluntary servitude' or 'mental manipulation' is loosely used by *laïcistes* to castigate veiling as well as membership of dangerous cults. Yet religious belief by definition entails partial renunciation of autonomous reasoning, as well as forms of psychological dependency. *Laïcistes* have been worryingly elusive on the crucial question of whether one may autonomously decide to lead a heteronomous life. Yet 'the right to [engage in] religious radicalism must be defended as firmly as the right to change or repudiate religion. Individuals must be able freely to choose to be poor, chaste and obedient, to defer to a spiritual master or to take the veil [*se cloître*] for the glory of God without being subjected to paternalist tutelage for mental weakness or social inadequacy' (Hervieu-Léger 2001: 185).

The third problematic *laïciste* move is their singling out of the wearing of headscarves as an illegitimate adaptive preference to an oppressive normative order. They castigate the veiled Muslim girl as a social conformist, who unreflectively follows the precepts of her religion or the demands of her community. Yet this underestimates the plurality and complexity of the relevant 'contexts of autonomy' in contemporary pluralist societies. In a country such as France, where the dominant social pressure is *not* to wear the *hijab*, doing so may rather appear as a bold, non-conformist choice. Nor should the assumption that the norms structuring dominant French society are intrinsically liberating go unchallenged. *Laïciste* feminists tend to focus on visible symbols of oppression, such as headscarves. More harmful and widespread, but less visible, practices of female oppression such as domestic violence, wage inequality, the work–family balance, genital mutilation or polygyny, have not provoked as much public outcry as Muslim headscarves. Veiling is perceived as a denial of women's freedom to control their own sexuality; yet female sexuality and bodily appearance in France are powerfully framed by pervasive norms of beauty, fashion, dress, figure, makeup and so on. The *laïciste* injunction on Muslim girls to 'uncover' and reveal their bodies, on this view, is less about the

promotion of female autonomy and sexual liberation as it is about the assertion of dominant norms of femininity. Thus the headscarves controversy can be seen as a male contest over women's bodies: in response, the 'right to one's own body' should be defended, not only in relation to minority practices such as veiling, but also against the sexist norms of female appearance in mainstream French society.

Not only do *laïcistes* exclusively focus on the practices of minority groups, to the detriment of critical scrutiny of the sexist practices of their own society, but they also unconsciously reproduce the 'sexual politics' of the colonial 'civilizing mission' (Bloul 1996: 238; El Guindi 1999: 170–172). For the ban on headscarves is reminiscent of colonial measures against veiling in French North Africa. In 1958, during the 'battle of the veil' in Algiers, French soldiers forcibly and publicly took off women's headscarves, a violent act which was experienced by Algerians as literal and figurative rape. Just as, during the Algerian war, women's bodies were perceived as territories to conquer, to liberate and to occupy, in France today, the bodies of Muslim women symbolize those 'lost territories of the republic' which must be reclaimed from the grip of Arab males demonized as uncivilized and aggressive chauvinists. Women, as contests for male power, are caught between alternative contradictory injunctions and silenced. Thus in the extensive consultations leading up to the March 2004 ban, hardly any veiled woman was heard: the Consultative Commission, assuming they were manipulated and alienated, declared *a priori* that it 'would not be sensitive to their arguments' (Delphy 2004). Further, the Commission openly endorsed a neo-Orientalist view of the veil as symbolizing a 'clash of civilization' pitting the obscurantist forces of a pre-modern, unchanging 'Muslim culture' against Western modernity. Consequently, it was not well equipped to understand the profound changes that affected religion and identity in post-colonial, post-modern conditions.

### *Individual Authenticity and Religious Identities*

Republican *laïcistes*, by harking back to an ideal of individual autonomy drawn from the Enlightenment humanism of Condorcet and Kant, seem strangely unperturbed by the profound philosophical, anthropological and sociological reconsiderations of the nature of individualism and modernity in twentieth-century Western thought. The bold progressive ambitions of *laïcisme* have been tainted by their association with the discredited Enlightenment grand narratives of Science, Reason and Progress. In a thoroughly 'disenchanted world', permeated by profound ethical pluralism, *laïcisme* is no less than a controversial 'secular religion', committed to a metaphysical conception of reason (Gauchet 1998; Mesure & Renaut 1996). Just as Rawls's political liberalism aimed to 'apply the principle of toleration to philosophy itself', it is time to '*laïcise laïcité*' (Willaime 2004: 206), to rid it of its rationalist, scientist and metaphysical undertones. In a move not dissimilar to the anti-foundationalist and anti-metaphysical rupture in Anglo-American political philosophy, many French thinkers have stressed the need to take seriously the deep pluralism of contemporary societies and to repudiate controversial Enlightenment

assumptions about progress as rational emancipation from cultural identities. While *laïcistes* tend to portray the contemporary assertion of particularist identities as residues of, or regressions to, pre-modern, anti-individualist communitarian forms of social life, multiculturalist sociologists such as Alain Touraine, Michel Wieviorka, Françoise Gaspard, Farhad Khosrokhavar and Nacira Guénif Souilamas lay emphasis on the active agency of the (post) modern subject. The post-modern 'actor' constructs, from the plurality of incommensurable, fragmented and disconnected cultural, economic and social orders in which she is immersed, her own way of being in the world, and seeks public recognition for it. On this view, ethnic and religious claims do not denote pre-modern backwardness but are, rather, constitutive of post-modern subjectivity, a *bricolage* of individually re-appropriated references and narratives.

Similar processes have affected religious life. Sociologists of religion have rejected simplistic interpretations of the contemporary religious revival as an assertion of anti-modern, collectivist, tightly structured faith communities. Widespread individualization and de-socialization have eroded individuals' allegiance to traditional religious institutions while, at the same time, feeding their existential need to make sense of their lives. Individuals no longer inherit religious affiliations; they choose whether, when and how to consume the diverse religious goods on offer in an increasingly deregulated religious market characterized by the proliferation of 'new religious movements' (Hervieu-Léger 2001). Islam has not been immune from these broad trends. Students of Western Islam, repudiating Orientalist readings of Islam as stuck in a pre-modern, communitarian past, have noted that the relation of young Muslims to their parents' religion is as individualistic, eclectic and selective as that of Christians and Jews. Contemporary Western Islam is, in this sense, a 'new religious movement', distinct from the customary, traditional Islam still practised by an older generation of immigrants, and it broadly replicates the individualistic, subjectivist tendencies of other religious movements (Khoroskhavar 1997; Roy 2004). Muslim identity is as much a chosen as an inherited identity, one which lays stress on a privatized, emotional and ethical relationship to faith and ritual, selectively and critically appropriated by young Muslims, including by those who opt for an integralist and fundamentalist interpretation of the demands of religion. Radical Islamism, often cast as 'traditionalist' or 'anti-modern', is in fact an 'alternative modernity': like third-world nationalism before it, it is often shaped by the very discourses of modernity and Westernization it seeks to counter. As Olivier Roy has noted, Western Islam demands '*hallal* fast food, not camel's milk couscous' (Roy 2004: 128). It favours modest clothing, but has developed styles of dress that are essentially new, combining North African, Middle Eastern or East Asian features on the one hand and Western features on the other. Can we go further and, in line with the approaches briefly charted in this section, interpret the resurgence of the *hijab* among young European Muslims as representing, not a traditionalist backlash but a post-modern demand for recognition; not communal oppression but individual authenticity; not patriarchal power but female agency? The problem is that veiling has historically been so tightly associated with patriarchy that we need

to understand why Muslim women would deliberately *choose* to wear it. To do this, we need to move away from *laïciste* understandings of female *autonomy* and develop an alternative account of female *agency*.

### *Female Agency and Veiling Practices*

Feminist notions of agency are informed by a criticism of the republican perfectionist understanding of autonomy as denoting individuals' ability to question and repudiate the cultural contexts and norms they have been socialized into. We saw that *laïcistes* take seriously the way in which social norms shape individual preferences and desires, but insist that, notably through autonomy-promoting republican education, individuals (for example, Muslim adolescents) should learn to reject constraining and unjust norms (for example, the Islamist patriarchal order) and thereby become free, self-directing agents. Radical feminists, drawing notably on the analyses of Michel Foucault, are sceptical about this possibility. They suggest that social norms shape individuals' preferences through and through, that there is no detached, free-floating subject outside the discourses that produce and constitute it, and that the liberal discourse of autonomous subjectivity is itself a discourse of power. Feminists have, however, repudiated Foucault's early determinist approaches (as in *Discipline and Punish*, where he seemed to negate human freedom altogether in his account of docile bodies entirely disciplined by the operations of ubiquitous power) and drawn on his later attempt to offer a more sophisticated account of the interaction between power, resistance and agency. The intuition here is that power is not only oppressive but also creative: every relation of subordination and domination also creates a capacity for action and resistance, whereby dominated individuals assert their selfhood through adaptation to, manipulation or subversion of the normative order they are subjected to.

What, then, are the differences between radical feminist 'agency' and republican feminist 'autonomy'? Female agency, on the critical feminist view, is relational, content-neutral and interstitial. It is relational, not only in the weak sense that its exercise implies pre-existing relations and attachments, but also in the sense that it is not the solipsistic exercise of rational examination of, and demarcation from, such attachments called for by *laïcistes*. Agency is about self-discovery instead of self-definition; it is about the reflective re-appropriation of one's deepest existing commitments, including those connoting emotional connectedness, such as piety, loyalty, commitment, devotion, benevolence and so forth. Secondly, agency is content neutral in that it need not accord with a substantive notion of the self-directed, autonomous life. Thus free agents may choose a heteronomous life, so long as they do so with minimum procedural competency and this life represents what they affirm as deeply important to them upon reflective consideration. For a woman to choose a life of religious devotion or domestic servility might reflect appropriate levels of agency if it is a real choice that is congruent with her deepest values and perspectives, even as it falls short of the more demanding ideal of *laïciste* autonomy. Thirdly, agency is interstitial in that, by contrast to the *laïcistes'* almost

Promethean ideal of emancipation, it operates in the interstices of power: hence the Foucauldian references to 'resistance', 'bargaining', 'manipulation' or 'subversion' by individuals of existing power relationships.

Adopting an agency-based view of liberty, rather than an autonomy-based one, allows us to see that Muslim women are not the passive victims of their religion and culture: they are also – in ways that *laïciste* accounts of autonomy fail to capture – agents of their own lives. They make choices about their religious practice, their professional activity, their family and so forth, and they do so within the particular contexts which make choices meaningful to them and to the community (or communities) to which they belong. Women may not have 'taken part in constructing the framework within which decisions about dress take place', but within that framework, they make space to 'establish identity and agency, and resist patriarchy' (Hirschmann 1998: 351, 355).

We can distinguish three degrees of female agency, as expressed in the choice to veil, from the most accommodating to the most subversive. First, wearing the *hijab* can have a protective and dignity-enhancing function: in keeping with the original spirit of veiling by the Prophet's wives, it is a sign of social status and respectability. For many Muslim women, the veil signifies, not a position of humiliating submission, but one of safety, status and respectability. It shields women from the lustful gaze of men and affords them a valuable space of dignity and respectability. Wearing the *hijab* allows them to gain the respect of their family and peers and shore up their self-esteem, as it is a visible symbol of admired virtues such as piety, chastity and modesty. It also liberates them from the perceived dictates of Western fashion and from the pervasive sexualization of women's bodies. The *hijab* thus offers a practical coping strategy in the face of the stresses of public appearance. Arguably, in this case, women's agency is rather limited, as the decision to veil is merely the outcome of the uncritical internalization of constraining sexist norms and conscious rationalization of a narrow set of available options. Yet to argue, as *laïcistes* do, that it is therefore an illegitimate adaptive preference to conditions of oppression is to fail to respect the integrity of women's own choices and perspectives. Muslim women may genuinely value the privacy, respectability and self-esteem they derive from wearing the *hijab*.

Secondly, the *hijab* can permit and facilitate women's free circulation into public space and their unhindered pursuit of a range of autonomously chosen activities. French Muslim adolescents are often confronted with a pernicious 'double bind' or 'contradictory injunction' (Guénif-Souilamas 2000: 25) stemming from their dual membership: dominant society urges them to emancipate from oppressive communal traditions, while their families and community enjoin them to be faithful and loyal to them. Wearing the *hijab* is one symbolic way to meet both demands and thereby ease the strains of multiple allegiances. It provides families with a symbolic and emotional guarantee of communal allegiance, while simultaneously authorizing and legitimizing girls' autonomous behaviour in public. Yet this agential strategy comes at a cost, especially when it takes the form of a schizophrenic commitment to two seemingly separate and discrete worlds, one perceived to embody modernity,

emancipation and independence (dominant French society), and the other perceived to embody allegiance and submission to communal rules (the Muslim community) (Gaspard & Khosrokhavar 1995; Venel 2004).

Thirdly, the *hijab* can, however, signify individual re-appropriation of the precepts of Islam by women themselves, and become a form of female empowerment. In this case, women gain personal dignity and independence *through* their embrace of Islam and in doing so, they reform Islam from within. This connects with the movement of 'Islamic feminism', which emerged in Iran in the 1990s and has since been used to refer to the broader redefinition of gender relations taking place within the Islamic diaspora, especially in Western Europe and North America. Women may thus engage in feminist *ijtihad* (independent reasoning, religious interpretation) and deconstruct *sharia*-related rules in a women-friendly egalitarian fashion. Adoption of Islamic dress in this case denotes, not affiliation with conservative customs of female subservience and irrational obscurantism (as claimed by *laïcistes*) but, rather, commitment to advance women's opportunities in education, employment, professional achievement and equal political rights, while asserting specifically female virtues in the private sphere of personal relationships and family. 'Puritan and rebel at the same time', these often well-educated, young women, 'undoubtedly innovate when they claim to liberate themselves from the authority of men to submit, instead, to that of Allah' (Weibel 2000: 201). Women thus use practices, such as veiling, which have historically underpinned patriarchal oppression to subvert patriarchy and assert themselves as autonomous believers (Hoodfar 2001: 421).

Nor is this all. Young Muslim women further carve out a space of agency by repudiating their schizophrenic dual location within the two normative parameters of Muslim traditionalism and Western feminist modernity. They proclaim that their parents' 'archaic' and 'ethnic' Islam is not the true Islam, and that Western feminism is not true feminism. They criticize the oppression of generations of Muslim women with the same virulence as they denounce the sexual exploitation of Western women. Veiled women implicitly denounce the simplistic and reified normative alternative that dominant discourse presents them with – an injunction to choose between tradition and modernity, between religion and female emancipation – and they creatively shape the contours of a new Muslim feminist identity. Muslim women cannot escape the structural bind within which the construct 'Muslim women' places them, but they can manipulate the diverging yet overlapping significations it has acquired in the Muslim and Western imaginaries (Bouzar & Kada 2003).

Thus the *laïcistes'* attempt to reduce the complex social phenomenon of veiling to a simple, unambiguous instance of internalized male domination simply is not tenable. Furthermore, while *laïcistes* concentrate on one general feature of veiling – its historical association with patriarchy – they tend to misinterpret another crucial historical feature of the *hijab* – its association with anti-Western protest. They disregard the responsibility of Western powers in (unwittingly) promoting the veil – which they castigated as a symbol of Muslim otherness and backwardness – as a

modern flag of resistance to colonial rule, forced Westernization and cultural and social marginalization. In contemporary post-colonial France, the *hijab* has become a powerful symbol of the re-Islamization of North African youth over the last two decades, often in protest against the broken promises of the French model of immigrant integration. In a context of polarization between the discourses of ‘Western modernity’ and ‘Islam’, and the defensive re-assertion of Muslim identity in the face of Western hostility, Muslim women feel the need to close ranks and defensively assert their cultural pride as Muslims, if necessary by toning down their feminist demands. Hence the ultimately self-defeating effect of *laïciste* paternalism: it might well reinforce the very patriarchal tendencies that it denounces, as women prioritize the struggle against perceived Western imperialism and Islamophobia over that against Muslim patriarchy. *Laïciste* feminism unhelpfully dramatizes the stark choice faced by Muslim women: that between asserting their identity as women (against sexism and patriarchy) or as Muslims (against Western stereotypes and Islamophobia). The normative upshot of all this is that Muslim adolescents should not be forcibly ‘liberated’ but ‘left free’ to wear headscarves in schools: as they are caught in the ‘crossfire of two dominations’, sexist and imperialist, any attempt to undermine the former might be experienced as an instance of the latter (Balibar 2004: 156–157). Contemporary postmodern, post-colonial societies are too complex to exhibit the simple patterns of social domination that might, in the past, have justified paternalistic intervention in the interests of individual autonomy and emancipation. Thus young female Muslims should be left to experiment with the fragile ‘tempered liberties’ they derive from their contradictory entanglement in ‘multiple dominations’ (Guénif-Souilamas 2000: 345).

### Critical Republicanism and Non-Domination

Thus far, I have sought to reconstruct the ‘best case’ of the opposite sides of the feminist debate about the wearing of headscarves in France, spelling out its (seldom explicit) sociological and historical assumptions, and filling out a series of its (often missing) logical links. In this section, I argue that although radical feminists are right to denounce the ban on the *hijab*, *laïciste* feminists are right to worry about oppression and domination in civil society, and I elaborate a concept of republican non-domination which formalizes and extends these conclusions beyond the case study of the French *hijab* controversy.

It is difficult to deny that banning the *hijab* from schools on paternalistic, autonomy-related grounds is wrong and counterproductive. It is counterproductive because, even if the struggle against patriarchy is a legitimate one for Muslim women, it is not assisted by measures of stigmatization and coercion, and might even exacerbate the defensive assertion of patriarchal norms and practices within sections of the community. It is wrong because it fails to respect the agency of those women it claims to emancipate in the name of a contested conception of secular autonomy and a misguided, neo-Orientalist interpretation of Islam. The fact that wearing the *hijab* is not in itself a harmful practice should have been sufficient to

ward *laïcistes* off any paternalistic measure. Even if we construe the *hijab* as a harmful, *because* autonomy-impairing, practice, the republican commitment to self-emancipation militates against a coercive ban, even (indeed, especially) in autonomy-promoting spaces like schools. And as the *hijab* is in practice being transformed from a symbol of female submissiveness to one of assertive contestation both of the cultural domination of the French state and of patriarchal power, it should be clear that the state has no business forcibly seeking to ‘liberate’ French adolescents wearing a Muslim headscarf to school.

It does not follow, however, that we should repudiate the republican perfectionist project *in toto*. While critics are right to argue against the ban on the *hijab*, the philosophical and sociological resources they mobilize in support of their conclusions have unwelcome implications for those on the Left still committed to the progressive project of emancipation (albeit in a form compatible with recognition of the pluralism and complexity of contemporary society). At bottom, the critics’ case relies on a combination of a modestly ‘political’ liberalism averse to using the state to promote the value of autonomy with a postmodern sociology of subjectivity which reduces agency to the individual ‘negotiation’ and ‘manipulation’ of a plurality of normative social orders. Such a combination potentially legitimizes the perpetuation of domination and oppression in civil society. It makes individual agency compatible with very constrained life situations, of the kind that *laïciste* feminists are right to worry about: situations of seeming consent to relationships of subservience and servility. What radical feminists and multiculturalists lack, therefore, is a positive theory of domination, and an account of when and how it is legitimate for the state to further non-domination. In this respect, *laïciste* feminists offer valuable resources, although they have mobilized them towards the wrong cause: the *hijab* ban. First, they rightly worry about the abuses of private power, in institutions such as the family or religious groups; secondly, they point out that such power can take the form of socialization, indoctrination and manipulation, rather than overt interference or coercion; and third, they champion state education as providing an alternative socialization (to autonomy). In what follows, I formalize these *laïciste* insights by integrating them into a ‘critical republican’ theory of non-domination.<sup>3</sup>

What do we mean by domination? We are dominated when we are under the sway of others, hostage to their volition and dependent on their good will, vulnerable to their actions, decisions and opinions, without necessarily being coerced or otherwise interfered with by them. The concept of domination I favour combines elements from the classical sociological definition of Max Weber and the normative definition of Philip Pettit. On the Weberian account, domination (by contrast to other forms of power) works at least partly through consent; it is based on ‘a minimum of voluntary compliance, that is, an *interest* (based on ulterior motives or genuine acceptance) in obedience’ (Weber 1968: 212). Weber’s is a descriptive account which captures the power at work in relationships as diverse as the parent–child, teacher–pupil, employer–employee relationships. More normative definitions of domination include a value-based component which accounts for the badness or

wrongness of domination: thus Pettit specifies that domination refers to a capacity for *arbitrary* interference. An interference is arbitrary, according to Pettit, if it does not track the 'relevant ... interests and ideas of the person suffering the interference' (Pettit 1997: 55; see Friedman forthcoming). Can people, then, consent to domination? For Pettit, an arbitrary power is not necessarily a power that has not been consented to (it is, rather, a power that is exercised without possibility of recourse or contestation). Pettit rightly insists that 'consent to a form of interference is not sufficient as a guard against arbitrariness' and points to the example of workers forced to 'consent' to iniquitous working conditions (Pettit 1997: 62). But note that in this case, even though workers *consent* to iniquitous contracts, they are *aware* that the contracts are iniquitous. Pettit has less to say about situations where domination is consented to in the stronger sense of the term: in the sense, that is, that it is not perceived for what it is by its victims. Cases of 'backroom manipulation', where domination is 'not a matter of common knowledge', are described as 'one exception' to his otherwise explicitly subjectivist account of domination (Pettit 1997: 60). Domination, for Pettit, is a 'grievance', a 'malaise', a 'feeling' of vulnerability and powerlessness: dominated people 'bristle under the yoke' of domination. Thus Pettit does not give sufficient thought to the possibility that domination may affect a person's interests even though she might be totally unaware of it, as in the well-known example of the submissive housewife or the contented slave (Hill 1991: 4–18; McKinnon 2002: 3.3).

I submit that one basic interest which domination violates is our interest in minimal autonomy. Thus the republican ideal of non-domination is connected with our status as free and autonomous individuals (Dagger 2005) although it does not entail full-blown autonomy. The thought is that domination involves a (systematic and intentional) denial of a person's capacity for minimal autonomy. When we are dominated, we are either deprived of the ability to form our own perspective (we are indoctrinated, manipulated, socialized into submissive roles) or, if we possess the capacity, we are prevented from using it (we are silenced, humiliated, threatened). Emphasizing the way in which a capacity can be *denied* and not only *dismissed* through domination allows us to take into account phenomena of unjust (in Pettit's phrase, arbitrary) preference formation or 'backroom manipulation'. Thus we can understand how domination can be partly consented to, by being invisible to its victims. J.S. Mill brilliantly captured the workings of the subjection of women: 'the masters of women wanted more than simple obedience, and they turned the whole force of education to effect their purpose. All women are brought up from the very earliest years in the belief that their ideal of character is the very opposite to that of men; not self-will, and government by self-control, but submission, and yielding to the control of others' (Mill 1985: 15–16). Thus women can be dominated both by being denied the opportunity to develop their own perspective (autonomy-denial) *and* by being led to adopt attitudes of subservience, self-denial and servility, which make them vulnerable to further domination (autonomy-dismissal). Unsurprisingly, the republican concept of domination appealed to feminist writers such as Mary Wollstonecraft and Mill, as it neatly encapsulates the complex and insidious ways in

which the subjection of women was psychologically experienced (as damaged self-respect) and socially maintained (as an ideology or internalized social norm). Because domination works partly through the successful internalization of norms, the extent to which dominated individuals are able to articulate a specific grievance varies; all the same, they suffer a specific wrong, that of being deprived of their own voice.

That social beliefs or ideologies play a central role in sustaining relationships of domination has long been obvious to sociologists, whether Marxist, Weberian or Foucauldian. It should be a thought also congenial to normative republicans, for three important reasons. The first is that republicans have historically been suspicious of utilitarian accounts of the *prima facie* value of existing preferences, beliefs and norms (Sunstein 1988). Given that the latter are formed under the structural constraints of existing, non-ideal conditions, some of them are likely to be partly expressive of relationships of domination. The second reason why republicans have an interest in the content of existing beliefs and norms is that they are granted as important a role as good laws in sustaining the republican polity. Norms that foster the domination of some citizens over others are unlikely to be supportive of the egalitarian, cooperative ethos essential to the republic: they undermine civic virtue. Thirdly, they also negate citizens' independence, a foremost republican virtue. Citizens who are unduly dependent on the wills and opinions of others are unlikely to display the critical faculties, sense of impartiality, and self-esteem (a stable sense of one's own separate identity and a confidence that one is worthy enough to participate in political life) required by citizenship (James 1992). Citizens' independence, importantly, is not merely an objective and subjective state but relies on intersubjective patterns of social recognition: it connotes the 'ability to look at each other in the eye', confident of one's social status as a 'person in [one's] own legal and social right' (Pettit 1997: 71). To be non-dominated is to be recognized as having a voice of one's own. To use a recent formulation of Pettit's, domination limits our freedom understood as 'discursive control': 'to enjoy discursive control is to be proof against being silenced, or ignored, or refused a hearing, or denied the final say in one's own responses. It is, on the contrary, to be given recognition as a discursive subject with a voice and an ear of one's own' (Pettit 2001: 140). More precisely, republican citizens have discursive control when they are entitled and capable to contest (or at least to ask for a justification of) the power that is exercised over them. We can say that someone is a 'discursive subject' when she is considered worthy of being given justifying reasons for others' actions or injunctions towards her (McKinnon 2002: 3.3).

Non-domination as discursive control, I submit, is a more attractive ideal than either the rationalist conception of autonomy of *laïciste* feminists or the Foucauldian conception of agency developed by radical feminists. Nothing about non-domination requires that individuals break free from their religious or communal attachments; nor does the ideal imply that the good life is a life of autonomy. The autonomy critical republicans value is more akin to a basic capability: a skill which, up to a threshold (minimum discursive control), is essential to the good life, but which, above the

threshold, individuals do not have to develop further, let alone to exercise fully. Autonomy thus conceived is compatible with what I earlier called the ‘relational’ and ‘content-neutral’ features of the concept of agency favoured by radical feminists and multiculturalists. Where non-domination theorists differ from the latter is in their willingness to scrutinize the workings of ‘interstitial’ agency – agency which expresses itself as resistance to power – in order to assess whether it is sufficient to protect our interest in minimum discursive control. In other words, they worry that certain forms of power can suppress basic human interests, even when they are seemingly accepted, negotiated or subverted by those who live under them. Non-domination, therefore, offers a normative yardstick of evaluation, thus avoiding the moral indeterminacy of the Foucauldian understanding of power and resistance. To illustrate: a concept of non-domination allows us to say that, while the meaning of headscarves in contemporary France is contested, subverted and re-appropriated in ways that undermine univocal patriarchal domination, it is not clear that veiling practices in countries such as Saudi Arabia or Iran can be so easily defended as *adequate* expressions of female agency, *even though* they are endorsed, resisted or manipulated by Muslim women. Arguably, women in such countries do not have enough ‘discursive power’ to be able effectively and publicly to contest the dress codes they are supposed to follow. Thus non-domination theorists respect the deep attachments valued by individuals, whether religious, traditional or communal; what they fear is their potentially disempowering, oppressive and dominating features. These can be ascertained, not through abstract discussions of the meaning of cultural practices or the content of conceptions of the good, but through careful contextual analysis of actual power relationships. The guiding philosophical principle is clear enough, though: we do not have a (basic and universal) interest in pursuing a life of autonomous assertion, but we do have a (basic and universal) interest in avoiding ethical servility.

Construing non-domination in this way allows us to understand the centrality of education to the republican ideal. For consider the ways in which coercive law can be ill-suited to combat the evils of servility and domination. If it focuses on punishing acts of arbitrary interference by those in positions of power (for example, coerced marriages), it misses the ways in which individuals can be dominated without being interfered with (witness the more subtle coercion involved in some ‘arranged’ marriages). If it focuses on prohibiting harmful practices performed because of the internalization by consenting adults of norms of domination (for example, female genital mutilation), it is on the fairly demanding condition that the harm they cause to their practitioners considerably outweighs the autonomy-infringing effects of paternalistic intervention (Chambers 2004). At any rate, coercive legislation can be counterproductive and does not address the root causes of domination. It could be argued at this point that addressing the ‘root causes’ of domination would require a radical programme of social and economic reform, which would effectively rebalance power between dominant and dominated groups. Republicans have (rightly in my view) been castigated for glossing over the need for such structural reform. By contrast, because they take seriously the ideological and cultural underpinnings of

domination, they have been unrepentant in their advocacy of robust autonomy-promoting education. Educational paternalism avoids many pitfalls of legal paternalism. It seeks indirectly to influence, rather than directly to coerce; and it is primarily aimed at children, to whom the classic anti-paternalist injunction (that people's autonomy must be respected) does not fully apply, as children's autonomy must be promoted before it can be respected. There are two kinds of reasons – negative and positive – why republicans should champion autonomy-promoting education. A negative argument points to the fact that autonomy-denying education can be a form of domination, if it makes children dependent upon, and subservient to, their educators; if it shapes what Eamonn Callan has called 'ethically servile' children (Callan 1997: 152–157). A more positive defence points out that education should actively promote autonomy-related skills because they are essential to ward off potential domination in future life. By autonomy-related skills, I mean an extensive set of skills encompassing practical reason, moral courage, critical skills, awareness of the 'burdens of reason', exposure to a diversity of ways of life, understanding of one's rights, and so forth.

Note that there is an asymmetry between the fairly comprehensive nature of the autonomy-related skills taught in schools and the minimalist nature of our basic interest in autonomy as non-domination. This asymmetry, far from being worrisome, is pivotal to the critical republican strategy. We saw earlier that republicans do not attribute special value to autonomous choice as such: citizens can follow traditions, practice their faith, devote their lives to others, or take their cue from parents and priests. But citizens should not have to endure relationships of domination – relationships of subordination, indoctrination, manipulation, humiliating dependency and the like. The line between legitimate interdependence and harmful dependency is notoriously difficult to draw, especially as it is, at least partly, parasitic on the distribution of a rather intangible form of power: discursive power. For these very reasons, the best hope we have of combating domination is by equipping individuals with extensive discursive power: individuals need to have a fairly secure sense of self, of their own status, and need to be taught how to '[resist] impulses or social pressures that might subvert wise self-direction' (Callan 1997: 152). My claim, then, is that even a minimalist understanding of autonomy as non-subordination to the will and opinions of others requires, to acquire its fair value, that individuals be comprehensively equipped with autonomy-related skills. The asymmetry between means and ends is a deliberate one. Education to autonomy, we may say, provides extensive immunization against the risk of domination. But the question immediately arises: is it *too* extensive? Might it not kill off, not only the virus of domination, but also the benign interdependencies which make our lives valuable? To some extent, this echoes a familiar worry about all forms of liberal education – the worry that, *nolens volens*, they are biased towards individualistic ways of life. John Rawls, for example, had to concede 'with regret' that his favoured political liberal education would affect the way in which individuals related to their personal ends and commitments (Rawls 1993: 200). Critical republicans are more unrepentant, but also more sanguine, about this possibility. They are more unrepentant about a degree of unavoidable 'overspill':

the minimum independence which republican citizens must exhibit has both political *and* personal dimensions, which cannot therefore be neatly separated. But republicans are also more sanguine about the possibility that the inculcation of autonomy-related skills above and beyond this minimum threshold does not amount to an injunction to place autonomy at the centre of one's life. If, as the old republican adage has it, the price of liberty is eternal vigilance, then autonomy-related skills are what keep us alert and vigilant. Being vigilant, however, should not prevent us from enjoying the good inherent in living a non-dominated life – in particular, the good inherent in our pursuit of a diversity of goals and commitments, including non-autonomous ones.

Autonomy-facilitating education furthers the critical republican ideal of non-domination in a number of ways: it brings children to the minimum level of independence essential to republican citizenship; it further inculcates in them broad autonomy-related skills, leaving them free to shape the course of their own lives if they wish; it does not claim to eradicate all domination from social life, but empowers individuals to resist its most pernicious forms. Thus educational paternalism avoids the paternalist pitfalls of *laïcisme* without resigning itself to leaving individuals unaided in the face of domination. In contrast to much recent multiculturalist debate, critical republicanism does not attempt to adjudicate the respective claims of abstractly conceived 'autonomy', on the one hand, and 'culture' or 'religion', on the other, but draws attention to the exercise of illegitimate social *power* in general, and not only within cultural and religious minorities. Further, autonomy-facilitating education is not primarily about securing a right for individuals to exercise autonomy by leaving their communities (the 'right to exit' defended by most liberal multiculturalists). It is, rather, a way to help individuals resist domination *within* the cultural and normative frameworks they recognize as their own. Instead of the right to 'exit', therefore, critical republicans emphasize the right to 'voice'. Arguably, most Muslim women do not want to leave their religion; but they have an interest in being able to challenge those interpretations of it which deny them discursive power. Autonomy-facilitating education is a necessary (though, evidently, not a sufficient) condition for this to take place.

Thus far, I have implicitly concurred with republican *laïcistes* in assuming that non-domination is best pursued through state-controlled education. It is now time to introduce an important caveat to this general republican presumption in favour of the state. It is this: the state can promote non-domination only if it is not itself a dominating power. What does it mean for the state to dominate cultural and religious minorities, such as Muslims? Recall the grievances expressed by Muslims about the way in which public deliberations leading to the scarf ban were conducted in the winter of 2003–04: no *hijab*-wearing Muslim woman was interviewed, on the grounds that the Consultative Commission would 'not be sensitive to their arguments'; and the official report in favour of the ban unashamedly peddled Orientalist clichés about veiling and the backwardness and misogyny of Islam. The state engages in cultural domination when it marks some groups out by stereotypes and, at the same time, silences them and renders them invisible. Such domination

deprives Muslims of minimum discursive control: they are not allowed to speak for themselves, they are subjected to demeaned images of their identity, they are made to feel vulnerable to the decisions and opinions of others. In other words, they are spoken about but not spoken to; they are not considered worthy of being given reasons. So even in the absence of interference, discrimination or otherwise unjust treatment, they are not secure in their status as citizens: the price of liberty, for them, is eternal discretion. This is not to say that republican theorists should therefore espouse the ‘politics of recognition’, if we mean by this that for people to be secure in the enjoyment of a non-dominated status, their particular identities must be given special protection and public recognition. Republican non-domination is a less demanding ideal: it does not aim to guarantee that all are equally esteemed and honoured, but only to secure the self-respect that comes with minimum discursive control. Institutional silencing (the state pays no regard to the views of group members about the meaning of one of their practices, the *hijab*) and institutional misrecognition (the state officially validates stereotypical, essentialist and demeaning prejudices about Islam) are cases of unacceptable institutional domination, because they undermine the very conditions for the minimum public standing of Muslims. The normative upshot of this is that citizens have a right not to have an identity imposed upon them by the state, and they have a right to contribute to, or at least to contest, public decisions that concern them directly. These proposals avoid the pitfalls of the arsenal of special protections and group representation defended by advocates of the politics of recognition, while addressing the most basic way in which members of cultural and religious minorities are deprived of ‘voice’ in contemporary Western societies (but see Mookherjee 2005). In educational terms, this means that state schools must teach autonomy without stigmatizing certain children as being potentially oppressed or dominated by their religion or culture; they must teach gender equality without castigating the intrinsic misogyny of any particular group; and they must expose children to the plurality of ways of life compatible with the exercise of discursive autonomy, including religions. They must avoid making autonomy (and any other value they impart) the hallmark and characteristic feature of any particular conception of the good or cultural heritage. Only then will the (true) claim that all children, regardless of the culture of their parents, have a basic interest in acquiring discursive autonomy, be likely to be accepted as reasonable by members of culturally dominated groups.

It is time to sum up my response to the feminist controversy about the ban on headscarves in schools. Substantively, my conclusion has been that Muslim school-girls should be allowed to wear the *hijab* to school but have a basic interest in autonomy-promoting education. This conclusion is supported by a critical republican understanding of non-domination as ‘discursive control’. Like *laïciste* feminists, critical republicans argue – *contra* political liberals – that we should worry about the invisible and seemingly consensual nature of certain forms of social and personal domination and – *contra* Foucauldians – that we should seek a normative yardstick with which to distinguish between pernicious and benign domination. But, like critics of the *hijab* ban, they are concerned that forcibly to liberate individuals from

consensual forms of domination might be unacceptably ethnocentric and paternalistic, especially if coercive intervention is justified by appeal to a thickly constituted, controversial value such as personal autonomy. The republican ideal of non-domination as discursive control does justice to both intuitions and offers an alternative to both *laïciste* and radical feminism. It asserts that, while individuals do not have a basic interest in autonomous assertion, they have a basic interest in avoiding situations of servility, subservience and domination – situations, that is, where they are unable to contest, or at least to be given justifying reasons for, the power that is exercised over them. Because individuals who thus lack discursive power have often been socialized into thinking that discursive power is not something that they should have, their emancipation will be more effectively assisted by an alternative socialization and education than by paternalistic coercion. Critical republicans then claim that autonomy-promoting education is the best way (non-coercively) to empower children to resist present and future domination. The inculcation of autonomy-related skills does not amount to the imposition of a comprehensive vision of the good life as a life of autonomy. Rather, it provides individuals with skills with which to detect, and contest, the ways in which their legitimate ties and commitments can be distorted by illegitimate and oppressive uses of power over them. Thus autonomy-promoting education avoids the paternalist pitfalls of *laïcisme* without resigning itself to leaving individuals unaided in the face of domination.

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### Notes

1. In this essay, I use the terms ‘Muslim headscarf’ and ‘*hijab*’ interchangeably, and I also loosely refer to ‘veiling’, by which I simply mean the wearing of a headscarf covering the hair and neck. This is done for ease of presentation, and is not intended to deny the variety and contestability of the cultural and religious meanings associated with the terms ‘*hijab*’ and ‘veiling’.
2. For discussions of the other two arguments invoked during the ‘headscarves controversy’ (the secularist principle of separation of state and religion and the communitarian ideal of immigrant integration into the republic) see Laborde 2002 and Laborde 2005.
3. This forms part of a larger project of defence of republican ideals of liberty (non-domination), equality (secularism) and fraternity (civic integration) entitled *Critical Republicanism* (forthcoming with Oxford University Press).

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