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Catherine Audard

MULTICULTURALISM AND THE POLITICS OF RECOGNITION: THE CASE OF FRANCE¹

From the Engelsberg Seminar, 13-15 June 2003

In Kurt Almqvist and Erik Wallrup (eds), *COSMOPOLITANISM*

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The fairly recent opening of Western Europe in the last thirty years to North-South significant migratory fluxes, has clearly shown the deficiencies, or even the absence of, satisfactory immigration policies in the majority of European countries. A major political and social crisis is threatening, not least in France with the rise of the National Front, which gained 21% of the vote in the Presidential election last year, thanks to a campaign based on xenophobia and attacks on immigrants. These facts are well known. I would like to concentrate on conceptual questions and on the shortcomings of our democratic model. When we think about citizenship in this new social and cultural context, are the traditional notions of nationhood, Nation-State, and nationality still applicable? Especially, in the case of France, is the strongly assimilatory and universalistic Republican model justified? Don't we need to think differently in order to properly welcome and integrate populations who cannot or do not want to assimilate in the way previous waves of immigrants were able to?

I will claim that immigration and its twin problem, integration, need different conceptual resources. We are confronted with a structural problem that questions our way of thinking, our social structures and our political values. This is no passing crisis due to a particular conjuncture. Immigrants are there to stay. They remain in the host country and have a deep influence on it. They bring with them distinctive social models, inherited, for instance, from colonial societies where stratification may be based not on social classes as in the

¹ An earlier version of this essay has appeared in *Cultural Identity and the Nation-State*, C.Gould and P.Pasquino eds., Rowan and Littlefield, New York, 2001.

classical Marxist model, but on ethnic identification.² This means, in particular, that immigration should be understood in collective terms. Thus abstract individualism and equality of the kind advocated by French Republicanism, and formulated first by Jean-Jacques Rousseau in *On Social Contract*, which were liberating for immigrants up to the Seventies because they tended on the whole to reject their original communities in the name of better lives, are no longer applicable to the new immigrant populations. As Charles Taylor has shown, assimilatory and “colour-blind” policies, based on anonymity and ignoring cultural attachments, have not had the desired impact because they do not include the recognition of historical disasters and of the humiliated and despised identities that ensued.³ This demand for recognition has created a *new normativity* where notions of cultural identity, differentiation and recognition acquire a new positive value.

It is beyond the scope of this paper to examine the whole range of new conceptual challenges that will have to be met. I will limit myself to one question: what is the nature, and validity of arguments in favour of a “politics of recognition”? These arguments, in my view, are essentially *moral* arguments. They are not, contrary to what is usually maintained, based on the *facts* of cultural differentiation and they do not necessarily involve cultural relativism. Following here Martha Nussbaum’s argument in defence of universal values,⁴ I will argue that to meet the huge problems created by immigration and integration in a spirit of justice and pragmatism, we should rely not on a false toleration based on cultural relativism, but on a deeper understanding of moral individuality and of its needs, in the person of the immigrant as well as of the host citizen. We should look at the process as a two-way exchange. In the end, there is as much to be gained for the hosting party as for the migrant.

1 Integration or assimilation? Towards a new normativity.

Traditionally, the immigration process has met with two types of reactions. On the one hand, it may call for a logic of inclusion/exclusion, a logic of separation, where the immigrant population is contained and isolated, submitted to a kind of *apartheid*, even if a benevolent one. A separate list of rights and duties, distinct from those belonging to the dominant group, applies to them and prevents access to full nationality/citizenship. Roughly, this would be the case of Germany, before the major changes in the nationality laws voted in 2001, which have

² D.Schnapper, *The Relation to the Other*, Paris, Gallimard, 1998, p.226: “Societies resulting from decolonisation maintain, even after independence, the social structures and representations inherited from the past.”

³ Charles Taylor, *Multiculturalism and the Politics of Recognition*, Princeton, 1992.

⁴ Martha C.Nussbaum, *Women and Human Development*, Cambridge, CUP, 2000. See her criticism of cultural relativism in chapter 1, In Defense of Universal Values.

seen the move from *jus sanguinis* to *jus soli* in the access to nationality. On the other hand, there is a logic of majority/minority where progressively the minorities are called upon to dissolve and to disappear within the larger and more powerful dominant culture within two or three generations, thanks to its greater attractiveness for less well-off and underprivileged populations.

These two logics or discourses are contradicted by a new normativity, which has recently emerged. If we are to fight exclusion in the name of justice and equality, granting more rights, more security and respect to vulnerable populations, we should also abandon the very ambition of assimilation, of transforming them so that they become more “like us”. Equality does not mean uniformity. This is the major point. We have to learn to recognise differences as final or “incommensurable”, to use Isaiah Berlin’s expression. Public recognition of the importance of cultural identity is a moral requirement and it goes beyond the question of immigration. In the case of France, the movement equally concerns cultural minorities in the provinces: Corsica, Brittany, the Occitan lands, etc. But this seems impossible inasmuch as equality demands uniformity. In contrast, the demand for recognition is one based on differentiation.

In “Paix et proximité”, Emmanuel Lévinas very lucidly describes the scope and nature of the intellectual revolution which is needed in order to think of differentiation as part of equality. He writes: “One has precisely to question the conception according to which, in the midst of human diversity, Ego can be reduced to a part of the Whole... whose unity is the cohesion of its members or of its global structure. One needs to ask... whether the otherness of the Other is not in fact absolute... whether peace, instead of being otherness absorbed or disappearing, would not, on the contrary, be some kind of *brotherly* closeness to the *other*.”⁵ This should lead to a reversal of our traditional view of toleration, which is based on disappearing differences and distinctions and on fusion between cultures and values.

The moral problem, which is at the basis of multicultural citizenship is then clearly formulated: how to create peace and solidarity within a fractured *polis*, between divided allegiances, fragmented identities, where daily fears of the otherness of the Other are obstacles in the quest for inclusion? This is a truly moral problem, not simply a political one. No matter what social engineering arrangements, political institutions and funding may be provided, without the *moral conviction* that there is a duty to recognise and value the distinct cultural identity of the Other, the foreigner, the immigrant, the asylum seeker, immigration

⁵ Emmanuel Lévinas, *Paix et proximité*, Paris, 1996, p.165.

policies will fail and civic peace will remain a distant dream. We have to understand, following Lévinas, that we are morally responsible for preserving these differences, as they are constitutive of our own global humanity. A failure to do so will dehumanise us further. This has been the horrifying lesson of the Shoah. The political meaning of Lévinas' reflection, when he talks about "fighting against annexing by the Essence"⁶ is striking: we should aim at rethinking citizenship, equality and justice otherwise than on the basis of uniformity.

Let us now turn to the claims of multiculturalism and of the politics of recognition. Let us start with some clarifications.

'Multiculturalism' refers both to a *state of affairs*: the existence, in contemporary democratic and fairly "open" societies, of groups with fundamentally different cultures, some of them very much in a minority and very disadvantaged, and of competing sets of values within the one Nation-State; and to a *social policy*: a will to integrate these minority cultures and to recognise their distinct identities in an effort to make up for past discrimination in ways that go beyond mere toleration.⁷ This policy is part of a broader liberal expectation: that, in the name of freedom, a democratic society should fully recognise the plurality of the conceptions of the Good that exist within it and not try to impose a single pattern of behaviour on its people, that the unity of the nation should not be bought at the expense of its heterogeneity.

Recognition of minority cultures, then, seems to go together with democratisation and the recognition of other minority categories based on sexual orientation, disabilities, etc. and, most importantly, with the recognition of women's rights. But, in fact, whether all these issues require the same arguments and strategies is highly questionable as it is unclear whether the terms 'groups' and 'cultures' can be aptly applied to women, gays, Blacks, Asians, etc.. What these sections of the population possibly have in common is their rejection as unfair of 'colour-blind' policies that pretend to treat everybody impartially in the abstract.

This also signals the emergence of a new political normativity. It is not simply a question of new social trends or movements. It is the *normative* content, which is philosophically relevant. Here we have a positive awareness of ethnicity, of cultural differences, which did not exist in the past, and which is the result of failed assimilatory policies. One has to understand that this reversal of values, where it is what separates us, not what unites us, which is valuable, is the answer to centuries of discrimination and oppression in the name of unity; it tells us that separateness is reality. This is the common link between

⁶ Id., p.114.

⁷ See Charles Taylor in A.Gutmann ed., *Multiculturalism*, Princeton University Press 1994.

otherwise extremely diverse movements, from the Civil Rights Movement in America or the “Black is beautiful” trend to the claims of British Muslims or French “beurs” and even feminist movements around the world. How to be equal and different?

The change in paradigm is considerable if we compare it to the Marxist conception of social justice in terms of a world proletariat where all differences are transcended by class membership. The claims for social justice, for redistribution, are now formulated in a new idiom where public recognition of cultural identities, protection for cultural rights are important. One major writer in this field, Nancy Fraser, writes: “Many actors appear to be moving away from a socialist political imaginary, in which the central problem of justice is redistribution, to a “post-socialist” political imaginary, in which the central problem of justice is recognition.”⁸

Already these policies have resulted in major changes in Europe and America in political representation, in membership of political parties and trade unions, in education programmes (*affirmative action* and positive discrimination programmes, the improved teaching of regional languages, the emphasis on “ethnicising” schools curriculum, etc) and in civil society: new family laws, new cultural rights,⁹ etc.

Since the beginning of the Nineties, the question of cultural, religious or other minorities has progressively been introduced in debates and legislation at the United Nations, UNESCO, the Council of Europe, in particular, claims concerning minority languages (1992). The present debate on a European Union Charter of fundamental rights opposes those who would like to include in the list not only economic and social rights, but also new cultural rights, to the advocates of an undifferentiated European citizenship. Thus a “multicultural citizenship”¹⁰ should express this new normativity and be based on arguments that go beyond a mere “right to difference”.

Two main arguments provide the basis for these new claims: an epistemic and a moral one.

Let us start with the *epistemic* argument, based on the limits of reason. The twin myths of an integrated human being as well as that of a unified humanity have collapsed with the illusions of the Enlightenment and positivist philosophy. Mankind and its beliefs will not be

⁸ Nancy Fraser, *Justice Interruptus*, London, Routledge, 1997, p.2. See in particular chapter 1 “From Redistribution to Recognition”. See also N.Fraser and A.Honneth, *Redistribution or Recognition? A philosophical exchange*, London, Verso, 1998.

⁹ P.Meyer-Bisch, *Les droits culturels, Projet de declaration*, Fribourg, Editions Universitaires, 1997.

¹⁰ Will Kymlicka *Multicultural Citizenship*, Oxford, Clarendon Press, 1995 and (ed.) *The Rights of Minority Cultures*, Oxford, OUP, 1995.

progressively unified under the banner of science and rationality. This was already heralded in Max Weber's 1917-1919 *Vocation Lectures*: "The ultimate possible attitudes towards life are irreconcilable and hence their struggle can never be brought to a final conclusion."¹¹ For Weber, this thesis was based on the divide between facts and values, and the contrast between the natural and social sciences. Human sciences deal with value judgements, which are highly individual and non-rational decisions. They should shy away from any attempt at explaining them and remain as far as possible neutral with respect to these decisions. The conflict that will inevitably result from these "free" choices lead to "the fracture of reason" and to the impossibility of any rational evaluation of values. Isaiah Berlin, in the same vein, but with less pathos, talked of the "incommensurability of values".¹² "The central assumption in the Western tradition, (with the exception of Hume, of course), was that problems of value were in principle soluble, and soluble with finality. Whether imperfect human beings could implement the solution is another question, a question, which did not affect the rationality of the universe. This is the keystone of the classical arch, which, after Herder, began to crumble."¹³ Accepting the limits of rationality calls for a different basis for toleration of differences. Instead of hoping to reach eventually agreement and unity, we have to limit our ambitions to peaceful coexistence and to the recognition that what divides us is definitive and constitutive of our humanity. To be rational means to accept that the other may differ from me and still be reasonable.

The *moral* argument in favour of a new conceptualisation of the values of citizenship is based on the needs of moral individuality, not on the value of difference as such. If cultural identity has become a source of valid social, economic and political claims, it is because it is closely connected with moral identity. In *Sources of the Self*, Charles Taylor has brilliantly argued that inter-subjective identifications, those that involve "significant others" play a non causal, heuristic role in the moral construction of the Self. The construction of a person's identity and of the sense she has of her own worth, of what she owes herself, is linked with the recognition that she receives from members of the wider community for the values she shares and promotes. "A person or a group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or

¹¹ « Politics as Vocation » and « Science as Vocation » in *From Max Weber : Essays in Sociology*, ed ; and translated, and with an introduction by H.H.Gerth and C.Wright Mills (New York, OUP, 1948).

¹² Isaiah Berlin, *The Crooked Timber of Humanity*, Princeton University Press, 1998.

¹³ I.Berlin, Herder and the Enlightenment, in *Vico and Herder, Two Studies in the History of Ideas*, London, Hogarth Press, 1976, p.206-7.

contemptible picture of themselves.”¹⁴ My discovering my own identity does not mean that I work it out in isolation, but that I negotiate it through dialogue, partly internal, with others. But for that recognition to be effective, “we are asked to recognise the unique identity of this individual or group, their distinctness from everyone else. The idea is that it is this distinctness that has been ignored, glossed over, assimilated to a dominant or majority identity.”¹⁵

This is a complex argument that mixes psychology, psychoanalysis, sociology and metaphysics. The historical and cultural characteristics that differentiate individuals and that have been bracketed in the French Republican conception of citizenship, are not peripheral, they are, according to Taylor and I would not follow him completely here, *constitutive* of the person, in the sense that they are not external conditions or circumstances, but elements that make the Self what it is. Thus, the individual is necessarily dependent for her self-consciousness on the social contexts that recognise or dismiss the values that define her. To be a Christian or a Muslim is not simply a personal life choice. It implies supporting and maintaining a community where these values can be expressed and publicly shared. It is both a personal and collective identity. The separation between the public and the “private” spheres is in this sense irrelevant. This, however, is the basis for the French concept of citizenship: the separation, for instance, between Church and the State meaning that any public recognition of cultural and religious differences is illegal.

Presented in this way, however, the moral argument is probably not very convincing. It merely reminds us of the social nature of our personal commitments and of our dependency on the wider context for the definition of our own identity. It gets more interesting when it redefines what makes a culture. A culture is made up of historical narratives, of traditions and forms of life, of beliefs, but all these are unified around ends, values and norms, that individuals share, protect and without which they could not define themselves, possess an identity. The communitarian discourse does not simply say that cultural diversity is a good we should protect because it allows for the socialisation process, but it goes further and maintains that without any attachment to values, we cease to be properly humans or rather fail to be humanised. Moral identity is only possible through the continued existence of respected traditions to which individuals can relate in a meaningful way and personal identity grows on top of that. “Selfhood and the good, or in another way, selfhood and morality, turn out to be

¹⁴ Charles Taylor, *Multiculturalism and the Politics of Recognition*, Princeton University Press, 1994, p.25 and 34..

¹⁵ Id., p.38.

inextricably intertwined themes.”¹⁶ The significance of the cultural context is that it allows for the regeneration of identification and recognition processes without which the Self is atomised or reified, loses any sense of self worth and dignity. To identify with devalued cultures is not only psychologically harmful; it is morally demeaning and destructive. We could invoke a Wittgensteinian argument here. Other language users mediate the relation to the Self through language games that cannot be “private”, and that call for interpretations and understandings. To devalue or to destroy that language and the linguistic community that uses it, destroys the possibility for self-recognition, self-understanding and for developing the self-confidence and self-respect that will make of us full cooperative members of society.

The experience of dehumanisation and self-hatred that has been described in cases of persecution or genocides, is exemplary here, when constantly, the alien, the Other are designated as scapegoats, as responsible for the ills, the pollution, the degradation of the community. The mental as well as physical spaces of the whole community are invaded and poisoned by this denial of the humanity of the other.

2 Justice and the Demand for Recognition

Should we then be scared by the demand for recognition? This demand is certainly unsettling as it opposes our more traditional conception of justice as impartiality.

It seems, first, to contradict the *universalism* conveyed in the idea of equal treatment for all, which on the face of it would seem to mean uniform treatment, no differences. It claims, in fact, that the very singularity, the uniqueness of a group, a culture or an individual, deserves respect and the protection of specific rights. Taylor is right to understand this quest as a result of modernity and of the loss of *given* identities, as part of the “ethics of authenticity”. Even if we don’t completely agree with him, we can see where this movement deviates from the traditional understanding of justice as equal respect. Respect is not enough, it is impersonal and abstract whereas historical and cultural situations are at stake: slavery, colonisation, discrimination, second-class citizenship, etc. But the difficulty now is how to make a distinction between identity politics and their dreadful corollaries: segregation, apartheid, ghettoisation, etc., on the one hand, and politics of recognition on the other. This is the main point. We must provide an argument that gives us a definite answer: the quest for recognition is not about separation and exclusion, it is not the mirror image of the sufferings

¹⁶ C.Taylor, *Sources of the Self*, Harvard University Press, 1989, p.3.

and rejections that have been endured by cultural and ethnic minorities. If not, it will simply answer past injustices with new injustices and be animated by revenge.

The second difficulty is that the demand for recognition seems, at first, to be motivated not by justice, but by *resentment* and vengeance for past ills. It is seemingly not about justice, but retribution. Not only is its aim to preserve a reality which may well not be universally recognisable, whose values cannot be universally shared, but the justification for these values, this reality, is usually in the past, in dramas, exclusions, persecutions that have been aimed at specific groups. Differentialist ideology even thinks it possible to replace old inequalities with new ones: positive discrimination will allow students from minority groups to catch up and to access the best universities, in the name of redress, not merit, excluding by the same token more deserving students.

Last, the demand for recognition seems to oppose justice as it insists on the *separation*, the fragmentation between human groups instead of trying to welcome them into a “common human world” (Hannah Arendt). What is most important now for each of us is not what she can share with others, but what provides a specific narrative for identifying with a group, a history, a tradition, a culture, all unique and particular.

How should we answer these three objections? First, I would say that the quest for justice includes, besides its other dimensions, the demand for recognition. If recognition without impartiality is unjust, impartiality without recognition is equally unjust. I would add that a democratic and inclusive conception of justice, one that is non-hierarchical, should understand this demand for recognition instead of shying away from it and to favour an abstract universalism that has proved to be an equally unjust way of rejecting and segregating unfit minorities.

Now, fighting against an abstract universality in the name of differentiation does not at all mean that we should renounce justice as the impartial treatment of persons and groups. Here, I would like to recall the British philosopher Henry Sidgwick and his analysis of *impartiality*: “It cannot be just for A to adopt towards B a conduct that would be wrong if B adopted it towards A for the unique reason that they are two different individuals and without any difference existing, between the nature and the situation of these two individuals, that could be invoked as a reasonable motive for treating them differently.”¹⁷ In other words, justice is a complex issue that requires a similar treatment of similar cases, unless a justification for treating them differently is presented. Justice requires a justification process;

¹⁷ Henry Sidgwick, *Methods of Ethics*, 1874, Book III, chapter xiii.

it is not defined solely by sameness. The two dimensions of sameness and difference are inseparable and demand for recognition is a demand for impartial treatment that takes justified distinctions into account. Thus, the Rawlsian concept of *justice as fairness* is relevant here: fairness meaning the rejection of unjustified inequalities, but not of justified ones, as the second principle of justice shows.¹⁸

It is obvious that impartiality is not enough and that justice has to take into account certain specificities of the historical, social and cultural facts that have fashioned claims and demands for retribution and redress.

One example here, might be the case of Francophone Canada and its desire to survive as a “distinct society” in an Anglophone continent. “Québec has passed a number of laws in the field of language. One regulates who can send their children to English-language schools (not francophones or immigrants); another requires that businesses with more than fifty employees be run in French; a third outlaws commercial signage in any language other than French. In other words, restrictions have been placed on Quebeckers by their (provincial) government in the name of their collective goal of survival, which in other Canadian communities might easily be disallowed by virtue of the Constitution, the Canadian Charter of Rights. Was this variation acceptable or not? The Supreme Court of Canada did strike down one of these provisions, the one on commercial signage. But the signage provisions are still in force in Québec because of a provision of the Charter that allows (provincial) legislatures to override judgements of the Court for a restricted period. Eventually the Meech constitutional amendment proposed to recognize Québec as a “distinct society”, allowing a different interpretation of the constitution.”¹⁹ The demand for justice, in that specific historical and linguistic context, cannot be for simple abstract impartiality and equality of treatment. To abstractly treat similar cases in a similar way without taking into account the “historical” baggage of the peoples concerned would mean a negation of past wrongs and sufferings, of real threats to survival and to identities which are central to peoples’ lives. Not to protect the French language or to blindly apply bilingual policies in Québec would be an injustice and deprive the population of a central right to identity and dignity.

As usual, abstraction is a way of avoiding complex conflicts, but it ends up leading to more injustices, favouring those who are already in a strong majority position: in this case, Anglophone Canadians. Positive discrimination, in such a case, is not simply a question of redress or retribution; it is a matter of survival and as such, justified. As I previously

¹⁸ John Rawls, *A Theory of Justice*, Harvard, 2nd ed., 1999.

¹⁹ C.Taylor, *Multiculturalism*, p.52-60.

mentioned, the question is one of determining what are reasonably justified exceptions to the principle of justice as impartiality. Is the demand for survival when a distinct society is threatened with extinction such a “good” reason?

Another example would be the history of desegregation and the full access to their constitutional civil rights for the Black population in America. When one studies the history of desegregation, one is struck by the way in which inclusion and full citizenship have progressed more rapidly when the “colour-blind” attitude to equality (abstract, non-historical, neutral) has been abandoned in favour of positive recognition of the reality of differences and objective disadvantages. During the second half of the XXth century, the Supreme Court has oscillated between two views of the constitutional principle of equality of rights; on the one hand equality is linked to the status of a group, on the other hand it can only be conceived of as an individual right. For instance, thirty years ago, it was clear that Black schoolchildren, as a group, have a right not to be systematically excluded from schools attended by white schoolchildren. But recently, a majority in the Supreme Court has reverted to a different view where equality is a formal, not a real right and cultural and social aspects of equality are left aside in favour of the legal aspects. Now, fairness demands that we recognise that claims are never individual. One is never equal alone, but always in relation to one or more individuals. Undifferentiated citizenship would hide this social and cultural dimension and treat race, ethnicity, gender, etc. as if they were non-relevant factors, to be either ignored or kept “private”.

3 Multicultural citizenship and the French context

I will now turn to the obstacles met by the idea of “multicultural” or “differentiated” citizenship in the French context.

Immigration has, over two centuries of colonialism and wars of independence produced a multi-ethnic state in France in a distinctive sense; this situation should not be confused with the American or Canadian cases.²⁰ France is a country whose borders were still changing at the turn of the century and which, all through the second half of the 19th century, had been integrating new populations, each with different languages, Italian dialects in the case of the Duchies of Savoy and Provence, German in the case of Alsace and Lorraine, and so on; a country which was integrating Polish and Italian miners before World War I, Jewish Eastern and Central European refugees between the wars, over one million French colonists and, after 1962, their Muslim partisans during the war in Algeria, the *harkis*, and

²⁰ See, for useful comparisons, Will Kymlicka, *Multicultural Citizenship*, Oxford, OUP, 1995.

which contains roughly three million immigrants without full citizenship living on its territory at the moment. It is said that one French citizen in four has one foreign grandparent. And still France does not see itself as a multicultural, multi-ethnic society in the way in which the United States and Canada see themselves and in which Britain has recently begun to acknowledge itself. Why is that?

One main obstacle encountered to the formation of a modern Nation-State in France has been, as can be expected, the diversity of regional origins. Another obstacle has been the conflict between the Catholic Church and the emergent secular State from the time of the French Revolution and, in one way or another, ever since. In keeping with a long tradition of conflicts with the French "Gallic" monarchy, which would take too long to explain here, the Church has seen itself, with varying intensity, as the instrument of the unification of society around strictly Catholic values, of the creation of a '*Jerusalem terrestre*' and, consequently, as the only source of legitimate political power. Thus, the creation of a secular State has meant from the start a constant struggle against an alternative source of unity and legitimacy. Therefore, especially during its beginnings at the time of the Third Republic, but still now if to a lesser degree, to be 'neutral' has meant for the French Republic a strong identification with its non-Catholic, non-religious denomination. In order to counteract the social and political influence of the Church, it has become, in a sense, its mirror image, and secularism can be read as a kind of 'secular faith' (*foi laïque* is Ferdinand Buisson's expression), which could explain, but not excuse, its strong anti-Muslim stance as part of its anti-religious ideology.

In that light, France appears to be significantly backwards and illiberal. This may be seen in the recent conflictual events surrounding the wearing of the *hidjab* (Islamic scarf) in State schools by young Muslim girls. First, this has been prohibited in the name of the neutrality of the State schools system (*la laïcité*). It has subsequently been authorized, but reluctantly and only to be banned again. The rulings of the *Conseil d'Etat* have been so carefully phrased that there seems to be no firm official view, leaving the local Boards of Governors and Schools administration responsible for giving or refusing the authorisation and thus creating confusions and uncertainties. Many young Muslim girls, at the present moment, are still excluded from schools and there is no alternative religious schooling system available for them.²¹ What happened was that a limited incident, in a few secondary schools was

²¹ See, among others, A.E.Galeotti "Citizenship and Equality: The Place for Toleration" in *Political Theory* 21, n°4 (1993): 585-605, N.C.Moruzzi "A Problem with Headscarves" in *Political Theory* 22, n°4 (1994):653-672

transformed into a national issue because it touched on the very sense of what it is to be French, on the basis of national identity.²² Multiculturalism, from the French point of view, is equivalent to the abandonment of the central tenets of the Republican egalitarian and assimilatory tradition that is so central to French identity, as we shall see later. The main question, then, is to see whether this tradition is illiberal by definition or if, as I shall try to show, there is room within it for change. One could give at least three different readings of the incident: it can be read

- (1) as a conflict between a tolerant State and an illiberal religious minority, seen as "fundamentalist": this was the reading of those, in France, who advocated the interdiction of wearing of the scarf in the name of the emancipation of women from illiberal Islamic laws;
- (2) as a conflict between an illiberal State and legitimate Muslim ways of life: this would be the favoured culturalist reading, based on cultural and moral contextualism;²³
- (3) as a conflict between two illiberal cultures: this would be the reading of the liberal critique of the French Republican assimilationist policy.²⁴

In a sombre verdict, Fährad Khosrokhavar writes: "In the name of the universal, the Republican ideology is in fact excluding the disadvantaged minorities."²⁵ The French model, then, appears to have failed the people all the more blatantly for having promised so much, perhaps too much. My view is that this is possibly a temporary failure and that the possibilities for moving on and becoming more welcoming to minorities have not all been completely exhausted.

I will now turn to some explanations, keeping in mind that to interpret what occurred as mere anti-Islamic prejudice and racism is not satisfactory.

One explanation of the specific problems raised by cultural diversity in France lies in the fact that, as a *nation*, - and here it is very similar to America - modern France is the result of a political project, the formation of a community based not on 'blood' or descent or on residence, but on citizenship as a reflective commitment: 'the nation as a community of

for a detailed account of the events and their political significance. See also Tariq Modood, "Ethnic Difference and Racial Equality" in D. Milliband ed. *Reinventing the Left*, Polity Press, 1994.

²² Similar conflicts erupted across Europe at the same time, but nowhere did they create difficulties and opposition on the same scale. In Britain, for instance, the importance of integrating young Muslim girls has been seen as paramount by most local Education Authorities and one pragmatic answer was to allow the *hidjab* as long as it had the school uniform's colours. This is not to say that there are no difficulties, but they do not carry the same political and ideological weight.

²³ See Iris Marion Young, *Justice and the Politics of Difference*, Princeton University Press, 1990.

²⁴ See Tariq Modood, *op.cit.*

²⁵ F. Khosrokhavar, "L'universel abstrait, le politique et la construction de l'islamisme comme forme d'altérité", in M. Wieviorka ed., *Une société fragmentée: Le multiculturalisme en débat*, Paris, La Découverte, 1996.

citizens'.²⁶ This emancipation project has been articulated most strongly by the French Revolution, but it has deeper roots, which I cannot explore here. What was most hated in the old regime, in the remains of the feudal system, around 1789, were the many particular interpersonal bonds between people, the particular so-called rights and obligations which, on the one hand, constituted the fabric of an organic society and of solidarity, but, on the other hand, were symbols of oppression and injustice. In fighting these traditional bonds, the language of equal rights and abstract universalism led to the ideal of the *République une et universelle*, an ideal which is still very central to French identity. To be or to become French was not simply to enter a particular ethnic, linguistic group or nation, but to become an actor in a wider drama, that of an emancipation process whose goal it was to lead eventually to a federation of democratic and peaceful nations, to universal reconciliation, to the dissolution of all particularities and differentiations, seen as sources of conflicts, to the recognition of a kind of universal brotherhood or world citizenship. The French Revolution had had the privilege of being the prime mover in this process by freeing the people from their particular roots and bonds and by 'recreating' them as the abstract bearers of rights: no more a Breton or an Auvergnat, a Jew or a Protestant, but a French citizen with equal rights and dignity. To be French, therefore, carried with it special responsibilities, very similar to those carried by the American notion of citizenship, those of enlightening the rest of the world as to the benefits of free and equal citizenship, beyond all differences of race, ethnic origins, language and religion. France had invented the notion of the 'civic nation' and, as such, constituted one particular instance of the 'universal Republic'.

In the creation of the civic nation, the State has had the primordial role. In France, nation building derives from the State, by contrast with the more usual move from the existence of a nation towards its recognition as an independent State. The State had a mission, that of creating a new type of human being, the Citizen in Rousseauist terms, by contrast with the *Sujet*²⁷. No longer a particular individual, devoted to particular pursuits, he or she becomes a citizen devoted to the public good. But at the same stroke, he becomes a Frenchman, no longer an Alsatian, a Breton or a Provençal, attached to parochial communities. It is this confusion between selfish interests and particular identities, which was to sow the seeds of unease in the face of diversity. But this was the price to pay in order to foster a new sense of national unity. As Dominique Schnapper, among others, has shown in her book on French citizenship, this ambition has been successful. Far from being a disincarnate basis for

²⁶ Dominique Schnapper, *La communauté des citoyens*, Paris, Gallimard, 1994.

²⁷ JJ Rousseau, *On Social Contract*, 1762, I, chap.6.

membership in the new Nation-State, citizenship has a content, derived from a proper 'grand narrative' based on the French Revolution and the Declaration of Human Rights. It uniquely combines a political dimension, the allegiance to democratic ideals, with the very powerful attraction to a national tradition and a community of which one can be proud.

This is shown in the emphasis in the school's curriculum on history as a particularly important subject matter. One learns how to become French through the study of history and literature; the great writers and figures of the past provide models both for how to think and write, and for membership of the French nation. This explains the emphasis on general knowledge, '*culture générale*', rather than on personal experience and questioning, because the latter would be likely to lead to diversity, heterogeneity, anarchy perhaps, in any case to a challenge to the forces of unification. It says a lot about the ideology of emancipation according to the Republic that the Founding Fathers of the school system, the most famous of whom was Jules Ferry, should be disciples of the authoritarian Auguste Comte, not of the liberal John Stuart Mill!²⁸ This authoritarian tendency can lead to seeing the Republic as a totalitarian entity, the enemy of individual freedom and development. But this judgment should be qualified. Citizenship has been and still is a successful political instrument for integration in spite of its strong ideological content. To paraphrase Simone de Beauvoir, one is not born French, one becomes French. The birth of a democratic community and allegiance to it are made possible by a seemingly totalitarian ideology, where the individual seems to be crushed, when, in fact, it is his local parochial attachments that are dismissed.

The question, then, is this: can these attitudes change in view of the present new social conditions and can there be an allegiance based on a new recognition of these parochial attachments, in the sense indicated by Charles Taylor and 'the politics of recognition'? In my view, the notion of the civic nation, mentioned earlier, provides the pivot that not only explains the rejection of multiculturalism, but could also provide the ethical element for a recognition of the claims of diversity.²⁹ The very concept of a 'civic nation' is, in theory, the opposite of the concept of nationalism, but in reality it is still not completely free from it, as we have just seen. Because of its intrinsically artificial character and the fragility that goes with it, a different form of nationalism had to be invented. Doubts about French identity come

²⁸ See Blandine Kriegel, "Liberté de conscience et citoyenneté" in F. Castro ed. *L'identité française*, Paris, Editions Tierce, 1985, p.84, and the reference book on the question by Claude Nicolet *L'idée républicaine en France*, Paris, Gallimard, 1982.

²⁹ See Yael Tamir, *Liberal Nationalism*, Princeton University Press, 1993. As I will show later, my position would be close to that expressed by Yael Tamir when she says that "the non-normative content of the nation allows the development and the flourishing of numerous normative, sub-national communities of identification". In other words, the "civic nation" does not necessarily have to be homogeneous and assimilationist. See Tamir, 90.

from what is in principle the voluntary character of the national link, the fact that it supposes values and choices on the part of citizens, and not only reiteration and simple facts, as in the case of the German tradition based on *jus sanguinis*, where the ascription of citizenship is based only on descent.³⁰

Let us consider, first, the exact meaning of the ‘civic nation’, of the Republic as a community of citizens, united and integrated in spite of their different cultural origins. By contrast with the ethnic nation, the political project of the civic nation does not take political homogeneity to coincide with similar cultural origins: it is not ‘given’ as a kind of natural phenomenon, a second nature, as it were, but is the result of a voluntary and conscious allegiance. But this does not mean that the political superstructure is superimposed or, so to speak, forced upon a divided, fragmented civil society. The nation is not given as such by the past, by culture or by tradition, but is created at any given time by the tacit adhesion of the citizen to its political institutions and to its core values: the nation, as Ernest Renan famously said, is ‘a daily plebiscite’. This is the best definition of the Republic as a voluntary political creation. It is neither given nor imposed, but is the result of an endlessly renewed social compact. But such an abstract ideal needs a very firm cultural basis to allow the durability of the nation.

There lies the deep, long-standing paradox of a universal political project, whose embodiment in the French State is necessarily particular; (the same paradox was encountered in the communist project, that of an international movement with national embodiments). To create modern social ties as strong as traditional commonality, the French nation had to become a sort of brotherhood and to implement a new common culture that would change the minds, the emotions and the allegiances of its people and this new culture, because of its fragility, could not tolerate diversity. Consequently, cultural pluralism has been, from the start, deeply threatening for such a project. This is why, if France is effectively a multi-ethnic society, it cannot take the risk of becoming a multicultural society.

Maintaining a balance between universality and particularity is or could be one of the merits of this model as long as universality is attributed only to the political institutions of the state and not to the cultural tradition within which they have emerged. But such a challenge is

³⁰France and Germany differ from Britain and the States in the sense that citizenship is ascribed to children of citizens, following *jus sanguinis*. But they differ between them in that French law automatically transforms second-generation immigrants into French citizens, incorporating some elements of *jus soli* or place of birth and residency; it is even the most common way to become French. Changing the law to bar certain categories of immigrants from becoming French would then make it impossible for children of French citizens to become French! See Brubaker, chapters 4 and 7.

extremely difficult to meet. My point here, more modestly, is to say that at least there exists a possibility of using this ambiguity to open up another vision of the "civic nation", a polycentric one within which differentiated sub-national communities could flourish.

Secondly, the ideal of the civic nation is perhaps not as explicitly modelled on the past, on the organicist view of the Athenian City-State, as it seemed at first sight. Indeed, the historical reality is much more complex. Henry Michel, in 1901, views Republican democracy as "the city of autonomous consciences" and recognises the primacy of freedom of conscience.³¹ Jules Ferry, the father of the public school system in France, insisted that the Republic stop where "conscience starts". The République has been influenced by liberals who evolved and became Republicans after the 1830s and the Monarchie de Juillet³². There has always been, within the Republican movement, a more liberal trend that has been influential in the field of education. There is not there just one single path. In politics as in educational policy, Republicans were divided between 'religious' sectarian hard-liners, willing to enforce a Republican catechism, and, on the other hand, more moderate defenders of freedom of conscience, like Célestin Bouglé or Ferdinand Buisson.³³ For them, Condorcet, not Rousseau was the reference in their rejection of any kind of 'political religion'. It would be very interesting, of course, to draw a comparison between Mill's views on the need for a 'religion' to overcome the critical phase society was in, and, at the same time, the Republican view on *laïcité*, even if circumstances were extremely different in the two countries.

The conception of the free citizen of the République does not simply refer to a reflective and idealised freedom of thought, whereby the free use of reason leads to Truth, as the doctrine of *laïcité* would have it, but it incorporates another set of very different and more liberal views where the right to believe and to worship whatever you want in private is essential. The consequences are very different for the understanding of the civic virtues: commitment to Truth, as illustrated by the Dreyfus Affair, is constitutive of the former, but a certain relativism and a commitment to toleration of others and to the protection of a private sphere is essential for more liberal Republicans.

But the two versions share, in the end, a similar goal: autonomy and the self-respect that goes with it, in other words the moral standing implied by the possession of political power and the exercise of basic liberties and rights. I have tried, then, to show that the civic

³¹ Henry Michel, in Nicolet, op.cit., p.483.

³² See Lucien Jaume's recent book, *L'individu effacé*, Paris, Fayard, 1997, for a comprehensive history of the French liberals. See also Sudhir Hazareesingh, *From Subject to Citizen*, Princeton, Princeton University Press, 1998, 38, "Nineteenth-century Republicanism was already divided between revolutionists, radicals and opportunists".

³³ Célestin Bouglé, *Pour la liberté de conscience*, Paris, 1906 et Ferdinand Buisson, *La foi laïque*, Paris, 1912..

nation implies a range of freedoms necessary for a reflective allegiance to its political institutions which cannot be limited to positive freedom, the so-called 'freedom to', but which recognise the primacy of freedom of conscience and hence, the inevitability of diversity and individuality. The policy of *laïcisation* in the schools, the administration, etc., has not only aimed at assimilating the various cultural components of the larger society, but also at providing the necessary protections for such a central form of freedom, even if it has not always been successful. The protection of freedom of conscience is the entry to a French version of multiculturalism and that is where the argument should be most successful.

The root of the problem in the French context, lies, as we have seen, in the ambiguities in the conception of the Nation-State as well as in the religious conflicts, not in diversity as such. Therefore, the major imperative seems to me to be to change the meaning of *citizenship*: should it serve only the need of the State to control and assimilate the people or does it benefit the people as such? Has it as one of its central aims the defence of the individual's rights to security and fulfilment? This is the major ambiguity.

For instance, in the conflict between Republicans and 'differentialists' in France, concerning the issue of the *hidjab*, it is typical that no space has been available for voicing liberal arguments based on respect for a valuable minority culture and its significance for the development of the individual, such arguments being immediately dubbed 'individualistic' or 'multiculturalist'. The debate centres instead on the unity of the nation and its possible split into many ethnic groups or on the dangers of religious fundamentalism, and it invariably bypasses the individual's needs for recognition and moral development through cultural, religious, ethnic memberships. The truth of the matter is that the centralized State feels threatened by minority cultures and seeks to enforce their allegiance and their assimilation into the dominant culture in order for the nation to survive. What is at stake is the making of the French nation, of a French citizenry and, therefore, the nationalistic purposes of assimilation and the formation of 'good citizens' tend to override simple toleration and basic respect for individual rights. Against that, we have to show that recognition of diversity is a *moral need* that springs from the very nature of moral identity and the self and that this has to be acknowledged in a new and richer concept of citizenship.

We therefore have to re-examine the nature of individuality in our conception of citizenship.

The point that I want to make to conclude is that this reinterpretation of the civic nation as furnishing the individual with a rich context for his or her moral development provides the best argument by which to oppose a Jacobine conception of citizenship and its refusal of the value of cultural diversity. The claims of diversity should be met because they can be seen as giving a firmer foundation to the citizens' commitments and allegiance to democratic values. Here we have an answer to one of the most powerful critiques of liberalism from the Republican point of view: namely, that liberal democracies are weakened by their individualistic basis, as shown by the lack of participation and commitment of their citizens. A feature of liberal democracies is their appeal to the good of the individual as a basis for legitimacy and as an alternative to coercion, and, consequently, their vulnerability when faced not only with conflicts, but with the simple task of surviving the lack of individual commitment and participation in democratic politics. In other words, it is the *individualistic* dimension of democratic authority, which Pettit and Hamlin have aptly referred to as 'the principle of individual relevance',³⁴ that makes it so vulnerable and, sometimes, indefensible. This is the principle that brings moral individuality into the justification and stabilisation process of democratic institutions and practices in contrast to the appeal to authority, tradition or sheer coercion. What kind of citizens, then, should the members of the political association be to secure its survival, if no coercion is to be exerted, beyond that of the law? Should they not be some kind of angels? What is the source of their commitment to democratic institutions, especially when, as Rousseau said, the general will may quite often go against their particular wills and their particular interests?

Obviously the answers will differ according to the degree and kind of liberalism we are discussing. My argument runs as follows. The obvious vulnerability of democracies to individual preferences noted by Republicans can be overcome if these 'preferences' are not mere whims, but real moral commitments. Then, the recognition of diversity as a basis for moral development will strengthen allegiance to democratic institutions. Multicultural citizenship, in contrast with mono-cultural citizenship, is valuable both for the individual, for the flourishing of her moral individuality and the securing of her self-respect and dignity, and for the Republic as it strengthens the individual's attachment to democratic values at a time when no one conception of the good can any longer unite the nation.

³⁴ Hamlin and Pettit (ed.), *The Good Polity*, p.8.

Conclusion

The failure, for the moment, of both the Republican tradition and the liberal conception of justice to generate policies congenial to cultural diversity should not be seen as final. If we look at the historical process that leads from the Declaration of the Rights of Man and the Citizen, in 1789, through the 1848 Revolution in France, to the recognition of the economic and social rights of the worker in the 1948 Universal Declaration, there is no reason why new rights should not be added to the list, allowing for new social and historical conditions to be taken into account. Rights being both the condition and the result of political 'empowerment', we cannot expect that the process will be struggle-free. A first stage before new rights are identified and enacted is that of the socio-economical struggle. The quest for inclusion is, first, the search for better living conditions; this is where attachments and commitments to democracy are first created and where new bonds are forged. Integration through citizenship has been a powerful vector of social mobility and modernization in the case of France. In that sense, previous rights, to employment, education, culture, knowledge, can be given a new meaning and might open the way to the fulfilment of the needs of moral individuality.

For the time being, French legislation has been unable to recognize the need for the protection of minority cultures and the usefulness of such rights to strengthen the attachment of minorities to the Republic. But things are changing and the new government seems seriously committed to some kind of "devolution" in the case of Corsica and of the decentralisation of State power. But, even if multicultural citizenship were to become a reality in France, we should insist that group-differentiated rights should always be seen as rights of the individual; they should be conducive to integration in the long run and not a source of division and hostility. This is why the process cannot be hastened and existing rights should be used to their whole potential, while the argument of the needs of moral individuality presented here should be emphasised, rather than the differentialist claims as such.

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