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# If You Praise Equal Respect, How Come You're So Intolerant<sup>1</sup>? Overcoming the French Republican Paradox

*Sophie Guérard de Latour*

**Abstract:** *In France, republicanism is the political tradition through which the French people interpret democratic and liberal ideals. Nevertheless, by contrast with other liberal democracies, the French model of integration, based on the championing of colorblind universalism, often adopts a critical stance towards manifestations of cultural and ethnic identities. Therefore, it is often perceived as intolerant, as suggested by the numerous critics of the 2004 law banning ostentatious religious signs from state schools. As such, French republicanism seems to be paradoxically praising respect for all citizens while practicing intolerance towards members of ethnic minorities.*

*To analyse this seeming paradox, the paper designs a typology to disentangle the different theoretical positions concerning the relationships of respect and tolerance within French republicanism. It thusly proposes to distinguish four different families (communitarian, perfectionist, pragmatic and critical republicans) and claims that the last one offers the best way to solve the French paradox.*

**Keywords:** *Citizenship, ethnic minorities, republicanism, respect, tolerance.*

## Introduction

The islamic scarf affair which have upset the French public opinion in the late 1990s and early 2000s were not only a national concern. Indeed, the law banning of the wearing of religious signs in public schools which was passed in 2004 by the French parliament <sup>2</sup> and which somehow put an end to these passionate debates provoked both admiring and critical reactions abroad. In the field of contemporary political theory, it has generally been perceived at best as an intolerant law by some (Galeotti 2002) and at worst as a racist one by more radical critics (Scott 2007). Obviously, there is something awkward in seeing the democracy which praises itself as “the country of human rights” impose such a strong constraint on the expression

<sup>1</sup> I borrow this expression to G. A. Cohen (2000) *If you're an Egalitarian, How Come You're So Rich?*, Harvard, Harvard University Press.

<sup>2</sup> “The law of 15 March 2004 stipulates that ‘in primary schools and secondary public schools, the wearing of signs or clothes through which pupils ostensibly express a religious allegiance is forbidden’ (...) It was intended to put an end to the 15-year long affaire du foulard which started in the Parisian suburb of Creil in the autumn 1989 when two pupils came to class wearing headscarves” (Laborde, 2008: 7).

of religious beliefs. Indeed, it seems paradoxical to praise equal respect for citizens whatever their social, religious or cultural background, on the one hand, and to display outward intolerance for some religious symbols on the other hand, especially when such refusal of difference aggravates the situation of discrimination already experienced by the minorities involved.

The paradox lies in the fact that respect and tolerance, though analytically different, are nevertheless connected. Respect consists in the recognition of someone's moral value that can be generally defined as his or her dignity qua person or human being. By contrast, tolerance refers to an apparently less demanding principle. Originally, it was a political value forged for prudential reasons, in order to invalidate the will to impose religious truth through legal coercion (Locke 2003). More recently, tolerance has been promoted as a positive virtue (Galeotti 2002). As such, it generally refers to the behavior or mental attitude showing that someone accepts as legitimate that others, living in the same society, think, believe or act differently, even if these ideas, beliefs and practices hurt her habits, tastes or convictions. As Rainer Forst has shown, toleration involves three components : reasons to object to some beliefs or practice, reasons to accept them even so, and reasons of rejection which marks the limits of toleration. (Forst 2007: 293). One influential conception of the legitimate limits to impose upon tolerance has been Mill's "harm principle", which requires to accept contested beliefs or practices as long as they don't physically harm others or patently undermine public order.

Despite patent differences - toleration requiring a negative element of disapproval concerning the ideas, beliefs or behaviors at stake, while respect carries a positive element of recognition of the person's moral value, respect and tolerance remain connected in some way. Politically, equal respect of human dignity has been institutionalized through the status of modern citizenship. And, from a historical point of view, the progress of the civic project (through civil, political or social rights) is clearly intertwined with a regress of intolerance (whether religious or moral). Thus, analytically, one good reason to tolerate objectionable beliefs or practices is the respect that is due to each person: in such "respect conception of toleration" (Ibidem), recognizing someone as a moral being, apt to live his or her life autonomously, implies to accept his or her choices, whatever they are and as long as they don't go against the respect due to others.

Given these characterizations of respect and tolerance, it seems that the French law banning religious signs from schools is intolerant since it forbids a non harmful practice, which does not directly threaten the physical or psychological integrity of others and since, by doing so, it seems to infringe upon the French Muslim minority's right to religious freedom. However, the law was justified in the name of republican ideals which are explicitly based on respect. Indeed, republican citizenship

rests on the idea that universal laws create a specific community, the nation - understood on political and not ethnic grounds - where each individuals' dignity is acknowledged by the fact of being treated equally, whatever their gender, social class, race or ethnic origin are. How should we understand then the fact that explicit commitment to equal respect does not prevent but may even justify intolerant laws? Is it a contradiction, as critics of false universalism have shown? And as such, is it a proof that the republican model is not apt to provide legitimate answers to the fact of pluralism in culturally diverse societies? Or is it just a paradox that can and should be overcome? To answer these questions, I propose to build a typology of contemporary French republican discourses<sup>3</sup> about tolerance or intolerance of cultural diversity<sup>4</sup>. Recently, due to the growing interest in multicultural issues, some theorists have strived to articulate more liberal or tolerant forms of republicanism. As a consequence, it is useful to analyse the different theoretical positions at stake by focusing on the way each position refers to the concept of tolerance and on the way it connects the practice of (in)tolerance and the discourse about (in)tolerance. Indeed, tolerant and intolerant attitudes are differently interpreted and justified by those who act accordingly. People can act in a tolerant way and justify their behaviour in the name of tolerance, while others who act similarly may not consider tolerance as an important value. Symmetrically, intolerant behaviours may be justified in two ways, firstly by those who find that their intolerance is legitimate and secondly by those who deny being intolerant and acting as such. Such analysis allows to distinguish different tendencies within French republicanism which might be otherwise confused. Hence, I propose to label four different positions as following:

- Traditionalist Republicanists refers to those who justify their intolerance towards ethnic minorities on behalf of the preservation of the French culture.
- Perfectionist Republicanists are those who support intolerant politics but deny being intolerant by drawing on republican ideals.
- Pragmatic Republicanists are those who consider that republican principles, if correctly understood, offer a convincing political model of tolerance.
- Critical Republicanists are those who deny that respectful attitudes towards ethnic minorities in modern republics should be defended in virtue of tolerance.

<sup>3</sup> By "French republican discourses", I refer to different ideal-types of argumentations, in a Weberian sense. French republicanism being a "public philosophy" to use Sandel's term, it cannot be reduced only to academic discourses; it also informs the discourses of "media intellectuals" (i.e. people whose opinions have a wider societal impact than academic analyses) and through public discourses of politicians, bureaucrats, institutions.

<sup>4</sup> In this paper, I will focus on political intolerance, understood as the legal use of coercion to forbid non harmful practices that go against the majoritarian norms and habits.

In the following, I will describe and examine each position in order to overcome the paradox mentioned above. More specifically, I will criticize the limits of the first three positions and suggest the desirability of the fourth one.

## **Traditionalist Republicanism**

Generally, the 2004 law has been interpreted as evidence that French republicanism is a strong form of political communitarianism, since it displays outward intolerance to some values and practices that differs from the dominant culture. However, the fact that this law is intolerant does not imply that all the republican politicians, intellectuals or theorists who supported it are intolerant in the same way. By contrast with Cécile Laborde, I do not think that these people should be conflated within the same category of “official republicanism” but rather that we should draw a clear distinction between two camps in order to specify the nature of their intolerance. As Sandel has noted, the label of “communitarianism” generally refers to two different theses, a traditionalist one according to which “the way to think about justice or rights is simply to base them on the prevailing values of any given community” (Sandel 2003) and a perfectionist one which states that “the principles of justice that define our rights can not be detached from conceptions of the good life” (Ibid.). I will start with the first camp and come to the second in the next section.

The position typical of traditionalist republicanism can be found mostly in the French political and intellectual discourses which express the nationalist turn that occurred during the 1990's. Initially, in the 1980's, nationalist rhetoric was likely to be found in the discourses of the far right-wing party, the National Front, at a moment when immigration started to be perceived as a political problem<sup>5</sup>. If French ethno-nationalism was marginal in the 1980's, one must admit that the National Front's xenophobic themes have been largely mainstreamed in the 1990's. They have progressively seeped into public debates, in more or less softened versions, and can now be found in the mass media and in political discourses<sup>6</sup>.

The problem is that, while such themes were severely condemned as non-civic and non-republican a few years ago, they are now more and more considered as

<sup>5</sup> Jean-Marie Le Pen was the one who made the distinction between “les Français de souche” and “les Français de papier” popular, thus suggesting that genuine membership to the nation cannot only rest on administrative criteria but also requires similar origins and a shared cultural heritage. In his perspective, to be French means belonging to an ethnic group, defined by a common history and embedded in a specific culture, which has to do with the Catholic and rural past of France.

<sup>6</sup> This radicalization of moderate right-wing political discourses about immigration partly explains Nicolas Sarkozy's success in 2006 presidential elections. Since then, the intolerant use of legal power has been growing with the creation of the Department of Immigration and National Identity in 2006 and the law banning the wearing of the niqab in any public space in 2010.

genuinely republican, both by political leaders and by the public opinion<sup>7</sup>. Indeed, this nationalist turn has been repeatedly justified in virtue of the “republican model of integration” with a specific emphasis on political solidarity. It is well known that the concept of political solidarity has always played a central part in the republican tradition of thought. Aristotle was the first one to insist on the *philia* - i.e. the feeling of friendship and mutual trust - that was necessary to gather citizens within a common city. Later on, republicans such as Cicero, Machiavelli or Rousseau have praised the virtue of patriotism to make good citizens (Viroli 1995). In this perspective, there is nothing wrong with being truly attached to one’s political community, since the “love of country” only expresses the “love of freedom” and, as such, does not ground political membership on inherited ethnic features. In France, this tradition was brilliantly articulated by Ernest Renan in his famous discourse *What is a nation?* through the contrast between the “civic” and the “ethnic” conceptions of nations. Since then, it has become an unquestioned national belief that France embodies the civic model. Consequently, traditionalist republicans draw on this heritage to justify their concern about “problems of integration”, arguing that to impose a common culture, a “shared heritage”, is a legitimate civic requirement.

However, the problem is that these republicans conflate the political and cultural dimension of the integration process. Claiming that the sharing of political values also implies the sharing of a common political history, they tend to accept uncritically some historical practices that go against republican principles, while rejecting the same practices when they concern ethnic minorities. As Laborde has shown, this unfair double standard logic was clearly illustrated by the report of the Stasi Commission<sup>8</sup>. According to the report, ostensible religious signs such as the Islamic scarf should be banned from public schools because it undermines French *laïcité*, understood as a principle of religious neutrality through a strict separation between state and religion. But, at the same time, the report justifies historical situations that directly contradict *laïcité*, such as the exceptional status of Alsace-Moselle. The fact that, in this Eastern region of France, religious teaching is still available in public schools and that religious teachers are paid by the State (as it was the case in France before the 1905 law of separation between the state and religion) are justified by an “historical argument” (because the regions were not on the French soil in 1905) and a “communal consent argument” (because local populations are attached to it). One can see how unfair such arguments are since Muslim minorities could also ask for

<sup>7</sup> For instance, the idea that the last generations of immigrants are experiencing specific problems of integration that the previous generations had not faced, due to their “cultural distance” with the majoritarian culture - i.e. distance between Muslim and Christian cultures - is now widely accepted, even if it is historically irrelevant (Noiriel 1988).

<sup>8</sup> The Commission was convened by President Jacques Chirac in the Summer 2003 to give advice on whether Muslim schoolgirls should be allowed to wear headscarves in state schools. For details, see full report : <http://www.iesr.ephe.sorbonne.fr/index.html?id=3110>

religious accommodations of *laïcité* on the very same grounds (they were not there before 1905 and many of them are attached to the preservation of their religious traditions). Thus, the “neutrality of the status quo” defended by the Commission is definitely traditionalist since it legitimates the privileges historically granted to the cultural majority and institutionalizes a double standard of justice between the majority and minorities. This means that for traditionalist republicans, the 2004 law is legitimate as a tool of cultural preservation and it can be imposed upon cultural minorities on the grounds that “it is the way we do things here”.

Such cultural conservatism explains why political intolerance is not denied but rather endorsed in the discourses of traditionalist republicans. Indeed, it rests on a homogenous view of cultural identity that leaves no room for diversity. It appeared clearly in April 2006, when Nicolas Sarkozy, as the Ministry of the Interior, recycled one of the old slogans of the National Front “France, you love it or leave it!”. This slogan is but one example of the many uses in public discourses of the affective ties and collective pride that French citizens should share together in order to form a genuine community according to traditionalist republicans’ view. Here, the “love it or leave it” choice is hardly one. It has more to do with an explicit threat of political or social ostracism than with a liberal choice between two opportunities. This motto rests on an “in and out” logic which suppresses any space of negotiation and mutual accommodation between majority and minorities but which rather imposes on the former an attitude of cultural hyperconformism (Sayad, 1999). Discarding any politicization of religious or cultural difference as a symptom of political disloyalty, it implies that for minorities that membership in the nation goes along with their discretion or silence. In that view, there is no difference to tolerate because cultural assimilation is a legitimate political requirement.

However, because of its republican justification, this cultural intolerance goes beyond the case of mere xenophobic nationalism. Rather, it should be interpreted as a typical example of “false universalism”. As Max Silverman has shown, the intolerance displayed by the political class and the public opinion towards Muslim religious signs, during the Islamic scarf affair, is a symptom of the cultural bias that has perverted the project of universal citizenship since the origins of the French republic. From the beginning, the treatment of the Jewish question showed that only religious minorities which differed from the dominant norms were seen as “cultural communities” that should be integrated on an individual basis but not a communitarian one. Therefore, while the Jews had to reject their communitarian belonging to enter the community of citizens, the members of the cultural majority has no such effort to make. Today, the French reaction towards Muslim minorities reproduces the same logic. It suggests that some differences, namely the ones that differ from dominant religious norms, are overinterpreted because of French

republicans' cultural biases. To be sure, there is something excessive in considering non harmful religious symbols as dangerous political weapons which comes, according to Silverman, from an unconscious "fetishization" of exotic cultural differences (Silverman 2007).

Therefore, the traditionalist position appears as one where the tension between equal respect and tolerance is the strongest. However, in this case, the tension is not a contradiction, since traditionalist republicanism is no more respectful towards minorities than it is tolerant. Obviously, it negates equal respect both on moral and on political grounds. It negates equal respect on moral grounds, because it weakens the basis of self-respect, understood as a primary good, i.e. as "a person's sense of his own value" (Rawls 1999: 386). Self-respect is necessarily undermined as soon as the ethnic group to which someone belongs and the cultural references she may identify with are systematically despised in the public sphere. Moreover, it negates equal respect on political grounds, because, as I have shown above, it perpetuates historical privileges that contradict the equal treatment of citizens. Thus, to examine the French paradox, we need to turn to a more consistent form of republicanism, where equal respect for citizens is taken more seriously.

### Perfectionist Republicanism

By "perfectionism", I refer to any moral doctrine valuing a certain form of human excellence. It refers to the beliefs, values and ways of life that contribute to develop such perfection. As I will show in this section, perfectionist republicanism refers to a dogmatic form of civic humanism which fosters unacknowledged intolerance. While articulated by intellectuals and academics, this position has a large social influence, just as traditionalist republicanism does. In many ways, its advocates seem to be as intolerant towards minorities as traditionalist republicans. But their suspicion rests on substantially different grounds. What they fear is not cultural difference but "communitarisme"<sup>9</sup>: they see ethnic and religious groups that differ from the majority as separate entities, fostering local solidarity among their members, and thus weakening loyalty to the national community. They criticize these local communities not for threatening French cultural homogeneity but for undermining French civism.

Hence their strong suspicion towards the public mobilisation of minorities and the proliferation of specific claims that they consider as the source of the depolitization of the French public opinion. In the manifesto "Républicains, n'ayons plus peur!" (Republicans, let's not fear anymore!), some of them typically complain that

<sup>9</sup> I choose not to translate this word because it has a very negative meaning in the French context that the English word "communitarianism" does not carry. See for instance the famous headlines such as "Community, here is the enemy!" or "On the communitarian plague" (Taguieff 2004)



“nowadays, a social or corporatist group simply has to declare itself angry, and his anger, always legitimate, gives it absolution”, and conclude that “thus, a new kind of social philosophy emerges: the one of the consumer instead of the citizen, of the “cared of” instead of the “entitled to”, of the victim instead of the activist<sup>10</sup>”. They envision minority mobilisations as a way to promote group interests at the expense of general interest; in these new social movements, moral condemnation of injustice becomes pointless, because minority claims rest on an excessive fascination for victims (Bruckner 2006) and have lost any kind of political dynamics.

Such a process of depoliticization appears clearly in the “decline of law” that they see at works within French society: given that more and more groups gain by certain exemptions and special status, people tend not to respect laws anymore; they just strive to get as many benefits as they can from public authorities. By contrast, in a logic similar to Brian Barry’s criticism of multicultural policies, perfectionist republicans value the uniform application of laws: to treat people equally requires treating them identically, whereas giving specific treatment to minorities dismantles the civic community which is supposed to be “one and indivisible”, according to the French political constitution. Thus, a law-based republicanism contrasts in their eye with a right-based democracy, by expressing the French commitment to universalism and rationality:

The universal idea governs the republic. The local idea governs democracy... Reason being its supreme point of reference, the state in a republic is unitary and by nature centralised... Democracy, which blossoms in the pluricultural, is federal by vocation and decentralised out of scepticism<sup>11</sup>.

The faith in the universal and in human reason is what motivated the republicans’ support of the law of March 15, 2004 concerning religious signs. But it is worth noticing that, when charged with intolerance, perfectionist republicans deny being so and defend themselves along two lines of argument. The first consists in reversing the charge of intolerance; the second argues that the legal constraints imposed upon minorities may be strong but are nevertheless the best way to neutralize the intolerant forces at work in social life.

## **Intolerance Feeds on the Ideal of Tolerance**

The French historian and philosopher Pierre-André Taguieff has clearly articulated the first point. “Intolerance is back, with new titles, due to the strong appraisal

<sup>10</sup> R. Debray, M. Gallo, J. Julliard, B. Kriegel, O. Mongin, M. Ozouf, A. Le Pors, P. Thibault, “Républicains n’ayons plus peur!”, published in *Le Monde*, 04-09-1998.

<sup>11</sup> R. Debray, “Êtes-vous démocrate ou républicain?” (*Le Nouvel Observateur*, 30 November-6 December, 1989, 49–55).

of plurality and diversity of the human world, an appraisal which presents itself as actual toleration. Intolerance comes back as the offspring of tolerance (Taguieff 2006: 11-12).” The core of his argument is that intolerance paradoxically speaks the language of tolerance. Apparently, minority mobilisations are justified in virtue of cultural diversity and claim the need to respect it; they draw on the moral condemnation of past crimes, such as colonialism, the Holocaust and ethnic genocides and build by contrast the ideal of a multicultural society where people with different cultures could live peacefully together and take benefits from their mutual recognition. But their new moral imperative - i.e. to respect all cultures equally - is patently inconsistent. Such “*écoco-differentialisme*” (Kaltenbach - Tribalat 2002: 15-53) is a form of relativism, which ruins the ability to share anything in common, whether in terms of political principles or in terms of moral dignity.

Indeed, there is no continuum between equal respect of persons and equal respect of cultural groups. Indeed, how could we respect a culture that is theocratic and patriarchal without failing to show respect to its members whose basic freedoms are denied? The confusion here leads to relativism and nihilism, as Alain Finkielkraut argues: “Eventually, to satisfy everybody, one asserts the equal dignity of all life choices, of all life styles. One is totally absorbed by a logic of equivalence. Equivalence and particularism. (...) The logic of equivalence, it is the other name of nihilism. Everything is equal” (Finkielkraut 2004: 34-35).” This logic leads to what Taguieff calls the libertarian and anarchist “Why not?” attitude, a new form of barbarianism in his eyes: “Why not legalise incest, pedophilia, zoophilia, necrophilia? In what name should we refuse anything to anyone” (Taguieff 2005: 22)? Taguieff holds accordingly that the language of tolerance is deeply hypocritical and functions as a mere rhetorical device to legitimise illegitimate claims; in contemporary debates, it tends to be instrumentalised in order to promote fundamentalism and fanaticism in an acceptable rhetoric.

If relativism entails the loss of common political values, it has also a negative effect on common identities. The endorsement of cultural diversity encourages and justifies cultural withdrawal. People tend to give priority to their local membership groups of and become less faithful to the civic community. Hence, behind the benign discourse of Benetton, a new form of racism emerges that Taguieff labels a “differentialist racism”. There, “cultural difference” functions like the old-term “race”, as a mean to deny the equal dignity of human beings albeit in an acceptable manner: while traditional racism was vertical and organised the human races on the hierarchical scale of civilisation, differentialist racism is horizontal and confines people with their cultural differences.

For these reasons, Taguieff undermines the enthusiasm and optimism that generally surround the multicultural ideal. He analyses it as inherently intolerant political project:

The implementation of the multiculturalist project would create a society where individuals would be locked in their memberships, pinned to their origins in an authoritarian way, moved by excessive and insatiable group claims, where closed communities would compete with each other. The tribe war would replace the class war. The clash of ethno-religious groups would make intolerance a principle of social disorder (my emphasis). (Ibid.: 24–25)

### **The Formative Function of Republican Laws**

The second argument asserts that hard legal constraints which look intolerant at first sight are legitimised by the “formative project” of citizenship, in order to fight against the social sources of intolerance. As Michael Sandel has stressed, “the republican conception of freedom, unlike the liberal conception, requires a formative politics, a politics that cultivates in citizens the qualities of character self-government requires” (Sandel 1996: 6). Indeed, in the republican tradition, autonomy is achieved through self-government; it is a collective virtue that arises once individuals, gathered in a civic community, decide together what norms they consider as legitimate. Autonomy understood as self-government means that freedom is not natural power, originally given to individuals. Rather, it is a public good that only exists under the rule of fair laws. Symmetrically, laws play an essential part in the formative project in that they incite people to consider the general interest instead of their particular interests, i.e. to act as citizens rather than as private individuals.

The formative function of laws may justify a very coercive use of legal constraint because republicans, especially in France, have a conception of the relationship between the state and society that differs radically from the liberal one, especially for historical reasons. Social life is generally seen as a the source of human evils, the place where inequalities and privileges blossom, where processes of domination get entrenched; this is where conformism prevails, where absurd traditions frame people’s lives and where superstition or religion may obscure their minds. This is why perfectionist republicans see French republicanism as an inherently combative creed: it rests on a “duty of insurrection” (Grangé 2008: 43) which requires the elimination of arbitrary traditions and rejection of illegitimate powers, in order to build a new society on rational and fair grounds. As such, “republicanism... is sharp: it endorses an ideal clearly and straightforwardly. ... it excludes compromises and demands opposition” (Ibid.:10).

Accordingly, the state is supposed to form citizens by fighting against social injustices, and laws are its main devices to achieve its goal. Typically, when the essayist and philosopher Régis Debray justified the 2004 law on religious signs, he insisted on its “expressive function” (Debray 2004: 24): according to him, a law was required, rather than a circular or a charter (i.e. a public decision without coercive power), not in order to repress but because it had “a virtue of symbolic refondation” (Ibid.: 25). Voting a law is indeed the only way for the community of citizens to publicly express the choice to be made between two sets of potentially contradictory norms (freedom of expression and gender equality - state neutrality and religious freedom); in this case, the law was a collective way to resist the “theocratic thrust on a wide scale, from East to West, and necessarily growing with unavoidable immigrations” (Ibid.: 27), thanks to the public reactivation of the *laïcité* principle. Debray acknowledges the coercive dimension of the law banning ostensible religious signs from public schools, since it entails the exclusion of the Muslim girls that would not abide by it. But, as he notes: “civil peace like republican synthesis has never been a holiday but rather a fight. And it disappears as soon as the willingness to face up does, with the weapons of peace” (Ibid.: 25). For him, even if republican laws may appear as intolerant because they carry an element of violence, they are nevertheless not so : they just make a legitimate use of the coercive power in order to prevent the spread of fanaticism and fundamentalism, which are the real sources of intolerance.

So understood, the 2004 embodies the maximalist understanding of the *laïcité* principle that these republicans logically favour. Indeed, they consider state schools as “a privileged locus for the inculcation of the habit of independence through the exercise of critical judgement” (Laborde 2008: 106). But here, to think critically about religious beliefs and traditions means to reject them. For instance, the Neo-Kantian philosopher Catherine Kintzler says that republican education should be “anti-social” (Kintzler 1996: 18, 88, 109), because it should help children to break with the influence of their family influence in order to access to individual autonomy. Regarding the Islamic scarf affair, she wrote that “children should forget their community and think of something other than that which they are in order to think by themselves” (Ibid.: 85). There the republican educational paternalism indicates how the value of respect can justify the rejection of tolerance: social habits, religious traditions are seen as potential sources of oppression which need to be overcome; this implies that education can legitimately force children to break with the influence of their community influence.

Therefore, while communitarian republicans are guilty of cultural arrogance, perfectionist republicans fall into moral dogmatism, a difference that may explain why the latter denies being intolerant. Perfectionist republicans are convinced that

their moral and political truth is universal and that it concerns everyone whatever religious or cultural backgrounds people have (while communitarian republicans are more sensitive to the specificities of the French culture and not bothered by the idea of excluding any citizen of foreign origins who would not adopt them). They consider that freedom only exists if people are raised as responsible citizens able to get involved in public life and to make collective decisions under the critical light of human reason. This refers to the position of civic humanism and it justifies, for perfectionist republicans, a strong state paternalism, the modern state being “the principal agent of the institution of truth” (Balibar 2004: 154). From this perspective, the French paradox does really exist: by contrast with traditionalist republicans, perfectionist republicans are genuinely committed to equal respect and consider that the best way to institutionalize it is a formative politics that may look intolerant but that is meant to prevent intolerance.

However, the dogmatic tone of perfectionist republicans remains problematic. It suggests the limits of a public philosophy which can now be considered as an ideal theory disconnected from social realities, as the republican justification of the 2004 law on religious signs showed (Laborde 2008: chap.1). Indeed, instead of taking seriously the problems of discrimination problems that the politization of the wearing of a religious symbol expressed, perfectionist republicans rejected the phenomena as simply un-civic. Hence the minorities' growing feeling that French republicanism sounds like “a conservative rhetoric” which discards and weakens their mobilisation against discrimination and racism (Wieviorka 1997). Accordingly, perfectionist republicanism appears more and more as a counter-productive position: it praises equal respect, but its dogmatic and uncritical attitude undermines the very achievement of this political ideal. Far from granting minorities the protection and equality they can legitimately expect, the republican dogmas increase their social difficulties and worsens their feelings of exclusion.

## **Pragmatic Republicanism**

Recently, due to multicultural debates, some theorists have tried to rework French republicanism in a more liberal fashion. Here, I use “pragmatic” in a large and non-technical sense, in order to refer to a position which does not disconnect ideas or norms and the concrete effects they have on social life. Pragmatic republicanism therefore is characterised both by a finer sensitivity to social realities in ethnically diverse democracies and by a greater attention to the real effects of republican principles than it was the case for perfectionist republicans. It is no accident if it has been best articulated by sociologists, in particular in Dominique Schnapper's works on citizenship and interethnic relations.

By contrast with perfectionist republicans who explicitly express their distrust and hostility towards processes of social ethnicization, Schnapper endorses a tolerant attitude in order to “modernise” French republicanism and to adapt it to the fact of cultural pluralism (Jennings 2000). To begin, contra Taguieff or Debray, she fully grants the criticisms raised against “false universalism”: “it is true”, she says, “that the state is never truly neutral and that the common culture, elaborated and secured by public institutions, is imposed upon particular cultures” (Schnapper 2000: 487). Then, she understands the feeling of injustice that may arise from this matter of fact: “To a humiliated people, transcendence through citizenship appears as purely formal, having only the function of consecrating the dominance of the other under the guise of universality” (Schnapper 1994: 121–122). To avoid feelings of humiliation, “it is of vital importance that individuals have the sentiment that their collective dignity ... is recognised and respected”. Multiculturalism, defined as the “right” of citizens and of foreigners “to cultivate their specificities in their personal as well as social life should therefore be accepted<sup>12</sup>.”

However, her sensitivity to the minorities’ right to be different does not imply any renouncement of universalism: even if the political public sphere is ethnically orientated, the integration within the political dominant culture should be accepted as “the price to pay for all citizens to fully participate to the national society” (2000: 487). Only, from the pragmatic point of view, cultural integration is just required in politics but not in the social sphere. Such integration is necessary to avoid the politization of ethnic minorities and the Lebanisation of the public sphere, where “individuals no longer exist as citizens but as representatives of a recognised community”. (1995: 153) On this view, the process of cultural integration is not understood as the expression of a political voluntarism but rather as the effect of a long-standing sociological dynamics. For sociologists, democratic nations are obviously a mix of civic and ethnic features. Even if nations are theoretically based on the free adhesion to abstract political principles, they concretely experience themselves as a community of fate, sharing a common heritage and culture. This comes from the fact that they were institutionalised in a specific historical context, supported by certain social groups and framed by a particular political culture. According to Schnapper, however, despite its historical idiosyncrasies, a nation should not be conflated with an ethnic group, because the nation carries “a principle of potential inclusion” (2000: 449) that lacks to the ethnic group lacks, which is, on the contrary, based on a particularist and exclusive logic. It rests on the project to form a “community of citizens”, i.e. on “an attempt through citizenship to transcend

<sup>12</sup> Hence Schnapper’s tolerant attitude on certain topics: for example, she publicly claimed that selling exclusively halal meat in some butcher’s shops (and this could be applied to burger shops) cannot be interpreted as a breach of the laïcité principle, because it would discriminate against non-muslim customers. see Jennings 2000: 590

particularist adherences” or membership, be they biological, historical, economic, social, religious or cultural, making the citizen “an abstract individual, without identification and without particularist characteristics” (1994: 48). Nevertheless the “abstract citizen” does not only refer to a theoretical reality, typical of philosophers’ wishful thinking. Rather, it can be observed, as a sociological fact, in the “real effects of the civic principle” (2000: 21), i.e. in the inclusive dynamics that characterize it. Indeed, Schnapper insists on the social norms that condition both ethnic mobilizations and sociological criticisms of racism, ethnic discrimination and cultural segregation: if such contestation has been growing and if it now appears as more and more appealing, it is because the civic principle of equal respect has become a social fact, in the sense that it has been socially internalized.

More specifically, drawing on Durkheim’s sociology, Schnapper envisions the emergence of modern nation states as the shift from “mechanical solidarity” based on “similarities” to “organic solidarity” based on “differences”: the progress of the division of social labour has made social functions more and more specialized, thus urging individuals to become more and more different from each other and to develop their own personalities. Consequently, the modern state turned out to be the basis of a new form of solidarity, by granting to individuals universal rights allowing them to emancipate themselves from their local and traditional communities. In this sociological view, the republican state is no longer seen as a missionary institution which can legitimately make use of legal coercion to achieve a political ideal. Rather, it expresses the social dynamics at work in industrialized and urban societies and the new type of socio-political bonds that stem from it, primarily for functional reasons.

On Schnapper’s sociological account, social life is not envisioned negatively, as perfectionist republicans see it. It is supposed to include dynamics of self-regulation, which do not imply that the state’s main mission should be to save people from the grip of greedy economic forces or conservative moral leaders. Instead “*communitarisme*” should be left to the individuals’ freedom and initiative, encouraged by a *flexible application* of the republican citizenship. (my emphasis)” (2004: 188). Indeed, once the cultural partiality of the public sphere has been acknowledged, it is easier to press civil servants and public authorities to act with tolerance towards minorities. For example, to qualify the rigid and dogmatic vision of *laïcité* in French public schools, Schnapper recalls its flexible application by republican teachers, who were used to allowing their Jewish pupils not to come to class on Sabbath days, without penalising them. Therefore, even if she considers the 2004 law on religious signs legitimate, because it reaffirms the discontinuity between the private and public spheres, she assumes that its application would not undermine the tolerant *ethos* that the political principle of *laïcité* is supposed to foster.

Hence, in pragmatic republicanism, republican ideals are not a way to endorse cultural domination, nor a moral credo to be preached and upheld despite social realities. Rather, they form “a principle, a horizon, a regulatory idea” typical of modern citizenship (Schnapper 1997: 10), which may be never completely fulfilled but which has nevertheless deep and real effects on social life. Tolerance is one of these positive outcomes. Correctly - i.e. sociologically – understood, the civic project leads to a “tolerant republicanism” (2004) that appears as the fairest way to deal with cultural and ethnic diversity in modern societies.

### Critical Republicanism

Some may think that the analysis could stop here. The moral of this story would be that respect and tolerance need to be connected to each other eventually. The inconsistencies of traditionalists and perfectionists, on the one hand, and the sound position defended by pragmatists, on the other hand, would teach that the French paradox should be overcome by injecting a little tolerance in the moral principle of equal respect. However, the pragmatic perspective is not a satisfying solution insofar as it rests on a sociological form of optimism with no clear normative ground. Indeed, it is not enough to say that the republican model should be applied with more “flexibility”, unless standards of fairness are available. Some French teachers may be kind enough to let their Jewish or Muslim pupils leave schools on Shabbat or Eid days, but what if other teachers are not. Moreover, while the principle of *laïcité* allows for a tolerant interpretation, this need not always be the case, as evidenced by the 2004 law on religious signs which explicitly forbids specific practices – i.e. the wearing of ostentatious religious signs? In this case, even tolerant teachers have to abide to it and to exclude from classes their Muslim pupils who would not remove their Islamic scarf. Therefore, something more needs to be said to free French republicanism from the charge of intolerance.

Hence the interest of a “critical approach” to republicanism. This reworked conception of the republican tradition of thought, brilliantly articulated by Laborde in her analysis of the Islamic scarf affair, sheds original light on the French paradox, because it pleads for a liberal correction of republican principles without assimilating them to liberal principles of political legitimacy. The distance here between republicanism and liberalism lies in their opposite evaluation of tolerance as a political virtue. According to liberals who follow Rawls, ever since the European religious wars of the XVIth and XVIIth centuries, political liberalism has been historically grounded in the value of tolerance and it has stuck to it nowadays for normative reasons (Rawls 2005). Insofar as the fact of pluralism forbids the imposition of any moral truth on citizens in modern societies, it encourages accordingly the application of “toleration to philosophy itself”. This means that the principles



of justice should not be based on a general and comprehensive doctrine, as it was the case in perfectionist forms of liberalism, such as Kant's and Mill's, where individual autonomy is the best value to achieve in human life. Consequently, in political liberalism, autonomy should be defended as a political-public value but not as a moral/private one. Then, the principles of justice, far from imposing a liberal way of life on all citizens, offer a genuinely tolerant conception of justice that can be accepted as legitimate even by people who live according to traditional and communitarian standards.

By contrast, critical republicans think that we should be suspicious of liberal toleration, because it reveals an uncritical acceptance of the norms and beliefs that exist in social life. Indeed, many liberal theorists of justice, "tend to take people's existing identities or conceptions of the good as constitutive of the normal pluralism of social life: in the words of Brian Barry, the liberal state "should be the instrument for satisfying the wants that men happen to have rather than a means of making good men" (Laborde 2008: 236). On the contrary, republicans have traditionally been more worried about the customs and traditions that "men happen to have" and that put their freedom in jeopardy. Recently, such contrast has led to the revival of the republican tradition of thought in the late 1980's with the works of philosophers such as Pocock, Skinner and Pettit and with the defence of *non-domination*. This neo-republican concept, which refers to situations where people are protected from arbitrary powers (Pettit 1997), is supposed to improve the liberal definition of freedom. For neo-republicans indeed, it is restrictive to understand freedom as a situation of non-interference, according to Isaiah Berlin's term, both because one can be un-free even if no one interferes actually in our sphere of action (as in the case of the slave with a benevolent master) and because the state's interference in people's lives can improve their freedom (when fair laws promote social justice). Accordingly, neo-republicans tend to be more sensitive than liberals to the fact of "*dominium*", i.e. to the inequalities of powers at work within societies and to the social norms and practices that stem from these situations, through processes of internalisation and legitimisation.

This is why Laborde is dubious of the ability of political liberalism to deal fairly with ethnic minorities, especially when this "modestly political liberalism" is combined with "a postmodern sociology of subjectivity" (Laborde 2006: 368) which emphasizes individuals' ability to negotiate with their multiple memberships and to freely build their own identity. Concerning the Islamic scarf in France, even if such a practice can be associated with strategies of subversion, renegotiation or reconstruction of individual authenticity in a postmodern society, it remains that the negative effects of patriarchal and traditional values on women's autonomy should not be neglected. Though endorsed by the women themselves, these values

may be adopted through a process of adaptive preferences which has nothing to do with authentic freedom. The wearing of the veil, then, can be seen as a paradigmatic case of domination, when the girls wearing it have internalized the religious belief in gender inequality and thus become the agents of their own subjection. Therefore, to tolerate an alienating practice amounts to allowing or even to worsening states of domination. So critical republicans agree somewhat with perfectionist republicans about tolerance: for both, it is *a normatively underspecified concept*. Tolerance does not tell precisely how and why individuals or groups should accept behaviours that go against their own beliefs, values and practices. It calls for pacified relationships between social and cultural groups, but it fails to give efficient tools to criticise intolerant beliefs and supersede unfair *modus vivendi*. This is why republicanism should stick to the equal respect principle, provided that its political sense is clarified.

Indeed, even if tolerance is normatively underspecified, it offers the advantage of being politically sensitive. To speak of tolerance means to reflect on justice from a power-based perspective: it is the powerful group or person who tolerates the weak one, not the opposite. As such, tolerance requires one take into account the balance of powers within which individuals or groups are embedded. By contrast, the value of respect offers quite an abstract principle, as in the Kantian tradition where it refers to a feeling caused by the formal and universal moral law. The abstract dimension of respect is confirmed by its mono-valence: no one would say that equal respect for human dignity is a bad thing, except radical fascists and racists, while tolerance is evaluated in more contrasted ways (some consider it as a virtue, others as a flawed concept). Indeed, while it is difficult to rationally reject the principle of equal respect, it is easier to be unsatisfied with the idea of tolerance, because it directly raises issues about the costs and benefits each party gets from that attitude.

This is where critical republicanism has something interesting to say. By qualifying the meaning of equal respect through the concept of non-domination, this political theory gives to this moral principle a clearer political scope. It insists on the fact that equal respect requires not to be submitted to arbitrary powers and therefore it links the moral question of dignity to the context of social and political implementation. Therefore, critical republicanism can be seen as *a strategy to politicize issues of equal respect*. More concretely, it defends a politics of empowerment directed towards minorities in order to allow them to contest the domination they suffer from. As in the case of perfectionist republicans, the idea of fighting against social sources of injustice requires a formative project to make the status of “citizen” effective, through educational processes. However, critical republicans refuse to legitimize any kind of state perfectionism on these grounds. Indeed, when the

state uses its coercive power to impose a substantial conception of the good - i.e. a good life understood as rejection of religious beliefs and traditional values - it becomes itself a source of domination, namely the one called *imperium* by the Romans. To avoid such risk, Laborde purports that “schools should only inculcate autonomy-related tools, not impose a substantive view of what counts as autonomous behaviour” (Laborde 2006: 360). In other words, autonomy should be promoted for instrumental and not substantial reasons : it only requires that individuals are equipped with the critical skills that give them a “discursive power” over their life: it means that “republican citizens are entitled and capable to contest (or at least to ask for a justification of) the power that is exercised over them” (Ibid.: 370).

According to Laborde, such discursive control was precisely what was denied to veiled Muslim girls during the Islamic scarf affair, when the Consultative Commission decided not to invite some of them to the deliberations, on the grounds that the Commission would “not be sensitive to their arguments”, assuming that the girls were under the influence of religious leaders and not authentically choosing to wear the veil. Such an attitude entails a situation of *imperium*, because the state imposes public decisions on citizens without giving them the very possibility to contest them if they find them arbitrary. Moreover, by displaying explicit disdain towards the individuals involved, the state worsens the vulnerability of all French Muslims citizens : “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” (Ibid.: 374).

In sum, to politicize equal respect means to give to citizens the educational and institutional means required to contest all forms of domination, whether they come from social or from political sources of normalization. Nevertheless, if equal respect is made more sensitive to power-based relations, through the concept of domination, it might happen that the value of tolerance remains useful. Promoting non-domination concretely goes along with questioning social, political and cultural norms. For example, Laborde’s criticism of French “official republicanism” shows the limits of a laïcist and secularist understanding of the democratic principle of religious neutrality, which has been socially accepted for historical and cultural reasons. But a problem arises: if equal respect requires an ongoing questioning of shared norms, isn’t it an inherently unstable political value? When domination is contested and social norms criticized, people may not find easily an agreement for new ones. Therefore, they will have to accept each other despite these remaining forms of dissension. In other words, given the fact of pluralism in modern societies, it is not certain that equal respect can do without tolerance in order to ground a fair and stable society.

## Conclusion

In this paper, I have proposed an analysis of the French paradox, understood as a political stance which preaches equal respect while practising intolerance towards cultural and ethnic minorities. Following an ideal-type methodology, I have identified four families in contemporary French republican discourses, which differ from each other in two manners 1) in their intolerant or tolerant behaviours; 2) in their endorsement or rejection of such behaviours. The conceptual mapping thus obtained allowed me to examine the tensions between the concepts of respect and tolerance in the French republican tradition. I have shown that the inconsistencies of communitarian and perfectionist republicanisms point apparently towards a tolerant revival of French republicanism, an endeavour made by pragmatic republicans. I have argued that this tolerant view of French republicanism is normatively indeterminate and that there is a better way is to rework the republican view of equal respect, as critical republicans do with their theory of non-domination. Hence, my final point was the following: if tolerance is a normatively underspecified concept, it is nevertheless politically sensitive and allows for a repolitization of the equal respect principle. Equal respect should not remain an abstract principle. Instead, it should be understood as a political ideal of a non-dominating society, where minorities would have the power to contest the various kinds of injustices they suffer from.

## References

- Balibar, Etienne (2004): *Dissonances dans la laïcité*, *Mouvements* 33/34.
- Bruckner, Pascal (2006): *La tyrannie de la pénitence. Essai sur le masochisme occidental*, Grasset et Fasquelle.
- Debray, Régis (2004): *Ce que nous voile le voile. La République et le sacré*, Gallimard.
- Finkelkraut, Alain (2004): *Les enfants de la République. Y a-t-il un bon usage des communautés?*, La Martinière.
- Galeotti, Isabella (2002): *Toleration as Recognition*, Cambridge: Cambridge University Press.
- Grangé, Juliette (2008): *L'idée de République*, Pocket.
- Jennings, Jeremy (2000): Citizenship, Republicanism and Multiculturalism in France. *British Journal of Political Science* 30 (4), 575-598.
- Kaltenbach, Jeanne-Hélène - Tribalat, Michèle (2002): *La République et l'Islam. Entre crainte et aveuglement*, Gallimard.
- Kant, Immanuel (2004): *Critique of Practical Reason*, Dover Publication.

- Kintzler, Catherine (1996): *La République en questions*, Minerve.
- Laborde, Cécile (2006): Female Autonomy, Education and the Hijab, *Critical Review of International Social and Political Philosophy* 9 (3): 351-377.
- Laborde, Cécile (2008): *Critical Republicanism. The Hijab Controversy and Political Theory*, Oxford University Press.
- Locke, John (2003): *Two Treatises of Government and a Letter Concerning Toleration*, Yale University Press.
- Noiriel, Gérard (1988): *Le Creuset français. Histoire de l'immigration française XIX-XXe siècles*, Seuil.
- Pettit, Philip (1997): *Republicanism. A Theory of Freedom and Government*, Oxford University Press.
- Rawls, John (1999): *A Theory of Justice. Revised edition*, Oxford University Press.
- Rawls, John (2005): *Political Liberalism*, Columbia University Press.
- Sandel, Michael (1998): *Democracy's Discontent: America in search of a public philosophy*, Harvard University Press.
- Sandel, Michael (2003): Justice and Republican Virtues, in Pauer-Studer, Herlinde, ed., *Constructions of practical reason. Interviews on moral and political philosophy*, 179-180, Stanford University Press,.
- Sayad, Abdelmalek (1999): *La double absence. Des illusions de l'émigré aux souffrances de l'immigré*, Seuil.
- Schnapper, Dominique (1994): *La communauté des citoyens: sur l'idée moderne de nation*, Gallimard.
- Schnapper, Dominique (1995): Nation et démocratie: entretien avec Dominique Schnapper. *La Pensée Politique* 3.
- Schnapper, Dominique (1997): La nation et l'universel. *Raison présente* 122: 9-19.
- Schnapper, Dominique (2000): *La relation à l'autre: au coeur de la pensée sociologique*, Gallimard.
- Schnapper, Dominique (2004): La République face au communautarismes. *Etudes* February 2004: 177-188.
- Scott, Joan W. (2007): *The Politics of the Veil*, Princeton University Press.
- Taguieff, Pierre-André (2004): Communauté, communautaire, 'communautarisme': perspectives républicaines, in Union des étudiants juifs de France, *Les enfants de la République. Y a-t-il un bon usage des communautés?*, Paris, La Martinière: 55-69.

- Taguieff, Pierre-André (2005): *La République enlisée. Pluralisme, communautarisme et citoyenneté*, Editions des Syrtes.
- Silverman, Max (2007): The French Republic Unveiled. *Ethnic and Racial Studies* 30 (4): 628–642.
- Tévanian, Pierre (2002): *Dictionnaire de la lepénisation des esprits*, L'esprit frappeur.
- Viroli, Maurizio (1995): *For Love of Country. An essay on patriotism and nationalism*, Clarendon Press; Oxford University Press.
- Wieviorka, Michel (1997): *Une société fragmentée ? Le multiculturalisme en question*, La Découverte & Syros.

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