

**Identities, Citizenship, Equalities and Migration Centre
Working Paper No.10,
University of Nottingham, 2013**

***A “Disagreement” over Republican Citizenship? The Aesthetics
and Politics of Moslem Opposition to the French Headscarf Law***

Jeremy Lane

WP-13-10

Abstract

Between late 2003 and mid 2004, young Moslem women in France engaged in a series of demonstrations against the French government's recent decision to legislate to ban the wearing of the Islamic headscarf in French state schools. These young women typically articulated their demands in terms not of a call for their religious or ethnic difference to be shown greater tolerance but rather on the basis that any such difference was irrelevant as regards their adherence to universal republican values. These demands were not only articulated linguistically, they were also presented aesthetically, as evident in the tendency of the protestors to wear headscarves in the colours of the French republican flag, thus transforming their Islamic headscarves into version of that icon of French republicanism, the Phrygian bonnet. Drawing on the work of Jacques Rancière, this paper seeks to elucidate the intertwined issues of gender, ethnicity, politics, aesthetics, and universalism at stake in these protests. It argues for the superiority of such an analytical framework in comparison to existing theories of either multicultural tolerance or liberal adjudication between competing conceptions of the good life.

Keywords

Islamic headscarf; *hijab*; French republican universalism; Jacques Rancière; aesthetics; politics; distribution of the sensible; multicultural tolerance.

Author biography

Jeremy F. Lane is an Associate Professor in the Department of French & Francophone Studies at the University of Nottingham. He is the author of *Pierre Bourdieu: a critical introduction* (Pluto, 2000), *Bourdieu's Politics: problems and possibilities* (Routledge, 2006), and *Jazz and Machine-Age Imperialism: music, 'race', and intellectuals in France, 1918-1945* (University of Michigan Press, 2013).

A "DISAGREEMENT" OVER REPUBLICAN CITIZENSHIP?
THE AESTHETICS AND POLITICS OF MOSLEM OPPOSITION
TO THE FRENCH HEADSCARF LAW

JEREMY LANE

In her detailed critique of the ban on the wearing of the Islamic headscarf in French state schools, Cécile Laborde seeks to distance herself from those 'multiculturalist critics', the majority of them Anglophone, who point to the illiberalism of the ban as proof of the wholesale bankruptcy of the universal republican ideals it purports to uphold. As she argues, there is no justification for moving seamlessly from registering the fact that, in the particular instance of the headscarf ban, the French state has failed to live up to its universalist ideals to concluding that 'such ideals are only mystifying and oppressive ideologies which perpetuate the domination of majorities over minorities'. This is, she rightly insists, a 'non-sequitur, and one that is particularly damaging for the emancipatory and egalitarian prospects of the left' (Laborde 2008:13).

Furthermore, she maintains, such multiculturalist, typically Anglophone, critics of French republican universalism betray a tendency towards 'castigating the French republicans' routine rejection of such *linguistic* categories as "liberalism", "race", and "ethnic minorities" as symptomatic of their *substantially* illiberal, racist, and ethnocentric biases'. As Laborde argues, such casual dismissals of French republican universalism, in favour of forms of multicultural tolerance assumed to be both inherently superior and somehow particular to the English-speaking world, themselves manifest a paradoxically ethnocentric bias (Laborde 2008:5).

Thus she sets out at once 'strongly' to criticize 'the hijab ban' and 'to retrieve and rehabilitate, in a progressive direction, some of the republican concerns which motivate it' (Laborde 2008:9).

In this Working Paper, I should like to pursue the line of thought initiated by Laborde, applying it to the slightly different but closely related terrain of French

Moslem women's resistance to the headscarf ban from the moment, in late 2003, when President Jacques Chirac announced his decision to legislate on this issue, to the ban's first application, at the beginning of the new school year in September 2004. More specifically, I want to explore the possibility that what we might term the 'neo-Jacobin' thought of Jacques Rancière is uniquely equipped to elucidate both the logic of that resistance and the frequently uncomprehending response it elicited from many commentators in France, not least from feminists and those on the left. As will become clear, both the kinds of protest undertaken by French Moslem women against the ban and the scandalised reactions they elicited turn on the interrelationships between aesthetics, politics, and the universal. Rancière's conception of what he terms 'the distribution of the sensible', of the 'disagreement' and of the universalist tenor of any process of genuinely political 'subjectivation' appears to offer us the most effective way of grasping the precise nature and logic of those interrelationships without having recourse to some version of multicultural tolerance.

It is a relatively simple matter to identify the numerous blind spots, contradictions, prejudices, and injustices that lie behind the arguments advanced in favour of the headscarf ban. Indeed a number of English-language studies of the issue have done just this, before typically calling for the French state to adopt a more tolerant attitude towards ethnic and religious difference (Bowen 2007; Scott 2007). Whilst, in the most general sense, tolerance is surely to be preferred to outright intolerance in such matters, these calls for multicultural tolerance fall victim to precisely the problems identified by Cécile Laborde. More importantly, and as will become clear in what follows, French Moslem women's protests at the headscarf ban did not take the form of calls for greater tolerance or for official recognition of their constitutive difference. On the contrary, such protests typically appealed to universal republican principles, precisely to argue that such apparent ethnic or religious differences should not be allowed to count for

anything in the face of Moslem women's status as full and equal French citizens, endowed with universal rights.

Before considering how or to what extent Rancière's thought might help us grasp the logic of such protests, it will be necessary to sketch in some very summary details of how the headscarf ban came to be passed and what the official justifications for the ban were.¹

French Republicanism, Secularism, and the Threat of 'Communautarisme'

The question of whether Moslem students should or should not be allowed to wear the Islamic headscarf in French state schools had dominated the political and media agendas on three successive occasions in the decades prior to the passing of the law banning the practice in 2004. These three successive so-called 'headscarf affairs', in 1989, 1992, and 2003, had seen the question receive intense media coverage and come to serve as a synecdoche for the broader question of the place of Islam and of France's significant Moslem minority within the French Republic as a whole. The reason why this became an issue at all, officially at least, was because the wearing of an 'ostentatious' or 'conspicuous' sign of religious affiliation was seen by some to challenge the fundamental French republican ideals of secularism, universalism, and hence of equality for all. That is to say that since the late nineteenth century, religion has, with a few notable exceptions, been kept out of French state education since religious belief is considered a private matter that has no place in the public sphere of the state school. In accordance with the tenets of French republican universalism, it is only by ensuring such private matters are kept out of the public sphere that the equality of all French citizens can be guaranteed. This rigid division between the private and public spheres is also intended to safeguard the cohesion of the French polity and society, seeing off the threat of 'communautarisme', of the division of French society into competing religious or ethnic groups seen by many

French commentators as the inevitable product of the so-called 'Anglo-Saxon model' of multiculturalism.

By treating all French students the same, regardless of their particular affiliations of religion, ethnicity, class, sexuality, or gender, the republican school thus seeks to ensure all receive equal treatment, all have the same life chances, all are equally well-equipped to participate as equal, free citizens in the democratic processes of the Republic. In the late nineteenth century, it was considered essential to keep the Catholic Church out of state education in order to preserve those universal, egalitarian values. This was because, firstly, the Church's promotion of faith and revealed truth was seen as a threat to the universal scientific values inculcated by the School. Secondly, the Church was historically associated with the defence of the monarchy and the aristocracy, with inherited rights and privileges that hence contradicted any universal, egalitarian ethic. In the mid-1930s, this prohibition on religion in French state schools was supplemented by a prohibition on the wearing of any ostentatious signs of political affiliation, by the Jean Zay Circular. This reflected widespread contemporary fears at the rise of political extremism throughout French society and the way in which this was spilling over into the classroom to threaten discipline and order.

Those calling for a ban on the wearing of the Islamic headscarf in French state schools from 1989 onwards typically invoked this history of both secularism and of the prohibition on extremist politics.² For them, the wearing of the Islamic headscarf contravened both the regulations as regards the secularism of French state schools and the prohibition on symbols of extremist political affiliation. In itself, the wearing of the headscarf represented both a form of religious proselytism and a statement of allegiance to Islamic fundamentalism. Moreover, in identifying its wearers as Moslems, the headscarf also threatened to see the egalitarian, universalist space of the public school riven by a series of disputes between particular groups or ethnicities. The French state school, intended as a

safeguard against the dangers of 'communautarisme', would thus become its breeding ground. In all these ways, the Islamic headscarf was considered to pose a threat to the core values of French republicanism, to its guarantees of universalism, equality, and social cohesion.

A final element that was also frequently invoked in support of the need for legislation on the headscarf was the question of women's rights. The headscarf, it was argued, was a symbol of the oppression of the young women who wore it. As such, it was incompatible with the fundamental French Republican value of 'equality'. The Republican School, charged with inculcating and safeguarding that value for all France's young citizens, could not therefore sanction the wearing of a symbol of women's oppression. Hence the headscarf should be banned from such schools.

As I have mentioned, arguments concerning the wearing of the headscarf in the Republican School flared up periodically over the course of the 1980s and 1990s and on into the first decade of this century. When the third 'Headscarf Affair' broke out in early 2003, the then President, Jacques Chirac, decided it was time to settle the question once and for all. He appointed a 'Commission of Experts' to look into the question and report back on the need or otherwise for legislation on the issue. The Commission Stasi, so called after its Chairman Bernard Stasi, met in the second half of 2003, collecting evidence from philosophers, historians of secularism and republicanism, sociologists, teaching unions, and politicians of all stripes, up to and including members of the *Front national*. In late 2003, the Commission Stasi delivered its report, concluding that, amongst other things, there was a need for legislation banning the wearing of any 'conspicuous sign' of religious affiliation in French state schools.³ Chirac responded in December 2003 in a speech to parliament in which he announced his intention to pass such a law, invoking all of the justifications enumerated above – secularism, republican universalism, women's rights, the need to combat 'communautarisme' and safeguard social cohesion.⁴ This announcement provoked

dismay amongst some but by no means all French Moslems, sparking significant street demonstrations in December 2003, January 2004, and again at the International Women's Day March in Paris in March 2004. Despite these demonstrations, the law was passed in early 2004 and first enforced at the beginning of the new academic year in September that year. The law remains in force today.

Islamic Headscarves and Phrygian Bonnets

Given the limitations of space, it will not be possible here to undertake a detailed critique of the law banning the Islamic headscarf, highlighting its many contradictions, both in terms of its theoretical justifications and practical implementation. Rather I wish to focus on the form and content of some of the Moslem opposition to the ban, as to well as on some of the reactions by some of the supporters of the ban to the form that opposition took. I shall start by referring to some footage of the International Women's Day March in Paris in early 2004. The footage, which originally featured in a BBC documentary aired in 2005, focuses on the young Moslem women who participated in the Women's Day March to protest against the headscarf ban. This footage demonstrates a series of features that typify broader responses to these questions by those on both sides of the debate. Firstly, it was noticeable that the young French Moslem women who attended the Women's Day March articulated their opposition to the headscarf ban in terms that were simultaneously feminist and Republican. Wearing the headscarf, they argued, was a matter of free choice and hence to defend that choice was to defend women's equality. Secondly, a significant number of the Moslem women protesting that day brandished flags and wore insignia that intentionally partook of the iconography of French republicanism. In some cases, by sporting red, white, and blue headscarves or pinning republican rosettes to their headscarves, they transformed these conspicuous signs of their apparent exclusion from the Republican polity into very traditional symbols of

allegiance to Republican values, into versions of the Phrygian caps worn by the revolutionaries of 1789 and after.

Some of the white French participants in the march responded to the presence and the appearance of these young French Moslem women with shock and indignation. 'It's shameful!', declared one, before responding to another's suggestion that they should engage with these Moslem women with an absolute refusal: 'We mustn't!'. A young white man, meanwhile, shouted angrily into the camera, directing the viewer's attention to those he clearly assumed were really behind his demonstration, 'Look who's surrounding/controlling them [qui est-ce qui les encadrent]? The bearded men [Les barbus!]'. For this young man, the presence of visibly Moslem men amongst the demonstrators, sporting beards, was in itself proof of the fact that the young Moslem women were being manipulated, were the pawns of a patriarchal Islamic fundamentalism.⁵

These kinds of response – indignation at both the appearance and the words of young Moslem protestors, a refusal to debate with them, and an assumption that they were the pawns of male fundamentalists – were to recur with remarkable frequency amongst supporters of the headscarf ban and commentators on Moslem opposition to that ban. For example, the left-leaning daily *Libération* had reported the earlier demonstrations against the ban in December 2003 in terms which anticipated the words of the young man who pointed so angrily to the presence of 'les barbus' at the Women's Day March in 2004. Indeed *Libération* chose to use the very same verb, 'encadrer', meaning literally to frame or surround but also to train or supervise, to communicate its conviction that these young Moslem women were being manipulated by men.

Libération's main article on the events was entitled 'Attached to the Veil and Under Heavy Guard' and carried the following subtitle: 'Controlled [Encadrées] by male stewards, roughly 3,000 women demonstrated yesterday in Paris against the banning of the headscarf in schools'. The article itself noted the way in which the women protestors appropriated both the discourse and the symbolism of

French republican universalism. The women claimed there was no contradiction between wearing a headscarf and being a good citizen, whilst singing the Marseillaise and sporting the red, white, and blue of the French Republican flag: 'Under the rain, women struck up the *Marseillaise*, brandishing their French identity cards and their polling cards. They waved French flags. Many had donned red, white, and blue headscarves'.⁶ However, *Libération* warned its readers not to be fooled by these apparent declarations of allegiance to the Republic. In an article analysing the meaning of the demonstration, Cathérine Coroller reminded readers that this was a march that merely claimed to be republican and spontaneous, raising the spectre of the hidden forces really manipulating events: 'A march that claims to be "republican". The organisers of the "spontaneous" demonstration remain hidden' (Coroller 2003). This was repeated in an editorial, which again warned readers not to be fooled, before, again, raising the frightening spectre of 'les barbus': 'The strategy is clever but it's difficult to be fooled given the extent to which the words of those who demonstrated yesterday in Paris and on Saturday in Strasbourg appeared to be under control. [...] Women in the front row, bearded men [les barbus] behind them?' (Ténard 2003).

This same mode of discourse would be reproduced almost verbatim by Yvette Roudy in the analysis of the December 2003 demonstrations she published on the web. Roudy is a well-known feminist and Socialist, having served as Minister for Women in the first socialist government under François Mitterrand in 1981. Roudy was equally perplexed by French Moslem women's appropriation of the discourse and iconography of French republicanism, equally convinced she could detect the hidden hand of male fundamentalists behind the events. As she put it:

The so-called spontaneous demonstration of veiled young women, who were strictly supervised [solidement encadrées], confirms that the "headscarf affair" is clearly part of a strategy of intimidation led by a fundamentalist Moslem movement, which is determined to place the precepts of religion

above the laws of the Republic. How can these young women, of whom many are French, accept an inequality of status between men and women while at the same time brandishing the Tricolour and singing the *Marseillaise*, the anthem of the Republic whose motto is “liberté, égalité, fraternité”? (Roudy 2004)

Finally, it is important to note that the assumptions underpinning this kind of discourse were apparently shared by the Commission Stasi itself, which had initially not intended to interview any young women who wore the headscarf at all, on the pretext that their words simply could not be trusted. In the end, the Commission was shamed into organising an audience with some of these young Moslem women, but this was very much a last minute concession and their views appear to have been accorded little or no weight. As Xavier Ternissien explains:

The Commission Stasi certainly leaves a bitter taste in the mouth. Starting with the following question: why did its members, who in an overwhelming majority advocated forbidding the veil at school, not hold audiences with young women who wear the veil? Or, when they finally did, why did they leave it to the last moment, as a kind of concession or catch-up session? [...] One member of the Commission would later admit, under cover of anonymity: “The majority of us weren’t open to the arguments put forward by women who choose to wear the veil and so we were in no hurry to listen to them. The order in which the audiences were organised speaks for itself.” (Ternissien 2004:286-87)

Now, in one sense, these kinds of response are entirely logical. If you assume that the headscarf is a symbol of female oppression (and only that), then you must conclude that any woman who claims to have freely chosen to wear such a garment must be either lying or deluded and, in either case, should not be

listened to. Alternatively, if you believe that the headscarf is a symbol of allegiance to the political project of fundamentalist Islam, then any woman who claims that garment to be compatible with republican citizenship must simply be lying. What such women really want, it must be assumed, is to replace democracy with a reactionary Islamic theocracy, so their claims to respect democracy are merely further evidence of the dangers of Islamic fundamentalism, of the lengths to which its adherents are prepared to go to undermine democracy. In either case, it is enough to see that a woman is wearing an Islamic headscarf to know that her words should not be listened to, that they cannot, by definition, be considered the rational or reasonable products of a political agent endowed with equal capacities to those of citizens who do not wear the headscarf.

The assumptions shared by those who refused to believe Moslem women's claims of republican allegiance thus rested on a very particular intertwining of the the political with the aesthetic, understood as a set of implicit categories of perception and judgement. It was this intertwining that justified the exclusion of two related groups of people from the realm of rational debate, from the French republican polity. For those who share such assumptions, it is sufficient to see that a woman is wearing a headscarf to know that she is either a victim or a duplicitous agent of Islamic fundamentalism, whose words possess no inherent value or rationality. Similarly, it is sufficient to see a bearded Moslem man to know he is a sexist fundamentalist, whose presence alongside female Moslem protestors is, in itself, proof of his role in controlling and manipulating what those women say and whose views must similarly be excluded a priori from the realm of reasoned debate.⁷ On the other side of this dispute, the strategy adopted by those young Moslem women who waved the French Tricolour or donned a red, white, and blue headscarf also rests on a particular intertwining of the political and the aesthetic. Indeed, it is precisely this aesthetic element in their opposition to the headscarf ban that explains the anger, indignation, and incomprehension of

commentators like Yvette Roudy. To wear an Islamic headscarf in the colours of the Republic is to transgress existing categories of perception and judgement, to stage an aesthetic rebellion as shocking and shameful as Manet's decision to exhibit a painting of a nude woman who was clearly a prostitute, and not an idealised classical beauty, at a nineteenth-century Paris Salon. To employ Jacques Rancière's particular terminology, in both cases, objects and images taken to be incompatible according to one particular 'distribution of the sensible' are mixed together, accorded equal status, to scandalous effect. For Rancière, the 'distribution of the sensible' corresponds to a kind of aesthetic, a set of implicit categories of perception and judgement that divides up the social world between those who count and those who do not, those assumed to be equal subjects, endowed with the capacity for making rational demands of universal value and those assumed, a priori, to lack any such capacity. For a member of a group excluded from the realm of the universal by the current distribution of the sensible to lay claim to equality is thus to stage a transgression that is at once political and aesthetic.

Of course, the real aesthetic transgression committed by these young Moslem women when they don red, white, and blue headscarves is that, in so doing, they transform something that is widely assumed to symbolise everything that is not properly French into an icon of the French revolutionary and republican traditions – the Phrygian bonnet. And if their headscarves have become Phrygian bonnets, then the women sporting such bonnets must logically have become the personification of the French Republic itself, namely Marianne. That such an aesthetic strategy was entirely intentional seems confirmed by the various testimonies contained in a book published in 2008, entitled simply *Les Filles voilées parlent* [Veiled Girls Speak]. These testimonies detail the experiences of young French Moslem women who wore the headscarf to school before the ban, who were forced to remove their headscarves after the ban or simply to leave school altogether. Not only do these young women persistently articulate their

desire to wear the headscarf in terms of a right to freedom of expression understood in classically French republican terms. They also frequently reveal a consciousness of what was at stake in their attempts to transform the symbol of their Moslem faith into a symbol of French republican allegiance.

To give just two examples, Melaaz, 22, from Paris, responds to the accusation that her headscarf is a symbol of her oppression by drawing a direct analogy between it and the Phrygian bonnet worn by Marianne: 'And, if we're going to talk about symbols, wasn't Marianne veiled too?' (in Chouder et al. 2008:33).

Mariame, 19, recounts how, before the ban was passed, her headmaster set strict limits on what kind of scarf could be worn in his school, prohibiting anything he thought might be reminiscent of Iran. She and her friends responded to this implication that they were fundamentalists by adopting the aesthetic strategy she describes as follows:

The headmaster [...] said to us [...]: "You can't wear a long veil, and no dark colours because they're too reminiscent of Iran". The reference to Iran shocked us and so the next day we came in "red, white and blue", one dressed in red, one in white and one in blue! (laughter) And we stayed close to one another all day, so everybody would notice. The other students died laughing. The headmaster took it rather badly but he didn't say anything to us. (in Chouder et al. 2008: 63-4.)

Those situated on the opposing side of the debate were also involved in this aesthetic dispute over who could or could not be seen to incarnate a contemporary Marianne. Where the young Moslem women quoted above sought, scandalously, to declare the compatibility of the Islamic headscarf and the Phrygian bonnet, the supporters of the headscarf ban sought to maintain the opposite, to insist on the absolute incompatibility of those two symbols. Thus, in July 2003, the then President of the National Assembly, the right-wing politician

Jean-Louis Debré, opened an exhibition of photos timed to coincide with Bastille Day that year. The exhibition comprised a number of huge photos of women wearing the Phrygian bonnet, hanging over the columns of the Palais Bourbon, the site of the lower house of French parliament. The exhibition was entitled 'Mariannes d'aujourd'hui' and the women were all of ethnic minority origin, several of them Moslem, all members of the movement *Ni Putes, Ni Soumises* [Neither Whores, Nor Oppressed Victims]. As Fadela Amara, founder and leader of *Ni Putes, Ni Soumises* [henceforth 'NPNS'] put it in her book of that title: 'As far as I'm concerned, I'd rather girls wore the Phrygian bonnet than the veil.' (Amara & Zappi 2004: 81.) In his speech at the opening of the exhibition, Jean-Louis Debré similarly implied that the headscarf and the Phrygian bonnet were mutually exclusive and that being a 'modern', 'emancipated' female republican citizen demanded abandoning the former for the latter:

Like our own Marianne, who's had pride of place in every French town hall since the Third Republic, 14 young women from the *cités* [deprived suburban housing estates] will pose wearing a Phrygian bonnet on their head, the symbol of the liberated. They'll pose but they'll also interpellate any citizen who walks past the home of democracy. Because the "Mariannes of Today" exhibition is an opportunity for every citizen to renew and revivify their adherence to republican values [*un temps fort et un rendez-vous citoyen*]. These 14 photographs represent snapshots of modern women who are overflowing with warmth and generosity. They illustrate the force and endurance of the founding slogan of the Republic: "Liberté, Égalité, Fraternité". (Debré 2003)

The role of NPNS remains a highly contested one. For some, the organisation represents the authentic voice of women from France's deprived suburbs or *banlieues*, women who have bravely spoken out against the abusive forms of

sexism that characterize the attitudes and behaviour of so many of their young male peers (see Fayard & Rocheron 2009). Others, however, have argued that the way in which *NPNS* articulate their political position is highly problematic, that in focusing on sexism in the *banlieues*, they have unwittingly played into the hands of those who are all too eager to condemn all male *banlieue* youth as inveterate delinquent, violent sexists beyond the pale of civilised Republican society. According to such stereotypes, young Moslem women are figured as the passive victims of fathers or older brothers guilty either of forcing their womenfolk into submitting to the repressive demands of an outdated, fundamentally patriarchal religious tradition (*soumises*) or of reducing women to the status of objects of sexual gratification (*putes*) according to models derived from US hip-hop culture. In either case, it is argued, *NPNS* is guilty of propagating damaging racial stereotypes about France's ethnic minority male youth (Guénif Souilamas & Macé 2004).

What seems clear is that the form of *NPNS*'s discourse has made it very easily recuperable by those forces in French politics already predisposed to stigmatise all male ethnic minority youths as delinquent and violent and all French Moslem men as uncivilised, inveterate sexists. Moreover, as Anna Kemp (2009:21) has argued, the supposedly 'universal ideal of female emancipation' promoted by *NPNS* 'is extremely limited and limiting', relying as it does on a very particular 'notion of "femininity" and in particular a certain idea of "French" womanhood'. The limitations of this supposedly universal ideal of female emancipation were all too obvious in the aesthetic of the 'Mariannes d'aujourd'hui' exhibition, as Kemp explains:

The first striking feature of the exhibition is that all the women are young (in their twenties or thirties), attractive and impeccably made-up. Many wear off-the-shoulder dresses in red, white, and blue and each poses for the camera, one blowing a kiss to the spectator, while another throws back her

head and laughs, the overall impression reminding the viewer of an advertising campaign for *Printemps*. This soft eroticisation of the *femmes des cités* is accompanied by short texts in which each woman explains what Marianne – figurehead of the Republic and icon of French womanhood – means to her. The image of Marianne that emerges from these texts has two key dimensions. First she is the embodiment of Republican values. She is 'proud to be French and to live in the Republic' (Alice, 26), 'she asserts herself through the Republican ideal' (Awa, 34) and is 'determined to uphold its values' (Gladys, 27). Second, she is seen to possess the distinctly 'feminine' virtues of peace, tenderness, and maternity, whilst displaying a revulsion for power. [...] Despite the women's generalised discourse of equality and respect, the specific values attributed to Marianne are 'feminine' ones of seduction, gentleness, and motherhood, all in the service of the Republic. The *Mariannes* project demonstrates a key tenet of the feminist discourses that dominated the headscarf affair, which is the expectation that women who are ethnically or culturally Other to a reified notion of French womanhood must re-republicanise by re-feminising. (Kemp 2009: 25)

As, Karima, one of the young women cited in the *Les Filles voilées parlent* collection puts it: 'We saw all those male politicians, who'd never moved a finger before for feminism, who suddenly began to support and finance *Ni Putes, Ni Soumises*, and even to display their giant portraits on the front of the National Assembly! We really had the impression that we were being told: "Look at those women, you should become like they are!" The women from *NPNS* were really recuperated' (in Chouder et al. 2008: 258-59).

It is very clear, then, that the French disputes and demonstrations around the question of the Islamic headscarf had a profoundly aesthetic component, that what was at stake were different images and conceptions of emancipated

republican womanhood and what sorts of symbols and practices might be considered, a priori, to exclude certain women from the category of rational, emancipated republican citizens. Or, to employ Rancière's terminology again, what was at stake was the dominant 'distribution of the sensible', those categories of perception and judgement that prescribed acceptable models of republican womanhood. The genesis of those categories of perception could surely be traced to the intertwined histories of Western patriarchy and French colonialism, to the legal requirement placed on any Algerian Moslem seeking French citizenship in the colonial period effectively to renounce their faith, and to the inclusion amongst the goals of the French 'civilising mission' the emancipation of Moslem women from submission to the irremediably patriarchal demands of their supposedly backward religion.⁸ The profound historical roots of this particular 'distribution of the sensible' highlight quite how great the stakes were in the headscarf-wearing protestors claims to adhere to republican universalist ideals.

However, it is important to emphasize that the two parties in this dispute both claimed to be acting and speaking in the name of universal republican principles. This dispute did not oppose one group claiming to represent universal values to another speaking in the name of their particular ethnic or religious identity. On the contrary, it opposed a minority group who insisted their words and actions conformed to universal criteria, *regardless* of the visible symbols of their religious adherence, to another, more powerful group who simply refused to hear or understand such claims at all, citing those visible symbols as incontrovertible evidence of the irremediable particularism of such words and actions. This situation thus poses a series of difficult political questions. What is the logic behind this combination of the aesthetic and the political? What criteria can we use to judge the validity of competing claims that nonetheless appeal to the same universalist ideals?

Liberalism? Communitarianism? Multiculturalism?

Perhaps the first thing to note is the inadequacy of some of the most influential theories of how to deal with disputes in democratic societies characterised by a multiplicity of groups possessing different moral and religious beliefs and hence, potentially, contradictory conceptions of the good life. Jürgen Habermas seeks to resolve such problems by distinguishing between two categories of communicative acts. The first category of such acts comprises those rooted in the traditions of family, tribe, or community, which hence have no claim to universal value outside of that predefined community. Against these, he posits a set of communicative acts endowed with reflexivity and hence a universal rationality that extends beyond any bounded community. Thus, he argues, it is on that second terrain that disputes can be rationally resolved since this is a terrain that, by definition, excludes anyone not capable of articulating 'pertinent' arguments of potentially universal value (Habermas 1998).

As should be clear, Habermas's proposed solution completely elides the problem that faces us. Namely, what do we do if one group of people claims to be constructing pertinent and rational arguments but another, more powerful group refuses to recognize those arguments as rational and universalisable, interpreting them rather as expressions of the limited and narrowly particular community within whose boundaries the more powerful group persistently assumes the less powerful to be enclosed? In short, Habermas's solution can only work if we assume that issues, such as that which is at the very core of the dispute over the Islamic headscarf, have already been resolved. Hence, his theory of communicative action purges linguistic exchange in advance of the more radical forms of antagonism inherent to it and it is in this sense that Rancière characterises Habermas's approach as a 'medecine of language' (Rancière 1999:x-xi).

John Rawls's liberalism encounters an analogous problem. His founding assumption is that competing claims of social justice can be adjudicated on the

essentially neutral terrain of the 'original position'. Access to that 'original position' necessitates drawing a 'veil of ignorance' over our own particular interests, habits, forms of life and those of other citizens, so that adjudications between competing claims can be made according to universal rather than particular criteria (Rawls 1971). Again, this model seems unable to deal with cases such as the dispute over the Islamic headscarf where a majority group proves unwilling or unable to draw that 'veil of ignorance' over the particular characteristics supposedly possessed by a minority group, insisting that that minority group's claims not to be acting purely in their own partial or particular interests are, by definition, false or not to be trusted. Like Habermas, Rawls must exclude the more fundamental and intractable forms of antagonism in order for his liberalism to get off the ground, assuming such antagonisms can be resolved in advance.

It is these kinds of failing that justify the communitarian responses to Rawls's liberalism of a Charles Taylor or a Michael Walzer. For their argument is that it is not possible to abstract political subjects from a particular society and polity and the conception of good that goes along with it. Acknowledging this then leads to the reassertion of the need for any polity to recognise the role and value of particular religious, cultural, or ethical beliefs and practices for all of its participants. This, in turn, leads to the advocacy of various kinds of multicultural tolerance, to calls for a greater respect for the particular religious beliefs and practices of Moslem women who wear the headscarf, for example (Taylor 1994; Walzer 1999). This approach may seem infinitely preferable to the options discussed thus far, but this kind of ethic of multicultural tolerance does have serious problems of its own. As Slavoj Zizek has pointed out, there is something false, patronising, and hypocritical about multicultural tolerance. Tolerance is, after all, always something conceded from a position of dominance to less powerful groups or individuals. Moreover, in tolerating practices in others that one would not engage in oneself, indeed that one may in fact believe to be based

on superstition or unfounded religious belief, one inevitably patronises those others, indulging their foibles as though they were children, rather than treating them as adult equals whose beliefs and practices are, by definition, susceptible to reasoned critique. To quote Žižek (2004: 122): 'The logic tends to be either: we will respect it formally in an empty non-substantive sense; or, as with children who have a certain idea, we say we know that this is nonsense but, so as not to hurt them, we will respect it ...'.

Secondly, sweeping statements regarding the need to respect the practices or beliefs of others will always ultimately be revealed to be false or, rather, to conceal an unstated limit to that apparent universal principle of respect. There will always be some practices that we are not prepared to tolerate and this with good reason. Practices and beliefs which rest on racial prejudice or forms of oppression have formed an intrinsic part of the culture of both Western and non-Western nations alike throughout their histories, yet they do not deserve respect simply on account of their forming part of an identifiable culture. To quote Žižek (2004:123) again:

We in the West – we Western liberals that is – already presume the authority of neutral judgement, but we do not accept the Other as such. We implicitly introduce a certain limit. We test the Other against our notions of human rights, dignity and equality and then, to put it in slightly cynical terms, we say we accept those of your customs which pass the test. We already filter the Other, and what passes the filter is allowed.

Behind the multiculturalist's apparently benevolent tolerance of difference, then, lies concealed a disavowed form of universalism. The dispute between those in favour of and those opposed to the French ban on the Islamic headscarf turns precisely on this question of what Žižek terms the 'limit', of how that universalism might be defined and hence of what falls within or outside of its ambit. In that

sense, the French Moslem women protesting against the headscarf ban were not asking for their religious difference to be recognised and respected, allotted a pre-defined space within an existing French republican polity and society. The implications of their words and actions were rather different and more radical in nature than a plea for tolerance to be granted them from on high.

The contradictions and hypocrisy inherent to certain forms of multicultural tolerance have, moreover, their corollary in a particular kind of aesthetic, an aesthetic which again highlights the specificity of the protests of young French Moslem women against the headscarf ban. This aesthetic of multicultural tolerance is perhaps best exemplified by an exhibition by the British photographer Clement Cooper, which took place in late 2004 at a gallery in Oldham, a town with an important history of post-war immigration from the Indian sub-continent. Entitled *Sisters*, this exhibition featured a range of large black and white photographs of British Moslem schoolgirls wearing *hijab*. The exhibition was explicitly intended to present the reality of *hijab* and hence to challenge damaging stereotypes and allay any Islamophobic fears these might generate. As many of the comments written in the gallery's Visitors' Book attested, these images of young Moslem women were widely perceived as proof of how unjust and ill-conceived the French decision to ban the headscarf earlier that very year had been. Although the comments were not expressed in such technical terms, the general conclusion of visitors to the exhibition appeared to be that Anglo-Saxon multicultural tolerance was infinitely preferable to the universalist approach of our French neighbours.

There were, however, a number of troubling elements to the exhibition that put such definitive conclusions in doubt. Firstly, all the photographs were taken inside, in conspicuously domestic settings – kitchens or lounges. None of the photographs featured any boys or men alongside their primary female subjects. All the photographs, with one exception, showed Moslem girls wearing apparently traditional Islamic dress. In contrast to the participants in the French protests

against the headscarf ban, then, there were no images of women wearing a mixture of styles of dress conventionally characterized as 'western' or 'Islamic', respectively. Further, the use of black and white film, combined with harsh artificial lighting, had had the disturbing effect of whiting out the faces and complexions of these girls, the majority of whom came from families which were, judging by their names at least, of Pakistani or Indian origin. All of the girls were adopting attitudes of passive contemplation and all had, in a sense, become white, uncannily evoking a more familiar, to Western eyes, icon of passive, patient suffering and virtuous femininity, namely the Virgin Mary.

The aesthetic of Cooper's *Sisters* exhibit thus seemed highly problematic and somewhat confused, exemplifying some of the problems inherent to multiculturalism. Through their lighting and mise-en-scène, these photos seemed to seek to domesticate the otherness of their subjects, both literally and figuratively, the better to present them as unassuming and unthreatening, hence inviting the viewer to show tolerance and respect in a manner that risked lapsing into condescension and hypocrisy. The element of hypocrisy seemed evident here in the photographs' uneasy oscillation between implicit calls for respect and tolerance of otherness, on the one hand, and their drive to assimilation, on the other, to cancel out difference by making their young Moslem subjects resemble that icon of Christianity, the Virgin Mary. That drive to assimilation was, of course, itself highly ambiguous since it did at least make the point that veiling is not a practice inherently alien to Western cultural or religious tradition, the preserve of a supposedly irremediably archaic and patriarchal Islam. However, the price to be paid for making that important point seemed too high, since it appeared to involve fixing young British Moslem women within an extremely limited and limiting definition of femininity (see Cooper 2004).⁹

One striking feature of the *Sisters* exhibit was the photographs taken by the young Moslem girls themselves of their involvement in the project. Unlike Cooper's own black and white photographs, these took the form of a collection of

colour snapshots, exhibited in a corner, away from the main exhibition. Where the subjects in Cooper's photographs had been exclusively female, the girls' own snapshots frequently featured boys and girls mixing freely together. Some girls wore *hijab*, others did not. Most of those wearing *hijab*, also wore so-called Western dress, mixing headscarves with jeans, T-shirts, sweatshirts, and so on. The more inventive had framed their photos of themselves and their friends to mimic the forms taken by CD or album covers, adding album titles which included puns on the exhibition's title and, for example, the name of the successful British hip-hop group, So Solid Crew – 'So Scandalous Sisters' was one such. The images of passive suffering, the limiting portrayal of Moslem femininity, and the implicit plea for tolerance that characterized Cooper's photographs thus seemed striking by their absence from the photos taken by the Moslem girls themselves. In this, their aesthetic seemed much closer to that adopted by those French Moslem women who protested against the headscarf ban by transforming their Islamic headscarves into versions of the Phrygian bonnet.

A 'Disagreement' over Republican Citizenship?

In the light of the evident failings of certain kinds of political liberalism, communitarianism, and multiculturalism, it would seem that Rancière's concept of a 'disagreement', and everything that flows from that concept, offers us a much more convincing way of making sense of the logic and implications of French Moslems' protests against the headscarf ban. It is important to keep in mind at this stage the range of connotations contained within the French term 'mésentente', conventionally translated into English as 'disagreement'. For 'mésentente' refers to the absence or failure of any kind of 'entente', where 'entente', through its roots in the verb 'entendre', connotes simultaneously agreement, understanding, hearing, and meaning.

A 'disagreement', for Rancière, thus corresponds to a situation in which two groups are saying the same thing or laying claim to the same values but there is

no mutual understanding or agreement over what that thing might actually mean. One group refuses to hear or to understand what the other is saying, refuses to recognize its validity at all. In this, the concept of 'disagreement' appears to correspond very closely to the situation we encounter in the dispute between those French Moslem women who state their allegiance to French Republican ideals whilst sporting an Islamic headscarf and those French commentators who simply cannot believe these women mean what they say, who cannot understand what they say, and hence refuse to hear their claims as rational statements at all. When feminists and republicans discount headscarf-wearing Moslem women's claims to be republicans and democrats, they *disagree* as to the validity of such claims, refuse to *hear* any justifications for such claims, simply cannot *understand* how a woman in an Islamic headscarf could make such claim or *mean* what they say. The dispute, then, appears to be a disagreement between two groups who are saying the same thing but cannot hear or understand what the other means by this. To quote Rancière:

We should take disagreement to mean a determined kind of speech situation: one in which one of the interlocutors at once understands [*entend*] and does not understand [*n'entend pas*] what the other is saying. Disagreement is not the conflict between the one who says white and another who says black. It is the conflict between one who says white and another who also says white but does not understand the same thing by it or does not understand that the other is saying the same thing in the name of whiteness [*n'entend point la même chose ou n'entend point que l'autre dit la même chose sous le nom de blancheur*]. [...] Disagreement occurs wherever contention over what speaking means constitutes the very rationality of the speech situation. The interlocutors both understand [*y entendent*] and do not understand [*n'y entendent pas*] the same thing by the same words. (Rancière 1999: x)

It is in this sense, as Rancière explains, that disagreement occurs at a moment prior to and a level more fundamental than the starting point for Habermas's rational or ideal speech situation:

[Disagreement] concerns less argumentation than the argumentable, the presence or absence of a common object between X and Y. It concerns the tangible presentation [*la présentation sensible*] of this common object, the very capacity of the interlocutors to present it. The extreme form of disagreement is where X cannot see the common object Y is presenting because X cannot comprehend [*n'entend pas*] that the sounds uttered by Y form words and chains of words similar to X's own. This extreme situation – first and foremost – concerns politics. (Rancière 1999: xii, trans modified.)

In our particular case, it could surely be argued that the common object that Y is presenting to X is the shared humanity and hence equality, the shared French republican citizenship that Moslem women present to their republican and feminist peers by adapting their supposedly alien Islamic dress to mimic the clothing and symbolism of the French Republic. Yet, as we have seen, X cannot see this as a common object, cannot understand and will not hear the words of Y, of French Moslem women. This refusal to recognize, to hear or understand is, Rancière emphasizes, not simply a matter of a failure of communication or linguistic understanding; it is a matter of aesthetics. Y's claim to equality, to share a common object with X, takes the form of a 'présentation sensible', a 'tangible' or 'perceptible' or 'sensory' presentation. The scandalous nature of that presentation, the indignation with which, for example Yvette Roudy responded to the sight of Moslem women brandishing the French tricolour and singing the *Marseillaise*, reflects the extent to which it transgresses the conventional 'distribution of the sensible' or 'partition of the perceptible'.

For Rancière, any polity is characterized by a particular ordering of individuals and groups in accordance with their perceived status, inherent characteristics, and hence allotted roles. This process of ordering will always involve the drawing of distinctions between those who are full members of the polity and those who do not fully belong, a *count* of those who have a share in a given community and those who have no share. This count is neither a purely arithmetical nor a purely discursive procedure; it impinges also on the realm of aesthetics. The count or order which assigns each group to its rightful place in society in accordance with its given function, capacities, characteristics, and mode of life rests on that set of unspoken categories of perception and judgement Rancière calls 'le partage du sensible', the 'distribution of the sensible' or 'partition of the perceptible'. When the plebeians in classical times or when workers and women in nineteenth-century France laid claim to equal status and hence rights with the citizens of the day, with the patricians or with the male bourgeoisie, this represented a direct challenge to those implicit categories of judgement, a scandal that could not be contained within the existing 'partition of the perceptible'.

This, according to Rancière, explains why Roman patricians simply could not understand, could not hear or comprehend it when the plebs laid claim to equal citizenship. For, according to the existing 'partition of the perceptible', to be a plebeian was, by definition, to be someone incapable of rational thought or speech or of free agency. So a plebeian claiming to be talking rationally and acting freely on a basis of equality was a contradiction in terms, a monstrosity, whose claims, by definition, could neither be heard nor understood. The response of the plebs themselves to this situation was to mimic the practices and modes of speech supposed to be the exclusive preserve of the patricians, staging thereby an aesthetic or tangible presentation of their equality. As Rancière puts it, describing Livy's account of the plebs' revolt on the Aventine Hill:

The position of the intransigent patricians is straightforward: there is no place for discussion with the plebs for the simple reason that plebs do not speak. They do not speak because they are beings without a name, deprived of logos, that is to say of symbolic inscription in the city. Plebs live a purely individual life that passes on nothing to posterity except for life itself, reduced to its reproductive function. [...] The order that structures patrician domination recognizes no logos capable of being articulated by beings deprived of logos, no speech capable of being proffered by nameless beings, beings of no *ac/count*. Faced with this, what do the plebs gathered on the Aventine do? [...] They institute another order, another partition of the perceptible, by constituting themselves not as warriors equal to other warriors but as speaking beings sharing the same properties as those who deny them these. They thereby execute a series of speech acts that mimic those of the patricians: they pronounce imprecations and apotheoses; they delegate one of their number to go and consult *their* oracles; they give themselves representatives by rebaptizing them. In a word, they conduct themselves like beings with names. Through transgression, they find that they too, just like speaking beings, are endowed with speech that does not simply express want, suffering, or rage but intelligence. They write [...] a place in the symbolic order of the community of speaking beings, in a community that does not yet have any effective power in the city of Rome.

(Rancière 1999: 23-5, trans modified.)

When the members of the Commission Stasi paid no heed to the words of those women who actually wore an Islamic headscarf, or when Yvette Roudy assumed that such women's declarations of republican allegiance simply must be untrue, were they not behaving in a manner strictly analogous to Rancière's 'intransigent patricians'? Further, in making their headscarves resemble Phrygian caps, in singing the *Marseillaise* and brandishing the tricolour, Moslem protestors

were surely acting just like Rancière's plebeians, mimicking the behaviour of their supposed republican betters in a transgression that was aesthetic, political, and scandalous in its assertion of their equal status as 'as speaking beings sharing the same properties as those who deny them these', their possession of the logos. In this sense, the organisers of the 'Mariannes d'aujourd'hui' exhibition might be seen as attempting to re-impose what Rancière terms the 'police order' on French society, that particular 'partition of the perceptible', which is based on a 'count' of its constituent parts and which allocates a fixed place and certain rights to each of those parts, based on a judgement of their proper functions and presumed inherent capacities.

Inasmuch as any such count is always a 'miscount', leaving certain groups with no part or share in society as currently conceived, ordered, and perceived, politics, according to Rancière corresponds to a particular kind of protest at the 'wrong' inherent to that 'miscount'. Politics happens when groups who have no part or share in society – proletarians, women, immigrants, the colonised – protest at the 'wrong' done to them, speaking out in the name of the 'part des sans-part', on behalf of or on the part of those who have no part or share in society as currently conceived. This act of what Rancière calls 'subjectivation' is always simultaneously discursive and aesthetic; it always demands that 'la part des sans part' undertakes forms of action that break with the existing 'partition of the perceptible', actions which the forces of 'police' are initially destined to refuse to hear or understand, to reject as, by definition, meaningless since they fall outside the existing understanding of what counts, of what has universal value. Yet, Rancière argues, it is precisely from this point of exclusion, from the point of 'la part des sans part' that genuinely universal values are articulated.

It is important to stress that this does not involve any kind of identity politics; those speaking for 'la part des sans-part' do not speak out in the name of their particular interests or way of life. On the contrary, the very fact of speaking out implies a break with those interests or that way of life, a refusal to be defined by

the identity that others have imposed on them; it implies a claim to the status of bearers of universal rights and capacities not a plea in the name of tolerance or recognition for particular needs or practices. As Rancière (1999:101) puts it: 'it is not their ethos, their "way of being", that disposes individuals to democracy but a break with this ethos, the gap experienced between the capability of the speaking being and any "ethical" harmony of doing, being, and saying'. Viewed in this light, it is possible to see that it is those who defend the existing 'partition of the perceptible' in the name of supposedly universal values who are the real particularists; it is they who constantly throw the 'part des sans-part' back on their particular identities, on the characteristics that supposedly predetermine their identities and capacities.

In the case of the dispute over the Islamic headscarf, it might thus be argued that it is the feminists and republicans who supported the ban in the name of universal values who were the true particularists; it was they who constantly threw French Moslems back on their supposedly fixed cultural and religious identity. To quote one further contributor to the *Les Filles voilées parlent* volume: 'It's other people who throw me back on my difference' (in Chouder et al. 2008: 279). The women themselves, on the other hand, sought to demonstrate, aesthetically and discursively, that such a supposed identity was not the issue, that it did not represent an obstacle to their equal participation in French society as beings endowed with universal rights and capacities.

Thus, in positing the compatibility of Islam with Republicanism, in combining the Islamic headscarf with elements of French Republican iconography, the protestors were doing much more than simply calling for tolerance or respect. Firstly, they were laying claim to a fundamental equality and universal capacity in the face of those who claimed they, by definition, did not have access to the logos. Secondly, to juxtapose the Islamic headscarf with the Phrygian bonnet was to interrogate the foundations of French republican ideology and the precise form it had taken from the late nineteenth-century onwards. Their actions constituted

a profound challenge to the extremely close historical articulation between republican universalism and French colonial ideology in the form of the 'civilising mission', an articulation that had resurfaced in the demands that France's Moslems should remove their headscarves in order to integrate themselves into the republican polity. Finally, as we have seen, these actions also challenged the dominance of a limited and limiting notion of female emancipation, according to which, to quote Anna Kemp (2009: 23), 'sexual freedom' was taken to be *'the measure of female emancipation'*. As Kemp has shown, it was on this basis that Moslem campaigners against the headscarf ban secured the support of groups like *Femmes publiques*, an organisation which 'defends the rights of female sex-workers in France who, like Moslem women, are not seen by mainstream feminists to conform to a "normal" notion of womanhood and are frequently excluded from debates that concern them' (Kemp 2009: 26). In all these ways, then, Moslem opposition to the headscarf ban involved much more than a mere demand for their ethnic and religious differences to be tolerated or included within existing French republican institutions. Their protests amounted rather to attempts to radicalise that French republican tradition, re-activating its universalist ideals by speaking out from one of its points of exclusion, in the name of 'la part des sans part'.

Nonetheless, for all the evidently universalising tendencies inherent to their protests, a question remains as to whether these young women can really be considered bearers of genuinely universal values purely on the basis of their speaking out from a position of exclusion, from 'la part des sans part'. After all, however diverse and shifting the meanings of wearing the Islamic headscarf may be, such garments can surely never be wholly separated from the forms of patriarchy that underpin the very notion of *hijab*. This is not to fall into the trap of positing Islam as monolithically and irremediably patriarchal. On the contrary, the wearing of the Islamic headscarf by French Moslems must be related to a very specific history, to the dashing of hopes for more secular, socialist solutions both

in the Moslem world in the wake of post-war decolonisation and in France itself, following the failure of successive Socialist governments to offer either successful alternatives to neo-liberalism or effective solutions to the discrimination and deprivation suffered by the country's ethnic minorities. Moreover, to point to the forms of patriarchy underpinning *hijab* is by no means to suggest that such patriarchy is unique to the Islamic faith or to Moslem communities more generally.

As Clare Chambers has argued, unqualified appeals to individual free choice can no more explain the wearing of make-up, high-heels, or the recourse to breast-enhancement surgery than they can explain obedience to the, contested and variable, prescriptions of *hijab*. In both cases, such practices can only be explained by acknowledging the weight of social conditioning rooted in patriarchal assumption (Chambers 2008). Yet to acknowledge the weight of such factors is necessarily to appeal to criteria of judgement that are assumed to be transcendent to those employed by any woman who might justify such practices in the name of her own free choice; it is necessarily to assume, therefore, that such women are deluded as to the real reasons for their actions; this, in turn, involves a claim to be able to speak in the name of a universal truth, a truth which the women in question here are a priori assumed to have misrecognised.

At the core of Rancière's thinking of the political, however, is the refusal of that dichotomy between universal truth and misrecognition, itself a product of his detailed and patient critique of the contradictions and elitism inherent to this fundamentally Platonic problematic (Rancière 2004). His concept of the 'disagreement' aims to establish immanent rather than transcendent or a priori grounds for the universal. As we have seen, according to Rancière, to establish a priori conditions for the universal validity of political statements, à la Habermas, is to risk purging political and linguistic exchange of its constituent antagonism. To establish transcendent criteria of judgement, meanwhile, is to set up a hierarchy between the intellectual or philosopher who has access to that

transcendent truth and the 'ordinary people' languishing in a realm of doxa or misrecognition, according to a well-established, 'stultifying' Platonic problematic (Rancière 1991). Hence Rancière attempts to conceptualise the universal as being immanent to political struggles themselves, located at the point of exclusion occupied by 'la part des sans-part'. Paradoxically, this leads him to drawing rather stark distinctions between, on the one hand, interventions judged genuinely political, inasmuch as they manifest a universalisable claim to equality that, in and of itself, implies a transformation of the existing 'distribution of the sensible'. On the other hand, we find a range of other actions that, although motivated by real injustice, are excluded from Rancière's specific definition of the political on the basis that they seek redress merely in accordance with logics of inclusion within or recognition by existing political arrangements.¹⁰

French Moslem protests against the headscarf ban are surely not amenable to analysis in terms of such a stark dichotomy. For, as we have seen, these embody universalising tendencies both in their claims to equality of status regardless of ethnic or religious affiliation and in the challenge such claims pose to a dominant 'distribution of the sensible' whose origins lie in a history of Western patriarchy and French colonialism. At the same time, however, those universalising tendencies are articulated in and through appeals to unqualified free choice that overlook the weight of social conditioning that surely lies behind adherence to the prescriptions of *hijab*. A number of things follow from this rather complicated situation. Firstly, it is clear that Rancière's concepts of the 'disagreement' and 'the distribution of the sensible' do seem to offer powerful tools for making sense of the interactions between politics, aesthetics, and claims to equality evident in protests against the headscarf ban. Secondly, however, the complex nature of such protests highlight the need to revise Rancière's thinking about the political in order to accommodate what might be termed a 'mixed model' of the political, attentive to the combinations of universalising tendencies with particularist residues that surely typify the majority of political interventions. This, in turn,

would necessitate retaining the right to make appeals to transcendent criteria of judgement. Nevertheless, this need not lead us straight back into that Platonic logic Rancière has so incisively criticised. For to acknowledge the universalising tendencies inherent in Moslem women's protests against the headscarf ban is, in itself, necessarily to upset any stable dichotomy between the intellectual, endowed with privileged access to universal truths, and ordinary agents destined, by definition, to misrecognise those truths. Indeed, it is to acknowledge the possibility that the non-believing white intellectual's all too complacent assumptions regarding the patriarchal roots of *hijab* may themselves be undermined when confronted with the words and actions of those same young Moslem women. It is, then, to acknowledge the inescapably antagonistic nature of politics as a 'disagreement' in and through which the meaning of freedom, equality, and the universal is at stake and in play in both linguistic and aesthetic form.

NOTES

1. For a more detailed reconstruction of the range of arguments put forward both in favour and against the French headscarf ban, see Laborde (2008).
2. For an argument in favour of the headscarf ban which explicitly invokes the precedent of the Jean Zay Circular, alongside the issues of women's equality, secularism, and the threat of 'communautarisme', see Debray (2004).
3. For a full report of the Commission Stasi's proceedings, hearings, and recommendations, see Stasi (2004).
4. For the full text of Chirac's speech, see Chirac (2003).
5. 'The Headmaster and the Headscarves', BBC documentary, screened on BBC2, 29th March 2005.
6. 'Attachés au voile et sous bonne garde', *Libération*, 22 décembre 2003, p.2.
7. The possibility that Moslem women might want their male counterparts to accompany them on such protests for reasons of protection or support in the face of the real risk of verbal and even physical assault is, of course, never considered by those commentators who denounce the presence of Moslem men at such events.
8. For an analysis of this compulsion in French colonial Algeria to emancipate Moslem women by unveiling them, see Fanon (1965).
9. Such problems were to be highlighted by the contrast between the *Sisters* exhibit and a later companion piece, entitled simply *Brothers*, in which Cooper sought to record the lives of young British Moslem men. Where all Cooper's 'sisters' are photographed indoors, wearing apparently traditional Islamic dress, all of his brothers are shot outside, on the streets of Greater Manchester, wearing Western street fashions and striking poses reminiscent of hip-hop culture rather than Islam. The 'brothers' are hence portrayed as assertive and self-confident in stark contrast to the passivity and patience that had characterized the photographs of their 'sisters'.

10. One example of this tendency is provided by the responses Rancière offered, in an interview first published in 2000, to the question of whether he thought the struggles of French Moslem women to be able to wear the Islamic headscarf in French state schools constituted an example of a 'disagreement', a genuinely political struggle in which the universal itself was in question. Rancière replied that he thought not. He suggested that the struggles in question represented 'merely the demand to be able to do something or to exercise a right'. This he contrasted to a genuinely 'political statement [une parole politique]', that is to say 'a statement that posits a capacity to make decisions about the common' (Rancière 2009:199-200). Thus he suggested that French Moslems' struggles over the issue of the headscarf remained limited to questions of 'belonging', of 'the conflict between inside and outside, on the single question of a belonging'. This risked overlooking the 'affirmative dimension of capacity' and hence 'falling back' on a purely 'humanitarian' position, which 'consists in positing the humanity of the Other, without that humanity effectively finding the means to affirm itself as a political capacity and subjectivity'. What was lacking here, then, was the ability to 'link the claim to belonging to a demonstration of capacity' (198-99). Since these remarks predate both the law banning the headscarf and the protests these elicited, I have not engaged with them directly in the main body of this paper.

REFERENCES

- Amara, Fadela & Sylvia Zappi. 2004. *Ni Putes, Ni Soumises*, avec Postface inédite de l'auteure. Paris: La Découverte/Poche.
- Bowen, John R. 2007. *Why the French Don't Like Headscarves*. Princeton & Oxford: Princeton University Press.
- Chambers, Clare. 2008. *Sex, Culture, and Justice. The limits of choice*. Pennsylvania: Pennsylvania State University Press.

- Chirac, Jacques. 2003. 'Discours relatif au respect du principe de laïcité dans la République', prononcé le 17 décembre 2003', <http://www.elysee.fr>, accessed on 20/12/03.
- Chouder, Ishmahane, Malika Latrèche, & Pierre Tevanian, eds. 2008. *Les Filles voilées parlent*. Paris: La Fabrique éditions.
- Cooper, Clement. 2004. *Sisters. A celebration of British female Muslim identity*. Manchester: Khadija Productions.
- Coroller, Cathérine. 2003. 'Un Défilé se voulant "citoyen". Les organisateurs du rassemblement "spontané" restent cachés'. *Libération*, 22 décembre: 3.
- Debray, Régis. 2004. *Ce que nous voile le voile. La République et le sacré*, Paris: Gallimard.
- Debré, Jean-Louis. 2003. 'Allocution du Président de l'assemblée nationale, lors de l'inauguration de l'exposition "Mariannes d'aujourd'hui", le 12 juillet 2003'. <http://www.assemblee-nationale.fr/evenements/mariannes.asp>, accessed on 15/1/04.
- Fanon, Frantz. 1965. 'Algeria Unveiled' in *A Dying Colonialism*, trans. H.Chevalier. New York: Grove Press, pp.35-56.
- Fayard, Nicole & Yvette Rocheron. 2009. 'Ni Putes, Ni Soumises: A Republican Feminism from the *Quartiers Sensibles*'. *Modern & Contemporary France*, 17, 1 (February): 1-18.
- Guénif Souilamas, Nacira & Eric Macé. 2004. *Les Féministes et le garçon arabe*, La Tour d'Aigues: Éditions de l'aube.
- Habermas, Jürgen. 1998. *L'Intégration républicaine*, trans. R. Rochlitz. Paris: Fayard.
- Kemp, Anna. 2009. 'Marianne d'aujourd'hui?: The Figure of the *Beurette* in Contemporary French Feminist Discourses'. *Modern & Contemporary France*, 17, 1 (February): 19-34.
- Laborde, Cécile. 2008. *Critical Republicanism. The hijab controversy and political philosophy*. Oxford: Oxford University Press.
- Rancière, Jacques. 1991. *The Ignorant Schoolmaster. Five lessons in intellectual*

- emancipation*, trans. K.Ross. Stanford: Stanford University Press.
- _____. 1999. *Disagreement: politics and philosophy*, trans. J. Rose.
London & Minneapolis: University of Minnesota Press.
- _____. 2004. *The Philosopher and his Poor*, trans. J.Drury, C.Oster & A. Parker.
London: Duke University Press.
- _____. 2009. 'Xénophobie et politique', interview with Yves Sintomer,
in *Et tant pis pour les gens fatigués*. Paris: Éditions Amsterdam, pp.191-206.
- Rawls, John. 1971. *A Theory of Justice*. Cambridge (Mass.) & London: Belknap Press.
- Roudy, Yvette. 2004. 'Étrange Alliance. Toujours à propos du voile',
http://sisyphe.org/article.php3?id_article=855, accessed on 15/1/04.
- Scott, Joan W. 2007. *The Politics of the Veil*. Princeton: Princeton University Press.
- Stasi, Bernard, ed. 2004. *Laïcité et République*. Paris: La Documentation française.
- Taylor, Charles. 1994. *Multiculturalism*. Princeton: Princeton University Press.
- Ténard, Jean-Michel. 2003. 'Éditorial', *Libération*, 22 décembre: 3.
- Ternissien, Xavier. 2004. *La France des mosquées*, Paris: Éditions 10/18.
- Walzer, Michael. 1999. *On Toleration*. New Haven: Yale University Press.
- Zizek, Slavoj & Glynn Daly. 2004. *Conversations with Zizek*. Cambridge: Polity Press.