

**POLICIES AND
PRACTICES**

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**Accumulation under
Post-Colonial Capitalism - III**

**The Arab Question in
Post-Colonial France**

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Accumulation under Post-Colonial Capitalism – III

The Arab Question in Post-Colonial France

Sonia Dayan-Herzbrun

2014

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The Paradox of Laïcité: Law and Religion in France

Sonia Dayan-Herzbrun *

Introduction

On September 2010 the integral veil ban in all public spaces in France was permanently enshrined in law after the Senate approved a text which has raised great controversy in the country. The law had already received the backing of the Chamber of Deputies in July. The Constitutional Council approved it with a slight modification, concerning public spaces for religious cults, in order not to undermine “excessively” the 1789 Declaration on Human Rights, concerning religious freedom. The vote of this law, which is going to be implemented in spring 2011, has raised for over a year, a great controversy in French opinion. But only one member of the parliament, Anne-Marie Payet, a representative of the Réunion Island, voted against it. It was more difficult to invoke exclusively the protection of French *laïcité* for justifying the law, as it has been the case in 2004, when a law prohibited, as an application of the principle of the separation of church and state, the wearing of conspicuous symbols or garbs which show religious affiliation, in public primary and secondary schools.

The law of 2004 was not supposed to introduce any distinction between religions, and did not mention any particular symbol, and thus ban all Christian (veil, signs), Muslim (veil, signs), Jewish (kippa) and other minor religions' signs. But it is actually considered by many to specifically target the wearing of headscarves by Muslim schoolgirls. In 2010, the banning of the integral veil, was justified by the necessity to protect Muslim women from Muslim men, as in the famous sentence of Gayatri Spivak “White men are saving brown women from brown men”, writing about the abolition of the *sati* (widow sacrifice) rite by the British colonial rule.¹ Meanwhile, in spite of the testimonies of “veiled” women, asserting their agency and their full participation to public life,² the “protection of women” is also presented as a way to promote gender equality, which is supposed to be a part of *laïcité*. In fact *laïcité* became during this last debate some sort of new religion, always related to republic, and has to be explained in order to understand the inflation of the claim for laws regulating religious practice (in fact only targeting Muslims), in a country where state and religion were supposed to be separated, and freedom of religion warranted.

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The Birth of a Nation-State Devoted to Laïcité

Since 1685, when King Louis the fourteenth abolished the *Edit de Nantes*,³ the only religion authorized in France was the Roman Catholic one, until the French revolution of 1789 introduced something like the beginning of recognition of religious freedom. While during the revolutionary period one emphasized the importance of maintaining a national and public religion, on the other hand the right of each individual to follow his own opinions was firmly asserted.⁴ It was affirmed in the article 10 of the Declaration of Human and Citizen's Rights, which states: "No one can be troubled for his opinions, even religious ones, provided that their manifestation does not disturb the public order established by the law". Religious minorities (Protestants and Jews) were supposed to be dissolved in a common nation. French citizenship was going to be granted to Jews, who had been before excluded from all political rights, under the condition that they swore the civic oath, which implied a renunciation of previous so-called Jewish privileges. They had to renounce to the right to an autonomous community ruled by its own members according to its own customs. Thus the law required Jews to be individuals, only related to the State. These principles were going to be reiterated and specified in the Constitutions of the French Republic. The Constitution of 1958, which rules the Fifth Republic, states in its article 2: "France is a Republic, indivisible, secular (*laïque*), democratic and social. It ensures equality in front of the law, of all its citizens without any distinction of origin, race or religion. It respects all beliefs". The definition of the Republic as a secular (*laïque*) one had been already introduced in the prior Constitution (1946), as a reference to the Law of 1905, which is known as the law of separation between Churches and State.

The text of the Law of 9 December 1905 speaks only of "cults" and not of churches. Anyhow, it has been considered as ensuring the freedom of conscience and as giving guarantees for the free exercise of all forms of worship, and has been generally perceived as the charter of religion and the keystone of secularism. One can say that its symbolic value exceeds its legal scope.⁵ In a way, people generally see this law as a part the French constitution, and as having laid the foundations of the French Republic, even if the Republic existed already since thirty years when the "*laïcité*" law has been adopted. This symbolic value appeared as soon as in the parliamentary debates taking place about the law.⁶ The following jurisprudences as well as the political practices will keep on referring to the law and to this very hazy and polysemous principle of "*laïcité*". The complexity of this principle is evident in many documents, and went even growing with the passage of years. For example, in its *Rapport public 2004 (Public Report 2004)* the Council of State, under the title "Different aspects of laïcité", considers three principal aspects: "*Laïcité* and neutrality"; "*Laïcité* and religious freedom"; and "*Laïcité* and pluralism". The same section of the Report speaks also of "tolerance" as related to neutrality and of equality, related to religious freedom.⁷

The Law of 1905 itself contained articles about religion freedoms, as article 1 which stated: "The Republic insures the freedom of conscience. It guarantees the free exercise of cults, under the only restrictions issued in the interest of public order". Other articles were about the independence of the state and of public powers related to churches. Finally some articles gave solutions to some practical questions. The concern of the legislators was to mark the shift from "public institutions for cult" to "private associations ruled by private Law". The two minority Churches (the Protestant Church and the Jewish one) were treated on the same level as the Catholic one, "in the neutral spirit" of those who conceived the reform, as declared Aristide Briand, a famous socialist representative, and the reporter of the Law, during one of the long discussions. And in fact, the Protestants and the Israelites (the word Jew was then considered as an insult) accepted the cultural associations and with them this intensely privatized conception of religion mainly restricted to conscience, when the

Catholics refused them. After a period of conflicts and of negotiations, an agreement with Pope Pius XI was concluded, in 1924. It was the end of the official prominence of the Catholic Church in the political society, and also the hallmark of the growing influence of the Protestant establishment, which took a large part in the enactment of *laïcité*.

The Law of 1905 put also an end to the politics of *Concordat* with the Pope, inherited from Napoleon, and signed in 1801. The *Concordat*, which renewed the Gallican tradition according to which the State rules religious life, recognized the Catholic Church, and later on the Lutheran, the Reformed (Calvinist), then Judaism, but deprived them of the right to rule over family life. The Civil Code of 1804, although it treated women as minors, required marriage to be performed by a civil authority, permitted divorce, and regulated inheritance. The Concordat is still implemented in the three French departments (Alsace-Moselle), which were outside France in 1905 after their annexation in 1871, and came back to France after First World War.

In addition to the Law of 1905 (but before it), very important laws had been adopted during the second part of the nineteenth century, concerning schools. A distinction was introduced between public and private schools, private schools becoming free (1881), and primary school compulsory for children of both genders, from six to fourteen (1882). These first laws, whose author was Jules Ferry, were going to be complemented, but they are considered as establishing the foundations of what was to be called "*laïcité*", and which counted schoolteachers between its most passionate partisans.

One of the main targets of the Law of 1905 was the consolidation of the Nation-State against the threat of the partly external power represented by the Catholic Church. In a way that was a success. The nowadays attitude towards Muslims can be interpreted as the trace of this past fear. In a way, *laïcité* became in France a sort of new religion. But the large majority of the French population, even the more devoted to secularity, were not aware of the dominant Christian, precisely Catholic culture of the country. That is why *laïcité* in France is sometimes called *catholaïcité* a mixture of unconscious cultural Catholicism and of *laïcité*. For example, the postponing of a trial in a court of assizes in September 2008, because it was Ramadan and the defendant was fasting and not in physical conditions allowing him to attend his trial properly, gave rise to a large controversy in the media and even in the political elite.⁸ Of course nobody never contests the celebration of Christian festivals, such as the Ascension day, or the Assumption. Here is the point. In 1905 Islam was not part of the metropolitan French landscape and the question is now how to include it.

Islam as a Challenge

Islam in France was and remains still nowadays a colonial phenomenon. In 1905 about twenty million Muslims lived in the French colonial empire. Algeria had been annexed in 1848, but the Muslim inhabitants of the Algerian inhabitants were not citizens, except if they renounced to the personal status code. That was not the case for the Algerian Jews who were granted citizenship by the *Décret Crémieux* (1871) and adopted the Civil Code. Anyhow, France nationalized the Muslim religious properties, but subsidized (with little money) the Muslim cult in Algeria as well as in other colonies,⁹ and thus established a state control upon it. So while France institutionalized the separation between the State and the Churches inside its metropolitan territory, out of Europe this separation concerned only the Christian and Jewish Churches, but Muslim populations were put under the direct authority of the colonial State, not as citizens, but as natives.¹⁰ One can say that they were rendered legally and ideologically minorities, made dependent upon a democratic state "and at the same time held apart from the state".¹¹ The fact that the renunciation to the family law was put as the focal condition for access to citizenship, was lived as symbolic violence, and can explain why in

their struggle to reconquer dignity and identity, Muslim populations in and out Europe cling to Koranic family laws, even if these laws are in conflict with their quest for modernity. So Islam was put out of French *laïcité*. It was ruled by a special system, with discriminating privileges. When the French authorities took the decision to build the Paris Mosque it was a political decision: a law was voted in 1920, to create a Muslim Institute, which had the status of association conformity to the French law of 1901.

Things changed with the mass migrations of Muslims to France, after the Second World War. As a matter of fact Muslim workers originated from Maghreb were present in France as soon as the end of the nineteenth century, but in small numbers. Around 250,000 North African workers were employed during the First World War, when French men had to serve in the army. A few of them staid in France, but they were many to go back home. Things changed after 1950. The men came first, mainly from North Africa, as workers for the factories. By 1962, they were around 400,000.¹² Families followed, and, as the economy was growing, immigration developed, coming also from Sub Saharan Africa, from Turkey, and from other Muslim countries. The religious practice of this generation of Muslim migrants was slightly visible, as they lived quite separated from the rest of the population, in slums or in suburbs. Religion was considered by them as a private concern, and not as a public one. “We respect Muslim law and French Law, but the last one comes first, because we are in France”, argued an Algerian worker interviewed in the seventies, in the car factory where he worked. And he added: “Islam is a private concern”.¹³ Islam appeared inside the factories, at the beginning of the eighties, with the support of the trade unions. Nobody objected if Muslim workers asked for and obtained a room where to pray inside the factories. In those years of cold war and of anti-colonial unrest, religion was probably perceived as a factor of conformism (and of backwardness). But the trade unionists took carefully the issue in hand.

In fact, things had changed in the eighties, with the confluence of different factors. The first factor is the emergence of a new generation living no more in slums but mainly in public housings inside the cities: the children of the migrants, who called themselves “Beur”, a slang word for “Arab” (the girls called themselves “Beurette”), were educated, experimented discrimination, felt themselves as a minority inside the country where they were born, and wanted to be at the same time Muslim and French. “The desire to be Muslim can concur with a will of integration, and to believe in the possibility to live in conformity to one’s faith, can mean an internalization of the very rules of French society”¹⁴. The other factors were international: the Islamic Revolution in Iran (1979), and the rise of political Islam in Maghreb, particularly after 1988. A new Islam gained in visibility, when the old ideologies were defeated. As Islam became an open reference for young people, and the second religion in France¹⁵, it became a threat for the majority of the population. Islam became visible and entered the public space with prayer rooms in basements or in warehouses, Muslim bookshops, Muslim butcheries, etc., but above all, with the presence of girls wearing Islamic headscarves at school and the beginning of an endless legal contest.

The Issue of the Islamic Headscarf

The issue of the Islamic headscarf had become a public affair since the autumn of 1989 when the headmaster of a high school in Creil, a small town not far from Paris, proclaimed to the media his decision to exclude four pupils from his school for wearing the *hijab*.¹⁶ The issue arose again periodically, growing in scale and dividing political parties as well as feminist movements. A local dispute, concerning three Muslim girls, became “a national incident, on which eventually had to take position”¹⁷. The socialist Prime Minister Lionel Jospin, probably to avoid taking either side, sent the

question to the Council of State, the last resort for questions arising from the public school system. In the statement (as a matter of fact an advise) issued in November 1989, the Council of State did not mention directly the Islamic headscarf, since the question asked was that of “compatibility of signs of belonging to a religious community with the principles of *laïcité*”. It went back to the sources of French secularism that was designed to ensure the freedom of belief in minority groups within French society (mostly Protestants, Jews, and Atheists), and to oblige academic programs and teachers to be “neutral”. Invoked with regard to young Muslim women, this principle of secularism had been therefore stripped of its primary meaning and now invoked against rather than for a minority group. On the other hand the Council of State still wanted to protect the freedom of religion. Its advice remained quite balanced, but opened doors to many different interpretations. One paragraph was afterwards used in a very different way:

Pupils wearing signs by where they intend to demonstrate their belonging to a particular religion is not in itself incompatible with the principle of secularism (*laïcité*) in so far as it constitutes an exercise of the freedom of expression and of demonstration of religious beliefs. But this freedom should not permit pupils to adopt signs of religious belonging which, by their nature, or by the conditions in which they are worn, individually or collectively, or by their ostentatious or protestatory character, constitute an act of pressure, provocation, proselytism or propaganda, and attack the dignity or the freedom of any other pupil or other members of the educative community.

Lionel Jospin issued a statement declaring that educators had the responsibility of accepting or refusing the wearing of the scarf in classes on a case-by-case basis. But the majority of the educators, and with them the trade union leaders reacted violently to the wearing of Islamic headscarves, going on strike, claiming that the aim of their movement was “to support a fundamental principle: that of the secularism of public schools”,¹⁸ or arguing that the *hijab* was discriminatory and segregationist in its treatment of girls. A semiological debate over the ostentatious or discreet character of the headscarf was introduced, as in 1994 the Minister of Education, François Bayrou, authorized the refusal of admission to pupils wearing “ostentatious signs” of religious belief. At that time, more than one hundred girls were expelled from school. Excluded girls went to court. After 9/11 fears increased, and so did the call for law.

During the same period discussions went on about the creation of an institution able to represent the French Muslims, in the same way the Protestants and Jews were represented. Nicolas Sarkozy, at that time Interior Minister succeeded in creating the French Council of the Muslim Faith (CFCM), the state-backed body meant to represent the country’s second largest religion, and supposed to embody a “moderate” Islam, in front of the Union of French Islamic Organizations (UOIF) which supported the *hijab* wearing girls. This attempt to organize and to control the French Muslims did not succeed. But the leaders of the CFCM, even if the majority of Muslims living in France consider it non-representative, supported the government in 2004 as they did in 2010.

The law on banning the wearing symbols or garbs that indicate religious adherence in publicly-operated schools, *collèges* [11-15 years] and *lycées* [16-18 years] issued in April 2004 is very brief. An important point must be taken into account and stressed: this law concerns only public primary and secondary schools; it does not concern other public spaces, nor does it concern public universities or other establishments of higher education (but there already are other restrictions on open demonstration of religious beliefs, such as the “obligation of reservation and of neutrality” for civil servants). Before the parliamentary discussion of the law, an investigative committee, headed by Bernard Stasi, then ombudsman of France, has been established, giving to the discussions a certain solemnity. The report of this committee recommended a law against pupils wearing “conspicuous”

signs of belonging to a religion, meaning any visible symbol meant to be easily noticed by others. Signs of faith had to be discreet. In 2010 a very similar procedure has been chosen, and very often the same persons have been auditioned.

The vote of the law of 2004 had a lot of side effects. It is certain that it has been perceived as the ban of the veil out of every public place somehow linked to the state. A lot of cases appeared which either were taken to court, or were submitted to the HALDE, The High Authority for the Struggle Against Discrimination and for Equality defined as a French "independent administrative authority" which "has the right to judge all discrimination, direct or indirect, that is prohibited by law or an international agreement to which France is a signatory." HALDE, which can only issue advices and has no power of decision, was created by law on December 30, 2004. As soon as October 2004, Muslim mothers wearing *hijabs* started complaining, as they were forbidden, by the direction of the schools, to participate to school activities (inside or outside of the school) with pupils of a class particularly when they went for outings. Eight cases went to the HALDE. The HALDE asserted the discriminatory character of the treatment the complainant went through, and recalled that the law of 2004 on religious signs inside schools didn't apply to parents, since wearing a scarf is not, by itself, a pressure or an action of proselytism. But again the HALDE has no power of decision, and even more, this institution seems now endangered and may soon disappear. So the victory of the mothers was just a symbolic one. They were allowed to claim that they were discriminated, and try to go further on, but they were never sure to be accepted with the dress code they had chosen to wear. In some universities, professors refused to admit in their classroom students wearing Islamic headscarves, in a country where a few years ago it was usual to see nuns with their head covered who attend classes. In most cases nobody dared to protest. A young woman, who was attending English classes in an adult training program taking place inside a "*lycée*" (high school) was refused access to the class room. A PHD student, in Toulouse's Université Paul Sabatier, who had been granted a fellowship in a laboratory of biology, was dismissed without any compensation a few months before the end of her studies, since she refused to go to work bare-headed.¹⁹ These few cases had been quite mediatized. Women went to court, and sometimes they won, sometimes they did not.

Another side effect concerned the small Sikh community (between six hundred and one thousand people in the whole country). In September 2004, nine Sikhs boys were not allowed to enter their classrooms because they wore a turban, (as Sikh religion prescribes men not to cut their beard or their hair, but to gather it under a turban). Other cases appeared in the following years. Some adult Sikhs were also concerned by another rule, issued by the Ministry of Interior in June 1999, which required full face and bareheaded photos for ID cards, and other official document. In December 2005, a circular of the Transport Ministry extended this obligation to driving licenses. Sikhs associations (actually UNITED SIKHS and the French Turban Action) appealed for these different cases, first in front of the Council of State, then in front of the European Court of Justice, arguing that France had infringed article 9 and Article 14 of the European Convention of Human Rights, which provided for the freedom to manifest one's religion and the right not to be discriminated. They lost as the conclusion of the State Council was that the ban on wearing of ostensible religious signs is applied to all religions, and was not discriminatory against the Sikhs.

On the European level, this decision (as well as some others) of the European Court of Justice resounds with what Talal Asad defines as the actual conception of "European civilization", with the "emerging discourse of a 'Judeo-Christian tradition'"²⁰, even if anti-Semitism has not disappeared in Europe, excluding Islam (and for example medieval Spain) from its own history. But as far as France is concerned, it echoed the will of assimilation, when a large part of minorities want integration, by which they express their will to be a part of the national community, while keeping

some particularities. Sikhs entrepreneurs decided to open in Bobigny, a neighborhood near Paris, a private *lycée*, without any money from the State, supposed to be “really secular” as it intends to welcome pupils from all communities, wearing any religious sign they feel like, but not delivering any religious education. Islamic headscarf wearing girls were first admitted in catholic schools. Some girls were kept at home where their mothers are supposed to provide them with the education they need. But, more important, a lot of Muslim school institutions from kindergarten to High schools were created, or are being created, with or without State funding, which involves a State control on the programs. Instead of suppressing “communautarism”, which is felt as a flaw and as a danger by the heirs of the Jacobin Republic, the ban of the veil (inside schools) provoked its exacerbation.

The Demand for Law

If, after 2004, the veil disappeared from public schools, it became more and more present in the streets of the cities, in the public transport, in the shops. A few mosques have been built, between them large ones, known as “cathedral mosques”, like in Evry or Créteil, near Paris, or in Marseille and Strasbourg. Some of them (around ten) have minarets. In Strasbourg, the municipality first refused the minaret to be built: financial reasons were invoked. More and more halal butcheries and restaurants opened, and in 2010 Quick, a popular fast-food chain opened its first halal sandwich shops in suburban cities across the country. Pork meat was replaced by turkey, and chicken as well as beef were slaughtered according to the Koranic rules. It happened to be such a success, that from September 2010 fourteen halal ‘Quick’s (a chain of fast food restaurants) have been opened.²¹ The reasons of the managers were purely economical ones, since to sell halal food is twice more profitable (about 5.5 millions of Euros for 2010).

One of the answers to this growing visibility of Muslims inside the cities was the demand for jurisdiction. The Socialist Mayor of Roubaix lodged a complaint against Quick for discrimination as the company was supposed to have chosen cities with an important Muslim population for these restaurants where only halal food was to be sold. From July 1990 (*Loi Gayssot*), discrimination has been defined and criminalized by a succession of laws. On May 2008, a law defined more precisely what had to be considered discriminative: a practice entailing a disadvantage, for gender, racial, religious, ethnic reasons, or because of some disability. Quick was attacked because it offered only halal meat, and no other choice. This complaint meant that non Muslims were discriminated, particularly young peoples who used to gather in that place, as they couldn’t find another fast food shop in Roubaix and had to go to Lille, actually very near from Roubaix. The outcome of the complaint is quite uncertain, as on a juridical point of view, shops selling casher or halal food existed for a very long time, and because restaurants are not public services, and so are not obliged to propose a diversity of products. But Quick is perceived as a sort of symbol of “modern” consumption, when the religious practice, particularly as Islam is viewed as “backwardness”. What seems difficult here is to accept Islam as a visible part of modernity, not only confined in exoticism (in that special case in kebab and couscous restaurants) and to share modern public spaces with overtly Muslim people.

All the mosques in France have been built after 1905, most of them very recently, and generally as associations, according to the *Law of July 1901* relating to the contract of association. The law entitles an association to receive gifts and grants and to own “buildings strictly necessary to the achievement of the goal which it proposes” (article 6). The same article of the law adds:

Declared associations the purposes of which are exclusively the assistance, the benevolence, scientific or medical search, can accept liberalities between sharp or testamentary under conditions fixed by decree in Council of State. When an association gives to the product of a liberality an assignment different from that for which it have been authorized, the act of authorization could be brought back by decree in Council of State.

So, to be built, mosques and other temples needed not only a property, but a permission from the municipalities, and remained under the control of the State. In some cases, as in Montreuil, a suburb near Paris, the ground was rented to associations (Muslim or Jewish) for a symbolic and very small amount of money (an emphyteutic lease). When it came to build not only synagogues but mosques, complaints arose about what was called “a blow against secularity”. Some mayors argued that mosques would be harmful for the calm of the towns and appealed to the Council of Sate, which rejected the claims.²² Cases took quite a long time to be solved.

As a Minister of Interior (and of Cults), in 2005, the year of the celebration of the centenary of the law which instituted “*laïcité*”, Nicolas Sarkozy had tried to propose some solutions to the questions raised by “religions geographically or historically new”, and appointed a commission chaired by Jean-Pierre Machelon, a professor of Public Law, to prepare a report on the eventuality to reform the Law of 1905, in order to ensure equality and religious freedom for all the faiths coexisting in France.²³ The commission remarked that some religions like Islam and Evangelical movements which were nearly not present on the French land a century ago, have now to face a structural deficiency of worship facilities, namely temples and cemeteries. The commission proposed to modernize the law, either by slight modifications of the law of 1905, or by introducing some changes in the general code of the regions (*Code général des collectivités territoriales*), in order to give to the townships the possibility to subsidize the construction of places of worship and the arrangement of cemeteries. Although Jean-Pierre Michalon has stressed that the Law of 1905 has been modified thirteen times since it has been issued, because it had to take in account the changes inside the society, and could be amended in the situation of globalization which entailed important shifts, the report was attacked as soon as it was published, as an abandon of the Law of 1905, and Nicolas Sarkozy who was beginning his campaign in order to be elected as a President of the Republic and who wanted to gain the votes of the rightist part of the electorate , didn't follow its recommendations.

New difficulties appeared in 2009, after a referendum in Switzerland, although a secular state whose constitution guarantees freedom of religious expression to all, decided the ban on minarets. Well known representatives from the Right wing and from the extreme right suggested that the same decision could be taken in France. Anyhow, in a statement, the Ministry of Interior declared that the two hundred mosques to be built in the future, will have no minarets, according to a more pragmatical pattern, on a financial as well as on a political level.

On the other side the Muslim population in France used more and more to resort to law. They created a large number of associations (according to the law of July 1901) to assert their rights as citizens, as stated by the Union of Islamic Organisations of France (UOIF) which includes over 200 organizations. The shift between the associations created in the eighties and the associations born since the end of the nineties is striking. In the eighties, associations were mainly related to immigration. Muslim people gathered principally on ethnic criteria. New identities had appeared: Algerians, Moroccans, Tunisians, for example, identified themselves as “North Africans” (*Maghrebins*). The members of these associations (some of them were women's associations) could be also activists of political parties, either from France or from the country they originated from. On the

same time antiracists movements formed. The most important was *Touche pas à mon pote* (Don't touch my mate), close to the French Socialist Party.²⁴ Now this movement is accused to have outspoken “a speech of white people addressed to ears of white people”.²⁵ The more recent current associations are based mainly on religious criteria, with Islam as common identity. It means that their members identify themselves as Muslim *and* French, that is to say to a religious minority. They aggregate Muslims from foreign origins (a large part of whom was born in France, as, sometimes, their parents already were) and converted French Muslims.²⁶ Some of them have purely religious aims, but a good number have more political targets. They focus largely on the struggle against islamophobia, in order to promote a new plural identity for France (and for Europe).

The term “islamophobia” has been contested, namely by those who promoted the laws against the Islamic Headscarf and are seeking, through more and more laws, protection from what they feel as an Islamic threat.²⁷ However the reality of specific discrimination against Muslims has been demonstrated in a survey published at the beginning of 2010 by three scholars, Claire Adida and David Laitin of Stanford University and Marie-Anne Volfort, from University Paris I-Panthéon Sorbonne. In order to establish a distinction between ethnic-based racism and anti Muslim discrimination, they chose to compare the economic integration of French people both Christian and Muslim, but originated of the same African country, Senegal. Their results, obtained through a very rigorous methodology, revealed, according to the very words of the authors, a huge discrimination against Muslims, different from the ethnic or racial discrimination. There is still a gap between the facts and the legitimacy of the use of the word islamophobia.

Associations like CCIF (*Collectif Contre l'Islamophobie en France*)²⁸, the Collective Against Islamophobia in France, do define precisely islamophobia as a relevant definition for all facts affecting Muslims in their freedom of worship. Not to recognize the existence of acts or behaviours directed against Muslims as Muslims (and not as Arabs, or as Africans or Pakistanis), is one of the main aspects of islamophobia. So Law must recognize islamophobia as a criminal offence, as all racisms, claims CCIF. It namely asks the President of the French Republic himself to be involved in the preparation of such a law. The law should be a counterpart to what is called “institutionalized islamophobia”, and is pointed as a French particularity. CCIF declares its will to promote French men and women who refer to Islam, to the point they will all be able to participate to the democratic process, with the support of the conscious and ethical part of the French population. That means pacific demonstrations of protest against anti Muslim racism, but also appeals to justice in case of blatant manifestations of islamophobia. Thus CCIF, through its web site and with the help of a team of lawyers, all volunteers, uses the laws already to fight islamophobia, even if the laws still don't recognize it. The task is quite huge, as the courts are often reluctant (as are some policemen in police stations when they have to receive a complaint), and the cases more and more numerous. It is difficult to decide if there are really more attacks against Muslim persons and Muslims monuments (mosques, tombs...) since the end of 2009, when the French government started a debate on “national identity”, or if there are more people who dare to complain. But the figures are striking. CCIF speaks of an “explosion” of islamophobic acts. In its report for year 2009, CCIF notes that between 2008 and 2009 there had been 130% more attacks against persons. The passing of the law banning the Islamic headscarf in public schools was perceived and interpreted as a general ban against the wearing of this dress code in every public place, as seen above, and could, in some cases, drive to abuses against women whose head was covered. The vote of the law banning the integral veil in the public spaces seems to product the same effects. Women are attacked, with the defence of women's rights as an excuse. In February 2010, as the discussion about this issue was very present in the media²⁹, a woman, a 63 years old retired teacher, had torn the “*niqab*” of a woman, a tourist from

the Emirates. She hit, scratched and bit her, and attacked also a friend of the first woman who wore only a *hijab* (not covering the face). The three of them were in the same shop in Paris. The French teacher declared to the police that this dress code was an insult to woman's condition. In November 2010 she was condemned to a suspended sentence of prison, and recognized as "guilty of violence perpetrated because of the belonging of the victim to a given religion".

The law banning religious signs in public schools didn't target overtly Muslims girls, even if pupils from other faiths (Christians and Jews) were not concerned by it, as they used to go to private schools where they didn't find any obstacles in expressing openly their beliefs. On the contrary the law banning the integral veil was directed against a few Muslim women (roughly between one and two thousands) leaving in France. But it has been perceived as a general anti-Muslim law. That is why most of those who opposed the vote of this law, disapproved such a law, even if they didn't agree with the fact to wear such a piece of clothing. On the other side it offered an opportunity to formulate freely feelings, which seemed until then to have been repressed, or limited to the extreme-right partisans. These feelings were, and still are, expressed in terms of demand for laws: laws against minarets, against polygamy, against forced marriages. This demand of laws has to be understood against the background of a growing demand for law supposed to bring security in a country suffering from an unusual economical insecurity. But, as far as Islam and Muslim French population is concerned, it has also another meaning.

An Embattled Modern Space

As a matter of fact, in all of those cases, general laws already existed. The most ridiculous case was certainly the question of polygamy. In April 2010, the Minister of Interior Brice Hortefeux, proposed that a law depriving from their French nationality polygamous husbands should be voted in Parliament. But in fact the conditions of loss of nationality are already strictly defined by article 25 of the Civil Code, and can't be applied to polygamy, which is forbidden in the French law. Specific dispositions concerning eventual polygamy of foreign citizens have been introduced in the law in 1993, but they don't apply to polygamous marriages contracted according common law, which are assimilated to extramarital affairs, which never seemed scandalous in France. That is why Lyes Hebbadj, a French citizen from Algerian origin, whose case has been the pretext for this proposition, declared that nobody could forbid him to have mistresses. There was a direct connexion between the wish expressed by Brice Hortefeux to prepare a law against polygamy and the discussions going on about the question of the integral veil, as one of the companions of Lyes Hebbadj has been sanctioned by the police and had to pay a fine, because she was driving and wearing a *niqab*, which was considered by the policeman as preventing her to look properly at her way, and thus as an Offence against the Highway code. This French woman, converted to Islam, contested the infraction: she didn't refuse to show her naked face to the policeman, and argued she was a good driver. So the incident came to the court, then to the media, used by both parts.

Some of the personalities who were heard at the commission Gérin pointed out that laws and pervues already forbid to conceal one's face for reasons of security or of identification and were sufficient. The report adopted in March 2010 by the Council of State, which has been consulted about the appropriateness of the law, recalled them all. The conclusion of the Council of the State was that, on a juridical level, a general ban of the concealment of the face in any public space would be very fragile. "The principle of *laïcité* alone could not ground a general restriction to the expression of religious convictions in public spaces".³⁰ More, it wouldn't be easy, on that matter, to implement the fundamental principles of protection of the dignity and of the equality between men and women,

added the report. Anyhow the law has been finally voted, without the opposition of the Council of State, as the issue was seen no more as a juridical one, but as a political one. As expressed by Corinne Lepage, a lawyer and a representative at the European Parliament, the French law allows the ban of the integral veil, if it is understood with its political connotations. In an article written on 22/08/2009, for the E-Newspaper *Rue 89*, she writes:

The French law, which lies fundamentally on *jus solis*, which underlies integration, and not on *jus sanguinis*, which values origin, implies to submit to the common culture, without trying to force upon incompatible practices, whether it comes to female circumcision, or bigamy or today to the integral veil.

From this mainstreaming point of view, to be French, it entails renouncing the values and practices coming from a different history and background.

The heart of the debate is precisely there, in the confusion between integration and assimilation. The American anthropologist Talal Asad, who was born in Egypt, asks: “Can contemporary European practices and discourses represent a culturally diverse society of which Muslim migrants (Pakistanis in Britain, Turks in Germany, North Africans in France) are now part?”³¹ In France, the question gets a particular acuteness because of some overseas departments, like Réunion or Mayotte Islands, where Christians do not constitute the majority of the population, and where “religions coexist in harmony in public space”,³² said Anne-Marie Payet, a representative from Réunion Island, and the only senator to vote against the ban of the integral veil, although she considers herself as a feminist. In those departments, the integration in the French Republic and the adoption of the French identity cannot take the form of sameness or at least apparent sameness. Can so easily be “human beings separated from their history and traditions”?³³

For the moment, that is the conviction, and at least the wish, of the majority of decision makers in France. Anyhow other opinions are expressed, not only from the side of some Muslim intellectuals, but also from the side of those in France consider that “*laïcité*” means the respect of faiths and of diversity³⁴, even if that entails to solve some practical details in everyday life and in common space. This point of view was expressed, for instance, by two members (Pierre Tournemire and Jean-Michel Ducompte) of the Ligue de l’enseignement, in their hearing in front of the Commission Michalon.³⁵ They wanted first to point the shift in the conception of “*laïcité*” which has been a principle of freedom of beliefs and of plurality, and changed in its opposite. “Those, today, who are most speaking of *laïcité*, are the heirs of those, who manifested the strongest reserves, and sometimes hostility to the text which has been finally voted”. They wanted also to remind the necessary connexion between universality “in the service of the emancipation of the individuals while respecting social pluralism and seeking social justice”, which is constitutive, according to them, of a “relevant *laïcité*”. Should other laws be necessary to transform what Talal Asad calls “an embattled modern space [...] always anxious about (Muslim) exiles within its gate and (Muslim) barbarians beyond”?³⁶ How would it be possible to create common understanding and common life respectful of a diversity, which would not be perceived as a threat but as a cultural and human enrichment? This question doesn’t concern only France, but now nearly all the European countries. It could be one of the most powerful challenges of the coming years. What characterizes France is that this country will have to solve it in terms of its paradoxical *laïcité*.

Notes

¹ Spivak, Gayatri Chakravorty. 1988. "Can the Subaltern Speak?", in C. Nelson & L. Grossberg. (Eds.), *Marxism and the Interpretation of Culture*. Illinois: University of Illinois Press, pp. 297.

² See Chouder, Ismahane, Latrèche, Malika and Tevanian, Pierre. 2008. *Les filles voilées parlent* Paris: La Fabrique éditions.

³ This Edict which had been issued in 1598, by Henry IV, as a Roman Catholic king, granted the Protestants of France substantial rights in order to put an end to religious wars and to ensure civil unity.

⁴ Bowen, John R.. 2007. *Why the French Don't Like Headscarves. Islam, the State and Public Space*, Princeton University Press, pp. 22-23.

⁵ See Groshens, Jean-Claude. 2005. "A propos de la loi du 9 décembre 1905 concernant la séparation des Eglises et de l'État", *Revue d'Histoire et de Philosophie religieuse* 85(2), pp. 207-233.

⁶ Boussinesq, Jean. 1993. "La laïcité à la française", *Cahiers de la Ligue*, pp. 26-32.

⁷ I want here to express debt to Stephen Suffern for his helpful indications on this specific point but also on some others.

⁸ See Salles, Alain. 2008. "Le ramadan au cœur d'une polémique judiciaire à Rennes" *Le Monde*, 6 September, 2008. Accessed on 16 December 2014 <http://www.islamaicite.org/archive/article929>

⁹ Boyer, Alain. 2006. "La laïcité de 1905 et l'islam" in Mohammed Arkoun. 2006. *Histoire de l'islam et des musulmans en France du Moyen-Age à nos jours*, Paris: Albin Michel, pp. 705-709.

¹⁰ Since 1881 they were governed, inside the French Republic, by a special code, called *Code de l'indigénat* which deprived them from citizenship.

¹¹ Schmitt, Carl. 1985. *The Crisis of Parliamentary Democracy*, MIT Press, pp. 10, quoted in Talal Asad, 2003. *Formations of the Secular: Christianity, Islam, Modernity*, Stanford University Press, pp. 175. Carl Schmitt adds: "This is the political and constitutional meaning of the nice formula the colonies are foreign in public law, but domestic in international law".

¹² For more details see Mouriaux, René. and Catherine Withold de Wenden, 1987. "Syndicalisme français et islam", *Revue française de science politique* 36(6), pp. 794-819.

¹³ *Ibid.*, 805.

¹⁴ Gonzalez-Quijano, Yves. 1987. "Les nouvelles générations issues de l'immigration. maghrébine et la question de l'islam", *Revue française de science politique*, 36(6), pp. 828.

¹⁵ According to surveys, there are around four millions Muslims in France, but all of them are not religious, or equally religious.

¹⁶ For the analysis of the first years of this contest, see Dayan-Herzbrun, Sonia. 2000. "The Issue of the Islamic Headscarf", in Jane Freedman and Carrie Tarr (eds.): *Women, Immigration and Identities in France*, Oxford: Berg, pp. 69-82.

¹⁷ Bowen, *op.cit.* note 4, pp. 84.

¹⁸ *Le Monde*, 10 January 1999.

¹⁹ For more details concerning these cases, see Salles, Alain. 2008. "Le ramadan au cœur d'une polémique judiciaire à Rennes" *Le Monde*, 6 September, 2008. Accessed on 16 December 2014 <http://www.islamaicite.org/archive/article929>

²⁰ Talal Asad, 2003. *Formations of the Secular: Christianity, Islam, Modernity*, California: Stanford University Press, pp. 168.

²¹ There are 250 *Quick's* fast-food restaurants in France.

²² *Le Figaro*, 30 November, 2009.

²³ "France is the European country which has the biggest number of Muslims, of Jews and of Buddhists. In overseas departments, like in Reunion Island, this diversity is even more significant, with the coexistence of Christians, Muslims, and Hinduists". In Rapport Machelon, <http://www.lesrapports.ladocumentationfrançaise.fr>

²⁴ See Wihitol de Wenden, Catherine. 2006. “L’intégration des populations musulmanes en France, trente ans d’évolution”, in Mohammed Arkoun, *Histoire de l’islam et des musulmans en France du Moyen-Age à nos jours*, Paris: Albin Michel.

²⁵ *Les Indigènes de la République*, 2010-11-01, at http://www.indigenes-republique.fr/article.php?id_article=1120.

²⁶ The number of converted Muslims (mostly educated men and women) in France is estimated at about 60000.

²⁷ As the content of this threat didn’t fundamentally changed, one can read on this subject Esposito, John L. 1995. *The Islamic Threat, Myth or Reality*, Oxford University Press.

²⁸ See <http://www.islamophobie.net/>

²⁹ In November 2009, in a public speech, President Nicolas Sarkozy had called the French people, to take part in the debate on national identity. As an element of this debate, he declared that “France was a country where there was no place for the burqa, no place for the enslavement of the woman”. At the time, in parallel with the parliamentary commission on the question of the integral veil, chaired by a communist deputy, André Gérin, UMP, the political party of Nicolas Sarkozy, launched a web-site devoted to the question, (<http://www.la-burqa-en-debat.fr>) as if it was a major issue for the country.

³⁰ This report can be read at <http://www.conseil-etat.fr>.

³¹ Asad, Talal *op. cit.* pp. 160.

³² See at <http://www.zinfos974.com>

³³ Asad, Talal *op.cit.* note 33, pp. 169.

³⁴ It is important here to mention the name of the sociologist and historian Jean Bauberot, whose blog dedicated to the issue of *laïcité*, fights tooth and nails for the respect of diversity, at <http://www.jeanbauberotlaicite.blogspot.com>.

³⁵ See at <http://www.laicite-laligue.org>.

³⁶ Asad, Talal *op.cit.* note 33, pp. 180.

Edward Said's Orientalism in France: Misreading or Misunderstanding?

Sonia Dayan-Herzbrun *

To evoke and to analyse the way Edward Said's *Orientalism* has been rejected by a very large part of the French scholars and still is, seems nowadays quite important, because this rejection appears to me as a powerful expression of the way coloniality had maintained in France, and still does, a strong influence over political and epistemological choices.¹

When the book was first published, in 1980, the newspaper *Le Monde* published a review written by the well-known journalist Jean-Pierre Peroncel-Hugoz, widely known as a « specialist of the Arab world », but never failed in proclaiming his hatred against Islam. The title of the review was : « An auto-da-fe for the orientalists ». And this is how all the « orientalists » in France perceived the book: as if Said, like some Inquisitor, meant to burn all their works. There was such an outcry against the book that twenty five years elapsed between the first and the second edition. In the meantime it was impossible to find in bookshops and to have students reading it, except if they could get it in libraries. Meanwhile Edward Said passed away, and his international 'notoriety' had reached a point where it was impossible to behave as if this book had not existed. But nevertheless the mainstream scholars went on and still go on attacking it, or, at least, treating it with benign neglect. For example, in October 2011, when writers and historians gathered in Blois, for the well-known 'Rencontres de l'Histoire' (Meeting about History) the theme of which this year was precisely Orient, not a single word was uttered about Edward Said. When one remembers that so many French writers and scholars are mentioned in *Orientalism*, and above all, that the book has used some of Michel Foucault's key concepts, this silence has to be explained. Indeed, a few years after *Orientalism*, Said would move away from the Foucauldian theory, as he engaged in thinking about the possibility to go beyond the mere critical moment, and to elaborate counter-discourses, as elements for a culture of resistance.² He switched then to other analytical frameworks worked out by authors from the "East" or from the "South", like Ibn Khaldun or Frantz Fanon, but reads these theorists also in the light of heterodox Marxists as Georg Lukacs and Antonio Gramsci. None of Edward Said's theses were welcomed in French universities. Pierre Bourdieu was the only one to invite him for lectures in the College de France, while he was celebrated in many countries of the world, and even of Europe. University Paris 7 was the only one in France to have the courage, in 2003, a few months before his death, to award him a Doctorate *honoris causa*. The political commitment of Edward Said, who has been a member of the PLO, is not a sufficient justification, despite the French

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Middle-East policy. One has to connect this total lack of consideration with the nearly total absence in France, once upon a time an important colonial power, of post-colonial studies.

Edward Said and the French Intellectual World

As mentioned herein above, Said, who read and spoke French fluently, had a wide knowledge of the French thinkers and writers. He borrowed his concept of “Intellectual” from Gramsci, of course, but mainly from Julien Benda and from Sartre.³ He admired in Sartre the man who opposed his own country on the questions of Algeria and of Vietnam, but had been deeply disappointed by the incapacity of both Sartre and Foucault to understand the Palestinian plight. Their encounter in Paris, in March 1979, two years after he entered the Palestinian National Council and one year following the publication of *Orientalism* in the United States, had been a disaster. He had been invited by *Les Temps Modernes* to attend a seminar on peace in the Middle East in Paris and was so deeply moved that he first thought the cable through which he received the invitation was a joke of some sort. He felt just as it had been an invitation from Cosima and Richard Wagner to come to Bayreuth, or from T.S. Eliot and Virginia Woolf to spend an afternoon at the offices of the *Dial*. He described this meeting and his disappointment in a very humorous way, in a paper published, in April 2000, in the Egyptian newspaper *Al-Ahram*.⁴ At this moment, Sartre was under the influence of Pierre Victor (Benny Levy), at that time his secretary (who later on settled in Jerusalem), and so, unwilling to criticize the Israeli policy and be receptive to the Palestinian issue.⁵

Sartre’s and Foucault’s position about the Palestinian question was shared by a large majority of French intellectuals, from the extreme left to the right wing. However there were some notable exceptions, as the historian Pierre Vidal-Naquet or Gilles Deleuze. The philosopher Gilles Deleuze even decided to put an end to his friendship with Michel Foucault mainly because of their disagreement on that issue.⁶ Yet, for Edward Said, it is the question of Palestine which was definitely at the background of *Orientalism*. He began to work on the book just after the war of 1967, and has quite often described how this war followed by the occupation of Gaza, the West Bank, the Golan, and the annexation of East Jerusalem, put an end to what can be called the pre-political part of his life.⁷ He entered the Palestinian National Council, i.e., the legislative body of the PLO, precisely the year previous to the publication of *Orientalism*. Everybody knows the formula attributed to the writer Israel Zangwill: “A land without a people for a people without a land” which has been considered as the motto of the Zionist ideology. When Said shows that one of the main aspects of what he calls orientalism is the blindness towards the inhabitants living in the lands the travellers went through, in search not of other human beings but of themselves, or of some mystical experience, he thought of the invisibility of human beings as individuals, but also, and perhaps mainly, of the invisibility of human beings as forming a political community. The East was considered at that time, and perhaps in some way still now, as some sort of “blank space”, inviting to the “glories of exploration”, as expressed by Marlow (Joseph Conrad’s hero) in the novel *Heart of Darkness*. Until the signature of the Oslo agreements (1993), the Israeli government, as well as most Israelis, refused to recognize the existence of Palestinians, let alone a Palestinian people (I mean a political people). They were only designated as Arabs, with all the stereotypes accompanying this denomination, as confirmed by many quotations of Zionist leaders from the beginning of the Zionist movement. For example, Chaim Weizmann, later on the first President of the state of Israel, wrote, in 1918, to Lord Balfour, the British Minister of Foreign Affairs with whom he was negotiating within the context of the establishment of a Jewish homeland: “the Arabs, who are superficially clever and quick witted, worship one thing, and one thing only – power and success.... The British

authorities...knowing as they do the treacherous nature of the Arabs...have to watch carefully and constantly.... The fairer the English regime tries to be, the more arrogant the Arab becomes.... The present state of affairs would necessarily tend toward the creation of an Arab Palestine, if there were an Arab people in Palestine.”⁸ This image which is an avatar of the old anti-Semite mythology, is reasserted, the Arab or the Muslim replacing the Jew in the now socially acceptable version of the prejudice. “In his resistance to foreign colonialist the Palestinian was either a stupid savage, or a negligible quantity, morally and even existentially.... Orientalism governs Israeli policy towards the Arabs throughout.... [T]here are good Arabs (the ones who do as they are told) and bad Arabs (who do not, and are therefore terrorists) (Said 2003, 306).

Here, one cannot help comparing this situation with that of Algerians before the independence of Algeria. And that is one of the reasons of the deep affiliation between Fanon and Said. Of course there is no question of reading *Orientalism* just as an archaeology of the discursive and ideological apparatus of the Israeli policy, extended to the whole Middle-East policy of the empires who have been competing for the domination of the East. But the way imperialism and colonialism have been denied in France and still are (recently, for example, the French government, without any serious opposition, decided to organize state funerals for General Marcel Bigeard who has been the promoter of the systematic use of torture in Algeria, during the war of independence, and never expressed any regret about that) is obviously an important element which help explain why Said, as well as Fanon, had, until now occupied such a tiny place in the French universities.

Other deeply perturbing aspects of Said’s analyses lie in the fact that they don’t belong to “activist” literature and cannot be classified in this well-known and minorized category, in which Fanon is still systematically mainly confined. The way Said conceives the role of the intellectual, according to his own conception, has to play in what he called later “democratic criticism”, with his appeal “to universalize the crisis, to give greater human scope to what a particular race or nation suffered” (Said, 1994, 43-44) clarifies his claim for coextensivity of aesthetics and politics. Not only, according to the French tradition to which Said referred, should the intellectual express his political point of view, against the grain and against the powers, that be as Sartre did, but, because of the wordliness of texts and literary works, he has, as Said once wrote in an interview, “to enforce the location of cultural practices back in the mundane, the quotidian, and the secular” (Wiswanathan 2002, 336). This notion of wordliness is quite distinct from the notion of commitment, more familiar to the French way of thinking which maintains the possibility of a separation between art or knowledge and politics. In suggesting how the general liberal consensus that “true” knowledge is fundamentally non political (and conversely that overtly political knowledge is not “true” knowledge) obscures the highly if obscurely organized political circumstances obtaining when knowledge is produced” (Said, 2003, 10) Said went beyond the way even Foucault, and orthodox Marxists philosophers or sociologists, have followed. He did not confine his critical study to rare, unknown or not so well known texts of the past, as Foucault did in his most important books. He confronted a wide part of the history of the West, going from one field to the other, without saving major figures as Victor Hugo, Marx, or Ernest Renan from the guilt or mistake of colonial prejudices, and finally travelling from one discipline to another, transcending disciplinary boundaries. That mixture of erudition and of iconoclasm was, at least, extremely disturbing in France, where the taboos of colonization weighted even more than they do nowadays. Said made explicit what was silenced, hidden, implicit, allusive, in the texts he read. It sounded as uncovering the nakedness of the fathers. What the authors of those texts were writing was not a mere product of their social situation, as the basic Marxist theory of ideology would have said. They were involved as historical subjects and as individuals. The relation between the text, the author as a subject, and the complex mode of

domination – here colonization of the East (for Said, at that period, mostly the Arab world) – was a dialectic one, in the sense that Adorno used this notion, as Said will later discover.

French Academics and *Orientalism*

Patronage and strict disciplinary division are French inventions.⁹ And yet Said did not stop attacking the principle of authority that legitimates patronage, something that would upset most French academics, since after having been submitted to authority they could enjoy exercising it. But above all, Said is definitely unclassifiable, since he addresses a variety of texts with very different status. This point is still not understood. Foucault was certainly himself somewhat atypical: his work has been claimed (as well as rejected) by philosophers, historians or sociologists. But the corpuses on which his analysis relies are quite well defined and limited, in spite of their evolution, throughout the years. That is not the case for Said. Comparative literature which was supposed to be Edward Said's academic field is definitely approached in a different way in France (where it is a discipline) and in the United States. The same is true for Orientalism which is still considered of the name of an academic discipline. Said's book was then considered (and still is) as focusing on that discipline. And that point can be considered as the first major misunderstanding, as if most of people were disposed to understand only what was already familiar to them.

As a matter of fact, Said, quite differently, explains, as we know, that Orient is a product of this very special style of domination – orientalism – at different levels, political, sociological, military, ideological, scientific, or imaginary, all of them elements of one discursive formation which is itself a part of a net of interests in which it is trapped. As a consequence of this point of view, the positivist separation between science and non science, or between science and ideology, inherited from the legacy of Auguste Comte to which the French academy is so deeply attached, including Marxists like Louis Althusser, or even Pierre Bourdieu, how critical they could have been of the society in which they were living, happens to be undermined. Whether conservative or leftists, the positivist French thinkers always claimed to be speaking from the position of science and so-called objectivity. This is a way to understand the immense difficulty in France to genuine criticism and even more to metacriticism, i.e. reflexivity. We, as French scholars, have been taught that some separation has to exist or to be erected between the researcher and his object. Even Michel Foucault refused to question his own location and his position of authority¹⁰, as he developed how knowledge was linked to power. Very differently again, and referring to Gramsci, Said displays his personal implication as a so-called “oriental” (in the look of the others but also in his own mode of subjectivization) in the process of writing *Orientalism*, as well as *The question of Palestine* and *Covering Islam*, the two other parts of the triptych. In the Preface written in 2003 for *Orientalism*, he will subsume this approach “where every domain is linked to every other one” (Said 2003, XVII) under the category of “humanistic critique”, which he developed in his latest works, in which he explained that the task of humanism is to break the chains which cage the mind. Again, I want to stress the fact that this approach is in no way a determinist one, but a dialectical one: imperialism by itself didn't produce “orientalism”, nor “orientalism” was a result of the discourses generated. That was too puzzling for the French public, too different from the general habits of thinking.

So the answer to the book was deafening silence, with the exception of the corporation of professional “orientalists” who saw only in Said's book an attack against their field. Henceforth Said will be ostracized. Even leftist authors about whom Said spoke with esteem and respect, because they never hesitated to use different social sciences in their works and were not strictly specialized, and among the first of them Jacques Berque and Maxime Rodinson, will bear a long lasting

resentment against him. Nevertheless, and oddly enough, the first reaction from Rodinson, perhaps the first (French and Jewish) intellectual to have publicly, in an article published in *Les Temps Modernes* in 1967, qualified Israel as a “colonial fact”) has been a positive one. Edward Said had, in *Orientalism*, paid homage to his study, *Islam and capitalism*, in which Rodinson had criticized the “total inaccuracy” (Said, 2003, 376) and the essentialism of Max Weber when Islam was in question, and had shown that there was no incompatibility between Islam and capitalism. In return, among some small critical remarks Rodinson agreed that Said’s – “a professor whose value was recognized” (Rodinson 1989 13) – analysis was “clever, sagacious, and often relevant”, although it could sometimes pertain to Jdanovism, this theory of the Stalinian period operating a distinction between bourgeois science (and therefore false), and proletarian science and which still, in the eighties, represented a threat. This first reading of Said’s work was certainly full of praise, but went back to positivism, as Rodinson points what he calls “the “non specialist” with, as a Palestinian-American, an “over-sensitiveness” to the reactions of the established Europeo-Americans. Some ten years later, maybe irritated by the international success of Said and no more able to patronize, Rodinson tried to put him back to his place of a native.

Similarly Said’s book has been severely criticized in the United States by some “orientalists who had been quoted in a very negative way in the last chapter of *Orientalism*. All of them belonged to the neo-conservative trend, as Bernard Lewis who had once been Benjamin Netanyahu’s adviser. The French context was quite different. Prominent orientalists, as Jacques Berque and Maxime Rodinson, championed the Palestinian cause. Yet when they denounced the hurts and harms of colonization, they did it as the sole rightful holders of the knowledge about the East. And unexpectedly, they became themselves object of knowledge, for a thinker coming from the East.

Others and the Other

In his foreword to the French edition of *Orientalism* Tzvetan Todorov who understands so well Said’s thought, writes the word “other” only with a small “o”, and uses rather the plural “others.”¹¹ The “Other” is nothing but an essentialist construction: the other can be the Oriental, the Western, the Arab, the Jew, the Muslim, or the Woman. Now Jacques Berque declares in an article precisely about the question of orientalism: “How is it possible to reject the gaze of the other, when we know that without the other we would not exist.... We exist only by the other and through the other. The Other person, the other culture, as you want.”¹² He thus claims that orientalism has only been a part of the Western knowledge, and that rejecting it, as he argues Edward Said does, is just the manifestation of some sort of collective laziness, and pertains to the rejection of what is the more valuable in the West, the spirit. We are back to the old Hegelian conception of the Orient.

Here one must have in mind the conviction, still present and active in the French academic world, that a “colonized” (the other, as they say, towards one can be benevolent or tolerant) can’t be the producer of knowledge and meaning, and that he is not allowed to bring colonization to visibility. He, or she, first and foremost an object, can be only be an informant, or if he/she is really gifted, can implement the French (or European) theory to a specific case. Rodinson, in spite of his critic of a certain orientalism (Rodinson 1989, 132), and after having denounced the essentialism of race, people, ideology, State, and even social class, used the same essentialism against Said. In 1994, he accused him of having, with *Orientalism*, fabricated, a scarecrow, a monster.¹³ Said was sent back to the nativeness he was supposedly attempted to escape in a western university, and locked in an unavoidable identity. Even his “late” commitment to the Palestinan and Arab cause was suspect. ¹⁴ As a Christian Arab, wrote then Rodinson, Said was an “Arab from the East”, without any interest

for the Arabs of the West (i.e. Maghreb, North Africa), and even less for the non Arab Muslim people. “He suggests their problems are the same as the problems of the Arab people, and so he shows a lack of knowledge of the other which is the same as the lack he reproached to the orientalists.”¹⁵ Here appears another taboo: the “natives” are not able and not allowed to cross imperial boundaries. They have to remain in the compartment where they have been enclosed by the “Western” discourses and the Western practices. With his procedure of crossing the barriers of the imperial East-West division, as did and still do the *Subaltern Studies*, Edward Said has openly transgressed the rules of French academy, as Frantz Fanon had done before him. As a retaliatory measure, Rodinson strongly opposed to the French translation of *Culture and Imperialism* by the publisher Editions du Seuil, which had published the translation of *Orientalism*. This new book, of course, contradicted his interpretation, and he would not bear it.

Back to Disciplines

The answer was to deny the existence of orientalism as conceived by Said.¹⁶ Jacques Berque as well as Rodinson claimed that orientalism didn't exist. “There are only scientific disciplines, defined by their object and their specific problematic, such as sociology, demography, economy, linguistic, anthropology or ethnology” (Rodinson, 1989, 130). They both stressed the superiority of the European gaze over the other “great cultural areas”, particularly in human sciences. However atrocious the brutalities of the “material manifestations (i.e. military, political, economical and technical) of European hegemony” (Rodinson 1994), they have to be considered apart from scholarly writings which, according to Rodinson, testify how tremendously ahead, and finally generous, Europe has been. For Jacques Berque, similarly, “The orientalists had taught to the Arab scholars the new methods of studying texts” (Berque, 1994) in a rigorous way. “All that came from Occident and arrived to Arab scholars” (Ibid). According to these conceptions, as all (good) colonized and racialized groups, Arabs could be only receptors and followers of Western modernity.

Rodinson as well as Jacques Berque had no notion of the dialectical way of thinking of Said who didn't disagree with the scientific aspect of some researches conducted by prominent orientalists like Silvestre de Sacy or Edward Lane, and even admired them, (as he deeply admired writers like Jane Austen, Charles Dickens or Joseph Conrad, even if colonialism or imperialism were in some unconscious hidden background of their work). But they all contributed to the organization of an “academic orientalism,” where the knowledge on the East has been “domesticated” for the West, and filtered through specific codes, first of all the disciplinary codes, deeply related to modes of domination. We have often heard that in France, colony has been the other side of the Republic, which is the emblem and the pride of the country. This still seems to be the case. If we add to that the fact that positivism has been the philosophical axis of that Republic, we can understand why a large part of the French public has been so unable to accept *Orientalism*, let alone give it a fair trial. With the arrival of new generations, and mostly with some young or still young scholars, coming directly or through their parents or grandparents from formerly colonized regions, things could begin to change. Some tiny signs are there to let us hope that in France we could begin decentering knowledge. If this happens, it would be something equivalent to a new Copernican revolution. Beyond criticism, decolonization of knowledge, as we learnt from Frantz Fanon and after that, from Edward Said, is a political gesture towards human emancipation. This move has to be done.

[* I am very grateful to Dr. Younes Abouyoub for helping me to write down the final (English) version of this paper.]

Notes

¹ A similar analysis can be made, although on a larger scale, as Lewis Gordon did, about what Frantz Fanon wrote on violence.

² Said, E.W. 2002. 'Foucault and the Imagination of Power', in E. Said *Reflections on Exile*. Harvard University Press, pp. 239-245.

³ Said, E. W. 1994. *Representations of the Intellectual*, London: Vintage.

⁴ 'When I arrived, I found a short, mysterious letter from Sartre and Beauvoir waiting for me at the hotel I had booked in the Latin Quarter. "For security reasons," the message ran, "the meetings will be held at the home of Michel Foucault." I was duly provided with address, and at ten the next morning I arrived at Foucault's apartment to find a number of people – but not Sartre – already milling around. No one was ever to explain the mysterious "security reasons" that had forced a change in venue, though as a result a conspiratorial air hung over our proceedings. Beauvoir was already there in her famous turban, lecturing anyone who would listen about her forthcoming trip to Teheran with Kate Millett, where they were planning to demonstrate against the chador; the whole idea struck me as patronising and silly, and although I was eager to hear what Beauvoir had to say, I also realised that she was quite vain and quite beyond arguing with at that moment. Besides, she left an hour or so later (just before Sartre's arrival) and was never seen again.'

⁵ The strong relationship between Claude Lanzmann (currently the editor of *Les Temps Modernes* and the director of the film *Schoah*) and Simone de Beauvoir is also an important element to understand what could seem a paradox.

⁶ They were also opposed on the question of political violence.

⁷ "I was not the same person after 1967; the shock that war drove me back to where it had all started, the struggle over Palestine". E. Said. 2000. *Out Of Place*. New York: Vintage: pp. 293.

⁸ Said, E.W. 2003. *Orientalism*. Penguin Books, pp. 306. Many recent comments on the Arab revolutions are along the same lines when arguing, for example, that Islam and democracy, or Islam and feminism, are incompatible, or speaking of "double language" when they face discourses and practices combining both. "Orientalism" is still alive, but as in the tale of Andersen, wears new clothes.

⁹ Clark, Terry Nichols. 1973. *Prophets and Patrons: The French University and the Emergence of the Social Sciences*, Harvard University Press.

¹⁰ Foucault even happened to be considered as if he was located in the center of the 'panopticon' (See: Roustang, François. 1976. 'La visibilité est un piège', *Les Temps Modernes*, mars 1976, XXXIII, no 356, pp.1567-1579.

¹¹ 'L'histoire du discours sur l'autre est accablante...Ce qu'on lui a refusé avant tout, c'est d'être différent: ni inférieur ni supérieur, mais autre, justement...notre destin est inséparable de celui des autres, et donc aussi du regard que nous portons sur eux et de la place que nous leur réservons' (Todorov, T. in E. Said, 1980 *L'Orientalisme*, Paris: Editions du Seuil, pp. 8-9.

¹² Berque, Jacques. 1994. 'Au-delà de l'orientalisme', *Qantara*, no. 13, Paris: Institut du monde arabe.

¹³ About monsters and other creatures, see Jane A. Gordon and Lewis R. Gordon. 2011. *Of Divine Warning* London: Paradigm Publishers.

¹⁴ 'Le phénomène de zèle souvent frénétique que provoque un engagement idéologique tardif est commun à tous les mouvements, courants et formations idéologiques...Il a montré une indifférence au moins relative au sort tragique de ses frères de nation, de peuple, de classe. Il éprouve un vif sentiment de culpabilité et décide de le surmonter par un engagement intense' (Rodinson, Maxime. 1994. 'Fantômes et réalités de l'orientalisme', *Qantara*, no. 13). Born in a communist family of lower middle-class, Rodinson, as he tells it in his memoirs, has been, on the contrary, an activist since his childhood.

¹⁵ Rodinson, Maxime. Ibid.

¹⁶ A few years later, *Orientalism* was accused of having widely contributed to the symbolical killing of this academic field, (these words were used by the historian Daniel Rivet in 'Culture et impérialisme en débat', *Revue d'histoire moderne et contemporaine* 4/2001, No. 48-4, pp. 209-215). Nevertheless, orientalism, as an academic field, and as an attitude towards the Arab world and towards Islam, seems in France still quite alive, as shown by the commentaries about the Arab revolutions.

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