

A Romantic Reading of the French ›Burqa Ban‹: Liberty as Self-Expression and the Symbolism of Uncovered Faces in the French Debate on Full Veils

Abstract

This paper suggests that in order to understand the recent ban in France against covering one's face in public, we need to move beyond the theoretical frameworks typically applied to the more researched ›headscarf ban‹ of 2004. Previous research tends to interpret the ›burqa ban‹ as yet another attempt to impose republican unity and order over what was taken to be the excessive and divisive self-expression manifested by the Muslim veil. It has recently been suggested, however, that it might be more fruitful to approach the debate through a rather different theoretical lens: the Romantic ideal of liberty as self-expression, the original target of Isaiah Berlin's warnings that positive liberty invites tyranny under the very banner of liberation. The paper follows up on this suggestion by revisiting the report that recommended the 2010 ban on full veils to the National Assembly. More specifically, it analyzes the section of the report in which it is argued that there is something special about faces, which requires us to keep them uncovered. This reasoning, it is argued, does indeed seem to be rooted in a Romantic understanding of liberty and human dignity, and in the fear that full veils suppress rather than express each individual's unique self. The ban on full veils must thus also be understood as an attempt, whether misguided or not, to promote the self-expression of veiled women – not curb it, as previous research has nevertheless often assumed.

Keywords

veil, Romanticism, Isaiah Berlin, republicanism, liberty, self-expression.

I Liberty in the Debate on Full Veils

In 2010, France passed a law that bans the full Muslim veil from any public space, thereby starting what is currently an on-going trend in Western Europe (cf. Gustavsson 2014a).¹ This garment, currently worn by somewhere between 400 and 2000 women in France (Galaud 2009)², is popularly often referred to as the burqa; although in fact, the ban covers not only the literal burqa, which covers the eyes with a semi-transparent mesh, but also the so-called niqab, which covers the full body and face except for a narrow slit for the eyes. The motivations behind the full veil remain a point of controversy. Anthropologists have argued that this practice is not a symbol of any specific belief or value that can be separated from the act of veiling itself (Alvi 2013; Mahmood 2012).³ Others have shown that in a Western context, the full veil is worn as a sign of a refusal to give in to an augmenting Islamophobia, and indeed as a way of deliberately defying veil bans of different kinds (Shirazi, and Mishra 2010)⁴; while yet others have objected that the full veil is mostly worn as a marker of social distinction and extreme piety, or indeed, of Salafi radicalism (for an overview, see Laborde 2012: 405)⁵. Most scholars nevertheless agree on one crucial point: that the full veil in countries such as France is typically not the result of coercion. This voluntary nature of the full veil, we shall soon see, is indeed even acknowledged by its most staunch opponents.

This paper provides a closer look at one of the most central

¹ G. Gustavsson, ›Contemporary European Liberalism – Exclusionary, Enlightened or Romantic?‹ in J. M. Magone (ed.), *Handbook of European Politics*, London and New York: Routledge, 2014a, pp. 75–96.

² F. Galaud, ›La burqa, un phénomène marginal en France‹, *Le Figaro*, 30 July 2009, (URL: <http://www.lefigaro.fr/actualite-france/2009/07/30/01016-20090730ARTFIG00202-la-burqa-un-phenomene-marginal-en-france-.php>; last accessed January 27 2015).

³ A. Alvi, ›Concealment and Revealment: The Muslim Veil in Context‹, *Current Anthropology*, Vol. 54, No. 2, 2013, pp. 177–199; S. Mahmood, *Politics of Piety: The Islamic Revival and the Feminist Subject*, Princeton and Oxford: Princeton University Press, 2012.

⁴ F. Shirazi and S. Mishra, ›Young Muslim Women on the Face Veil (Niqab): A Tool of Resistance in Europe but Rejected in the United States‹, *International Journal of Cultural Studies*, Vol. 13, No. 1, 2010, pp. 43–62.

⁵ C. Laborde, ›State Paternalism and Religious Dress Code‹, *International Journal of Constitutional Law*, Vol. 10, No. 2, 2012, pp. 398–410.

claims that was brought up in favor of the ›burqa ban‹ in the French debate: that there is something special about the human face which makes it essential for us to show our own face and to see the faces of others uncovered in public. While the inconsistency of this (and indeed other popular arguments for the ban) has already been discussed from a philosophical point of view by for example Martha Nussbaum (2012: 105–138) and Elisabetta Galeotti (2014), this paper, by contrast, is not concerned with testing the plausibility of such an argument, but with *understanding* it.⁶ In which sense, it asks, was the nakedness of faces in public argued to be so important that it was believed to warrant a ban on face-covering?

In the report presented on January 26 2010 by the popularly called *Gerin Commission*, the Information Commission specifically appointed to investigate the full veil and headed by the deputy of the French Communist Party André Gerin, we find an entire section devoted to this symbolism of the face: ›Le ›visage miroir de l'âme‹ (Emmanuel Levinas)‹ (Gerin, and Raoult 2010, part 2, IV. A. 1, 116–118).⁷ Yet this section, or indeed the report itself, has, as of yet, not received a great deal of empirical scrutiny. To the extent that previous research has considered the report, the prevailing assumption has been that the values to which it appealed were very similar to the secularist and republican values that had earlier been invoked in favor of the ›headscarf ban,‹ the law from 2004 that bans the wearing of conspicuous religious symbols in French schools (*cf.* Daly 2014; Laborde 2012).⁸ This perspective, however, risks obscuring the fact that while there are of course many affinities between these two debates, there are also major differences between them. While the headscarf ban was directed at female minors in the context of public schooling, the ban on full veils targeted mainly female adults, many of whom

were furthermore known to be converts, and thus rarely assumed to have been brainwashed into the choice of veiling. Nor was the context for the latter ban limited to education and schooling; instead, the ›burqa ban‹ made veiling illegal in the entire public space. Thus, while many commentators in France argued for a ban in both cases, many others did not (Baehr, and Gordon 2013: 253–254)⁹. Even those who defended both bans nevertheless claimed that different normative issues were at stake in the two cases. The proponents of the ›burqa ban‹ in 2010 often explicitly argued that the values they tried to defend in fact differed from those involved in the ›headscarf ban‹ of 2004. The *Gerin Commission* declared that while headscarves in schools were mainly an ›attack on laïcité,‹ the full veil was instead ›a negation of the principle of liberty, because it is a manifestation of oppression‹ (Gerin, and Raoult 2010: 87). This, moreover, was believed to be the case despite the fact that most women who wear the full veil, the same report acknowledged, ›affirm that they want to do so‹ (*ibid.*: 93).

In other words, in comparison to headscarves, the very proponents of the ban on full veils did not only invoke secularism or the values of the Republic, but also relied heavily on the ideal of personal liberty – while acknowledging that the full veil was something many women had chosen to wear out of their own free will. This is perhaps most strikingly summarized in the different reactions of then-President Nicolas Sarkozy to the two types of veil bans. In regard to headscarves, Sarkozy famously stated: ›If I enter a mosque I take off my shoes. If a young Muslim enters school, she has to take off her veil.‹ The headscarf ban in schools, this suggests, was a way to safeguard the sanctity of the republican school as a temple or place of worship in itself, albeit of a non-religious creed: the Republic (Joppke: 2010: 36)¹⁰. ›The problem of the burka‹, by contrast, ›is not a religious problem, it's a problem of liberty and women's dignity,‹ Sarkozy declared in 2009 (Chrisafis 2009)¹¹. The very reason to ban the full veil for Sarkozy was that ›it is *not* a religious symbol, but a sign of subservience and debasement.‹ In France, he continued, ›we can't accept

⁶ M. Nussbaum, *The New Religious Intolerance: Overcoming the Politics of Fear in an Anxious Age*, Cambridge and London: The Belknap Press of Harvard University Press, 2012; A. E. Galeotti, ›Autonomy And Cultural Practices: The Risk of Double Standards,‹ *European Journal of Political Theory*, 2014 (published online 7 September 2014; last accessed on 26 January 2015).

⁷ A. Gerin and E. Raoult, *Document no. 2262: Rapport d'information au nom de la mission d'information sur la pratique du port du voile intégral sur le territoire nationale* (2262), Paris, Assemblée Nationale, 2010 (URL: <http://www.assemblee-nationale.fr/13/rap-info/i2262.asp>; last accessed 3 October 2014).

⁸ E. Daly, ›Ostentation and Republican Civility: Notes from the French Face-Veiling Debates,‹ *European Journal of Political Theory*, 2014 (published online 5 September 2014; last accessed on 26 January 2015).

⁹ P. Baehr and D. Gordon, ›From the Headscarf to the Burqa: the Role of Social Theorists In Shaping Laws Against the Veil,‹ *Economy and Society*, Vol. 42, No. 2, 2013, pp. 249–280.

¹⁰ C. Joppke, *Veil: Mirror of Identity*, Cambridge: Polity Press, 2010.

¹¹ A. Chrisafis, ›Nicolas Sarkozy Says Islamic Veils Are Not Welcome in France,‹ *The Guardian*, 22 June, 2009, (URL: <http://www.theguardian.com/world/2009/jun/22/islamic-veils-sarkozy-speech-france>; last accessed 3 October 2014).

women prisoners behind a screen, cut off from all social life, deprived of all identity«. That, Sarkozy concluded, is »not our idea of freedom« (*ibid.*; emphasis added).

What idea of freedom, then, was the full veil, even one worn voluntarily, believed to negate? By looking for the answer to this question in the recurrent claim that there is something special about the face, this paper seeks to contribute to our understanding of how the French ban on full veils in public – which intuitively seems to limit both the liberty to practice one's religion and the liberty to dress as one wishes – could nevertheless come to be seen as justified in the very name of liberty itself.

My argument unfolds as follows. In the next section, I suggest we need to go beyond the predominant perspective in previous research on French veil bans, which tends to interpret the opponents of the veil as trying to promote a republican ethos of national unity. The subsequent section presents an alternative theoretical framework: Romantic liberty of self-expression, one of the main suspects behind repression in the name of liberty already according to Isaiah Berlin. The fourth section goes on to apply this new theoretical lens to the discussion of the uncovered human face in the *Gerin Report*. This section's main conclusion is elaborated in the last section. Contrary to what previous research assumes, I propose there that the commissioners insisted on the uncovered face not for the sake of our citizenly duties to one another – but rather because they invoked a Romantic understanding of human dignity, which links our very personhood to the authentic expression of our unique inner self.

II Banning the Veil for the Sake of a Republican Ethos?

The main theoretical framework through which the debate on the ›burqa ban‹ has until now been interpreted has not revolved so much around liberty, but rather around the conflict between national cohesion on the one hand, and the purportedly divisive forces of religious self-expression on the other. This interpretation takes two major forms.

On the one hand, there is a growing literature that sees the French burqa ban as an extreme example of a broader trend that is spreading across Europe: the rise of a harsh ›identity liberalism,‹ which sees the ability to separate between public and private commit-

ments as a specifically European identity that has recently come under threat from Islam, because of Islam's purported inability to limit religion to the private sphere (Adamson, Triadafilopoulos, and Zolberg 2011; Triadafilopoulos 2011)¹². The full veil is interpreted as the ultimate symbol of this threat, and the legislation against it as an attempt to impose modernity and Enlightenment among Muslim immigrants (*cf.* Fekete 2006; Mavelli 2013; Mookherje 2005).¹³

On the other hand, several scholars argue that the ban on full veils in France is rooted not so much in a specific understanding of liberalism, but in the particularly French focus on republicanism (*cf.* Baehr, and Gordon 2013; Daly 2012, 2014; Laborde 2012)¹⁴. On the republican view, liberty is not equated with the ›negative liberty‹ of being explicitly uncoerced in the private sphere that liberals tend to seek. Rather than a room in which one is left alone to maneuver, liberty is conceived as a status, the status of the full citizen who governs herself by actively participating in political decisions for the sake of the common good (Laborde 2008)¹⁵. The goal, as Jean-Jacques Rousseau held, is to be governed not by our private concerns, but by the common will, which is the same for us all independently of our cultural or ethnic background (Rousseau 1983)¹⁶.

On this second reading of the ban on full veils, the French pro-

¹² F. B. Adamson, T. Triadafilopoulos, and A. R. Zolberg ›The Limits of the Liberal State: Migration, Identity and Belonging in Europe,‹ *Journal of Ethnic and Migration Studies*, Vol. 37, No. 6, 2011, pp. 843–859; T. Triadafilopoulos, ›Illiberal Means to Liberal Ends? Understanding Recent Immigrant Integration Policies in Europe,‹ *Journal of Ethnic and Migration Studies*, Vol. 37, No. 6, 2011, pp. 861–880.

¹³ For an overview, see Gustavsson (2014a). Martha Nussbaum sees anti-veiling debates as a signal of an augmenting fear-based religious intolerance not only in Europe, but increasingly also in the United States (Nussbaum 2012, Ch. 1). L. Fekete, ›Enlightened Fundamentalism? Immigration, Feminism and the Right,‹ *Race & Class*, Vol. 48, No. 2, 2006, pp. 1–22; L. Mavelli, ›Between Normalisation and Exception: The Securitisation of Islam and the Construction of the Secular Subject,‹ *Millennium – Journal of International Studies*, Vol. 41, No. 2, 2013, pp. 159–181; M. Mookherje, ›Affective Citizenship: Feminism, Postcolonialism and the Politics of Recognition,‹ *Critical Review of International Social and Political Philosophy*, Vol. 8, No. 1, 2005, pp. 31–50.

¹⁴ E. Daly, ›Laïcité, Gender Equality And the Politics of Non-Domination,‹ *European Journal of Political Theory*, Vol. 11, No. 3, 2012, pp. 292–323.

¹⁵ C. Laborde, *Critical Republicanism. The Hijab Controversy and Political Philosophy*, Oxford: Oxford University Press, 2008.

¹⁶ J.-J. Rousseau, *On the Social Contract*, Indianapolis: Hackett Publishing Company, 1983.

ponents are believed to have condemned the veil as a sign of domination and servility to masters other than reason; and, paradoxical though it may sound, at the same time also as a symbol of an aggressive incivility incompatible with republican norms of sociability. The veil, we are told, came to be perceived as a symbol of immodesty and divisiveness; its opponents saw it as a way of flaunting one's particularistic and non-political allegiances instead of restraining oneself in public, a refusal, in short, to identify oneself as a French citizen above all (Daly 2014: 6–7, 10–11). The French animosity towards full veils, it is argued, should be understood as an attempt to defend Rousseau's ideal of a difference-blind society in which everyone makes an effort to shed their particular allegiances, in order to identify first and foremost with the common good of the Republic (Baehr, and Gordon 2013: 265).

Although these two lines of interpretation of the ban on full veils in France of course contain several internal differences, both nevertheless interpret the opponents of veiling as siding with national cohesion and unity, and against what they took to be the divisive forces of individual uniqueness, and immodest self-expression. The defenders of the veil ban, we are told, were trying to promote universalism and conformity over what they took to be the uncompromisingly individualistic, or even narcissistic, practice of parading one's difference by wearing a full Muslim veil. The conflict hence is perceived as standing between the commitment to unity, universalism, and even conformism among those who defended veil bans, and the individualism, particularism and difference that they took the veil to represent.

The point of departure for this paper, however, is that while these interpretations certainly bring out valuable aspects of the debate, they nevertheless blind us to the fact that, far from siding with unity and conformism over difference, some of the most vehement proponents of the veil ban argued that the veil must be banned because it symbolized the repression, rather than the excessive expression, of individuality. This, I have recently shown, was for example the case for philosopher and Islamicist Abdenour Bidar, whose hearing was undoubtedly one of the most influential ones for the *Gerin Commission* (Gustavsson 2014b: 287–290, 2015)¹⁷. Bidar's self-professed goal, it

turns out, was not sameness of any kind. Rather, he portrays himself as keen to fight any tendency to grind down »individual personality, imprisoning the individual in a homogenous, collective behavior.« For him, the veil is a symbol of this very »suffocating« sacrifice of the individual's internal life on the altar of external conformity (Gerin, and Raoult 2010: 287). While Bidar also claimed that the veil negated the republican idea of the »shareability of the public space,« it thus seems misleading to portray him as a champion of republican sameness and reciprocity in the public sphere, as previous research has tended to do (cf. Baehr and Gordon 2013: 260–261).

In fact, in a recent paper (Gustavsson 2014b) I have tentatively suggested that Bidar's claim that veils must be banned because they impose uniformity on unique individuals could be understood as rooted in a Romantic notion of liberty as self-expression. This, I have argued, is a neglected type of positive liberty, which nevertheless warrants more attention. Indeed, Isaiah Berlin initially expected this Romantic version of positive liberty, rather than its now more infamous Enlightenment counterpart, to invite tyranny in the name of liberty – not always by logical steps, but through certain empirically deep-rooted tendencies of the human psyche. Future research, I have thus recommended, may gain useful insights by revisiting the debate on veils through this novel lens of Romantic liberty as self-expression. The present paper will follow up on this suggestion by applying this novel framework of Romantic liberty beyond the single case of Bidar and instead looking at the entire section of the *Gerin Report*, in which it is argued that it is essential that we show ourselves, especially our faces, in public. First, however, let us establish what is meant more precisely by the Romantic ideal of liberty as self-expression.

III An Alternative Theoretical Lens

Romanticism is today perhaps most typically brought up in relation to communitarian ideas (cf. Taylor 1991)¹⁸. Some readers might therefore find it puzzling that the Romantic ideals of liberty and self-expression would apply to individuals, and not only to commu-

¹⁷ G. Gustavsson, »The Psychological Dangers of Positive Liberty: Reconstructing a Neglected Undercurrent in Isaiah Berlin's »Two Concepts of Liberty«,« *The Review of*

Politics, Vol. 76, No. 2, 2014b, pp. 267–291; »Reply to Crowder,« *The Review of Politics*, Vol. 77, No. 2, 2015 (forthcoming; accepted in December 2014).

¹⁸ C. Taylor, *The Ethics of Authenticity*, Cambridge: Harvard University Press, 1991.

nities or nations. However, as Isaiah Berlin and several others after him have shown, there was in fact an intensely individualistic strain in early Romantic thought, especially among the Jena Romantics at the cusp of the nineteenth century (Beiser 2003; Berlin 2001; Larmore 1996)¹⁹. It was indeed in this milieu, among thinkers such as Friedrich Schleiermacher, Friedrich Schlegel, and Wilhelm von Humboldt, that the ideal of self-expressive individuality was born, a notion that was later to become a fundamental building block in the liberalism of John Stuart Mill and Ralph W. Emerson (Zakaras 2009)²⁰.

Inspired by Immanuel Kant, the early Romantics celebrated the idea that we are free agents who can raise ourselves above the causal laws of nature. Critical of Kant's, of what they saw as, austere, rather bloodless identification of freedom with one's willingly imposing upon oneself the laws of impersonal reason, these thinkers placed their emphasis on the expression and power of the untrammelled will, rather than on reason and self-restraint. As Berlin puts it, they insisted that »the self knows itself not by tranquil contemplation,« but »only when it comes into collision with something not himself« (Berlin 2008: 179)²¹. In this view, the source of our dignity as human beings lies not so much in our potential to rise above ourselves and follow the universal laws of reason; rather, it stems from our potential to be creators, to rise above nature and convention and to impose our own specific will on reality. On this Romantic understanding, to be free is to engage in self-expression: to assert one's true inner self by setting one's own unique mark on the world. The main enemies of this freedom are not our passions or instincts, which Kant believed pull us away from reason. For this Romantic notion of freedom, the main obstacles to be overcome are instead the socialized norms and internalized conventions of society, which are believed to hold back our true selves (*ibid.*: 194–195).

In sum, the early Romantics replaced both the ideal of the Kan-

tian contemplative philosopher, and that of the rational consumer in the market place (two Enlightenment ideals which are of course in deep tension with one another) with a quite different role model: the creative artist, who transgresses all conventions in order to show that it is an illusion to believe that there is any given state of affairs to which our will must succumb (*cf.* Humboldt 2009; Schlegel 1991; Schleiermacher 1996)²². As Saba Mahmood in fact notes in passing when discussing veiling in the Egyptian context, it is also this Romantic understanding of the self that ultimately undergirds the popular understanding of all ritual and convention as empty and inauthentic as such (Mahmood 2012: 129)²³. While Mahmood goes on to argue that agency and self-realization need not after all be opposed to culture or even docility, I shall leave this discussion aside here, however. My goal in this paper is not to analyze the Romantic ideal itself, but rather to see whether it can help us understand the French debate on veiling.

Now, on the face of it, the Romantic ideal of self-expression that I have outlined here might perhaps appear to be a negative ideal of liberty, concerned mainly with the area in which I am unrestrained by others in asserting my own will. Berlin makes very clear, however, that this ideal belongs to the camp of positive liberty no less than the rationalistic version of freedom as rational self-rule, for both define liberty not as the mere absence of impediments but an end state, the achievement of a certain status (Berlin 2008: 193). Both ideas also rely on a division of the self: the person is assumed to consist of one, true, and authentic self that needs to be freed from the other parts of the self, which are seen as false and corrupted. The Romantic ideal, Berlin noted, thereby invites us to think of liberation as an internal struggle: an »unceasing civil war« between »the natural man, struggling to get out of the outer man, the product of civilization and convention« (Berlin 1990: 229)²⁴.

¹⁹ F. C. Beiser, *The Romantic Imperative: The Concept of Early German Romanticism*, Cambridge, Massachusetts: Harvard University Press, 2003; I. Berlin, *The Roots of Romanticism*, H. Hardy (ed.), Princeton: Princeton University Press, 2001; C. Larmore, *The Romantic Legacy*, New York: Columbia University Press, 1996.

²⁰ A. Zakaras, *Individuality and Mass Democracy: Mill, Emerson, and the Burdens of Citizenship*, New York: Oxford University Press, 2009.

²¹ I. Berlin, »Two Concepts of Freedom: Romantic and Liberal,« in H. Hardy (ed.), *Political Ideas in the Romantic Age*, Princeton: Princeton University Press, 2008, pp. 155–207.

²² W. v. Humboldt, *The Limits of State Action*, New York: Cambridge University Press, 2009; F. Schlegel, *Philosophical Fragments*, P. Firchow (trans.), Minneapolis: University of Minnesota Press, 1991; F. D. Schleiermacher, »Monologues II and III,« in F. C. Beiser (ed.), *The Early Political Writings of The German Romantics*, Cambridge: Cambridge University Press, 1996, pp. 169–197.

²³ S. Mahmood, *Politics of Piety: The Islamic Revival and the Feminist Subject*, Princeton and Oxford: Princeton University Press, 2012.

²⁴ I. Berlin, »The Apotheosis of the Romantic Will,« in H. Hardy (ed.), *The Crooked*

A person who strives for this Romantic liberty of self-expression, and who is convinced that others fail to achieve this status because they are held back by »the bonds of dreary everyday concerns,« as Berlin puts it, might thus easily, he feared, take it upon himself to liberate them from their explicit wishes for the sake of their own good – meaning, to coerce them under the very name of liberation (Berlin 2008: 201–202).²⁵ It has often been suggested that Berlin exaggerated this concern, because not all ideals of positive liberty philosophically allow for such a conclusion. In my own previous work (Gustavsson 2014b, 2015), however, I have shown that Berlin's concern was to a great extent with the conclusions that he believed a champion of this ideal is *psychologically* likely to embrace – quite independently of whether or not these conclusions are also logically justified. Could it be, then, as I suggest in the aforementioned articles but have not yet pursued further, that the ideal of Romantic liberty as self-expression played a key role in the reasoning of those who recommended the French ban on full veils in the very name of liberty?

IV The Symbolism of the Uncovered Face

Since the nudity of the face did not of course take such a central role in the more researched debate on headscarves as in the debate on full veils, this idea has as of yet received only scant attention in previous research.²⁶ To the extent it has been analyzed, however, the insistence on uncovered faces has been understood as rooted in the Rousseauian ethos of republicanism, concerned with civility and reciprocity among the citizens (Baehr and Gordon 2013: 261–262; Daly 2014: 7–9). Indeed, the discussion on the symbolic meaning of uncovered faces in the *Gerin Report* takes place in the second part, under the heading »IV. Le refus de la fraternité« (›the refusal of fraternity‹), thereby suggesting that showing one's face was indeed seen as part of an ideal of the social contract for republican citizens (Gerin, and Raoult 2010: 116). What previous research has not considered thoroughly, how-

Timber of Humanity: Chapters in the History of Ideas, Princeton, New Jersey: Princeton University Press, 1990, pp. 207–237.

²⁵ This is not to deny that Berlin himself was at the same time also inspired by other aspects of Romantic thought, such as value pluralism.

²⁶ This is not to deny that already the headscarf was occasionally referred to as if it did in fact cover the face, for example by Bernard Henri Lévy (Wallach-Scott 2007: 159).

ever, is why the sub-heading of the first part of this section of the Report was »A.1. The ›face as the mirror of the soul‹ (Emmanuel Levinas).« As this allusion to the soul suggests, we shall see in the following that while communication and reciprocity were indeed important factors in the condemnation of face-covering throughout this section of the *Report*, this was because showing one's face was taken to be a crucial sign not primarily of our identity as citizens, but of something more profound: our status as persons, as human beings with dignity.²⁷

The section that explains the importance of the uncovered face begins with reminding us that the aforementioned Bidar saw the full veil as standing in the way of both »all social life« and »all interpersonal empathy.« The reason for this is that as Emmanuel Levinas put it, ›the face of the other speaks to me.‹ »In our cultural tradition,« namely, »this part of the body has always been the mirror of the soul.« By not showing their faces in public, Bidar thus found veiled women guilty, we are told here, of denying the communication »inherent in the public space,« and therefore of perpetrating a »symbolic violence« of sorts (*ibid.*).

The commissioners then go on to quote the Sufi-inspired poet and public intellectual Abdelwahab Meddeb, who suggested that the problem of the full veil is the disappearance of »the criterion of a frank identity.« Meddeb, the *Report* tells us, declared that »the eclipse of the face blacks out the light that emanates from the face.« We are also given a long recapitulation of how Meddeb, from a Sufi perspective, suggested that the face is fashioned in the image of God, and testifies to the divine presence in humanity. Meddeb's conclusion, the commissioners repeat, was that the full veil »is a crime that assassinates the face, depriving it of its infinite openness towards the other.« For Meddeb, the covering of one's face transforms women into »prisons,« »mobile coffins,« or even »ghosts« (*ibid.*).

Finally, after discussing Meddeb, the commissioners state that »numerous persons in the hearings underlined the symbolic importance of the face, often referring to the philosophy of Emmanuel Levinas.« They thus finish this section by analyzing Levinas directly, and quoting his claim that there is something special about the face because it is »expressive.« The face cannot be captured in a single

²⁷ The following analysis is based on the author's translation of pages 116–118 of the report of the *Gerin Commission* (Gerin and Raoult 2010).

form; it constantly »overflows with its expressions.« Seeing the face of the other is thus the only thing which makes us open to his needs as a human being; we feel responsible for him only when we see »the essential nudity of his or her face exposed to the world's violences,« the commissioners declare. Merely seeing a person's eyes is not enough, in fact, for the face is a »whole which cannot be reduced to one of its elements.« From this, the *Commission* reaches the conclusion that »to not see more than the eyes of a woman, the rest of her face being masked – and sometimes even the eyes being veiled – is to be condemned to address oneself to this human person as an object« (*ibid.*).

First of all, it must be noted that the *Commission* presents us with a gravely distorted version of Levinas' face-to-face ethics. It is true that for Levinas, our ethical responsibility is grounded in the act of seeing the face of the Other, as he puts it. However, neither the face nor our vision of it should be taken here as literally as the *Commission* does. The face, Levinas explicitly tells us, must be understood »in a wider sense,« as that which shows us a person's »complete weakness, his entire mortality,« and thus places on us a moral responsibility for him, not as an instance of ourselves but as someone who is different from ourselves. Indeed, says Levinas, »the face can express itself in that which is the opposite of the face! The face is thus not the color of the eyes, nor the shape of the nose, or the blooming of the cheeks etc.« (Levinas 1988)²⁸. Nor is the act of seeing the face really about vision, Levinas explicitly notes, but rather about encountering and responding to the Other (Levinas 1985: 88; 1998: 197–201)²⁹. Contrary to what the commissioners assumed, then, it is far from clear that Levinas' ethics furnishes us with a strong argument for the veil ban. In fact, it may very well lead to its very rejection, if the veil ban is understood as an unethical attempt to transform the Other into a version of ourselves. However, since our purpose here is not to test the justifiability of the burqa ban, we must leave it to future research to disentangle the exact normative relationship between Le-

vinas and veil bans. We shall now instead turn to consider what problem the commissioners saw with the covered face.

The full veil clearly came to be seen as a problem of communication. Having no »way of feeling the emotion of the other,« the commissioners assume, »considerably weakens the human wish to engage in dialogue« (Gerin and Raoult 2010: 118). The type of communication they have in mind, however, seems not so much to be about reasoned citizen deliberation in the public space, as previous research has suggested (Baehr and Gordon 2013; Daly 2014). Rather, they seem to be talking about the more fundamental act of recognizing each other as human beings with emotions and personalities. The last sentence of the entire section on the symbolism of faces in fact concludes that »the person constrained to hiding his face thus loses all his specificity and in a certain manner part of his humanity« (Gerin and Raoult 2010: 118).

In this conclusion, and indeed in the entire section that we have analyzed here, it seems to me that there is in fact very little reference to the republican ethos that would require us to refrain from ostentatious self-expression in the public space, which previous research has attributed to the defenders of the veil ban, as we saw in section II. The message is rather the opposite: we must not hide our true personality from one another, but show ourselves in full sincerity to one another in the public space. The full veil is here presented as a threat to this very activity of frank self-disclosure. The problem of the veil in these passages thus seems to be about more than making us neglect our societal duties; the full veil is instead portrayed as threatening to undermine our very humanity. As is suggested by Meddeb's associations with coffins and ghosts contrasted with divine light and openness, by covering our faces we turn into dead objects more than live human beings. In this section of the report, then, showing one's identity is not portrayed as wrong in and of itself; if anything, expressing one's unique identity is encouraged rather than suppressed. It is just that the full veil, it is assumed, does not allow anyone to express her true identity as an individual.

This seems important for understanding why the commission was so unwilling to accept that the veil itself might in some cases be a way of showing oneself to others; for example, showing one's identity as a devout Muslim, or, alternatively, as a proud and perhaps rebellious representative of a colonial heritage. The full veil, as one of the commissioners put it, was simply seen as »very different from

²⁸ E. Levinas, ›L'autre, utopie et justice, entretien avec Emmanuel Levinas,‹ *Autrement – collection Mutations*, Vol. 102, 1988, pp. 53–60.

²⁹ E. Levinas, *Ethics and Infinity: Conversations with Philippe Nemo*, Pittsburgh: Duquesne University Press, 1985; *Totality and Infinity: An Essay on Exteriority*, Pittsburgh: Duquesne University Press, 1998.

manifesting one's identity through other signs,« because by wearing it »one inscribes one's person into a single identity, one erases one's other personal characteristics, one effaces one's individuality« (*ibid.*: 424). The full veil, it was also claimed elsewhere in the report, constitutes »a veritable denial of the person with regards to that which makes her the most unique.« This statement was backed up by a quote from Marie Perret, a member of a secularist organization, who claimed that the full veil »does not only have the effect of robbing its wearer of her individual identity, but also of rendering her indistinguishable.« The person who wears such a veil, she concluded, in fact says »I am no-body« (*ibid.*: 98).

These statements suggest that the opponents of the veil resisted the veil not because they were against the expression of identity, but partly at least for the very reason that they encouraged self-expression, and did not consider veiling to count as such because what it expressed was not seen as specific or unique enough to count as the true self. The full veil was thus understood as a specific sort of expression – that of saying »I am no-body« – but not as a case of *self*-expression. Yet in order to count as a free person, the commissioners seem to have thought that one must express one's unique inner self to others in society. The reason they could not allow a person to withdraw from or remain mute within society by wearing a full veil, we can now see, was thus not only that they believed we have a duty to others to engage in deliberation in the public space. In this section of the *Report*, the more important reason seems to be that the commissioners assumed we have a duty to ourselves and to our own dignity of not allowing our wills to be dictated by social conventions, but to assert our specific will, to set our own stamp on the world. We must, they seemed to assume, engage in active self-expression; if we only remain observers of the world, we cannot be said to live full lives.

This focus on self-expression is very similar, I would argue, to the Romantic view of the human self as a creator above all, and expression of one's will as the mark of freedom. We could contrast this to the Kantian view, on which our human dignity derives from our capacity for autonomous choice, a universal characteristic that applies equally to us all. The commissioners who recommended the veil ban, by contrast, seemed to rely on the conflicting assumption that our humanity and dignity are not rooted in any transcendental characteristics that we all share, as with Kant, but in that which sets us apart from everyone else as the actual person we are here and now: our

personality, in short, the ultimate sign of which is our face. This understanding, we have seen, was initially espoused by the early Romantics, who insisted that our first goal as free agents is not contemplation or governing ourselves by imposing on ourselves the universal laws of reason, but instead to break free from social conventions and assert our own unique self in society.³⁰

V Marianne and Romantic Liberty on the Barricades?

Nicolas Sarkozy, I suggested at the start of this paper, summarized a central idea in the debate on full veils in France by saying that the full veil is intolerable because it is not part of the French »idea of freedom« for women to be »cut off from all social life, deprived of all identity« (cited in Joppke 2010: 36). Since previous research tends not to differentiate between the debate on the headscarf and the debate on full veils, it has been assumed that such an insistence on showing one's face in public must have been rooted in the republican concern with the public space as one in which we meet each other as citizens, and hold back from expressing our personal identity and will – one of the main concerns, indeed, in the debate on headscarves in school. The freedom which the proponents of the ban on full veils wanted to safeguard is assumed to be something along similar lines: the republican notion of freedom as a status, which requires us to liberate ourselves from our particular point of view, and instead identify with universal reason, or, in Rousseau's words, *la volonté générale* (Baehr and Gordon 2013; Daly 2014).

This paper, by contrast, has uncovered a conflicting discourse at the heart of the debate on full veils, an argument anchored in the Romantic notion of liberty as self-expression, the type of positive liberty against which Isaiah Berlin originally directed his famous warnings against the inversion of liberty into its very opposite. We have seen that, at least in their explanation for why it is so important to show one's face in public, the *Gerin* commissioners did not portray

³⁰ For a brief but elucidating account of the differences between for example Friedrich Schlegel's Romantic view of human dignity and that of Kant's, cf. K. Gorodeisky 2011, »(Re)encountering Individuality: Schlegel's Romantic Imperative as a Response to Nihilism,« *Inquiry: An Interdisciplinary Journal of Philosophy*, Vol. 54, No. 6, 2011, pp. 567–590).

the full veil as a case of divisive self-expression harmful for the republican ethos; on the contrary, their very target seems to have been the self-suppression and conformity supposedly inherent in full veils, and the reason they insisted on the nudity of faces in public that they believed the source of human dignity is to express our unique personality in public. In contrast to the critique against the headscarf, the condemnation of the full veil in France thus seems to rely *not* only on ideals connected to reason, universalism, republicanism, and the Enlightenment, as previous research tends to assume, but also on ideals that starkly conflict with the latter, such as uniqueness, passionate self-expression, personality, and the untrammelled will. These latter, I have argued, are highly reminiscent of the ideals of the early Romantics.

The insight that Romantic ideals are important for understanding the *Gerin Commission's* insistence on the need to show our faces in public might also shed new light on other aspects of the French resistance to full veils. Take for example the role of Marianne, the icon of the French republic, who in the French debate has been repeatedly brought up as the very opposite of the veiled woman (cf. Gerin, and Raoult 2010: 345). Previous research tends to assume that Marianne in these instances was invoked as a symbol of the free and equal *citoyenne*, who refuses to be governed by any other laws than those of her own making, and who identifies first and foremost with the Republic, as symbolized by the anti-monarchic symbols of the French revolution that Marianne is typically represented as wearing: the Phrygian cap and the tricolor flag (Kemp 2009: 25; Laborde 2008: 112)³¹. While I do not wish to deny that this understanding of Marianne and free citizenship was certainly one of the major reasons for the French resistance to headscarves in public schools, I shall now briefly suggest that in the later debate on the full veil, Marianne's role might also go beyond that of symbolizing the values of republicanism.

Consider one of the most striking quotes on Marianne in the report of the *Gerin Commission*: »Marianne, the symbol of the Republic, most often does not cover her chest with anything. The opposite would mean a deprivation of liberty« (Gerin, and Raoult 2010:

418). Why, we might ask, would liberty require self-revelation in this very literal sense of the word? The only answer that to my knowledge has hitherto been given to this question relies on the premise that the nudity of Marianne must be understood as a mark of female sexuality. This can be found in the feminist literature, which has suggested that we must understand the provocative aspect of covering the body and face with a veil against the French ideal of a public space that has historically been connected with the visibility of a sexualized, female body. Female emancipation in France, this literature reminds us, has for a long time taken place on the terrain of sexual liberalization, and the concomitant right to wear revealing clothing in public without losing one's honor or dignity (cf. Guenif Souilamas 2000; Kemp 2009; Wallach-Scott 2007: 168–170)³².

While this literal reading of the role of nudity certainly brings out a relevant dimension in the debate on veils, it nevertheless misses the Romantic meaning of self-revelation that I have argued is at play in the French debate. As Berlin (2001: 113) notes, one of the stormiest early Romantics, Friedrich Schlegel, described the ultimate symbol of freedom in his shockingly unconventional novel *Lucinde* as that of a small baby, who is »naked and unrestrained by convention.« In children, or for Adam and Eve, nudity is indeed the ultimate sign of the very opposite of sexualization; on the contrary, it represents the natural state of humanity, uncorrupted by civilization. The naked body thus also represents a radical break with society and with people's expectations, and often symbolizes the freedom of standing up for oneself. This was for example why, in the post-revolutionary Paris of the 1790's – an era which, of course, coincided with early Romanticism – wearing thin or even wet white garments that would give the illusion of nudity became a crucial fashion, representing the unique individual stripped free of all pretence and hypocrisy, expressing nothing but her true convictions, and thus in a manner *desexualized* (Sennett 2002: 184–185)³³. Perhaps, then, the unabashed self-revelation in which Marianne engages could also be interpreted as the epitome of authentic self-expression and sincerity, as the triumph of the natural woman, struggling to get out of the outer woman, the product

³¹ A. Kemp, ›Marianne d'aujourd'hui?: The Figure of the Beurette in Contemporary French Feminist Discourse,‹ *Modern & Contemporary France*, Vol. 17, No. 1, 2009, pp. 19–33.

³² N. Guenif Souilamas, *Des beurettes aux descendantes d'immigrants nord-africains*, Paris: Grasset/Le Monde, 2000; J. Wallach-Scott, *The Politics of the Veil*, Princeton: Princeton University Press, 2007.

³³ R. Sennett, *The Fall of Public Man*, London: Penguin Books, 2002.

of civilization and convention, to paraphrase Berlin's description of the Romantic idea of natural man (Berlin 1990: 229)?

While I leave this question open for future research to explore, I believe we can conclude that the lens of Romantic liberty as self-expression through which I have here looked closer at one aspect of the French debate on full veils has uncovered a neglected yet important fact: that the defenders of the ban attributed considerable importance to freedom as self-disclosure, especially the expression of one's full personality supposedly revealed in the face. This in turn helps us understand why the veil came to be portrayed as the very suppression of freedom even when it was acknowledged that it is most often voluntarily chosen. If what I have argued in this paper is correct, then part of the reason for this was namely that, in the French debate, the person who hides herself from others, whether by her own choosing or not, was portrayed as negating her freedom in the Romantic sense of the word, according to which a person is truly free only if she engages in sincere and unconventional self-expression.

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**Symposium: What (If Any) Limits Ought
Democratic Pluralism Impose on Diversity
within a Cross-Cultural Context?**