

Cultural Transfer and National Identity in French Laicity

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When I took up my appointment to the Chair of History and Sociology of Laicity at the Ecole Pratique des Hautes Etudes, I was invited to pay a visit to some Japanese colleagues, who said to me in effect: *'We are not well acquainted with the notion of laicity, because our work is mainly with English-speaking university researchers for whom this notion is little-known. Please come and explain to us what it is about.'* Naturally I responded very positively to this invitation and it did not take me long to realize that it was indeed possible to speak of a 'Japanese laicity'. For just as there exist several different models of democracy (parliamentary or presidential democracy, or systems founded on either common or codified law, etc.), so there equally exist several models of laicity. That said, it is correct that the notion of laicity has less international currency than that of democracy. And even though there has been some evolution in this situation over the last 15 years, both in France and elsewhere, this concept continues to be perceived by many as one that is essentially French in nature.

This article sets out to show that laicity as it relates to France did not develop in historical isolation, as an exceptional condition; on the contrary, it came about through what historians such as Michel Espagne, Jacques le Rider, Michael Werner and others call *'cultural transfer'*. This aspect is often obscured because of the role played today by laicity in France in identity definition, a topic that also needs to be discussed so as to clarify the usage boundaries of this term. We conclude by examining a few indicators of the current evolution of the idea of laicity, and its disconnection with the unique French example.

Laicity and issues of definition

The term 'laicity'¹ is derived from the Greek *λαός* (people) and the Latin *laicus* (of the people). The word is rooted in the distinction found in the Christian Middle Ages

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between the *laïc* (layman, that is, a person not part of the clergy, or who had not received holy orders, when speaking of a baptised Christian) and the *clerc* (cleric, or one who had entered upon an ecclesiastical state).

In the 16th century, the Protestant Reformation made that distinction more relative by conceding certain religious powers to the laity, to such an extent that the Académie française in 1842 defined *laïcisme* as the doctrine which ‘recognizes the right of laity to governance of the Church’ (Fiala, 1991). This related particularly to qualifying the situation in Scandinavian countries and in Great Britain. Moreover, Calvin had been the first to attribute a positive sense to the adjective ‘laïc’ (lay) and to extract it from its exclusively religious context: he used the term ‘lay judge’ to designate a judge who did not depend on canon law to form his judgements (Fiala, 1991). In the 19th century, the French coined the neologism ‘laïcité’ to complete this semantic family, and the adjective ‘laïque’ (*sic*) to designate a partisan of ‘laïcité’, that is, of the doctrine of secularism. A Mexican researcher, Roberto Blancarte (2000) has further insisted on the link between laicity and the (desacralized) sovereignty of the ‘λαός’.

The earliest theoreticians of the notion of laicity were a philosopher, Ferdinand Buisson (1887) and the sociologist Emile Durkheim (1992 [1903]). They addressed the matter from the perspective of a long historical evolution. The point of departure for this development (though not precisely specified) was located in societies (Buisson) or moral systems (Durkheim) that were ‘theocratic’. Progressively over the course of centuries a historic process was perceived to be operating by which different institutions freed themselves from the power and influence of religion and conquered their autonomy. Secularism was the object (ideally) pursued by this process; a concept characterized by freedom of conscience and worship, equality of all citizens regardless of their religious adherence, and equality of the different religions (Baubérot, 2004, 2006).

However, in terms of its current usage, certain aspects may appear more emphasized than others. At the level of the media, laicity is often treated as the process of liberation from religious influence at its most combative. Yet, when in 2005 a CSA opinion survey asked French people what to them was the major characteristic of laicity, three items (out of five options proposed) elicited nearly 90 percent of the responses:

- treating all religions on an equal footing (32%);
- separating religion and politics (28%);
- ensuring freedom of conscience (28%).

Three observations arise from this. First, this result approximates the definitions laid down at the turn of the 19th and 20th centuries. One might thereby presume that the latter had been interiorized by French public opinion. Second, the problems of religious equality, the separation of religion and politics and freedom of conscience have nothing specifically French about them. They are questions that confront all democratic societies, even where the term ‘laicity’ is not used. Yet this term represents the value to be had in a unifying notion that links these three issues together. Finally, in the light of these three parameters (and the equilibrium existing between the three) no one country can lay claim to absolute laicity. Rather, nation-states may

be characterized as manifesting a greater or a lesser degree of laicity (which Buisson had already indicated).

Cultural transfer within the French secular school system

Laicity has first and foremost in France been a term used in relation to education. The secularization of the public school system occurred at the same time as the regime of compulsory instruction was established (1882). This was preceded by an international survey conducted by the services of the Minister of Public Instruction, Jules Ferry, to determine how countries in which compulsory schooling had already been put in place (several European countries, Canada, United States, Australia, Japan) were reconciling that compulsion with the respect for freedom of conscience. The solutions adopted in the Netherlands, the USA and England (where board schools taught a subject called 'Common Christianity') were examined particularly in terms of both their cultural proximity to (all were countries where Christianity was dominant) and their cultural distance from (each of these countries had a significant Protestant culture) the situation in France. According to Jules Ferry's observations, it was precisely the different role played by the 'layman' which created this cultural distance: in countries imbued with the Protestant culture, the layman enjoyed a certain legitimacy in interpreting the Bible as he saw fit. Morality taught by 'lay' teachers could hence be founded on a deconfessionalized Christian base grounded in the Bible. In France, any religion-based morality is inevitably 'clerical' in origin, because state teachers are of necessity non-confessional (secular) and so do not have any religious legitimacy (Chevallier, 1981; Baubérot and Matthieu, 2002). In this case the emphasis is no longer on instruction given by a secular person but on a mode of education that is itself secular.

The solution adopted in France was the introduction of a '*secular morality*' (*morale laïque*), which was not only non-confessional but also non-religious (Mély, 2004), a dimension which sharpened the degree of laicity in comparison with other countries. This morality was infused more particularly with the philosophy of the German Immanuel Kant than with the tenets of the French Enlightenment or with the positivism of Auguste Comte (Bonnet, 2006), even though these latter two currents also exercised some influence (Loeffel, 2000). It was however a Kant reinterpreted, notably by Charles Renouvier (Blais, 2000). Although the latter philosopher admired Kant, he considered that liberty was less a postulate of practical reason than a given from experience: the individual deliberates before acting. Kant's greatness, according to Renouvier, lay in having been '*the creator of the science of morality*'. But because he did not make a complete break with metaphysics, he was not truly able to address the problem of applied morality.

It was to this aspect that the pedagogical philosophers of the Third Republic were to devote their efforts. Nevertheless, Kantian formulas still often recur in their writings. One of the group, Henri Marion, wrote: '*It is not because it is founded on a divine commandment that duty imposes itself on the conscience; it is because we have a direct consciousness of duty as such that we regard it as being divine*' (Colin, 1988). Kant was widely taught in the teacher-training establishments, complemented by other

references, such as the emphasis placed on social solidarity, to which we return later. Jules Ferry also found in the example of Buddhism the possibility of dissociating morality (as a universal value) from Christianity (as a specific religion):

This religion (Buddhism), which still retains so much vitality, has, he affirmed, a moral system, principles and an ideal which is truly at the very least as pure and exquisite as the most demanding and refined ideal of Christianity . . . In the Buddhist morality, charity is extended even to animals and plants. This proves that a morality founded on the most demanding practice, a morality of devoted commitment par excellence, can exist alongside teachings that have absolutely no resemblance to Christian doctrine. In Buddhism there are no punishments nor rewards (quoted [in French] by Chevallier, 1981).

Can this praise of Buddhism be attributed by Ferry's opposition to the 'dogma' of the 'civil religion' as propounded by Jean-Jacques Rousseau, where the injustices of this present life will be compensated for by the 'reward of the righteous' and the 'punishment of the evildoers' in the after-world? It should be noted that, in the teachings of the secular morality, the 'duties towards animals' came to be inculcated at a time when this imperative was not self-evident. Over and beyond the implicit interpretation that was reached,² it is the interest in Buddhism and the moral legitimacy accorded to this that should be noted, at a time when the 'superiority of the West' still formed the predominant discourse.

The discarding of the Rousseauist civil religion and its 'doctrine' came about also through the insistence on social solidarity for which one of the reference points was Confucius. Secular morality in its French version strongly acknowledged the notion of material and intellectual 'goods' obtained at birth: houses, tools, sustenance, books, knowledge, technologies, etc; in short, a composite of 'wealth' in a variety of forms which is the fruit of a secular labour. This is the consequence, according to the secular morality, of the 'beneficence of the dead', for the greater part of the people who laboured to obtain such a degree of civilization are now deceased. The secular morality favours the maxim: 'the dead remain dead but the good that they have done lives after them'. When the schoolmaster, after inculcating such lessons, asked: 'to whom should we be grateful?' the pupils would list various categories of adults (parents, school-teachers, etc.), then they would mention 'our ancestors': thanks to their 'good deeds towards us' the dead achieved this honoured status. These principles recall those of Confucius: who spoke of the 'honouring of ancestors'; it was even sometimes affirmed that the 'cult of the ancestors' was a 'legitimate cult' (Baubérot, 1997). In the vision of history taught by this morality there was thus to be found a sort of 'republican Confucianism'. It was a way of demonstrating that morality and justice are not reconciled at the individual level (which required the presumption of an 'after-world') but at the level of society, made up of a collective set of individuals in solidarity one with another. It is this equilibrium between individual and society that may be considered as one of the strong markers of secular morality in its French version.

The 1905 separation of Church and State seen as a component of international secularism

When the 1905 law for the separation of Church and State was being drafted, the Parliamentary Commission overseeing it and its designated reporter, Aristide Briand, took pains to examine foreign legislation, envisaging that French laicity³ would become a component of an international movement towards laicization.⁴ The countries considered were put into three categories.

In the first were those countries still in a phase that was *'quasi-theocratic, in which the State is, if not subordinate to the Church, at least conjoined with it (and which) recognizes the predominance of one expression of religion over all others'*. Examples were given notably of Spain and Portugal for the union of Catholic Church and State, of Russia and Greece for the union of the State with the Orthodox Churches, and of Sweden and Norway for State union with the Lutheran Churches.

The second category was made up of countries already arrived at a state of *'semi-laicity'*: *'they proclaim'*, declared Briand, *'the principles of freedom of conscience and freedom of worship, but nevertheless consider certain particular religions as public institutions which they recognize, protect and subsidize'*. France, at the time of Briand's report, fell into this category because it had a Concordat with the Catholic Church and a regime of *'recognized religions'* which, beside Catholicism, also included two Protestant denominations (Lutheran and Reformed) and Judaism.

Finally, there was the category of countries in which genuine separation had taken place and which had reached the status of *'laicity'*: *'The State then is truly neutral and secular; the equality and independence of religions is recognized,'* declared Briand. He named Ireland, Canada, the United States, Mexico, Cuba and Brazil in this regard. The United States presented itself as a country where there was genuine laicity, but where sympathetic relationships between the political and religious establishments might permit the future emergence (from the standpoint of 1905) of certain clerical manifestations. Mexico appeared as a country possessing a sharply accentuated secular status but which did not prevent there being a strong Catholic church (this in the period before the 1917 Mexican Constitution, which was strongly anti-clerical).⁵ Briand's view was that the separation in France should take account of these different models, and even of those where, he pointed out, though there did not necessarily exist a complete separation, at least the Catholic Church existed peacefully separated from the State (in the United Kingdom and Switzerland). Mexico interested him greatly; indeed, as early as 1881, Mexico was being considered, according to a Ministry of Foreign Affairs note, as an example for France to follow (Weckmann, 1961).

As can therefore be seen, laicity has nothing of a *'French exception'* about it and France has always been aware of foreign examples. This would become particularly obvious during the Parliamentary debates of 1905. The Catholic Church criticized the bill for not taking account of its essential form of organization (which at the time it characterized as *'monarchical'*) when the legislation proposed transferring cultural property to associations comprised in the main of Catholic *'laity'*. Clause 4, the key clause of the bill, was thereupon amended to read that this property would be attributed to associations that *'will conform to the general rules of the religion whose exercise*

they propose to assure'.⁶ Its wording had been copied from legislation in the United States and Scotland (Larkin, 1974). This constituted a veritable adoption of an important element of British–American political culture⁷ into French legislation, something therefore set outside of the French cultural vision of the universal, classically referred to as the '*abstract universal of the Republic*'. Debate around this clause was in consequence very lively (Baubérot, 2006).

On a more general plane, the underlying tenor of the law of separation, its political liberalism, drew inspiration from John Locke more than from the French Enlightenment. First, because Locke was the philosopher of 'limited government', and the law was removing the surveillance measures that the French State exercised over religion, to be replaced by a control a posteriori. Second, because Locke's *Letter on Tolerance* established a distinction between civil and religious powers somewhat sharper than that of the Enlightenment, which was located more within the Gallican outlook of the subordination of religion to the State. Finally, because Locke, contrary to the '*civil religion*' of Rousseau, made a clear distinction between '*theological intolerance*' and '*civil intolerance*', and this law was demanding of religions only a '*civil tolerance*' (Baubérot, 2007).

Laicity and civil religion

Even in France, however, laicity appears to many as a 'French exception', and the same view prevails in certain other countries. But historians and sociologists may observe that this expression of '*laicity as the French exception*' has been used only since 1990, very shortly before the time of the first 'affair' concerning the wearing of headscarves by Muslim pupils in public schools. Prior to that, Mexico or even the United States had been considered by French supporters of laicity as being countries with more secular regimes than France (cf. Cornec, 1965). Indeed, until the mid-1980s, what had appeared contentious in the area of laicity⁸ was essentially the public subsidizing of private schools under State contract (the Debré Law of 1959). As such schools were in their very great majority Catholic schools, laicity did not therefore seem to be a constituent part of a broadly shared French identity, even though in 1946 (under the 4th Republic) and in 1958 (under the 5th Republic) the Constitution declared that France was a '*secular . . . Republic*' (*République . . . laïque*). Laicity emerged as one of the key identifying elements of the political Left and, in his *Memoirs* (2005), Michel Rocard points out several times how much the reference to laicity was being insisted upon, even into the 1960s and 1970s, to block any alliance between Socialists and left-wing Catholics. The stakes generally changed in the 1980s, and especially in 1989, the year of the collapse of the Berlin Wall, the Ayatollah Khomeini's *fatwa* against Salman Rushdie and, in France, the first 'headscarf affair'. Within French society, the great question progressively became: '*Is Islam compatible with laicity?*' From that moment on, laicity (and even implicitly, in part, a certain 'catholaicity'), invoked by both the Left and the Right, has played on various occasions the role of being the '*republican civil religion*' of France, without having the same make-up as Rousseau's civil religion, but nevertheless assuming an analogous function to it.

As Robert Bellah (1980) pointed out, a civil religion can be made up of one of two typical components: it may invoke 'a reality which overarches the norms that the Republic lays claim to incarnating' (the American civil religion belongs to this type) or be 'the sacralization of the Republic itself, pure and simple' (as in the case of the French civil religion).

Laicity as international reality

When laicity takes the form of a republican civil religion, seen from outside of France it cannot but appear as something archetypically French. But in that case does it remain truly 'lay'? A Belgian philosopher, Guy Haarscher (2004), doubts this, for the principle of laicity '*has attached an ideological weight to the idea of a citizen-based republic that has made this only partial in substance and not impartial in outlook, thus in a certain sense "de-laicizing" it*'. A more objective view of laicity, as the result of a process of laicization, which is both close to but also different from that of secularization, on the other hand, has nothing specifically French about it. Secularization concerns in particular the role played by a social dynamic, implying a loss of relevance of the religious universe in relation to the shared culture. Laicization, on the other hand, is concerned above all with the place and social role of religion on the institutional plane of society, and the alterations of this plane in relation to the State and the political dimension. It is in accordance with this distinction that the Canadian sociologist Micheline Milot (2002) writes: '*analysis made only from the perspective of the process of secularization brings less light to bear on the structural, and notably juridical, adjustments decided on by the State and on the balance of power relationships between social groups which are the involved parties in these decisions*'. Laicization, she goes on, '*introduces into the political domain an institutional distancing of religion in the overall regulation of society, notably in a pluralist context. This regulation then becomes transposed into the juridical domain.*' Finally, she points out that '*laicisation rarely comes about without engendering power conflicts and arousing considerable political debate as it modifies the way institutions function, be they religious or political*'. Put otherwise, for the Canadian sociologist, the notion of laicization permits not only a more precise distinction of secularization, but it enriches this definition by allowing for it to be seen from a different perspective, which is complementary to the former.

From this point of view, an International Declaration of Laicity in the 21st century,⁹ the combined work of university-based researchers in 30 countries, propounds that '*laicity will naturally emerge when a State or country separates itself from any type of religious thought and allows citizens to exercise their fundamental political rights through freely debating the subject*' (Article 5). It defines laicity as '*the harmonization amongst individuals originating from diverse geographical and cultural areas*' of three principles: '*respect for the fundamental right to free speech and worship individually or within a group; separation of the State and the Institutions from religious and political beliefs; non-discrimination (direct or indirect) towards human beings*' (Article 4). It adds that '*Any modern state which respects its citizens' diverse social, moral and religious beliefs can easily integrate this process allowing laicity to flourish*' (Article 5), and that, so conceived,

laicity 'does not belong to any particular culture, nation or continent. It can exist in any culture where the term has not previously been used' (Article 7).

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Notes

1. *Translator's note:* The word 'laicity' and its associated terms 'laicization' and 'to laicize' are not as prevalent in English as they are in French. Though attested by the Oxford English Dictionary and Webster's Dictionary, they are generally supplanted by the word family based on 'secular': secularism, secularization, secularity, especially in relation to the non-religious dimension of public bodies and services, notably education. State primary education in many English-speaking countries is prescribed by law as 'free, compulsory and secular'. Nevertheless, particularly in contexts where the political or administrative policies and principles governing strict non-religious codes and practices is discussed, such as those in France, the term 'laicity' is beginning to be used. This is reflected in the definitions given in the 'International Declaration on Laicity' quoted later in this article, and is the context in which this term has been employed in the translation of the article. However, there is no similar use in English of the adjective 'lay' as an equivalent of 'laïc', as usage retains this adjective essentially in two domains: (1) in reference to adherents of Christian churches who are not members of the clergy (e.g. lay preachers); or (2) in the sense of members of a governing body of an institution who are not professional administrators or employees of that institution (e.g. the lay members of the University Council). Furthermore, the expression 'to the layman' means simply 'to the non-specialist', without any connotation of non-confessionalism at all. Hence, where the French text of this article uses 'laïc', this has been rendered generally as 'secular'.

For Jean Baubérot, the French term *laïcité* refers to a legal and social apparatus rather similar in meaning to the term *secularism* in British and American English, provided one agrees with American jurists D.E. Smith and M. Galander (Bhargava, 1998) that three markers characterize a secular state. The first marker is freedom of religion (freedom of conscience, freedom of association for religious purposes, freedom for religions to manage their own affairs, limitation of state intervention to matters of morals, health and safety and law and order). The second marker is citizenship (i.e. the rights and duties of citizens are not linked to religious belief or affiliation). Finally, the third marker is the separation of religion and state (the state derives its legitimacy from a secular source and neither promotes nor subsidises religions). Admittedly, advocates of *laïcité* tend to attach greater importance to this third marker – to which Baubérot refers as 'ideological *laïcité*'. Baubérot also stresses that some authors (e.g. Talal Asad, 2003) make a distinction between 'secularism' (political perspective) and 'the secular' ('a concept that brings together certain behaviours, knowledges and sensibilities in modern life'). Baubérot and other sociologists (Milot, 2002, 2008) suggest that such *secularization* should be distinguished from legal and political *laicization*.

2. And which, naturally, present-day specialists may well contest, or find very partial (in one or both senses of the term).
3. Taking a viewpoint which, given the socio-political context of the time, perceived matters from within the parameters of the separation of Church and State.
4. When the French National Assembly republished the Briand Report on the occasion of the centenary of the law of separation, it (curiously, some say, significantly say others) removed the particular chapter devoted to laicization outside of France!
5. Among other historical errors, the Report of February 2007 of the Haut Conseil à l'Integration (Higher Council for Integration) concerning a 'Charter of Laicity' (and which proposes a very specifically French version of this latter) declared that the separation of Church and State took place in Mexico

following the French separation law of 1905. The truth is that Mexico established this separation as early as 1861!

6. Which meant, for the Catholic Church, respecting the authority of the bishop and the Pope.
7. Collective liberty conceived of as a dimension of individual liberty, and not of its simple prolongation.
8. The laicity issue always tends to be limited by the media to this conflictual aspect.
9. An English version of the Declaration, from which the quoted articles are taken, can be found at http://www.laicite-laligue.org/index.php?option=com_docman&task=doc_download&gid=504. This declaration exists notably in English, Arabic, Spanish, French and Vietnamese versions.

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