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POLITICS OF DIVERSITY
SEXUAL AND RELIGIOUS SELF-FASHIONING IN
CONTEMPORARY AND HISTORICAL CONTEXTS

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Politics of Diversity
Sexual and Religious Self-fashioning in Contemporary and Historical Contexts

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Abstract

The papers collected here were presented and discussed in the workshop '*Politics of diversity. Sexual and religious self-fashioning in contemporary and historical contexts'*. The workshop was organized in April 2009 by the Department of History and Civilization and the Robert Schuman Centre for Advanced Studies on the occasion of Prof. Joan Scott's invitation to the annual Ursula Hirschman lecture on Gender and Europe. Scott's seminal book *'Politics of the Veil'* (2007) offers a multifaceted analysis of the French headscarf debate since its emergence in 1989 and a critique of French republican universalism which constructs veiled women as 'others' who transgress the attempts to carve a unified imaginary of France. This work provided a fruitful ground to engage with questions of 'difference' and 'belonging' from a multidisciplinary and gendered perspective.

Two broad interpretative approaches can be discerned in the following papers: a structural, perspective which seeks to examine the way 'otherness' is regulated and shaped; a postcolonial dimension of this discussion. The papers collected here thus provide a rich set of perspectives upon how 'difference' is shaped, contested and negotiated in a juridical, sociological and historical dimension The themes addressed trespass the sole question of the place of religion in the public sphere, or the question of 'integration' and cultural diversity, but they rather demonstrate how a semblance of homogeneity and coherence is shaped through this regulation of difference. It is this regulation of difference that lies at the heart of the current political conjuncture, as the question of Europe's identity turns into a central societal and political preoccupation.

Keywords

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Introduction

Politics of Diversity. Sexual and Religious Self-Fashioning in Contemporary and Historical Contexts

Giulia Calvi and Nadia Fadil

In the current political conjuncture, questions of belonging and identification have become pivotal to the project of 'Europe'. The debate around the Turkish membership in the EU, the French debate on national identity, the political successes of nationalist political parties, the prevailing migration and asylum policies or the various debates on the multicultural society have all touched upon the question of 'who is in' and 'who isn't', and sought to (re)define the contours of the nation. These discussions have also, in several cases, been materialised through a number of restrictive measures which, on the one hand, have sought to reinforce the barriers of access to those considered as 'others' (the consolidation of 'Fortress Europe', restricting the possibility of transnational marriages with third-countries) and, on the other hand, have tried to regulate the presence and manifestation of what is perceived as 'otherness' within the boundaries of Europe and the national communities. With respect to the latter, the growing visibility of Muslim populations in various European contexts has been perceived as a new challenge in defining the contours of Europe, and elicited a number of discussion. While the Swiss referendum on the minarets in 2010 or the Danish Cartoons riot in 2006 have lead to debates on the Judeo-Christian nature of the European public sphere or the compatibility of (certain facets of) Islam with liberal democracy, the numerous *headscarf controversies* that started in France in 1989 and extended to various European countries (Belgium, Germany, Italy) has become one of the main symbolic carriers of these discussions.

It is in the context of these debates that the HEC Department and the RSCAS invited the distinguished Prof. Joan W. Scott for the annual Ursula Hirschman lectures in April 2009. Joan Scott is a widely acclaimed historian, known for her contributions to the concept of gender and the development of historiography. More recently, she has been expanding her interest in 'difference' to the question of cultural and religious difference and the constitution of the nation state. Her seminal book *'Politics of the Veil'* (2007) offers a multifaceted analysis of the French headscarf debate since its emergence in 1989, which engages with the colonial and migration history of France, its secular tradition as well as the sexualised dimension of the debate. In this work she unpacks the constitutive ingredients of a 20-year old controversy, arguing that the attacks on the headscarf should be read as an enactment of a "mythic vision of the French republic, one and indivisible" (2007: 10). Veiled women figure, in this respect, as 'others' who transgress the attempts to carve a unified imaginary of France. Joan Scott's work provided, therefore, a fruitful ground to engage with these questions of 'difference' and 'belonging' from a multidisciplinary perspective. The papers collected here, that were presented at the workshop '*Politics of diversity. Sexual and religious self-fashioning in contemporary and historical contexts'*, each touch upon one of the themes addressed in Scott's book from various disciplines.

Two broad perspectives which traverse Scott's work, can be discerned in the papers. A first, structural, perspective seeks to examine the way 'otherness' is regulated and shaped. The first, perspective can be found in Mathias Moschel's analysis of the juridical instruments deployed to regulate the practice of veiling in various Western-European countries. Adopting a critical racial perspective, he not only offers a comprehensive overview of the jurisdiction on this matter, but he also analyses the

assumptions undergirding these measures according to context (such as gender equality, security, fundamentalism, the Christian identity of the country) and how these contribute to constituting veiled Muslim women as an 'other'. Such a concern with the (female) sexuality and corporeality is by no means new, but figures as a historical preoccupation. The latter is shown through Katharina Stornig's paper which examines the missionary encounters between Catholic nuns and indigenous women in New Guinea. She describes how this encounter quickly translated into a concern with the naked bodies and sexualities of the indigenous women that were viewed as indications of their 'primitiveness'. Clothing the indigenous women figured, therefore, not only as a disciplinary technique which aimed at the dissemination and incorporation of Christian values of chastity, but chastity was itself assimilated with 'modern' and 'civilizational' values.

The latter insights bring us to the postcolonial dimension of this discussion. In *Politics of the Veil*, Joan Scott situates the current regulation of the headscarf in a postcolonial conjuncture. Referring to Fanon's essay '*Algeria Unveiled*', she shows how the concern with the headscarf had been an early preoccupation of the French colonisers in their '*mission civilisatrice*' towards the Algerian population. Such observations of "the white men saving the brown women from brown men", to paraphrase Spivak's well known sentence, reflect the way feminist values have been, and still are, mobilised in contemporary forms of nationalist politics. Stornig's paper invites us, however, to contextualise the different ways and modalities in which female bodies were regulated as part of a broader colonial enterprise and how Catholic values were an intrinsic part of this project of 'modernity' towards the non-modern and traditional 'other'. This project of civilisation was, however, not limited to segments of the population which were conceived as 'indigenous', nor were they an exclusive prerogative of the colonial administration and missionaries. Dario Miccoli's paper offers us a glance into the way Alexandrian Egyptian Jews figured as the target of a civilizing process by the 'Alliance Universelle Israelite'.[1] This educational institution, which was drafted upon French Republican values of universalism, sought to educate Egyptian Jews into 19th century Parisian bourgeois values. The latter occurred through the inculcation of a set of behavioural and bodily dispositions and the juxtaposition between the figure of the 'universal' and the 'Oriental' Jew. Egyptian Jews were, in other words, encouraged to disidentify from their 'uncivilised' Oriental components in order to become part of a 'universal' and 'civilised' humanity.

The regulation of 'otherness' does not simply imply the assimilation of these power structures by those who are subjected to it. As has been also indicated by Scott, Muslim women have been challenging the objectification of their bodies in the public sphere by advancing the distinctiveness of their religious identity. A number of papers in this collection therefore focus upon the manner in which these subjects of discipline interact and negotiate their identity and practices in difficult or even hostile contexts. Pascale Falek explores this question in her historical analysis of the trajectories of Jewish women in the Belgian interwar period. Following the cases of a number of Eastern-European Jewish immigrants, she explores the different strategies of 'integration' or 'negotiation' adopted by these women. Integration did not simply signify in their cases the abandonment of their Jewish identity, but implied the quest for tactics that enabled their empowerment in the Belgian context: through education, the acquisition of the language, through marriage etc. The latter was, however, highly conditioned by the Belgian society's capacity to integrate difference: whereas Eastern-European Jewish migrants were initially welcomed, the latter drastically changed throughout the thirties in the face of rising anti-Semitism and nationalism. Falek's focus upon Belgian-Jewish immigrants in the interwar period is especially relevant in a contemporary context wherein the figure of the 'Muslim' has been substantiated by that of the 'Jew' as racialized 'other'. This question of 'otherisation' of Muslims, especially of practising Muslims, equally sits at the heart of Fadil's paper.

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[1] The Civilization Process is here understood in the signification attributed to it by Norbert Elias in his similar work, see Elias, N. (1978) *The civilizing process: history of manners*, Oxford: Blackwell.

Yet in here, she explores the way a certain religious conduct (i.c. praying at the workplace) is being addressed by Muslims themselves. Exploring the question of praying or fasting at the workfloor, Fadil highlights a clear disparity of viewpoints and explores the various discursive registers that are mobilised to either legitimize or question such a religious conduct. This allows her to show that the problematic of religion in 'the public' not only touches upon the question of the 'neutrality' or secular architecture of the public sphere, but also to 'nationalist' preoccupations regarding the integration of Muslims in a non-Muslim context. Her analysis has a double purpose: on the one hand describing the strategies of negotiation adopted by pious Muslim women, on the other hand indicating how these disciplinary powers are simultaneously reproduced and co-constituted by Muslims themselves.

The papers collected here thus provide a rich set of perspectives upon how 'difference' is shaped, contested and negotiated. The themes addressed trespass the sole question of the place of religion in the public sphere, or the question of 'integration' and cultural diversity, but they rather demonstrate how a semblance of homogeneity and coherence is shaped through this regulation of difference. It is this regulation of difference that lies at the heart of the current political conjuncture, as the question of Europe's identity turns into a central societal and political preoccupation.

Giulia Calvi and Nadia Fadil (eds)

Veiled Issues in European Courts

Mathias Möschel

Introduction

In her book *The Politics of the Veil* Joan Scott challenges the idea that banning headscarves in public schools is a step towards modernization by showing how instead these bans are the result of racism, post-colonialism and nationalism. Amongst other things, she argues that the ban does not respect the individual conviction of Muslim women who decide to wear the headscarf. Hence, if a woman autonomously chooses to wear the headscarf, then the courts or the legislator should not obstruct this choice and respect it in the name of a certain individual, liberal vision of freedom to exercise one's religion or even as a simple freedom of expression. From this point of view, considering the headscarf as a sign of religious, gendered coercion, thus justifying its ban is not a solution. This liberal American vision of freedom of religion conflicts with the French one, in which the individual conviction of wearing the headscarf in schools is sacrificed in the name of broader public values, and in particular of *laïcité*. However, the French vision is a very particular one, even within the European context. It can be said to extend to other French speaking areas in Europe, notably the French-speaking parts of Belgium[2] and Switzerland[3]. In other countries, instead, the issue has been framed in slightly different terms.

With this contribution in a first step, I intend to look at the role the headscarf and the veil have played in recent court decisions and political debates in some selected European countries, other than France. To this end, I will briefly describe the German situation and then look more in detail at the Italian debate since the latter has received little attention in academic literature so far. Ultimately, the aim of this first step is more a descriptive one and should only be seen as integration or diversification to Joan Scott's findings which had focused more exclusively on France.

A number of issues emerge from the brief look at other countries' political debates and case law. First of all, besides the French type of *laïcité* and depending on the type of jurisdiction and/or venue (administrative, constitutional, criminal) one acts in, a number of different arguments are available to judges and legislators which end up functioning in a way as to disregard the individual choice by Muslim women to wear the headscarf. In the second place, the discourses in the decisions do not seem to change a lot and most of the times seem to overlap with the ones observed in France, presenting elements of gendered racism, nationalism and post-colonial guilt and fear. Third, one can observe that in each country the controversies around the headscarf develop in their own specific discourse and framework. France was initially mostly concerned with pupils wearing headscarves in schools, Germany with teachers wearing headscarves in schools whereas in Italy the public and legal debate emerged directly on the notorious *burqa* and was hence more concerned with public security issues. As has been stated elsewhere this depends in part on the model of regulation of the headscarf adopted

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[2] However, one should equally note that some authors highlight the distinction between French secularism and Belgian pluralism because in the latter case, the Belgian state intervenes in promoting diversity by means of state financing of religion and religious instructions in public schools. *See* Hugues Dumont & Xavier Delgrange, 'Le principe de pluralisme face à la question du voile islamique en Belgique', *Droit et société*, (2008), n. 68, p. 75.

[3] Swiss Federal Supreme Court (BGE 123 I 296) which decided that prohibiting a teacher to wear the headscarf in school was not in conflict with freedom of religion. The case had emerged from a school in Geneva where the French influence ideal of laïcité is certainly more felt than say in German speaking areas of the same country.

by the respective state and which has been identified as (i) prohibitive, (ii) selectively prohibitive, or (iii) as non-restrictive.[4] In turn, these approaches often depend on (i) the citizenship regimes and policies, (ii) church and state relations and recognition of religious communities, (iii) gender equality and anti-discrimination policies, and (iv) strategies of framing.[5] Nevertheless, regardless of the model of regulation adopted, in most European countries the headscarf - in both its forms, i.e. covering the face or not - is viewed at best with scepticism and at worst with outright rejection and even punishment.

In a second step, I will have a brief look at anti-discrimination legislation and see whether and how far it might provide a better legal and litigation strategy for Muslim women wearing the headscarf than relying on freedom of religion related arguments which, at least in the continental European context, have been dominant but unsuccessful so far. However, a look at some first cases attempting to apply anti-discrimination legislation to the headscarf does not give rise to great hopes. Ultimately, even here the outcome is highly dependent on the judges (subjective) views, biases and assumptions of what constitutes discrimination, religious freedom, and racism and whom (s)he has in mind when evaluating the greater (objective and neutral) societal good and cohesion.

German Case Law

As opposed to the French situation where most of the cases involved *female students or pupils* wearing a headscarf in public schools, the German cases involved *teachers* wanting to wear the headscarf in public schools. A look at the case law originated from German courts is particularly interesting because of the different overlapping discourses which can be found in them. Most of the observations made here are actually based on the postcolonial, critical analysis made by Cengiz Barskanmaz on the topic.[6] Indeed, very much like Joan Scott, he highlights how the German decisions on the headscarf rely on a Western, cultural-hegemonic understanding, in which the construction of Islam and the headscarf build on a sexualized (or gendered) orientalistic colonial tradition.

The conflict as it has come to be framed under German constitutional law involves on the one hand the (positive) religious freedom of the teacher (Article 4 Basic Law) as well as equal access to public employment (Article 3 and 33, para. 2 Basic Law) and is contrasted on the other hand with the (negative) religious freedom of pupils, intended as freedom from state sponsored religious encroachment (Article 4 Basic Law), the parental right to education (Article 6, para. 1 Basic Law) as well as more generally the vision of the secular state.

The highest interpretation given to this balancing of different and contrasting interests occurred in what became known as the "headscarf decision", the "*Kopftuchurteil*".[7] Germany's Federal Constitutional Court, the *Bundesverfassungsgericht* (BVerfG), recognized that the wearing of the headscarf by Fereshta Ludin, who had been denied the post as a primary school teacher because she was wearing a headscarf, was an expression of individual religious freedom. Hence, as opposed to the lower courts, the BVerfG took into account the subjective arguments advanced by the teacher as well

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[4] Hege Skjeie, "Headscarves in schools. European comparisons", in *Religious Pluralism and Human Rights in Europe. Where to draw the Line*, Jenny Goldschmidt and M. L. T. Loenen (eds.), Antwerp and Oxford: Intersentia (2007), p. 130

[5] Sevgi Kiliç, Sawitri Saharso, Birgit Sauer, 'Introduction: The Veil: Debating Citizenship, Gender and Religious Diversity', *Social Politics* (2008), vol. 15, n. 4, pp. 399 – 403.

[6] Cengiz Barskanmaz, 'Das Kopftuch als das Andere. Eine notwendige postkoloniale Kritik des deutschen Rechtsdiskurses', in Berghahn Sabine and Rostock Petra (eds), *Der Kopftuchstreit in Deutschland, Österreich und der Schweiz*, (2009), Bielefeld: Transcript Verlag, pp. 361 – 392.

[7] BVerfG, 23 September 2003, Az 2 BvR 1436/021, BVerfG 108, 282.

as relying on empirical studies showing the different motivations which can lead women to wear the headscarf. However, the judges did not limit themselves to the subjective meaning of the headscarf for women wearing it. The BVerfG went further by referring to the objective effects the wearing of the headscarf may have on others (objektiver Empfängerhorizont) who may view the headscarf as the expression of Islamic fundamentalism and as an abstract danger to Western values, especially female equality. Thus, the doors were opened to general prejudice against Islam and the individual woman's choice to wear the headscarf potentially, if not de facto, nullified. Eventually, the BVerfG decided that the prohibition to wear a headscarf in school could not be imposed by a school administration but, due to the values involved, needed to be taken by the state legislators in order to regulate the abstract danger (*abstrakte Gefahr*) triggering conflicting moments in school life. The constitutional judges also clarified that they would not deem such legislation unconstitutional as long as the different religions are treated equally. Thereafter, a number of German states (Bavaria, Baden Württemberg, Saarland, Hessen and Nordrhein-Westfalen) passed legislation prohibiting school teachers from wearing the headscarf but provided for an explicit exemption for Christian clothing and symbols. The legislator justified this by stating that the latter are in line with the values expressed by the state constitution and therefore do not risk to compromise the neutrality or peace of schools. Others, such as Berlin - Brandenburg, Bremen and Niedersachsen, introduced such a prohibition based on a conception of secularism, which comes very close to the French one of *laïcité*, according to which the state's religious neutrality is intended as the absence of any religious reference in the public space. As can be seen, while affirming the religious freedom of women wearing the headscarf, the BVerfG ultimately contributed to preparing the grounds for a ban of the headscarf at the state level in Germany by including the "objective meaning" and abstract danger prognosis as the justification for further legislative initiatives.[8]

Moreover, instead of providing a definitive solution to the underlying legal issues, the constitutional decision only provoked a host of new headscarf cases in various German jurisdictions. Possibly the most relevant one is the second decision involving the same teacher, Fereshta Ludin, by the German Supreme Administrative Court, the *Bundesverwaltungsgericht* (BVerwG).[9] The judges found that the state legislation of Baden Württemberg prohibiting the demonstration of any political and religious symbols which might endanger peace at school, especially those which could create the impression with pupils or their parents that the teacher acts against the dignity, equality or the liberal-democratic founding principles, was constitutional.

The German decisions are interesting for other reasons as well. Public school teachers wearing a headscarf had not been unsuccessful in German courts prior to the new state legislations. For instance, in one case,[10] the trial judges found no negative influence on pupils by a teacher wearing a headscarf. As to the argument that the headscarf was a symbol of fundamentalist views, the court held that this depends on the understanding of who is wearing the headscarf. In the specific case, the claimant was German-born with a Lutheran upbringing who had converted to Islam. The court held that in such a case a fundamentalist understanding of the headscarf could be excluded. Hence, in this case the individual choice to wear the headscarf was respected, even though it should be noted that it was reversed on appeal.[11] Nevertheless, reasoning a contrario this would mean that a woman with migration background and wearing a headscarf out of personal conviction could be considered as

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[8] In this sense: Schirin Amir-Moazami, 'Production discursive et fabrication juridique: le foulard de l'enseignante en Allemagne', *Droit et société* (2008), n. 68, p. 117.

[9] BVerwG, 24 June 2004, Az 2 C 45/03.

[10] VG Lüneburg, 16 October 2000, published in *Neue Juristische Wochenschrift* (2001), p. 767.

[11] OVG Lüneburg, 13 March 2002, published in *Neue Zeitschrift für Verwaltungsrecht – Rechtsprechungs-Report (NVwZ-RR)* (2002), p. 658.

being unable to freely and autonomously decide on the issue. Potentially, she might always be under suspicion of fundamentalist intentions by wearing the headscarf. Thus, the headscarf functions as a codification of a cultural, sexualized, racist discourse where the values of white German-ness are essentialized. This overlaps with Scott's analysis of racism in her Politics of the Veil.

In conclusion to the German debate, we can observe two tendencies: on the one hand, arguments related to abstract danger and objective meaning prevail over individual choice ones coupled with the establishment and development of a white Christian-European identity. What is interesting to see, is how the racial knowledge about the Orient and postcolonial subjects which is present in most Western societies especially since colonialism becomes legally objectified and justified by judges and the legislator. On the other hand, it also shows how even a model of liberal democracy with its commitment to openness, tolerance and inclusion having a different conception of laïcité than the French one, fails to keep those promises and ultimately yields to the arguments of the Other.

The Italian Situation

As opposed to France and Germany, in Italy the picture looks somewhat different. Instead of involving female Muslim teachers or students wearing the headscarf, the controversy has involved mainly the veil covering the whole female body including the face and not simply the headscarf. Indeed, the indications coming from the few cases and instances involving the headscarf so far are interesting because they show how legally speaking the question is framed very explicitly as a security-related, criminal and administrative law issue. Hence, the attempt here is to limit individual choice, not in the name of Western values or *laïcité* but very explicitly for public security reasons and by means of criminal and administrative law. In this way, Italy is somehow a precursor to Belgium and France where the legislators are notably debating similar prohibitions to wearing the burqa in public spaces.

Indeed, the Italian decisions and political debate have been focusing mostly on Article 5 of the Public Order Protection Act 22 May 1975, n. 152 (hereinafter POPA).[12] This article prohibits the unjustified use of protective helmets or any other means which are intended to render the identification of a person difficult in public spaces or spaces open to the public. In any case, such use is prohibited during public events or during events open to the public, except for sports' events where such means might be necessary. Violations are punished with the arrest of one to two years and a fine of 1.000 – 2.000 euro with the possibility to proceed with a warrantless arrest.[13] Hence, contrary to the general opinion, there is no generalized prohibition to be unidentifiable in public. Such a prohibition only exists during public events whereas in other cases (such as that of a woman with a veil walking or shopping in public spaces) it only applies when covering oneself is intended to render identification difficult and is unjustified.

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[12] Legge 22 maggio 1975, n. 152, recante "Disposizioni a tutela dell'ordine pubblico", G. U. 24 maggio 1975, n. 136, also named "Legge Reale" after the Justice Minister who had proposed the bill.

[13] The original language Article 5 provides that: «*1. È vietato l'uso di caschi protettivi, o di qualunque altro mezzo atto a rendere difficoltoso il riconoscimento della persona, in luogo pubblico o aperto al pubblico, senza giustificato motivo.*

2. È in ogni caso vietato l'uso predetto in occasione di manifestazioni che si svolgano in luogo pubblico o aperto al pubblico, tranne quelle di carattere sportive che tale uso comportino.

3. Il contravventore è punito con l'arresto da uno a due anni e con l'ammenda da 1.000 a 2.000 euro.

4. Per la contravvenzione di cui al presente articolo è facoltativo l'arresto in flagranza».

The POPA was introduced in the context of Italy's attempt to suppress the wave of internal violent political activism during the so-called "anni di piombo" ("Years of Lead"). It was a very repressive and quite controversial piece of legislation which inter alia exempted the police from responsibility when shooting while in service and authorized the public forces to dissolve even peaceful gatherings by any means possible, including the launch of teargas.[14] The POPA became subject to a referendum procedure in Italy, asking for POPA's repeal but a majority voted against it. Thereafter things calmed down around the POPA but after little less than 30 years of relative silence Article 5 POPA experienced an unexpected revival thanks to a number of small town mayors of Northern Italy who used it as legal basis for municipal ordinances (*ordinanze municipali*) prohibiting or sanctioning the wearing of the veil.

In particular, two of these municipal ordinances were at the center of some litigation. The first, dated 27 July 2004, and issued by the mayor of Azzano Decimo ordered the citizens to comply with Article 5 POPA and with an even older disposition, Article 85 of the Royal decree 18 June 1931, n. 773, also known as the Codification of statutes on public security (*Testo unico delle leggi di pubblica sicurezza, t.u.l.p.s*), a Fascist relic which prohibits circulating in public with a covered face.[15] The ordinance had explicitly included the veil which covers the face amongst those "means which may render the identification of a person difficult in public spaces or spaces open to the public". This municipal ordinance was annulled at the administrative level by the mayor's competent hierarchical superior, the *Prefetto*,[16] following an advisory opinion by the Interior Ministry which had recommended the annulment.[17] The mayor disagreed with this decision and took the case to the TAR against both the *Prefetto*'s decision and the Interior Minister's opinion. The mayor's main argument was that he had acted in his functions as the local political elected representative and not on the basis of the administrative competences attributed to him as an Italian state government official. Only in the latter case would the *Prefetto* be deemed to be the mayor's hierarchical superior with powers to annul the ordinance. The TAR did not follow that reasoning and held that the *Prefetto* had acted within his competences in annulling the ordinance and further established that a general criminal prohibition to circulate in public wearing such kinds of clothing can only derive from legislation which specifies this, which would also be in line with the political implications of a similar decision.[18] Azzano Decimo's mayor then appealed to the Supreme Administrative Court, the *Consiglio di Stato* (hereinafter CdS). In what became a landmark decision on the assessment of powers and competences between the mayor and the state, this court confirmed the lower court's decision.[19] The CdS first analyzed the nature of the adopted provision and observed that the mayor's ordinance was not an exercise of his powers as representative of the local polity but an (attempted) exercise of general competence in public security. These competences in public security are exercised in a coordinated and dependent manner with the state authorities. Hence, in this case the *Prefetto* was the mayor's hierarchical superior. In order to ensure a unitary direction and coordination of the public security officials and agents within the provincial territory or to eliminate illegitimate provisions, the *Prefetto* is entitled to annul ordinances.

Having answered the issue of whether the annulment of the ordinance had been *ultra vires* the CdS then went on to analyze the substantive issues raised, namely the interpretation of the prohibition to circulate with covered faces in public. The CdS held that far from being an application of statutory

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[14] *See* Giancarlo Scarpari, 'La legge Reale, il burqa e il "comune sentire del popolo"', *Diritto, immigrazione e cittadinanza* (2006), p. 78.

[15] Ordinanza del Sindaco di Azzano Decimo (PN), dated 27 July 2004, n. 24.

[16] Decree of the *Prefetto* of the Province of Pordenone, prot. N. 11202/669/Area I, of September 9, 2004.

[17] Opinion n. 11001/65, dated August 23, 2004.

[18] T.A.R. Trieste, Friuli Venezia Giulia, n. 645 of October 16, 2006, published in *Giurisprudenza di merito* (2007), p. 2423.

[19] Consiglio di Stato, VI Chamber, n. 3076 of June 19, 2008.

law, the ordinance provided an innovative interpretation of criminal legislation. As such, neither the reference to Article 85 of the Public Security Code nor to Article 5 of the POPA were correct or pertinent. The former provision prohibits appearing masked in public. The CdS rightly found that a burqa is not a mask but should be considered a traditional, even religious, piece of clothing. The latter provision only establishes the prohibition to appear with covered faces in the case of public events. Otherwise, in public one can cover one's face if there is a reasonable justification for it and the disguise is not finalized to avoid recognition. Applying this reasoning to a woman wearing the burqa the CdS held that religious and cultural motives are sufficient justification to cover one's face in public and that in any case there is no intention to prevent being recognized. The necessities of public security are satisfied by the prohibition of wearing such means during protests and by the obligation of such persons to identify themselves and to remove the veil, when necessary for that scope. Nevertheless, this interpretation does not exclude that in certain places or that specific instances may prescribe behavioral rules also by administrative means, which are incompatible with the above-mentioned interpretation, as long as they find a reasonable and legitimate justification on the basis of specific and special necessities.

The second ordinance involved the local police of Treviso who had reported a woman of Moroccan origins with a veil covering her whole face on the basis of a municipal ordinance containing a similar prohibition as the first ordinance. However, rather than being challenged at the administrative level, the case was solved at the criminal law level. In fact, during the preliminary hearings the public prosecutor asked the judge to dismiss the case.[20] He argued that the woman was not wearing the veil so as to avoid identification or to make such identification difficult but for reasons related to religious tradition. Hence, one of the elements of the crime, namely the woman's *mens rea*, was absent. Moreover, the public forces had had no problems identifying the person and wearing the veil for religious purposes certainly qualified as one of the justified motives for which one could cover one's face in public. The judge agreed with the public prosecutor's arguments and ordered the charges to be dropped.[21]

How little these ordinances actually have to do with their purported aim of guaranteeing public order and security which are allegedly under attack by unidentifiable women walking around openly on the streets, is best shown by the story of another similar municipal ordinance adopted by the mayor of another little village in North Western Italy, Drezzo.[22] Again, the ordinance basically included the veil which covers the face amongst those "means which may render the identification of a person difficult in public spaces or spaces open to the public". The competent Prefect annulled the ordinance on 9 September 2004. However, prior to that annulment, Sabrina Varroni, born and raised in Drezzo, was fined twice pursuant to that ordinance. In fact, she had married a Tunisian man whereupon she converted to Islam and decided to wear the veil. Upset because she had also received insulting mail on top of the fines, she went to see a lawyer and sent an open letter to the former President of the Republic, Carlo Azeglio Ciampi, who responded in writing by stating that in Italy there is freedom of religion and that the Prefect had already proceeded to annul the ordinance.[23] This story demonstrates how little these instruments actually have to do with public order and security or with the fact that the

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[20] Tribunale di Treviso, Proceeding n. 8533/04 RG MOD.21

[21] Both the public prosecutor's request for dismissal, dated November 19, 2004, as well as the dismissal by the Tribunale di Treviso, dated 3 March 2005 are published in *Diritto, immigrazione e cittadinanza* (2006), pp. 176 – 177.

[22] Ordinanza del Sindaco di Drezzo (CO), dated 12 July 2004, n. 8. Other ordinances have also been adopted during that same time period in other small towns such as Biassono (Ordinanza del Sindaco di Biassono (MI), dated 10 August 2004. This ordinance was annulled by the Prefect of Milan. *See* Guastella Giuseppe, 'Il prefetto stoppa il sindaco: non può vietare il velo', *Corriere della Sera*, 4 September 2004, p. 12) and Calolziocorte (Ordinanza del Sindaco di Calolziocorte (LC), dated 22 September 2004. *See* Panzero Angelo, 'Velo a Calolziocorte, parola al prefetto', *Corriere della Sera*, 5 October 2004, p. 52).

[23] *See* 'Multata perche portava il burqa. E ora Sabrina scrive a Ciampi', *La Repubblica*, 26 September 2004 and 'Il Quirinale alla donna col burqa "In Italia c'è libertà di culto"', *La Repubblica*, 13 October 2004.

woman was wearing the veil in order to avoid identification. In fact, Ms. Varroni was the only veiled woman in Drezzo and everyone knew her, including the police man administering the fines who had even attended school with her.

Looking at the bright side of these cases, they were ultimately decided in favor of the women wearing the veil, either because the Prefects annulled them at the administrative level or because the courts intervened. However, like the German *Kopftuchurteil* they contain the seed for some troublesome future implications. In fact, what emerges from the cases are two main obstacles to mayors adopting municipal ordinances based on Article 5 POPA. On the one hand, from an administrative law perspective, the CdS clarified that mayors don't have the powers and competence to regulate certain broad security related issues because this falls within the state's competence. On the other hand, from a criminal law perspective, interpretation by analogy or extensive interpretations in criminal law are not allowed. Moreover, criminal laws have to be amended by the legislator. Hence, if anyone can modify the POPA so as to include wearing the veil in public amongst the prohibited pieces of clothing, it is the Italian Parliament only and certainly not a mayor by means of an ordinance.[24] The administrative judges explicitly leave it open to the legislator whether to include the wearing of a headscarf under such restrictive public security legislation.[25]

Hence, in order to overcome the legal obstacles which have arisen so far, two strategies are available: increase the powers of the mayors when they act as government officials to maintain public order and security at the local level and/or have the Italian legislator intervene to amend Article 5 POPA. And indeed both are currently pursued meaning that the visions embodied, created and constructed in those local ordinances in Northern Italy are now moving up to the national arena.

As to the first strategic move, in 2008, in connection with the so-called "security package" legislation (the *pacchetto sicurezza*), the Italian executive did indeed introduce a statutory decree increasing the mayors' powers.[26] Shortly thereafter this decree was converted into ordinary legislation.[27] The most important provision for the scope of this contribution is Article 6 of the statutory decree which specifically increases the powers of the mayor in connection with matters related to public order and security. This amendment responded to demands by mayors and local entities to have increased instruments for the protection of public order and security as well as to provide increased legal coverage to other types of very creative municipal ordinances that have mushroomed in Italy during the past years.[28] Thereafter, the mayor has the power to supervise anything related to public order and security but he needs to previously inform the Prefect of the planned actions. Moreover, the mayor's powers when adopting ordinances on the basis of urgency were extended to "urban security"

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[24] A similar reasoning emerged from a recent decision by the Court of Cremona (Tribunale di Cremona, November 27, 2008) published with a note by Natalina Folla, "L'uso del burqa non integra reato in assenza di una previsione normativa espressa" in *Il Corriere di Merito* (2009), no. 3, pp. 295 – 302. That case had involved a woman wearing a burqa who had entered the Court of Cremona to assist to her husband's trial. In turn, charges were pressed against her but the judges held that wearing the veil could not be criminalized absent an explicit criminal law provision doing so. .

[25] See Massimo Minniti and Francesco Minniti, "Tra libertà religiosa e ordine pubblico Sindaco ko alla guerra del velo islamico", D&G (2006), vol. 44, p. 108.

[26] Decreto legge 23 maggio 2008, n. 92, Misure urgenti in materia di sicurezza pubblica, published in G.U. n. 122, 26 May 2008.

27 Legge 24 luglio 2008, n. 125, published in G.U. n. 173, 23 July 2008.

[28] On this point see Matteo Gnes, 'L'annullamento prefettizio delle ordinanze del sindaco quale ufficiale del governo', Giornale di diritto amministrativo (2009), pp. 49 -50. Such ordinances have included the prohibition to clean car windows at traffic lights, the introduction of measures to monitor illegal immigration, the establishment of minimum income or living requirements to obtain residence, mostly adopted for alleged public order and security reasons but whose underlying rationale is clearly to harass immigrants. Thus, the municipal ordinances on the Muslim veil are only one piece of the jigsaw puzzle. For an overview of these measures see id. at p. 45.

(*sicurezza urbana*) and "public integrity" (*incolumità pubblica*). Now, it is clear that the concepts of "public security", "urban security", "urgency", and "public integrity" can be subject to very broad interpretations and indeed most of the creative municipal ordinances adopted during the past years were justified by referring to these concepts. With a decree, the Interior Minister defined what is intended by "public integrity" and "urban security".[29] However, the impression is that the definitions provided are still very vague and leave quite some space for discretion and interpretation on what public integrity and urban security actually mean when viewed from a public order and security perspective.

As to the second strategic move, namely to amend the POPA to explicitly include the wearing of the veil, a first step in that direction was taken in 2005 when the fine established under Article 5, paragraph 2 was increased from "mere" 6 months - 1 year arrest to arrest of one to two years and a fine of 1.000 – 2.000 euro. At that stage, the proposal to include the burqa or chador as garments forbidden by the statute was still rejected. However, what is interesting is that this amendment was converted into statutory law by the Act on Urgent Measures to Combat International Terrorism, 31 July 2005 n. 155.[30] During the debate on this amendment, the sponsors of the bill made clear references to the terrorist attacks of July 2005 in London and how the changed historical circumstances require that these dispositions now should also apply to the Afghan burqa or the Iranian chador and other Muslim female clothing which are imposed on women to hide their features. Thus, wearing the veil became linked explicitly with international terrorism and security. The question therefore became how much longer the xenophobic political propaganda occurring in Italy at many levels against Muslims would remain unheeded and eventually influence judges and/or legislators alike.[31]

And indeed, today a total of seven bills proposed by different members of Parliament which are currently under review in the Italian Parliament.[32] Without entering into the legislative drafting details, all seven bills - right wing, left wing or the centre - except for one,[33] intend to modify Article 5 of the POPA in the direction of explicitly including the Muslim veil under the prohibited means of covering one's face in public.

What is more interesting for the purpose of this piece are the motivations and justifications for introducing these bills. Public security reasons and the fight against (international) terrorism with specific references to the jihadist attacks in the United Kingdom on July 7 and 21, 2005 are mentioned as primary reasons in some proposals.[34] Other proposals justify that intervention by broadly referring

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[29] Decreto del ministro dell'Interno, *Incolumità pubblica e sicurezza urbana. Interventi del sindaco*, 5 August 2008, published in G.U. n. 186, 9 August 2008. The first term stands for the physical integrity of the population and the second term indicates a public good which needs to be protected by means of activities aiming at defending the respect for provisions that regulate civil life, better living conditions in urban centers, common life and social cohesion in the local community setting.

[30] Legge 31 luglio 2005, n. 155, recante "*Misure urgenti per il contrasto del terrorismo internazionale*", G.U. n. 173, 27 July 2005.

[31] In this sense, Giancarlo Scarpari, 'La legge Reale, il burqa e il "comune sentire del popolo"', *Diritto, immigrazione e cittadinanza* (2006), p. 80.

[32] In order of time these are: Proposta di legge n. 627 of April 30, 2008; Proposta di legge n. 2422 of May 6, 2009; Proposta di legge n. 2769 of October 2, 2009; Proposta di legge n. 3018 of December 3, 2009; Proposta di legge n. 3020 of December 4, 2009; Proposta di legge n. 3183 of February 8, 2010; and Proposta di legge n. 3205 of February 11, 2010.

[33] Proposta di legge n. 3205 of February 11, 2010. This bill keeps the original Article 5 POPA distinction between public events and public spaces in general. Moreover, it explicitly specifies that clothing worn in public for religious, cultural or ethnic motives is a justification with regards to Article 5 POPA and that when specific grounds and motives of public security exist, upon request by a public official, that person needs to consent to show his/her face so as to allow for temporary identification.

[34] Proposta di legge n. 2422 of May 6, 2009 and Proposta di legge n. 2769 of October 2, 2009.

to the protection of the dignity of women who have chosen to wear a full veil,[35] because the burqa or niqab are a symbol of submission of women and therefore cannot be tolerated in civil societies based on the rule of law.[36] The question is whether and how far freedom of religion is being considered by these proposals. The more moderate bills simply find that in balancing necessities of public security and religious freedom it is a reasonable compromise to require that the face be left visible in public.[37] The more conservative bills take a more radical reasoning by denying that religion is at stake at all. According to that view since these types of veil are not really required by the Muslim faith or by the Qur'an no freedom of religion can be involved, the reason why there is no risk of violating Article 19 of the Italian Constitution or Article 9 of the European Convention on Human Rights.[38] Rather these veils are only the result of radical, cultural, misogynist instances leading to female segregation in social and civil life.[39]

Regardless of the outcome, what needs to be highlighted about the Italian debate is the embedded discourse. One can observe how the (populist) vision of a uniform Christian, Western European Italy contained in these ordinances at the local level has been able to move to the national level by means of appealing to public order and security in the case of the more strictly conservative proposals and to gender equality and balancing between freedom of religion and public security in the case of the more moderate and liberal ones. Both types of reasoning are based on problematic assumptions: as far as the security arguments go, there are today no cases of any terrorist attacks performed by veiled persons in Western Europe. Moreover, the number of women wearing a full cover veil in Italy is minimal. Hence, from a criminal law perspective one would punish something that is only an abstract danger without any concrete damage to a public good. Apart from the very practical consideration that if one seriously planned a terrorist attack, the last thing one would want to do is to wear the very conspicuous Muslim veil. But also the gender rights argument is problematical in as much as it denies the autonomous choice by Muslim women to wear the veil. By simply assuming that any woman wearing the veil is the victim of her own misogynist culture and religion one simply ends up essentializing Muslim women from a white, female European perspective. Not to forget that in practice by banning these women from being allowed to walk in public streets one reaches exactly the opposite result from their liberation, namely locking them away either into prison or into their homes, thus isolating them even more. In any case criminal law, or rather the simple modification of one article in an obsolete, unrelated piece of criminal law legislation is not the best instrument to address such sensitive issues. Instead of a more thoughtful and balanced intervention which takes into account international law and human rights principles from freedom of religion to anti-discrimination, what emerges here is the image of Muslim women with a veil covering their faces completely becoming framed and constructed as a danger to public security. Freedom of religion played a surprisingly marginal role in these debates showing yet again the relative weakness of that constitutional guarantee and that as soon as public order and security are evoked other constitutional and rights-related considerations are relegated to a secondary role.

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[35] Proposta di legge n. 3020 of December 4, 2009.

[36] In particular, Proposta di legge n. 3018 of December 3, 2009.

[37] See Proposta di legge n. 627 of April 30, 2008 and Proposta di legge n. 3020 of December 4, 2009.

[38] Proposta di legge n. 3018 of December 3, 2009.

[39] See Proposta di legge n. 3183 of February 8, 2010 and Proposta di legge n. 3018 of December 3, 2009.

Can and Will Anti-discrimination Law Bring a Change?

In particular the case law from France, Switzerland but also from the European Court of Human Rights (ECtHR)[40] shows that (constitutional) provisions on freedom of religion have not really helped protecting the right to wear a headscarf. The German decisions also show how fragile that protection can be in another system which has so far tended to protect that right: a simple intervention by state legislators was sufficient to undermine those judicially acquired rights. The Italian situation (which can probably be extended to similar legislative proposals in France and Belgium) has also demonstrated how little weight freedom of religion can have or how it is completely dodged in the debates on prohibiting someone from walking on public streets in a Muslim veil.[41]

Hence, the question becomes whether other legal means and new legal actors might provide a better venue to protect the right to wear a headscarf for at least some of the cases presented here above? The thought here goes to equality related arguments, anti-discrimination legislation and the European Court of Justice (ECJ). In particular, it is questionable whether legislation such as that developed in some of the German *Länder*, is compatible with European anti-discrimination legislation.

Theoretically, there are different legal instruments which could become applicable. The first and most obvious is Directive 2000/78/EC which prohibits discrimination on the basis of religion in the employment context.[42] This directive has been implemented with some delays into German law with the German Anti-Discrimination Act in 2006.[43] Teachers who want to wear a headscarf in public service could argue that they are being discriminated against on the grounds of religion under such legislation. The argument is especially strong under the laws of those states (Bavaria, Baden Württemberg) who have made it clear that they introduced the legislation so as to preserve Christian values. It is hard to imagine how such a targeting of one religion (Islam) while explicitly favouring and exempting another (Christianity) can withstand legal challenge under current anti-discrimination law.

The case might be less straightforward for the legislation of those *Länder* who have introduced a ban with the justification that *any* ostentatious religious symbols - both Christian and Muslim - in public service will be forbidden. Even in this case, one might raise the argument of indirect discrimination, in that the apparently neutral provisions, criterions or practices applying equally to everyone nevertheless disproportionately affect female teachers wearing a headscarf. However, this would only protect teachers or employees, since religious discrimination under Directive 2000/78/EC is protected only in

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[40] *See* most recently the chamber judgments *Dogru v. France* (Application no. 27058/05) and *Kervanci v. France* (Application no. 31645/04), both decided on 4th December 2008. Here the ECtHR held that expelling two young women from school because they refused to take off their headscarf in class is not a violation of their freedom of thought, conscience and religion as protected by Article 9 of the European Convention on Human Rights. These two cases confirm earlier case law by the same court, in particular *Leyla Şahin v. Turkey* (Application no. 44774/98) and *Zeynep Tekin v. Turkey* (Application no. 41556/98) where a similar headscarf ban in universities by Turkey was upheld because not in violation of Article 9.

[41] Nevertheless, a recent decision by the ECtHR may provide a more nuanced picture in as much as it distinguishes between bans of the headscarf in public institutions (which the court had upheld) and prohibitions to wear religious clothing in public spaces more in general (which the court declared in violation of Article 9 ECHR). *See Ahmet Arslan and Others v. Turkey* (Application no. 41135/98), dated 23 February 2010, in particular para. 48 -49. The case has been appealed to the Grand Chamber so the final word is not said.

[42] Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

[43] Allgemeines Gleichbehandlungsgesetz, 14 August 2006 (BGBl. I p. 1897).

the employment context. The pupil cases in France, for example, would not fall under the scope of this non-discrimination legislation. Moreover, an additional difficulty of using the indirect discrimination track is that Article 2, para. 2 (b) of that Directive provides that such apparently neutral provision, criterions or practices are not prohibited when they are "objectively justified by a legitimate aim and the means of achieving it are appropriate and necessary". Hence, some of these *Länder* might try to argue that their aim is legitimate and objectively justified, appropriate and necessary.

The second piece of European legislation which might be invoked is the Directive 2006/54/EC concerning equal treatment of men and women in employment.[44] Indeed, it could be argued that the prohibition to wear headscarves or religious symbols in public education is a case of indirect sex discrimination since mostly Muslim women are affected by it. Nevertheless, like under Directive 2000/78/EC according to Article 2, para. 1 (b) such provisions, criteria and practices are admissible if they are "objectively justified by a legitimate aim and the means of achieving it are appropriate and necessary".[45]

Last but not least, there might be some room for invoking discrimination on the basis of Directive 2000/43/EC which prohibits discrimination on the basis of race and ethnicity.[46] As with gender discrimination, legally speaking no claim of direct discrimination can be brought. However, it could be argued that the headscarf ban predominantly affects people of non-Western origins and is therefore discriminatory on the base of their race and ethnicity. Again, according to Article 2, para. 2 (b) such a policy or measure is legitimate if it is "objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary."[47]

The theoretical applicability of these Directives and their national implementing legislation nevertheless is highly dependent on the concrete application given to these provisions by judges. This means that their biases and subjective views of what the normative baselines and assumptions should be and are as well as what role (Christian) religion should play in seemingly secular societies come into play. Especially with regards to the potential justifications in the case of indirect discrimination it is highly probable that the *Länder* would find open ears with the judges for their arguments that the prohibition is justified, appropriate and necessary. Some reasons that have also in part emerged before the ECtHR, or that were employed before the BVerfG could be seen as acceptable justification: guaranteeing a secular state and education, promoting gender equality, avoiding social unrest, promoting social cohesion and integration, children's rights and parents' rights (whereby in those cases it is only the Christian childrens' and parents' rights that are being considered). And indeed three different examples from three different countries – the first involving an attempt to challenge headscarf bans by means of anti-discrimination legislation, the second and third involving employment discrimination claims for religious discrimination by Muslim women - show how difficult it can become to judicially defy certain normative assumptions based on the views of a white, Christian majority to which European judges mostly belong, especially when to begin with such anti-

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44 Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast).

45 It should be noted, however, that the sex equality argument can go the opposite way as well. Indeed, the headscarf is often viewed and constructed as an Islamic symbol of female subordination. According to this view, allowing it to be worn in public schools would equal condoning the inferior position of women in Islam. Hence, prohibiting the headscarf actually furthers sex equality by emancipating women. This argument is employed by the ECtHR in its judgment *Dahlab v. Switzerland* (decision on admissibility - Application No. 42393/98). *See* in more detail on this point Titia Loenen, 'The headscarf debate: Approaching the intersection of sex, religion, and race under the European Convention on Human Rights and EC equality law' in Dagmar Schiek and Victoria Chege (eds), *European Union Non-Discrimination Law. Comparative Perspectives on Multidimensional Equality Law* (2009), London, New York: Routledge, pp. 322- 323.

46 Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

47 In this sense, Loenen, *supra* note 42 at pp. 321 – 322.

discrimination legislation is viewed with many reserves as is the case in Germany and coupled with a bias towards the version provided by the Christian actors involved.[48]

The first example comes from two recent decisions by the Belgian *Conseil d'Etat*.[49] The *Mouvement contre le racisme, l'antisémitisme et la xénophobie* (M.R.A.X.), a Belgian NGO, had brought a claim against the decisions by the French community and two high schools because of the prohibition to wear the headscarf. The judges rejected the claim on formal grounds, holding that M.R.A.X. lacked standing. In fact, M.R.A.X.'s charter states that its aim is, amongst other things, "to fight racism, anti-Semitism and xenophobia and to promote equality and fraternity as well as defending peace and friendship among people". For the judges, the decisions taken by the high schools and the French community have exactly the same aim as the charter of M.R.A.X. Hence, there are no contrasting interests at play, the reason why it lacks standing.[50] One could argue that these two decisions do not say a whole lot on what the judges would have decided on the merit with regards to a potential conflict between headscarf bans and non-discrimination provisions. Indeed, it is clear that the judges strategically dodged the issue. Nevertheless, the normative assumptions underpinning their reasoning become quite clear. Indeed, the judges' view of a peacefully cohabitating society only takes the standpoint of the Christian majority into consideration. And even here it is only a very specific vision of social cohesion and peace that is being considered, namely one where the ostensible wearing of any religious or political symbol in public schools is prohibited. In the Belgian (Wallonian) and French context that is viewed as the natural, neutral and objective situation and way of doing things, regardless of whether that conflicts with another vision of freedom of religion and ultimately restricts that freedom. The legal system thus works to keep the existing arrangements and power structures in place. Hence, it is highly probable that the judges would have been inclined to find legal arguments for rejecting such claims on the merits as well, instead of dodging the issue on tenuous procedural grounds.

Last but not least, denying standing in court on such spurious arguments strongly resembles the first rule of racial standing as defined by Derrick Bell in the United States.[51] That rule states that litigants are generally granted standing in court based on their having sufficient personal interest and involvement in the issue. However, even though they may be able to get into court, Black people's views are often discounted as special pleading and not given serious consideration when discussing negative experiences with racism or when giving a positive evaluation of another black person or of his or her work. In a footnote he notes how the standing doctrine has often served as a barrier for blacks seeking relief from undeniable racial abuse.[52] By substituting "Black" with "Muslim" here, one can see how a similar mechanism is at play in this Belgian case. Thus, Muslim plaintiffs - through the anti-racist association M.R.A.X. - were prevented from even getting into court for supposed lack of sufficient personal interest, even though the measures they were challenging at least raised doubts as to their discriminatory purpose and effect.

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[48] In other places, on the contrary there have been successful challenges under anti-discrimination legislation to headscarf bans imposed by employers rather than by the legislator. See e.g. in the United Kingdom and the Netherlands where these issues have already been analyzed with reference to gender equality and anti-discrimination. See Sevgi Kiliç, Sawitri Saharso, Birgit Sauer, 'Introduction: The Veil: Debating Citizenship, Gender and Religious Diversity', *Social Politics* (2008), vol. 15, n. 4, p. 402.

[49] Conseil d'Etat, decisions n. 191.532 and n. 191.533, 17 March 2009. The second decision was published with a critical note by Sebastien van Drooghenbroeck in *Journal des Tribunaux* (2009) pp. 252 – 254.

[50] The original language text states: *Considérant qu'en édictant qu'est interdit aux élèves "le port de tout couvre chef, de signe ostensible d'appartenance politique ou religieuse dans l'enceinte de l'établissement", le règlement attaqué, loin de porter atteinte à l'objet social de la requérante, a pour effet de le rencontrer et de le conforter; qu'il s'ensuit que la requérante n'a pas intérêt à en poursuivre l'annulation; que le recours est irrecevable.*

[51] Derrick Bell, *Faces at the Bottom of the Well* (1992), New York: Basic Books, pp. 111 – 113.

[52] *Id.* at fn. 4.

The second example was one of the first cases applying Directive 2000/78/EC as implemented by the AGG. While this case (as well as the third example) does not involve the headscarf, it still deals with the issue how far law is willing to accommodate Muslims, protect them from discrimination and the underlying common issue of Islamophobia and cultural racism. The case involved the rejection of an application from a German - Muslim woman by the *Diakonisches Werk*, an outreach ministry of the Lutheran Church of Germany. The latter was looking for a socio-pedagogical expert to be working for them on a project studying the professional integration of non-Christian migrants. The trial court found that there had been discrimination on the grounds of religion because the exception applying to churches and other public or private organizations the ethos of which is based on religion or belief was not applicable. This exception establishes that a person may be treated differently on the basis of religion or belief "where, by reason of the nature of these activities or of the context in which they are carried out, that person's religion or belief constitutes a genuine, legitimate and justified occupational requirement, having regard to the organization's ethos".[53] Even though under German law churches have a broader autonomy than that envisaged by the European anti-discrimination legislation, the judges found that the link between the requirement to be Christian and the activity to be performed by the applicant was too tenuous to justify the exclusion.[54] The decision was reversed on appeal.[55] The appeals court dodged the issue by arguing that the candidate simply did not have the qualifications required for the job. Indeed, the advertisement required a degree in socio-pedagogy/social sciences which the applicant did not possess. Hence, no religious discrimination had occurred at all. What the court did not take into consideration is that in spite of her seeming lack of qualifications during the selection procedure the plaintiff had received a phone call in which the *Diakonisches Werk* defined her application as "very interesting" and thereafter asked about the applicant's religion and whether she would be willing to convert if necessary because that was an essential part of the job requirements. Hence, it was not her lack of qualifications but her religious belief which were the obstacle. Excepting a potential constitutional complaint to the BVerfG, the case must be deemed final, since no leave to review the decision was granted by the appeals court.

A third example, this time from Austria, is also quite telling. The facts are very similar to the second case and involved a Muslim doctor of Turkish origins who applied for a position in a doctor's private practice. She was invited to a job interview at the doctor's home where his practice was also located. The doctor's wife was present and while her husband left for a short break she found out that the plaintiff was Muslim. During the ensuing discussion the wife said that she could not tolerate Muslims in Austria because Islam oppresses women. The candidate did not get the position because apparently a better qualified candidate was ultimately selected. The case was not taken to court but to Austria's competent equality body, the *Gleichbehandlungskommission* (hereinafter the Commission). The Commission issued an opinion in which they found no (employment) discrimination on the basis of religion.[56] They held that the defendant's wife was unrelated to the employment context. Therefore their discussion was merely private and had no influence on the outcome of the hiring process. Moreover, the commission found it plausible that the other candidate obtained the position thanks to better qualifications rather than for other (discriminatory) reasons which could not be ascertained during the procedure. From a procedural and legal point of view the Commission never bothered even checking into the qualifications of the two candidates and just accepted the doctor's version of the facts. But also the fact of qualifying the wife as external to the employment context was not a necessary conclusion, since the Commission could have investigated into how far the wife did influence her husband's hiring decisions in general and that she may have instigated the discriminatory

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[53] Article 4, para. 2, Directive 2000/78/EC.

[54] Arbeitsgericht Hamburg, 4. December 2007, 20 Ca 105/07.

[55] Landesarbeitsgericht Hamburg, 29. October 2008, 3 Sa 15/08.

[56] Gleichbehandlungskommission, II. Senate, Opinion 22 (available at the following website: http: //www.austria.gv.at/ DocView.axd?CobId=24556).

behaviour. Last but not least, for (employment discrimination to exist) it is sufficient that the discriminatory ground was one of the reasons for not employing the person but not the only ground.

Hence, if the Commission had wanted, there could have been different available and sound legal strategies to duly investigate the case. However, even in the case of a specialised Commission the biases towards one version of the story probably came into play. Not only as far as whose version of the story the Commission or judges are more inclined to believe and give credit to and thereafter which procedural steps they initiate but also in this specific example, probably finding it naturally plausible that there was a better suited candidate than a female Muslim doctor for that position.[57]

These examples show how judges or equality body members also interpret (anti-discrimination) law according to their biases which in many cases coincide with the values and assumptions of a collective imaginary national body composed of a white, Christian majority. In this sense two things need to change if one wants interpretation of religious freedom or anti-discrimination law to do what they are supposed to do when encountering Islam. First of all, make judges or those applying the laws or cases aware of these biases by showing and denouncing the known and unknown assumptions at work and simultaneously increasing the number of Muslims on the bench or in equality bodies in order to counter those prejudices from within. As long as nothing changes from that perspective, the legal strategies and interpretation methods available are manifold and therefore the question remains how successful claims by headscarf - wearing women will be under anti-discrimination legislation. Some serious doubts are more than justified.

Conclusions

As we can see, courts (and legislators) in Europe have found many different ways of downplaying or thwarting the choice of Muslim women to wear the headscarf, justifying these restrictions on a number of grounds ranging from *laïcité*, Western values, the objective effect the headscarf may have on the broader public, fundamentalism, gender equality to public security. These spoken and open justifications are often underpinned by the unspoken ones, which do have racialized, gendered, colonialist origins that ultimately benefit the white Christian majority and defend its values.

Some new developments might arise in connection with European anti-discrimination law. However, its thrust is so far limited to employment[58] and its application is first of all highly dependent on how "anti-discrimination law friendly" the national systems are. Second, even these legislative provisions are ultimately applied by judges and their subjective views and biases on the issue. Based on these views restrictive interpretations can be expected and indeed be observed in the name of the broader societal good and by employing "neutral" strategies thus preventing effective protection in this field as well. Some change might be possible if one makes those biases and their consequences in the adjudicatory field visible as well as by simply hoping for an increased presence of Muslim judges and equality body members in the future.

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[57] For the sake of completeness - and possibly also to provide a less bleak picture - one should mention that in another more recent case the refusal to hire a Muslim doctor because she intended to wear a headscarf at her job in a health clinic gave rise to an out of court settlement in favour of the plaintiff of 4,500 Euro before the trial formally started as well as to an opinion by that same Commission that religious discrimination had taken place. The defendant was ordered to deal with the subject of the headscarf at work in general and in particular to read a leaflet by the Vienna Hospital Alliance on the topic and then to report in writing to the Commission within two months. Gleichbehandlungskommission, II. Senate, Opinion 70/08 (available at the following website: http://www.bka.gv.at/DocView.axd?CobId=38814).

[58] One should mention that a new directive proposal would extend religious discrimination to other areas as well. *See* "Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation", COM (2008) 426 final, 2 July 2008.

'The Vice of Fornication Seems Innate to them.' **Bodies, Sexuality and Conversion.**

Katharina Stornig

Introduction

In February 1920, about twenty-five years after Catholic mission activity had started in the North of colonial New Guinea[59], a German nun, who was positioned there for about 7 years by then, wrote to her superior in Europe, admitting that at times she did not feel "that comfortable" on location. Sister Firmina Herzog explained this by pointing out what she called the "low standing" of the indigenous population. And she added, clarifying her point:

> 'If they [the indigenous men and women] would only have more sense of shame and dress themselves a bit better! Then it would be more beautiful among the natives. But unfortunately they lack that totally. One is hurt betimes when one has to see that the young girls, who have just returned to their villages from the mission, again copy the elders and become all bush-Kanaka again.'[60]

In the passage quoted, Sister Firmina Janzing related indigenous ways of clothing to a western code of morals in which the experience of "shame" took a prominent position. More precisely, what Sister Firmina perceived as the absence of a "sense of shame" on the part of the indigenous population referenced the display of certain parts of the body due to the lack of (western) textiles. Thereby, she established a direct link between a person's external appearance and his or her moral qualities. However, as Aileen Ribeiro has pointed out, "clothes are not 'immoral' in themselves". Rather, it depended on social disapproval what was historically considered as "immoral dress".[61] Consequently, Sister Firmina Janzing's statement must be read as the assessment of a protagonist of western Christianity in the New Guinean cultural setting, who naturalized the set of believes and values that she held herself held *as* morality. Moreover, the classifications of dress or types of clothing as "immoral" invariably meant the characterization of a person's appearance as sexually disturbing. Thus, Sister Firmina's assessment quoted transcended the level of social practice and moreover referred to the (discursive) construction and use of the gendered body's meanings in both its representational and abstract forms.

This paper discusses the body and its religious fashioning in the context of Catholic missionary practice and discourse in the late 19th and first half of the 20th centuries. More concretely I focus on the missionary encounter in the North of colonial New Guinea between indigenous women and children and the Servants of the Holy Spirit, a German congregation of missionary nuns.[62] Recent feminist

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[59] The following article references to German Catholic mission activity in what was then called the prefecture apostolic of Kaiser Wilhelmsland. Established by Pope Leo XIII. in 1896, the prefecture apostolic Kaiser Wilhelmsland corresponded to the homonymous part on the New Guinean mainland under German colonial rule as well as the offshore Islands.

[60] Cf. Arch.Gen.SSpS 034 PNG Korrespondenz 1911-1975; Sister Firmina Janzing, 8.2.1920.

[61] Cf. Aileen Ribeiro, *Dress and Morality* (Oxford and New York, 2nd Ed., 2003) p. 12.

[62] Founded in 1889, the Servants of the Holy Spirit congregation was among the first German women's congregations which explicitly dedicated to missionary work. By the turn off the century, its member already worked on four continents. The first overseas branch founded by the Servants of the Holy Spirit was Argentina (1895) followed by Togo (1897) and Papua New Guinea (1899).

research has brought new interest in the study of the body as a site of cultural tension.[63] This is likewise the case for recent scholarship on gender and religion in the (post)colonial context as well as for research on the missionary encounter. Scholars have shown that struggles over the body were central to the missionary project of establishing a Christian social and moral order in non-western societies.[64] Anthropologists of the missionary encounter have pointed out the decisive role that Christian missions played introducing a "new mode of being" to non-western societies that was linked to their (often invisible) power over everyday meaning and regular activities in the indigenous day-to-day world that evolved around issues such as aesthetics and religion, bodily representation and daily habits.[65] This paper draws on this line of research and discusses the female body in missionary practice and discourse, trying to understand both the role of the body in (the development of) missionary policies and the ways in which the nuns constructed, managed and made use of its meanings. Keeping up the tension between the body's unifying function with regard to the (female) human condition on the one hand and its use as a marker of (gender, racial) difference on the other one, I will ask for the relationship between the "pure" body of nuns and the oversexualized bodies of indigenous women in missionary concepts. Thus, on the one hand this paper discusses the female body in missionary practice and suggests that nuns understood the refashioning of indigenous bodies as inextricably linked with the religious goal to convert souls. On the other hand, I explore the constructions of the body that went beyond its representational form but were related to the definition and management of its different meanings.

In 1899, the first Servants of the Holy Spirits arrived in colonial New Guinea having in mind concrete ideas about how Catholic girls and women were to be like and to behave in society. The missionary workforce, who was largely recruited out of the peasant population in parochial Germany[66], propagated a conservative, pre-industrial model of society, which was based on the nuclear family as its primary social unit as well as on a marital division of labor that assigned women's roles to the domestic sphere. According to this Catholic model of society, ideal Christian femininity was based on the concept of the pious mother and housewife, who dedicated herself to the up-bringing of her children as well as the performance of domestic work. This ideal Christian woman displayed her moral qualities by her pious conduct as well as her humble and modest dress. Modest dress in this context witnessed a Catholic mother's personal and religious mores in the sense that it covered the sexual areas of the gendered body and moreover represented the fact that, as a devote woman, she respected western standards of cleanliness but did not spend too many hours on the adornment of her body.[67]

However, the representation of the indigenous woman that the nuns encountered in colonial New Guinea contrasted sharply with this propagated ideal. From the western point of view, women's lives

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[63] E.g. Peggy Brock, "Nakedness and Clothing in Early Encounters Between Aboriginal People of Central Australia, Missionaries and Anthropologists" in *Journal of Colonialism and Colonial History 8* (2007) No. 1. And: Tony Ballantyne and Antoinette Burton (eds), *Bodies in contact. Rethinking Colonial Encounters in World History* (Durham and London) 2005. And for the context of this paper cf. in particular the following contributions: Ballantyne and Burton, "Introduction" (pp. 1-18); Rebecca Overmyer-Velázquez, "Christian Morality in New Spain: The Nahua Woman in the Franciscan Imaginary" (pp. 67-83) and Heidi Gengenbach:, "Tattooed Secrets: Women's History in Magude District, Southern Mozambique" (pp. 253-276).

[64] Cf. Kathryn Rountree, "Re-making the Maori Female Body. Marianne William's Mission in the Bay of Islands" in *The Journal of Pacific History* 35 (2000) No. 1, pp. 49-66. And: Patricia Grimshaw, "New England Missionary Wives, Hawaiian Women and 'The Cult of Womanhood'" in Jolly Margaret and Macintyre Martha (eds) *Family and Gender in the Pacific. Domestic contradictions and the colonial Impact* (Cambridge, 1989) pp. 19-44.

[65] Cf. Jean Comaroff and John Comaroff, "Christianity and Colonialism in South Africa" in American Ethnologist 13 (1986), No. 1, pp. 1-22, i.e. p. 2. And: Wayne Fife, "Creating the moral body: Missionaries and the technology of power in early Papua New Guinea" in *Ethnology* 40 (2001) No. 3, pp. 251-269.

[66] Cf. Robert Hoffmann, "Die katholische Missionsbewegung in Deutschlang von Anfang des 19. Jahrhunderts bis zum Ende der deutschen Kolonialgeschichte" in Klaus J. Bade (ed.) *Kolonialismus und Kolonialmission. Kaiserliches Deutschland und koloniales Imperium* (Wiesbaden, 1982) 29-50, i.e. pp. 33ff.

[67] Cf. Ribeiro, *Dress and Morality*, pp. 14ff.

in New Guinea corresponded by no means to what German nuns perceived as a well-regulated life for females: Largely unrestricted in her movement, the indigenous woman moved freely through the villages or the countryside without caring for domesticity and housework. Moreover, since western textiles were not distributed in the area previous to the arrival of the mission, indigenous women wore mostly skirts made of leaves and therefore displayed sexual characteristics of the body. This, however, was criticized by the nuns on ground of a Christian code of morals. The first Servants of the Holy Spirit who arrived in the region aimed to clothe the bodies of indigenous girls and women with textiles, a project that, as I am suggesting here, must be understood in a double sense: On the one hand the nuns aimed to actually cover the indigenous female bodies with western fabrics in order to cover their sexual characteristics. On the other hand, such attempts must be seen as the endeavors to transform the body's meaning according to a Christian cultural understanding of the body/mind relations. This eventually implied the attempt to subject the indigenous body to a Christian code of morals which understood the body and its desires as inherently sinful.[68]

Regulating Bodies, Converting Souls

When the first missionaries arrived in New Guinea in 1896 they quickly observed that not much success was to be expected in converting the adult population which remained largely uninterested in religious instruction. Indigenous social and religious practices (e.g. polygamy, divorce) as well as the absence of Christian mores, European ideals of domesticity and ethics of work were regarded as incompatible with Catholic life norms. Therefore, the mission changed track and focused on giving a religious education to the children, who should ideally provide the base for a new Christian society. Consequently, the nuns, the first of whom had arrived on location in 1899, collected orphans, girls and young women at the convents with the aim to habituate them on a day-to-day basis to what western nuns considered as a well regulated life for Christian females. In colonial New Guinea, gender biased missionary boarding education and co-residence at the missionary compounds eventually became the (from the missionary point of view) most promising means of evangelization.

Life at the women's convents took place in the geographically and socially confined space of the single missionary compounds and was strictly regulated by a daily sequence of prayer, study and domestic work. The nuns were convinced about the necessity to closely supervise the converted youth during day- and nighttime. Co-residence was thus thought as an important measure that facilitated the establishment of control over indigenous bodies: On the one hand, the nuns attempted to manage the mobility of the indigenous residents, whereas they watched over the access to their bodies on the other one. Ideally, this period of a total education at the missionary stations was followed by a period of resident employment by the mission, which preferably lasted until marriage to a spouse with the same religious and educational background. That way, the nuns in New Guinea aimed to control the religious, sexual and social lives of their converts whose working bodies in turn contributed to the mission's economic reproduction.[69] Generally speaking, the nuns depicted the single missionary stations as controllable spaces where a Christian religious and social order defined day-to-day life and therewith the social and moral worlds of its inhabitants.

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[68] Cf. Roy Porter, "History of the Body" in Peter Burke (ed.) *New Perspectives on Historical Writing* (Oxford, 1991) pp. 206-233, i.e. p. 213.

[69] Another constitutive cornerstone in the missionary project of re-making indigenous girls and women was domestic work. Apart from prayer and study, domestic work (washing, bleaching, patching, sewing, gardening) represented the main occupation of female indigenous residents at the missionary compounds. Thereby the spheres of work, education and evangelization got blurred, since nuns understood work *as* education and moreover declared both as implicit to successful evangelization.

Strikingly, most of the immediate transformations that indigenous converts in general and missionary girls, to use the term by which the nuns referred to those girls and young women who resided at the women's convents for education or employment, in particular underwent were external. Historians and anthropologists of missions have emphasized the essentiality of textile dress (of more or less European sort) to the Christian missionary enterprise in Africa and the Pacific.[70] And what applies to the Christian missionary enterprise in general was particularly the case for Catholic evangelization in northern New Guinea, where capitalist commerce and western textiles were not introduced hitherto. As a consequence, the first nuns who had arrived in the region declared the cleaning and clothing of indigenous bodies to their first mission. They engaged in the production and distribution of dresses extensively.[71] Fabrics, sewing machines and flat irons belonged to the most important goods they received from Europe just as the sewing and patching of textile clothes constituted activities in which all nuns, irrespective of the individual training and missionary sphere of work, engaged in.[72] In addition, needlework formed a main subject on all missionary syllabi with regard to girls' education. The mission-fabricated dresses (which consisted for indigenous women of a long loose dress whereas for men a waistcloth was considered acceptable) in turn were used as the payment for labor as well as an award for regular school attendance and distributed among both, the indigenous people who stayed at the missionary compound for employment or education as well as the nearby villagers. Hence, about six month after the pioneer group of Catholic nuns had arrived in Northern New Guinea (1899) and set up the first women's convent in Tumleo Island a nun reported on their first achievements:

> "Now most of the women and girls, who live at this island, already have one dress, but the women don't get it on always. Sister Valeria had chased the women off already often, when the same come to school without dress."[73]

Two observations can be made in the sequence quoted. Firstly, it highlights the missionary endeavor to actually "clothe" the indigenous population of the entire Island in colonial New Guinea that constituted the contemporary center of missionary activity in the region. On the other hand, the passage quoted already suggests that this project was a contested one, an issue that I will get back to.

From the missionary point of view, the introduction of Christian dress-codes to non-western settings was indeed essential because it constituted the premise for mutual interaction. According to indigenous custom, children were not dressed at all and the costume of adult women largely consisted of skirts only and hence entailed that the upper part of the body remained uncovered.[74] Religious

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[70] E.g. cf. the chapter on Christian missions in Robert Ross, *Clothing. A Global History. Or, The Imperialists' New Clothes* (Cambridge, 2008) pp. 83-102. And: Adrian Hastings, "Were Women a Special Case?" In Bowie, Ardener and Kirkwood (eds) *Women and Missions* pp. 109-125, i.e. p. 113; Fife, "Creating the moral body" pp. 255ff and Brock, "Nakedness and Clothing".

[71] In particular through the reading of letters by working nuns in New Guinea, the considerable quantity of dress that was produced by the nuns on location in order to clothe the indigenous population and as payment for indigenous employees becomes clear. For instance, a nun wrote about the occasional "rushes to the sewing room": *"Recently one brought us a whole pile of workers' trousers. All these had to be made narrower and shorter. With the remark that soon they* [the male missionaries on location] *want to have hundred* [trousers] *for workers, that had to be paid out."* Cf. Arch.Gen.SSpS 034 PNG Korrespondenz 1899-1910; Sister Martha Sieverding, 27.8.1906.

[72] In contrast to other Catholic institutions for women religious, the *Servants of the Holy Spirit* did not acknowledge the distinction in Choir- and Lay-Sisters. They did, however, distinguish the community of nuns with regard to the training they received in preparation for missionary life into "teaching-" and "working nuns". Significantly, in New Guinea all nuns (including the teacher-trained ones) engaged at least part-time in the production of clothes.

[73] Cf. Arch.Gen.SSpS 034 PNG Korrespondenz 1899-1910; Sister Ursula Sensen 17.9.1899.

[74] For example, a detailed account about the meaning of indigenous forms of female clothing and bodily practices in relation with the four socially recognized phases in a woman's life among the Manam in New Guinea comes from social anthropologist Camilla Wedgwood. Summed up briefly, Manam girls started to dress around the age of twelve years, when they received s short skirt hiding genitals and buttocks. The next phase in the life of a girl was linked with the development of her breast that was accompanied by the substitution of the skirt for a longer and fuller petticoat. Eventually, with first

guidelines and understandings of sexual purity prevented male and female missionaries from the interaction with indigenous people of the other sex. In addition, the nuns perceived the visibility of certain parts of the female body (e.g. breasts) as a challenge to their own moral integrity as well as single nuns, like for instance Sister Firmina Janzing whom I quoted at the beginning of this paper, referred to the vast absence of what they considered as proper dress as an obstacle to the individual adaptation. Still, all nuns in common were the wish to transform their social environment according to western/Christian standards, or to use to words of a nun, who referred to the visibly transformative impact of female missionary activity as follows: *"Once they wear dresses, the people immediately look quite different, at least the women and girls."*[75]

However, in contrast to what scholars suggested for the African context where western-style clothes at places constituted considerable incentives for indigenous people[76], the introduction of textiles to parts of colonial New Guinea was a contested issue. While the passage quoted earlier has already shown that indigenous women "did not get on always" the mission-fabricated dresses provided by the nuns, western voices from particularly contested settings of the missionary encounter reported on the "stealing" or "burning" of the pupils' clothes by indigenous adults in their home villages.[77] As a consequence, the mission-fabricated dresses were stored at the women's convent, where the day-school pupils clothed every morning before classes started. Besides, the nuns complained about the treatment of clothes by their indigenous owners, who, according to the western Christian point of view, did not care sufficiently for cleanliness and the state of the fabric. Therefore, the nuns invited their European colleagues to avoid sending used textiles but in contrast to ship the toughest fabric available only, since children and adults alike would "go in rags" too quickly.[78]

Generally speaking, missionaries understood the introduction of textiles as a necessary step towards the goal of creating their vision of self-disciplined subjects and establishing a Christian social and moral order in society. Paradoxically, what the nuns in New Guinea referred to as the "cultivation" of indigenous people through the introduction of dress and bodily discipline was perceived as both the precondition *and* the result of religious conversion. While the missionaries propagated the external regulation of indigenous bodies through dress and work as a means to dispose the latter's souls for conversion on the one hand, they celebrated what they called the "cultivating" effects of Christianity on individuals on the other one. Dress in this context was inextricably linked with the nuns' concept of moral agency. The Christian approach to clothes thus also refers to the performative effects of bodily practices.[79] From the missionary point of view, religious conversion implied the individual's incorporation of a set of western bodily meanings through the adoption of social and cultural practices. For instance, a priest in New Guinea wrote about the striking transformation that he affirmed having observed in the attitude of baptized children (compared to their non-baptized fellows) and he stated: *"They become obedient, humble, devoted. But over all modesty grows in them. They are ashamed to appear totally naked, like formerly"*.[80] Thus, in such an idealized western interpretation of cultural change in colonial New Guinea the use of western dress was inextricably linked with the individual's

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menstruation, the girl was regarded a fully-grown-woman and therefore started to wear the petticoat of the adult women. Cf. Camilla Wedgwood: "Girls' puberty rites in Manam Island, New Guinea" in *Oceania* 4 (1933/34) pp. 132-155, p. 132ff.

[75] Cf. Arch.Gen.SSpS PNG Korrespondenz 1899-1910; Sister Ursula Sensen, 7.1.1900.

[76] Cf. Hastings, "Were Women a Special Case?" pp. 113ff.

[77] As a consequence, the nuns stored the pupils' clothes at the mission, where the pupils put on their dress every morning before church and school. Cf. Arch.Gen.SSpS 034 PNG Korrespondenz 1899-1917; Sister Philomena Herzog, 7.8.1903.

[78] *"Often it's appalling how they walk about. Fore and aft they hold the rags together, and such as thing they accomplish with a dress within a couple of days only. Well, they are savages, and for that reason it would be good if dear reverend mother could have sent us from the toughest fabric you have."* Cf. Arch.Gen.SSpS 034 PNG Korrespondenz 1899-1917; Sister Fridolina Voekt 20.9.1902.

[79] For the performative effects of bodily practices cf. Saba Mahmood, "Feminist Theory, Embodiment, and the Docile Agent: Some Reflections on the Egyptian Islamic Revival" in *Cultural Anthropology* 16 (2001) No. 2, pp. 202-236, i.e. pp. 209-210.

[80] Cf. Father Franz Vormann in Volpert, *Ein Rebenhang im Wahren Weinberg*, p. 52.

increasing experience of shame, which, in turn, was based on a particular western-Christian construction of the body's meaning and described the unifying missionary understanding of the female corporeal condition.

On the more general level of day-to-day missionary life, however, the choice of dress became a normative feature by which individuals expressed their religious and social identities. From the missionary point of view, the choice of dress moreover functioned as an essential marker for a person's religious and personal moral qualities, whereby the latter was always understood in the normative framework of a Christian code of morals. While indigenous girls dressed in textile clothes were visibly linked to the missionary Church, their counterparts in traditional costume symbolized the lack of interest in religious conversion or even resistance to evangelization.

Sexuality

Naturalizing Christian mores as God-wanted and therewith absolutely superior, nuns in missions were particularly concerned about the sexual conduct of converted and mission-educated girls. This was linked with the gendered Christian ideal of sexual purity which entailed the praise of female chastity. The ideal of feminine chastity in the Catholic context was not restricted to virginity or celibacy but encompassed feminine sexual behavior more generally and thus also involved what Susan L'Engle has called "marital chastity".[81] "Marital chastity" meant the centrality of procreation to sexuality. In addition, the concept emphasized faithfulness and rejected sexual intercourse outside marriage. Consequently, missionary nuns not only aimed to prevent Catholic girls from engaging in sexual activities previously to marriage to a Catholic spouse but also endeavored to restrict (female) sexuality to the monogamous, indissoluble sacramental marriage that oriented towards Catholic procreation. According to the missionary point of view, the role of the Christian mother and (house) wife was the only socially and religiously acceptable one for indigenous women. Facing indigenous marriage practices (polygamy, childhood marriage betrothal, divorce) on the one hand and sexual relations between Catholic and/or mission-educated girls and European settlers on the other one, the nuns perceived female sexuality in colonial New Guinea as socially unregulated. Hence, the modest clothing of female bodies was moreover aimed at indicating their sexual inaccessibility and preserving their purity; a project that was reinforced by the widespread missionary practice to place converted girls within the confines of the single missionary stations until marriage to a Catholic spouse. Despite such missionary endeavors to watch closely over the converted girls who stayed at the convent during day- and nighttimes, however, controlling their sexual lives turned out to be a difficult task. In response to the experience of failure in this regard the nuns in their writings increasingly pointed sexuality out as the driving element in the activities of New Guinean women.

This was particularly the case when baptized missionary girls escaped from the New Guinean women's convents. In such cases the nuns usually declared the uncontrolled sexual desire of indigenous females as the driving force behind the elopement, which, in turn, was usually interpreted as the rejection of Catholicism as a whole. For instance, recounting the elopement of a number of girls from a missionary convent in response to their punishment by the local priest for the commitment of "severe offences", a nun wrote to Europe:

> 'Now instead of improving, they transformed the medicine into harmful poison and eloped from the station to the bush; there they stayed during the day and at nighttime they moved to the heathen villages. That was their plan since long ago; they just waited for the occasion. Also one was able to notice that well, because they detested to pray, to work and to obey. Against it, in spite of all

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[81] Cf. Susan L'Engle, "Depictions of Chastity: Virtue made visible" in Nancy van Deusen (ed.) *Chastity. A Study in Perception, Ideals, Opposition* (Boston, 2008) pp. 87-126; p. 107.

supervision, they searched for opportunities to satisfy their sensual desires. Now that they are free, they drink from the poison cup of bad lust to the full. Again they grease and adorn themselves like the heathens, at their so called 'sing-sings' (heathen dance) they disrobe their dresses and put on little grass-skirts; and all this, Catholic girls, who were well trained and received Holy Communion several times a week.'[82]

In the writer's interpretation, it was the giving-in to bodily desires that eventually triggered off the respective girls' turning away from Catholic mores. The substitution of textiles for indigenous dress was thereby represented as a consciously realized action that signified both the girls' "inner" apostasy as well as their "external" or public turning away from the missionary Church. In particular, the final reference made to the girls' regular participation in Catholic sacramental practice previous to the elopement suggests discussing the nexus of piety and sexuality as an interrelated pair of categories.[83] The binary representation of piety and sexuality in the account quoted, however, also opens up another dimension in the conceptualization of the body. In contrast to earlier sequences quoted which approached gendered corporeality as a unifying (feminine) human condition, here the body's function as a marker of difference was emphasized. In the description presented, the indigenous female body, although well-instructed and therefore temporary under control, eventually reconverted in what it had always been from the writer's point of view: driven by sensual desires and therewith the primary site of sinful behavior.

Missionary nuns in colonial New Guinea constructed categories of gender and race vis-à-vis the women they worked with. They conceptualized indigenous-heathen femininity in opposition to the western-Christian ideal of womanhood. The (gendered and un/controlled) body then became the locus of difference. Whereas the Christian woman was characterized as embodying piety, modesty and self-control, her indigenous counterpart was represented as incorporating sexuality and unregulated desire.[84] Sexuality thus not only featured as a primary marker of difference but sexual difference was increasingly translated into terms of race by the nuns who aimed to explain the ongoing failure of missionary policies. The racialization of sexual difference simultaneously served the nuns to legitimate the ongoing need of supervision of indigenous people as well as their subordination to a western dominated missionary Church. This can be observed in the following statement, which is the written response by a nun to the transgression of Christian sexual mores by missionary pupils as well as to the repeated setbacks that the missionaries had experienced, aiming to introduce a Christian code of morals (which they perceived as God-wanted and therefore absolutely superior) to colonial New Guinea:

'What a misery! How good our troubles and endeavors are used when we save these souls from eternal destruction. I do all I can, but one can't avert everything. This moral decline already became second nature to the heathens.'[85]

Emphasizing the survival of what they referred to as the "moral misery" in the local society and somehow legitimating the lack of missionary success in changing its moral system, the missionaries increasingly resorted to racial explanations. In the early 20th century, the nuns stated that what they perceived as the immoral characteristics of New Guineans were *"rooted more deeply into humans"*

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[82] Cf. Arch.Gen.SSpS PNG 6201 Correspondence 1911-1975, Sister Vincentiana, 16.6.1911.

[83] A similar argument for the Protestant case was brought up by Patricia Grimshaw with respect to the American mission in Hawaii, who suggested that the "essential thrust" of the American women missionaries' strategy was to "substitute piety for the sexuality". Cf. Grimshaw, "New England Missionary Wives" p. 29.

[84] The representation of Melanesians as oversexualized had a long standing tradition in missionary descriptions at least up to the mid 20th century. So concluded for instance Father Karl Böhm, himself positioned as a missionary in New Guinea during the 1930s, in his "ethnographical" book on northern New Guinea after discussing indigenous constructions of "shame" in relation to "nakedness" and "sexuality": *"To judge from words and actions, one must assume that people's fantasies are very much occupied with sexual thoughts."* Cf. Karl Böhm, *The Live of some Island People of New Guinea. A missionary Observation of the Volcanic islands of Manam, Boesa, Biem, and Urub* (Berlin, 1983) p. 107.

[85] Cf. Arch.Gen.SSpS 034 PNG 6201 Korrespondenz 1899-1910; Sister Valeria Diezen, 1.8.1902.

than they had ever expected.[86] Employing a language of race they argued that immorality was "innate" to New Guinean women and children and therefore inscribed in their gendered and racialized bodies. In 1901, a nun in New Guinea explained the failure of missionary strategies to her European readers in similar terms. Finally, she declared precisely the indigenous people's "moral configuration" as responsible for the failure of missionary strategies, when she characterized the youngest residents at the missionary station as already morally deprived:

> 'Surely you think that these little ones would still be innocent little angels, but unfortunately that's not true, children at the age of two are already depraved. The vice of fornication seems innate to them. Dear reverend mother, you can well believe me I speak from experience. You would throw your hands up in horror if I tell you what experiences I have made in this regard. Children at the age of five or six know what adults know in Europe and what is worst, they act it out as well. The vice of fornication is the biggest obstacle for the mission.'[87]

Scholars have pointed out the basically diverging notion and handling of sexuality in Pacific contexts on the one hand and Christian-western codes of moral on the other hand. In spite of acknowledging the huge variation of behavior towards sexuality in the single regions of New Guinea (that at places also strictly demanded to abstain from sexual intercourse previous to marriage), historian Hermann Hiery suggested that "restraint in sexual behavior was the exception rather than the rule".[88] And it was the free handling of the only scarcely covered (and thus visible) body as well as liberal notions related to sexuality also among younger generations of missionary candidates that nuns, for whom bodily desires were radically sinful and sexuality rather constituted a taboo in itself, took as a major issue in the race-related construction of "moral failure". The lack of "morality", meaning the normative concept of morality in western Christianity, was constructed as an inherent characteristic of what missionaries referred to as the "Kanaka" people. Thus, on the one hand the degree of generalization in the writings of the nuns is striking since they declared all indigenous people as morally deprived and ignored the concrete ethnic/cultural background as well as the individual's social status that scholars referred to as a crucial element of distinction in regard with indigenous sexual codes.[89] In consequence of these generalizations which deprived the indigenous cultures of any moral codes and/or bodily discipline, the only distinction regarding the respect of sexual mores that nuns drew in colonial New Guinea was between settlements situated close to the missionary headquarters (where the Christian impact was visible) and outpost places, where one was able to observe what nuns called the indigenous *"life of depravity"*.[90]

Apart from diverging conceptions of sexuality and socially accepted and/or contested ways of doing sex in the New Guinean and western-Christian cultures, however, also the contradictions inherent to the colonial project in the region and social change stimulated by the contact between indigenous populations and the West must be kept in mind.[91] Despite the missionary program of propagating Christian social and moral codes of behavior, western male settlers in part rejected sexual rigorism and disregarded European ways of organizing social (i.e. gender) relations abroad. Moreover, a set of social and economic developments in colonial New Guinea (such as labor migration, economic success of indigenous men and the introduction of a plantation economy) favored the spread of

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[86] Cf. Arch.Gen.SSpS 034 PNG 6201 Korrespondenz 1899-1910; Sister Perpetua, 18.1.1909.

[87] Cf. Arch.Gen.SSpS 034 PNG 6201 Korrespondenz 1899-1910; Sister Valeria Diezen, November 1901.

[88] Cf. Hermann Hiery, "Germans, Pacific Islanders and Sexuality: German Impact and Indigenous Influence in Melanesia and Micronesia" in Hermann Hiery and John McKenzie (eds) *European Impact and Pacific Influence. British and German Colonial Policy in the Pacific and the Indigenous Response* (London, 1997) pp. 299-323; i.e. p. 299.

[89] Cf. Hiery, "Germans, Pacific Islanders and Sexuality" pp. 305ff and Margret Mead, *Growing Up in New Guinea. A Comparative Study of Primitive Education*. (New York, 1930) pp. 119ff.

[90] Cf. Arch.Gen.SSpS 034 PNG 6201 Korrespondenz 1911-1975; Sister Imelda, 12.5.1911.

[91] Cf. Hermann Hiery, *Das Deutsche Reich in der Südsee (1900-1921). Eine Annäherung an die Erfahrung verschiedener Kulturen* (Göttingen and Zürich, 1995) pp. 34ff and pp. 170ff.

polygamy, homosexuality (that in ritualized form was not unknown in the Melanesian tradition) and prostitution.[92]

As a consequence, the western nuns in New Guinea interpreted their encounter with New Guinean societies and cultures by translating the different approaches to sexuality and ways of doing sex in Christian and Melanesian traditions into terms of race. This strictly hierarchic (re)interpretation of cultural difference moreover led to the characterization of the whole region as a morally threatening location. In turn, the aspired moral change in the local society was projected into a distant future. According to the nuns, moral change in New Guinea was to be reached by long-term and cross-generational Christian impact only. In the early 20th century Catholic conception, Christianity in its religious and cultural forms constituted the decisive evolutionary and "civilizational" force. However, the mere presence of nuns in the New Guinean field of mission as well as their unfractured self-representation as unspotted by the corrupting potential of the cultural environment once again points out their firm sense of difference between the German missionary nuns on the one hand and the indigenous women and girls as the "objects" of their mission on the other one.

Embodying Purity

Parallel to the characterization of the New Guinean societies as morally corrupting and therefore potentially dangerous, the Servants of the Holy Spirit constructed their gendered identity vis-à-vis both the secular Westerners on location as well as the indigenous people among whom they worked. This implied that the nuns, who themselves formed part of a long-standing religious culture that relied on female seclusion as a means of controlling sexual purity[93], gave much scrutiny to their rigid separation from priests and secular men. Notwithstanding the local imperative that at times demanded the cooperation between the missionaries of both sexes, the Servants of the Holy Spirit kept the congregational guidelines high that limited their interaction with men to a minimum and exposed the same to the set of strict control mechanisms acknowledged by ecclesiastical culture.[94] That way they aimed to protect vowed chastity which not only formed a crucial element of their religious identities but was moreover publicly displayed in the symbolic form of the veil and habit of the Catholic nun.[95]

The peculiar ensemble of dress that constituted the habit of the Catholic nun certainly represented an important sign for both, her individual identity as a woman religious embodying the monastic vows in general and chastity in particular[96] as well as of some sort of collective identity that related to congregational affiliation on the one hand and social status on the other one.[97] Historically, the habit

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[92] Cf. Hermann Hiery, "Germans, Pacific Islanders and Sexuality" pp. 303ff.

[93] For an introduction to the Catholic concept of chastity and female religious identity cf. Jo Ann Kay McNamara, *Sisters in Arms. Catholic Nuns through Two Millennia* (Cambridge and London, 1996) pp. 1ff.

[94] For instance, in 1910 a decree was issued in which the interaction of the nuns in New Guinea with priests on location was regulated. According to this decree, which was based on comparable regulations in Europe, mutual interaction was to be reduced to the necessary minimum and spatially restricted to the convent parlors, whereby single nuns never were to associate with a priest on their own. Cf. "Über den Verkehr mit dem anderen Geschlechte" in Arch.Gen.SSpS; SVD – SSpS; Gründerzeit 0006.1 SVD-SSpS 1909-1911; 29.

[95] For an introduction to the symbolic meanings of the religious habit of Catholic nuns cf.: Elizabeth Kuhns, *The Habit. A History of the Clothing of Catholic Nuns* (New York, 2003) i.e. pp. 15ff.

[96] According to the congregational records, the Servants of the Holy Spirit considered the vow of chastity as the founder's dearest vow. In particular the congregational record from the mid 20th century witnessed a growing concern with the protection of chastity and virginity. Cf. Arch.Gen.SSpS 100 General Chapter 4 1948 – Berichte Generalleitung – "Berichterstattung über den Stand des Geistes in der Missionsgenossenschaft der Dienerinnen des Heiligen Geistes" pp. 10ff.

[97] Cf. Laurene M. Lafontaine, "Out of the Cloister: Unveiling to Better serve the Gospel" in Jenifer Heath (ed.), *The Veil. Women Writers on Its History* (London, 2008) pp. 75-89; i.e. p. 81.

and the veil of the Catholic nuns had become of great spiritual as well as social significance. As regards spiritual aspects, habit and veil symbolized their wearer's purity, consecration and devotion as well as her intimate unison with Christ. As Elizabeth Kuhns has reminded us, "the phrase 'taking the habit' was from earliest times synonymous with becoming a religious person".[98] Special importance was attached to the veil which had not only featured as a marker of gendered virginity in Catholicism for a long time[99] but moreover become a particular sign of women's convents, the inhabitants of which were striving to become a living image of Mary, virgin, bride, spouse and mother of God.[100] Jo Ann McNamara has pointed out the historically diverging status of chastity in gendered monasticism.[101] Accordingly, in contrast to male monasticism which was rather defined through values such as poverty, humility and obedience, chastity and sexual purity had become the crucial element as regards the condition of nuns which was distinctively visualized through their appearance. As regards social aspects, a nun's clothing signified state, rank and religion as well as its style and color indicated belonging to a particular community. Significantly, when the priests in colonial New Guinea suggested changes in the Servants of the Holy Spirit's religious dress-code in view of the tropical climate with the aim to disburden them from the long-winded and heavy clothing, many women missionaries reacted with resistance. In contrast to priests who criticized the religious dress of the nuns mostly on grounds of health risks, the latter approached the issue from a moral perspective and defended their full religious habit as a sign of their individual and collective identity which they shared with their fellow sisters in Europe and elsewhere.[102] The question of appropriated clothing for missionary nuns in New Guinea constituted a contested issue throughout the 1920s. While male ecclesiastical elites pleaded for substantial changes in this respect, the women's congregation's leaders as well as the majority of nuns, although they partly acknowledged the inconvenience of their clothes in day-to-day missionary life, opted for the maintenance of established dress-codes and stated that wearing less would be *"against common decency"*.[103]

The emphatic maintenance of religious dress codes by the nuns emphasized the habit's great significance as a source of identity, an important symbol that mattered for religious experience and a protector of morality. Wearing the veil and the congregation's religious habit in the Catholic frontier of the mission field thus became a particular act of devotion by which nuns consciously cultivated their religious identities based on institutional affiliation, sexual purity and social status. In response to the objections raised by priests in New Guinea, who argued pragmatically and stated that the nuns would serve the mission venture better and longer when less rigorously dressed and therefore more mobile and healthier, the women's congregation's superiors emphasized the habit's importance displaying its wearer's purity in public and protecting her moral integrity. In 1917, the Servants of the Holy Spirit's Mother Superior wrote in an attempt to close the subject of introducing change to religious dress codes for discussion: *"The external dignity of the nun must be kept high. If one breaks down that wall, the garden will be devastated soon."*[104]

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[98] Cf. Kuhns, *The Habit*, p. 65.

[99] Cf. "The Veil" in *The Catholic Encyclopedia* in http://www.newadvent.org/cathen/02258b.htm, accessed 7.9.2009.

[100] Cf. Miller Paula Jean, "The Spousal Bond" in *The Council of Major Superiors of Women Religious* (ed.) *The Foundations of Religious Life. Revisting the Vision* (Washington, 2009) pp. 46-83, p. 54.

[101] Jo Ann McNamara has argued that the status of celibacy in monasticism, which was originally merely conceptualized as a vehicle to liberate time and energy, historically shifted and impacted on the gendered conception of religious life. Cf. Jo Ann Kay McNamara, *Sisters in Arms*, p. 3.

[102] However, while up to a certain extent the nuns in tropical settings did adapt religious dress to the climatic environment by choosing bright colors (grey for working dress, white for Sunday dress) instead of the black garb used in Europe and lighter fabrics (e.g. cotton), they refused to change the type of dress as such. Thus, notwithstanding the criticism expressed by priests, the ensemble of religious dress called habit continued to consist of a detailed set of particular articles of clothing (e.g. headgear, veil collar, scapular, underskirt, apron, drawers, etc.)

[103] Cf. Arch. Gen. SSpS PNG 6201 Correspondence 1911-1975; Sister Fridolina Vökt, 7.10.1920.

[104] Cf. Arch. Gen. SSpS PNG 6201 Correspondence 1911-1975; Mutter Theresia Messner, 10.2.1917.

Migration to the New Guinean cultural setting had certainly challenged the nuns' understanding of their profession and vocation. In their intimate letters to superiors in Europe, many of them represented mission experience in an environment they perceived as morally threatening as the ultimate expression of self-sacrifice that they offered up to God alongside with other physical and psychological hardship. Thereby, the nuns strove to maintain the image of their own moral integrity and pious conduct, totally unspotted by what they referred to as an immoral surrounding. Yet, despite all endeavors on the part of the women missionaries to exemplify chastity through their own example, the Catholic missionary way of life obviously was (and continued to be) suspicious to indigenous observers in a family-centered cultural setting in which celibacy largely lacked in social resonance. This can be observed in the following passage quoted from a nun's letter dated in 1921 and therefore sixteen years after the mission took up work on the particular location:

> 'What makes me sick sometimes is that many of the Kanakas regard us as – to say it straight out – very bad, although they don't have any proof on the part of the missionaries or any example in this respect on the contrary to the other Germans. Well, these poor low-standing people can't grasp virginal life, and that's why they pass such wretched judgment on us. In response to such comments, I already often said to the children's and elders' face: "Listen, if I would have wanted to marry, I would have stayed home and not have come over to your hot country. I came to teach you, so that you can become Catholic and not go to hell but to heaven."'[105]

The passage quoted highlights the sense of spiritual superiority that rewarded the Servants of the Holy Spirit for their stay in non-western/non-Christian cultural settings. In particular the reference made by the writer to the indigenous inability to grasp the "virginal state" of Catholic nuns suggests that the opposite construction of pious-Christian- and sexual-heathen femininity persisted for a long time and could not be bridged through conversion, external regulation or the "proper" religious up-bringing by nuns in the Catholic environment of the women's convent only. Rather, sexual difference was racialized in the sense in that western nuns continued to claim an exclusive, superior moral status they derived from western social practice and Christian notions of purity. This became particularly obvious in the early 1930s when the first New Guinean women expressed interest in convent life. By then, the Servants of the Holy Spirit reported on some pioneer Catholic girls in New Guinea who had announced the prospect to remain unmarried and to take vows themselves.[106] In fact, the congregation not only failed to bring these women into the novitiate but its elites decided to counter the urgent lack of religious personnel in New Guinea by establishing a novitiate in Australia. Hence, instead of admitting indigenous women, the nuns drew on western migrant women in Australia, where they consequently trained religious workers for the New Guinean field.[107] In contrast to their other non-European spheres of action (e.g. among European migrant communities in North- and South America as well as in China and Japan) in all of which the Servants of the Holy Spirit had established novitiates throughout the first half of the 20th century[108], in colonial New Guinea they continued to promote indigenous women's exclusive roles as Catholic wives and mothers.

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[105] Cf. Arch.Gen.SSpS 034 PNG 6201 Korrespondenz 1911-1975; Sister Hermengilde Simbürger, 21.4.1921

[106] E.g. Cf. Arch.Gen.SSpS PNG 6201 Korrespondenz 1911-1975; Briefe von Schw. Philomen Herzog; 27.3.1933.

[107] Cf. Arch.Gen.SSpS 100 General Chapter 4 1948; 4-1000; Allgemeiner Bericht über die äußere Entwicklung der Genossenschaft 1934-1948; p. 3ff.

[108] This was certainly the case for the Servants of the Holy Spirit's spheres of activity in the Americas and Asia, whereby constructions of race played a prominent role. Since "mission activity" in South-America often concentrated on providing Catholic infrastructure (charity, girls' education) to European settlers in general and German migrant populations in particular, the first candidates largely came from a Catholic (familial) and often German background and were therefore granted admission to the congregation almost immediately after the nuns' arrival. In North America, however, admission was granted to women of European decent, while African American women – although also the explicit target of mission activity - were admitted only with significant delay. In turn, the novitiates established in China (first entries in 1920) and Japan (1926) and Java (1936), all of which were considered as "genuinely heathen countries", were directed to the admission of indigenous candidates and partly enjoyed great success. For instance in Japan, in 1936 (and therefore only ten years after the novitiate was established on location) indigenous nuns already outnumbered their German counterparts. Cf. Salesiana Soete, *Geschichte der Missionsgenossenschaft Dienerinnen des Heiligen Geistes* (Vienna, 1953) i.e. pp. 117ff, pp. 145ff, pp. 157ff and pp. 179ff.

Strikingly, it was only in 1984 that the first New Guinean novices received the veil and were invested with the Servants of the Holy Spirit's religious habit. Hence, it lasted eighty-five years after the pioneer European nuns had debarked in what was then German New Guinea that the Servants of the Holy Spirit eventually granted admission to those women they had come to convert.[109] Considering the fact that the congregation's habit and veil were inaccessible for women of particular ethnic background (i.e. "non-white" women such as New Guineans but also Africans[110]) suggests emphasizing intersecting spiritual and social aspects of religious dress in colonial contexts. An analysis of the Servants of the Holy Spirit's admission policies shows that western congregational elites saw in (what they interpreted as) the New Guinean sexual order and gender regime a particularly hostile environment for the realization of the Catholic ideals of sexual purity in general and gendered virginity in particular. The racialization of sexual difference (and of notions of purity and sexuality) laid the ground for the Catholic politics of exclusion and simultaneously served as an intrinsic legitimization of discriminating practices in a Church that claimed universalism. Or, to put it in other words, the concept of veiling in the New Guinean missionary context related to racial identification. Apart from symbolizing the nuns' spousal bond with Christ, veiling defined social status and belonging. In contrast to an often celebrated aspect of the habit that is its potential to erase (e.g. class, national) difference[111], the Servants of the Holy Spirit's religious dress in New Guinea signified belonging to a particular ethnic group and a veiling community, whose members indicated their consecrated status from which they excluded indigenous women for a long time.

Last but not least it must be motioned that, due to shifts in the Roman directives for missionary work after 1945 which demanded increasing indigenous participation, two congregations for New Guinean women were established in Northern New Guinea by the responsible bishops. Founded in the canonical form of diocesan institutions, these congregations were directly subjected to the bishops' authority. The Servants of the Holy Spirit served as their indigenous counterparts' superiors and were in charge of their religious and secular formation. With the accomplishment of the so-called Rosary Sisters' initial investment ceremony in 1953, the first indigenous women were admitted to religious life and authorized to wear the religious habit and the veil as the outward sign of female Catholic religiosity, piety and purity. Still, the different style and color of the religious dress of the indigenous nuns, who mostly consisted of the legitimate daughters of former missionary girls and therefore constituted the (at least) second blood-related generation of converted females, forestalled any chance of misrecognition with their western counterparts. Compared with the Servants of the Holy Spirit's white religious habit, the Rosary Sisters' grey dress was less elaborate, shorter, and completed by a simpler and smaller veil. The clearly distinguishable dress of both hierarchically related institutions, again, calls to mind the complex realities of the religious politics of integration and segregation. In the colonial context, the religious habit of the Catholic nun, hitherto a celebrated item for its inclusive potential to erase difference between the members of a community functioned as a means of social homogenization by race.

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[109] Cf. Lutkehaus, "Missionary Maternalism" p. 228.

[110] Significantly, the Servants of the Holy Spirit's first investment ceremony on the African continent took place in Ghana in 1988 notwithstanding the fact that local nuns and Catholic elites had already suggested establishing a novitiate in the early 1960s. Cf. Arch.Gen.SSpS 100 General Chapter 1960 – Berichte Provinzen/Regionen – "Bericht über die Region zu Ehren des unbefleckten Herzen Maria Accra. Ghana – West Afrika" p. 1.

[111] Cf. Kuhns, *The Habit*, pp. 1-2.

Conclusion

For almost a century, Catholic female missionary activity in northern New Guinea was based on a paradoxical principle: On the one hand, western nuns engaged in the proselityzation of indigenous women to a Church that taught universal values and propagated the equality of its believers. On the other hand, however, they pursued a policy of inequality which refused indigenous women the integration to its institutions. Up to the mid 20th century, western missionaries constructed indigenous femininity as based on sexuality and vis-à-vis the pure state of nuns. Consequently, in their eyes the only acceptable form of indigenous sexuality was that of marriage and motherhood. The celibate state, in turn, was inaccessible for New Guinean women who were barred from taking the nuns' vows of poverty, obedience and chastity. Still in the second half of the 20th century, the Servants of the Holy Spirit neither granted New Guinean women admission. In this paper I have proposed that this long-term policy of exclusion on grounds of ethnic origin was rooted in the intersection of missionary constructions of gender and race. Nuns in New Guinea constructed two opposite models of femininity. These models of femininity were marked by the tension between a unified image of Christian womanhood (or to put it in other words the potential to re-make indigenous women in the image of God) and alternative ways of defining (or making use of) the body's meanings which gave rise to a language of cultural and racial difference and a practice of social exclusion.

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The *Alliance Israélite Universelle* and the Politics of Jewish Schooling in Early 20th Century Egypt: the *Ecole des Filles* of Alexandria as a Case Study [*]

Dario Miccoli

Introduction

The *Alliance Israélite Universelle* (henceforth AIU) is a philanthropic association founded in 1860 by a group of French Jews, with the aim of educating and emancipating their non-European coreligionists, bringing them French civilization and the positive effects it was supposed to entail. An institution coming out of nineteenth century French Jewish milieu, the AIU greatly underlined its universal and Jewish character.[112] This is why it strongly opposed any kind of Jewish nationalism and Zionism in particular, stating the Jews should live within gentile societies, maintaining Judaism and Jewish notions of morality as the fundaments of their identity. Through its schools and vocational ateliers, the AIU wanted to both instruct and educate Oriental Jews[113], rescuing them from what seemed an innate laziness and backwardness. The AIU was in fact based on a specifically French understanding of the Haskalah, the so-called Jewish enlightenment, which aimed at the Jews' social assimilation, underlining the importance of their solidarity to those coreligionists in need of help, the formers' nationality notwithstanding.[114] Kol Isra'el 'arevim zeh la-zeh: "all Israel is responsible for one another", as the AIU Talmudic motto declares.[115]

My paper will introduce the history of the AIU in Egypt, firstly focusing on the intertwining of class, gender and Jewishness in the Alexandria école des filles and, secondly, describing how Egypt and the city of Alexandria were described in the teachers' letters and reports. Despite the relative briefness of the AIU presence in Alexandria (1897-1919), this institution contributed to the consolidation of an in-the-making Europeanised, bourgeois self-consciousness Alexandria Jews had started elaborating from the second half of the nineteenth century. In-between the French Jewish model of emancipation and the so-called Orient, Alexandria Jews epitomized an old yet new articulation of Jewish identity that came out of a highly heterogeneous and trans-communal milieu: the Levant.[116] Although it is true that

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[*] This paper is based on the documents I found in the Archives de *l'Alliance Israélite Universelle of Paris* during a research mission in Spring 2009. I wish to thank the staff of the Bibliothéque et Archives de l'Alliance Israélite Universelle for their help and assistance.

[112] A. Chouraqui, *L'Alliance Israélite Universelle et la renaissance juive contemporaine. Cent ans d'histoire*, Paris, Presses Universitaires de France, 1965.

[113] The term Oriental does not imply any derogatory meaning. In this paper I will utilize it as a synonym for Middle Eastern and North African Jews. I have chosen not to utilize the term Sephardi as not all Egyptian Jews were of Iberian descent.

[114] A. Rodrigue, Images of Sephardi and Eastern Jewries in Transition. The Teachers of the Alliance Israélite Universelle, Portland, University of Washington Press, 2003, 244 onwards. On the connections between German and French Jews in the nineteenth century: E. Bar-Chen (with a comment by A. Rodrigue), "Two Communities with a Sense of Mission: the Alliance Israélite Universelle and the Hilfsverein der deutschen Juden", in M. Brenner, V. Caron and U. R. Kaufmann (eds.), *Jewish Emancipation Reconsidered*, Tubingen, Mohr Siebeck, 2003, 111-128.

[115] Talmud, tractate Shavuot 39a.

[116] With the term Levant I intend a performative, trans-national space centred on port cities such as Alexandria, Thessalonika, Beirut that, from the modern era and onwards, constructed networks of commerce and cultural exchange in-between the two shores of the Mediterranean Sea. See for instance: A. Alcalay, *After Jews and Arabs. Remaking Levantine Culture*, Minneapolis, University of Minnesota Press, 1993; A. Molho, "Ebrei e marrani fra Italia e Levante ottomano", in C. Vivanti

the AIU, if compared to other educational institutions such as the Mission laïque française played a minor role in Egypt[117], its impact should not be overshadowed as it can still be considered a crucial site for shedding light on the perception France had of Egyptian Jews – that is of a Jewry that was not under French but British rule (from 1882 to 1919), yet greatly influenced by French society and culture – explaining how and why many Egyptian Jews depicted France as their imagined motherland.[118]

By looking at the Jews of Alexandria and their encounter with the AIU, it might also be possible to show how notions of secularism, together with Orientalist and gender stereotypes repeatedly moved in-between Europe and the East, colonial Egypt and France, French Jews and their Alexandria coreligionists. In addition to this, this case-study will explain how ideas of French laïcité and gender equality were – and, as Scott argues, still are – tightly connected to unequal power relations between individuals and nations. Nonetheless, these notions could assume a plurality of meanings, allowing for their diffusion and re-negotiation far beyond France. All this would lead to acknowledge Joan Scott's suggestion to "stop acting as if historically established communities were eternal essences"[119], urging historians to look not so much at dichotomies such as East/West, tradition/modernity but rather at the cultural interstices lying in-between them.[120]

The AIU Ecole des Filles and the Iintertwining of Class, Gender and Jewishness in Alexandria

The AIU initially opened a coeducational school in Alexandria in 1897, following an appeal launched by a few local Jewish families that lamented being obliged to send their children to congregational schools.[121] This often posed a threat to the children's upbringing, as cases of conversions and congregational schoolteachers' anti-Semitic accusations show.[122]

(Contd.)

(ed.), *Storia d'Italia. Annali 11. Gli ebrei in Italia 2. Dall'emancipazione a ogg*i, Torino, Einaudi, 1997, 1011-1043. On in-betweenness I refer to: H. Bhabha, The Location of Culture, Lodon, Routledge, 1994.

[117] F. Abécassis, "De la protection par l'école: la sedimentation des traditions d'enseignement du français en Egypte au XIX siècle", in B. Delpal, B. Hours and C. Proudhomme (eds.), *France-Levant de la fin du XVII siècle à la Première guerre mondiale*, Paris, Geuthner, 2005, 25-26. On the Mission laïque française: A. Thévenin, La Mission laïque française à travers son histoire 1902-2002, Paris, Mission laïque française, 2002 and F. Abécassis, "Les lycées de la Mission laïque française en Egypte (1909-1961): L'exportation d'un 'modèle français' en Orient et ses contradictions", in P. Caspard, J. N. Luc and P. Savoie (eds.) *Lycées, lycéens, lycéennes, deux siècles d'histoire*, Lyon, INRP, 2005. *On the history of education in Egypt under British rule* see: M. Russell, "Competing, Overlapping, and Contradictory Agendas: Egyptian Education Under British Occupation, 1882-1922", *Comparative Studies of South Asia, Africa and the Middle East,* XXI: 1-2 (2001), 50-60.

[118] For a general introduction to early twentieth century Egypt: M. W. Daly, "The British Occupation, 1882-1922", in Id. (ed.), *The Cambridge History of Egypt, vol. 2: Modern Egypt From 1517 to the End of the Twentieth Century*, Cambridge., Cambridge University Press, 1998, 239-251.

[119] J. Wallach Scott, *The Politics of the Veil*, Princeton, Princeton University Press, 2007, 20.

[120] H. Bhabha, The Location…, 38.

[121] B. Taragan, Les communautés israélites d'Alexandrie. Aperçu historique depuis les temps des Ptolémées jusqu'à nos jours, Alexandria, Les Editions Juives d'Egypte, 1932, 103. Taragan talks about an appeal published in the French Jewish newspaper L'Univers Israélite on 12 September 1896. In the AIU archives I found two earlier letters sent to the AIU President by a group of Jewish families of various descent, "Russes, Polonais, Espagnols, Corfiotes, et autres" calling for the AIU's intervention in Alexandria. See: Israélites d'Alexandrie to the AIU President, 3 June (?) 1896, *Archives de l'Alliance Israélite Universelle of Paris* (henceforth AIU) Egypte I.C.3 and *La Colonie Israélite d'Alexandrie to the AIU President*, 21 June 1896, AIU Egypte I.C.7 (this document also talks about a letter sent to the chief rabbi of France).

[122] F. Abécassis, "Conversion religieuse et identités nationales en Égypte dans la première moitié du XX siècle", in M. Garcia-Arenal (ed.), *Conversions islamiques, identités religieuses en Islam méditerranéen*, Paris, Maisonneuve et Larose, 2002, 259-299. The only published research on ritual murder's accusations in Egypt, as far as I know, is: J. Landau, "Ritual Murder Accusations in Nineteenth-Century Egypt", in Id., *Middle Eastern Themes,* London, Frank Cass, 1973, 99-142.

The school for girls of Alexandria was inaugurated in 1900 with 56 girls. As any other AIU school it was composed of four classes, from the quatrième up to the première, and enrolled girls that were roughly six up to twelve-years-old.[123] The presence of schools other than the AIU and the increasing organization of Alexandria Jewry in terms of educational institutions from the 1910s onwards did not make of the AIU the most appealing school of the city. Nonetheless, looking at the statistics the AIU published in its yearly Bulletin, one can see that the school for girls had quite a remarkable increase in its students' population from its opening up to the 1910s: from 56 in 1900 to 158 in 1903, then soon stabilizing at around 130 girls per year. The majority of the families could afford the payment of the school fees even though the teachers' reports give the impression that the girls mainly came from middle and lower-middle class families, and very rarely from the upper strata of the community.

In fact, as Madame Rachel Danon – headmistress of the school from its foundation until its closure – assumed her post in Alexandria where her husband Joseph headed the boys' school,[124] she realized Jewish notables and families such as the de Menasce, Rolo and Aghion were more keen on choosing private tutors or congregational schools such as the Méres de Dieu and the Dame de Sion. According to the headmistress, these schools – which combined the usual subjects (e.g. French, math, history) with leisure activities such as drama classes, tennis courses and so on – aimed at forging "worldly women, that would learn how to shine in a salon, and to receive guests in a very graceful manner", rather than inculcate basic moral principles and give the pupils an elementary education.[125]

Quite in opposition to other Middle Eastern and North African Jewries, Egyptian Jews had already encountered forms of Westernization before the AIU arrived in the country. In addition to this, many of them had migrated to Alexandria from the Balkans or the Ottoman Empire (Thrace and Asia Minor in particular) in the previous decades, when Egypt underwent a period of rapid growth due to the boom in cotton exports and the opening of the Suez Canal.[126] The AIU thus wished to rescue the middle and upper middle class from the risks they faced in congregational schools but it also tried, on the other hand, to give poor Jews a Western Jewish education that would allow for a consistent improvement of their socioeconomic status. The AIU teachers acted as missionaries of French Jewish emancipation[127] and their schools became the place where to realize "a transition from private to public, from the world of the locality and the family to that of the nation".[128] But what kind of family and what kind of identity did the Jews share within the context of colonial Egypt? And, moreover, was there a single model of Jewishness or was Alexandria a much more versatile reality that could not fully adapt to the rigid educational model the AIU promoted?

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[123] On the structure of the schools see the AIU guidebook: *Instructions générales pour les professeurs*, Paris, Alliance Israélite Universelle, 1903.

[124] Rachel Danon, née Braun, (1875-?), started her career as adjointe at the AIU school for girls of Tunis in 1891, then moving to Baghdad, Alexandria and Beirut where she retired in 1923 (AIU Fiches du personnel Moscou (henceforth Fiches) 100-1-46/15). Her husband Joseph Danon was born in Smyrna in 1864. His father and brother were also AIU headmasters and teachers. After attending the Parisian Ecole Normale Israélite Orientale, he started teaching in Bulgaria, then Sousse, Tunis and Baghdad. He married Rachel in 1894, moving to Alexandria in 1900 to become headmaster of the school for boys (AIU Fiches 100-1-46/14).

[125] R. Danon to the AIU President, 7 February 1902, AIU Alexandrie (henceforth Alex) III.E.36. All AIU citations are my translations of the French original text.

[126] See: M. Deeb, "Bank Misr and the Emergence of Local Bourgeoisie in Egypt", *Middle Eastern Studies*, 12 (1976), 69-86 and Id., "The Socioeconomic Role of the Local Foreign Minorities in Modern Egypt, 1805-1961", *International Journal of Middle East Studies*, 9: 1 (1978), 11-22; R. Tignor, "The Economic Activities of Foreigners in Egypt, 1920-1950: From Millet to Haute Bourgeoisie", *Comparative Studies in Society and History*, 22: 3 (1980), 416-449; M. Baraka, The Egyptian Upper Class Between Revolutions 1919-1952, Reading, Ithaca Press, 1998. *On the Jewish upper class: J. Beinin, The Dispersion of Egyptian Jewry*. Culture, Politics and the Formation of a Modern Diaspora, Berkeley, University of California Press, 1998, 44-52 and 248-263.

[127] E. Antébi, Les missionaires juifs de la France, 1860-1939, Paris, Calmann-Lévy, 1999.

[128] J. Wallach Scott, The Politics…, 99.

As it has already been stated, Madame Danon's perception of Alexandria Jews was that of a largely bourgeois and secularized Jewry, whose women appeared frivolous, snobbish, and very attentive to their beauty and physical appearance, thus not adhering at all to the motherly figure the headmistress wanted to spread. The Alexandria fillettes as well, coming from families that had not instilled in them even a single drop of Jewish morality and brought up by mothers who had often attended non-Jewish schools, are described as totally ignorant of the role they should be prepared for: "all that concerns marriage and the family is not taken into consideration…. With this kind of upbringing, would you think the mothers are willing to send their daughters to our school? No! Firstly, because we are not, frankly speaking, <u>chic</u> enough for them…"[129]

The letters written by Madame Danon underline the great relevance gender had on the educational ideals of the AIU. Girls were to be detached from their immoral Oriental background, rationalizing their identity as mothers and educators. Whether Alexandria Jews might have improved considerably their socioeconomic status, their moral regeneration was still far and could only come from the outside, i.e. from France.[130]

Since the families could not be of any help to the mission civilisatrice of the Alliance, Madame Danon enthusiastically supported the religious establishment's modernizing efforts, as the 1901 ceremony of initiation des jeunes filles clarifies. Elie Hazan (1846-1908), chief rabbi of Alexandria from 1888 until his death and a prominent Sephardi thinker, was the one who thought of transplanting the ceremony to the city. His desire was mainly driven by the fact that – as we already knew from Madame Danon's report – many girls "are unfortunately obliged to attend schools where they do not learn our holy language, our history, and the principles of our holy faith" and were not prepared for the "beautiful role of the Jewish woman: 'Eshet chayil [in Hebrew: "woman of valour"]".[131]

The initiation was to imitate the bat mitzwah many European Jewish girls had started celebrating since the late nineteenth century, and consisted in the recitation of some prayers and the answering of questions dealing with religious issues.[132] Madame Danon was asked by rabbi Hazan himself to help him organizing the event: "I was at his complete disposal, and I gave him the programme of the ceremony as it is performed in Paris, as well as the text of all the various prayers…". Despite all this, the ceremony was in her eyes a complete disaster and the ultimate indicator of the Oriental incapability to behave properly: "no flowers, no carpets, despite what we had decided, no reserved

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[129] R. Danon to the AIU President, 7 February 1902, AIU Alex III.E.36. Danon herself underlined the word 'chic' in her manuscript letter.

[130] See: M. Abitbol, "French Jewry and the Jews of North Africa: 1830-1914", in F. Malino and B. Wasserstein (eds.), *The Jews in Modern France, Hanover, Brandeis University Press,* 1985, 32-53.

[131] 1901 Appeal of Rabbi Elie Hazan to the Jewish Community of Alexandria, AIU Alex III.E.36. Rabbi Elie Hazan, born in Smyrna from a prominent Sephardi rabbinic family, had already faced the very same issue while chief rabbi of Tripoli from 1874 up to 1888. Hazan's responsum to the problems of secular vs. religious education had then been that "the study of secular knowledge should take place under religious auspices", Jews had to study the language of the country they lived in, so that "the nations of the world would be impressed with the great wisdom of the people of Israel" (D. Angel, Voices in Exile. A Study in Sephardic Intellectual History, New York, Hoboken – Ktav, 1991, 184-186). On rabbi Hazan see also: J. Landau, *Jews in Nineteenth-Century Egypt, New York*, New York University Press, 1969, 97-99. The expression 'eshet chayil comes from the Bible, see Proverbs 31, 10-11: "A woman of valour who can find? For her price is far above rubies. The heart of her husband doth safely trust in her, and he hath no lack of gain".

[132] The bar mitzwah (or bar mitzvah: in Hebrew "son of the commandment") indicates "both the attainment of religious and legal maturity as well as the occasion at which this status is formally assumed for boys at the age of 13 plus one day […]. Upon reaching this age a Jew is obliged to fulfil all the commandments". As far as bat mitzvah ("daughter of the commandment") is concerned, "it is not until the 19th century that indications of ceremony or public recognition come from Italy, Eastern and Western Europe, Egypt, and Baghdad. These acknowledgements of female religious adulthood include a private blessing, a father's aliyah to the Torah, a rabbi's sermon and/or a girl's public examination on Judaic matters" (Z. Kaplan and N. Joseph, "Bar mitzvah, bat mitzvah", in M. Berenbaum and F. Skolkin (eds.), Encyclopaedia Judaica, vol. 3, Detroit, MacMillan, 2007, 164-167). The Encyclopaedia Judaica also states that rabbi Hazan held a celebration for Alexandrian bat mitzvah girls in 1907, whereas all the documents I found in the AIU archives refer to 1901 as the year in which the ceremony was firstly performed.

seats, and nobody to greet the notables, the synagogue was assaulted". Luckily, Madame Danon's fillettes were amongst the few ones praised for their conduct, which was clearly inspired by "our methodical teaching […] given by European teachers".[133]

In the end, the event proved not being as successful as rabbi Hazan had hoped, especially considering the scarce appeal it had on upper class Jewish families. Many girls taking part in the initiation were in fact students of Madame Danon's prémiére class, which generally came from lower-middle class strata of society.[134] One might conclude that at least two models of family politics vis-à-vis the children's education coexisted in early twentieth century Alexandria, the two of them being mainly driven by class rather than ethnicity and/or religion.[135] Generally speaking Jewish religiosity was the domain of mainly lower and lower-middle class Jews. The formers, as a whole, were more willing to enrol their pupils in the AIU school or in other Alexandria Jewish schools and, later on, to become involved in Zionist activities.[136] The Jewish bourgeoisie, on the other hand, limited its involvement in Jewish communal activities to oeuvres de bienfaisance and other social tasks. Judaism was circumscribed to very basic notions of domestic religiosity that should not interfere with the children's general education.[137]

All this undermines the assumption that North African and Middle Eastern Jewries were more religious than their European counterparts and "more clearly members of a distinct community that […] is bound by a religiosity that impinges on all aspects of life".[138] Quite on the contrary, Alexandria Jews belonged to a highly fluid milieu – the Levant – that put aside the centrality of their ethnic-religious identity and transcended national borders and nation-states, as it was one of those areas characterized by a long-lasted history of trans-communal interaction, where such categories were not so useful for founding and organizing a future political life.[139] One could argue that although the AIU gave to North African and Middle Eastern Jews a crucial language of emancipation that often contributed to the improvement of their life conditions, it also brought about the birth of "a non-integrated polyglot Jewry unprepared for the requirements of the [post-colonial Arab] nation-state".[140]

In-between East and West: the Ambiguous Identity of Alexandria Jews

The trans-communal character of Alexandria and of early twentieth century Egypt opened a breech in the AIU teachers' Orientalist stereotypes. A few teachers had been asking from the beginning of the AIU activities in the region whether Egypt was an Oriental country or not, since for them local Judaism "has nothing to do with Eastern and with Western Judaism […]. The Egyptian is Jewish only

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[133] R. Danon to the AIU President, 31 May 1901, AIU Alex III.E.36.

[134] Ibid.

[135] I here tend to agree with Robert Ilbert, when he talks about the existence of an early twentieth century Alexandria bourgeoisie éclairée ("enlightened bourgeoisie"), "…infinitement plus sensible aux oppositions de classe qu'aux oppositions confessionnelles ou ethniques" (R. Ilbert, "L'exclusion du voisin: pouvoirs et relations intercommunautaires, 1870-1900", *Revue de l'Occident musulman et de la Méditerranée, 46* (1987), 185).

[136] J. Beinin, The Dispersion…, 49-52.

[137] *On domestic Judaism: P. Hyman, Gender and Assimilation in Modern Jewish History. The Roles and Representations of Women*, Seattle, University of Washington Press, 1995, 40 onwards.

[138] J. Scott, The Politics…, 78.

[139] See: A. Rodrigue, "L'exportation du paradigme révolutionnaire. Son influence sur le judaïsme sépharade et oriental", in P. Birnbaum (ed.), *Histoire politique des juifs de France, Paris, Presses de la Fondation Nationale de Sciences Politique*s, 1990, 221-243.

[140] Id., French Jews, Turkish Jews. *The Alliance Israélite Universelle and the Politics of Jewish Schooling in Turkey 1860-1925, Bloomington*, Indiana University Press, 1990, 172.

by virtue of his name…", as Henri Benrey – a teacher working in Tantah, a town ca. 90 kilometres north of Cairo – wrote in 1914.[141]

> "In a country as bizarre as Egypt, where all sects and faiths have gathered together […], in a place where civilization turned away and where he who was pious is nowadays an atheist", the work of the AIU teachers was more difficult than ever.[142] Alexandria cosmopolitism surely stunned more than a teacher: "Be it Salonika or Tangiers, Adrianople or Damascus, Choumla or Mogador, the population is always very homogeneous" – wrote, perhaps with a bit of exaggeration, Léon Benveniste in 1904 – "It is not like that in Alexandria […]. Our city is the cosmopolitan place par excellence, and hosts a very diverse population formed by all sorts of people…"[143] The AIU had then to balance between different languages and cultures and at the same time promote the French language and France more in general as the main sources of acculturation and emancipation.

These ideas emerge from many documents such as for instance the reports written by the école des filles' teachers during World War One and immediately after. The mid-1910s and the outbreak of World War One had caused serious distress in Egypt. All the schools were shut down for some times although in Alexandria the situation was less critical than in other areas. The war and the teachers' descriptions of what was going on in Europe and in France greatly impressed the fillettes.

Mademoiselle Danon, daughter of the headmistress and one of the adjointes of the school, wrote how the girls collected money for "[French] soldiers" to whom they sent many items, including pipes and tobacco: "You can imagine the happiness of our children", continued the teacher, "in receiving these grateful letters sent from the trenches".[144] Not only French soldiers, but also Jewish war prisoners were the recipients of the girls' charitable endeavours who supported them sending an obole to the chief rabbi of Geneva.[145] The AIU strongly encouraged these activities, as charity was one of the most proper things a dame could do, and it also echoed the notion of tzedaqah (in Hebrew: "justice"), the Jewish religious obligation to make charity.[146] The achievement of a bourgeois identity and the consolidation of the pupils' Jewishness were thus realized through practical activities that tried to make the judaïsme républicain appealing.[147]

The intertwining of class, gender and Jewish identity that comes out of the AIU documentation on the Alexandria école des filles tells us how the encounter between Madame Danon, her adjointes and Alexandria Jewry was to a great extent the story of an irresolvable contrast. Given the impossibility of depicting Alexandria Jews as an ignorant and backward milieu – which is often the way in which AIU teachers talked about e.g. Moroccan Jews[148] – and given that a rather Westernized Jewish middle class already existed in Alexandria, the teachers justified their presence in the city by depicting the Jews as largely a-Jewish – at least according to the paradigm of Jewish identity the AIU presumed being universal. Their goal was therefore to morally educate the pupils who attended the école des filles,

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[141] H. Benrey to the AIU President, 15 May 1928, AIU Egypte I.C.24.

[142] L. Bassan to the AIU President, 10 May 1905, AIU Caire VI.E.83.

[143] L. Benveniste to the AIU President, 20 May 1904, AIU Alex I.E.18. *On Alexandrian cosmopolitism: R. Ilbert, Alexandrie 1830-1930: histoire d'une communauté citadine*, Cairo, Institut français d'archéologie orientale, 1996.

[144] L. Danon to the AIU President, 5 January 1917, AIU Alex I.E.32. *On Egyptian Jewish reactions to World War One: G. Kramer, The Jews in Modern Egypt 1914-1952*, London, IB Tauris, 1989, 116-120.

[145] Ibid.

[146] The AIU encouraged pupils' charity also before the war. For example: A. Somekh to the AIU President, 4 December 1912, AIU Caire XII.82.k on subscriptions of students of the school for boys of Cairo to be sent to the Jews of Thessalonika; M. Behar to the AIU President, 15 December 1911, AIU Caire VI.E.85, for an example from the Cairo school for girls.

[147] On judaïsme républicain see: P. Cohen Albert, "L'intégration et la persistance de l'ethnicité", in P. Birnbaum (ed.), *Histoire politique…*, 221-243.

[148] See: M. Laskier, *The Alliance Israélite Universelle and the Jewish Communities of Morocco: 1862-1962,* Albany, New York State University Press, 1983.

future mothers of a proper Jewry. However, the AIU fostered the girls' emancipation, liberating them from what was thought being the yoke of their Oriental family imposing, at the same time, a very rigid model of the woman as mother-educator.[149]

Conclusion

Coming to a conclusion, how can the histories I have told contribute to the debate on secularism, universalism, and sexuality promoted by Scott's The Politics of the Veil? To what extent is this case-study helpful in order to discuss these issues? My argument is that it can be an interesting example of the difficulty of translating notions of (French) secularism and universalism in a non-European setting, but also of how these concepts could be reframed by a minority group such as the Jews.

It is arguable the AIU school gave local Jews the blueprint for an emancipation they could not fully gain, not even those of them who managed to be French protégés thanks to the benefits of the Capitulations' system.[150] In fact, the (French and Jewish) universalism proposed by the AIU worked only as far as local Jews were willing to adjust to the institution's regulatory efforts. Following Scott's argument, it is possible to say that in the case of Alexandria universalism was firstly a language of power through which Europe spoke to the East.[151]

Nonetheless, local Jews did not fully reject the notions and models the AIU contributed to spread. France – and Europe more in general – was transformed in a mythical motherland, an ungraspable and paradoxical lieu de mémoire[152], onto which the Jews of Alexandria could project their desires and expectations for the future. As Malino brilliantly argued, the AIU educated Jews shared the fact of having been schooled on the margins of Europe, in a space of encounter that created the memories (of France and not only) they imagined would be theirs.[153] In the Egyptian case, the AIU made France and its culture an idealized model of identity for its pupils who, however, ended up refashioning it in a very ambiguous manner. More specifically, one should note that this institution contributed in a substantial way to the spreading of French, albeit in its pidgin Egyptian version, as opposed to Italian, which had been the dominant language until the second half of the nineteenth century[154], and also played a role in the Jews' socioeconomic improvement. Amongst the reasons of the abrupt closure of the school in 1920, apart from the financial crisis the AIU was undergoing in the aftermath of World War One and the always increasing deficit of the Alexandrian branch – was the fact that by that time local Jews were regarded as too prosperous to require outside help.[155]

For the AIU, Alexandria Jews were not those backward and conservative coreligionists its teachers had encountered elsewhere in the region, nor they were – according to their French Jewish standards – fully emancipated and modern Jews. It has been recently noted that "in the Sephardic intellectual

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[149] E. Benbassa, "L'éducation féminine en Orient : L'école des filles de l'Alliance Israélite Universelle à Galata (1879-1912)", *Histoire, Economie et Société,* 4 : 4 (1991), 548.

[150] The Capitulations were an Ottoman system granting special juridical rights to members of foreign communities and non-Muslim minorities, such as the Jews.

[151] See: J. Wallach Scott, The Politics…, 7-8.

[152] P. Nora, "Entre mémoire et histoire. La problématique des lieux", in Id. (ed.), *Les lieux de mémoire*, vol. 1 : La République, Paris, Gallimard, 1984, XVII-XLII.

[153] F. Malino, "'Adieu à ma maison' : Sephardi Adolescent Identities, 1932-36", *Jewish Social Studies*, 15 : 1 (2008), 134.

[154] J. Beinin, The Dispersion…, 6. The supremacy of Italian is epitomized by the fact that the 1872 statutes of the Jewish Community of Alexandria were written in that language, whether the Cairo ones – promulgated only in 1912 – were in French (see: "Statuti della comunità israelitica in Alessandria d'Egitto" cited in J. Landau, Jews…, 183-193).

[155] G. Kramer, The Jews…, 80.

world, the dyads of religious: secular and intellectual: pious were not always operative, either as an ideal or a norm".[156] My suggestion would be to extend such statement beyond the intellectual milieu, so to embrace a much larger group of people that in their everyday life escaped the aforementioned dichotomies, managing to be at once insular and cosmopolitan, local and foreign.[157]

By looking at the troubled relationship between Alexandria Jews and the AIU, I therefore also intended to show that colonial Egypt was not a quintessentially harmonic location dominated by a sense of being-in-common.[158] Even though it is true that it was mainly in the aftermath of the treaty of Montreux (1936) and the monarchy's crisis on one side, and the development of nationalist and Islamic movements such as Misr al-Fatat (in Arabic: "Young Egypt") and the Ikhwan al-Muslimun ("Muslim Brotherhood") on the other, that the Egyptian nation-state started envisioning itself in a less inclusive and more inherently Arab Islamic fashion, this does not mean that socio-political and trans-communal unrest was absent during the years of British colonial domination.[159] Finally, the notions the AIU wished to spread amongst local Jews were not rejected, nor embraced: many Alexandria Jews tried to reframe them according to their own positioning. This opened a breech in the rigid AIU ideological programme, showing how these French (Jewish) notions of secularism, religiosity, and gender identity were not as universal as Madame Danon thought.

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[156] J. Philips Cohen and S. Abrevaya Stein, "Sephardic Scholarly Worlds: Towards a Novel Geography of Modern Jewish History", Jewish Quarterly Review, 100: 3 (2010), 370.

[157] I take these oppositions respectively from: F. Trivellato, *The Familiarity of Strangers: The Sephardic Diaspora, Livorno, and Cross-Cultural Trade in the Early Modern Period*, New Haven, Yale University Press, 2009, 270 and W. Hanley, *Foreignness and Localness in Alexandria, 1880-1914*, Princeton, Princeton University Press, 2007, unpublished Ph.d dissertation.

[158] J. L. Nancy cited in J. Scott, The Politics…, 182-183.

[159] M. J. Reimer, "Colonial Bridgehead: Social and Spatial Change in Alexandria, 1850-1882", *International Journal of Middle East Studies*, 20: 4 (1988), 531-553. On the precarious socio-economic environment which characterized Alexandria and other Eastern Mediterranean port cities, see also: F. Tabak, "Imperial Rivalry and Port Cities: A View from Above", *Mediterranean Historical Review*, 24: 2 (2009), 79-94.

The Migration and Integration Processes of Female Migrants: The Case of Educated East European Jewish Women in Interwar Belgium

Pascale Falek

Introduction

Today, the integration of migrants in a receiving country is a sensitive issue. It results from a process that includes both migrants and the host society and which depends, in particular, on social mobility, intermarriage, housing, social networks, and links to the home country.[160] These issues can all be seen as contributing to what have been called practices of integration.

In her important book *The Politics of the Veil*,[161] Joan W. Scott instead leaves aside these practices of integration as areas of study and chooses to argue against French universalistic Republican thought, and discusses issues of religion and sexuality in gendered terms. While recognizing the importance of such approach, this paper by contrast attempts to cast the integration of migrants into the wider sociological focus mentioned above, by taking as its special focus a specific case study: educated East European Jewish female migrants in interwar Belgium. Part of these women were political activists who did not identify with any religious identity and who differed radically from the Muslim women analyzed by Scott, since these last made a religious choice in veiling themselves. Consequently, while this paper does not take into account Jewish women's sexuality, religion and bodily practices, it will, nonetheless, focus on their practices of integration through an analysis of place, interaction, network and subjective experience.

Debates comparing old and new migrations have been more frequently engaged in American scholarship than in the Western European, and have also introduced gender as a tool of analysis in migration history.[162] Stressing the similarities and differences between the past and the present is essential in order for us to deepen our understanding of migration and integration processes. We need to remember, however, that while history should be used to help better understand currents games stake it cannot be used as an authoritative opinion to legitimize political views and decisions, nor to compare "successful" to "unsuccessful" integration processes.[163]

The story of our East European Jewish students reminds us of the accounts of non-EU students dreaming of accessing Western European universities: the student visa remains one of the only ways to enter the European fortress legally. The economic crises of 1929 and of 2007 encouraged local populations to close up and be afraid of foreigners. Moreover, the women's experiences presented in this paper could well pertain to various facets of women's lives today: they too faced sexist stereotypes in addition to legal and administrative obstacles. This paper will analyze these women's experiences as outsiders in a country that was developing its immigration policy. I will concentrate on their processes of migration and integration from Eastern Europe to Belgium in the interwar years by

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[160]   Leo Lucassen, David Feldman and Jochen Oltmer (eds.), *Path of Integration. Migrants in Western Europe (1880-2004)*, Amsterdam University Press, Amsterdam, 2006, p. 15.

[161]   Joan Wallach Scott, *The politics of the veil*, Princeton, N. J., Princeton University Press, 2007.

[162]   Leo Lucassen, David Feldman and Jochen Oltmer (eds.), *op. cit.* (2006), pp. 9-14. And Nancy Green, *Repenser les migrations*, Presses Universitaires de France, Paris, 2002, pp. 105-120.

[163]   Gérard Noiriel, *A quoi sert "l'identité nationale"?,* Marseille, éd. Agone, 2007, pp. 9 and 79.

examining their reasons for and means of migrating, their main places of interaction, and their ways of integrating into the receiving country.

Accurate data on Jewish migrants in Belgium do not exist [164] The main sources used in this paper consist of university archives, alien registration office archives, past interviews and private family archives.[165] The lack of systematic data thus does not allow a methodical comparison between men and women's experiences to be carried out, nor for Jewish women to be compared to other female foreigners (although these comparisons will nonetheless be kept in mind). In addition, disparities exist in terms of sources: some women left more traces than others.[166] Eliane Gubin and Anne Morelli have discussed the difficulty in studying the histories of female migrants and female political exiles.[167] Besides the above-mentioned problems linked to the sources, the methodology used here needs to be specified: migration and integration processes have been studied in-depth by various scholars in different social sciences,the concepts of integration, adaptation, acculturation and assimilation must not be confused.[168] I will consider integration as a long-term process resulting from the acceptance of newcomers into the economic, social and political structures of the host country.[169] In addition, in order to give agency to the migrants, this paper will be illustrated by parts of individuals' life stories, underlining the complex reasons a woman might have used to make specific choices during in her life.

The Migration Process

From the start of the 20th century to the Second World War, several thousand East European Jewish students came to Belgium to pursue their studies, a migration which needs to be historically contextualized. In the 19th century, Jews living in Belgium belonged in majority to the bourgeoisie and adhered to liberalism. From 1880 to 1914, the structure of the population changed with the emigration of thousands East European Jews to Antwerp, as this city was at the heart of the diamond market and a transit place for transatlantic migrations.[170] At the same period, the first East European Jewish students registered at Belgian universities. In 1914, there were about 10,000 Jews in Belgium.

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[164] PhD project provisionally entitled: Transnational Student Migrations: The Case of East European Jewish Women in Interwar Belgium, conducted from September 2007 at the European University Institute, Department of History and Civilization, under the supervision of Professor Philipp Ther.

[165] The main sources can be found at: Archives Générales du Royaume, Fonds Police des Etrangers, Individual Files; Brussels, Ghent and Liege Universities archives; past interviews made by the Institut Martin Buber in Brussels (IMB) and by the Fondation pour la Mémoire Contemporaine (FMC); and private archives of some women's descendents.

[166] More works and documents exist on women who remained in Belgium, who survived the war and on political activists.

[167] Eliane Gubin (dir.) "Femmes exilées politiques", *Sextant*, 26, éd. de l'ULB, 2009. Anne Morelli and Eliane Gubin (dir.), *Pour une histoire européenne des femmes migrantes. Sources et méthodes. Sextant. Revue du Groupe interdisciplinaire d'Etudes sur les Femmes*, Université Libre de Bruxelles, n° 21-22, 2004.

[168] For a good overview of the evolutions in migration theory, from the Chicago School of Sociology to the present time, see Barbara Schmitter Heisler, "The Sociology of Immigration. From Assimilation to Segmented Integration, from the American Experience to the Global Arena," in Caroline B. Brettel and James F. Hollifield (eds.), *Migration Theory. Talking Across Disciplines*, Routledge, New York, 2000, pp. 77-96.

[169] Sélim Abou, "L'insertion des immigrés: approche conceptuelle", in Ida Simon-Barouh (ed.), *Dynamiques migratoires et rencontres ethniques, Actes de journées universitaires d'automne Rennes, 15-16-17 septembre 1997, groupement de recherche migrations internationales et relations ethniques CNRS*, L'Harmattan, Paris, 1998, p. 128.

[170] Jean-Philippe Schreiber, "L'immigration juive en Belgique du Moyen Age à nos jours," in Anne Morelli (ed.), *Histoire des étrangers et de l'immigration en Belgique de la préhistoire à nos jours*, Vie Ouvrière, Bruxelles, 1992, pp. 207-225. Jean-Philippe Schreiber, *L'immigration juive en Belgique du Moyen Age à la première guerre mondiale*, éd. de l'Université de Bruxelles, Bruxelles, 1996.

The second massive wave of migration of East European Jews took place between 1925 and the start of the 1930s, and in 1940, the Jewish population in Belgium amounted to 65-70,000 people.[171]

Throughout the 1920s, Belgian industry flourished and, as a result, additional workers were needed to support this expansion, a workforce that was increasingly constituted by foreigners; at the same time, Belgian universities continued to call for foreign students.[172] During the interwar years, reactions to the immigration policy differed in the north and south of the country: Flemish nationalist leaders saw these foreigners as a threat to their future and harked back to an ethnically homogeneous region, whereas the French-speaking leaders believed in the capacity of foreigners to adapt to the local society; both French and Flemish leaderships, however, considered migrants as inferior.[173] In practice, newcomers were required to merge into Belgian society, to send their children to school and to renounce their origins. In the 1920s, foreigners were encouraged to settle in Belgium, as long as they were economically independent and were not involved in politics. After an investigation by the local police in order to check the jobs and means of subsistence of newcomers, these latter were allowed to stay in Belgium provisionally.[174] Towards the end of the decade, however, restrictions in the Belgian immigration policy were influenced by the 1929 economic crisis and the success of political movements linked to the *Ordre Nouveau* such as VNV in Flanders and Rex in Wallonia, which were openly anti-Semitic.[175] The economic crisis impacted workers, socialists and labor unions, opening up the doors to anti-Semitic comments about Antwerp's diamond industry and Brussels' textile industry, run mainly by East European Jews. Only the communists seem not to have expressed anti-Semitic statements, although most of the politicians who fought anti-Semitism publicly were socialists.

From the early 1930s on, the Belgian authorities decided to control migratory waves more carefully and to develop new migration policies. As a result, the law controlling these changed in 1933: the right to stay in Belgium was changed to depend on the Minister of Justice,[176] and the situation radically changed for Jews as many Jews were fleeing from Germany and attempting to come to Belgium.[177] The Belgian authorities chose to accept German Jewish refugees who could prove that they had some means of subsistence and to refuse those non-German Jews who managed to escape from Germany, claiming that they should seek asylum in their home countries, for example in Poland.[178] At this time, then, it was no longer possible for Jews to enter Belgium freely. Regulations concerning the right to work and to make a living also began to be regulated; thus we can see that excluding foreigners was part of a deliberate strategy,[179] since they were welcomed into Belgium to work only inasmuch as the market required it. On this view, then, emigration was considered as part

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[171] Rudy Van Doorslaer, *Enfants du Ghetto. Juifs révolutionnaires en Belgique, 1925-1940*, Bruxelles, Labor, 1997, pp. 25-28.

[172] Frank Caestecker, *Alien policy in Belgium, 1840-1940: the creation of guest workers, refugees and illegal aliens*, New York, Oxford, Berghahn Books, 2000.

[173] Frank Caestecker, "Immigration," in Paul Aron and José Gotovitch, *Dictionnaire de la Second Guerre mondiale en Belgique*, ed. André Versaille, Bruxelles, 2008, pp. 228-229.

[174] AGR, Police des Etrangers, 138, Circulaire émanant du Ministère de la Justice, 2e direction générale, Administration de la Sûreté publique, 3 mars 1924.

[175] Lieven Saerens, "L'attitude du clergé catholique belge à l'égard du judaïsme (1918-1940)," in Rudy Van Doorslaer (dir.), *Les Juifs de Belgique. De l'immigration au génocide 1925-1945*, CREHSGM, Bruxelles, 1994, pp. 11-56.

[176] The law changed when Belgian authorities realized that thousands of refugees wanted to escape Germany after Hitler's accession to power. Arrêté Royal August 13th, 1933. Frank Caestecker, "Le statut des réfugiés en Belgique (1930-1960)", in M. Martiniello and M. Poncelet, *Migrations et minorités ethniques dans l'espace européen*, coll. L'homme, l'étranger, ed. De Boeck Wesmael, 1993, Bruxelles, p. 121.

[177] See *Les Cahiers de la Mémoire contemporaine*, vol 3, Didier Devillez éd., Brussels, 2001 ; a volume including articles on Refugees and Exiles from the Third Reich to Belgium.

[178] AGR, Police des Etrangers, 231, Procédure à suivre à l'égard des réfugiés israélites allemands.

[179] Each citizen was from then on protected by his own state and should not benefit from privileges attributed by other nation states.

of individual freedom and was regulated according to the rules of supply and demand. One example of this can be seen in the way that the Belgian authorities attempted to recruit Polish workers for their industries, but it should also be noted that they were keen to adopt agreements which would not facilitate massive migrations of unwanted Polish Jews, who were not seen as economically viable as they specialized in the leather and garment industries, fields in which there was no shortage of labor.[180] At the end of the 1930s, the situation for Jews wanting to come to Belgium became increasingly difficult.[181]

Some of the newcomers during these years were student migrants who opted for Belgium instead of France, Germany or Switzerland, or after starting their studies in one of these countries. Among them were approximately one thousand educated women born into upper and middle-class Jewish families in Eastern Europe.[182] They originated mainly from urban centers in the Pale of Settlement.[183] As Jews, when they finished *gymnasium*, it was uneasy to continue their education: anti-Semitic measures and especially quotas targeting specifically minority groups forced part of them to migrate if they wanted to continue their studies. Thus, some of these students had to leave home to seek a better future abroad. In this kind of situation, the border between obligatory and voluntary migration is thin, given that these women decided to migrate but were somehow forced to do so if they wanted to pursue their education, as it was difficult for them to do so in their home countries.[184]

It is important to underline that Jewish women were discriminated against twice over - as women and as Jews. Before the end of the 19th century female students could rarely enrolled into institutions of higher education in Eastern Europe. At the start of the 20th century, in Austria-Hungary, two major Galician universities, Jagiellonian University in Krakow and Lvov University, opened their doors to women, attracting many female students living in Congress Poland.[185] In the Habsburg Monarchy, female students were accepted in the medical and art faculties from 1895, but in Vienna this was the case in the faculty of philosophy only from 1897 and in medicine from 1900.[186] Additionally, women faced harassment, segregation and social pressure, from both male students and professors, and they often had to overcome severe obstacles in order to work in the fields in which they qualified. They therefore had more reasons than others to study abroad.

Educated East European Jewish women regularly migrated alone, most of them were single and 70% of them were aged between 18 to 23 years old. Many Jewish women began to study at an institution of higher education in their home countries, but were stopped and consequently sought to pursue their studies abroad. Since knowledge of French culture and the language were considered crucial by the Eastern European elite and, since their children often learned French at school, this tended to influence

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[180] Frank Caestecker, *op. cit.* (2000), p. 66.

[181] Frank Caestecker, *op. cit.* (2000).

[182] This number of 1000 is approximate since we did not have access to all university archives.

[183] The Pale of Settlement: this region was home to the largest Jewish population in the 19th century and first half of the 20th century. From the early 19th century, Jews of the tsarist Empire had to reside in limited provinces in the so-called Pale of Settlement, a region covering an area of about 1.000.000 sq. km, from the Baltic to the Black Sea..

[184] On the role of the departing country on the migrants' decision to migrate see Nancy Green and François Weil, *Citoyenneté et émigration. Les politiques du départ*, Paris, éd. de l'EHESS, 2006.

[185] Katarzyna Sierakowska, "From Partitions to an Independent State. The Feminist Movement in Poland in the First Half of the 20th Century", in Edith Saurer, Margareth Lanzinger, Elisabeth Frysak, *Women's Movements. Networks and Debates in Post-Communist Countries in the 19th and 20th Centuries*, Böhlau Verlag Köln, Weimar, Wien, 2006, pp. 478-479. See also: Urszula Perkowska, "Kształtowanie sie etosu studentki polskiej w dwoch pierwszych pokoleniach studentek Uniwersytetu Jagiellońskiego z lat 1894-1939", in Anna Żarnowska and Andrzej Szwarca, *Kobieta i kultura życia codziennego: wiek XIX i XX*, tome V, DiG, Warsaw, 1997, pp. 387-404.

[186] Victor Karady, "Student Mobility and Western Universities: Patterns of Unequal Exchange in the European Academic Market, 1880-1939", in Christophe Charle, Jürgen Schriewer, Peter Wagner (eds.), *Transnational Intellectual Networks. Forms of Academic Knowledge and the Search for Cultural Identities*, Frankfurt, New York, 2004, p. 390.

educated Russian, Romanian and Polish middle-class families' choices towards a French-speaking country and university in the case where they were unable to continue in their home countries.[187] Additional reasons for going abroad were the worsening political and social conditions for Jews in Poland and Romania. Polish authorities restricted notably the entrance of Jews to several professions and refused to recognize high school diplomas attributed by private Jewish high schools and by some foreign universities.

Two major waves of East European female students migration can be observed during the interwar years: the first took place in the years 1923-25, formed principally by Romanian students coming to Liege University, after the riots and troubles faced by Jewish students in Romania. The second wave took place between 1929-1933, consisting mostly of Polish students, who registered at the ULB.[188] Belgium offered French-speaking students a reputable higher education and its universities were eager to accept foreign students. There were four universities in Belgium: two State universities in Ghent and Liege, one Catholic university in Leuven and a free university in Brussels.[189] Local recruitment being too low for their economic viability, the four universities were obliged to look beyond Belgium's borders. The real boom in terms of student mobility took place in the 1860s and Belgium became soon a leading receiving country, with 17% of foreign students in 1870.[190] Most of these foreign students originated from France, Germany and the Netherlands. From the end of the 19th century and even more from 1906 to the First World War, the focus tipped towards students coming from Russia and Poland; these students came massively to study at Western European universities. The percentage of foreign students at Belgian universities thus rose by 70% from 1900 till 1912, although numbers varied in time and were different for each university. For example, during the interwar years, at their peak, foreign students made up more than 30% of the student body in Ghent between 1921 and 1932, and more than 20% in Brussels between 1928 and 1934.[191] Around 70% of these foreign students came from Russia and Eastern Europe in the interwar years, and the great majority of these East European students were of Jewish origin.[192]

The Belgian authorities attempted to attract foreign students in order to enhance the prestige of their universities and to increase their incomes. These students were also seen as potential ambassadors for Belgian interests and it was supposed that the students would form the future elite of their nations.[193] Academic authorities encouraged and facilitated foreign students' applications, but their policies differed, as is best illustrated with the case of Ghent University. The major issue at Ghent University concerned the language of instruction. Some members of Ghent University authorities argued that the university might lose foreign students if Flemish were to become the main language of instruction.[194]

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[187] Victor Karady, *op. cit.* (2004), p. 391.

[188] Carol Iancu, *Les juifs en Roumanie (1919-1938). De l'émancipation à la marginalisation*, E. Peeters, Paris-Louvain, 1996. Szymon Rudnicki, "From 'Numerus Clausus' to 'Numerus Nullus'", in *Polin*, 2, 1987. Symon Rudnicki, "Anti-Jewish Legislation in Interwar Poland," in Robert Blobaum (ed.), *Antisemitism and its Opponents in Modern Poland*, Cornell University Press, Ithaca and London, 2005, pp. 148-170. H. Rabinowicz, "The Battle of the Ghetto Benches", in *The Jewish Quarterly Review*, New Series, vol. 55, n°2, October 1964, pp. 151-159.

[189] For this research we do not take into account the Catholic University of Leuven (KUL). The KUL was the last to accept female students and no East European female Jewish student was inscribed there.

[190] Pieter Dhondt, "Foreign students at Belgian universities. A statistical and bibliographical approach", in *Revue Belge d'histoire contemporaine*, XXXVIII, 2008, 1-2, p. 7-9.

[191] There were also more than 40% of foreign students at Liege University between 1906 and 1914. Pieter Dhondt, *op. cit.* (2008), pp. 36-37.

[192] Rudy Van Doorslaer made this statement. Our current research will allow us to assess it in more details. Rudy Van Doorslaer, *op. cit.* (1997), pp. 83-85.

[193] Frank Caestecker, *op. cit.* (2000), p. 28.

[194] Gent Universiteit Archives, 4A24, box 220.

As a result, from 1923 to 1930, courses were taught in both French and Flemish.[195] In 1930, when Flemish became the only language of instruction, except for the Engineering School, foreign students left Ghent University and many of them enrolled into schools of higher education where French remained the main language of instruction, such as the *Ecole des Hautes Etudes* and *Institut Provincial Commercial et Polyglotte*. It should be noted that in the 1920s, the Ghent University authorities were keen to attract and keep foreign students, as illustrated by their willingness to accept delays in the payment of university fees because of currency devaluations in several East Central European countries. However, while foreign students were welcomed to pay the fees, they were required to leave the country after graduating, to make sure that they would not compete with national students.

Eastern European Jewish women generally used classic migrants' networks: relatives and acquaintances in the host country helped them on arrival.[196] Besides this chain migration, family experiences of migration might also have influenced young people to migrate. This was the case for Liuba Iochpa, born in 1901 in Dubossary, Bessarabia, whose father Zischin Iochpa was born in Russia in 1868.[197] A supporter of Zionism, Liuba Iochpa's mother went to Palestine after the First World War to test the feasibility of migrating there, but the conditions were not good and she returned to Rezina in Bessarabia.[198] However, we can see that family experiences of migration played an important role in decisions to migrate, since they showed migration as something feasible and provided these young people with models. One of the peculiarities of these women in comparison with other migrants was that they usually migrated alone and refused to return to their home countries. That is, they dreamed more of going to Palestine or the United States than of going back to East Central Europe.[199]

These women had models to copy: thousands of Russian Jews came to study at Western European universities from the end of the 19th century to the First World War, among them a significant number of women, as shown by Nancy Green and Natalia Tikhonov.[200] Many Russian Jews decided to study in Germany, most of them of Jewish origin.[201] At the start of the 20th century, Russian and Romanian students frequently opted for French-speaking universities, whereas other Eastern European students preferred a German environment. This trend changed in the interwar years, as political motivations began to influence student migrations more strongly: France hosted four times more Polish students than Germany in 1928, and eight times more in 1934, and the same phenomenon occurred for Romanian students, who were three times more in France than in Germany in 1928 and 6.5 times more in 1934.[202] Regarding the Belgian case, between 1905 and 1914, of 1248 female students who registered at Belgian universities, 686 - or 55% - were foreigners, and among these 481 were Jewish women coming from the Pale of Settlement, constituting 69% of the foreign female body, while only

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[195] Andrée Despy-Meyer, "Les étudiantes dans les universités belges de 1880 à 1941," in *Perspectives universitaires*, vol. III, n°1-2 (1986), p. 48.

[196] Dirk Hoerder, "Segmented Macrosystems and Networking Individuals: The Balancing Functions of Migration Processes", in Jan Lucassen and Leo Lucassen (eds.), *Migration, Migration History, History. Old Paradigms and New Perspectives*, Peter Lang, Berlin, 2008, pp. 80-82.

[197] Liege City Archives, Files of the Alien Registration Office, File of Liuba Iochpa-Paiuc, document n° 55.958.

[198] Interview of René Pailloucq, Liuba Iospa's son, by Pascale Falek (Brussels, June 18, 2009).

[199] Zionism was the dominant tendency for Eastern European Jews established in Belgium. Paul Aron and José Gotovitch, *Dictionnaire de la Seconde Guerre mondiale en Belgique*, éd. André Versaille, 2008, p. 230.

[200] Natalia Tikhonov, "La quête du savoir: étudiantes de l'Empire russe dans les universités suisses (1864-1920)," PhD diss., Université de Genève, 2004. Nancy Green, "L'Emigration comme Emancipation: les Femmes Juives d'Europe de l'Est à Paris, 1881-1914," *Pluriel*, 27, 1981, pp. 56-8.

[201] Claudie Weill, *Russes en Allemagne 1900-1914. Quand la Russie frappait aux portes de l'Europe*, Coll. "Chemins de la mémoire", L'Harmattan, Paris, 1996, p. 100.

[202] Victor Karady, *op. cit.* (2004), pp. 393-394.

44% of the female student population was Belgian.[203] More than half the student body at Antwerp Business School (*Institut supérieur de commerce de l'Etat à Anvers* – ISCEA) was composed of foreigners, mainly Eastern European Jews. The first generation of international Jewish university students at European universities in Germany, France, Belgium, and Switzerland inspired Jewish youth in the interwar years. As opposed to the situation before the First World War, many students who migrated in the interwar years did not aim to return to their home countries and decided to remain in their host country even at the price of disguising their identity and living illegally.

Eastern European Jewish women opted for Belgium because they had relatives, friends, or family members who already settled there, and contributed to the growing émigré Jewish community. In fact, this community took up residence in interwar Belgium, a rich liberal democratic industrial country, especially in Antwerp and Brussels, as they could not cross the ocean to continue their journey to America, where the borders were closed in 1924.[204] There were about 50,000 Jews in Belgium in the early 1930s.[205] Jewish life flourished in Belgium during that period - more than a hundred periodicals were published and many political and cultural organizations were created. Nancy Green discusses the impact of a pre-existing Jewish community in attracting Jewish immigrants, often against its own will.[206] Earlier migrants sent letters and money to their home countries. Local Jewish communities played a significant role in the migrants' imagination: for example, the Rothschild symbolized success in the minds of future immigrants facing economic difficulties. Native Belgian Jews attempted to facilitate the acculturation process of the newcomers and tried to promote their own image instead of the one of the poor immigrants. The local Jewish establishment disdained Eastern European migrants since their arrival challenged its social position.[207]

The majority of East European Jewish newcomers settled in cities such as Brussels, Antwerp, Liege, Charleroi and Ghent, and generally lived near to or around the train stations. They worked mostly in "Jewish professions" such as family businesses, small industries, clothing, diamonds, and leather industry. Upon their arrival in the receiving country, Eastern European Jewish students could therefore rely on a living recent émigré Jewish community and its multiple social and cultural organizations. This group also created its own student unions and some became active members of the Jewish community, as did, for example, Felicja-Estera, called Fela Liwer. Born in Będzin, Poland in 1909 into a bourgeois Zionist family, she moved to Łódź at an early age since her mother remarried an industrialist who was among the founders of three private Hebrew *gymnasium* in Łódź.[208] Fela Liwer attended one of these Hebrew *gymnasium* until 1928. Her devotion to Zionism originated from this period. Fela Liwer, her siblings and cousins were sent to university; this was tolerated and even encouraged by her family. She dreamed about migrating to Palestine, but before that she wanted to

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[203] Natalia Tikhonov, "Migrations des étudiants et féminisation de quelques universités européennes. A la recherche d'une convergence, " in Tikhonov Natalia and Rüdiger Peter Hartmut (dir.), *Universitäten als Brücken in Europa. Studien zur Geschichte der studentische Migration*, Frankfurt and Main, Peter Lang, 2003, pp. 46-7. See also: Vinciane Godfrind, "Les étudiantes comme migrantes? L'exemple des Russes à l'ULB de 1905 à 1914", in *Revue Belge d'Histoire Contemporaine*, XXXVII, 2007, 3-4. Anick Van Acker, *Slavische Studenten aan de RUG (1855-1914),* Gent, Archief RUG, 1984.

[204] Jean-Philippe Schreiber, *L'immigration juive en Belgique du Moyen Age à la Première Guerre Mondiale*, éd. Université Libre de Bruxelles, Bruxelles, 1996.

[205] Jean-Philippe Schreiber, "L'immigration juive en Belgique, du Moyen Age à nos jours", in Anne Morelli (dir.), *Histoire des Etrangers et de l'immigration en Belgique de la préhistoire à nos jours*, Editions Vie Ouvrière, Centre Bruxellois d'Action Interculturelle, 1992, Bruxelles, pp. 222-223.

[206] Nancy Green, "Immigrant Jews in Paris, London and New York: a Comparative approach," in *Judaism. A Quarterly Journal of Jewish Life and Thought*, issue n° 193, vol. 49, number 1, winter 2000, p. 285.

[207] Nancy Green, *op. cit.* (2000), pp. 285-286.

[208] This biographical notice is based on Jean-Philippe Schreiber, "Chaïm Perelman" and "Fajga Estera Liwer-Perelman", in Jean-Philippe Schreiber (ed.), *Dictionnaire biographique des Juifs de Belgique. Figures du judaïsme belge XIXè-XXè siècles*, De Boeck & Larcier, 2002, pp. 271-274 and 274-275. Martin Buber Institute, Interview of Fela Liwer-Perelman made by Bernard Suchecky, 06.03.1981 to 14.04.1981.

study abroad. Her father agreed but required first that she spent one year at Warsaw University studying at a new Institute for Jewish Studies that he had co-founded.[209] She registered in history at Warsaw University and at the same time followed courses in Jewish studies.[210] Many of her friends went to study at Western European universities. She opted for Belgium for that reason and because her older brother was already studying in Liege. She applied to Brussels University and arrived in 1930. Fela Liwer graduated with honors in both history and pedagogy in 1935.[211] She met her husband Chaïm Perelman at university and they married in 1935. A member of the Jewish student association's committee during her studies, Fela Liwer continued on this path and worked with Léon Kubowitzki[212] at the Brussels office of the World Jewish Congress.[213] During the war, Fela Liwer and Chaïm Perelman played an important role in the Belgian Resistance and especially in the Jewish Defense Committee.[214] Fela Liwer worked in Jewish community organizations with fellow Eastern European Jews all her life; she was devoted to the Zionist cause, and she succeeded in collecting a great deal of money to support the State of Israel in 1967.

Forced to leave their home countries, influenced by their family experience of migration, by models of previous student generations, by friends and relatives who had already settled in the host country, Eastern European Jewish women registered at Belgian universities. Taking the decision to migrate to Belgium was the first step; once realized, they found themselves up against other obstacles. It is to these that we now turn in the following section.

Integration Process

Young female migrants could adopt various attitudes when they arrived in Belgium, depending on their desire to stay on in the receiving country, their professional expectations, their ideas concerning marriage or intermarriage, their social lives and their potential political activism. Let us examine their main places of interaction first: their housing, workplace, university campuses, and political organizations. We will then focus on two of their key means of integration: mastering the local languages and intermarrying. This presentation considers the major patterns adopted by these women, each life story being unique, and certainly their integration process varied significantly if they had for goal to stay in the receiving country, to return home, or to migrate to another destination. Additionally, more traces exist of the women who decided to remain in the receiving country. Rudy Van Doorslaer argues that Eastern European Jews wanted to integrate into interwar Belgian society.[215] That is, they did not deny their origins nor did they want total assimilation, as the local Jewish establishment would have liked. Instead, they considered Belgium as their new homeland, as a place where they could build their new life. It can be added that they were not especially focused on

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[209] According to her interview, her father initiated the Institute of Jewish Studies *Instytut Nauk Judaistycznych* founded in 1928 in Warsaw.

[210] Martin Buber Institute, Interview of Fela Liwer-Perelman made by Bernard Suchecky, 06.03.1981 to 14.04.1981.

[211] ULB Archives, Student card of Fajga-Estera Liwer.

[212] Jean-Philippe Schreiber, "Léon Kubowitzki dit Aryeh Kubovy", in Jean-Philippe Schreiber (ed.), *op. cit.* (2002), pp. 204-206.

[213] Léon Kubowitzki created in Brussels the representation of the World Jewish Congress, called Conseil des Associations Juives de Bruxelles.

[214] Jewish Defense Committee (CDJ): the largest Jewish defense movement in Belgium established in 1942 by communist and the Zionist movements. The main objectives of the CDJ consisted in rescuing Jewish children, providing social services and distributing clandestine press. It found shelter with the bigger national resistance movement the Independence Front (FI).

[215] Rudy Van Doorslaer, *Enfants du Ghetto. Juifs révolutionnaires en Belgique (1925-1940)*, Archives du futur, Histoire, Labor, 1997. p. 43.

Belgium and could have settled in any other democratic country; their main objective was to escape their condition and to establish themselves in a place where they could have a private and professional life unencumbered by discrimination. Most of them migrated with a long-term perspective. In their majority, they were sympathizers of the Zionist movement, they dreamed about going to Palestine, however, meanwhile, most of these newcomers applied for the Belgian citizenship, which was generally refused to them until the mid-1950s early 1960s. Jean-Philippe Schreiber argues, however, that even when Jews acquired Belgian citizenship, they remained at the margins of the society and were always considered as aliens, immigrants and foreigners by the locals, whatever their level of integration.[216] During the interwar period, Eastern European Jews created their own active social and political lives; they established *landmanschaften* or immigrant benevolent organizations and mutual aid societies, and promoted Yiddish as the main common language. According to Schreiber, the cultural and social relative self-sufficiency of Eastern European Jews in Belgium combined with the rise of anti-Semitism in the 1930s severely halted their integration process.[217] These observations refer to Eastern European Jews as a group; let us now refocus on our female students.

Upon arrival, before enrolling at university, East European Jewish women needed to find a place to stay and to register at the municipality. Their landlord was often the first local individual they met. Their friends or relatives generally helped them to find a room or hosted them over the first few weeks. Many young women decided to share an apartment with other students, often of East Central European Jewish origin. Rooms were generally passed on from elder students to newcomers. This practice did not encourage the integration of these as they tended as a result to spend their time with other foreigners. The choice of accommodation may well thus have impacted the first stages of the integration process, and the room as well as its location often constituted a key place of interaction.

Alongside their studies, these women often had to work for a living, as their parents could not help them financially. In order to evaluate this professional activity, which was illegal, it is pointless to analyze the alien registration office archives, given that foreign students were forbidden to work and had to certify that they were receiving money from their parents or other relatives. These files mentioned that students were receiving a significant sum of money every month from their home country. However, it is evident from interviews and other sources that many students did not receive money from their parents: they had to work illegally and some alternated a year of work with a year of study. In the 1930s, their situation worsened because of the economic crisis. In the late 1930s, in addition, growing anti-Semitism, economic and social pressures on Jews in Eastern Europe precluded even more parents from sending money to their children. University archives and the Jewish community's sources mentioned the need for many students to work in order to support themselves financially; indeed, some students asked the Jewish community and charitable organizations for financial support. Others found positions in small businesses run by Eastern European Jews or worked as cleaning ladies for wealthy families. Their illegal professional activity did not always allow them to meet many Belgians. Nevertheless, many of them gave private courses and, through these, met Belgian students who needed to study foreign languages. Helena Temerson, for example, taught German before the war. Born in 1896 in Wloclawek, Poland, into a middle class Jewish family, she spoke Polish and Yiddish at home, learned German and Russian at an early age, studied French at school and improved it in Belgium.[218] She graduated in German language and literature with honors at Brussels University, while working and supporting her family through giving private lessons. Her husband was a writer and a journalist who liked spending time in cafés and bars discussing politics

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[216] Jean-Philippe Schreiber, *op. cit.* (1992), p. 208.

[217] *Idem.*, p. 225.

[218] Helena Temerson's biography is based on sources found in: AGR, Fonds Police des Etrangers, Dossier Hélène Temerson and Benjamin Goriely; ULB Archives, 1P. 774 file Hélène Temerson; Private Archives Simone Goriely and Archives of the Alliance Israélite Universelle (AIU), Paris, Fonds Benjamin Goriely, box 1, AP 21/5, *Souvenirs de Benjamin Goriely, Nul ne reconnaîtra les siens.*

and literature. Through him, she met many artists and writers. Her circle of friends was mostly composed of literary women and men, both Jews and non-Jews. When they separated, she could not continue working, taking care of her son and her household all by herself. She brought her older sister Ruchla from Poland to help her while she worked to support her household. She thus spoke Polish with her sister, French with her son, she taught German at work and she could also read Yiddish, Russian, Dutch and English. She survived the war, participated actively in the resistance, and stayed in Belgium. Her survival depended notably on her Belgian acquaintances and excellent knowledge of French. After the war, she worked as a German language lecturer at the Solvay Business School at Brussels University, penetrating Belgian society through her work and through her husband's and then her son's friends.[219]

While Helena Temerson studied German language and literature, most Eastern European Jewish women opted for the sciences, medicine or business. Few of them joined student associations, except for political organizations and Jewish student unions. University constituted in theory an ideal place for meeting local Belgians. It is difficult to evaluate whether this took place and it seems that foreigners tended to stay in groups together; at the very least we can say that many of them joined Jewish organizations, where Yiddish was the common language. Nevertheless, some male and female East European Jewish students, mostly of the second émigré generation, joined and got engaged in non-Jewish student groups. They mixed with Belgian students when it came to sport, in university tournaments for example.[220] They participated in cultural, political and 'drinking' activities. Student groups played a major role in contributing to university community members' sociability. East European Jewish women frequently had not enough free time or financial resources for joining student clubs; in addition, female students were not welcome to this male world, and language might also have constituted an obstacle.

The last place where Belgians and Jews might have met was in the political organizations and groups where these Jewish women socialized, and especially the Communist Party (CP), which created specific organizational structures of integration for foreigners, the *Main d'Oeuvre Etrangère* (*MOE*), later called *Main d'Oeuvre Immigrée* (*MOI*).[221] Foreigners were welcomed by the party and trained for a couple of years before being sent onto the Belgian streets. The CP instructed them on Belgian politics and attempted to integrate them progressively into the Belgian society.

Mastery of local languages was a crucial means of integration; in this case Eastern European Jewish students were favored as they were very cosmopolitan and usually spoke a number of languages. Foreign students had to improve their knowledge of French; some recalled studying with the help of a dictionary. Many professors understood that foreign students faced a twofold difficulty, as recalled by medical students at Ghent University.

So language constituted an obstacle, but in comparison with other migrants, Jewish women learned the local languages and could therefore interact more easily in the host country. Their knowledge of several languages was an asset: many of them knew German and Yiddish, which helped them to understand Flemish, the second official language in Belgium. Integration was a long process facilitated by these women's high level of education and will to work, although many of them worked for and with other foreigners.

A second means of integration was intermarriage, whereby women gained Belgian citizenship by marrying a Belgian citizen. Most of these women married Jewish men, but some did not because they fell in love with a Belgian man or because their union was a strategy for staying in Belgium.

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[219] Pascale Falek, "Hélène Temerson (1896-1977) : parcours d'une universitaire juive d'Europe de l'Est", in *Les Cahiers de la Mémoire contemporaine/Bijdragen tot de eigentijdse Herinnering*, n° 9, Brussels, 2009-2010, pp. 135-167.

[220] ULB Archives, "Championnats universitaires. Numéro spécial sports", *Bruxelles Universitaire*, March 13, 1926.

[221] José Gotovitch, *Du Rouge au Tricolore. Les Communistes belges de 1939 à 1944. Un aspect de l'histoire de la Résistance en Belgique*, Archives du futur, Histoire, Labor, Bruxelles, 1992.

Intermarrying in order to obtain legal papers was frequently organized by the CP in order to protect its members and to ensure that they would stay in the country, as they were threatened with expulsion by the police. Bruntea Crupnic's story illustrates clearly the issue of arranged intermarriages. Born in 1911, she was active within Communist youth groups in her native Bessarabia.[222] She came to Belgium in 1928 with a student visa and registered at the *Institut des Hautes Etudes* in Ghent, although her main goal was to pursue her political activities. After a year in Economical Sciences, she joined the CP in Brussels and started to militate actively in its youth organization. Under threat of being expelled, she got married in 1935 to Oscar Smesman, a Belgian communist dockworker who was 23 years older than her.[223] This was a marriage in name only.[224] It allowed her to remain in Belgium and to continue militating for the CP. She played an important role within the CP and was one among the few women in its leadership. She worked intensely for the party during the war, was exposed to great danger and in 1943 became Armed Partisans' chief.[225] Arrested, she was sent to Malines, Ravensbruck, and Auschwitz. At the end of the conflict, liberated in Ravensbruck, she came back to Belgium where she continued her political activities. She decided then to become a social worker, remarried, continued to militate for the CP, and lived in Liege.[226] Buntea Crupnic integrated through the CP, where she first worked with fellow foreigners and later with local activists. Even if the will to integrate of educated Eastern European Jewish women like Crupnic might have been strong, it was not enough to succeed in this long and hazardous process: the outcome of their integration depended also on the host society's attitude and on the Belgian national system.[227]

Conclusion

This paper is aimed at widening the debate on the complex processes of migration and integration of outsiders in a receiving country. The case of educated female Eastern European Jewish migrants in the interwar years allows us to analyze their practices of integration through place, interaction and subjective experience, as well as to consider questions that are still highly pertinent nowadays: why did they migrate? How did they manage to integrate? How did the receiving country react to their venue? I have analyzed their reasons for migrating, pointing out the importance of previous experience of migration in the family and also in the models offered by previous generations of student migrants. The long-term process of integration has been examined through the identification of four main places of interaction and two key means of integration. However, despite the strength of will of these outsiders to integrate, they needed to face issues including the receptivity of the host society, which varied in the interwar years after the economic crisis, and the rise of fascism and anti-Semitism.

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[222] Buntea Crupnic was born in 1911 in Romania and died in Belgium in 2002. She was known under different names: Andrée Smesman after her marriage, Irène and Michel in underground. See: José Gotovitch, "Partisanes et militantes: femmes communistes dans la Résistance en Belgique", in Robert Vandenbussche (ed.), *Femmes et résistance en Belgique et en zone interdite (1940-1944)*, IRHiS and CEGES, Lille, 2006, pp. 73-86. And Maxime Steinberg, "Quelques figures de femmes juives réfugiées en Belgique dans l'entre-deux-guerres", Conference paper presented at *Exhumer l'histoire des femmes exilées politiques*, ULB, Brussels, May 12, 2008, unpublished.

[223] Oscar Smesman died in October 1941. Maxime Steinberg, *op. cit.*

[224] José Gotovitch, "Partisanes et militantes: femmes communistes dans la Résistance en Belgique."

[225] Armed Partisans (Partisans Armés, PA): armed wing of the CP.

[226] José Gotovitch, *Du Rouge au Tricolore. Les Communistes belges de 1939 à 1944. Un aspect de l'histoire de la Résistance en Belgique*, Archives du futur, Histoire, Labor, Bruxelles, 1992, pp. 558-559.

[227] Sélim Abou, *op. cit.* (1998), p. 133.

Performing the *Salaat* at Work: a Legitimate Claim? The 'Privatization' of Religious Practices in Belgium

Nadia Fadil

Each day, at distinctive moments of the day or evening, millions of Muslims are called upon to interrupt their activities and retreat into a spiritual exercise in which they invoke God's greatness and reiterate their subjection to His will. As one of the main pillars in the Islamic religion, the ritual of salaat figures as one of the main cornerstones of Muslim piety, a routine which also inscribes and materialises God's presence their daily lives.[228] While the punctuality of the prayers is subject to a degree of flexibility, performing one's prayers on time is strongly encouraged, and considered as an act of virtue. This can lead Muslims to fulfil this religious duty in various contexts besides their homes or mosques, i.c. at work, while travelling, visiting etc… This effects into a temporary transformation, as Heiko Henkel puts it, of 'secular' spheres into Muslim spaces.[229] Yet this temporary transformation is only possible to the extent that the context allows for it, something which is not always the case in a Western-European country like Belgium, where schools, public administrations, or the workplace remain highly sensitive to religious 'interventions'.

Despite the fact that the Belgian institutional landscape is traversed by a wide array of ideological and confessional tendencies, a reality which has often been compared to its Dutch 'pillarised' neighbour,[230] the secularist idea that religious practices should be performed in the 'private realm', and that 'public spaces' – to which work and schools are often linked – should remain free from any religious interferences, figures as a powerful narrative. This has especially been the case for veiling which, over the past few years, turned into the archetype of a 'public' religious practice and has been at the source of several public controversies. Praying at work, on turn, hasn't lead to the same amount of societal debate or public interrogations.[231] Only in few cases did this practice entail a dispute between employer and employee,[232] and it mostly emerged among university students who demanded the right for a space where they could perform their prayers in between their lessons. [233]

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[228] For an ethnography of the ritual of salaat in different Islamic countries see Saba Mahmood "Rehearsed spontaneity and the conventionality of ritual: disciplines of salat" American Ethnologist, 28:4 (2001): 827-853; John R. Bowen "Salat in Indonesia: The Social Meanings of an Islamic Ritual" in Man. New Series, 24:4 (1989):600-619 and Heiko Henkel "Between Belief and Unbelief lies the performance of Salat: meaning and efficacy of a Muslim ritual" in Royal Anthropological Institute, 11 (2005): 487-507

[229] Henkel, *Between Belief and Unbelief*, 494-497

[230] For a further account see Harry Post, *Pillarization. An analysis of Dutch and Belgian Society* (Avebury: Aldershot, 1989).

[231] In September 2008, the proposition of a researcher from the Flemish university of Brussels to create praying rooms at the workplace as a measure for more inclusion resulted in some media-attention. This proposition was part of a more comprehensive and comparative report on integration policies in Belgium and Detroit, US. See for instance 'Laat Moslims bidden op het werk'[Let Muslims pray at work] in *De Standaard,* 12/09/08.

[232] In Belgium, for instance, the tribunal of the small town of Nivelles condoned the employer's decision to fire an employee who performed the prayer during his working hours without his authorisation Add examples. In Norway. Even though Belgium lacks a formal restrictive legal arsenal, a high discretionary power is accorded to the employer, which has resulted in the legal justification of their opposition to religious worship at the workplace.One of the few regulations which exist concerning this issue is the decree of the labour tribunal of Nivelles of 11/03/1994, which granted the employer the right to discharge an employee who performed religious practices during his working hours without the authorisation of the employer.

[233] The University of Antwerp installed in November 2006 a 'silent room', open to students of all confessions as a result to Muslim students' request for a prayer room and as part of its diversity policy. See http://www.ua.ac.be/main.aspx?c =.GELIJKEKANSEN&n=77393

The narrative of privatisation of religion is often evoked to question the presence of religion or religious practices in spaces deemed 'public'. Sociologically, this concept is used to describe the effects of the process of secularisation upon the religious system. The latter is recasted into distinct social spheres, and its implications upon specific social realms – the economic, the political, and the juridical – circumscribed.[234] While this narrative of privatization figured for long as one of the main 'exemplars' of the secularisation paradigm – to use Olivier Tschannen's formulation,[235] its generic prevalence and usefulness has come under attack over the past decades both within and outside the sociology of religion. The empirical observations of socio-political religious movements, such as Islamist movements in the Middle-East or Evangelical movements in the U.S, have demonstrated the persistence of religion as a political force in various parts of the world and resulted in a heightened questioning of this narrative. Jose Casanova's Public Religions in the Modern World and Peter Beyer's Religion and Globalization and Religions in Global Society figure, for instance, as illustration of theoretical enterprises which seek to elaborate a general model of secularisation which takes privatisation as only one possible articulation of the process of secularisation.[236] The authors contend that it by no means signals a generic model for other parts of the world and that religion can maintain a political role depending of the context and the function it fulfils. More recently, Charles Taylor distinguished three dimensions in historical and philosophical retrospective on the concept of secularisation: (1) secularization in its public dimension, (2) secularisation as a condition of experience and (3) secularization as a decrease of belief and practice.[237] Whereas the three can fall together, as is the case for the West, this is not necessarily so for all contexts – which explains the wide range of diversity on a global level.

Besides this first, sociological, perspective, another perspective – mostly from a critical theory perspective – consists of viewing privatization as a disciplinary tactic which serves to regulate and confine certain practices to particular social spheres. This perspective is especially prevalent within feminist and critical theory, which has documented how the category 'private' has served to depoliticize societal issues such as sexual aggression, poverty, unemployment, etc... Nancy Fraser for instance contends that the discourse on privatization serves to "enclave certain matters in specialized discursive arenas and thereby to shield them from broadly based debate and contestation". Framing different social problems primarily as 'private issues' – like domestic violence – tends to individualize problems which, she argues, "works in the advantage of dominant groups and individuals and to the disadvantage of their subordinates".[238] Nikolas Rose, on turn, also sees this idea of 'privatization' as a

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[234] Peter Beyer discerns in *Religion and Globalisation* a double utilisation of this notion in the sociological literature. While it has mostly been used to describe the 'reduced' competence of religion over issues relating to other, non-religious societal domains, the narrative of privatisation has also served to discern individualising patterns where religion loses its hold on the individual as ethical framework and the latter largely resort into an 'individual' or 'private' matter. Peter Beyer, *Religion and Globalisation* (London: Routledge, 1994), 70-75. In the following paper, I will be largely resorting to the first utilization of the term. For an account of the second approach see Thomas Luckmann, *The invisible religion* (London: The Macmillan Company, 1967).

[235] Olivier Tschannen's Les théories de la secularisation (Genève: Librairie Droz S.A., 1992) figures as one of the most comprehensive overviews of the evolution of the secularisation paradigm throughout the 20th century; See also Bryan Wilson, "Secularization: The inherited Model" in *The Sacred in a Secular Age. Toward revision in the scientific study of religion*, edited by P. Hammond (Berkeley: University of California Press, 1985) for an account of the importance of the privatization thesis in secularisation theories.

[236] See Jose Casanova Public *Religions in the Modern World* (Chicago/London: University of Chicago Press, 1994) and Peter Beyer *Religion and Globalisation* (London: Sage, 1994) and *Religions in Global Society* (London: Routledge, 2006).

[237] Charles Taylor, *A Secular Age* (Cambridge: Belknap press of Harvard university press,2007), 2-3

[238] Nancy Frazer "Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy" in *Habermas and the Public Sphere*, edited by C. Calhoun (Cambridge/London: the MIT Press, 1992), 131-132. The idea that the public/private distinction sustains patriarchal order is also an old argument within feminist scholarship, and has been largely debated. See for instance Michelle Z. Rosaldo "The use and abuse of anthropology: Reflections on feminism and cross-cultural

tactic of the liberal governance, which serves to delineate aspects of life which fall outside of the rule of the law, and thus are presented as "a fact of nature".[239]

The approach adopted in this paper is informed by this critical perspective which takes privatization as a tactic in the process of secularisation. Yet it equally situates privatization as an analytical concept which informs us of particular (potential) effects of the process of secularisation. Privatization is thus not only viewed as a possible 'outcome' of the process of secularisation, but also as a discursive practice which seeks to delineate and differentiate distinct social realms wherein religious practices and interventions are preferentially located. This argument draws on the work of the anthropologist Talal Asad who explores in Formation of the Secular "how secularism as a political doctrine is related to the secular as an ontology and an epistemology".[240] He depicts the idea of a 'private space' as a regulatory devise which is instrumental "to the formation of subjects who will eventually inhabit a particular public culture"[241]. This viewpoint also fits in a more general perspective on secularisation as a particular mode of governmentality wherein the idea of a differentiation between 'the religious' and 'the social' is continuously shaped, articulated and enacted throughout a distinct epistemological realm (a particular understanding of the religious and the social), an institutional apparatus and a particular economy of affect. The categories 'public' and 'private' serve, within this perspective, as discursive tactics, which are instrumental in the operation of secular modes of governance. When a head of school claims that 'religion is a private affair' in order to legitimize his ban of the Islamic headscarf, (s)he not only articulates a secular viewpoint, but also delineates the idea of a 'private' sphere where religious practices are preferentially located in order to sustain a notion of the public which is exempted from religious expressions.

Yet in order to understand how this principle of privatization is disseminated, institutionalized, but also contested, one needs to examine its reproductions in daily *practices and discourses*.[242] It is at the latter that the perspective of this paper needs to be situated. By analyzing accounts of religious and non-religious second generation Maghrebi and their position towards the Muslim claim of praying at the workplace, I wish to examine how this principle of privatization is reproduced, negotiated and/or contested in non-institutionalized forms of discourse.[243] 65 qualitative interviews were conducted between 2003 and 2005 in the Belgian cities of Antwerp and Brussels with people of Maghrebi background (Morocco, Algeria, Tunisia). The respondents all belong to the so-called 'second generation', born and/or who arrived at a young age in Belgium, together with their parents or grandparents who migrated from the Maghreb countries in the '60 and the '70 in the context of large

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understanding", in *Signs*, 5: 3 (1980): 389-417 and Joan B. Landes, *Feminism, the Public and the Private* (New York: Oxford University Press, 1998).

[239] Nikolas Rose, *Governing the soul: the shaping of the private self*, (London: Routledge, 1990), 125

[240] Talal Asad, *Formations of the Secular. Christianity, Islam and Modernity* (Stanford: Stanford University Press, 2003), 21

[241] Talal Asad, *ibid,* 185

[242] In his seminal work *The Practices of everyday life* (Berkeley, Los Angeles, London: University of California Press; 1984), Michel De Certeau looks at how orders or power structures are continuously re-enacted, yet also destabilized in daily life. 'Ordinariness' does not figure in De Certeau's work as a particular social phenomenon, but rather offers an analytical perspective which enables a particular understanding of power relations and their reproduction which departs from another angle of observation than a institutional or juridical perspective. This allows him to: "make explicit the systems of operational combination (les combinatoires d'operations) which also compose a 'culture', and to bring to light the models of action characteristic of users whose status as the dominated element in society (a status that does not mean that they are either passive or docile) is concealed by the euphemistic term 'consumers'. Everyday life invents itself by poaching in countless ways on the property of others" (1984: xi-xii)

[243] 65 qualitative interviews were conducted between 2003 and 2005 in the Belgian cities of Antwerp and Brussels with people of Maghrebi background (Morocco, Algeria, Tunisia). The respondents were between 18 and 45 years with various professional orientations and mainly selected on basis of their religious orientation on the basis of theoretical sampling. All respondents were active in an organisation at the time of our interview, which also explains an overrepresentation if educated and informed respondents. The interviews were conducted in Dutch or French, and transcribed in their original language. The interview fragments used here were translated to English.

scale labor migrations. The respondents are between 18 and 45 years, and were mainly selected on the basis of their affiliation to socio-cultural and Islamic organisations.244 A fieldwork was conducted to this extent between 2003 and 2006 in Brussels and Antwerp, the two main Belgian cities with the largest amount of Muslim residents, among Islamic and socio-cultural organisations.245 The primary aim of this fieldwork was to contact and select respondents for qualitative interviews upon which the analysis of this paper primarily draws. I also participated to numerous gatherings and meetings, activities and debates and demonstrations organised by these associations.

More than only demonstrating the existence of various standpoints among Belgian-Maghrebi towards the claim of praying at the workplace, the purpose here is to unravel the various ways in which this practice is justified or problematised: i.c. the discursive registers deployed in this justification.246 The term of discursive register consists of a combination of the post-structuralist concept of discourse on the one hand, and Gilbert and Mulkay's notion of interpretative repertoire on the other hand. The notion of discourse points at the rules and regulations throughout which different concepts (statements) are brought together in the constitution of knowledge (i.c. meaning) or a particular reality. Interpretative registers focus, on the other hand, on the way specific repertoires of meaning are mobilized in various contexts.247 Hence, whereas the notion of discourse focuses more on the grammar of meaning, the term 'register' invites us to explore the way these 'repertoires of meaning' are mobilized and used in daily life. Both approaches do however take these discursive repertoires as being more than only a meaning making process, but they also attribute a performative or constitutive power to it.248 Another methodological facet of discursive repertoires is that it also informs us of the

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244 The grounded theory as elaborated by Glaser and Strauss in *The Discovery of Grounded Theory. Strategies for Qualitative Research* (Chicago-New York: Aldine-Atherton, 1967) aims at developing mid-range theories trough the consecutive directed and reiterated inclusion of various groups until a stadium of saturation is reached. The theoretical sampling has turned into a conventional sampling procedure within qualitative research design within sociology, without the necessary adoption of the theoretical aims as elaborated in grounded theory.

245 With its 1 031 215 inhabitants, Brussels Capital Region) is the largest and most diverse city of Belgium. It is officially composed by 27% of non-nationals. Yet this forms an important underestimation considering the naturalisation of a large number of this population. More accurate figures estimate the number of 'Brusseleers' with a non-Belgian origin around 46% of the total population of Brussels Capital Region (Willaert & Deboosere, 2005: 69). The Moroccan community forms the largest group within this fraction, and is estimated around 125.962 inhabitants or 13% of the Brussels population. Antwerp, on the other hand, is half the size of Brussels with its 465.596 inhabitants. Yet its demographic composition is also quite diverse, turning it into the second most multicultural towns of Belgium. The number of residents from non-Belgian origin is estimated around 26%, with 6,7% having a EU ethnicity and 18,3% non-EU ethnicity. Moroccans and Turks form about 9%, with Moroccans forming the largest non-EU ethnic minority, hence representing 7% of the Antwerp population (or 34.751 inhabitants).

246 The term justification is borrowed from Luc Boltanski and Laurent Thévenot's *On Justification. Economies of Worth* (Princeton: Princeton University Press, 2006 [1991]). They use this term to examine how agreement or consensus is shaped, which they relate to the necessity to identify and unpack different orders of justification. Whereas their approach and use of the concept justification equally contains a political-normative dimension, my usage of the term limits itself to the descriptive analysis of the various *modes* of justification.

247 For an analysis of interpretative repertoires in discourses on masculinity see Nigel Edley "Analysing Masculinity: Interpretative Repertoires, Ideological Dillemmas and Subject Positions" in *Discourse as Data. A Guide for Analysis*, edited by M. Wetherell, S. Taylor & S.J. Yates (London: Sage Publications, 2001), 198.

248 This notion of performativity has most famously been elaborated by J.L. Austin *How to do things with Words. The William James Lectures delivered at Harvard University in 1955* (Oxford & New York: Oxford University Press, 1976 [1962]). In these lectures, he distinguishes two views on language. A first, conventional, view takes language as a descriptive device, whose truth-value is related to the correspondence with the reality it describes – a view he describes as a constative approach. This first approach is contrasted a second, performative, understanding of language, where language does not only figure as something which describes, but which also enacts something. By differentiating between constative and performative utterances at an early stage of his work, a seminal distinction is introduced between the descriptive capacities of language (locution) and its performative effects (illocution and perlocution).

different subject positions from which individuals depart to relate this principle of privatization.[249] Discursive repertoires – and its corresponding subject positions – are not mobilized separately by different individuals, but they generally intersect in one and the same speech. A particular social event can thus be addressed by one person from different subject positions. Someone can for instance relate to the question of gay marriage as a heterosexual woman, as a practicing Christian, as a 'modern' or 'enlightened' individual, as a European etc. Unpacking these discursive repertoires in the way second generations Maghrebi relate to praying at the workplace becomes, therefore, a means to explore how the apparent singular principle of privatization is justified or problematised in a complex and heterogeneous manner and to unfold the multipy underlying subject positions. Such a perspective allows us, I suggest, to shed a more complex view upon 'secularism' which deconstructs its monolithic representations (cf. conclusion).

Establishing a Secularist Private/Public Dichotomy

> *Because, practising Islam openly, publicly, for you means…*
>
> I think it means taking possession of someone else's space. It means invading someone else's space. I think religion should remain in the private sphere.
>
> *What do you mean by private sphere?*
>
> Private sphere it's at home, or at the mosque, or at the synagogue, or at church, something like that, but not the public space.

Faith had never really been part of Yassine's life, a middle-aged man of Moroccan background living in Brussels.[250] He remembers how, as a child, he had difficulties accepting the different religious 'dogma's' he grew up in. This difficulty would gradually evolve into a rejection of religious beliefs and an atheist standpoint, but equally in a strong rejection of religion's presence in the 'public' sphere. Yassine's account offers a good illustration of the different mechanisms at play in the secularist perspective which problematises the presence of religion in a space deemed 'public'. The opposition between the notion of 'public' and 'private' is a central contrast: by distinguishing and opposing these two categories, the 'public' and the 'private' are presented as different entities, fulfilling a different function in society. A homology is established between the categories 'religion' and 'private', which is furthermore reinforced throughout the associative chain between the categories private, home, church, synagogue or mosque. Yet this position is not only justified by the necessity to contain 'religion', but also presented as the best guarantee for everyone's freedom. A last important element in Yassine's argumentation is the *particular understanding of religion*, which is primarily recasted as a set of beliefs and ritual practices which can be lived 'privately' in one's home. The opposition between the 'public' and the 'private', and the homology between these two categories with the categories 'secular' and 'religious' (public ~ secular ⇔ private ~ religion) is justified in Yassine's account with reference to a liberal idea which takes this division as beneficial for one's *personal autonomy*.

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[249] The notion of subject position resonates with an Althusserian perspective which takes subjects and subjectivities as an outcome of an ideological *interpellation*. In *Ideology and Ideological State Apparatus*, Louis Althusser (1971) places the notion of interpellation at the heart of his understanding of the subject: he takes it as the moment where the individual becomes a *subject* within ideology. Subject and ideology are to Althusser undissociable: one cannot be a 'subject' outside ideology, and the individual becomes an 'actor' and obtains a *subject position* within and throughout an ideological (i.e. discursive) order. This insight is at the heart of Foucault's notion of subjectivity and modes of subjectification, and is equally central to the post-structuralist stream of Genderstudies which links gender and sex with processes of interpellation. See in this context Judith Butler's *Gender Trouble* (London: Routledge, 1994).

[250] All names contained in this paper are pseudonyms in order to guarantee the anonymity of the interlocutors.

The first argumentation brings us to a secularist reading which regards religious interventions in the 'public' as *invasive* for one's freedom and prioritises the quest for a common consensus which transcends religious 'particularities'.[251] This argument echoes a dominant argument within the secular tradition which combines the principle of individual autonomy with the necessity of finding an 'objective' and 'neutral' public sphere which is not governed by individual 'passions' or ethical principles. The latter needs to be read, on the one hand, against the background of religious schisms and wars viewed as constitutive elements to the principle of secularism. This principle of 'invasiveness' of religious argumentation, however, also points to the way religious argumentations are denoted from a principle of 'objectivity' or 'inclusiveness' in a liberal and secular context. This idea can, for instance, be found in the way Kant questioned the possibility for religious beliefs to meet the 'criteria' of 'objective' knowledge in order to be included in a dispassionate and disinterested public space,[252] or in the Rawlsian conception of an 'overlapping consensus'.[253]

The second argumentation in Yassine's quote builds, on the other hand, upon a privatized understanding of religion. Religion is here conceptualised as something which belongs to the 'intimate' or 'private' life and is strongly associated with one's personal beliefs and practices. A reading which, I suggest, brings us to a modernist understanding of religion and rituals, which takes these as the symbolic expression of beliefs rather than a set of habitual practices.[254] Talal Asad contrasts in his essay *The Concept of Ritual* this specific, modernist, understanding of rituals, which takes them as a set of scripts that need to be decoded, with a Christian monastic understanding of rituals which takes them as a set of habitual practices which are primarily performed in the face of the cultivation of a virtuous dispositions. Ritual practices are, thus, in this concept not so much understood as an 'expression' of a particular belief, or the symbolic performance of a particular worldview; but rather as a set of practices which are "among others essential to the acquisition of Christian virtues".[255] This modernist understanding of rituals furthermore relies on a privatized conception of religion which is detached from its constitutive power and grasps belief primarily as "a *state of mind* rather than a constituting activity in the world".[256] Such a viewpoint enables, I suggest, an individualisation of religious practices which is conceives as a symbolic set of expression of one's

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[251] Asad, *Formations of the Secular*, 207

[252] Asad, *ibid*, 204-205

[253] A similar argument, yet not limited to religious rationale, can also be found in the recent work of John Rawls. In his essay '*The Idea of Public Reason revisited*', John Rawls sets out the lines for a conception of 'public reason' which is established through the common quest for a reasonable political conception of justice. This question is posed against the background of pluralism, and the possibility to reach a common ground across a diversity of religious and ideological positions. In this quest, an explicit differentiation is established between *political values* on the one hand and *moral* or *religious doctrines* on the other hand: "Political values are not moral doctrines, however available or accessible these may be to our reason and common sense reflection. Moral doctrines are on a level with religion and first philosophy. By contrast, liberal political principles and values, although intrinsically moral values, are specified by liberal political conceptions of justice and fall under the category of the political" (Rawls, 1997: 775-776). In this differentiation, Rawls does hence not only preclude religious ethics, but also secular ethics, as justified basis for political reasoning. For a further elaboration of the extent in which the Rawlsian idea of 'overlapping consensus' implies the privatization of religion, see Weithman, P.J. (1994) "Rawlsian Liberalism and the Privatization of Religion. Three theological objections reconsidered" in *Journal of Religious Ethics*, 22: 1, pp. 3-28 and replies by Langan, J.S.J. (1994) "Overcoming the Divisiveness of Religion" in *Journal of Religious Ethics,* 22: 1, pp.47-51.

[254] In her analysis of the Danish cartoon riot controversy, Saba Mahmood unpacks the way this modernist reading of viewing religion as a belief in a set of propositions, and thus as a matter of choice, works in the attempts to discipline and regulate the Muslim outrage towards the Danish cartoons by challenging their reading practices and urging them to see these cartoons simply as 'cartoons'. Saba Mahmood (2009) "Religious Sign, Moral Injury and Free Speech: Thinking through the Danish Cartoons" in Talal Asad, Wendy Brown, Judith Butler, Saba Mahmood (ed.) Is *Critique Secular? Blasphemy, Injury and Free Speech* (California: University of California Press).

[255] Talal Asad, *Genealogies of Religion. Discipline and reason of power in Christianity and Islam* (1993, Baltimore/London: John Hopkins University Press, 1993), 63

[256] Asad, *ibid*, 47 (my emphasis)

'will' (or beliefs) rather than a habitual set of practices which are tied to the cultivation of a particular moral subject.

This 'detachment' of the performative facets of religious rituals from one's ethical agency is also illustrated in Faiza's following account. Raised in a home with parents who evolved from a nationalist and pan-Arab discourse in the seventies to a religious discourse after the Iranian Revolution, Faiza describes her atheist orientation partially as a reaction to orthodox Islamic tendencies within her family. While she doesn't – as in the case of Yassine – oppose the headscarf's presence in schools, she nevertheless admits tending towards the French secularist model. Claims regarding the possibility to pray at the workplace were, however, something she had little sympathy for:

> 'No, that annoys me. Honestly… It's like with Ramadan, nobody has asked you to do it. We are in a system that operates in a specific way. You should be able to deal with it. It's really that, actually eh… yes, I am for a modest practice. I am for a modest practice…'

In Faiza's quote, the secular 'public' is primarily defended as a regulatory system, a modus operandi which problematises religious interventions like praying at the workplace. This first line of argumentation also sits on a second argumentative thread: that of ritual practices as something one 'chooses' to perform ('*nobody has asked you to do it*'), rather than something which is tied to the cultivation' of a particular ethical agency.

Faiza and Yassine's line of argumentation reflect what Tariq Modood describes as a 'radical secularist' standpoint.[257] The presence of religion in 'the public' is in these cases problematised or dismissed as 'invasive', and its circumscription to 'the private' viewed guarantee for individual freedom. A liberal notion of autonomy is thus invoked in order to justify such a strong secularist standpoint. Yet besides this liberal register, we also saw how such secularist standpoints equally implied a modernist understanding of ritual practices, which downplays their constitutive character for one's ethical agency and grasps them primarily in their symbolic expression. The latter does not only show a convergence of strong secularist conceptions with liberal viewpoints, but it also illustrates how secularist standpoints contain and reproduce a very distinctive understanding religion, and ritual practices.

While standpoints like those of Faiza and Yassine resonated with laic viewpoints which are especially dominant in Francophone Belgium, a substantial amount of my respondents didn't share them. Most rather held a more flexible standpoint, irrespective of their own religious orientation, and considered the possibility of praying at the workplace. This flexible standpoint, however, didn't necessarily imply the abandonment of a secularist position, or the justification of this practice on religious grounds. They rather point towards a different configuration of the secular, which is not obtained here through the exclusion of religious practices from 'the public', but rather through their conditioned and regulated inclusion.

Negotiating the Prayers through Liberal Discursive Registers

> 'I don't believe that this [praying at work – NF] should be completely inconceivable for an employer, in the context of a negotiation. But again, it is these negotiations one should try to, to privilege rather than impose or demand, for as a matter of principle eh… There is the recognition of religion; there is the recognition of the expression of these religions, even in public. It is the

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[257] Tariq Modood distinguishes between 'radical secularist' approaches and 'moderate secularist approaches'. While the first approach refuses religious interventions in the public sphere, more moderate secularists conceive of this possibility for as these are compatible with the dominant democratic values. See Tariq Modood, "Anti-essentialism, Multiculturalism and the 'Recognition' of Religious Groups" *The Journal of Political Philosophy,* 4:98 (1998): 378-399

> European convention of Human Rights which says that, Belgium does not say anything else. (…)
> Those who demand that it would be applied in every workplace that we should be allowed to pray
> five times a day in all companies, I think I will never agree with that. I will not agree. First, I think
> religious practices need to maintained in the private sphere, or else be negotiated on an individual
> or collective basis'

Hassan is a middle-aged man of Moroccan background and a non-practising Muslim. He has for the largest part of his life been politically active, first on a voluntary basis, and at the time of our interview professionally as a member of the parliament. While he supports the idea of praying at work, this position doesn't put him outside a secularist spectrum, quite the contrary. In the last sentence of this passage, he notes for instance that "*religious practices need to be maintained in the private sphere*", an argument which reproduces the well known distinction between religion as private and secular as public. The secularist standpoint articulated here differs, however, from the one observed earlier in the case Faiza or Yassine (cf. supra). The category *negotiation* seems to be crucial here, a category upon which he repeatedly insisted during our conversation: "*Negotiations have really been inscribed in the, in the foundations… You negotiate with the state, you negotiate with enterprises, you negotiate with school-representatives, you negotiate with the clergy, you negotiate (…) while we, very often, tend to claim things* [revendications]". Negotiation is used here not only to reflect a Belgian political culture,[258] but more importantly as a way of contrast with the "*imposition*" of religious practices upon an employer, which he deems illegitimate. Hassan disputes the possibility to defend the right to pray at work as a hard claim, and rather subjects it to the employer's *good-will*. In doing so, a different variant of secularism is reproduced: one which does not exclude the possibility of 'public' religious expressions but rather *conditions* the type of religiosity that is allowed 'in' (cf. Asad supra). Stuart Hall notes in his essay '*Encoding/decoding*' that negotiated positions are characterised by the acknowledgement of the hegemonic code while simultaneously providing alternatives on their own grounds: "It accords the privileged position to the dominant definitions of events, while reserving the right to make a more negotiated application to 'local conditions', to its own more corporate positions".[259] Rather than disrupting the dominant power structures, negotiated positions thus seek to create new spaces of articulation while re-enacting the dominant power structures. This insistence upon 'negotiating' religious practices at the workplace was not only present in Hassan's account, but also prevailed among several other interviewees. Hanane for instance, a non-practising administrative employee from Antwerp, was open to the idea of praying at work, yet insisted that such arrangement should be asked with '*diplomacy*', rather than turning it into a strong '*demand*'. Amina, a pious Muslim woman who worked in a private company, continuously sought for ways to combine her orthodox Islamic practice with her professional activities. While she was reticent of asking for the possibility to pray during her working-hours, she was at times confronted with cases wherein her religious practices 'interfered' with her professional activities. This was especially the case during Ramadan, when ending one day of fasting or performing the *taraweeh*-prayers could result in a (temporary) rupture of her working-rhythm.[260] In the following passage, she explains how she tries to manage these interruptions:

> "When you are in a meeting you are in a meeting. You will not say: I have to eat, I'm fasting and
> everything. But it's clear that I have never been restrained from taking [my iftar – NF]. Even
> during a meeting with franchisers, I mean, in a very natural way, I would take a piece of bread and
> a date, and have it while the meeting is continuing."

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[258] This negotiation model is an often used discourse to describe the Belgian political game, where strategies of *negotiation* are preferred over *confrontation*, in cases of social, political, linguistic, regional or confessional polarisation.

[259] Stuart Hall "Encoding/decoding" in *Culture, Media, Language: Working Papers in Cultural Studies, 1972-79* (London: Hutchinson, [1973] 1980), 137

[260] While most companies in Muslim countries adapt their time tables during Ramadan, Muslims in the West will often have to break their day of fasting while working or studying, unless particular arrangements allow them to take a break.

The first two sentence reproduce the functional primacy of a workplace – i.c. 'meeting' – and the illegitimacy of religious 'interruptions'. In making these claims, Amina reproduces the epistemic priority of a secularist standpoint which deems religious interventions at the workplace as 'invasive' or 'illegitimate'. Yet simultaneously, we can also see how she tries to integrate unavoidable religious practices – i.c. interrupting the fasting while working. By doing it in a "*natural way*". Her insistence that she does so in a '*natural*' way reflects the quest for a way to manage religious practices in the 'public' by downplaying their (religious) distinctiveness and assimilating them to the secular rhythm and habits of the workplace. Such a position reminds us of what Michel De Certeau described as tactics. In *The Practices of Everyday Life*, tactics are differentiated from strategies in the way they remain invisible, operate in "isolated actions" and try to make use of the opportunities within the reigning power structures.[261]

So far we explored a first argumentative thread in Hassan's account, i.c. that of *negotiation*. Hassan's consideration of the possibility of praying at the workplace however also drew on a second justification, i.c. the invocation of 'rights': "*There is the recognition of religion; there is the recognition of the expression of these religions, even in public. It is the European convention of Human Rights which says that, Belgium does not say anything else.*" With this second argumentative thread, a powerful liberal discursive and symbolic apparatus is mobilised which primarily grasps religious practices through the notion of 'individual rights'. We saw earlier in the case of Yassine an active invocation of a similar liberal register in order to justify a 'strong secularist' position. In this case, however, we can see how a similar liberal register is rather used to enable the possibility of praying at the workplace by recasting the latter into an individual entitlement. The emphasis lies here less on praying as a religious practice, but more on the individual "right" of expressing of one's convictions and beliefs or culture. Such a right-based discourse figured as one of most prominent justifiers across the interviews I conducted. Zakia, for instance, who worked as a employee for the European Union, refers to Belgian labour regulations: "*In the Belgian labor law, there is an article which tells you that, ehm… the employer ehm… the employer should give some moment to his employee to fulfil his cultural duties, that's written in the labour law*". And in the case of Amina, the right to pray at the workplace was even linked with the Human Right discourse:

> 'Ah non, I have never asked my boss, although I have just recently found out that this right has been granted by the European Convention of Human Rights which guarantees the right to practice one's religion at work, and praying is part of religion. This is not bad at all. I think, if I would have known. But then again, I mean, I have so many things, I have so many benefits… I mean, asking them to pray? There is no place where to pray.'

While the *salaat* figured as an essential aspect of Amina's pious conduct, she explains here that she only considered the eventuality of praying at the office after discovering the inclusion of religious rights in the European Convention of Human Rights.[262] Besides illustrating the prominence of a liberal right-based discourse, what interests me Amina's account is that she *only considered* the idea of praying at the workplace *after* being finding out that it consists of a Human Right. This observation invites us, I suggest, to explore not only how liberalism, as a discourse and ethics, operates as primary justifier in regulating and accommodating religious practices in 'public' space, but also to analyze the way it produces and structures a particular kind of ethical subject. The fact that Amina considered to pray at work only after framing it as a Human Right illustrates the centrality of this same liberal discourse in her own ethical and political agency. This observation resonates with a theoretical perspective which takes liberalism, and its juridical derivative 'human rights', not only as the vector of a particular notion of freedom but also as a mode of governmentality which shapes and structures

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[261] De Certeau, *The Practices of Everyday life*, 37

[262] For a further account of Muslim self-fashioning processes in Egypt, see Mahmood, *Politics of Piety. The Reform of the Feminist Subject* (Princeton/Oxford: Princeton University Press, 2006).

one's religious or ethical agency in a particular manner.[263] Or to argue along with Wendy Brown: "in its very promise to protect the individual against suffering and permit choice for individuals, human rights discourse produces a certain kind of subject in need of a certain kind of protection".[264]

The way liberalism acts as a preferred language to accommodate or include religious practices into the public appears is not only observable in the cases examined here, but also for instance in the language used by Muslim (and non-Muslim) women in their opposition to the ban of all visible religious signs which has been installed in Flemish public schools in Belgium since September 2009.[265] While organisations such as *BOEH!* (Baas Over Eigen Hoofd – Boss Over one's Own Head), a feminist collective of Muslim and non-Muslim women's organisations, and *Vrije Keuze* (Free Choice), an organisation set by a mother and member of the parent's council, opposed the ban with reference to the women's religious '*freedom*' or '*right*' to '*choose*'; the Islamic organisation *De Leidraad* (The Guideline) framed and insisted upon the hijab as a religious prescription.[266]   This primary invocation of a liberal register is neither arbitrary nor instrumental, I suggest, but should rather be viewed as an illustration of the pervasiveness and hegemonic weight of liberal discursive registers in the Western-European public, and how the latter not only structure and regulate political claim-making – i.e. which language to use, but also the political (and ethical) agency of Muslims *and* non-Muslims alike.

Addressing Paying at the Workplace from an Islamic Viewpoint

> 'I mean, whether I'm working or not, I will never miss the *Fajr-prayer*. Even if this means that I will need to arrive an hour later at my work, no matter how, I will never miss my *Fajr*-prayer. This is very clear to me. *Ramadan* is *Ramadan*. They will never make me miss a *Taraweeh* prayer. Voila, this is how it is. I don't mind attending meetings, I want to be active, I don't mind travelling and participating at conferences and everything, but I will never give up on my practice. There are elements in my practice on which I will never give in. It's true that I hardly ever concede on my practice. Yes, really I am… eventually people started accepting me the way I am. Sometimes people tease me by calling me 'the radical' (laughing), but I hardly give in. (…) By

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[263] This reasoning fits in the Foucaultian line which approaches liberalism not as something which seeks for the respect of freedom, but rather as a regime or a mode of governance which produces 'freedom' – i.e. which produces a number of freedoms (a 'free market', a 'free public domain', a 'free subject') according to specific regulations and practices: "in the liberal regime (…) freedom of behavior is entailed, called for, needed, and serves as a regulator, but it also has to be produced and organized", Foucault, *The Birth of Biopolitics, Lecture of 24 Januari 1979*, pp. 65. Nikolas Rose has in this context described the type of subject that is produced in this kind of liberal in this context as the "subject of freedom", Nikolas Rose (1999) *Powers of Freedom. Reframing Political Thought* (Cambridge: Cambridge University Press), 43. See in this context also Wendy Brown; *Regulating Aversion. Tolerance in the Age of Identity and Empire* (Princeton and Oxford: Princeton University Press, 2006)

[264] Wendy Brown,"'The Most We Can Hope For...' Human Rights and the politics of Fatalism" in The South Atlantic Quarterly, 103: 2/3 (2004): 459-460; see also See Asad, *Formations of the Secular*, 135

[265] The board of the educational system of the Flemish community decided to install a general ban on all visible religious signs in its public schools in September 2009. While the decision to adopt such measures is generally regulated at the level of the individual schools, the adoption of a *general* measure for all communal schools is a novelty for the Belgian secular tradition of 'neutrality'. This general ban follows from the large protests to the decision by the two remaining communal schools in Antwerp to prohibit visible religious signs from their schools from the 1st of September 2009. While students and pro-hijab action groups demonstrated against the school's decisions, an urgent legal procedure was installed by a schoolgirl at the *Raad van State* (board of the state) to annul this measure as unconstitutional. The *Raad van State* ruled in favor of the student, finding such measure unlawful an arguing that restrictive measure vis-à-vis religious signs cannot be left to the competence of individual schools but should be the effect of a general policy. This legal outcome was viewed by the board of the communal school as a reason to implement a general ban.

[266] See in this context the websites of BOEH! http://www.baasovereigenhoofd.be/ and De Leidraad http://www.deleidraad.be/ and the petition set bij Vrije Keuze vzw which insists upon the right to dress the way one wants: http://www.petitiononline.com/onderwys/petition.html

being spiritual sometimes we don't think it is,…we get the impression that it is not reality, that we are ignorant of [the way things work on - NF] the ground. That you are in your cloud, that everything is nice and kind, while this is not necessarily the case, not at all. In fact, you can be very aware of the ground, but also see it as something partial. You need put this ground into perspective, and not turn it into the sole analytical prism of life. What I mean to say is that the human being has a variety of dimension, and I cannot neglect my spiritual dimension.'

Zeina, a pious Muslim women in her thirties of Tunisian background, was at the time of our interview, involved in all kinds of Muslim networks in Brussels. Her active involvement was an important part of her piety, although she insisted that this should not be at the cost of her ritual duties.[267] In the first part of this citation, Zeina reiterates the importance of *salaat*, illustrated here through her referenced the *Fajr* and *Taraweeh* prayers.[268] Yet here, it is not only the obligation to fulfil these prayers that is stressed, but the necessity to pray *on time*, even if this means arriving later at work.[269] Her intransigence regarding the 'correct' (i.e. punctual) performance of her ritual duties also appeared elsewhere in our interview, when she described the necessity to maintain a balance between her political and professional commitments and her spirituality: *"I don't mind attending meetings, I want to be active, I don't mind travelling around and attending conferences and everything, but I will never give up on my practice"*. Zeina's position illustrates a clear resistance the dominant process of *'privatisation'* of religious activities. This opposition is not only translated in a practical manner, i.c. her prioritisation of the punctuality of her ritual duties over the punctuality of her professional duties (i.c. arriving late at work). But it is also reflected in a more epistemological manner, i.c. in her opposition to dominant representations of a spiritual life as 'unreal' or 'dreamy': *"By being spiritual (...) we get the impression that it is not reality (...) That you are in your cloud"*. Zeina denounces here a materialist and secular rationale which discards religion as epistemic or existential source for one's agency. She furthermore also counters the primacy of 'the secular' and the marginalisation made of religion as existential system, by underlining 'multiple' dimensions individuals have, and underlining the centrality of the spiritual dimension: *"the human being has a variety of dimensions, and I cannot neglect my spiritual dimension"*. The structural primacy of a secular rationale, which seeks to circumscribe 'the religious' to distinctive spheres, is rejected and the necessity to recognise the heterogeneity and complexity of one's individual agency is underscored.

Zeina's case introduces us to a perspective where the epistemic priority of a secular rationale is problematised, and the emphasis is rather put upon her religious subject position, i.c. her religious praxis. Several other respondents equally drew on a religious (Islamic) rationale in addressing the question of praying at work. Yet this rationale didn't necessarily imply an opposition to the secular principle of privatization, as in the case of Zeina. Rachida, for instance, a practising Muslim of Moroccan origin, referred to the difficult circumstances at work, which wouldn't allow her to perform her prayers *correctly*. At the time of our interview, she worked in a community centre in Brussels. While she had her own office and didn't share it with a colleague, she nevertheless did consider the possibility to pray there: *"No, for me praying, I do it in a place where I feel good. Here… I don't know… but it's stressful here (...) when I'm at my office, it's to work. So from that moment on, for me praying, I think you*

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[267] Several of my Muslim interlocutors framed their activism as 'ibada, a means for worshipping God. On the intersection of piety and activism among Shi'i Muslim women in Lebanon see Lara Deeb (2006) *An Enchanted Modern. Gender and Public Piety in Shi'i Lebanon* (Princeton/Oxford: Princeton University Press)

[268] The Fajr prayer is the first prayer of the day, performed at dawn.

[269] It is important to note that Zeina works in an Islamic organisation which allows for this flexibility. The question, however, remains whether she would relate in the same way to a work-environment which doesn't give her the same flexibility. Even though this question has not been asked, Zeina was very clear about the necessity of surrounding herself by people, friends and a context which allows her to cultivate her piety. Having divorced from her husband because he limited her in her spiritual journey, she explained that she would avoid every social contact (friendship) which would put her in contradiction with her faith: *"If being member of a group or with somebody etc…means that I would have on term to sacrifice my spirituality; I then leave, without looking, without regrets, without sadness…"*

should do it correctly, you see. Here? Well… if I would start praying, I would have to watch the door if someone rings or… You need certain conditions. And in my case, I can only do it at home". To the punctuality of the prayers, a second – and more important – quality is added in the attempt to pray correctly: i.c. the ability to concentrate and feel at ease during one's prayers. Correctly is thus not only achieved in the ability to pray on time, but to pray under the *right circumstances*, i.e. without '*stress'*. Work is presented here as a stressful environment, while home is situated as ideal locus where one can achieve this status of concentration. A (secular) distinction between a 'secular' workplace and a 'religious' home is thus reproduced here, yet without resorting to a secularist language. What is rather emphasized is the necessity and importance of praying *correctly*. Loubna, a pious Muslim woman of Moroccan background, equally highlighted this element of 'stress' to discard the possibility of praying in a different work-environment. At the time of our interview, she worked in an Islamic organisation in Brussels where she was granted all the flexibility and facilities to fulfil her religious duties, including praying on time. Yet she had been contemplating for a while the idea of a new job. One of the issues which preoccupied her, however, was the flexibility and space she would be given to fulfil her religious duties. Whereas accepting a job where she would be asked to unveil was not an option, she displayed more flexibility towards the idea that she wouldn't be able to pray on time:

> "The question I would be confronted with might be praying. Praying is something important. But ehm… it's not a conditio sine qua none. If I'm not allowed to pray, I mean, I will not make a big deal out of it, voila, because it's a case of necessity. (…) If I was to negotiate with a future employer, and he tells me: 'yes, you can pray, but it will be at the cost of your breaks', then I would experience a stress. Managing my lunch-time, and my time for praying, I would really live a stress. And I'm afraid of that, of living in a stress".

Like Rachida, Loubna insists here upon the 'stress' that might result from praying at work. Yet in difference with Rachida, she does not take this 'stress' to invalidate her prayers, but rather relates it to her personal and individual well-being. Interesting, also, is how she frames her employer's authority to exclude the possibility of praying at work: as a '*case of necessity'*. This argument reflects the Islamic principle of '*darura'* which grants Muslims exceptions in their practices when faced with difficult or restrictive circumstances. This argument allows for a certain amount of flexibility without discarding the importance of the concerned virtue (i.c. praying *on time*). The significance of this argument is that such adaptations brought to one's religious conduct isn't justified through a liberal-secular rationale, but rather through an Islamic one. A similar argumentation was also deployed by Hafed, a pious Muslim who worked in a youth centre at the time of our interview and who argued: "*If you see that the employer isn't flexible and he doesn't want to know about it, Islam allows you some flexibility*".

By invoking the argument '*darura'*, both Loubna and Hafed engage themselves with the prevailing secular conditions from a religious standpoint, and as religious subjects. In the case of Zeina, we saw how such an insistence upon her Islamic subjectivity went along with the rejection of the privatization of religion. In this case we are witness of a different constellation between the both elements: the religious language seems rather to be functional to a secular differentiation. These different positions firstly illustrate, I suggest, the dynamic structure of the Islamic discursive tradition, which consists of diverse – and even contradictory – readings for what counts as a correct performance.[270] Hafed or

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[270] The notion of Islamic discursive tradition evoked here refers to Asad's conceptualisation. In *The idea of an Anthropology of Islam* (Washington: Georgetown University, Occasional Papers Series. Center For Contemporary Arab Studies, 1986) Talal Asad defines the latter as "discourses that seek to instruct practitioners regarding the correct form and purpose of a given practice that, precisely because it is established, has a history" (14). While Muslim conduct is not to be reduced to religious prescriptions, Islamic discursive tradition serves to account for the way the religious regulates Muslim's ethical conduct throughout a continuous articulation, negotiation and contestation of what acts as an "apt performance" and "how the past is related to present practices" (15). Asad's notion of discursive tradition hence entails, according to Saba Mahmood, a particular understanding of religion which is not only viewed as "set of symbols", but equally carries a material dimension which instructs practitioners to behave and reason in a particular way. This perspective resonates with a Foucaultian legacy which takes the notion of discourse as a power field that is equally productive of particular realities and subjectivities, as has been suggested by Mahmood. See Saba Mahmood *Politics of Piety*, 115.

Loubna's example however also shows that an active invocation of a religious rationale does not necessarily contradict a secular structure, but it can even converge with it, or sustain it. Parallel insights can also be found in other examples, like the headscarf controversy. Egyptian Al-Azhar based Sheikh Mohammad Sayed Tantawi's caused for instance fury among Muslims scholars and non-scholars in and outside Egypt when he reacted to France's decision to ban all visible religious signs from schools in December 2003. While he restated the hijab's obliged character, he nevertheless defended France's right – as a non-Muslim country – to ban the headscarf, and authorised Muslim women to unveil as a case of necessity.[271] I take this example not to suggest that an Islamic rationale or a Muslim scholar can be *instrumentalized* for particular political purposes – although I do not wish to dispute the idea that Tantawi's fatwa came as handy for a number of French politicians. My interest rather goes to what this conjunction between an Islamic rationale and secular governmental practices tells us about the way a secular regime – as a power structure – operates throughout the *mobilisation of diverse, and even contradictory, discursive traditions*. An insight which not only highlights the heterogeneous character of the secular, I suggest, but also encourages us to deconstruct the juxtaposition between secular modernity and religion.[272]

'We're not in a Muslim Country': Praying at Work as an 'Alien' Claim

A last set of justifiers which was evoked by some respondent, mostly to question the relevance of praying at the workplace as a claim, departs less from the liberal or religious facets of their selves but more from their ethnic identity and position as cultural and religious *minority* in Belgium. All the interviewees of my research belonged to the so-called 'second generation' and were of Maghrebi background. The notion second generation is often used as generic term to describe people born and/or raised in Belgium whose parents migrated from countries such as Morocco, Algeria or Tunisia to Western-Europe in the context of the large scale post-Second World War labor forces recruitments. It is used here less as a descriptor or an analytical category, but more as a *social* or *performative category* – like gender, or ethnicity – which continuously links a particular group of people with a migration history, independent of their own trajectory; and which grants them the position of continuous outsider.

This subject position as 'migrant' or 'ethnic minority' informed some of my interlocutors in their evaluation of the practice of praying at the workplace. Soha, for instance, a non orthodox Muslim of Moroccan origin didn't necessarily reject the possibility of praying at the workplace, but she did however insist upon the employer's right to refuse practices like praying or veiling:

> 'I think, I told you, everyone makes his own rules. If you are pious, and you want to wear the headscarf, and there is a job which doesn't allow you to: go away, and find something somewhere else. (…) You are in a Belgian society. You shouldn't try doing so in Tunisia huh? In Turkey neither, it's not allowed there. You have to adapt, but you shouldn't adapt to the extent that you leave aside your faith or I don't know what. No, you are who you are'.

Central in Soha's argumentation is firstly the freedom to make one's "*own rules*". This argument invokes a liberal register which underscores the centrality autonomy of the will as a basis for one's

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[271] See "Tantawi Draws Flack From Egyptian Scholars" in *Islamonline*, 30/12/03, [URL] http://www.islamonline.net/English/News/2003-12/31/article01.shtml

[272] This question links up with the recent 'politico-theological turn' within the humanities which seeks to establish genealogical continuities between religious traditions (i.c. Christianity), (secular) modernity and modern forms of political power. See in this extent Marcel Gauchet's *The Disenchantment of the World. A Political History of Religion* (Princeton: Princeton University Press, 1997 [1985]) and Hent De Vries & Laurence E. Sullivan's *Political Theologies. Public Religions in a Post-Secular World*.

ethical agency.[273] This liberal discursive register is furthermore not only extended to the employee's right to veil, or be pious, but also to the employer's ability to decide over the possibility of religious practices at the workplace. Advancing the right to pray or veil as a 'hard claim' is not viewed as an option here, but rather framed as an illegitimate imposition which violates the employer's freedom (cf. also supra). A second important observation in Soha's argumentation is however also the way she links this liberal account with a second argumentation, i.c. the "*Belgian society*". The capacity of the employer to ban religious practices is not only related with a freedom to 'choose', but also with the *non-Muslim character of the Belgian society*. This argument brings us to a discursive register which turns this request to pray as a *cultural* claim made by foreign or immigrant minorities. The latter becomes even more explicit in the way Soha insists upon the necessity to "adapt" oneself to the Belgian context, a vocabulary which depicts this claim to pray at work as alien to the national imaginary. This necessity to 'integrate' also appeared in some other accounts, for instance in the case of Zakia whom we already encountered justifying praying at the workplace as a 'right' (cf. supra). In the following passage, she warns for the necessity to maintain a certain restraint in claiming those rights:

> "You should find a middle ground. If you cannot pray at work, you're not going to make a fuss about it and start upsetting people. No, you should keep a low profile, low profile. You cannot require everything from a society where everything is not provided for Muslims. We aren't on Islamic soil [terre d'islam]. If we were on Islamic soil, of course you could have demands. (…) But here, you cannot expect too much, you need to give time to society."

Advocating the right to pray at the workplace as a hard claim is, according to Zakia, only sound in a country where the majority of the population is Muslim. Yet in a non-Muslim context, such claims are presented as a 'fuss', something which could 'upset' people. This vocabulary confirms on the one hand a secularist rationale wherein unauthorised 'public' religious articulations are problematised as illegitimate interferences (cf. supra). Yet this secularist standpoint is substantiated with reference to a *nationalist* rationale wherein the privatization of religious practices is depicted as the 'dominant' norm of the majority society. While Zakia's argumentation echoes Soha's, she does however consider the possibility of change with time, "*give time to society*" she says. Yet in the meantime, the secular architecture of Belgian 'public life' is reproduced and maintained as dominant national norm.

These observations do not only illustrate the way secularism is presented as a national norm, and Muslim claims like praying at the workplace recast as alien or 'allochtonous'. They also demonstrate a *conjunction* between secular and nationalist modes of governance. Both presume a homogeneous social or national space which is continuously reproduced and forged. Yet whereas secular modes of governance shape this homogeneity by disciplining and regulating religious interventions, national modes of governance pursue this quest for a homogeneous national space by governing otherness.[274] In the argumentation deployed by Zakia and Soha vis-a-vis the specific case of praying at the workplace both rationales intersect in one and the same practice, i.c. the Muslim claim of praying at work. The latter is problematized *both* for transgressing the secularist *and* nationalist imaginary. Such intersections aren't furthermore limited to the cases observed here, but also appeared in the headscarf controversy where nationalist arguments were used to problematise the veil.[275] These observations invite us to explore, I suggest, these new configurations of secularism in a multicultural

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[273]For an account and critique on the Kantian understanding of freedom as autonomy of the will as epistemological basis in the conceptualization of agency, see Saba Mahmood, *Politics of Piety. The Islamic Revival and the Feminist Subject*.

[274] For an elaboration of the importance of space and the national imaginary in nationalist governmentality see Ghassan Hage *White Nation. Fantasies of White Supremacy in a Multicultural Society* (London: Routledge, 2000).

[275] Running Prime Minister Yves Letermes defended the headscarf ban at public offices during a TV show at the national TV (VRT) during the electoral campaign of the federal elections of June 2007, arguing that '*those people should adapt to the way we want*'.

and post-nationalist context, and how 'nationalist' rationales intersect with secular modes of governmentality.

Secularism: the Convergence of Distinctive Discursive Registers

The successive headscarf controversies in countries such as France, Belgium or Germany, the face-veil discussion in France and the Netherlands, the riot over the Danish cartoons in February 2005, are just few examples of events which have stirred liberal sensibilities, and resulted in heated debates over the compatibility of Islam and European societies. These discussions have also lead to numerous appeals to redefine and circumscribe the 'secular' character of the public sphere, particularly in a context where Islam is turning into Europe's second largest religion (Haddad, 2002).[276] Besides reflecting an Orientalistic gaze, which presupposes a binary logic of incommensurability between the West and Islam, such calls also often draw on a very distinctive understanding of secularism, perceived here as a clear cut set of doctrines which are incompatible with a number of practices or conducts, i.c. veiling at school or the workplace, feeling offended towards blasphemous cartoons etc. This paper has sought to problematise this uniform understanding of the secular by examining how the principle of privatization of religion – conceptualized here as a 'tactic' of secular governmentality – is reproduced and/or contested in daily life. Interviews with second generation Maghrebi in Brussels and Antwerp on the practice of praying at the workplace served as ethnographic basis to explore the empirical contours of this question.

A first important observation across the interviews was that most interlocutors reproduced the principle of privatization implicitly or explicitly. This means that they departed from position which situates and frames praying at the workplace as an 'exception' rather than a rule, this independent from their own religious orientation or (dis)agreement with this practice. While a few number rejected this practice (Faiza, Yassine), most did consider it while insisting upon the conditionality of its acceptance. I have taken these observations are as indications for the way 'the secular' operates by normalizing the presence of (certain) religious practices within specific contexts and problematising them in another number of contexts. This problematization, as has also been suggested by Talal Asad, does not necessarily occur throughout the exclusion of religious conducts from places considered as 'public'. It rather consists of a set of conditions, rules and customs which circumscribe and regulate these religious manifestations (i.c. what aspects of one's religious conduct can be performed where), and also ascribe these religious conduct a status of epistemic marginality. We saw for instance how several respondents welcomed the idea of praying at the workplace – framing it as a 'right'. Simultaneously, however, these same interviewees also stressed the importance of requesting this possibility in negotiation with the employer rather than presenting it as a 'claim'. The point here is not to dismiss the asymmetrical power relations between employer and employee which exist in the work context vis-à-vis *any* practice. What I'm rather pointing at is the way this asymmetry intersects with a secular rationale which turns such 'religious demands' into 'privileges' (cf. Amina).

Some respondents tried to counter this epistemic marginality by downplaying the religious characteristic of praying and comparing it to other – more 'secular' – conducts, as is illustrated in the following parallel between praying and smoking a cigarette. Hafed, a practising Muslim who worked in a youth centre in Brussels at the time of our interview, for instance wondered: "*Why having the possibility of smoking cigarettes outside and not arranging a place where to pray inside*". And Soha, a

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[276] More particularly, the law for laïcité which has been implemented in France in February 2004 referred to the necessity of redefining and reconfirming the laique or secular character of France and French schools. For a discussion of this law, see Talal Asad "Trying to understand French Secularism" in *Political Theologies. Public Religions in a Post-Secular World*, edited by H. De Vries and L.E. Sullivan (New York: Fordham University Press, 2006), 494-526.

pious and practising Muslim who worked as a civil servant in an administration in Antwerp at the time of our interview, defended this idea of praying at the workplace by comparing it with a cigarette break:

> "they started saying: "you can't, while working perform religious… your prayers are quite… you would need to sign off (…) and I would say: but those who smoke, they don't need to sign off. They are provided with a corridor, the 'gas-chamber' as they call it, to go and light up their cigarette. It's the same! I mean, for me, for me it's (…) what's the difference between praying or smoking? It's [like – NF] a cigarette, it's my nicotine, I need it!"

By comparing praying with smoking, both Mona and Hafed negotiate this religious practice within the workplace by '*domesticating*' it, i.e. comparing it with other, non-religious, yet 'private' practices like smoking. This comparison is furthermore telling, for it draws on a semantics which frames the prayers as a '*need*', rather than a ritual activity. This rationale not only enables an inscription of this religious practice upon secular grounds, but it also reestablishes the character of this ritual practice as an *embodied* set of habitual practices which cannot be dissected from one's subjectivity. Something which, ironically, is not achieved when framing these prayers as rituals (in the modernist sense of the word, cf. supra).

Another important insight in this paper was that the principle of *privatization was reproduced and/or contested by a heterogeneous set of discursive registers*. Three set of discursive repertoires have been distinguished: *liberal*, *Islamic* and *nationalist*. Besides pointing at the existence of different rationales, these repertoires also inform us, I have suggested, of different subject or speaking positions. The liberal discursive repertoire allowed us to see how the liberal principle of autonomy figured as main epistemological ground to either justify or problematise praying at the work. The second, Islamic, one assessed this practice primarily from an Islamic rationale. An important observation here was that this discursive register didn't necessarily imply the rejection of the principle of privatization. In many cases, this Islamic ethical reasoning was rather invoked to confirm the secular structural conditions and to justify more flexibility in fulfilling this religious duty, yet *without* downplaying the ethical importance of praying on time. A last discursive repertoire that was discerned, finally, were nationalist registers. These were mobilized by a number of respondents to discard the legitimacy of making strong claims about praying at the workplace by pointing at the dominant non-Muslim national imaginary. The interviewees insisted in these cases upon the necessity to consider non-Muslim sensibilities.[277]

These different repertoires indicate that secularism, as a power structure, is sustained by the mobilization of a wide array of discursive registers. Even of those which are often seen to oppose it, such as religion. While secularism and liberalism are in many cases used interchangeably, the accounts of my interviewees indicate that the relationship between both discursive repertoires is not unequivocal.[278] The principle of privatization was addressed through liberal, religious and nationalist registers – although the liberal repertoire was as prevailing one. This observation also converges, I suggest, with recent historical work which seeks to highlight the historical contingencies that lie at the basis of secular arrangements and to indicate the complex ways throughout which they came about, wherein religious movements equally played an important role.[279] I would however suggest that the heterogeneity implied in 'the secular' doesn't imply eclectic hybridity. Throughout the analysis of the interviews, we saw how these discursive repertoires were combined with each other in a *very*

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[277] For a further elaboration on the management of secular and religious sensibilities, see Fadil, Nadia "Managing Transgressive Practices. The case of not-handshaking and not-fasting" in *Social Anthropology*, 17: 4 (2009).

[278] The interchangeability of liberalism and secularism is for instance observable in the liberal philosophical tradition which takes liberalism to result into a secular organizational structure and vice-versa. See for instance the work of John Rawls.

[279] See in this context for instance the chapter by Ian Hunter "the Shallow legitimacy of secular liberal orders: the case of early modern Brandenburg-Prussia" and David Saunders "France on the knife-edge of religion: commemorating the centenary of the law of 9 December 1905 on the separation of church and state" published in *Secularism, Religion and Multicultural Citizenship* edited by Geoffrey Brahm Levey and Tariq Modood, (Cambridge: Cambridge University Press, 2009).

systematic manner in relation to the principle of privatization. Liberal, religious and nationalist registers *converged* in the reproduction and sustenance of the principle of privatization, although specific articulations persisted within each discursive repertoire.[280] Foucault's notion of discursive formation can help us, I suggest, to conceptualise a perspective upon secularism as a power structure which operates and is reproduced throughout the mobilization of heterogeneous elements.[281] In *The Archeology of Knowledge*, he defines a discursive formation as the *regulation* that exists between a *limited* set of statements.[282] Discourse, as has already been noted above, describes an ensemble of *regularities* which are constitutive for what we come to consider as 'reality', and which are reiterated and (re)produced through discursive (linguistic) and non-discursive operations. This insight is also prompted by the observation that discourse and knowledge is never infinite, but always restricted, selected, organised and redistributed: an insight which has also come to be known as the *principle of rarefaction*. The latter points to the fact that of all things that can be said, "everything is never said".[283] Rather than viewing these limits or non-enunciations as repressed silences, this rarity is taken as a productive source to examine and understand the operation and constitution of discursive formations. Applying this perspective upon the secularism implies, therefore, not only examining the latter in its heterogeneity, i.e. "a variety of concepts, practices, and sensibilities that have come together to form 'the secular'", but also exploring the way this heterogeneity comes together – under which grammar a 'coherence' is established and shaped.[284]

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[280] We saw for instance how the Islamic register was used both to sustain the principle of privatization and to counter it.

[281] Whereas this concept lies at the heart of Talal Asad's approach of secularism – as also illustrated by the title of his book *Formations of the Secular*, he does not make explicit references to it. Salman Sayyid makes on the other hand an explicit reference to secularism as a discursive formation in "Contemporary politics of Secularism" in Geoffrey & Modood, Secularism, *Religion and Multicultural Citizenship*, 186

[282] Michel Foucault, *The Archaeology of Knowledge* (London & New York: Routledge, 2002 [1969]), 131.

[283] Foucault, *ibid*, 134-135

[284] Talal Asad, *Formations of the Secular*, 16

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