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# The decline of free thinking

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## 1. The Left, free thinking, and religion

On March 14, 2007, Caroline Fourest, a journalist on *Charlie Hebdo*, a French satirical newspaper, gave a lecture on "the shock of prejudices". Groups of activist students who were ready to fight tried to prevent her from speaking. With great courage – I moderated the debate and can bear witness to this –, she eventually succeeded in being listened to. One could imagine that such an indefatigable advocate of secularism and free thinking was the victim of hecklers in a bigot – or even a fundamentalist – audience. On the contrary, the conference was taking place at the Free University of Brussels (ULB), an institution created in 1834, committed to the struggle in favour of secularism, and making free thinking the very principle of its teaching and research.

On February 15, 2008, the Muslim public intellectual Tariq Ramadan participated at the ULB in a debate on "Islam and Enlightenment", with other Muslim thinkers, among whom was Malek Chebel. The audience calmly listened to him, respecting his right to free speech, if not always agreeing with the content of his discourse. So the question which triggered my reflection in this article is the following: why should a genuine secularist be verbally assaulted today in the "temple" of free thinking, whereas a Muslim religious preacher generates in the same place (and from the same persons) interest, support and even a sort of fascination?

Of course, such a way of asking the question is not totally adequate: it deliberately omits two key contextual elements, which obviously contributed to the polarization of the audience. When Tariq Ramadan spoke at the ULB in 2008 (it was not the first time), everybody kept in mind the refusal by the academic authorities, one year before, to authorize him to give a lecture on campus. On the other hand, Caroline Fourest works for *Charlie Hebdo*, whose director Philippe Val was sued for republishing the Muhammad cartoons (out of solidarity with the Danish journalists on the *Jyllands Posten*, who were threatened by fanatics<sup>1</sup>). But it seems to me that these circumstances do not sufficiently explain the paradoxical difference of treatment between the two speakers, the secularist and the religious, in the so-called House of Free Thinking<sup>2</sup>. But above all, I would like to insist on the following point. If the Tariq Ramadan "affair" got such an impetus on campus and in the French-speaking part of Belgium, it is not only because free speech was at stake (one can defend the latter without necessarily approving the content of the considered discourse), but also because Tariq Ramadan generates, in some areas of the Left, more than simple sympathy. On the other hand, in another area of the Left, which Caroline Fourest represents very well, the positions

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<sup>1</sup> The cartoons were published on September 30, 2005. The very manipulated reaction got some impetus several months later. In France, the director of *Charlie Hebdo* was prosecuted on complaint notably by the French Council of Muslim Religion (*Conseil français du Culte musulman*) for having reproduced the cartoons. The trial took place on February 7 and 8, 2007. See M. Sifaoui, *L'AFFAIRE DES CARICATURES. DESSINS ET MANIPULATIONS* (Paris: Privé, 2006).

<sup>2</sup> I do not want to elaborate here on the reasons which convinced the Rector of the ULB that he had to forbid, at the end of February 2007, a lecture by Tariq Ramadan. I publicly supported the Rector's position for the following reason: it seemed to me that the conditions for an open debate were not met. I added that if they had been met, Tariq Ramadan should have been allowed to speak on campus (I myself debated two times with him in the past). As we have seen, he spoke at the ULB in 2008. See G. Haarscher, *LE SOIR*, Brussels, March 15, 2007.

taken by the Muslim intellectual are radically criticized<sup>3</sup>. To provisionally sum up the argument, let us say that Caroline Fourest and Tariq Ramadan generate contradictory passions which divide the Left (as well as other political currents). Why is it so? I would like to attempt here to show how, in my opinion, liberals who support Ramadan against Fourest are radically wrong. Has the Left learned nothing from its former failures?

## 2. Reducing “Billancourt” to despair

As far as social questions are concerned, Tariq Ramadan belongs – to put things in a simple way – to the Left (he is a “liberal” in the American sense of the term). But he belongs to the Right as far as moral and religious problems are at stake. When a conservative religious movement also defends reactionary social positions, there is no risk that some members of the Left will show indulgence to it. But when that movement is socially progressive and morally reactionary, which aspect should we privilege in a political struggle that always involves the necessity of “dirty hands”, in the sense Sartre gave to the term? There is an old habit, in the extreme Left and in some areas of the moderate Left, of sacrificing “formal” or “bourgeois” liberties to the struggle against social inequalities, which is taking place, as Marx wrote, on the “real stage of the whole History”. Indeed, one witnessed in the XIXth and XXth centuries such an underestimation of the value of human rights, first by the author of *Das Kapital* himself, secondly by Communists: freedom of expression and of the press (including the right to impertinence), right to a fair trial, respect of democratic procedures, defense of critical reason and protection of “dissidents” were considered inessential. Communists and their fellow travellers had decided to link the legitimate struggle of the working class for social rights to an intransigent defense of the USSR, the “homeland of Socialism”. However, the latter regime had violated all the rights mentioned above, as well as some social rights such as freedom of the unions. Again, as Sartre said, in one of his many brilliant phrases expressing aberrant political positions, one should not “reduce Billancourt to despair”. The Renault car factory, built on the Seguin Island in Paris, constituted the symbol of the working class struggle against the bourgeoisie, and one should never deprive exploited people of their mobilizing myths. Even if the Soviet Union must be considered a concentrationary system (which an increasing number of damning documents clearly showed), it nevertheless represented the hope of individuals oppressed by Capitalism. Acknowledging such a form of totalitarianism would have amounted to doing a big favour to the bourgeoisie by mellowing and demoralizing its opponents, that is, “reducing them to despair”.

Such a strategy was far-fetched and constituted as such a serious attack on the basic presuppositions of free thinking, in that it involved the use of a rhetoric that unfortunately was destined for a bright future: the “double standard” strategy. Instead of examining in a critical way reality by calling a spade a spade (or a hangman a hangman, and a victim a victim), one tried to justify by all means the evil committed by one’s “kins”, and, conversely, one satanized even the most minor mistake made by the “Other”<sup>4</sup>. In May 1968, it seemed normal to the members of my generation to shout the famous slogan “CRS=SS”<sup>5</sup>, and, at the same time, to idealize the Chinese

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<sup>3</sup> See C. Fourest, *FRÈRE TARIQ. DISCOURS, STRATÉGIE ET MÉTHODE DE TARIQ RAMADAN* (Paris: Grasset, 2004).

<sup>4</sup> “But the slave camps under the banner of liberty, the massacres that are justified by the love of man or a taste for super-humanity, in a sense, make the judgment impotent. On the day when the crime wears the clothes of innocence, it is innocence which is required to give its justifications, through a curious process of inversion that is characteristic of our times.” A. Camus, *L’HOMME RÉVOLTÉ* (Paris : Gallimard, 1951), coll. « Idées », p. 14.

<sup>5</sup> The French *Compagnies Républicaines de Sécurité* (CRS) are a police force

cultural revolution. At the “Free Assembly” that had gathered at the Free University of Brussels, in the follow-up of the Paris events, nothing was spared the “bourgeois” political and academic authorities. But one was informed about the situation in Cuba by religiously reading *Granma*, the official newspaper of a so-called “progressive” dictatorship. Assimilating policemen to SS had perhaps the effect of emphasizing police blunders and excesses that were indeed indefensible, but such a comparison could also work the other way around by making people believe that the *Schutzstaffel*, the organizers of the “final solution”, had after all only been guilty of banal police violence. In short, the democratic forces of repression, which were of course to blame for unjustified acts of violence, were assimilated to the worst actions of “Fascists” (they were identified to the SS), while dictatorial or even totalitarian regimes were often praised to the skies.

But the indulgence towards recognized dictatorships and the naïveté of fellow travellers whom the Communists called, with their usual delicacy, “useful idiots” (the phrase came from Lenin), did not directly raise the same problem for the values of free thinking. Indeed, such an exacerbated double standard language was evidence of the victory of prejudice over critical reason. But as far as criticism of religion was concerned, Communists were impeccable to the most intransigent secularists: the denunciation of religion as the “opium of the people”<sup>6</sup> by the young Marx meant a radical criticism of Churches. We already know that, in the eyes of a certain Left, “formal liberties” did not measure up. In short, provided one did not analyze the positions in a sophisticated way, one could have the impression of being between “secularists”, as the line of fracture was essentially present at the social level, that is, on the “real stage of History.”

I do not suggest that such a position is devoid of any justification. The “social question”, that is, class struggle and inequalities between rich and poor, is too often passed over in silence to the benefit of hollow discourses on human rights and democracy. But conversely, putting unilaterally the emphasis on class relationships might lead us to making dubious alliances, the latter being understood as a “lesser evil” in the struggle against the supposedly “main” opponent. We have learned in the XXth century that social progress is definitely inseparable from an intransigent defense of civil and political rights (“liberties”). Communism did a great damage to the Left by allowing the Right to present itself in an almost exclusive way as the advocate of freedom and human rights. I maintain that the theoretical and practical blindness of a certain Left is still present today. Of course, it would be absurd to identify some effects of, respectively, Communism and Islamism, in a hurried way. There are radical versions of both, as well as more palatable ones – more democratic, at least apparently. Both trap people of good will into very dubious alliances dedicated to struggling against the main enemy (Capitalism, the United States, etc.). Of course, the respective contexts are admittedly very different. But here, I only try to analyze some rhetorical strategies that attest the persistence of a certain mentality.

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dedicated to intervening in public demonstrations and preserving security. It sometimes very brutally repressed the 1968 student movement in France. The comparison with the Nazi *Schutzstaffel* (SS) is really absurd: it conveys the impression that the organizers of the “final solution” were after all only brutal policemen. This results in a trivialization of the Holocaust.

<sup>6</sup> “Religion is the general theory of this world, its encyclopaedic compendium, its logic in popular form, its spiritual point d'honneur, its enthusiasm, its moral sanction, its solemn complement, and its universal basis of consolation and justification. It is the fantastic realization of the human essence since the human essence has not acquired any true reality. The struggle against religion is, therefore, indirectly the struggle against that world whose spiritual aroma is religion. Religious suffering is, at one and the same time, the expression of real suffering and a protest against real suffering. Religion is the sigh of the oppressed creature, the heart of a heartless world, and the soul of soulless conditions. It is the opium of the people.” (K. MARX, *Contribution to the Critique of Hegel's Philosophy of Right*, DEUTSCH-FRANZÖSISCHE JAHRBÜCHER [1844]), quoted by G. Haarscher, *L'ONTOLOGIE DE MARX* (Brussels : Editions de l'Université de Bruxelles, 1980).

Since its creation, the Free University of Brussels (ULB) has been at the vanguard of the struggle against established religion in Belgium, that is, Catholicism. The latter was opposed to free thinking and the freedom of science. It invoked the argument of authority: one could not challenge a thesis that was divinely guaranteed. By the same token, Catholicism opposed secularism and prevented the State from acting for the whole people (*laos*)<sup>7</sup> by transforming it into a “private hunting ground” for a part of the population (the one that adhered to the “right” (official) religion. When Communism penetrated the mentalities of some professors (and many students), it did not challenge – at least *prima facie* – the secularist values of the ULB. Communists advocated radically anticlerical positions that included an attack on religion itself (and not only on its politicization). Many did not see – or did not want to see – that the USSR could only claim to be secularist by creating in the “naïve” minds a deleterious illusion: official atheism and the persecution of religious people (not to mention, of course, political opponents) only inverted the terms of all religious Inquisitions. Instead of excluding the non-believer or the heterodox from society, the Party excluded – and persecuted – the believers. But it remained that Communism, which considered religion the opium of the people, looked, at least in a superficial way, like an ally in the struggle against Catholicism, the established religion. Admittedly, Communism has been called a secular religion: on many aspects, the kind of universal emancipation it promised constituted a transposition of religion. Salvation would exist on this Earth, at the end of History<sup>8</sup>. It is indeed for that very reason that Marx called religion a drug (an equivalent to opium): by transforming the social evil (exploitation of the proletariat and economic inequalities) into a metaphysical destiny (man, the sinner in the eyes of God), it took away responsibility from the oppressors and calmed the sufferings of “the insulted and the humiliated”<sup>9</sup> by painting in glowing colors an artificial paradise<sup>10</sup>. But Communism also secularized Christian religion in another way: the Party was always right, and the militants considered its Ways to be inscrutable (as are the Ways of Providence in Christian theodicy). The denial of freedom for the Unions paradoxically counted in favor of the (future) rights of workers; the Gulag, considered to be a “progressive” instrument of Terror, was supposed to only repress the enemies of Revolution. The ones who denounced the totalitarian abuses of Communism (as, in France, Albert Camus had courageously done) were labelled henchmen of the people because they supposedly defamed the Great Proletarian Revolution, and so reduced “Billancourt” to despair. They played, the argument goes, into the hands of the advocates of the bourgeoisie and the status quo. In *L’homme révolté*, Camus reminded us that Ignatius of Loyola, the founder of the Jesuit order, claimed that he was able to believe that something was black (even if he saw it white) if the Church would ask him to do that<sup>11</sup>. By the same token, secularized religion required from its “soldiers” to consider “black” (progressive) what any candid assessment would have considered “white” (concentrationary).

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<sup>7</sup> The English word « secularism » corresponds to the French “*laïcité*”. The latter is built on the Greek notion of *laos*. State and society should not be monopolized by a part of the *laos*, that is, an official religion. Of course, *laïcité* and secularism have generated many controversies on both sides of the Atlantic.

<sup>8</sup> Raymon Aron calls « secular religions the doctrines which take in the souls of our contemporaries the place of the vanished faith and situate in this world, in a remote future, under the form of a social order to be created, the salvation of humanity.” See R. Aron, *L’ÂGE DES EMPIRES ET L’AVENIR DE LA FRANCE*, (Paris : Éditions Défense de la France, 1946), p. 288. My translation.

<sup>9</sup> This is the title of a famous novel by Dostoyevsky.

<sup>10</sup> See Baudelaire’s *LES PARADIS ARTIFICIELS*.

<sup>11</sup> « I must always, in order not to get lost, be ready to believe to be black what I see white.” Ignatius of Loyola, *Spiritual exercises*, quoted by A. Camus, *L’HOMME REVOLTE*, p. 289.

I could go on reading – after so many others – the list of borrowings from Christian theology by Communism. But it remains that secular religion is not immediately recognizable *as religion*: one needs a sometimes significant effort of thought to be able to detect behind the “façade” – the denunciation of the opium of the people and the defense of atheism – a transformed version of at least some aspects of Christianity. Which aspects? The better and the worse: the idea of a universal fraternity, that is, the naive (but respectable) readiness to take the Gospel at its word and to carry out on Earth the Sermon on the Mountain; but also the unbearable dogmatism of a Church which is always right because the Ways of the Lord (or of the Communist Party of the USSR) are by definition inscrutable. During the Cold War, at the time when the Catholic Church made its *aggiornamento* during the Second Vatican Council, secular-minded people remained suspicious. In short, when the “real” Church was engaged in a process of liberalization (that was admittedly partial), one mistrusted it sometimes more than the secular “Church”, which maintained its hold, even if the Soviet Union after Stalin was, making due allowances, more “open” than before.

Today, after 1989 and the implosion of the Soviet system, the situation looks very different. This time, we are witnessing – to use French sociologist Gilles Kepel’s terminology – a real “revenge of God”<sup>12</sup>. Admittedly, the phenomenon is very complex and should not be too simplified. But it is incontestable that the process of “recolonization of the public space” (to use a Habermasian expression) by (often) radical religious currents exists today in many parts of the world. I make the hypothesis that the members of the Left that have learnt nothing from the experience of Communism act today towards Muslim religion as they acted towards the late secular religion of the Party. Why *Muslim* religion? I do not want to antagonize those who would blame me for stigmatizing Islam. I do not intend to do that. Quite the contrary: the main aim of this article consists in trying to rebut a kind of charge that is very often made nowadays. I shall go back to that point later on. What I maintain here is only the following simple idea: some Islamist militants embody, in varying degrees of radicality, a struggle against the West, the United States, neo-colonialism, the “Crusaders”, etc. Such a struggle is certainly open to criticism, in its aims as well as in its means. But Islamist militants undeniably possess a popular basis and are able to mobilize huge crowds. They fight the power of America; their hate of the United States touches the right chord and appeals to the old anti-Americanism that was inherited from Communism, but also goes back a very long time in history, notably, in France and French-speaking Belgium<sup>13</sup>. Moreover, the most visible minorities in Western Europe are Muslim, and they are often poor, sometimes oppressed, humiliated and victims of discrimination; sometimes even a quite explicit form of racism (above all since the attacks of 9/11) is present. In short, at the world and the local levels, a certain form of Muslim political and religious protest awakes in the Left old feelings of solidarity that unfortunately involve a deleterious lack of vigilance.

So what are the consequences for free thinking? For the unbeliever Sartre, atheism was “a cruel, long and exacting enterprise”, which involved for him the necessity of “systematically thinking against myself to the point of measuring the evidence of an idea to the displeasure it caused me”<sup>14</sup>. The problem consisted in uprooting from oneself any religious remnant. Sartre deluded himself in two ways: first because his series of articles entitled *Les communistes et la paix* (“Communists and peace”), which were masterfully criticized by the then very young Claude Lefort<sup>15</sup>, embodies in a caricatured way the idea of the fellow traveller (or of the useful idiot), who

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<sup>12</sup> See G. Kepel, *LA REVANCHE DE DIEU. CHRÉTIENS, JUIFS ET MUSULMANS À LA RECONQUÊTE DU MONDE* (Paris : Editions du Seuil, 1991).

<sup>13</sup> See P. Roger, *L’ENNEMI AMÉRICAIN. GÉNÉALOGIE DE L’ANTIAMÉRICANISME FRANÇAIS* (Paris : Editions du Seuil, 2002).

<sup>14</sup> J.-P. Sartre, *LES MOTS* (Paris : Gallimard, 1964), coll. « Folio », at 211.

<sup>15</sup> J.-P. Sartre, *Les communistes et la paix* (I), *LES TEMPS MODERNES*, n° 81 (1952), at 1-50 ; *Les communistes et la paix* (II), *LES TEMPS MODERNES*, n° 84 et n° 85 (1952), at 695-763 ; *Les communistes et la paix* (III), *LES TEMPS MODERNES*, n°101

is blind to the worst ravages of religion, provided the latter disguises itself by taking on the appearance of a secular ideology. Secondly, Sartre is mistaken in that we should not throw out the baby with the bathwater by systematically trying to “break the bones of one’s head” (another Sartrean expression) in order to uproot from oneself any trace of Christianity<sup>16</sup>: religions, being human creations, have carried along the better and the worse of human condition. The Sermon on the Mountain embodies a spiritual revolution that was betrayed by the Constantinian Church (already an established religion) as well as by the secularist Communist “Church”. But if Sartre, who was in so many aspects so subtle and sophisticated, did not see the worst of religion behind the proclaimed atheism of the political “Commissar”, it is because he was obsessed by the social question, which in a sense blocked his intellectual view: “Marxism, he still said in 1960 in the *Critique of dialectical reason*, is the impassable horizon of our time”. Generally speaking, if the Left I call “captive” (whose view is still blocked) cannot see (behind a certain “presentable” Islamism) oppression, intolerance and bigotry, it is because in the name of the class struggle, it takes almost spontaneously the side of the declared opponents of the United States, considered to be the embodiment of all that the world contains of inequality, oppression, and economic exploitation.

### 3. Poisoning the source

Such an indulgence would be hardly thinkable towards, for instance, French Catholic integritism, or American Protestant fundamentalism. Indeed, the latter religious currents are clearly rightist, on the moral as well as on the social plane. Conversely, several Muslim currents generate a certain amount of sympathy in the Left because they are supposed to represent the “damned of the Earth”, “our” poor, “our” oppressed: they are clearly on the Right as far as moral questions are concerned, but they are on the Left as far as social problems are at stake. Formerly, at the time of the Cold War, those who dared denounce Soviet totalitarianism as such (or Chinese and Cuban totalitarianisms – various forms taken by the phoenix of secular religion) were so to say rejected to the Right, and even labelled “Fascists”, which was enough to radically delegitimize their criticisms. I shall call that strategy – by using an expression coined by René Girard – the “poisoning of the source”. It consists, in the case when one does not want to take into account the embarrassing content of a criticism, in casting a doubt on the integrity of the person who makes it. It is the *source* of the discourse that must be “poisoned”: if an individual who has a bad reputation defends a position, the latter does not even have to be rebutted on the merits in order to be annihilated: “if *he* says so...” Communists were past masters in the art of poisoning the source: if a “Fascist” developed any thesis, the latter could not be taken seriously into consideration because the opprobrium heaped on the enunciator was almost automatically transferred to the content of the statement. Now the benefits of such an attitude are rather obvious: it allows the “poisoner” to bypass the criticism by disqualifying the person. One does not have to discuss with a Fascist: what he says necessarily comes within the province of... Fascism.

Such “benefits” have not at all been lost today, and the strategy of poisoning the source continues to exercise its eminently perverse effects on certain minds. I shall take two very controversial contemporary examples of such a strategy. First, I shall envisage the question of the prohibition of religious ostensible signs: in public school for the pupils, and elsewhere for those who exercise a public authority (in particular when the latter involves a contact with the population). Secondly, I shall briefly mention the affair of the Danish cartoons, which generated well-known reactions in the Muslim world.

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(1954), pp. 1731-1819 ; *Réponse à Lefort*, LES TEMPS MODERNES, n° 89 (1953), at 1571-1629. C. LEFORT, *Le marxisme et Sartre*, LES TEMPS MODERNES, n° 89 (1953).

<sup>16</sup> See M. ONFRAY, *Traité d’athéologie* (Paris : Grasset, 2005).

## a) Ostensible religious signs at school

The question of the “veil” has generated, since it appeared in the school context in France in 1989 in the wake of the 1979 Iranian revolution, unending controversies which have divided the Left as well as the Right. Wearing a religious sign is obviously covered by the right to freedom of religion. It should be authorized in open societies except in extreme cases (for instance the Burqua covers the whole body and the face, and generates in particular – but not only – security problems, as the woman does not show her true colors). It seems to me that, regardless of such an extreme situation, the prohibition of the veil would only be legitimate in two cases. The first is related to the school context: the authorities are entitled to impose on non-adult pupils a certain number of rules, as admittedly students in high school are not yet ready to exercise their autonomy in the full sense of the term (in particular because they are still vulnerable and easily influenced). The second case concerns the holders of a public office, as they should give the population an appearance of neutrality that reflects their expected impartiality. Of course, both these arguments do not necessarily involve the prohibition of religious signs, but they make it plausible and justifiable by good reasons. In the public schools of the City of Brussels, for instance, the prohibition of political and religious signs was decided well before there were Muslim “communities” in that town – so the latter could not, by definition, feel targeted by such a measure. One can understand that teachers must enjoy a certain amount of authority, and may organize – if they find it appropriate – an ordered debate in which, indeed, each individual retains his or her freedom of expression and opinion. But it must be a discussion in which nobody will *a priori* define a label of belonging, especially an intangible religious Truth. Political positions do not possess, in a democratic secular framework, such a categorical character, but again they must yield to the force of the better argument. In that context, the pupil does not speak “as such or such”, but as an individual who is supposed to be able to use reason and is the subject of rights, as well as the bearer of responsibilities. Moreover, if some supplementary elements are present, such as pressures exercised on the young female students, the prohibition will still be more legitimate. Actually, this is one of the main reasons why the French Stasi Commission finally opted in favour of a statute prohibiting religious ostensible signs in public school.

Now one can be of a different opinion and maintain, in spite of these arguments, that it would be better, all things considered, to dialogue with the girls and their families than to prohibit the veil. As long, the argument goes, as there are no breaches of the order in school, and the curriculum or the rights of other students are not challenged, wearing an ostensible religious sign should, according to that opinion, be authorized. That position would probably be adopted by the US courts, and it was taken by the French *Conseil d’Etat* (the highest administrative jurisdiction) in 1989, when the then Minister for National Education, Lionel Jospin, being confronted with the problem of the veil, had asked for an advisory opinion. But 15 years later, notably at the request of the school authorities (who were compelled to take decisions on a case by case basis that were from time to time struck down by administrative tribunals), and because of the radicalization of Islamist pressures (and the danger they created for the integration of the concerned pupils), France decided to legislate and to prohibit ostensible religious signs in public school. Now one can think that this was bad policy and that other countries should certainly not pass the same kind of legislation. One could even dream of an idyllic situation, in which a civil servant wearing an ostensible sign would not generate in a citizen’s mind a negative reaction – a fear, or at least a feeling of partiality. But we live in a much too “harsh” world for such an idealization to make sense, and therefore, the appearance of impartiality of someone having any parcel of public authority is, it seems to me, required. Concerning the pupils at school, I personally am convinced by the abovementioned arguments in favour of prohibition, but I respect those who think differently on that topic.

Now the converse is absolutely not true. In a recent book<sup>17</sup>, several authors defend the thesis that those who take position in favour of the prohibition of the veil in public school are *racists*<sup>18</sup>. There is no doubt that such a rhetorical strategy falls within the domain of the “poisoning of the source”.

This is an important point, even an essential one for democracy. I do not label “fundamentalists” those who, after due reflection, pronounce themselves against the prohibition of the veil. Of course, some of them *are* radicals. But the authors of the mentioned book must be considered interlocutors in a normal democratic debate: it is unavoidable that, in the political and intellectual arena, various interpretations of human rights and secularism will be in confrontation. But the converse, as I said, is not true: those who have spoken in favour of the prohibition are treated by some authors of *Du bon usage de la laïcité* (“The right use of secularism”) as racists. Could one imagine a more efficient poisoning of the source? Racism is not only a position that is rightly considered devoid of any legitimacy in our democratic space, but even racist *speech* has been made a crime in several European countries (notably France and Belgium). Affirming that a secularist who would take position on an eminently controversial topic of public interest (namely, against the presence of religion in public school) is ipso facto a racist, is untenable for at least two major reasons. *Either* the notion is understood in a strict sense – the racist is the one who “fragments” humanity in *a priori* hierarchized categories and wants to oppress or at least discriminate against inferior “races” – and then one necessarily obtains an absurd position: many secularists who oppose the wearing of the veil at school are anti-racist militants who simply take also very seriously the struggle against religious bigotry. *Or* one uses the concept of racism in a vague, so to say watered-down, sense, and therefore one does the antiracist struggle a disservice. Indeed, a strategy constantly used by the extreme right consists in deliberately distorting the notions in order to introduce confusion into the debate: clarity would put it at a disadvantage. There are of course too many racist attitudes, but elementary intellectual probity consists in not trivializing too much the most important concepts underpinning the struggle for human rights. Again, I do not consider that all those who happen to defend the right to wear the veil at school are fundamentalists: some are legitimate interlocutors with which I happen to disagree.

Let me summarize the argument made by those who want to identify the prohibition of the veil with a racist attitude: “if you refuse the wearing of the veil at school – even if you want to defend young Muslim women, who are often the most vulnerable among the vulnerable – it is because you dislike Islam (you are overwhelmed by an irrational fear of that religion – an *islamophobia*). And – to make a link between this and the time of the cold War – you despise the poor and the people who are “different”. But let us be clear: the racist is horrified by the perspective of a Europe in which people from the “Maghreb” (to use a simplifying expression) would become the majority in 2050. The secular-minded person who does not accept the veil at school has no objections or misgivings concerning the “genetic” composition of the population in the future: what is important to him is the way the inhabitants of Western Europe (whoever they are) will envisage, around the middle of the XXIst century, their mutual relationships and will – or will not – take the ideals of liberal democracy and human rights seriously. So the poisoning of the source is definitely a perverse strategy.

## **b) The “chilling” of speech**

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<sup>17</sup> M. Jacquemain & N. Rosa-Rosso, *DU BON USAGE DE LA LAÏCITÉ* (Brussels: Edition Aden, 2008).

<sup>18</sup> See *DU BON USAGE DE LA LAÏCITÉ*, at 35-48 and 75-100. The position taken by Marc Jacquemain, one of the editors of the book, is slightly more nuanced.

But the problem becomes still more dramatic in the context of free speech being confronted with the requests for censorship coming from religious currents. The same confusion is present here, but it is pushed to the extreme. In democracy, reasoning is often made from a short-sighted point of view, and decisions are hastily taken. The time of political action is not the time of the Platonic longest detour. It seems to me that today, a non-negligible part of the opinion (as well as the right-thinking Left) considers the main danger to come from “too much” (as opposed to “not enough”) freedom of expression. The risk is supposed to consist in that the members of various communities would be shocked in their convictions or “sensitivities”. Criticism should be limited to speech that would not gratuitously offend the others. Such are the claims made by a vague and omnipresent current which one uses to call political correctness. Such a position may – but it is far from being always the case – express some good intentions: why shock our neighbour without necessity? But a rapid reflection undoubtedly shows that its perverse effects are quite formidable and often underestimated. First, who is that “Other” whose convictions and sensitivities should be respected? In religious matters, such a demand consists in saying that one should not blaspheme, that is, insult or defame a divinity that is venerated by a part of the population (the *laos*). But in pluralist societies, religious groups are numerous, and they often disagree with each other (even inside the same confession). If freedom of speech should be limited by the necessary respect of – notably religious – “sensitivities”, the whole intellectual debate would be weakened. One must correctly assess such a threat. Many among us think that the major danger associated to free speech is exaggeration, which consists in going “too far” in a vigorous democratic discussion, by gratuitously shocking people – that is, without necessity. So, in a debate, one should avoid all what would unnecessarily hurt the others in their convictions. If course, one would still be allowed to criticize religions and ideologies, but freedom of speech should be balanced against the respect of beliefs. I showed elsewhere<sup>19</sup> that such an application of the political correctness doctrine would inevitably lead (to use the language of the US Supreme Court) to a *chilling effect*: many citizens, being desirous to express themselves, would give up, out of fear of sanctions. Now the danger threatening our democratic societies does probably not consist in the (always possible) exaggeration, but in its opposite: conformism, hypocrisy, and the temptation of gregariousness.

There is a democracy worthy of the name only when citizens can freely speak without any form of intimidation. If they think that expressing their views on a given topic will get them into trouble, they will prefer to remain silent, and this will amount to a loss for the democratic liveliness of our societies. On this point, I can only refer to my other articles. I just want here to rapidly summarize the argument. Individual defamation and insult are as such abuses of freedom of expression; but recognizing this cannot involve an immunization of *ideas* – notably religious ones – from criticism, or even from the use of caricature. The great weight of religions in society and the dangers they create for individual and collective autonomy, as well as the element of absoluteness that they often contain, obviously constitute subjects of general interest. If, in pluralist societies, the criticism of religion (or atheism, or any body of ideas) were not totally free, freedom of expression would depend on the “heckler’s veto”, that is, on those who, for various reasons and on a subjective basis, would pretend that they are shocked or offended. I showed elsewhere that such a threat for free speech – a vital principle of our democracies – has at least taken so far two distinct forms. First, one does not speak any more of blasphemy (“defamation” of God) but of an exaggerated attack on the other’s convictions. The relationship, which was so to say vertical (blasphemer/God) becomes

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<sup>19</sup> See G. Haarscher, *Free speech, religion, and the right to caricature*, in A. Sajo, ed., *CENSORIAL SENSITIVITIES : FREE SPEECH AND RELIGION IN A FUNDAMENTALIST WORLD* (Utrecht: Eleven International Publishing, 2006) at 309-328; G. Haarscher, *Rhetoric and its abuses: how to oppose liberal democracy while speaking its language*, in J. Mootz III, Jr., (ed.), *RECALLING VICO’S LAMENT: THE ROLE OF PRUDENCE IN LAW AND LEGAL EDUCATION* (Chicago: Chicago-Kent Law Review, Volume 83, Number 3, 2008) at 1225-1259.

horizontal as it opposes this time the one who exercises his right to free speech and the one who, being shocked, considers that such an use of the right to free speech violates his own right to religious freedom. But that reasoning is eminently fallacious: the principle of religious liberty in no way involves the right that speech even virulently critical on beliefs be prohibited by law.

Such an argumentative strategy consists thus in not mentioning anymore blasphemy by reformulating the conflict between freedom of expression and religious dogmatism: this conflict is so to say transformed into a conflict that is *internal to the system of human rights*: between freedom of expression and religious freedom, that is, between *two liberties*. But all this amounts to a sophism, as freedom of religion and worship is independent of the right to criticize religions. It seems to me that the courts, even the European Court of Human Rights<sup>20</sup>, have often too easily accepted such a politically correct argument par excellence. The Strasbourg Court has not declared the laws prohibiting blasphemy contrary to the European Convention on Human Rights: it has accepted up to a certain point the “translation” of such repressive legal provisions into the language of human rights. In short, a “defamed” God is not mentioned any more, but one puts the emphasis on human communities whose members are supposedly gratuitously offended.

But a second rhetorical strategy is commonly used today, and takes us immediately back to the “poisoning of the source”. The argument runs as follows: if you criticize a religion in such a virulent way, it is because you dislike those who practise it; you are – as I said before – overwhelmed by an irrational fear, a phobia: you are an islamophobe (or a christianophobe, judeophobe, “atheiphobe”, etc.). In short, the one who exercises his right to free speech in an “exaggerated” or “caricatured” way is... a racist. We have seen that such an argument is very often used in contemporary debates. It aims at discrediting the opponent, as we rightly consider in Europe that racism does not constitute an “opinion”.

#### **4. A brief conclusion**

The crisis of free thinking is not to be denied. But it has to be seriously assessed, in order for us to be able to consolidate the intellectual foundations of democracy in the XXIst century. Here, I gave some examples of rhetorical strategies that definitely weaken the public debate: being indulgent towards fundamentalism because it is supposed to be the ideology the poor and the oppressed; poisoning the source of the discourse in order not to be submitted to the force of the better argument; and finally, adopting the rhetorical strategy of the “wolf in the sheepfold” by defending the wearing of the veil or the prohibition of blasphemy in the name of freedom of religion, and human rights in general.

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<sup>20</sup> See references in footnote 20.