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Nondomination or Practices of Freedom? French Muslim Women, Foucault, and The Full Veil Ban

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This article proposes a conception of freedom understood as practices. Based on Michel Foucault's work on the ethics of the self, I develop a conception of freedom that exceeds liberation and distinguishes between genuine practices of freedom and practices of the self that are unreflective responses to systems of government. I develop and illustrate this conception through an engagement with the recent French ban on full veils in public spaces and the ethnographic literature on European Muslim revival movements. I reconstruct how Muslim women relate to alternative discourses through specific practices of the self. These practices reveal that French Muslim women actively contest discourses of secularism and liberation that construct them as inherently passive and in need of tutelage. The conception I develop sheds light on some shortcomings of Philip Pettit's notion of freedom as nondomination. I argue that the proposed account is useful to, first, criticize the centrality of the opposition between arbitrary and nonarbitrary power in the definition of freedom. Second, I show that the predominant engagement with the external dimension of freedom in Pettit makes it difficult to capture the particular subjective practices that make up freedom and its development in the presence of power and/or attempts at domination.

In this article, I propose an understanding of freedom conceived as practices of the self. This conception goes beyond an understanding of freedom as absence of constraints or liberation and focuses instead on the way in which subjects engage with authority and discourses—either critically or passively. The kind of engagement is what determines whether these practices are free or not. I reconstruct this view based on Michel Foucault's work on critique and on the ethics of the self and illustrate its capaciousness by contrasting it with the approach of freedom as nondomination put forward by Philip Pettit. *Vis-à-vis* this conception, I argue that the proposed account is useful to, first, criticize the centrality of the distinction between arbitrary and nonarbitrary power in the definition of freedom. Second, I show that the predominant engagement with the external dimension of freedom by Pettit makes it difficult to capture the particular subjective practices that make up freedom and its development in the presence of power and/or attempts at domination.

I develop and illustrate my claims through an engagement with the recent French ban on full veils in public spaces and the insights of the anthropological scholarship on European Islam. The controversy of the veil has resulted in an active legislative agenda in Europe that has prohibited the wearing of headscarves in public schools and other venues, as well as—most recently—the banning of full veils[1] in public spaces in Belgium, France, and The Netherlands (BBC News Europe 2011; Erlanger 2010; Ministry of Social Affairs and Employment 2012). It has also translated into an abundant scholarly literature inquiring about the legitimacy of the interventions of European states in the realm of religious freedom and the nature of the debates about secularism and Islam (Benhabib 2010; Bowen 2008; Fernando 2010; Joppke 2009; Korteweg and Yurdakul 2014; Laborde 2008; Lépinard 2011; Lépinard 2015; Scott 2007).

I argue that a Foucaultian understanding of practices of freedom illuminates the misguidedness of the recent ban on full veils in French public spaces. The proposed approach shows that, when faced with multiple nonarbitrary conceptions of the good life, including official republicanism, liberal feminism, and revival Islam, European Muslim women are able to critically engage with them and self-reflectively adopt and defend particular pious practices. Moreover, even if we acknowledge that not all European Muslim women are capable of such an engagement, the proposed account of freedom illuminates potential ways to counter domination that contrast with some of the measures currently favored by France and other European states.

In the rest of this article, I develop these themes. In the second section, I introduce the case of the ban on full veils in public spaces in France. In the third section, I develop Foucault's account of practices of freedom through an engagement with his writings on critique and his later work on the ethics of the self. In this section I distinguish between different meanings of freedom in Foucault, and rely on the recent anthropological scholarship of the revival of Islam in Europe

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[1] I refer to the full veil, which leaves only the eyes visible, as the full veil or *niqab*, following the report by the Open Society Foundations "Unveiling the Truth," which notes that this is the preferred term of the French women they interviewed (Bouteldja 2011, 9). Whenever I use alternative words such as *burqa/burka* it is to accurately reflect their use in government reports or by political personalities.

to illustrate these distinctions. The fourth section contrasts the proposed conception of freedom with Philip Pettit's and Cécile Laborde's work on nondomination. The last section concludes by discussing potential forms of intervention that would foster freedom as understood in this article. In particular, I suggest that a focus on nurturing a critical stance toward the nature of authority, and the development of self-awareness regarding the sources and justifications of our own practices, would be more productive than resorting to bans that rely on discourses of secular autonomy.

REPUBLICAN UNVEILING

The first event of the full veil controversy in France was a decision that denied citizenship to a woman wearing the full veil. The 2008 decision by the Conseil d'Ètat, which confirmed a 2005 ruling, stated that a Moroccan woman, married to a French man, had adopted a "radical practice of Islam" that was incompatible with "the essential values of the French community" and could not be granted citizenship (Conseil d'Ètat 2008).[2] The report went on to argue that

> she lives almost as a recluse, isolated from French society . . . She has no idea about the secular state or the right to vote. She lives in total submission to her male relatives and the idea of challenging it has never crossed her mind.[3]

Then President, Nicolas Sarkozy, echoed this language in front of the National Assembly in 2009. In his speech he asserted that the "burqa" was not a problem of religion but of the dignity and equality of women, "a sign of lessening [*abaissament*] and servitude" (Sarkozy 2009).[4] In this speech, the president set the agenda to extend the citizenship decision—and the criteria used to evaluate citizenship applicants—to all women in the "territory of the Republic" (Sarkozy 2009).

In the unanimous declaration passed by the French National Assembly in preparation for debating the ban, the language of submission reappears. Its fifth article asserts that "all the useful means should be put to work in assuring the effective protection of those women that undergo violence or pressures, and, notably, are forced to wear a full veil" (Assemblée Nationale 2010c). It is notable that the call was issued before the commission conducted any investigation into the practice of wearing full veils, yet the text asserts that the practice follows from "violence or pressures" and that the women involved are unable to protect themselves, thus needing "effective protection." This is an extension of the way in which the 2003 Stasi commission interpreted the need to ban headscarves in schools, but it involves extending protection and tutelage from schoolgirls to adult women, and from the space of schools to the entire French public space (Commission de Reflexion Sur L'Application du Principe de Laïcité dans la République 2003, 46–7).

The discourse embedded in the law banning the full veil from French public spaces—passed in July 2010 by the National Assembly and in September 2010 by the Senate—still singles out Muslim women who veil as unable to comply with basic republican principles. The text of the law expands the justification of the ban to include the defense of public order, which is broadly defined as going beyond the preservation of tranquility, well-being, and security. The law's definition permits the prohibition of behaviors that go directly against "essential rules of the Republican social contract" that found French society (Assemblée Nationale 2010a, 3). These rules include the ideal of fraternity, the dignity of persons, and the equality between men and women (Assemblée Nationale 2010a, 4).

The text does not abandon the theme of submission. Instead, it transforms submission into an issue of public order by claiming that behaviors that go against gender equality and dignity threaten this order. This connection is made in two ways: first, the law argues, the full veil constitutes a "public manifestation of an ostensible refusal of the equality between men and women" (Assemblée Nationale 2010a, 4); second, the law claims that the dignity of persons is offended by the veil for being a "form of public reclusion," even if voluntary. The inability to respect their own dignity is then connected to the faulty reasoning of veiled women, which makes them particularly vulnerable to being subjected, to being unfree.[5]

The freedom of Muslim women and their capacity to reason are put into question because of their adoption of a particular religious ritual (Scott 2007, 129). Yet the solution proposed is to unveil, casting freedom as a simple issue of liberation from constraints. This is paradoxical given the focus of *laïciste* education on an alternative socialization that leads to self-emancipation (Laborde 2006, 357–9). In this vein, the minister delegate of secondary education argued that *laïcité* should encompass "a more active vision . . . to train *citizens*, to emancipate individuals from their social background, to give them *freedom* of choice" (Darcos 2003; cited in Lépinard 2011, 200, my emphasis). However, in the debate under analysis, even if the capacity to reason of veiled women is doubted, the veil is seen as the confirmation of submissiveness and the solution proposed is simply unveiling.[6]

In order to justify the interventions described, the meaning of *laïcité* has undergone a significant

[2] Unless noted otherwise, all translations are mine.

[3] This passage is taken from the social services report used by the Conseil d'Ètat for its decision (Chrisafis 2008).

[4] As noted above, the term used by Sarkozy is at odds with the term favored by the French Muslim women who wear the *niqab*. During the earlier headscarf controversy, the media similarly misnamed the scarf as *tchador*, worn in Shiite communities in Iran (Deltombe 2007, 101).

[5] The veil is also claimed to be an offense to the dignity of the others that share public spaces with these women—who feel treated as people from whom others must protect themselves through the refusal of any exchange, even if only visual (Assemblée Nationale 2010a, 4).

[6] It should be noted that a parallel narrative marks women who wear the full veil as dangerous, politicized Muslim subjects. This is evident in the extensive engagement with "Salafism" in the National Assembly report on the issue, and the language of invasion used by Sarkozy's Family Minister at the time of the ban (Assemblée Nationale 2010b, 57–67; Mavelli 2013, 172).

transformation and expansion *vis-à-vis* its original meaning. While the regulatory character of *laïcité* and its role in shaping Catholicism and Judaism and disciplining citizens into secular subjects cannot be denied (Bauberot 1998), the regulation of French Islam has implied further transformations. Scholars have noted that *laïcité* has come to be associated with projects of national cohesion and national culture and expanded its reach among citizens (Ahearne 2014; Lépinard 2011; Maclure and Taylor 2011). This transformation took place in response to the growth of the French Muslim population (Lépinard 2011, 200) and it also made *laïcité* the political arrangement that "best guarantees sexual liberty and ... equality" (Fernando 2014, 209). The recent transformation of *laïcité*, while not negating the regulatory character of previous instantiations of the principle, can thus be understood in terms of power and truth, represented by a new interplay between the ever growing field of knowledge on "integration"—originally targeted toward migrants—and pre-existing notions of *laïcité* (Lépinard 2011; 2015).

The account of the case offered above suggests the regulatory character of the full veil ban, accomplished through the continuous contrast between the practices of minorities and French values, which insinuates that gender inequality is a problem exclusive to the racialized Muslim populations living in the *banlieues* (Delphy 2006, 70). State power is involved in the construction of truth in order to produce the particular subject that it intends to regulate (Foucault 1995, 138; 1997a, 297). Integration discourses define gender equality as an essential value of the French Republic and—following the logic outlined above—compliance with it becomes necessary in order to keep public order and sustain the social contract, *in order to* expel those who are first deemed to be passive or authoritarian and adept at constituting familial and marital relationships that violate such order. The ban seeks to make the bodies of French Muslim women docile and observant of secular femininity, rather than visibly religious, while Muslim men are singled out for their egregious authoritarianism.

The interpretation of the case as a regulatory project is consonant with existing accounts of the headscarf affair and the full veil ban that associate this measure with the targeting of a racialized minority in France (Scott 2007; Tevanian 2007; Tevanian 2012; Tissot 2011).[7] The focus on the regulatory character of the intervention, however, offers an incomplete story because the success of regulatory endeavors must be judged by their effect on the subjectivity of the individuals it targets. In the next section, I theorize subjectivity through the lens of Foucault's notions of ethics and practices of freedom and illustrate it with ethnographic accounts of European Islam. This examination allows me to offer an understanding of freedom as embedded in particular practices, rather than understood as a status or associated with precategorized free and unfree actions.

The more nuanced notion of subjectivity offered in the next section also serves as a contrast with the one implied in the French debate, which identifies the veil as an indisputable sign of submission, and understands unveiling as a form of liberation. This notion, shared by other commentators (Joppke 2009, 109–10), conceives of the problem as that of an autonomous individual forced into submission, whose liberation would allow a transition to an unhindered version of herself.

DISCIPLINARY PRACTICES AND PRACTICES OF FREEDOM

Foucault's lectures on ethics, and the understanding of freedom, power, and domination that they contain, allow us to theorize subjectivity without disavowing the embeddedness of subjects in religion, culture, and other realms characterized by power relations.

The realm of ethics encompasses the relationship one ought to have with oneself (*rapport à soi*) (Foucault 1997c, 262–5). There are four aspects of this relationship to consider: (a) the ethical substance (*substance étique*), or the part of the self that is concerned with moral conduct; (b) the mode of subjection (*mode d'assujettissement*),[8] or the way in which people are invited to recognize moral obligations, i.e., through divine law? Rational rule? Natural law?; (c) the self-forming activity (*pratique de soi*) (the means by which we can change ourselves with the goal of becoming ethical subjects); and (d) the telos (*téléologie*) (the kind of being we aspire to be when we behave morally, i.e., masters of ourselves, pure, etc.) (Foucault 1997c, 262–5).

The self-forming practices we perform to attain the aspired being require docility understood as the "malleability required of someone in order for her to be instructed in a particular skill or knowledge," which involves less passivity than "struggle, effort, exertion, and achievement" (Mahmood 2012, 29). The docility involved in practices of the self contrasts with the docility expected of Muslim women enjoined to abandon religious piety and attire in favor of modes of life considered more worthy of French republican integration discourses. This latter docility involves the unreflective adoption of imposed norms and constraints characteristic of discipline (Foucault 1997a, 284–5). The self

[7] It should be noted that the focus on the full veil ban does not deny that regulatory interventions toward Islam exceed this particular measure. In parallel to the efforts to regulate the visibility of religious signs, French public agencies have supported the institutionalization of cultural and religious manifestations of Islam. These initiatives are part of the state's desire to legitimize its actions by having a single Islamic body with which to negotiate (Bowen 2008, 48). In fact, Jennifer Selby argues that one dimension of the ban on veils was its investment in consolidating a "Republican Islam" that categorizes full veils as politically Islamist signs and thus Qur'anically illegitimate and thus illegitimate (Selby 2011, 383–4).

[8] In this paragraph I rely on Robert Hurley's translation in Foucault's *Ethics* volume but amend his translation of *assujettissement*, using "subjection" instead of Hurley's choice of "subjectivation." As Judith Butler notes, *assujettissement* in Foucault refers both to "the becoming of the subject and the process of subjection" thus potentially fitting both terms (Butler 1997, 83–4). Because subjection conveys both meanings (the transformation of the self and the fact that it follows from subjection to rules) it seems preferable to subjectivation in this context.

who engages in ethical practices that are self-reflective can also be contrasted with the unhindered self that avowedly emerges from liberation, a process through which an individual sheds a series of constraints in order to let an unrepressed being emerge (Foucault 1997a, 282–3).

So, on the one hand, while docile practices may involve discipline in the sense of effort and tenacity, they are not necessarily *disciplinarian*, in the sense of being passively or unreflectively adopted behaviors oriented to comply with a norm. On the other hand, while a subject may engage in practices of freedom, she does this through a reflectively enacted ethics of the self that critically engages with the discourses attached to particular forms of power. This subject cannot be equated to the free and autonomous subject presupposed in the dominant framing in the full veil controversy, which makes the elimination of religious impositions (symbolized by the veil) a step in the emergence of a natural or pre-existing free (i.e., secular) subject. As Foucault notes, this Cartesian subject lacks positive content, and as such it is not sufficient to define acceptable and free forms of existence in a political society (Foucault 1997a, 282–3).

Instead of uncovering a subject that pre-exists social constraints, Foucault proposes to understand the subject as always embedded in power relations and constituted through an engagement—through practices of the self—with social constraints and games of truth. Games of truth include the practices through which subjects constitute themselves, and self-reflective "true discourses," fashioned from teachings, readings, or advice, can be considered a requirement for the practice of cultivation of the self (Foucault 1997a, 99–101, 1997b, 290). The embeddedness in power relations implies that some of these engagements may in fact follow from disciplinary attempts to stigmatize subjects, or from contradictory injunctions of competing regulatory interventions (Ettlinger 2016, 15–6). Despite the pervasiveness of power, however, Foucault is confident in the capacity of subjects to be transformed, even transfigured, into "subjects of action, and subjects of true knowledge" (Foucault 1997b, 417). It is through practices that put true discourses to work and activate them that the subject transforms true discourse (the truth) into *ēthos* (Foucault 1997b, 416).

These practices of freedom are distinct from another form of freedom that has been opposed to liberation, that in which freedom itself is a tool of regulatory projects. In this case, as Nikolas Rose notes, freedom becomes a formula of power that is "instantiated in government" (Rose 1999, 65–6). In other words, we can be governed through subjectification as much as through objectification and in the process individual liberty becomes a technical condition of government rather than a utopian principle (Burchell 1996; Rose 1999, 95). We can enact practices of socialization and self-improvement that are central to our self-understanding as free subjects, while also fulfilling regulatory projects of responsible citizenship. Similarly, we can self-reflectively and creatively apply economic calculations in order to become entrepreneurial and competitive subjects (Winnubst 2012, 83–5). In other words, it is now possible "to govern without governing" (Rose 1999, 88; see also Dilts 2011).

Governing through freedom involves the subjects in the project of government and requires their engagement in practices of self-fashioning that presume their malleability. This framework has been used by scholars who criticize the attempt of European countries to regulate Islam and Muslim European subjects through a project of secular governmentality (Amir-Moazami 2011; Fernando 2014). Yet the existence of regulatory projects does not preclude what Foucault called a "considered form of freedom" in which the subject constitutes itself in an "active fashion" rather than allowing herself to be governed—through her freedom—and constituted (Foucault 1997a, 284–91).

Subjects that are governed through freedom engage actively in the project of government, in the sense that they are responsive to modifications in the environment or "eminently governable" (Foucault 2008, 260, 9). In contrast, practices of freedom proper require an additional critical engagement with the discourses of truth that give rise to practices.

This critical engagement can be seen in the overlapping character of Foucault's work on critique and his elaboration of the concept of practices of freedom. As defined in his 1984 essay *What is Enlightenment?* a "critique of what we are" is simultaneously a critique of "the historical analysis of the limits that are imposed on us and an experiment with the possibility of going beyond them" (Foucault 1984, 50). He connects the "historico-critical" attitude to a historical ontology of ourselves, which tests the limit that we may go beyond and is "carried out by ourselves upon ourselves as free beings" (Foucault 1984, 47).

In an earlier interview, Foucault identifies a critical attitude with the interrogation of knowledge about its own limits or the impasses that it faces while being concretely exercised (Foucault 1990, 54). That this practice is intimately connected with, or rather requires, an ethical work on ourselves is clear for Foucault, who claims that the will to not be governed must be examined both at the collective and the individual level (Foucault 1990, 60). In the talk preceding this interview Foucault claims that the two anchors of the critical attitude are the practice of revolt and the individual rejection of governmentality (Foucault 1990, 59). Another definition expands on this:

> And if governmentality [*gouvernementalisation*] is the move whose very reality is the social practice of subjectification through mechanisms of power that claim to rest on truth, well then! I would say that critique is the move according to which the subject gives itself the right to interrogate truth about its power effects [*effets de pouvoir*] and interrogate power about its truth discourses, well then! Critique will be the art of voluntary insubordination [*inservitude*], that of reflective indocility (Foucault 1990, 39).

Foucault traces back to the Middle Ages the intimate connection between personal experience and institutional struggle in the West, when resistance to

the authority of the Bible and the pastor's mediation was developed both inside and outside convents and monasteries. However, he makes clear the contemporary relevance of this connection by asserting the fundamental role of individual experiences and spiritual movements in sustaining the hope associated with economic, popular, and Marxist class struggle (Foucault 1990, 59).

The discussion above does not give us an optimistic Foucault, but neither does it show that domination is inescapable. He does not argue that "everything is evil," but rather that "everything is dangerous" and thus worth subjecting to critique (Foucault 1997c, 256). Importantly, these excerpts do not commit him to defining freedom as a status. Instead, he consistently refers to *practices* of freedom, an expression that conveys the tentativeness of these actions. This must be understood as a recognition of the pervasiveness of power, the always-present possibility of sliding toward domination, and the creative ways in which projects of government have co-opted, and will co-opt, freedom. The tentativeness of practices of freedom also stems from the fact that the self that enacts these practices is always already shaped and limited by its embeddedness in a field of power.

The ethnographic scholarship on European Muslim women provides an apt illustration of the embeddedness in power of practices that are nonetheless supported by an active and reflective engagement of the subject. This literature exposes the complex and varied ways in which European pious women critically negotiate the languages of piety and the conceptions of freedom and gender equality that organize the discussion of Muslim minorities in Europe. The goals of personal autonomy and submission to God are congruent in the views of pious French Muslim women, to the extent that following religious authority is considered to be the "means to the self's cultivation and realization" (Fernando 2010, 20).

Muslim women in Norway echo these understandings of religious pious practices. A group of women participating in youth and student organizations saw the headscarf or *hijab* as their personal choice and in contrast with the "social conformity or pressure" associated with an unreflective practice that responds to the authority of parents and imams (Jacobsen 2011, 98). These reflections speak to the personal character of pious journeys, and the capacity of women to actively receive the teachings before incorporating them into their practices.

Moreover, these studies show—echoing Saba Mahmood—that the meaning of embodied acts of religiosity diverges from the way in which secular advocates understand them. In particular, these subjects consider their bodily practices of piety as the means to becoming a proper Muslim subject (i.e., veiling may be seen as the means to cultivate modesty before it is achieved). This is in contrast to the Christian understanding of religious acts as external symbols of a conscience (Fernando 2010, 20; Fernando 2014, 161; Mahmood 2012, xv). In these spiritual journeys practices such as wearing the headscarf or the full veil come to be understood as an obligation (Fernando 2010, 27). Yet, the personal dimension of such self-imposition presupposes that there is a choice between accepting or declining a particular obligation, and that there will be alternative readings and interpretations among pious women of the particular content of an obligation, implying as well that the experience is not only personal but also—by extension—pluralistic (Fernando 2010, 27; 2014, 157).

The practices of the self described by the subjects in the ethnographic studies are diverse and their adoption is thought out and creative, even if they are learned from teachers or religious texts. These reflective practices involve (political or aesthetic) choices regarding a life worth pursuing. These practices may involve obligations, but they can be considered free, as long as they are self-imposed after careful consideration in order to shape the self in the desired direction (a beautiful life, a pious life, etc.) (Foucault 1997c, 266, 71).

This image of European Muslim women as active critical agents is confirmed by their reflections on gender relations. In her study of German and French Muslim women, Jeanette Jouili found that pious women critically address how public discourse identifies them as submissive and unfree (Jouili 2011, 49). Her ethnography of women who were part of different Islamic organizations revealed that the status of women in Islam was a salient topic in these fora (Jouili 2011, 50). She noted that it was partly the European framing of gender and Islam as a problem that created a dynamic debate within Islamic revival circles. This debate features divergent voices and the active participation of women seeking to reform their communities' practices by drawing on Islamic knowledge (Jouili 2011, 51–2). The fact that the liberal critiques are explicitly incorporated highlights that these reflections, while still concerned with the constitution of pious selves, are shaped or even partly prompted by disciplinary projects. The embeddedness of these women in spheres that privilege universal discourses of rights also explains their reliance on the language of human rights (Barras 2009).

The problematization of gender relations within Islamic study groups illustrates how Muslim women's practices involve criticizing and seeking changes in the way in which their family relationships are structured. These actions stem from an active engagement with the discourses of gender equality that are offered to them as models, as well as with Islamic prescriptions that contrast with their lived reality. This picture suggests that Muslim women are able to "unlearn" bad habits or "false opinions" received from their family or society and are able to propose new ways of addressing gender issues that contrast with their supposed passivity, even if these insights come from religious texts that contain patriarchal scripts (Fernando 2014, 153; Foucault 1997b, 97; Mahmood 2012, 175). Their own interpretation of Islamic teachings is at odds with many of the practices that are prevalent in their communities, and this results in a critical relationship with the system of knowledge gathered from their social group. This relationship has the potential to allow them to discover

something different and to modify rules in the game of truth.[9]

The importance of embedding the reflections and practices of European Muslim women within a regime of practices of the self in order to grasp their meaning extends to the consideration of the practice of *un*veiling. An examination of unveiling reflects that this practice is neither the "natural" state of being that French Republicans assume, nor a necessarily unreflective acceptance of the Republic's construction of the Muslim secular woman, as some critics contend (Fadil 2011, 89–90). Instead, Nadia Fadil highlights that the decision to unveil may be influenced by professional, educational, or even aesthetic reasons, and pious women may also consider it the "next stage" in their ethical conduct (Fadil 2011, 95).

The decision to veil or unveil is ultimately, and always, embedded within power relationships. Republicanism and Islam—in their different strands—contain diverse scripts for these women to follow, and the freedom involved in their practices is not determined by the content of the action undertaken (i.e., to unveil is inherently free, while veiling inherently unfree), but rather by the process involved in reaching the decision. This situation involves an engagement with power relations—i.e., the strategies with which individuals try to direct and control the conduct of others (Foucault 1997a, 298). It is only when power relations are fixed and perpetually asymmetrical that the subjects are dominated, or have only a limited margin of freedom. When this is the case, we have a situation of domination in which one of the subjects cannot alter the situation in any significant way (Foucault 1997a, 292–3; Vintges 2012, 289).

The sense that the ethnographic studies convey, however, does not fit the Foucaultian description of domination. Instead, the immersion of pious practices and practices of unveiling seems to coexist with meaningful mutual exchanges with others regarding societal arrangements. These ethnographic studies also do not fit the understanding of veiling put forward by Françoise Gaspard and Farhad Khosrokavar, who argue that schoolgirls adopt the veil voluntarily but minimize the role of religious authority or deep religious engagement in this choice (Gaspard and Khosrokhavar 1995). A Foucaultian approach allows for the consideration of subjects that are deeply imbricated in power relations associated with the authority of religious and secular-governmental realms but are still able to reflexively engage with those constraints.

While most of the ethnographic literature refers to Islamic practices generally, or to the issue of the headscarf or *hijab*, the themes highlighted above are echoed in a survey of 32 French women, who wear the *niqab,* conducted by the Open Society Foundations.[10] This survey interviewed women in the major urban centers of Paris, Marseille, and Lyon, as well as in the smaller provincial centers of Avignon and Rennes (Bouteldja 2011, 23).

Jameelah, a 21-year-old woman from Paris interviewed in this survey, describes her decision to wear the full veil as something necessary to "develop spiritually." She did not see it as an obligation so much as something extra and good that could bring her closer to God. The meaning assigned to wearing the full veil was not the same among all participants. For Bushra, a 24-year-old from Paris, the *niqab* was also a "way of coming closer to Allah," but for Safa, a 37-year-old from Paris, it was a "[form of] protection," and for Vivi, a 39-year-old from Southern France, it was "a way of saying that we are not a piece of meat in a stall." The study found that when many of the women started wearing the *niqab* they went against the opinion of their families or husbands, and that the overwhelming majority of women interviewed had been verbally attacked in public spaces, particularly after the discussion on the full veil ban started (Bouteldja 2011, 41, 3, 51, 5–6).

The reaction to the ban on full veils in public spaces, and the more recent exclusion of headscarf-wearing mothers from school activities and employment in some occupations, further demonstrates the critical engagement of these women with societal arrangements. The full veil ban in 2010 gave rise to acts of civil disobedience by Kenza Drider, the only full-veiled woman to testify in the parliamentary hearing that preceded the law. Drider became a prominent presence in the media after she was fined for wearing the full veil and launched herself as a presidential candidate in 2011, vowing to take the case to the European Court of Human Rights. She highlighted the issue of stigmatization and discrimination of Muslim women, and insisted that gender inequality is not a problem that affects only Muslim women in France (Ganley 2011). Hind Ahmas, another detractor of the law, publicly claimed that she started wearing the full veil before meeting her husband and that it was the outcome of a personal journey and not—she notes ironically—"the encounter with a Salafist group" (Gautier 2010). These claims are echoed in the words of a *niqab*-wearing woman who—after the European Commission failed to condemn the ban in 2014—asserts her intention to continue to wear the full veil (and pay the fine). She not only refuses to accept the media portrayal of women like her as backward or barbaric, she concludes by stressing that she will not remove the veil only to "please others" (Zerouala 2014).

I take the evidence provided by the ethnographic literature and other recent accounts of the experience of French Muslim women to illustrate what I first identified as practices of freedom according to Foucault. While I cannot claim that all French Muslim women who wear the veil do so as a result of the kind of engagement described above, I can say that the conceptualization of freedom offered illuminates ways in which we can counter situations in which these practices are imposed. In particular, the focus on practices of

[9] In other words, games of truth are not just power relations and not simply untrue, as Foucault's early discussions have sometimes been understood (Foucault 1997a, 291–7).

[10] There are no reliable estimates of the total amount of women who wear the *niqab* in France, estimates go from a few hundred to two thousand (Chrisafis 2011; Erlanger 2012).

freedom suggests that a critical engagement with coercion requires an awareness of the intertwined character of power and claims of truth. In this context, we may want to emphasize access to alternative conceptions of the good life, the participation of subjects in fora of critical reflection akin to that fostered by the Muslim revival movement, and an ethical practice that problematizes and untangles the relation between our beliefs and actions and sources of authority. In particular, we would want to emphasize the way in which power is supported by benevolent discourses that coax subjects to incorporate as theirs (subjectification) reasons and actions that minimize friction and dissent in the face of regulatory projects. In sum, the conception of practices of freedom offered suggests that we refocus the project of freedom from one that highlights autonomy, secularism, and liberation to one that puts the subject's ethical work at its center.

In closing, it must be noted that my characterization of the practices of pious Muslim women as practices of freedom does not suggest that this is the normative inclination of the anthropological studies cited. Particularly, Saba Mahmood's account of the practices of the Egyptian revival movement criticizes the inability of feminist theory to conceive of forms of human flourishing outside the confines of a liberal progressive imaginary (Mahmood 2012, 155). As she acknowledges, her normative political position is for her readers and herself to:

> ... embark upon an inquiry in which we do not assume that the positions we uphold will necessarily be vindicated, or provide the ground for our theoretical analysis, but instead hold open the possibility that we may come to ask of politics a whole series of questions that seemed settled (Mahmood 2012, 39).

When Mahmood refers to freedom, it is to counter the belief that there is anything like an inborn aspiration for freedom understood as the assertion of autonomy in ways that challenge social norms rather than upholds them (Mahmood 2012, 5). The commitment to autonomy in positive and negative accounts of freedom is at the center of Mahmood's objections (Mahmood 2012, 11). However, the conception of practices of freedom I defend does not require a commitment to autonomy and acknowledges that the embeddedness of subjects in social norms is not something to be overcome. Moreover, even in Mahmood's own account, it is clear that the embeddedness of subjects in multiple traditions and the everyday reality of the practice of a pious life inevitably put Muslim women in situations in which they must judge in ways that are not perfectly mapped out by religious teachings or require a creative interpretation.[11]

I interpret the anthropological evidence, along with the survey and the journalistic accounts of the women who spoke publicly after the ban, as portraying these moments and supporting the view that there is a conscious (that is, felt and intended) involvement of these women with alternative discourses in ways that integrate liberal notions of rights and freedom of religion in their defense of a pious life. This evidence conveys a critical engagement of the kind Foucault envisioned as part of the practices of freedom. The resolution of moral quandaries, the efforts to harmonize a pious life with the realities of divorce and work outside the home—among other features present in the life stories above—and the negotiation between various sites of alternative authoritative discourse necessarily involve a work of interpretation that is not fully scripted, but is part of these women's reflexive engagement with the world. Again, this does not involve denying the importance of authoritative discourse or claiming an absence of constraints imposed by the particular Islamic tradition within which these women act, but this is precisely the reason why the Foucaultian conception of freedom is pertinent. His ethics allow for self-imposed obligations if they are necessary to become the kind of being we aspire to be, and acknowledge the imbrication of subjects in relations of power, and restrict its claims to *practices* (rather than status) when it comes to freedom. Consequently, the account of practices of freedom developed in this article is normatively useful for the consideration of freedom in contemporary societies. As I show in the next section, this conception brings insights into issues of democracy, difference, and inclusion without endorsing normative majority conceptions of the good life or disregarding the imbrication between truth and power and the obstacles to freedom that may result from unequal relations of power.

PRACTICES OF FREEDOM AND FREEDOM AS NONDOMINATION

The conception of freedom proposed in this article offers a nuanced theorization of the character of power and coercion, on the one hand, and the internal dimension of freedom captured in the practices of the self through which subjects engage with power, on the other. These two dimensions offer a critical contrast with one of the most prevalent understandings of freedom at the time of writing: Philip Pettit's freedom as nondomination. This understanding of domination, which has been the subject of an active scholarship (Friedman 2008; Markell 2008; Rogers 2008; Urbinati 2012, among others), grants great importance to the character of power (arbitrary or nonarbitrary) and gives relatively less weight to subjectivity in the existence or performance of freedom.

When contrasted with Pettit's conception, this article's theorization of individual practices of the self illuminates, first, that the distinction between arbitrary and nonarbitrary power is less clear-cut than it is assumed to be and—as a consequence—cannot be a defining feature in determining freedom, or at least not in isolation from the way in which subjects engage with it. Second, by adhering to an understanding of freedom as the *absence* of domination or the potential thereof, freedom as nondomination is less able to capture how—as suggested in this article—individuals

[11] On this point, I am indebted to a discussion with Nada Moumtaz.

engage in practices of freedom precisely in the presence of power and/or attempts at domination. Pettit's theorization of a psychology of agency partially addresses this issue but ultimately depends on external recognition, which limits the reach of certain voices in the public sphere. Cécile Laborde's reinterpretation of freedom as nondomination in light of the French headscarf controversy is particularly relevant here. However, even if Laborde explicitly tackles the internal dimensions of freedom, her focus on autonomy and de-ethnicization could be contrasted with a normative inclination that assumes the persistence of power and coercion in the public sphere, and directs its energies to nurturing practices that counter such coercion.

Pettit defines domination as a situation in which someone (1) has the capacity to interfere, (2) does so on an arbitrary basis, and (3) affects certain choices that the other is able to make (Pettit 1997, 52). Pettit contrasts this conception to a liberal conception of freedom as noninterference. Unlike such a conception, freedom as nondomination can find domination in a situation in which there is no interference, as well as find freedom in a situation of interference. This is because Pettit is concerned with situations of noninterference in which the potential interferer has the power to interfere at her own will, regardless of whether she uses this power or not (Pettit 2012, 50). Additionally, Pettit is unconcerned with interference that is exercised on the terms imposed by the interferee (Pettit 2012, 50).

Interference is arbitrary when it is perpetrated "subject just to the *arbitrium*, the decision or judgment" of the interfering agent who can choose whether or not to intervene at their pleasure and are not forced to track "what the interests of those others require according to their own judgments." (Pettit 2012, 55). As other scholars have noted, the allowance of nonarbitrary forms of power leaves unexamined potentially dominating nonarbitrary power, based on benevolent discourses of development characteristic of imperialism (Markell 2008, 26), or the version of *laïcité* put forward by activist republicans in France. While Pettit originally discussed the need of power to track the interests of subjects for it to be nondominating (Pettit 1997, 68), he responded to criticisms by refining the meaning of nonarbitrariness. In particular, he claims that it is the "avowal-ready" interests and, in particular, the interferee's *own* interpretation of those interests that really matters to determine the presence of domination, which are ultimately factual questions (Friedman 2008, 261; Pettit 2012, 59).[12]

What a Foucaultian approach highlights, however, is that most discourses that justify power are constructed to appear nonarbitrary or may be co-opted by power. In the case under analysis, experts called to investigate and advise the French government on the issue of the headscarf provide a nonarbitrary justification to the actions they dictate and claim to have the best interests of French Muslim women in mind. Islamic scholars offer alternative discourses, also oriented to further these interests, which they identify as the achievement of a pious life. Western feminists offer yet another nonarbitrary discourse which stresses that the detachment from patriarchal religious practices furthers these women's interests. Finally, many family members of pious Muslim women oppose many of their pious practices because they either fear the reactions to their attire, or consider them excessively traditional. Each of these discourses claims to further these women's interests.

Approaching this problem as a question of fact, which explores which of these forms of authority track these women's interpretation of their own interest, may be problematic. In particular, it may result in the characterization of certain behaviors as free, even when the subject fails to substantially engage with the discourses that prescribe this behavior, or when the subject's interpretation of those interests reflects the adoption of governmental practices as her own (i.e., subjectification). In other words, a Foucaultian perspective adds to Pettit's reconceptualization of nonarbitrariness the need to engage both with the character of discourses and with the subject's engagement with the particular sources of power, her ability to contrast the justificatory claims of power with alternative reasons, and/or her contestation of the terms imposed by this power. By refocusing attention on the capacity of the subject over which domination is attempted, the proposed account of freedom suggests that the "action" is in the process through which the subject reaches the interpretation of her own interests, rather than in the relationship between this interpretation and the interests tracked by power.

It is only when we switch our focus and ask whether the subject's engagement is automatic and nonreflective or critical and conscious of the connections between discourse and power that we can assess whether particular *practices* are free or not. An analysis of the behavior of the interferer cannot be the factor that determines the presence or absence of domination, and neither can the avowal-ready interest of individuals be taken at face value. This does not mean that we can never ascertain whether a subject's interests are genuine. Instead, it means that the critical work of understanding freedom and the practical work of fostering it should be focused on the very process of engagement of the subject with the discourses that justify power. While in this approach we let go of the possibility of defining freedom as a state of being, we gain a better understanding of subjectivity and of the ability of subjects to respond to varied pressures. If Foucault's characterization of power is convincing, it follows that there will always be efforts to interfere through softer or harder forms of power justified in nonarbitrary ways, and even attempts to dominate, but that the test of freedom needs to assess the response of the subject to that interference. We need to assess the capacity of the subject to engage strategically in games between liberties rather than falling for the technologies of power that establish and maintain states of domination (Foucault 1997a, 299).

[12] In response to questions regarding the exact meaning and reach of arbitrariness, Pettit has turned to use "uncontrolled interference" instead of "arbitrary" in later work (Friedman 2008; Markell 2008; McMahon 2005; Pettit 2012, 58–9).

The loss involved in not focusing on the subject that is targeted by power is clear when we return to one passage where Pettit characterizes domination as "interactive":

> Dominating power in this sense is interactive, because it requires an agent as bearer and an agent as victim . . . It is capacity-based because it is able to exist without being exercised . . . It is an intentional sort of power, because the things which the bearer can do are things that the bearer can be blamed or praised for doing: they are not beyond the agent's control, as we say . . . And it is a negative kind of power, insofar as it is a capacity to damage the victim, not a capacity to improve the victim's lot (Pettit 1997, 79).

Two things are worth noting. First, the interactive character of domination is established between a bearer and a victim, which suggests less interaction than a unilateral imposition over a passive subject. The focus on capacity, while present, is concerned with the bearer's capacity, not the agent whose freedom we are ascertaining. While the lack of focus on the agent that is at the receiving end of power is understandable, because of the negative character of Pettit's conception, inevitably the conception becomes at once too demanding and too weak. It is too demanding because a subject can only be free when there is no other subject attempting to dominate or interfere with her behavior, a situation that is difficult to find in today's complex societies. On the other hand, Pettit's conception of freedom is too weak because any subject, passive or active as she may be, would qualify as free as long as no explicit dominating subject (the "bearer" in the above quote) exists, or if there exists one that tracks an avowedly but passively adopted interest.

It should be noted that, for Pettit, arbitrariness and domination can have varying intensities, so what I am arguing here is not that Pettit's conception is black or white, but rather that it may categorize subjects who are not engaged in practices of freedom as free and also categorize those who engage in practices of freedom as unfree.[13] This constitutes my second critique of Pettit's conceptualization: that all it takes for a subject to be dominated is to be faced with other actors (or the state) who wish to, or have the capacity to, interfere with her. Opposing this view, the evidence presented in this article shows that it is the engagement with the different discourses that address pious Muslim women that encourages practices of freedom, namely a deeper reflection and consideration of these narratives and the charting of a particular set of practices that actively incorporate or reject the prescriptions received. In other words, it is precisely through the encounter with interference that practices of freedom develop. Moreover, practices of freedom help subjects make sense of the dominating character of discourses, reversing the process: rather than claiming *a priori* that freedom exists whenever interference is justified by nonarbitrary discourses (where nonarbitrariness is a factual question determined by comparing the interests furthered by particular discourses and those of the interferee), freedom (understood as practices) is called into being through the individual practice of critique that subjects enact *vis-à-vis* the discourses that attempt to justify interference.

While so far I have focused on the external dimensions of Pettit's understanding of freedom, Pettit is also interested in the internal dimensions of freedom.[14] In particular, Pettit is concerned with the effects of domination over the subject and on the subject's capacity to attain discursive control. Regarding the former, Pettit is concerned with the effects of domination over subjective self-image and intersubjective status: the capacity of agents to "look the other in the eye" and the confidence that it is not by leave of other agents alone that they are able to pursue their choices (Pettit 1997, 70). He decries the situation of the wife in a sexist culture, or the employee in a tough labor market that "must always keep an eye out for what will please the powerful and keep them sweet" (Pettit 1997; Skinner 1997; cited in Pettit 2001). He similarly refers to historical republican accounts that deplore the "littleness" and "sly tricks" that women are driven to because of their dependency, the "meanness of spirit [of slaves], with its worst effect, flattery," and the "bowings and cringings of an abject people" under monarchy (Wollstonecraft 1982; Sidney 1990; Worden 1991, respectively; cited in Pettit 1997, 61). Notably, when we consider the effects of domination over subjectivity brought up by Pettit, we are concerned with the vicious responses to domination, rather than with those responses that, instead of flattery, resort to critique, contestation, and destabilization of the claims that support power. These are also reactions to domination, but in Pettit they are subsumed under the actions that only the already free subject can perform.

The deformation of the self that results from domination is evidently not conducive to attaining discursive control. The notion of "freedom as discursive control" is developed in Pettit's 2001 book, *A Theory of Freedom*. According to this notion, individuals enjoy freedom as discursive control when they have the ratiocinative capacity to participate in discourse and the relational capacity that goes with only having discourse-friendly linkages with others (Pettit 2001, 103). These linkages, in turn, result in the "common awareness" of a person's relational capacity, or the presumption that the person should be treated in general as they are treated in the groups where they are recognized as a discursive subject (Pettit 2001, 70–2).

A contrast with the proposed approach suggests itself again. While a free person (in Pettit's terms) never faces discourse-unfriendly linkages, the proposed account sees (practices of) freedom as realized through

[13] Regarding the matter of degrees, he adds that only in an extreme version of arbitrariness does the interferer have the capacity to interfere at will, without any cost or fear or retaliation, and in the most effective terms (Pettit 2012, 57).

[14] I follow Nancy Hirschmann's distinction between external conditions or barriers to freedom and internal factors of freedom, based on Isaiah Berlin's conceptualization of freedom and Charles Taylor's critique (Berlin 1971; Taylor 1979). Internal barriers comprise "desire, will, self-understanding, and self-definition" (Hirschmann 2003, 4–10, 70).

the actions that address, critique, and partially or fully reject such linkages.

A second difficulty emerges with Pettit's notion of common awareness, which emerges from individuals' participation in "relationships that are discourse-friendly" that will then reflect to the rest of society their discursive freedom. The difficulty lies in the fact that Pettit's account of subjectivity ultimately falls back on external recognition. It is problematic that the subjects that must prove to be adept at discourse depend on evaluation criteria that follow the guidelines, traditions, and sensibilities of the majority (Mahmood and Danchin 2014). For example, participation in religious fora associated with the European Muslim revival movement in contemporary Europe has the opposite effect to what Pettit expects: it marks subjects as nondiscursive and prevents them from being politically recognized. In other words, the requirement of common awareness in contemporary Western societies is likely to privilege normalizing discourses of freedom, autonomy, or secularism making the recognition of certain subjects unlikely. Pettit is aware of the problem and provides a way out by requiring a "special explanation" when participation in certain groups does not result in the broader recognition as a discursive subject.

However, this scrutiny seems insufficient because it would most often be required for certain subjects that are considered non-normative, rather than addressing the source of the problem: their stigmatization. Instead, the legitimacy of the sensibilities that determine the common awareness of discursive capacity must be contested. This democratization of legitimacy would reframe the particular fora in which marginal subjects engage so that their discursive character can be acknowledged in the public sphere (Deveaux 2006, 216).

Some of the difficulties specified above are addressed in Cécile Laborde's *Critical Republicanism*, which offers a reinterpretation of freedom as nondomination well suited to conceptualize freedom in the presence of the difference and inequality that characterize contemporary democratic polities. She addresses satisfactorily the two critiques specified above: the dangerous character of seemingly nonarbitrary discourses and the privileging of the external focus in freedom as nondomination. Regarding the first issue, Laborde offers a pointed critique of "official republicans'" problematic application of ideal republican norms to a French society still structured by discriminatory social norms that stigmatize minority groups (Laborde 2008, 16–8). In so doing, she contests their claim to be nonarbitrary and—in particular—counters the argument that banning headscarves from schools would further the schoolgirls' interests. Instead, she defends the construction of a novel ideal, critical republicanism, which more realistically addresses the shortcomings of existing societies without abandoning the orienting principles of "secular impartiality, civic integration, and liberty as non-domination" (Laborde 2008, 13).

The approach defended in this article is more cautious in its normative orientation. In particular, it takes grand narratives of impartiality, integration, and nondomination as potentially co-opted and repurposed to support relations of power that have the potential to become dominating. Given this stance, it sees freedom less in the achievement of those ideals than in the daily actions of subjects that engage, modify, and self-reflectively adopt (or reject) those narratives. This stance is reflected in Foucault's cautiously optimistic reaction to the first victory of the left in the Fifth Republic. In a 1981 interview Foucault claimed that it is possible to work with the government without "being subjected" or extending "a blanket acceptance." He proposed instead to "work while remaining restive" (Foucault 1994, 180). The normative value of such an inclination is that it encourages subjects to distrust nonarbitrary narratives of freedom and progress, not for their inherent falsity, but for the gains in freedom attached to the instances in which we manage to succeed in shifting discourses just enough so that a path for transformation becomes intelligible and thus possible. It is this normative inclination toward restiveness that could be incorporated to existing accounts of freedom so that the project of resisting domination can be paired with a better-specified understanding of subjectivity that can be then put forward as a critical ethos to guide practices of freedom.

Laborde also explicitly addresses the internal dimensions of freedom. In particular, she notes the limits of formal rights of citizenship in guaranteeing political inclusion, particularly when "one's perceived or assigned cultural or religious identity" affects one's civic standing (Laborde 2008, 247, see also Carens 2013, 71–3). In this case, it is necessary to decouple discursive control from external recognition, which she does by conceptualizing autonomy, as a minimum capability that can be best understood as an instrumental primary good rather than intrinsic (Laborde 2008, 155). This capability would be fostered through autonomy-promoting education that can counter the products of socialization and adaptive preferences which develop under oppressive conditions and can lead to individuals consenting to live under relations of domination (Laborde 2008, 151–2). These claims overlap with feminist theorizations of relational autonomy. These theorists note the inherent embeddedness of human beings in relations and connect an agent's self-conception with the social context in which she lives and impede or enhance her autonomy (Mackenzie and Stoljar 2000, 22). However, as Nancy Hirschmann notes, theorists of autonomy tend to engage in value judgment about desires that ultimately presume a conception of the authentic self, something that Laborde avoids by identifying autonomy as a primary good, but not an intrinsic one (Hirschmann 2003, 37; Laborde 2008, 155).

Laborde also tackles the question of misrecognition by putting forward a radical strategy of de-ethnicization of the public sphere, namely:

> . . . the elimination of institutional, cultural, and social obstacles to the fair incorporation of minorities: the onus is on mainstream institutions radically to reform themselves in ways that promote the political and social participation of all (Laborde 2008, 230).

There are many commonalities between my critique and Laborde's reconfiguration of freedom as nondomination, particularly her interest in an education that counters the products of socialization that can lead to individuals consenting to live under domination (Laborde 2008, 151–2). This is the case partly because Laborde explicitly agrees with much of the sociological critique that underlies Foucaultian-based assessments of the headscarf ban. Her disagreement with these scholars lies less in their critique than in the lesser role they give to the "progressive project of emancipation" and the "fragility of [their] ethical base" (Laborde 2008, 150, 13). She worries that these approaches—with their reduction of subjectivity to the negotiation and manipulation of multiple social orders—may legitimate the perpetuation of domination and oppression in civil society (Laborde 2008, 150).

In contrast, I suggest that the conceptualization of practices of freedom offered in this article shows that Foucault shares Laborde's concern about the difficulties that liberation movements have in finding principles for a new ethics (Foucault 1997c, 256). However, instead of encouraging a return to "so-called scientific knowledge of what the self is" he sets out to develop a conception of ethics as the practice of freedom, the conscious (*réfléchie*) practice of freedom (Foucault 1997a, 284; 1997c, 256). Far from perpetuating domination and oppression in civil society, as Laborde fears, Foucault intends these practices of freedom to control power relations, which he sees as prevalent and ineradicable. So while Laborde does not give up on the idea of domination-free communication and solidarity and longs for a de-ethnicized public sphere, Foucault sees the idea of completely transparent communication as a utopia (Foucault 1997a, 298; Laborde 2008, 234). And while Laborde sees the abandonment of such ideals as the neglect of an ethical stance, Foucault identifies ethics with the very practices we use to control power relations (Foucault 1997a, 284).[15]

In this sense, Hirschmann's theorization of the feminist subject of liberty is closer to the understanding of freedom developed in this article. She puts forward a three-level constructionist theory of freedom in which the ideological representation of reality (first level) has a role in producing material effects (second level), and understands power as productive rather than repressive (third level) (Hirschmann 2003, 77–85). She recognizes women as the final arbiters of their choices at the same time that she underlines the freedom-enhancing value of a dialogical critical engagement in the community (Hirschmann 2003, 237). In so doing, she adopts a view of freedom as a continuous engagement with a constraining context rather than a status. As Hirschmann acknowledges, the Foucaultian conceptualization of care of the self "coheres with the picture of freedom" she develops (Hirschmann 2003, 210–3). However, despite her evident indebtedness to Foucault, she takes his conception of power as circulatory to be inevitably morally neutral (Hirschmann 2003, 88). In contrast, my account traces the distinction between power and domination in Foucault and reconstructs his development of practices of freedom as a normative engagement with power.

CONCLUSION

This article develops Foucault's understanding of practices of freedom as a practice that pairs techniques of the self with an individual work of critique. By tying Foucault's conception of critique to his understanding of ethical practices of the self, I show that his genealogical project is intimately connected to a normative project rooted in individual practices of freedom.

I rely on the proposed conception of freedom to critically engage with the conception of freedom as nondomination defended by Philip Pettit and Cécile Laborde. I suggest that an understanding of power as always attempting to appear nonarbitrary results in a better grasp of the ways in which power and the potential of domination constrain subjects. Instead of identifying domination with the absence of certain kinds of interference, my approach claims that it is precisely in the encounter with interference that practices of freedom may develop. These practices help subjects make sense of the dominating character of discourses and, ultimately, call freedom (understood as practices) into being through the practice of critique that subjects enact *vis-à-vis* discourses that justify interference.

This understanding of practices of freedom can both give a normative content to Foucault's critical project and start a constructive discussion about the reforms needed to nurture such practices. This is evident in the way Foucault ties together critique and transformation. As he argues, once we manage to change familiar ways of thinking, transformation becomes very urgent, very difficult, and at the same time quite possible (*tout à fait possible*) (Foucault 1994, 180–1).

The nod toward the "possible" is the normative move in Foucault, and one that opens the way for a constructive agenda on the forms of intervention that would create the conditions for subjects to engage in practices of freedom. In Foucault, change is effected by practices rather than discourses and it is practices of the self that can transform subjectivity in ways that support political change (Ettlinger 2011, 551–3). The voices of self-reflective European Muslim women recovered in the ethnographies cited in this article convey that they are engaged in practices of freedom, even if this does not imply asserting that there is no coercion or domination involved in the practices of other women. What this article does assert is that freedom-enhancing interventions should create the context and conditions of possibility for the encounter of subjects,

[15] It is worth clarifying once more Foucault's distinction between power and domination *vis-à vis* the definition of freedom as nondomination. While within relations of domination "practices of freedom are extremely constrained and limited," the prevalence of power relations—which include "constraints or coercive effects" as well as "the strategies by which individuals try to direct and control the conduct of others"—still are prevalent yet they allow for practices of freedom (Foucault 1997a, 284, 98). In contrast, The the coercive effects and efforts to control the conduct of others fall within the definition of domination, within the framework of freedom as nondomination, as I understand it.

not just Muslim ones, with alternative conceptions of the good life and the development of the capacity to critically assess the intertwined character of power and truth. Yet this project must be detached from grand narratives of republicanism, secularism, and autonomy, and encompass a parallel critique of the subjectivities involved in sustaining the construct of French Republican freedom.

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