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## Decolonial approaches to *laïcité* as a mode to re-think contemporary Islamophobia

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### ABSTRACT

Over the last decade, we have witnessed the reinforcement of *laïcité* as a mode of governance, which increasingly focuses on France's Muslim citizens. However, rather than argue that the reinforcement of *laïcité* is a response to a series of Islamist terror attacks since 2015 this article will consider the historical formations of political secularism in modern France and argue that we should take more seriously the historical and conceptual relationship between *laïcité* and coloniality. The first part of the article will problematize three ideal-type conceptualizations of *laïcité* from a decolonial perspective. The second part of the article will consider the historical contexts, which have influenced contemporary understandings of *laïcité* by examining broader processes of colonization and secularization during the 19<sup>th</sup> century. This approach recognizes that the history of *laïcité* as a socio-political process predates its juridical expression in the law of 1905 which separated the state and the churches. Finally, in part three, I will outline some ways in which a decolonized conceptualization of *laïcité* can be an illuminating analytical tool in relation to Islamophobia and political conflicts surrounding the emergence of Muslim and anti-racist feminism via a discussion of the association Lallab.

### RÉSUMÉ

Au cours de la dernière décennie, nous avons assisté au renforcement de la *laïcité* en tant que mode de gouvernance qui se concentre de plus en plus sur les citoyens musulmans de France. Cependant, plutôt que d'affirmer que le renforcement de la *laïcité* est une réponse à une série d'attaques terroristes islamistes depuis 2015, cet article examine les formations historiques de la *laïcité* dans la France moderne et soutient que nous devrions prendre au sérieux la relation historique et conceptuelle entre la *laïcité* et la colonialité. La première partie de l'article problématise trois conceptualisations idéales de la *laïcité* dans une perspective décoloniale. Dans la deuxième partie, j'examinerai les contextes historiques qui ont influencé les conceptions contemporaines de la *laïcité* en étudiant les processus plus larges de colonisation et de sécularisation au cours du XIX<sup>e</sup> siècle. Cette approche reconnaît que l'histoire de la *laïcité* comme processus socio-politique précède son expression juridique dans la loi du 1905 séparant l'état et les

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églises. Dans la troisième partie, j'esquisserai quelques manières dont une conceptualisation décolonisée de la laïcité peut être un outil analytique éclairant concernant l'islamophobie et les conflits politiques entourant l'émergence d'un féminisme musulman et anti-raciste, à travers une discussion de l'association Lallab.

## Introduction

A few moments after the first round of the presidential election results were announced on 10 April 2022, when Macron and Le Pen each took to the stage at their campaign headquarters to make their interim victory speeches, both of them made references to *laïcité*, the doctrine of political secularism—understood here, as the separation between the state and religion. In his speech, Macron made direct reference to his effort to combat what he called 'le séparatisme islamiste'—an effort, which has been reflected and realized via the *Loi no. 2021–1109 24/08/2021 confortant le respect des principes de la République*, also known as *la loi anti-séparatisme*. He claimed that the fight against Islamist separatism would take place through *laïcité*, which he described as an enabling and benign value, allowing 'chacun de croire ou de ne pas croire, d'exercer son culte'. Macron went on to say that France was not a place where Jews and Muslims should be restricted in their dietary choices. This was a reference to his rival, Marine Le Pen's plans to ban halal and kosher slaughter methods, supposedly in a bid to protect animal rights. Drawing on his campaign slogan 'Nous Tous', Macron stated that such repressive approaches to religious freedom did not represent France: 'ce n'est pas nous ...'.<sup>1</sup> However, the France that Macron has presided over since 2017 has seen the introduction of one of the most complex 'religion-constraining' laws of the 5<sup>th</sup> Republic, against a background of repeated polemics concerning the public visibility of Islam and French Muslims. Indeed, *la Loi confortant le respect des principes de la République* has ushered in a raft of restrictive measures for French Muslims affecting education, sport, employment, health, freedom of association and expression. All of these measures are couched in terms of 'neutrality' (i.e., state-religion separation) and 'freedom'—principles which *laïcité* supposedly encapsulates.

Turning now to Marine Le Pen's interim victory speech, one of the main claims of her intervention focused on the reinforcement of French language and culture, French regional customs, and traditions. She evoked what she termed the 'légitime prépondérance' of Republican laws and values and made a point of highlighting that for the Rassemblement National the most important amongst these values is 'laïcité et l'égalité notamment entre les hommes et les femmes'.<sup>2</sup> It is significant that although *laïcité* was mentioned, *liberté* and *fraternité* were not and even when *égalité* was mentioned, it was indexed in relation to equality between men and women, rather than equality in general, which was, like the mention of *laïcité*, an implicit reference to Islam and French Muslims since this was a reference to the Islamophobic trope whereby Islam is regarded as intrinsically misogynistic. During the ensuing second round campaign, Le Pen declared that if elected President, she would have pushed forward legislation to ban the headscarf in all public spaces, a move that would have been unprecedented.

Both candidates therefore made *laïcité* a key part of their speeches—with Le Pen speaking of it even before she alluded to economic, social, and defence policy. The

political weaponization of *laïcité* in French electoral politics is not new, of course, and 10 April 2022 marked the 20<sup>th</sup> anniversary of the presidential breakthrough of Jean-Marie Le Pen in 2002. The last decade has seen the steadily increasing hijacking of *laïcité* as a value of the far right in France, whereas historically, it has been associated with the anti-clerical left. However, what is notable is how Macron made the defence of *laïcité* such a cornerstone of his first five-year term, and this despite the Covid-19 pandemic, the *gilets jaunes* movement, the climate emergency and the cost-of-living crisis. The choice to focus on cultural and moral issues from a normative standpoint, as opposed to the socio-economic questions of the day demonstrates how *laïcité* has become an explicit instrument of government power or ‘statecraft’ (Peker 2019), in relation to France’s postcolonial minorities.

In order to explore further the relationship between *laïcité* and governance, this article will consider the historical formations of political secularism in modern France and argue that we should take more seriously the relationship between *laïcité* and coloniality and between *laïcité* and imperialism (Meziane 2015; Meziane 2021). I will therefore suggest some ways in which we might decolonize the concept of *laïcité* or at the very least be more attentive to the ways in which *laïcité* ‘discourse’ enacts a certain colonial disposition in the French public sphere.<sup>3</sup> The first part of the article will examine and problematize three ideal-type conceptualizations of *laïcité* from a decolonial perspective. The second part of the article will consider the historical and colonial contexts, which have influenced contemporary understandings of *laïcité* by examining broader processes of colonization and secularization during the 19<sup>th</sup> century. Finally, I will present some ways in which a decolonized conceptualization of *laïcité* can become a particularly illuminating analytical tool in relation to Islamophobia and political conflicts surrounding the emergence of Muslim and anti-racist feminism in contemporary France. Islamophobia is understood in this article to refer to the fear and suspicion of Islam as a religion and a culture, of Muslim people and of those who are perceived to be Muslim because of their physical appearance or name.

My approach builds on the work of Azoulay (2019) who calls for an examination of the ‘imperial foundations of knowledge’ via a process of ‘unlearning’, which she describes as follows:

Unlearning becomes a process of disengaging from the unquestioning use of political concepts—institutions such as citizen, archive, art, sovereignty, and human rights, as well as categories like the new and the neutral, all of which fuel the intrinsic imperial drive to “progress,” which conditions the way world history is organized, archived, articulated, and represented. [...] Unlearning is a way of disengaging from political initiatives, concepts, or modes of thinking, including critical theory, that are devised and promoted as progressive and unprecedented. (Azoulay 2019, 18; 21)

Azoulay’s approach to rethinking taken-for-granted political concepts and categories (e.g., neutrality) is particularly relevant for this discussion, and one can add the political concept of secularism to her list.

This article is also inspired by the work of Wiredu (1995, 2002) who invokes the need for ‘conceptual decolonization’, which he defines as ‘the elimination from our thought of modes of conceptualization that came to us through colonization and remain in our thinking owing to inertia rather than to our own reflective choices’ (Wiredu 2002, 56).

Furthermore, it draws on the work of decolonial scholars, such as Walter D. Mignolo, Catherine E. Walsh, Nelson Maldonado-Torres, and Ramón Grosfoguel. This group of researchers is known as the ‘MCD group’ because of their theorization of the relationship between ‘modernity/coloniality/decoloniality’ (Ballestrin 2022). They scrutinize the ‘geopolitics of knowledge production’ and conceive of coloniality as foundational to modernity. In particular, the MCD group draws on the work of Peruvian sociologist Aníbal Quijano, who coined the term ‘the coloniality of power’ (Quijano 2000) to refer to the intertwining of European capitalist expansionism and ethno-racial subjugation at work in the Americas from the sixteenth century onwards, when the period of colonization of the ‘New World’ began.

What is conducive to the decolonial approach is precisely the idea of questioning the Eurocentric knowledge that is the product of modernity. Indeed, in discussion of coloniality and decoloniality, Maldonado-Torres emphasizes the questioning of colonial knowledge: ‘Decoloniality involves a decolonial epistemic turn whereby the damned emerges as a questioner, thinker, theorist, writer, and communicator’ (Maldonado-Torres 2016, 24). This process of questioning is also described by Mignolo and Walsh through the idea of ‘delinking’ as well as through the notion of ‘border thinking’: ‘The proposition here [...] is to advance the undoing of Eurocentrism’s totalizing claim and frame, [...] perpetuated in the Western geopolitics of knowledge’ (Mignolo and Walsh 2018, 2). Mignolo and Walsh refuse to present a universal theoretical or conceptual framework that would be relevant for all historical periods and geographical spaces—since this would precisely imply a colonial epistemological posture. They therefore propose that ‘decoloniality’ is a praxis or positioning rather than a new paradigm. The distrust of abstract concepts also relates to the work of Ramón Grosfoguel who discusses the notion of the ‘epistemic racism’ of certain political ideals, such as universalism (Grosfoguel 2012).

Building on Grosfoguel’s claims, I argue that the recent efforts to reinforce *laïcité* in contemporary France underpin an ethnocentric universalism, based on assumptions about what ‘good’ and ‘bad’ religion and religious practice should look like. I also propose an extension of possible understandings of coloniality—to move beyond the chronological sense of it as a ‘modern’ ideology, which fuelled territorial conquest, in order to approach it as a contemporary disposition or sensibility. I would contend that such a coloniality can be transhistorical in the sense that we see re-iterations of such dispositions in the contemporary period. This colonial disposition can be defined as paternalistic, moralizing, and corrective. I argue below that we can see both types of coloniality at work in contemporary *laïcité* discourse and policy: one which is inherited from the historical conditions, which accompanied secularization both within metropolitan France and its Muslim-majority colonies and one which sits within a more contemporary re-assertion of Republicanism. I will discuss how that coloniality manifests itself in contemporary *laïcité* discourse via a case-study of Lallab, a Muslim and anti-racist feminist social movement (see Part III).

## I. Ideal-types of *laïcité*

A decolonial approach to *laïcité* first proceeds then via conceptual scrutiny of the idea that *laïcité* is foundational to the realization of *liberté, égalité, fraternité*. First, defenders of *laïcité* argue that it guarantees freedom of conscience (*liberté*). Second, they point out that

since *laïcité* is founded on the strict separation between the state and religion, it facilitates equality of treatment (*égalité*). Third, it is claimed that *laïcité* is a guarantor of a universalist ‘vivre ensemble’ or *fraternité* since no one religion is favoured over another.

The first conception about *laïcité* being the enabler of freedom of conscience is to be found amongst scholars, politicians, and citizens from a range of political backgrounds (Coq 2002; Debré 2005). They cite the 1905 law: on the separation of the state and churches and the first article, which states: ‘La République assure la liberté de conscience. Elle garantit le libre exercice des cultes sous les seules restrictions édictées ci-après dans l’intérêt de l’ordre public’ (Légifrance 2021a). Baubérot (2012) argues that even if after 1905, the state no longer had responsibility for religions, it was responsible for ensuring religious freedom. Baubérot cites article 2 about state-funded chaplaincy services, which remained intact even after 1905. The relevant article states: ‘Pourront toutefois être inscrites auxdits budgets les dépenses relatives à des services d’aumônerie et destinées à assurer le libre exercice des cultes dans les établissements publics tels que lycées, collèges, écoles, hospices, asiles et prisons’ (Baubérot 2012, 183 cites 1905 law; see Légifrance 2021a). Baubérot thus describes the 1905 law as ‘politiquement libérale et religieusement accommodante’, citing the maintenance of religious public holidays or the possibility for foreign nationals to become religious ministers as evidence of its liberal spirit (Baubérot 2012, 184). For Baubérot, then, *laïcité* was never conceived as a mechanism to constrain religion and the religious and indeed, he makes a distinction between *laïcité narrative*—what we say about *laïcité*—and *laïcité juridique*—the laws which result from the political process (Baubérot 2009, 10). For Baubérot, *laïcité narrative* has in recent years been mobilized against religious minorities, such as French Muslims since it tends to be more reactive to geopolitical events such as ‘9/11’, the growing visibility of Islam in France, whilst *laïcité juridique* tends to be more stable (Baubérot 2009, 23). Baubérot therefore argues that *laïcité* has become ‘falsifiée’, that is, what should essentially be regarded as a benevolent and enabling legal-political principle has been hijacked or *lepenisée* by the far right and its discursive pressure on ‘mainstream’ political parties.<sup>4</sup> So, the 2004 law banning ‘signes religieux ostentatoires’ in schools is a prime example of how *laïcité* should *not* function, according to Baubérot.

The second conception of *laïcité* as the separation of the state and religion is also widely accepted amongst scholars, politicians, and citizens, who cite the 1905 law as evidence that the neutral state places all religions on a level playing field and thereby facilitates equality amongst all religious groups (Boussinesq 1994; Peña-Ruiz 2014). They cite in particular its second article, which declares that ‘La République ne reconnaît, ne salarie ni ne subventionne aucun culte’ (Légifrance 2021a). For example, Cécile Laborde who seeks to conceptualize a Republican ideal which is devoid of domination still broadly subscribes to the notion that the state can foster autonomy amongst religious minorities such as Muslim school girls, by virtue of its neutrality. Such neutrality is nevertheless not guaranteed, but Laborde argues that it can be strived for via a *critical* Republicanism (Laborde 2008).

Third, the conception of *laïcité* as guarantor of fraternity or civic solidarity has been referenced by politicians from different political camps, with recent presidents, such as François Hollande and Emmanuel Macron both making appeals to *laïcité* as the key ingredient of ‘le vivre ensemble’. The understanding of *laïcité* as fostering a cultural community is apparent in the work of Régis Debray, who argues that *laïque* culture

replaces bloodlines as the cement of community (Debray 2004). This idea is also expressed in the work of Alain Touraine who argues that *laïcité* is a fundamental principle of modernity because it facilitates the recognition of the Other via a transcendence of difference: 'la *laïcité* est une nécessité qui non seulement n'interdit pas la reconnaissance de l'autre, mais en est la condition' (Touraine in Renaut and Touraine 2005, 16). As Laborde argues, this view of *laïcité* conceives it as a 'new civic bond' which would replace 'traditional Catholic-inspired sociability': 'the new *laïque* civic bond should not be solely based on *liberté* and *égalité*: it would also have to inspire feelings of *fraternité*' (Laborde 2008, 173).

## II. Secularization as the *longue-durée* of *laïcité*

Such ideal-type accounts tend to focus on the 1905 landmark legislation, which ushered in the separation of the state and the churches as well as the political conflicts leading up to the law. However, in this article, I will broaden the discussion both conceptually and chronologically by focusing on the process of secularization, which was underway well before the 1905 law, emerging during the Revolutionary period and developing throughout the course of the nineteenth century, especially under the Third Republic (1870–1940). This will illuminate some further aspects of the concept of *laïcité* and explain why and how some of ways in which *laïcité* is mobilized in the contemporary period reflect a latent coloniality. This *longue durée* approach takes account of the difference between secularization and *laïcité*. Olivier Roy highlights this distinction by claiming that secularization should be understood as a process through which society 'emancipates' itself from the sacred without rejecting it outright, whereas *laïcité* describes a scenario whereby: 'l'Etat expulse le religieux au-delà d'une frontière qu'il a lui-même définie en droit' (Roy 2005, 30). Roy thus suggests that whilst secularization is cultural and social, *laïcité* is political and juridical, a doctrine enshrined within a legal framework. However, separating both phenomena may not be as straightforward as Roy suggests. The more diffuse or cultural process of secularization will affect the specific politico-legal arrangements in a given context, as argued by Mohamed Amer Meziane.

In his study of secularization in post-Revolutionary France, *Empire sous les terres* (2021), Meziane claims that Islam becomes the signifier of the failure of modernity during the long nineteenth century, because of its supposedly inherent 'inability' to 'separate' politics and religion.<sup>5</sup> One of the major consequences of this perception of Islam as the antithesis of modernity was that the Western colonial powers justified their civilizing mission by arguing that because Western Christendom had, on the contrary, succeeded in separating religion and politics, that it had moral superiority over Islam. Meziane examines how the idea of a civilizing mission and the process of secularization become intertwined in the nineteenth century and that their imbrication became itself a motor for colonial expansion: 'Tout au long du XIXe siècle, la racialisation de l'islam et la colonisation des musulmans ont permis à la sécularisation de s'imposer comme un ordre'. (Meziane 2021, 11) Thus, Meziane argues that we should not understand secularization as the retreat of religion, but rather as an imperial *modus operandi* which facilitated colonial expansion across Muslim territories in North and West Africa. The post-Revolutionary French state thus set out to realize a mission, inspired by Christian

universalism, but which was re-conceived and realized as a human endeavour, rather than a divine one.

In a similar move to Meziane who fundamentally questions the religion-secular divide, Gil Anidjar argues that in Europe, Christianity or 'Western Christendom' reinvented itself as secularism (Anidjar 2006, 60). That is, much of that which passes for 'secular' is in fact strongly connected to Christian cultural norms and understandings of religion. (i.e., binaries related to public vs. private; secular 'reason' vs. faith):

Christianity invented the distinction between religious and secular and thus made religion. It made religion the problem—rather than itself. [. . .] The two terms, religious and secular, are therefore not masks for one another. Rather, they function together as covers, strategic devices and mechanisms of obfuscation and self-blinding, doing so in such a way that it remains difficult, if not impossible, to extricate them from each other—or us from either of them—as if by fiat. (Anidjar 2006, 62)

Commenting on Edward Said's *Orientalism* (1979), Anidjar even states that 'Orientalism is secularism' (Anidjar 2006, 56) which resonates with Meziane's claims about the imperialism and coloniality of secularization in the French case (Meziane 2021). Other scholars such as Bancel and Blanchard have argued that there are strong links between the emerging secularizing Republicanism of the Third Republic and colonialism: 'C'est parce que la France revendique l'égalité des hommes qu'elle a, plus que d'autres, le droit de coloniser le monde' (Blanchard and Bancel 2005, 28). Indeed, Meziane uses the term 'le prophétisme républicain' to demonstrate how key thinkers and founders of Republicanism conceived of the French Revolution as being the 'true' expression of a Christian universalism secularized through its earthly realization of Republican equality and liberty: 'C'est à travers Jules Michelet et Edgar Quinet que le thème de la réalisation du christianisme sur Terre est devenu un rouage du colonialisme et de la laïcité' (Meziane 2021, 76).

### **From secularization to laïcité**

Within the *Hexagone*, the establishment of *laïcité* in 1905 reflects the political victory of Republican anti-clericalism over the hitherto powerful Catholic Church because it legally enacts the separation between the state and dominant religious institutions (the law refers to the separation 'entre l'Etat et les Eglises'). However, the historical conflict between the Catholic Church and the partisans of Republican anti-clericalism in metropolitan France does not translate into the territories of the French Empire (Peker 2019). In other words, whilst secularization can be seen to drive imperialism in Muslim territories, once empire is established abroad and *laïcité* enacted at 'home', we do not see the widespread application of *laïcité* in Muslim North and West Africa. *Laïcité juridique*—to use Baubérot's term (Baubérot 2009)—is not fully enacted in these colonies because it simply would have afforded too much freedom to colonized Muslims.

Indeed, political scientist Achi (2021) shows that whilst the parliamentary debates which preceded the passing of the 1905 law did include references to how the new legislation would be extended to the colonies, in the end, the actual law made 'short shrift' of its application to Algeria, even though at that time, the territory was an integral part of France (Achi 2021, 133). The reason behind the dilution of *laïcité* in its legal format



is linked to mechanisms of control (Achi 2015). Control of Islamic religious leaders in Algeria was notably achieved via a special adaptation of the 1905 law. This arrangement (article 11 of the 1907 decree making 1905 law applicable to Algeria) was designed to keep mosques and clergy within the sphere of influence of the French state. Indeed, Franck Frégosi's work on *laïcité* in colonial Algeria, the post-colonial Conseil français du culte musulman and government surveillance of French Muslim organizations suggests a historical continuity in terms of the French state's controlling approach regarding Muslim colonized subjects in French Algeria and French Muslim citizens in contemporary France (Frégosi 2008, 211; 213). Frégosi thus concurs with Achi that 'la séparation des cultes d'avec la République reste lettre morte en Algérie' (Frégosi 2008, 205). The fact that colonized Algerians were only able to become fully naturalized French citizens if they abandoned their 'statut personnel musulman' further indicates that the separation of politics and religion was not extended to Algerian Muslims (Frégosi 2008, 220).

Beyond Algeria and in other colonies across Muslim West Africa, French lawmakers argued that these populations were not 'ready' for the separation of religion and politics and the 1905 law was not applied (apart from Title I on freedom of conscience) (Achi 2021). For example, Elizabeth E. Foster shows how in Senegal, *laïcité's* reach was limited and that it was possible to evoke an *Ancien Régime* framework here: '*Laïcité*, as it emerged in the early twentieth century, was the fruit of negotiation, not a fixed principle uniformly imposed' (Foster 2013, 93). Baubérot also shows how a certain flexibility characterized the application of *laïcité* in the colonies:

'L'anti-cléricalisme n'est pas un article d'exportation, car, outre-mer, joue l'affinité de civilisation entre missions catholiques et républicains laïcisateurs [...] Les deux universalismes – le catholique et le républicain – se rencontrent dans une conception ethnocentrique de la civilisation'. (Baubérot cites Léon Gambetta 2021, 52)

So, whilst the more long-term politico-cultural process of secularization becomes a motor for French colonialism, whereby a convergence of interests brings Republicans and the Catholic Church together as partners (notably via secular education in the colonies, delivered by the *missions catholiques*), its translation into a juridical principle in 1905—*laïcité*—reflects a domestic struggle between the forces of anti-clericalism and the Catholic Church, whereby anti-clericalism emerged victorious. The partial application of the 1905 law in North and West Africa was designed to allow the French state to maintain control of its Muslim subjects. We can also see this central tension at work in *laïcité* discourse in contemporary French politics, where on the one hand, the French government describes itself as 'neutral' with regards to religion and on the other hand, is very heavily involved in the organization and containment of Islam and French Muslims. One of the key examples of the French state's controlling approach to Islam was via the establishment of the Conseil français du culte musulman in 2005 when Nicolas Sarkozy, as Minister of the Interior, had ministerial responsibility for Le Bureau des cultes. The fact that it is the Ministry of the Interior, otherwise responsible for security, surveillance, and police matters, which is also in charge of religions or 'les cultes' is significant.<sup>6</sup> The replacement of the Conseil français du culte musulman (CFCM) with the Forum de l'islam de France (FORIF), launched in February 2022 by Minister of Interior, Gérald Darmanin, reveals a certain continuity, although Darmanin claimed in his inauguration speech that the FORIF would be different to the CFCM by integrating the widest possible range of

French and France-based Muslim representatives into this new phase of dialogue with the government. We see further examples of state-led containment and control in the 2004 and 2010 legislation, supposedly applying to all religions, but which were fuelled by concerns about the wearing of headscarves by Muslim school pupils and full-face veils in public space.<sup>7</sup>

Most recently, we see evidence of the central tensions at the heart of *laïcité* via the French government's 2021 law reinforcing Republican values. The law, passed in August 2021, during the politically 'quiet' summer season, is a lengthy text and comprises 103 articles grouped across 4 sections, covering public service, associations, equality between men and women, online hate speech, education, sport, and religious practice. The legislation is the outcome of President Macron's stated objective to combat Islamism in his October 2020 'La République en actes' speech where he stated that: 'Le problème n'est pas la laïcité. [...] Le problème, c'est le séparatisme islamiste' (Macron 2020). Once again, we find an ambiguous oscillation between the principles of state neutrality and state interventionism within this piece of legislation. For example, in the first section or *Titre* of the law, which is entitled 'Garantir le respect des principes de la République et des exigences minimales de la vie en société', article 1 states that the neutrality expected of civil servants who are not permitted to demonstrate their political and religious beliefs and who are required to be mindful of the principles of *laïcité*, is extended to private contractors. Such private contractors may include those delivering a public service, such as in the construction and transport sectors. Article 3 sets out the new legal requirement for *fonctionnaires* to undergo *laïcité* training and for all public bodies to have a special *laïcité* advisor or 'réfèrent', who beyond their advisory role, is expected to organize and hold a *journée de la laïcité* every year on 9 December, the date of the 1905 legislation. The slippage between neutrality and control is further apparent in Article 7 of the 2021 law, which stipulates that the state must verify and pre-authorize any new construction project relating to 'l'exercice d'un culte'. This approach seems to be a cautious response to recent waves of religious radicalization amongst some of France's Muslims. However, it also indicates a tenacious and vigilant state paternalism.

Such state vigilance is apparent in the various articles pertaining to the governance and funding of civil society associations. In particular, several new measures are introduced to monitor the provenance of funding for associations, especially funds from foreign sources (article 21). Associations which receive government funding are also now required to sign a 'contrat d'engagement républicain', which poses the following three conditions:

- 1° A respecter les principes de liberté, d'égalité, de fraternité et de dignité de la personne humaine, ainsi que les symboles de la République au sens de l'article 2 de la Constitution;
- 2° A ne pas remettre en cause le caractère laïque de la République;
- 3° A s'abstenir de toute action portant atteinte à l'ordre public. (Légifrance 2021b)

The conditions laid out by the 'contrat d'engagement républicain', and in particular, condition 2, reflect a heightened sense of surveillance whereby the threats to 'intérêts fondamentaux de la Nation' are perceived as both external (i.e., via foreign funding and influence through associations) and internal. The text of the law indicates that internal threats, especially to the equality between men and women are located within the family unit. Article 24 thus modifies the *code civil* to protect the inheritance rights of those who

might otherwise be negatively affected by foreign succession laws. Article 25 also stipulates that individuals who are in polygamous marriages will not be granted residence status and that any residence permits which are found to be in the possession of polygamists will be removed. The *code de santé physique* is also modified to outlaw medically certified ‘virginity tests’.

Finally, *Chapitre V* focuses its attention on education and sports. The legislation includes several articles, which provide for considerable tightening up of home schooling. Article 62 requires updated *laïcité* training for educators, with a focus on identifying and preventing radicalization. Whilst one would expect these sorts of measures in the realm of education, the way in which sport is presented as a means by which to safeguard *laïcité* is notable. Article 65 modifies the *code du sport* in order to reinforce *laïcité* training amongst sports educators: ‘Les programmes de formation aux professions des activités physiques et sportives comprennent un enseignement sur les principes de la République, la *laïcité* et la prévention ainsi que la détection de la radicalisation’ (Légifrance 2021b).

The 2021 separatism law embodies a coloniality within it because it marks out certain citizens (French Muslims) and focuses a modern-day ‘mission civilisatrice’ (e.g., the *contrat d’engagement républicain*) on them. The *contrat d’engagement républicain* presented in the law can be regarded as exemplifying the sort of missionary republicanism described by Blanchard and Bancel (2005) above. The policing of Islam and Muslims through the 2021 anti-separatism law can also be seen as an example of what Ayhan Kaya describes as Islamophobia as governmentality (Kaya 2015). In arguing this, Kaya draws on the work of Michel Foucault who argued that power is not only located formally within state institutions but is embedded within state-led discourse, which in turn permeates civil society. According to this account, Kaya argues that we can identify Islamophobia as governmentality in various public policies, which affect ordinary citizens, such as the securitization of migration regimes, changes to nationality laws, the introduction of citizenship tests and reinforcing secularism to the extent that it becomes what Farhad Khosrokhavar has referred to as a ‘civil religion’ in the case of France (Khosrokhavar 2020).

### **The coloniality of *laïcité* as neutrality**

A central theme of Islamophobia as governmentality and its accompanying *laïcité* discourse is the notion of ‘neutrality’. I contend that the language of state neutrality vis-à-vis religions is highly misleading since it is not evenly applied to all citizens. Indeed, Pierre Tévanian convincingly argues in relation to the 2004 law banning religious symbols in school that this law reflected a shift away from an understanding of neutrality, which requires neutrality of the public *space* to one which imposes neutrality on the *public* itself. A neutral public *space* is understood as the right of *all* to express themselves in the public space without fear of reprisal or discrimination (Tévanian 2009, 193–194). However, requiring the *public* to be neutral is a profoundly inegalitarian stance according to Tévanian since the requirement to not express one’s religious identity is not made in the same way for all citizens—i.e., it is easier to keep one’s faith ‘private’ and appear ‘neutral’ if that faith is primarily practised in private. The consequence is that religious minority groups and Muslim women in particular are unfairly constrained by a notion of neutrality, which is applied to public space.

However, despite the unequal burdens of neutrality placed on Muslim women in the current conception of neutrality that we see being mobilized in the 2021 separatism law, there is a widespread ambient discourse, which invokes the need to re-invigorate *laïcité* in order to protect gender equality for French Muslim women, and we see this in the 2021 anti-separatism law's articles 24 and 25 relating to *le code civil* and *le code de santé physique*. Scott (2018) demonstrates that this tendency is problematic when one recognizes that the discourse of secularism, which developed in post-Revolutionary France was *precisely* bound up with a number of hierarchical binaries, such as man-woman' reason-emotion and crucially public-private spheres. Scott argues that 'the notion that equality between the sexes is inherent to the logic of secularism is false; [...] this false historical assertion has been used to justify claims of white, Western, and Christian racial and religious superiority in the present as well as the past' (Scott 2018, 3–4). Scott instead shows how gender *inequality* underpins secularism—giving examples such as the historical exclusion of French women from citizenship and suffrage until 1944 when they won the vote, by presidential decree, rather than democratic debate. Earlier, Revolutionary leaders also placed restrictions on women—Olympe de Gouges was guillotined in 1793 for "having forgotten the virtues of her sex" (Scott 2018, 104 cites Levy, Branson Applewhite, and Durham Johnson 1979, 220). In addition, Scott highlights the fact that the Society of Revolutionary Republican Women was outlawed in the same year. More recently, although France was the first country in the world to introduce legislation aimed at crafting the equal representation of women and men in electoral politics (*Lois parité* 1999; 2000), this was met with fierce resistance from both men and women and came about because France had one of the lowest proportion of women in politics at the end of the 1990s.

In light of Scott's analysis, it follows that the repeated claims by France's presidential candidates about gender equality and secularism should not be taken at face value. Rather, we can see such claims as a way of 'doing politics' in the current electoral context, where political Islamophobia is a vote winner (Le Pen and Zemmour took up to 30% of the vote share after all, both standing on anti-Islam platforms). Nevertheless, it remains difficult for scholars and activists alike to invoke Islamophobia in contemporary France since there remains scepticism about whether it even exists. Public intellectual Pascal Bruckner's book *Un racisme imaginaire. Islamophobie et culpabilité* encapsulates some of the objections to the term, since it argues that the very notion of claiming Islamophobia discourages democratic debate and critique of Islam as a religion (Bruckner 2017). Other scholars have demonstrated that the scepticism to publicly identify and denounce Islamophobia also stems from a profound unwillingness in French society to scrutinize the 'race-religion constellation' (Topolski 2020), whereby invoking Islamophobia is a means to describe systemic discrimination affecting French Muslims and those perceived to be Muslim (Asal 2020; Calabrese 2020; Nadi 2021).<sup>8</sup>

So, what might a decolonized approach to *laïcité* look like and what might it achieve? I propose that by being much more attentive to how secularism, *laïcité* and coloniality are entangled both historically and contemporaneously, we may be able to envisage a scenario whereby Muslims (or other religious minorities) are no longer conceived as being a 'problem' to which *laïcité* can provide the solution. A decolonized approach to *laïcité* would involve 'unlearning' (Azoulay 2019) the received wisdom that it is 'emancipatory'. It would afford much greater scrutiny of the three ideal-type conceptualizations of *laïcité*. First, it would enable a scepticism towards the promise of a freedom of

conscience that Macron boasted about in his first round presidential victory speech because it would provide a lens through which to identify the ways in which such a promise of *liberté* is at best conditional, and at worst, false. The promise of *liberté de conscience* is conditional because it is dependent on *une certaine idée de la religion*—as privatized and individualized. The promise of *liberté de conscience* could be construed as a false promise considering the legislative arsenal restricting religious liberty, which has been deployed over the last 20 years with increasing urgency. (The 2004 and 2010 laws on religious symbols and the full-face veil consisted of no more than 4 and 7 articles, respectively, whilst the 2021 law reinforcing Republican values consists of 103 articles.) Similarly, a decolonized approach to *laïcité* would enable an ‘unlearning’ of the notion that it brings equality via separation between religions and a state, which is supposedly neutral. Third, it would critically scrutinize the notion that *laïcité* underpins *fraternité*, since as this article has demonstrated, laws in the name of *laïcité* erode ‘civic bonds’ since Islam and Muslim women in particular are consistently othered and stigmatized by the state.

### III. Anti-racist Muslim feminist voices against Islamophobia

The implications of a decolonized understanding of secularism are manifold, but I will focus on just one here, namely, the public framing of Muslim feminism in contemporary France. Building on Mignolo and Walsh’s (2018) claim that decoloniality is located within praxis as well as Maldonado-Torres’s suggestion that decoloniality involves a scenario ‘whereby the damned emerges as a questioner, thinker, theorist, writer, and communicator’ (Maldonado-Torres 2016, 24), I will examine how a Muslim feminist organization in France struggles to convince secular feminists and public funders that they are feminists at all.<sup>9</sup> The assumption that secularism is premised on gender equality, whilst faith-based feminism is not, *cannot*, is prevalent.<sup>10</sup> This tendency to dismiss faith-based feminism is not new. As Lila Abu-Lughod demonstrates, it is a phenomenon that we see in colonial Algeria, with the public unveiling of Algerian women by French women in 1958, in the work of British Christian missionaries in colonial Egypt and in the sudden clamour of Republican Party women in the USA for the plight of women and girls in Afghanistan post-2001. In other words, Abu-Lughod shows how the phenomenon of Muslim women being saved from Muslim men by white men and women—what she refers to as the ‘rhetoric of salvation’—is both transnational and transhistorical, and expressed in both religious and secular terms. In this process, the notion that Islam could be an expression of modernity or agency is disregarded (Abu-Lughod 2013, 46). An example of such ‘rhetoric of salvation’ can be found in the public undermining of Muslim women’s association Lallab which has encountered substantial opposition from various public figures and institutions since its establishment.<sup>11</sup> Lallab was set up in 2016 by social entrepreneurs Sarah Zouak and Justine Devillaine and is primarily characterized by its mission to change the narrative about Muslim women in France via an intersectional and anti-racist approach. The association describes itself in the following manner on its website:

Lallab est une association féministe et antiraciste dont le but est de faire entendre les voix et de défendre les droits des femmes musulmanes qui sont au coeur d’oppressions sexistes, racistes et islamophobes. Nous apportons un changement de paradigme dans le système politique français de lutte contre les discriminations. Nous façonnons un monde dans lequel les femmes choisissent en toute liberté leurs propres chemins d’émancipation. (<http://www.lallab.fr>; accessed 29/7/2022)

Lallab's webpage includes references to activities aimed at tackling sexism, racism, and Islamophobia and it includes a number of veiled women activists in its team, which carry out activities as diverse as training workshops (e.g., relating to anti-Muslim women discrimination in the labour market), conferences, journalism (Lallab is also a magazine —see <https://www.lallab.org/>). This association can therefore be described as one of the few feminist organizations bringing together Muslim women and non-Muslim women in addition to a range of allies. Nevertheless, the task of highlighting the intersections or blind spots between feminism, racism, and Islamophobia remains a challenging one and the experience of the association Lallab is particularly significant in this regard. In September 2018, the association was invited to the first government-led *Université d'été du féminisme*, organized by Marlène Schiappa, then *Sécretaire d'état chargée de l'égalité entre les hommes et les femmes et la lutte contre les discriminations*. Despite some hesitancy on the part of the association, they attended. However, following the event, a spokesperson for Lallab, Laura Cha, published a communiqué to disclose the experience of being silenced and discredited during the conference, where, even the title of Lallab's presentation was chosen for them in advance:

Le thème initial de notre intervention: peut-on être voilée et féministe ? (Nous avons demandé à le modifier) [...] Ce qu'il s'est passé: nous avons été huées par la salle, invectivées et insultées – « *cassez vous* », « *connasse* », « *c'est qui cette gamine* » etc. Le format de mon intervention n'a pas été respecté, ni mon temps de réponse puisque j'étais sans cesse interrompue. Cela a été très violent pour nous toutes. [...] Alors aujourd'hui, à une université du féminisme organisée par le gouvernement, on insulte des femmes. Alors que durant les autres interventions, toute la salle applaudissait aux appels à la sororité, à l'union, au respect des choix et des identités de chacune, il semble que ces idéaux ne peuvent compter pour certaines catégories de femmes. (<http://www.lallab.org/nos-realites-comptent-mais-qui-en-parle-aujourd'hui-qui-ca-interesse/>; accessed 29/07/2022)

Lallab's communiqué raises a broader point about *who* is allowed to speak in established political spheres and the obstacles facing the emergence of an intersectional feminism, which brings together the overlapping experiences of racism, sexism, and Islamophobia in contemporary France. Lallab had also faced an earlier backlash when the government initially decided to award it the status of an association, which would be eligible to receive government funding as a provider of *service civique* internships for young people aged between 16 and 25 (interns would be paid around 500 euros by the state for these internships). The political group known as the *Printemps Républicain*, known to be a lobbying organization for a 'laïcité de combat' was particularly vocal in its criticism of such a move, claiming that the government should not be funding an 'Islamist association'. The government withdrew the *contrat service civique* because of the outcry on social media during the summer of 2017 (Mballo and Bourget 2018).

Lallab continues to face several challenges in accessing public funding as explained to me in an interview with a member of the organization's executive.<sup>12</sup> She describes a scenario whereby the issues, which Lallab is working on are perceived as 'radical'. As a result, fund-raising efforts have had to increasingly focus on European foundations beyond France that support grassroots feminist activism, with Lallab being in receipt of grants from organizations such as Mama Cash or Guerilla, based in Amsterdam and Berlin, respectively. Mama Cash funds feminist activism and sets out to 'support visionary

women, girls, and trans and intersex people who are fighting for their rights around the world'.<sup>13</sup> This is not only a financial support but includes knowledge exchange and networking. The Guerilla Foundation is similarly focused on funding grass-roots movements, which bring about what they call 'major systemic change across Europe' and those activists who engage with 'intersectional thinking' in order to shift problematic narratives and engender democratic and social wellbeing.<sup>14</sup> Beyond these European grants, my interlocutor explains that Lallab also receives donations from members or in-kind funding. For example, in November 2022 Lallab launched a crowdfunding initiative via its social media channels, with the stated aim of wanting to raise 10,000 Euros by 31 December 2022 in order to fund training for the *lallas*—the women who volunteer for the association, the *Lallab* magazine, annual festival, and advocacy regarding anti-Muslim women discrimination in the workplace. These three objectives are described as relating to *la communauté de solidarité*, *la communauté d'expressions et de savoirs* and *la communauté politique*. It is striking that such an emphasis is placed on the notion of community in a political context where the very term *communauté* is often regarded with suspicion as being the vector of inward-looking cultural and religious separatism, especially when it is invoked by minoritized groups. This clear focus on building community via Lallab's activities was also foregrounded in my interview with the executive committee member, who evokes the notion of Lallab as a 'communauté du pouvoir'. A community of power goes beyond creating 'des espaces bienveillants' for association members and moves decisively and confidently into the public sphere. The interviewee explicitly recognizes this when she explains that Lallab's focus on advocacy ('plaidoyer') is so that the organization can generate an impact on 'la sphère politique' as well as what she refers to as 'les droits fondamentaux pour les femmes musulmanes'.<sup>15</sup> Nevertheless, the consistent efforts made by the Lallab team to publicly challenge Islamophobia from the perspective of Muslim women does potentially make them vulnerable, in the context of the 2021 law on separatism, which has led to the dissolution of associations campaigning against Islamophobia. This was a view expressed during my interview with Lallab and was reflected in the public round table organized in June 2022 on the theme of how the law could affect associations working on Islamophobia and anti-racism, in light of the closure of the Collectif contre l'Islamophobie en France (CCIF) (see article by Bechrouri 2023 in this issue).<sup>16</sup>

The experience of Lallab indicates that a social movement, which defines itself as intersectionally feminist and which positions itself as defending the rights of Muslim women, encounters substantial obstacles when it attempts to translate these objectives into public political expression. I would argue that Lallab encounters these obstacles (media hostility, cyber-bullying, withdrawal of public funding and government support) because of the coloniality of contemporary *laïcité* in relation to French Muslims. That coloniality is expressed via a *laïcité* which rather than embodying the separation of politics and religion, reflects on the contrary, what Mayanthi Fernando calls the 'imbrication' of religion and politics (Fernando 2014, 20). Similarly, the coloniality of contemporary *laïcité* can be regarded as being about the control of religion, and in particular minority religious groups such as Muslims. The 2021 separatism law can be regarded as an example of such imbrication of politics and religion whereby the state, in the name of *laïcité* extends its reach beyond schools, and into families, beyond public sector workplaces and into private ones, beyond the socio-political institutions of government and into the realm of civil

society associations in order to extend its surveillance of French Muslims. In short, the coloniality of *laïcité* manifests itself when it is mobilized to speak about and for French Muslims, who are simultaneously constructed in public discourse as a potential enemy within.

## Concluding Remarks

So, a decolonized approach to the concept of *laïcité* would allow an opening up of discussions beyond the accounts, which argue that *laïcité* is basically a sound concept, which fosters *liberté*, *égalité*, and *fraternité* but that it has either become distorted due to clumsy political decision-making following the wave of Islamist terror attacks post-2015 or ‘lepenisé’ by the extreme right. Decolonizing *laïcité* as a concept would take seriously its ‘imperiality’ (Meziane 2021), the ‘race-religion constellation’ (Topolski 2020) and the gender inequality (Scott 2018) which accompanied its more long-term historical emergence. This could then provide observers, whether they are academics, educators, or simply citizens with the tools to deconstruct and decode the intractable debates, which paralyze French public discourse and which thrive on unhelpful binaries of Islam versus *laïcité* or Islam versus gender equality. More fundamentally, it would also depart from an approach, which posits *laïcité* as a stable, equality-bearing framework, on the one hand, and religious minorities as being the ‘problem’ on the other. Decolonizing *laïcité* then, would involve an alternative archive, which would drill down into the ways in which secularism as a political project is historically bound up with the hierarchical ordering of difference—difference between those of Christian heritage and those who are not, difference between women and men and between secular feminists and Muslim feminists. This alternative archive might facilitate a more nuanced understanding of one of the central issues affecting contemporary French and European society today, namely, how to foster a non-hierarchical model of living together in difference. This would involve a substantive conception of both liberty and equality, which are envisaged in positive rather than negative senses, i.e., ‘you can be all you want to be in religious terms’, and not ‘you are all the same in your status of *not* having your religion recognized by the state’. It would also involve a substantive conception of fraternity, which is not solely based on *laïcité* but also on the different forms of knowledge and diverse lived experiences, which define France’s status as a postcolonial society. Finally, decolonizing secularism in the French context would imply a form of governance, which, instead of policing religious expression in the public space, would favour freedom of conscience that fully reflects the plural society that constitutes it.

## Notes

1. See <https://www.youtube.com/watch?v=6TQ2fyZc4ag>; accessed 29 July 2022.
2. See <https://www.youtube.com/watch?v=MENf-Vuzld4>; accessed 29 July 2022.
3. Amer Meziane (2015, 44) also argues for a decolonization of *laïcité* which he contends is used by the Right as the ‘remedy’ for France’s social problems: ‘« Décoloniser la laïcité » est une hypothèse de réponse collective à ces questions. Elle suggère que ce sont des refoulés coloniaux – et non « l’islam » – qui contreviennent à l’application équitable et démocratique du principe de séparation de l’État et des cultes. [...] En effet, le renvoi



systématique d'individus à une appartenance « religieuse » souvent racialisée rejoue des situations coloniales.'

4. See <https://blogs.mediapart.fr/jean-bauberot/blog/071220/laicité-supplique-macron-pour-quit-ronce-faire-du-sarkozy>; accessed 30 July 2022.
5. One can find more recent expression of such a claim about Christianity's supposed ability to separate politics and religion in the work of Marcel Gauchet who argues that Christianity is 'la religion de la sortie de la religion' (Gauchet 1983).
6. This is because although the 1905 law stipulates that the state does not recognize any religions or 'cultes', article 4 also declares that the state takes charge of the internal arrangements of all religions via the 'Police des cultes' in order to maintain public order and Republican values.
7. See 'Circulaire du 2 mars 2011 relative à la mise en œuvre de la loi no. 2010-1192 du 11 octobre 2010 interdisant la dissimulation du visage dans l'espace public.' [https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000023654701?fonds=JORF&page=1&pageSize=10&query=voile+integral&searchField=ALL&searchType=ALL&tab\\_selection=all&typePagination=DEFAULT](https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000023654701?fonds=JORF&page=1&pageSize=10&query=voile+integral&searchField=ALL&searchType=ALL&tab_selection=all&typePagination=DEFAULT); accessed 26 July 2022.
8. Topolski defines the race-religion constellation in the following terms: '...the connection or co-constitution of the categories of race and religion. More specifically, the term 'race-religion constellation' refers to the practice of classifying people into races according to categories we now associate with the term 'religion' (such as Jews or Muslims) (Topolski 2020, 72).
9. Here I see a parallel between Maldonado-Torres's use of 'damned' and Frantz Fanon's use of it to refer to the resistance of colonized peoples in *Les Damnés de la terre* and hence am using it in this sense (Fanon 2020).
10. See 'Stop au cyberharcèlement islamophobe contre l'association Lallab.' [https://www.liberation.fr/debats/2017/08/23/stop-au-cyberharcèlement-islamophobe-contre-l-association-lallab\\_1591443](https://www.liberation.fr/debats/2017/08/23/stop-au-cyberharcèlement-islamophobe-contre-l-association-lallab_1591443) / and 'La Mairie du 20e Arrondissement de Paris censure un débat sur le féminisme et attaque en diffamation ses organisatrices.' <https://www.lacoalition.fr/La-mairie-du-20e-arrondissement-de-Paris-censure-un-debat-sur-le-feminisme-et>; accessed 19 April 2022.
11. See for example, 'Quelle place pour les Françaises musulmanes dans une campagne présidentielle où l'islamophobie est banalisée?' <https://www.madmoizelle.com/quelle-place-pour-les-francaises-musulmanes-dans-une-campagne-presidentielle-ou-lislamophobie-est-banalisee-1228078>; accessed 18 April 2022; 'Rokhaya Diallo sur la panthéonisation de Joséphine Baker: « Un symbole ambigu »' <https://www.nouvelobs.com/histoire/20211130.OBS51599/rokhaya-diallo-l-attention-portee-aux-courbes-de-josephine-baker-m-indispose.html>; accessed 18 April 2022; or 'Polémique en France après l'audition d'une syndicaliste étudiante voilée à l'Assemblée' <https://www.france24.com/fr/20200918-pol%C3%A9mique-en-france-apr%C3%A8s-l-audition-d-une-syndicaliste-%C3%A9tudiante-voil%C3%A9e-%C3%A0-l-assembl%C3%A9e>; accessed 18 April 2022.
12. Author interview with Executive committee member, Lallab, 11 July 2022, Paris.
13. See <https://www.mamacash.org/>; accessed 13 December 2022.
14. See <https://guerrillafoundation.org/about/mission-values/>; accessed 13 December 2021.
15. Author interview with Executive committee member, Lallab, 11 July 2022, Paris.
16. 'Loi séparatisme, attaques sur les associations, s'unir pour ne pas subir' round table organized by Asso Solidaires (a trade union for association employees) at the Flèche d'Or, Paris, 20 June 2022. See <https://www.facebook.com/photo/?fbid=3189034468033921&set=a.1634939206776796;url> accessed 13/12/2022.

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