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Unpacking laïcité amidst rising Islamophobia in France: Favouring Equality or Discrimination?

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Unpacking *laïcité* amidst rising Islamophobia in France: Favouring Equality or Discrimination?

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Abstract

The French version of secularism, known as *laïcité*, was initially institutionalised with the aim of achieving religious freedom and equality. Paradoxically, in recent times, it has turned into a narrative that justifies imposing limits on the very liberties it sought to protect, especially with regards to the Muslim population. This paper unpacks *laïcité* and demonstrates how its multiple understandings contributed to a rise in Islamophobia. The analysis is done against the context of the War on Terror after 9/11 which has exacerbated anti-Muslim sentiment in France.

Introduction

Background

The influential Runnymede Report that coined the term Islamophobia defined it as an "unfounded hostility towards Islam." This animosity leads to unfair prejudice against Islam and its followers, as well as to their exclusion from political and social affairs.[1] Hence, Islamophobia does not merely manifest itself as an unjustified opinion towards the Muslim population but also in discriminatory – or even violent – treatment.

Interestingly, in 2016, the average French citizen guessed that the Muslim population in France was 31%, when it actually barely reaches 8%. They also predicted that it would reach 40% in the following years, whereas the actual projection is 8.3%.[2] This disproportionate guess cannot be seen in isolation from the almost half of the population who consider Islam as a threat to national identity and the 61% who consider it to pose a problem for life in society.[3] 6 out of 10 French citizens believe that the country takes too many immigrants; this figure reaches 98% among sympathisers of the Front National (FN, now called the Rassemblement National). In 2017, a Chatham House poll found that more than 60% of the French population would support a total ban on Muslim immigration.[4] 40% of the respondents of a Pew Research Center survey feared that immigration will increase the likelihood of terrorism,[5] while 38% considered it a burden for the country[6]. Finally, highlighting the growing tensions with minorities and the immigrant population, 60% of French citizens claim that they no longer feel as much "at home as before."[7]

Apart from its remarkable presence in public opinion, Islamophobia has also manifested itself in violent action. 2015 was a particularly remarkable year, as attacks against the Muslim minority tripled in France.[8] More recently, from 2017 to 2018, Islamophobic discriminatory and violent acts increased by 52%.[9] Furthermore, Islamophobia has not been only limited to perceptions among the general public, as it is becoming increasingly present in political parties' discourse.[10] For her particularly violent rhetoric, Marine Le Pen, leader of the FN, was sent to court after comparing the Nazi occupation to Muslims praying in the streets.[11] More importantly, as

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[1] The Runnymede Trust Commission, "Islamophobia a challenge for us all," *The Runnymede Trust* (1997), 4.
[2] Ipsos Mori, "Perceptions are not reality: what the world gets wrong" *Ipsos* (14 December 2016), available at: https://www.ipsos.com/ipsos-mori/en-uk/perceptions-are-not-reality-what-world-gets-wrong.
[3] Mathilde Damgé,"Racisme et discriminations: les musulmans, l'une des minorités les moins acceptées en France," *Le Monde*, (22 March 2018), available at: https://www.lemonde.fr/les-decodeurs/article/2018/03/22/racisme-et-discriminations-les-musulmans-l-une-des-minorites-les-moins-acceptees-en-france_5274822_4355770.html.
[4] Antonia Blumberg, "Majorities in These 8 European Countries Would Back A Muslim Ban Like Trump's," *The Huffington Post* (10 October 2017), available at: https://www.huffingtonpost.com/entry/european-countries-trump-muslim-ban_us_589cbeb0e4b0c1284f2b4841.
[5] Ana Gonzalez-Barrera and Phillip Connor, "Around the World, More Say Immigrants Are a Strength Than a Burden," *Pew Research Center* (14 March 2019), available at: http://www.pewglobal.org/2016/07/11/europeans-fear-wave-of-refugees-will-mean-more-terrorism-fewer-jobs/.
[6] Eurobarometer, "Special Eurobarometer 469: Integration of immigrants in the European Union: France" (13 April 2018), available at: https://ec.europa.eu/home-affairs/news/results-special-eurobarometer-integration-immigrants-european-union_en.
[7] Esther Paolini, "L'immigration et l'islam crispent de plus en plus les Français," *Le Figaro* (3 July 2017), available at: http://www.lefigaro.fr/actualite-france/2017/07/03/01016-20170703ARTFIG00256-l-immigration-et-l-islam-crispent-de-plus-en-plus-les-francais.php.
[8] David Chazan, "Hate crimes against Muslims and Jews soar in France," *The Telegraph* (30 December 2015), available at: http://www.telegraph.co.uk/news/worldnews/europe/france/12075018/Hate-crimes-against-Muslims-and-Jews-soar-in-France.html.
[9] Anon., "l'islamophobie chiffrée, retour sur une série France info," *Collectif contre l'islamophobie en France* (19 June 2019), available at: https://www.islamophobie.net/en/2019/06/19/lislamophobie-chiffree-retour-sur-une-serie-france-info/.
[10] For an analysis of the construction and universalisation of the "Muslim Problem" by elites in France, see Julien Beaugé and Abdellali Hajjat, "Élites françaises et construction du « problème musulman ». Le cas du haut conseil à l'intégration (1989-2012)," *Sociologie, Presses Universitaires de France* 5 (2014): 31-59, available at: https://www.cairn.info/revue-sociologie-2014-1-page-31.htm.
[11] Angelique Chrisafis, "Marine Le Pen goes on trial charged with anti-Muslim hate speech," *The Guardian* (20 October 2015), available at: https://www.theguardian.com/world/2015/oct/20/marine-le-pen-trial-charged-anti-muslims-hate-speech.

will be developed further in this paper, Islamophobia has also started to be enshrined into the set of regulations that targets Muslim women's attire.[12]

Research aims and literature review

This paper sees the trends and events described above as evidence of the rise of Islamophobia in France at both the personal and the structural levels.[13] The current state of affairs makes necessary the examination of the causes that have led to the intensification of this anti-Muslim bias. This paper asks the following question: is the rise of Islamophobia linked to the French version of secularism? It is a fact that *laïcité* has been present in Islamophobic discourse and has served as the bases for justification of anti-Muslim action, but is it the real cause or merely a rhetorical tool? This paper focuses on the period of the 21st century, as globalisation and the War on Terror have heightened tensions between Islam and Western societies.

Some voices have associated *laïcité* with the rise of Islamophobia in France by pointing out that the inflexibility of the concept translates to its inability to accommodate the needs of the Muslim religious minority.[14] Indeed, *laïcité* is almost omnipresent in Islamophobic discourse.[15] It was the grounds for the decision by the Cannes' mayor and other municipalities to prohibit burkinis in public beaches.[16] Thus, *laïcité* is portrayed by these critics as an inherently rigid principle incapable of governing modern relations between state and religion.

Other authors have found that Islamophobia is the result of the securitisation of Islam.[17] This argument presents the rise of Islamophobia as a process independent from the principle of *laïcité* and more related to the context of the War on Terror. The merits of this view are evidenced by the following trends and events. First, in 2003, only two years after 9/11, the French administrative court reversed the original judgement it reached on headscarves in 1989 thus forbidding any symbol of religions faith in public institutions.[18] Second, an unprecedented rise of the FN occurred in the wake of the November 2015 terrorist attacks.[19] Third, the dramatic increase of violence against Muslims happened to occur in 2015, when France experienced a remarkable surge in terrorist attacks, which included the deadliest attack carried out on French soil.[20] Fourth, as mentioned above, almost half of the population believes that Muslim immigration increases the risk of a terrorist attack and would support a ban on Muslim immigration for this reason.

This paper argues that the most accurate response lies between these two theses. The main argument that this paper presents and defends is that *laïcité* alone, understood as the French form of secularism, is insufficient to explain the rise of anti-Muslim bias in the country. Nonetheless, if we look at it from a historical

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[12] Sofia Ahmed, "Europe has started to enshrine Islamophobia into law – history tells us this can't end well," *The Independent* (14 March 2017), available at: http://www.independent.co.uk/voices/europe-islamophobia-headscarf-eu-court-ruling-hijab-a7629531.html.

[13] Paul Hedges distinguishes manifestations of Islamophobia at personal and structural levels; see Paul Hedges, "Challenging Islamophobia: Attitudes to Islamic Immigration," *RSIS Commentary* no. 167 (2017), available at: https://www.rsis.edu.sg/wp-content/uploads/2017/09/CO17167.pdf. Isabelle Kersimon argues that Islamophobia no longer refers to "acts properly repressed by law" but has become a widespread "social pathology". See Isabelle Kersimon, "La France, est-elle islamophobe?," *Le Figaro* (12 December 2014), available at: http://www.lefigaro.fr/vox/societe/2014/12/12/31003-20141212ARTFIG00392-la-france-est-elle-islamophobe.php.

[14] Zhang Jiayi, "A Dialogue on Secularism and Religion," *Institute of Policy Studies Update* (October 2014), available at: https://lkyspp.nus.edu.sg/docs/default-source/ips/6_a-dialogue-on-secularism-and-religion_7_151014.pdf.

[15] Pauline Moullot notes that the Front Nationale party claims to be the defender of laicism; see Pauline Moullot, "Normalizing Racism in National Front Rhetoric", *World Policy* (21 January 2016), available at: http://www.worldpolicy.org/blog/2016/01/21/normalizing-racism-national-front-rhetoric.

[16] Ben Quinn, "French police make woman remove clothing on Nice beach following burkini ban," *The Guardian* (24 August 2016), available at: https://www.theguardian.com/world/2016/aug/24/french-police-make-woman-remove-burkini-on-nice-beach.

[17] Jocelyne Cesari, "Securitizatíon of Islam in Europe," *Die Welt des Islams* 52 (2012): 430-49, 430.

[18] Robert Zaretsky, "How French Secularism Became Fundamentalist," *Foreign Policy* (7 April 2016), available at: http://foreignpolicy.com/2016/04/07/the-battle-for-the-french-secular-soul-laicite-charlie-hebdo/.

[19] Angelique Chrisafis, "Front National wins opening round in France's regional elections," *The Guardian* (7 December 2015), available at: https://www.theguardian.com/world/2015/dec/06/front-national-wins-opening-round-in-frances-regional-elections.

[20] Anon., "Live: Paris ceremonies mark anniversary of deadliest terrorist attack", *France 24* (13November 2018), available at: https://www.france24.com/en/20181113-live-paris-ceremonies-mark-anniversary-deadliest-terrorist-attack-france-islamic-state-group.

perspective and, therefore, understand *laïcité* not only as a juridical-political principle but as a fundamental pillar of French national identity, then we can better understand its role in contributing to the rise of the anti-Muslim bias.

The situation today, where *laïcité* is perceived to exist primarily in relation to Islam in the French context is the result of a network of interconnecting ideas and cultural shifts. While first signifying the distance of the state from the Catholic Church, current iterations of the concept of *laïcité* focus upon a Christian-secular heritage as being part of a French, or even European, identity which contrasts with an Islamic heritage. Exacerbated by 9/11, this sense of a clash of civilisations is part of a growing Islamophobic narrative that links tropes of race, ethnicity, religion, and culture in a binary pattern of exclusive relations. The secular world, envisaged as white, European and based in a Christian heritage is imagined as distinct from the Islamic world, perceived as non-white, non-European, and non-Christian (or explicitly as Islamic). Basic aspects of cultural and religious identity thus become markers of in-group and out-group distance grounded in xenophobic and Islamophobic discourse. These are essentially created, or imagined, discourses of difference forging patterns of exclusivist thinking which are not inherent in the traditions and cultures defined this way.

At the heart of this argument are two considerations that will serve as the bases for the development of the essay: first, *laïcité* aims at equality and non-discrimination and grants individuals the freedom of conscience, religion and thought.[21] Therefore, the fact that these liberties are not being respected in French society cannot be attributed to the strict application of *laïcité* but to its disregard. Second, the fact that *laïcité* has served to justify actions and discourse that go against its meaning indicates an incoherent use of the term that can only be explained if we understand *laïcité* as a multifaceted concept. By taking into account these considerations, this paper seeks to shed light into the semantic and practical uncertainty of the term *laïcité*. By including the actual use of the term *laïcité* in its theorising, and contrasting its different uses, the paper aims to link the abstract notion of secularism with its actual practice in the French context.

This paper will develop the argument in the following fashion. The first section will introduce the broad concept of secularism. The second section will focus on *laïcité* in particular. It will look at its evolution and differentiate two strands or understandings of French secularism: one as a theoretical juridical concept, reflected in the 1958 Constitution, and the other as a pillar of French-ness, embedded with elements of history and national identity. The third and last section will point to two specific policies that prohibit religious symbols on the grounds of *laïcité,* and focus on the use of the term in these cases, paying particular attention to the utilisation of *laïcité* in the post-9/11 context. This section will argue that, following the War on Terror, heightened tensions with Islam within French society have reinforced identity claims based on secularism, and widened the gap between the two strands of *laïcité*.

Secularism: definition and aims of the secular state

Charles Taylor argues that "the shift to secularity… [consists] of a move from a society where belief in God is unchallenged and indeed, unproblematic, to one in which it is understood to be one option among others."[22] In a similar definition, Peter Berger holds that secularisation "is the process by which the sectors of society and culture are freed from the authority of religious institutions and symbols."[23] From these explanations of the secularisation process, it can be drawn that the secular state is an open space where no one religion is favoured over another or the state, and where the source of legitimacy of the state is not based on religious claims.

In an International Declaration of 2005, the authors defined secularism according to three parameters: (1) non-domination of a religion over a state or society; (2) freedom of conscience; and, (3) equality and non-

[21] Observatoire de la laïcité, "Secularism and religious freedom", *Observatoire de la laïcité* (n.d.), available at: http://www.gouvernement.fr/en/secularism-and-religious-freedom.
[22] Benjamin Storey, "Montaigne, Secularism, and the Enlightenment," in *Enlightenment and Secularism: Essays on the Mobilization of Reason,* ed. Christopher Nadon, Lanham, MD: Lexington Books, 2013: 145-58.
[23] Jean Bauberot, "Secularism and French Religious Liberty: A Sociological and Historical View," *BYU Law Review* 451 (2003), 464, available at: http://digitalcommons.law.byu.edu/lawreview/vol2003/iss2/1.

discrimination for religious reasons.[24] These three considerations are particularly interesting since, apart from recognising the obligations and characteristics of the secular state, they also expressly assert the rights of the citizens.

Indeed, the establishment of a secular society is closely linked to the rise of the modern nation-state and later on, it also became associated with Western liberal democracies. The elevation of the nation to the highest place of the public sphere provided the bases of identity and equality for its inhabitants, as it transcended any other religious, gender or class identities.[25] Therefore, the definition of the secular state explained above can be further completed by including that the aim of a secular society is granting individuals these rights.

There are certain commonalities in the ideological construction of the secular principle in different countries. However, depending on the context in which it is constructed and developed (i.e. culture, governmental and legal apparatus), secularism operates in very different ways. It is by exploring this according to historical and societal landscapes that the relational natures of abstract theories of secularism and the practice of secularism can be unpacked.[26]

The formation of French *laïcité*

The French Constitution of 1958 states that France is an "indivisible, *laïque*, democratic, and social Republic". However, the concept and establishment of *laïcité* goes back to 1905, when the law institutionalised a rigorous separation between Church and state.[27] Today, the government's official webpage defines this concept as "not an opinion among others, but rather the freedom to have an opinion. It [*laïcité*] is not a belief, but rather the principle authorising all beliefs, providing they respect the principles of freedom of conscience and equal rights".[28]

Hence, theoretically, *laïcité* is a juridical-political concept not essentially different from secularism as it has been described above. However, to understand the values and mysticism embedded in the term, it is necessary to pay attention to its historical development. Jean Baubérot structures the evolution of French *laïcité* in three phases. The first one, which started with the French Revolution in 1789, is marked by the confrontation between two visions of religion, politics, and society: Catholic clericalism on the one hand, and Republican anticlericalism, on the other. During this period, both factions claimed to represent the "true" France and fought each other to institutionalise their views.

The second period started with the 1905 law of separation of Church and state and lasted until 1989. The legal disconnection between Church and state is a milestone in French history, as it symbolises the triumph and establishment of *laïcité* as the prevailing doctrine of the French Republic.

The third and last period started in 1989 and continues today. It is characterised by globalisation and the presence of a Muslim cultural and religious minority in France.[29] This last phase was initiated by the Islamic veil affair mentioned in the paper's introduction, which set off a debate over civil rights, the meaning of *laïcité* and Muslim minority assimilation.[30]

Hence, since its inception, *laïcité* has not only been a juridical concept. It was a fighting creed and subsequently became the basis of the liberal ideology of the French Republic. In order to confront the Church, Republicans faced the task of developing an ideology able to compete with Catholic morality and that set and

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[24] Jean Baubérot, "The Evolution of Secularism in France: Between Two Civil Religions" in *Comparative Secularisms in a Global Age*, eds Linell Cady, and Elizabeth Shakman Hurd, New York, NY: Palgrave Macmillan, 2010: 57-68, 57.
[25] Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity*, Stanford, CA: Stanford University Press, 2003, 5.
[26] Paul Hedges, *Understanding Religion: Method and Theory for Studying Religiously Plural Societies*, Berkeley, CA: University of California Press, 2021, chapter 16.
[27] Yolande Yansen, "Laïcité, or the Politics of Republican Secularism" in *Political Theologies: Public Religions in a Post-Secular World*, eds, Hent de Vries and Lawrence E. Sullivan, New York, NY: Fordham University Press, 2006: 475-93, 491.
[28] Observatoire de la laïcité, "Secularism Today" *Observatoire de la laïcité* (2014), available at: http://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2014/07/note_dorientation_de_lobservatoire_de_la_laicite_3.pdf.
[29] Baubérot, "The Evolution of Secularism in France," 58-60.
[30] Youssef M. Ibrahim, "Arab Girls' Veils At Issue In France," *The New York Times* (12 Nov 1989), available at: https://www.nytimes.com/1989/11/12/world/arab-girls-veils-at-issue-in-france.html.

spread the notion of the ideal republican citizen across the country. That ideology was built upon the concept of *laïcité*. When it finally became institutionalised in 1905, French secularism provided a source of identity that binds French society together[31] and a model for the state to manage the diversity of its population.[32] These factors have had repercussions in the formation of the current notion of "French-ness" and the ideal of the French citizen, which are often present in Islamophobic discourse.

French-ness: The ideal (republican) citizen

That *laïcité* evokes many values and concerns in French society has been a recurring conclusion among sociologists and political scientists studying the concept. Robert Zaretsky argues that *laïcité* is an ideology and "a norm that defines French-ness."[33] Mélodine Sommier's critical discursive study of *Le Monde's* pieces shows that *laïcité* and identity are closely linked together, in a way that one "systematically entails the other."[34] Going further in this close connection, other voices consider *laïcité* to have important aspects of a civil religion. Namely, the set of rituals and beliefs shared by the majority of the population that evoke certain symbolism and that reveal an allegiance to the unity of a nation.[35] According to this view, *laïcité* creates social cohesion by replacing traditional religions rather than by neutralising the public space.[36]

In some way, these authors agree that *laïcité* is a fundamental source of unity and a defining feature of French identity. National identity refers to an individual's feelings of attachment and sense of belonging to a nation. Identity links together shared aspects such as race, values and religion or sociocultural norms and is therefore inevitably linked to a territory and the characteristics surrounding it. Indeed, current depictions of French secularism in Islamophobic discourse focus upon France's Christian-secular heritage and include aspects like ethnicity, religion, and culture.

The secular space, as religion, is conditioned by particular histories and cultures that surround its evolution. *Laïcité* has been fundamentally developed in a "white" context and, as a result, it is not racially blind nor neutral. Current iterations of *laïcité* envisage the secular world as white, European, and based in a Christian heritage. Consequently, the line between xenophobia and Islamophobia on the one hand, and secularism and nationalism on the other, is often blurred.

According to the European Monitoring Centre on Racism and Xenophobia, Islamophobic attacks in Europe often target "those who 'look' rather than actually are Muslim."[37] The words "dirty Arabs" and "Arabs go away"[38] were used in an Islamophobic attack against mosques in two different cities of France, even though they targeted Arabs as an ethnic group rather than Islam itself. Race has also been placed alongside secularism in the French Islamophobic discourse. The French Republican Party Politician, and member of the European Parliament, Nadine Morano, said in 2015 that France was "a Jewish-Christian country […] of white race, which takes in foreigners."[39] Amidst the controversy that the statement generated, Le Pen said that Morano was "stating the obvious."[40]

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[31] Cécile Laborde, ''On Republican Toleration,'' *Constellations* 9.2 (June 2002): 167-83, 172.
[32] Charles Taylor, "Secularism and Multiculturalism," in *Values and Ethics for the 21st Century,* BBVA OpenMind (2012), available at: https://www.bbvaopenmind.com/en/books/values-and-ethics-for-the-21st-century/.
[33] Zaretsky, "How French Secularism Became Fundamentalist."
[34] Mélodine Sommier, "Representations of individuals in discourses of laïcité from Le Monde: confirming or challenging the republican framework of identity?" *Social Identities* 23.2 (2016): 232-47, 232.
[35] Blandine Chelini-Pont, "Is Laïcité The Civil Religion of France?" *George Washington International Law Review* 41 (2010): 765-815, 765.
[36] Charles-Eric de Saint Germain, "La laïcité est-elle une religion?,"*Liberté Politique* (30 June 2015), available at: http://www.libertepolitique.com/Actualite/Decryptage/La-laicite-est-elle-une-religion.
[37] European Monitoring Centre on Racism and Xenophobia, "Islamophobia in the EU after 11 September 2001", *European Monitoring Centre on Racism and Xenophobia Summary Report* (2007), available at: https://fra.europa.eu/sites/default/files/fra_uploads/199-Synthesis-report_en.pdf.
[38] Anon., "Anti-Muslim acts escalate after Paris terrorist attacks", *France 24* (12January 2015), available at: https://www.france24.com/en/20150113-france-anti-muslim-acts-spread-charlie-hebdo-terrorist-attacks-islam-mosques.
[39] Iman Amrani, "France's burkini ban exposes the hypocrisy of its secularist state," *The Guardian* (24 August 2016), available at: https://www.theguardian.com/commentisfree/2016/aug/24/france-burkini-ban-secularist-equality-muslim.
[40]Ben Mcpartland, "France could remove word 'race' after scandal," *The Local* (1 October 2015), available at: https://www.thelocal.fr/20151001/france-could-delete-race-from-law-after-scandal.

Hence, in France, being Arab is generally understood as a synonym of being Muslim[41] in contrast with being *laïque* (secular), which implies white race. The confusion of the boundaries between race, identity, *laïcité* and religion has contributed to what Riva Kastoryano refers to as the "ethniticisation of religion," that is how Islam is taken to signify a culture in its entirety.[42] Her work, together with Ibrahim Kalin's, pushes further the link between anti-Muslim sentiment and xenophobia in the construction of modern Islamophobia. Both authors argue that Islamophobia is built on the false assumption that because there are a number of superficial differences between Muslims and non-Muslims, there are also different values and norms, thus "exaggerating differences and disregarding similarities."[43]

Indeed, the longstanding representation of Muslim attire as either a form of oppression, opposed to Western standards of gender equality, or as sign of political intransigence, is a clear example of this presumed incompatibility of values and cultures.[44] Sommier's study finds that these representations are pervasive. French media portrays veiled woman as either "victims or culprits."[45] In 2005, the application for naturalisation of a Moroccan woman was denied because she wore a *niqab*. The ruling argued that her attire constituted a radical practice of religion incompatible with French values.[46] Additionally, the overwhelming majority (84%) of the Islamophobic acts that occurred in France during 2018 targeted women.[47] Beyond the issue of the veil, according to a 2013 Ipsos poll, almost three quarters of the French population thought that Islam was an intolerant faith incompatible with French values.[48]

Being Muslim is therefore understood as adhering to a value system irreconcilable with the Republic and incompatible with French society.[49] The categories of the French *laïque* and the Muslim other are constructed as homogenous and essentially different from each other. As this paper will develop in relation to the headscarf affair, debates involving *laïcité* do not exclusively deal with the role of religion within French society, but also with the republican ideal and how Islam threatens its defining traditional values.

The connections of *laïcité* with racial and cultural aspects of French heritage make of it not only a defining feature of its citizens but also a precondition for French-ness: being a French citizen implies adherence to the French ideal of secularism in behavior and appearance.[50] This should be seen in light of France's historical obsession with unity[51] and homogenisation.[52] As Talal Asad puts it, "to be a French citizen is to reflect, as an individual, the collective."[53] *Laïcité* has evolved to be closely intertwined with the identity of a nation. Therefore, adherence to French secularism implies loyalty to the Republic and a collective agreement to French social

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[41] Riva Kastoryano, "Religion and Incorporation: Islam in France and Germany," *International Migration Review* (2006), available at: https://doi.org/10.1111/j.1747-7379.2004.tb00234.x.
[42] Ibid.
[43] John L. Esposito and Ibrahim Kalin, *Islamophobia: The Challenge of Pluralism in the 21st Century*, Oxford: Oxford University Press, 2011.
[44] Clancy-Smith notes that this binary representation of veil goes back to France's colonial past; see Julia Clancy-Smith, "Islam, genre, et identités dans la fabrication de l'Algérie française, 1830 – 1962," *Nouvelles Questions Féministes* 25.1 (2006): 25-40.
[45] Sommier, "Representations of individuals in discourses of laïcité from Le Monde," 6.
[46] Fiona B. Adamson, Triadafilos Triadafilopoulos and Aristide R. Zolberg, "The Limits of the Liberal State: Migration, Identity and Belonging in Europe", *Journal of Ethnic and Migration Studies* 37.6 (2011): 843-59.
[47] Anon., "l'islamophobie chiffrée, retour sur une série France info," *Collectif contre l'islamophobie en France* (19 June 2019), https://www.islamophobie.net/en/2019/06/19/lislamophobie-chiffree-retour-sur-une-serie-france-info/.
[48] Stephanie Le Bars, "La religion musulmane fait l'objet d'un profond rejet de la part des Français," *Le Monde* (24January 2013), available at: https://www.lemonde.fr/societe/article/2013/01/24/la-religion-musulmane-fait-l-objet-d-un-profond-rejet-de-la-part-des-francais_1821698_3224.html.
[49] CNDH,"2018 Rapport sur la lutte contre le racisme, l'antisémitisme et la xénophobie: les essentiels," *Commission nationale consultative des droits de l'homme* (24 July 2019), 27, available at, http://www.infomie.net/IMG/pdf/essentiels_rapport_racisme_2018_vdef_1.pdf.
[50] Christopher A. Lizotte, "The Geopolitics of Laïcité in a Multicultural Age: French Secularism, Educational Policy and the Spatial Management of Difference," PhD diss., University of Washington (2017), available at: https://digital.lib.washington.edu/researchworks/bitstream/handle/1773/38632/Lizotte_washington_0250E_16905.pdf?sequence=1&isAllowed=y.
[51] Harry Judge, "The Muslim Headscarf and French Schools," *American Journal of Education* 111.1 (November 2004): 1-24.
[52] Sylvia Zappi, "French Government Revives Assimilation Policy", *Migration Policy Institute* (1 October 2003), available at: https://www.migrationpolicy.org/article/french-government-revives-assimilation-policy.
[53] Asad, *Formations of the Secular*, 176.

norms and values.[54] *Laïcité* has become essentially a political symbol of allegiance to the French state and therefore it mistrusts or even rejects multiculturalism and communalism as threats to the state. "Visible minorities" have often been marginalised and denied belonging to the French community on the basis of race or religion, while those who are of immigrant descent need to adhere this representation of *laïcité* in order to be considered "truly French."[55] As of today, even though the French population has evolved to be ethnically and religiously diverse, this heterogeneity has not been incorporated in the representation of French-ness.[56] According to a Migration Policy Institute's study, nearly half of immigrants who have acquired French nationality think that they are not perceived as French.[57]

In short, despite having a clear definition in the French Constitution, *laïcité* evokes a symbolism that goes well beyond its theoretical meaning. "Identity *laïcité*" is ideologically constructed in a way that means that migrants, particularly Muslims, cannot be satisfactorily represented.[58] This notion of French secularism justifies societal inclusions and exclusions at many interrelated levels of French identity including race, sociocultural norms, values, and even political allegiances. The construction of otherness in France has been built in contrast to this all-encompassing idea of *laïcité* rather than to *laïcité* in its politico-juridical understanding. The secularist-based Islamophobic claim about the incompatibility of the French way of life with Islam draws from such elements. As the following section will argue, these have been exacerbated in the context of the rise of terrorism.

Both French identity and *laïcité* are multifaceted concepts resulting from complex historical processes, which makes any assertion about the link between both an arduous task. Nonetheless, the examples of their interplay in relation to race, religion and political culture shed some light on their close connection in topics that are the heart of debates involving secularism and Islam in France. Understanding the many dimensions of French secularism in its relation to its history and to French national identity provides a solid argument against the monolithic depiction of *laïcité* and sheds light into its lack of neutrality.[59]

Laïcité: a divided concept

This section has sought to deconstruct *laïcité* into two strands. The first one is related to its legal literal meaning as stated in the French Constitution. This essay argues that this aspect of French secularism is hardly related to the rise of Islamophobia, as it is a legal concept that grants the population with the necessary rights to freely exercise their religion. The second strand accounts for the meanings and symbolism attached to the concept of *laïcité*. This paper holds that this understanding of French secularism can better explain the relation between *laïcité* and Islamophobia, because of its connections to French national identity.

A different argument might be that *laïcité* has not been able to get rid of its initial hostility towards religion. This could have pushed France to maintain an uncompromising view regarding religious symbols, thus rendering the country ineffective in accommodating the needs of its Muslim minority.[60] Indeed, it is a fact that during the first phase of its development, it was a combative doctrine designed to fight Catholicism and which opposed religion. Nowadays, depictions of religion in French discourse are still associated with backwardness and there exists a prejudice against religious people.[61] However, this thesis cannot explain the justification of policies that target Muslim religious symbols, as this strict separation creates obligations for the State and not

[54] Lizotte, "The Geopolitics of Laïcité in a Multicultural Age."
[55] Jean Baubérot, "La représentation de la laïcité comme "exception française," *Cosmopolitique* 16 (2007): 119–32.
[56] Patrick Simon, "French National Identity and Integration: Who Belongs to the National Community?" *Migration Policy Institute* (May 2012): 12-7, available at: https://www.migrationpolicy.org/research/TCM-french-national-identity; Claude Askolovitch (interview by Pascal Boniface), "Nos mals-aimés: Ces musulmans dont la France ne veut pas," *Institute de Relations Internationales et Strategiques*\ (15 October 2013), available at: https://www.iris-france.org/43990-nos-mals-aims-ces-musulmans-dont-la-france-ne-veut-pas/.
[57] Ibid, 13.
[58] Asad, *Formations of the Secular*, 159.
[59] Elizabeth Winkler, "Is it Time for France to Abandon Laïcité?" *The New Republic* (7 January 2016), available at: https://newrepublic.com/article/127179/time-france-abandon-laicite.
[60] Anon, "Why the French are so strict about Islamic head coverings", *The Economist* (7July 2014), available at: https://www.economist.com/blogs/economist-explains/2014/07/economist-explains-2.
[61] Sommier, "Representations of individuals in discourses of laïcité from Le Monde," 8-9.

for the population.[62] Moreover, this supposition would not explain the lack of neutrality of *laïcité*[63] or the exacerbation of Islamophobia over the last few years. The policy shift towards religious symbols, from 1989 to 2003, when two opposite decisions were grounded on the same concept of secularism, also points to the need to evaluate *laïcité* as a multifaceted term.

Therefore, the historical development of *laïcité* has transformed this concept into a pillar of French identity, prejudicing its neutrality and widening the gap between its practical use from its politico-juridical theorising. Having unpacked the dimensions of French secularism, the following section will delve into how 9/11 and the rise of Islamist terrorism has influenced these interconnections and added further complexity to the relation of *laïcité* with Islamophobia.

An illiberal form of secularism?

From the Stasi commission to the Burkini ban

The Stasi commission was set up in 2003 with the objective of reflecting upon *laïcité*.[64] It emerged from the controversy surrounding Muslim women's attire in public schools. After a lengthy analysis of the concept, it finally recommended the prohibition of conspicuous religious symbols in public schools, even if this view contradicted the verdict reached by the French court in 1989. The importance of the decision transcends other similar judgements, as it directly involves schools ("*écoles republicaines"*), which were conceived by French republicans as a vehicle for transmitting French values, with *laïcité* as a key element for the reinvigoration of republicanism.[65]

In an insightful analysis of the Stasi report, Yolande Yansen underlines some important inconsistencies of the use of *laïcité* in the arguments of the Stasi commission, three of which are particularly interesting for the issue at hand. First, although the Stasi commission explicitly distances itself from combative *laïcité* – the conception of secularism that perceives the "other" as threatening – the report is reluctant to actively endorse diversity. Second, the fear of terrorism conditioned the outcome of the report. By pointing to the problem of religious fanaticism, the commission reduced the religion of Islam to "political Islam" and therefore, the scarf was presented and debated as a symbol of segregation of a sub-community. The committee's aim in banning the hijab was to avoid the erection of boundaries within French society.[66] As the previous section advanced, it was not *laïcité* in the legal sense but a conception of *laïcité* embedded with aspects of identity, homogenization and cultural unity that was behind the discriminatory ban. In the report, the binary pattern between the secular French and the Muslim other was present and grounded on this depiction of *laïcité*. By treating these categories as mutually exclusive, there was a presumed incompatibility of sociocultural norms, values, and even of political allegiances. However, Baubérot, the only member of the commission who abstained from recommending the prohibition, argues that paradoxically, the ban had the opposite effect. It not only stigmatised and hindered Muslims' inclusion in French society but also led to the creation of Muslim private schools.[67]

Third, the author notices that, in banning the Muslim hijab, the Stasi commission created an exception to France's freedom of religion. The enacting of this policy based on *laïcité* represents an inconsistent use of the term, to the extent that *laïcité* is used to curtail the freedoms that it is supposedly upholding. Therefore, there was a prevalence of "identity *laïcité*" in this decision which conditioned the neutrality of French secularism.

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[62] Stéphanie Hennette Vauchez, "Is French laïcité Still Liberal? The Republican Project under Pressure (2004–15)," *Human Rights Law Review* (2017): 287.

[63] Maître Joao Viegas, "Une victoire des élèves infirmières contre la pseudo-laïcité" in *Rapport CCIF 2019* (12 February 2019), available at: https://www.islamophobie.net/wp-content/uploads/2019/03/Rapport-CCIF-2019.pdf.

[64] For an insider's perspective of the Stasi commission see: Jean Baubérot, "La Commission Stasi vue par l'un de ses membres", *French Politics, Culture & Society* 22.3 (Fall 2004): 135-141, available at: http://jeanbauberotlaicite.blogspirit.com/archive/2005/01/08/commission_stasi.html.

[65] Lizotte, "The Geopolitics of Laïcité in a Multicultural Age."

[66] Yansen, "Laïcité, or the Politics of Republican Secularism," 481-9.

[67] Monique Hirschhorn "Conversation avec Jean Baubérot: comment être laïque dans la France de 2016?," *The Conversation* (17 May 2016), available at: https://theconversation.com/conversation-avec-jean-bauberot-comment-etre-laique-dans-la-france-de-2016-59101.

The decision by certain municipalities to issue a burkini ban on French public beaches in the summer of 2016 also used *laïcité* as legal grounds. However, in this case, the use of *laïcité* was even more incoherent than in relation to the headscarf affair, as the strict division of religion and state could only with be difficultly applied to beaches. The fear of terrorism was more salient in 2016, and this resulted in the arguments in favour of the burkini ban making divisions between Islam and extremism even more blurred. Indeed, the head of municipal services in Cannes declared that the burkini was a symbol of allegiance to terrorist movements.[68]

These two cases highlight a number of inconsistencies in the use of the term *laïcité* against its theoretical meaning. These incoherencies confirm that, as this paper argues, French secularism as a legal concept does not explain the rise of Islamophobia nor serves as its justifying framework. Contrarily, a network of interconnecting ideas about French identity and heritage have more to do with the justification of the bans, even if it is not something explicitly stated in the decision. This paper maintains that Islamophobia is a question of identity dynamics, with *laïcité* encapsulating such identity. The Stasi commission and burkini ban usages of *laïcité* underline a growing gap between its theory, as defined in the 1958 Constitution, and its practice, partly due to the asseveration of tensions with Islam within Western societies after 9/11.

Laïcité in the War on Terror: At the crossroads between identity and security

The notion of an ongoing clash of civilizations that followed 9/11 has substantially affected the debate about Islam in Europe. In the French context, no other event exemplifies the tension between the Muslim minority and *laïcité* better than the reactions to the Charlie Hebdo attack. Even though the attacks were relatively less severe than others, the murder of the cartoonists in January 2015 stirred a wave of solidarity of unprecedented scale, with 40 world leaders attending the largest marches in Paris since the end of World War II.[69] The targetted murders of the cartoonists were framed as symbolically targeting the French nation and way of life.

In the wake of the attacks, the satirical magazine, which defines itself as *laïque*,[70] was portrayed as the embodiment of the right of freedom of expression, even though it was often intentionally offensive.[71] François Hollande declared that it was "the Republic as a whole" and French ideals that had been attacked.[72] The solidarity that the attacks stirred was with abstract ideals of French values, particularly *laïcité* and freedom of expression.[73] Even though two police officers – one of them Muslim – also died in the terrorist attack, demonstrations overwhelmingly focused on the cartoonists.[74]

The view that the attacks targeted French secularism and way of life was evident in the institutional response to the attacks. Hollande declared that *laïcité* was a guarantee for "France against internal and external threats."[75] The new measures enacted in the aftermath also echoed this view.[76] They included increasing

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[68] Javier Novo Rodríguez, "France's burkini ban could not come at a worse time" *The Conversation* (24 August 2016), available at: https://www.academia.edu/32512126/Frances_burkini_ban_could_not_come_at_a_worse_time.

[69] Anon, "Paris attacks: Millions rally for unity in France", *BBC* (11 January 2015), available at: https://www.bbc.com/news/world-europe-30765824.

[70] Taken from Charlie Hebdo's Twitter account, available at: https://twitter.com/Charlie_Hebdo_.

[71] Adam Gopnik, "Satire Lives," *The New Yorker* (18 January2015), available at: https://www.newyorker.com/magazine/2015/01/19/satire-lives.

[72] François Hollande, "Attack against Charlie Hebdo Statement by Mr. François Hollande, President of the Republic" (7 January 2015), available at: https://www.diplomatie.gouv.fr/en/the-ministry-and-its-network/events/article/attack-against-charlie-hebdo.

[73] Roy Greenslade, "What the UK national newspapers said about the Charlie Hebdo attack," *The Guardian* (8 January 2015), available at: https://www.theguardian.com/media/greenslade/2015/jan/08/what-the-uk-national-newspapers-said-about-the-charlie-hebdo-attack.

[74] Adam Chandler, "#JeSuisAhmed: The Muslim Victim in the Paris Massacre," *The Atlantic* (8 January 2015), available at: https://www.theatlantic.com/international/archive/2015/01/Ahmed-Merabet-police-officer-killed-charlie-hebdo/384331/.

[75] Steven Erlanger and Kimiko de Freytas‐Tamura, "Old Tradition of Secularism Clashes With France's New Reality," *The New York Times* (5 February 2015), available at: https://www.nytimes.com/2015/02/06/world/old-tradition-of-secularism-clashes-with-frances-new-reality.html.

[76] Marwan Mohammed (interview by Emilie Tôn), "Islamophobie: "En France, critiquer les musulmans est devenu le sport national," *L'express* (9 January 2016), available at: https://www.lexpress.fr/actualite/societe/islamophobie-en-france-critiquer-les-musulmans-est-devenu-le-sport-national_1750659.html.

students' exposure to secularism, particularly those in Muslim suburbs, making compulsory for parents and children to sign a *laïcité* charter and reinforcing teachers training on *laïcité* as well as moral and civic lessons.[77]

In portraying the attacks as a clash of values and fighting terrorism with secularism, the connection between secularism, French values, and commitment to the state and the nation were implicit. Hence, Islam was treated as militant political Islam, further blurring the distinction between these two categories. The measures, which could well be characterised as assimilationist, focused on unity and homogenisation. There was the underlying assumption that adhering to *laïcité* necessarily meant adoption of French values and that secularism was a precondition to becoming a part of the community.

To summarise*, laïcité* served as an explanatory framework for the attacks and the political narrative that followed presented an uncompromising view of Western values.[78] This event and its aftermath reinforced the political and identity aspects of French secularism and positioned *laïcité* as the symbol of the confrontation between the modern secular West, a place of tolerance and openness, and the backwards Islamist enemy, culturally deficient and a potential security threat.[79]

Immediately after the attack on Charlie Hebdo, Islamophobic acts grew by 23.5%[80] and there was an increase of French people's prejudice towards Muslim minorities and North-African immigrants.[81] Supporters of the securitisation of Islam thesis might argue that whereas French identity has always been there, the rise of terrorism has been a turning point in the exacerbation of Islamophobia in France. This could explain the rise of Islamophobic attacks, and is illustrated by a growing mistrust in Islam and the French Court's reversion of its 1989 ruling on religious attire. While it is a fact that terrorism has asseverated tensions with the Muslim minority within French society, these cannot be seen in a historical and ideological vacuum. Together with the exacerbation of anti-Muslim bias, the perception that secularism is in danger has also increased in the last decade. As of 2019, 74% of the French population support this notion.[82] The formation of identity categories around the notion of French secularism are the result of a long and complex process. Yet what is true is that religious extremism has further distanced these categories and added complexity to the application of *laïcité* in the current context.

Robert F. Worth noticed that nations tend to adopt a Manichean worldview when they feel under threat.[83] That is, identity politics, which is characterised by a binary vision of a world divided in the "us" versus "them" pattern, is more appealing when one's own perceived identity is endangered. This division between us and them inevitably prioritises the in-group and portrays the other as culturally deficient and dangerous if "the other" refuses to assimilate what are understood as self-evident norms.

Baubérot observes two important tendencies that prove the applicability of this idea to the case of France. First, since 9/11, right-wing parties in France have tended to stress their claims that secularism is under threat from Islam.[84] Second, French media has portrayed the mere practice of Islam as being fundamentalist, especially in relation to the veil.[85] In addition, as mentioned in the introduction, almost half of the population perceived Islam as a threat to their identity and poll respondents magnified Islam's presence in France by almost quintupling in their guesses the number of Muslims living in the country. Therefore, the rise of terrorism exacerbated the perceived gap between the in-group and the out-group, at many levels of society, from the

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[77] Maïa de la Baume, "Paris Announces Plan to Promote Secular Values," *The New York Times* (22 January 2015), available at: https://www.nytimes.com/2015/01/23/world/europe/charlie-hebdo-attack-leads-to-changes-in-french-schools.html.

[78] Richard Seymour argues that Charlie Hebdo is essentially and racist publication; see Richard Seymour, "On Charlie Hebdo," *Jacobin Magazine* (7 January 2015), available at: https://www.jacobinmag.com/2015/01/charlie-hebdo-islamophobia/.

[79] Lizotte, "The Geopolitics of Laïcité in a Multicultural Age."

[80] Anadolu Agency, "Islamophobic attacks increase by 23.5 percent in France," *AA News Broadcasting* (7 July 2015), available at: https://www.aa.com.tr/en/world/islamophobic-attacks-increase-by-235-percent-in-france/29593.

[81] Medhi Cohu, et al, "The "Charlie-Hebdo" Effect: Repercussions of the January 2015 Terrorist Attacks in France on Prejudice toward Immigrants and North-Africans, Social Dominance Orientation, and Attachment to the Principle of Laïcité," *International Review of Social Psychology* 29.1 (2016): 50-8, 54.

[82] Jérémie Peltier, "Les français et la laïcité : état des lieux," *Fondation Jean Jaurès* (25 March 2019), available at: https://jean-jaures.org/nos-productions/les-francais-et-la-laicite-etat-des-lieux.

[83] Robert F. Worth, "Truth, Right and the American Way; A Nation Defines Itself By Its Evil Enemies," *The New York Times* (24 February 2002), available at: http://www.nytimes.com/2002/02/24/weekinreview/truth-right-and-the-american-way-a-nation-defines-itself-by-its-evil-enemies.html.

[84] Baubérot "The Evolution of Secularism in France," 63.

[85] Ibid, 62.

media to the public. As noted by a report by the European Monitoring Centre on Racism and Xenophobia on popular attitudes towards Muslims in Europe, these have remained basically the same after 9/11 than before. However, the growing number of terrorist attacks gave an impetus to hostile feelings towards Muslims, by increasing non-Muslims' awareness of vulnerability, and blurring the distinction between Muslims and terrorists, particularly in the light of the poor definitions of terrorism, confusion of Islamist ideology with Islam, and erratic treatment of these events by the media.[86] In short, existing prejudices and the binary pattern of relations with Islam have found an echo in, and have been exacerbated by, the context of terrorism.

Hence, before the surge of Islamist terrorism, depictions of *laïcité* had facilitated the formation of mutually exclusive categories based on physical and cultural traits. The asseveration of tensions with Islam within French society have allowed the latter to link a symbol of allegiance to Islam (such as the veil) not only to a completely divergent value system but also to a growing terrorist threat.

When referring to the concept of *laïcité*, many important aspects come into play. The brief analyses of the use of French secularism in banning religious symbols and in responding to terrorist attacks show that the motivations behind the measures taken in these situations have much to do with national identity. In the context of the War on Terror, secularism has increasingly become the central element in a narrative that links together human rights and security. Drawing from the analysis on secularism and French identity, we can see how *laïcité* was historically well placed to play such a role in the French collective imaginary.

Conclusion

This essay has sought to examine the link between the rise of Islamophobia and secularism in the French context by unpacking the different meanings and uses of *laïcité*. This paper concludes that the situation today, where *laïcité* is perceived to have turned into an uncompromising principle in its relations with Islam, is the result of its close connection to the construction of French republican identity. However, Islamophobia is a very complex phenomenon and *laïcité* a multifaceted concept, which makes any assertion about the causal link between both an arduous challenge.

The paper has sought to defend the view that the rise of Islamophobia is a question of identity politics. The current state of affairs can hardly be attributed to the assertion of French secularism, but rather to its regression. The presence of *laïcité* in Islamophobic discourse and discriminatory policy-making requires the understanding of *laïcité* as "identity *laïcité*" rather than "juridical-political *laïcité"*. French secularism sits at the intersection of identity, history, security, and human rights in the current French collective imaginary. In recent years, the categories constructed around this concept have been further reinvigorated by the rise of religious as well as ideological – particularly right-wing – extremisms, thus becoming increasingly restrictive.

This argument can help to reconcile the prevalent views on the relation between *laïcité* and Islamophobia. On the one hand, it sheds some light on the apparently incoherent use of the *laïcité* – for example in the ban on religious symbols – as well as on its appealing and recurrent presence in Islamophobic discourse. On the other, seeing *laïcité* and Islamophobia linked in this way also explains the turning point the War on Terror had on the increase in anti-Muslim bias.

[86] European Monitoring Centre on Racism and Xenophobia, "Islamophobia in the EU after 11 September 2001."

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