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From French *laïcité* to normative theory of religion (and return)

An interview of Cécile Laborde by Luc Foisneau

Cécile Laborde studied at the Institute of Political Science in Bordeaux and the University of Oxford. She has held posts at the University of Exeter, King's College London as well as University College, London (2003-2017). Since 2017, she has been Professor of Political Theory and Senior Research Fellow at Nuffield College, University of Oxford. In addition to *Critical Republicanism* (Oxford 2008) and a collective volume with John Maynor, *Republicanism and Political Theory* (Blackwell 2008), she is the author of *Liberalism's Religion* (Harvard 2017). The latter book was translated in French as *Philosophie Libérale de la Religion* in 2023 (Hermann). She's a Fellow of the British Academy and of the Royal Academy of Belgium.

She was invited to the *École des Hautes Études en Sciences Sociales* on 16th June 2013, when she presented a paper entitled 'On Egalitarian Theories of Religious Freedom' as part of the [séminaire de philosophie politique normative](#) of CESPRA.

This interview was conducted in Aubervilliers on 13th April 2023 by Luc Foisneau, research director at CNRS, in the Faculty club of the Maison des chercheurs on the Condorcet campus.

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Key words: republicanism – liberalism – religion – *laïcité* – neutrality – hijab – Philip Pettit.

Luc Foisneau – *Your career is remarkable in several respects. You have been a Fellow of the British Academy since 2013, and you hold a Chair in Political Theory at Nuffield College, after a stint as a professor of political theory at University College London. I would like to start this interview with a question of intellectual biography. Why did you decide to come and work in England, and how did this new academic and political context affect your work?*

Cécile Laborde – I came to England to improve my English, studying for a Master in political economy, funded by the Erasmus program (at the University of Hull, in Yorkshire). I only

came for one year and have ended up staying ... 30 years exactly! I benefitted from a fortunate set of circumstances: doctoral funding to study in Oxford, the incredible intellectual autonomy granted to early career scholars in the British system, and a full-time post in Exeter, which I obtained straight after Oxford. I had studied public law at Sciences Po, and was considering ENA (National School of Administration), but I had also completed a research dissertation in Senegal, and was tempted to pursue academic research. In Britain, I was faced with a very different educational and administrative system from the one I knew, and straight away I was fascinated by the contrast between the different traditions of thought about the state in France and in Great Britain.

Religion: a research question

Luc Foisneau – *To continue with your intellectual biography, could you explain your choice of the principal theme of your research, the relationship between the state and religion, which is central to Liberalism's Religion, published by Harvard University Press in 2017 and recently translated into French. Why is this topic a long-standing interest of yours?*

Cécile Laborde – My second book, based on my Oxford PhD, was entitled *Pluralist Thought and the State* (Macmillan 2000). There, I studied the pluralist critics of the state (syndicalists, corporatists, guild socialists, etc.), which set the state, not against atomised individuals, but against constituted groups. The question of the relationship between the legitimacy of the state and social and moral pluralism has therefore been at the heart of my thinking for a while.

However, the guiding question in *Liberalism's Religion* is a more specific issue. In what sense does *religious* pluralism raise a specific challenge to the legitimacy of democratic institutions? Liberal thought, from Locke to Rawls, but also the secular republican French tradition, starts from a postulate of separation between politics and religion. I spent a year in Princeton as a participant in Joan Scott's seminar, where I was exposed to critical religion studies and to sceptical perspectives towards secularism and *laïcité*. This encouraged me to seek to explore the deeper justifications for this fundamental principle of modern political thought.

Luc Foisneau – *You started your research with an undergraduate dissertation at the Institute of Political Science in Bordeaux about a Muslim brotherhood in Senegal. Did this early work*

play a role in the way in which you have confronted the question of religion thereafter? Why did you not pursue the ethnographic route, and why did you move to political theory (assuming this is how you define the field of your research)?

Cécile Laborde – Yes, I consider political theory, in a broad sense, as my area of research. I discovered analytical political philosophy in Oxford during my doctoral years, and I was struck by the similarities between post-Rawlsian liberal philosophy and the French republican tradition. In both, we find a theory of the social contract and of equality, a tendency towards abstraction and universalism, and a concern for normativity. From this point, I began to think about the questions I analyse in *Critical republicanism* – that is, finding a way to start a dialogue between liberal and republican thought, notably on the question of multiculturalism, religion, and secularism.

My early fieldwork in Senegal, as well as the year spent in Princeton, made me sensitive to the importance of the lived experiences of the religious; they also fed a certain scepticism towards the abstract, non-sociological, purely normative approaches to political philosophy, such as those dominant in Oxford, and in France. In both *Critical Republicanism* and *Liberalism's Religion*, I attempted to show that political theory assumes empirical and sociological hypotheses about religion that are often fragile or groundless.

Critical republicanism, a response to the aporias of French *laïcité*.

Luc Foisneau – *In your book, Critical Republicanism (Oxford 2008), which is known in France thanks to a short version whose title is inspired from Sade (Français, encore un effort pour être républicains ! Seuil, 2010) you attempt to shed light on the hijab controversy from the perspective of the normative theory of Philip Pettit. To what extent was a theory critical of liberalism in Anglophone normative philosophy likely to alter the terms of a highly ideological French political debate? Isn't this too much to ask of normative philosophy? What did you expect from this unexpected dialogue?*

Cécile Laborde – It would have been presumptuous to expect that a little book of political theory could alter the terms of a French debate! I found the dialogue interesting, on a personal level, because the neo-republican theory of domination, that of Philip Pettit, allowed me to shed light on important dimensions of the French republican tradition – dimensions that had

been obscured in dominant discourse. Pettit identifies two forms of domination, *dominium* (interpersonal domination of individuals by other individuals or social groups) and *imperium* (domination of individuals and groups by the state). In the *hijab* controversy, the two types of domination are combined and interact in complex fashion. The state forbids the wearing of religious signs that it deems instances of *dominium*, thereby taking the risk of aggravating *imperium*. The idea of non-domination allows us to reflect on these complexities. By underlining the paradox of emancipation *via* coercion, Pettit joins the French republican tradition, which, since Jules Ferry, emphasises education rather than coercion. He also insists that non-domination presupposes a social status, that of a citizen to whom is guaranteed a voice. One can say, drawing on his analysis, that Muslim women are victims of a double domination in French debates: they are spoken about, yet never heard.

Luc Foisneau – *The decentring that you operate vis-a-vis French philosophical debate about laïcité allows us to take some critical distance from a specific national context, that of the French Republic. Fifteen years after the publication of Critical Republicanism, do you think that the position that you defend, that of a critical republicanism – to wit, a republicanism also critical of the French traditional conception of laïcité – has succeeded in altering the terms of French debate?*

Cécile Laborde – In the academic field, I note that the French academic debate has opened up to new approaches, thanks to the dynamism and the international curiosity of new generations of young scholars. They are reworking the French intellectual tradition and its ideals of liberty, equality and fraternity, and are stimulated in parallel by the critical theory of race, gender, and discrimination. In the political world, by contrast, we witness the hegemony of a kind of secular credo, which continues to see in the regulation of religious dress the *nec plus ultra* of the defense of the Republic. To see the shadow of the murderer of Samuel Paty lurking behind every veiled woman is both to misunderstand the causes of Islamist radicalisation, and to maintain a misleading confusion between Islam and Islamism. Today, the discourse of *laïcité* has been fully colonised by controversies connected to the (legitimate) struggle against Islamism and the (less legitimate) polemics about immigration. There is little space for those who distance themselves from an intransigent *laïcité*, which has become the rhetorical solution to all kinds of problems that are foreign to it.

Luc Foisneau – *To what extent does the transformation that you underline allow us to measure the specificity of the French context, compared to those that you are familiar with in the United Kingdom, but also in the Canadian practice of ‘reasonable accommodations’?*

Cécile Laborde – In France, just like in Québec, where a fairly conservative version of secularism is also on the ascendant, dominant public discourse continues to present every accommodation of Muslim practices as essentially unreasonable – a violation both of equality and of the separation between the public sphere and religion. This is a mistake. On the one hand, some accommodations are in fact a restoration of equality against a background context of domination by majority religions. On the other hand, republican actors regularly engage in accommodations and negotiations with religious groups, as shown by David Koussens, John Bowen, and Stéphanie Henneville-Vauchez, in a Special Edition of the *Tocqueville Review* dedicated to French secularism (to be published in the Autumn of 2023). The *laïcité* practiced in France is in fact a *laïcité* of accommodation. This is illustrated by the public funding of confessional schools, the non-application of the anti-discrimination legislation to many religious organisations, the maintenance by the state of churches and cathedrals built before 1905, the exorbitant regimes of Alsace-Moselle and overseas territories, the recognition of Jewish and Muslim cults by the state, the public regulation of the production of halal and kosher meat, negotiations over Muslim graves in cemeteries – to cite only the main accommodations. There is, therefore, a yawning gap between public discourse and actual practices.

As a result, we lack conceptual tools to make sense of the presence of the religious in the public sphere. For example, the French like to denounce British ‘multiculturalism’ and ‘communitarianism’, which are said to freeze people’s communal identities and to aggravate social, territorial and religious segregation – and thereby to contradict the republican ideal of secular citizenship. However, in the United Kingdom, the prime minister is Hindu, the mayor of London is Muslim, as is the new leader of the Scottish nationalists – a practising Muslim of Pakistani origin, who took the oath of office one evening in March 2023 after breaking the Ramadan fast. The usual complaints about ‘communitarianism’ are evidently inoperative in these cases. Practising Hindu (or Muslim) British citizens can legitimately represent a fully diverse electorate. This is a nice example of ‘republican’ integration... It is harder to imagine a Muslim prime minister or president in France – a scenario only contemplated in the satirical novels of Houellebecq.

Luc Foisneau – *The hijab controversy, which was the starting point of your reflection, epitomizes the clash between two approaches: French classical republicanism (which prohibits the hijab in the name of the autonomy of women, victims of male domination), and a theory of recognition of cultural identity (which affirm the right of women publicly to express their religious belief in a traditionally secular and Catholic country). To what extent is the question of recognition pertinent to illuminate the terms of this dispute?*

Cécile Laborde – I work within a Rawlsian and Pettitian framework, and I am suspicious of the communitarian (in the philosophical sense) connotations of the notion of recognition, inspired from the work of Hegel, Honneth and Taylor. To be sure, we can say that, in order to create a community of citizens (to use the fortuitous expression of Dominique Schnapper) citizens should ideally extend to one another a form of mutual recognition, or at least cultivate attitudes of toleration and civility. However, it doesn't follow that *the state* has an obligation positively to recognise specific cultural and religious identities. The state must confine itself to what Stephen Darwall calls 'recognition respect' (the respect due to persons, whatever their particular projects) instead of 'appraisal respect' (respect due to their particular achievements). The state defines and guarantees a just framework for the pursuit by all individuals of their particular projects.

We still need to explain what it means for a framework to be just. From the egalitarian perspective of the philosophy of non-domination, I put forward two conditions. First, the state should be careful not to perpetuate *inequalities of recognition* between different groups and communities. From this point of view, the accommodation of minority religious practices, in France, can in practice re-establish equality, against a diffuse background of *catholaïcité*. Second, the state should avoid practices of *misrecognition* of certain religions. It is striking to note that the various controversies about Islamic dress have rarely been informed by scholarly research about the transformations of contemporary Islam, whether in the French banlieues or elsewhere. The Stasi Commission legislated about veiled women, without interviewing any of them. The republicanism of non-domination is often in my view, the struggle against misrecognition, against prejudices and stereotypes, more than a demand for recognition.

Religion: a question of political theory

Luc Foisneau – *You insist on the fact that the question you deal with in your book is not circumstantial, that it is not linked to the threats that Islamist terrorism has posed for several years on liberal democracies, but that it concerns the status of religion as such. You formulate this question as follows: “In what way do the beliefs, practices, identities, institutions specific to religious groups and individuals deserve particular political treatment? (Philosophie libérale de la religion, p. 8.) Doesn’t the use of the term “political treatment” renew the suspicion that all religion is pathological? Is it possible to escape this suspicion within the framework of a liberal theory of religion?*

Cécile Laborde – I do not think that questioning the political treatment of religion amounts to pathologizing the religious. The idea is rather to ask whether religious beliefs, practices and institutions should be subject to uniform, general laws, or whether they sometimes deserve specific treatment, because of their distinct character. Consider the following questions. A golf or football club cannot exclude women from its governing bodies. What justifies the Catholic Church’s prerogative to reserve the priesthood for men? Here we ask about the justifications for the fact that religious organizations demand exemptions from certain anti-discrimination laws. Another salient debate: it is generally accepted that all opinions are acceptable as contributions to public debate (excluding, however, racist or hate speech). By virtue of what would religious opinions have a lesser status in public debate? We must either explain this difference in treatment or declare it unjustifiable. Another example. The professional ethics of doctors prohibits them from refusing care to anyone, except for reasons of conscientious objection. Can we justify these rights granted to conscience? Aren’t they exorbitant? Or again: the state can recognize and promote all kinds of cultural, sporting and heritage events, but it cannot be associated, even symbolically, with a faith or religious culture. Why? These are the questions that my book deals with. It is clear that they concern ordinary religion, not pathological religion. The solution I propose is ‘egalitarian’, in the sense that I suggest that religion does not deserve any special status *qua* religion. The special treatment sometimes granted to religious practices and opinions also applies to non-religious opinions and practices, when these have the same character. Conscientious objection, for example, also applies to secular conscience. The ideal of public reason, which demands that state authorities invoke only publicly justifiable reasons, also invalidates secular reasons that are unjustifiable in terms of public reason. The right of the Catholic Church to choose its priests and leaders is not based on an exorbitant right of churches, but, rather, on rights connected to freedom of association in general. The prohibition on the state to promote a common religious identity applies equally to

all social identities that are sources of conflict and social division. It is therefore only by distinguishing between the general ideas of ‘neutrality’ and ‘separation’ that these questions can be resolved.

Luc Foisneau – *I would like you to help us better understand what makes your approach to religion specific in Liberalism’s Religion. You tell us that the proponents of French-style secularism, as well as a number of defenders of what in English is called ‘liberal secularism’ are on the wrong track, because they only appeal to a single principle, state neutrality for example. In what way does appealing to several principles (you invoke three of them) help open up new theoretical possibilities?*

Cécile Laborde – The ideals of separation and neutrality are essential to the liberal and republican traditions, but they are too vague and too general to provide principles able to guide our reflection in the cases of differential treatment of religion that I mentioned above. Neither the idea of separation nor the idea of neutrality allows us to settle questions relating to the extent of the autonomy of religious organizations, the legitimacy of conscientious objection, the content of public reason. The main idea of *Liberalism’s Religion* is to articulate more fine-grained normative principles, which derive from liberal-democratic ideals, and which apply, not to religion in general, but to different facets of this complex phenomenon.

The relation of religion to public reason, for example, poses what I call an epistemic problem. Some religious beliefs are inaccessible to those who do not share their theological foundations. It is for this reason, it seems to me, that they cannot justify the exercise of the coercive power of the state, the justifications for which must be accessible to all citizens. Here we therefore have a first reason – an epistemic reason – to justify a mode of separation between the state and religion – a separation of the order of reasons. But religion is not just a set of beliefs or opinions. It also presents itself, alternatively, as a social identity, which can be vulnerable to discrimination and oppression in the same way as other social identities, such as those of class, race or gender. It is this more social dimension of religion that, in my view, explains why the state should not associate itself with a religion, even the majority religion: to avoid excluding, even symbolically, the members of unrecognized minorities. Religion also has an axiological dimension: it affects the conception of the good that everyone forms, and the aspiration that we all have to live a life of integrity: a life in accordance with our deepest ethical choices. It is this dimension of religion that explains why the state should not interfere in our most intimate

choices (sexuality, family, spiritual life). It is also this dimension that explains the respect due to a certain category of convictions: those that I call integrity-protecting commitments.

Of course, I do not ignore the main dimension of the religious against which secularism defines itself: the religious as a theocratic attempt at an all-encompassing hold over the state and social life. Secular thought in France cannot be understood without reference to the long history of the struggle against clericalism, of which Gambetta said: ‘Here is the enemy!’. The republic grounds its legitimacy on the will of the people and not on that of God, on the *demos* and not the *theos*. But this principle, as valid as it is, tells us nothing about the particular relations between the state and non-theocratic and non-clerical religion. By confusing religion and clericalism – and, today, Islam and Islamism – secular thinkers deprive themselves of the intellectual tools needed to theorize the multifaceted relationships between the state and ordinary religion. As we have seen, *laïcité* in practice is necessarily a *laïcité* of multiple accommodations. However, for accommodation not to be simply a pragmatic stopgap or a customary practice validated by ‘tradition’ or ‘history’, we need a normative theory of what I call minimal secularism, which contains a theory of reasonable accommodation of religion, but also of its limits. This is what I defend in my book.

Luc Foisneau – *The minimal secularism that you defend is suited to ‘ordinary believers’, not to those who instrumentalize religion in their fight against the liberal and democratic state. Could you specify the traits that such a state should develop to be more open to these ordinary forms of religion?*

Cécile Laborde – The idea underlying minimal secularism is not in itself an ideal of ‘openness to religion’: as I suggested above, I do not think that the State has a duty to ‘recognize’ identities, whether religious or otherwise. I merely seek to draw the logical consequences, in ‘reflective equilibrium’ as Rawls would say, of a few simple principles.

My theory in fact places strict limits on religious accommodation when it threatens certain rights of others. The exercise of religious rights cannot undermine fundamental rights, in particular those of equality (between the sexes, or between sexualities) or the rights of children, to education and protection. From this point of view, the absence of public control of ‘non-contractual’ private religious schools in France, as well as the large public funding of religious education in schools under contract (much higher than in other Western countries) seem to me much more serious infringements of secularism than the mere wearing of religious symbols by

students in state schools. There is also a whole section of the internal organization of religious groups that conflicts with the right to non-discrimination, and that is never discussed.

On the other hand, when religious practices and opinions are not in conflict with the basic principles of liberal democracy, it seems to me that they can find support there. In particular, I show that, when religious opinions are not inaccessible to a mode of justification in terms of public reason, they can be invoked by public authorities. When religious identities are not markers of division and social conflict, public authorities can recognise them. And when religious practices do not engage the integrity of individuals, the state can protect or regulate them, just like any other social practice. We can only develop a fine-grained theory of the regulation of religion if we make this effort of ‘disaggregating’ religion.

One last clarification. Minimal secularism is not a theory of what the state must do, but of what it can do, to remain within the framework of minimal legitimacy. It therefore authorizes a wide range of secular regimes. Policies of treatment of religion, from France to India, via the United States, the United Kingdom or Indonesia, can be debated in its terms, without any country in particular being presented as a model of secularism.

Luc Foisneau – *To what extent does the theory you propose make it possible to escape the objection drawn from critical theories of religion, which accuse theories of secularism of ethnocentrism? Could you specify what is meant by a ‘disaggregated’ approach to religion, and how such an approach diverges from an approach to religion based on the notion of ‘conception of the good’, which is used by Rawls?*

Cécile Laborde – The first chapter of my book presents and criticizes the ‘critical theory of religion’ of authors still relatively unknown in France, such as Stanley Fish, Talal Asad, Saba Mahmood, William Cavanaugh, Peter Danchin, Elizabeth Shakman-Hurd, and Winnifred Sullivan. They argue that the idea of religious neutrality of the state is self-contradictory, since it relies on an identification by the state of what should or should not be considered as religion – in other words, a religious axiology and a set theological decisions. The notion of ‘religion’, from which secular thinkers seek to protect the state, is itself a legacy of the history of the political construction of religion by the state. In particular, modern politics privatizes, individualizes and ‘protestantizes’ religion. The operation of ‘disaggregation’ that I propose draws the lesson from these works, which call into question the universality of the very category of religion, modelled on Christianity, and only applicable to Judaism and Islam at the cost of distortions. I distinguish, within what is called religious freedom and the neutrality of the state in relation to religion, the different freedoms and the different values, of unequal rank,

which need protection, or which, on the contrary, pose a danger to democracy. The aim is to dissolve the opacity of the idea, insufficiently questioned, of religion, which covers less a clear concept than a specific and complex historical formation, in order to ask, more generally, in respect to what – what areas of activity, what practices, what values – the state has a duty to be neutral, and on what grounds.

Chapters 2, 3 and 4 of *Liberalism's Religion* discuss the egalitarian theories of neutrality, those of John Rawls, Jonathan Quong, Chris Eisgruber, Lawrence Sager and, in this context, Charles Taylor and Jocelyn Maclure. Their theories lend themselves less to accusations of ethnocentrism than 'secular' theories, because they generalize the idea of neutrality, applying it not to religious conceptions in particular, but to conceptions of the good in general. However, I try to show that their approach is not subtle enough to explain how certain conceptions of the good deserve greater consideration than others (in particular, those that ground conscientious objections), or how certain protections due to religious groups, especially against discrimination, are not necessarily linked to their status as 'conceptions of the good'. The egalitarian liberal theory of religion thus reproduces some of the aporias denounced by critical theorists. I attempt to overcome them in the alternative egalitarian theory that I propose.

Luc Foisneau – *What are your next research directions?*

Cécile Laborde – I have two projects at the moment. The first interrogates the philosophical foundations of anti-discrimination law. I ask when members of dominant groups (men, whites, Christians) can rightly complain of indirect discrimination: that is, of disadvantages caused by the application of general laws and rules. The question is important in a context where the rhetoric of equality is increasingly mobilized by historically dominant groups. The second project returns to the theory of domination and questions its psychological foundations. According to the neo-Roman republicans studied by Pettit and Skinner, the experience of being dominated is an experience of constant anxiety, due to uncertainty about whether, and when, the dominators will exercise their power. I aim to update this reflection in an attempt to understand the experiences of domination highlighted by the Black Lives Matter and Me Too movements.