

Secularism, Civil Rights and Neutrality of Public Institutions: Comparison of Experiences in an Intercultural Europe

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Introductory remarks by EHF President David Pollock

I wish first to thank the eminent representatives of Piedmont and of Torino for their warm welcome, and then to welcome the IHEU delegates who are joining the EHF for this one-day conference, and with them so many of our Italian friends.

Europe was once a Christian continent. It barely is so any longer. Some countries have a majority of unbelievers. In many others most who call themselves Christian are only cultural Christians, not true believers. Overall, parallel surveys in different countries show that approaching half the population of Europe are unbelievers – and in addition there is an increasing number of followers on non-Christian religions who demand the same privileges as the churches and Christianity traditionally enjoy – which fits very badly into our post-Christian, largely secular world.

In this context, secularism, *laïcité*, is the answer, not the problem – the answer that our politicians, our sensible Christian bishops, and the leaders of non-Christian religions should grasp.

Secularism means fairness for all – what the English call a “level playing field”. It means that government and public institutions are not biased towards any one religion or belief. It does not mean that the government is atheist, still less anti-religious.

But in a secular, open society, unbelievers – call them humanists or call them what you will – are given equality with believers, as promised in the Universal Declaration of Human Rights, the European Convention on Human Rights and all other such instruments. A secular society is the guarantor of freedom of religion or belief – or unbelief. Anything else means privilege for one group (or a few) and discrimination against all the rest. We need to challenge loudly and insistently all those – Popes, archbishops, government ministers, whoever – who oppose secularism to recognise that they are defending unfair discrimination and unfair privilege.

Today's conference is a significant step in making that challenge.

SEPARATION OR COMMUNITARIANISM or Is the French model really only French? By Claude Singer

Everybody knows that France lives under a regime of separation of religions and the State. This separation – which is called [*la cité*] secularism and I'll debate this point

later – appears through three great pillars of our republic: the laws on education at the beginning of the 1880's, the 1905 law itself, called law of separation between the Churches and the State, and the preamble of the Constitution of the 5th republic of 1958, which takes up again that of the 4th republic which followed the Second World War: “France is an indivisible, secular, democratic and social republic”; it was recently declared “decentralized” for the needs of the European Union, which is an important issue but not in the scope of my speech today.

The essence of the 1905 law is concentrated in the first two articles:

Article 1: “The republic assures the freedom of conscience. It guarantees the free exercise of worships, under the only restriction hereafter provided for in the interest of public order”.

Article 2: “The republic does not recognize, does not salary nor subsidize any religion. As a consequence, after January 1 which will follow the promulgation of this law, all the expenses concerning the exercise of worships will be suppressed from the budgets of the State, departments and communes...”

I would remind you that from Napoleon I until 1905, the system which prevailed was the Concordat, i.e. a system with which the Roman Catholic Church was especially financed with public taxes. I would also remind you that it was not the first time that such a separation law existed in France since it already existed as a result of the great French Revolution from 1795 to 1801 (until Bonaparte's concordat), then in 1871 during the short-lived, though glorious, Paris Commune: in this sense, we can say that the separation is naturally consistent with the Declaration of the Rights of Man and Citizen and that it was called into question every time when the power of the people was confiscated. We'll deal with this point later too.

I started with the laws on education, because they played a major role in the advent of the 1905 law: a generation of people had been educated on the benches of public – i.e. run by the State – schools and therefore the public opinion was ready for the separation. A few years before, in 1901, a law had been passed concerning the freedom of association, which allowed, and still allows, anyone to set up any kind of association, for whatever aims or goals. This law has no equivalent in the world and neither has the 1905 law: actually, these two laws are linked: by establishing the freedom of association, you could transfer established Churches (Roman Catholic, both denominations of Protestants and Jews) from the public sector to the private sector.

If you have a closer look at the two most important articles of the 1905 law, you'll note that Article 2, i.e. the non-recognition and the absence of subsidies by the State for any worship, is presented as a natural consequence of Article 1, which, let's repeat again, provides that the republic assures the freedom of conscience and the free exercise of worships. It is because the freedom of conscience, the freedom to believe or not to believe, to practice or not to practice a religion, that the State does not allow itself any interference in this sphere. As a counterpart of the complete freedom which is recognized to the Churches, the latter, in their turn, are not allowed to interfere in the public sphere. We call clericalism such interference.

Secularism [la la cité] is the establishment of the separation between religions and the State. This is absolutely not a non religious way of thinking, not even an anti-religious one, not even a different way to name a lack of interest in religion or even atheism, for instance. Some countries have established atheism as a State doctrine, and no one can say that those countries have had a high level of democracy.

The law of 1905 was not against religious beliefs, it was not a law of restriction; on the contrary, it was a great law of freedom. If that were not the case how could this law – in spite of some difficulties, although they were not numerous and organized by a handful of die-hards who wanted to ransack the country – have made a consensus in a country which had a large majority of Catholics at the time?

On the occasion of the centenary of the 1905 law, there were lots of comments. There were some biased attempts of rewriting history for example in *Le Monde*, the daily paper which sometimes tells the truth on small subjects in order to tell bigger lies on major ones – but *Le Monde* is not the only paper to do so. The major part of the 1905 law is the work the *Libre Pensee* of that time. Aristide Briand, the spokesman of the Parliamentary Committee on the law and Ferdinand Buisson, the chairman of that committee in charge of the draft of the law, were both Freethinkers; F. Buisson himself was the President of the French Federation of Free Thinkers. The law was notably designed at the world Congress of the Freethought in Rome in 1904.

Now, in 2005, the newspapers and some commentators claimed that the law of separation was the work of the moderates of both sides: the moderates of the *Libre Pensee* and the moderates of the Catholics, against the extremists of both sides. This is completely wrong. All the Free Thinkers who were Members of Parliament voted in favor of the law. On the other hand, as early as the day after the vote, the Pope (who is supposed to represent all the Catholics, as far as I know) urged the Catholics to refuse this law and notably the establishment of associations pertaining to worship which were to be set up to administer the religious buildings: as a consequence, the State and the communes had to cope with the situation by making the places of worship and the cathedrals, that were built before the law, public buildings maintained and restored by public money.

Actually, in spite of these allegations, the Church has never accepted this law, and either directly or indirectly, through politicians who represent the interests of the Church, it has tried to minimize the law or, more bluntly, to call it into question every time it was able to do so. In this work, it is accompanied with other religions such as the Protestant Federation, which – contrary to its support to the separation law in 1905, for strategic reasons – even sometimes anticipates its actions and stands in the forefront to demand what they call “the finishing touch” to the law, notably under the pretext that there would be newcomers into the game, i.e. new religions, which had not been taken into account in 1905 – namely, Islam. As I do not want to wander from the point, I’ll deal with this issue later on, if you don’t mind.

They first bent the 1905 law – and it was a major blow – by upholding Bonaparte’s Concordat in three départements, Haut-Rhin, Bas-Rhin and Moselle, when they were given back to France by Germany, after the First World War. During the Second World War, of course, the Vichy Regime set up a very important anti-secular system: religious education at school, teaching of the duties towards God, public subsidies to

private schools; religious congregations were back and associations pertaining to worship were allowed to receive donation and legacy – which was prohibited by the 1905 Law to prevent the priests from pressuring the dying for the inveigling of an inheritance; communes were allowed to pay for the functioning of churches (not only for the maintenance of the buildings as I said before).

Now, you must bear in mind that most of these provisions were maintained at the Liberation, which the Libre Pensee denounces regularly.

The 4th Republic and then the 5th Republic which followed after the war implemented and developed a whole range of anti-secular regulations which violated the 1905 Law : in a nutshell, there are laws requiring the communes to subsidize private schools (95 per cent of them are religious schools) and give grants to their students. Remember that schoolmasters and teachers working in private primary and secondary schools – as long as these schools are under contract with the State – receive their salaries from the State, like the schoolmasters and teachers who work in the public service.

A torrent of public funds is pouring into the Churches through their schools, and also through a whole series of family associations, community associations, youth movement, even sports clubs. The Libre Pensee has started to draw up the inventory of all the diverted public funds. On December 9, 2006 – the law of separation was passed on December 9, 1905 and the inventory of what was in the places of worship was drawn up in 1906 – we held « the Estates General in defense of secularism » and on this occasion, we published a complete report which is available here and which we called “The Black Book of Violations of Secularism”. Our assessment amounts to a total sum of €10m a year which is being diverted from public funds to the churches, notably the Roman Catholic Church. For a more precise idea of this staggering amount of public funds, you have to bear in mind that the income tax amounts to €49 billion a year and the national debt is €42 billion. Clearly, in France 20 per cent of income tax and a quarter of the national debt per year is given to the Roman Catholic Church, once again the main beneficiary in our country.

Some of our friends in France and in Europe and some others who are not in friendly terms with us, to say the least, ask the following question: since there are so many violations of secularism in France, isn't it the proof that the “French model” of secularism, “la la cité la française” (please, note the inverted commas) is not the right solution? That the 1905 law should be rewritten, adjusted, amended or even scrapped? The question is: should we throw the baby out with the bath water? Should we scrap a law definitely because it is permanently violated? “Thou shalt not kill”: unfortunately, crime is everywhere: should we get rid of that principle and find a new law to put up with crime? Peace is a good thing. Unfortunately, there is war almost everywhere: because of this, should we give up fighting for peace and trying to restore peace everywhere? There are countless examples of such reasoning. No, we shall not give up fighting for the 1905 law, under any pretext: the onslaughts against the law confirm the idea that everything must be done to restore it: it essential for the republic in France, as well as for the rest of the world. I'll go back to that point later.

Secularism entails also another value: the fact that the State has to confine itself to the public sphere means that it only recognizes individuals as citizens, regardless to their beliefs or their religious or philosophical opinions. This is equality of all before the law that prevails.

In France, at the same time as we see the ongoing onslaughts against secularism, we can see different types of communitarism grow. Those types of communitarism whatever the opinions and the values they may convey, are often used as a Trojan horse by the enemies of democracy, and particularly the Churches which are emptying. We can understand why: According to a very reliable opinion poll for the French Catholic weekly *La Vie*, 16 per cent of Catholics think that Jesus Christ has not or probably not existed; only 39 per cent believe that he was the Son of God. In another opinion poll for *Le Pelerin* – another Catholic magazine – 89 per cent of Catholics think that miracles have nothing to do with God's intervention, and 16 per cent think that they do not exist: you can see how the Roman Catholic Church is making progress! Note that it does not empty the cave at Lourdes.

More seriously, if the community holds some characteristic values of a group, a culture, a tradition which you can cultivate in the private sphere if you wish so, becomes the enemy of liberty if it demands special rights in the public sphere, the enemy of emancipation if it tries to prevent anyone from getting out of it. To universal human culture, it tries to oppose its internal, limited and restricted culture : Ernest Renan, in a conference held at the Sorbonne in 1882 which became a milestone in the concept which defines a nation raised the question "What is a nation?" considering that "before the French culture, the German culture, the Italian culture, there is human culture". Didn't he raise a question more relevant than ever? "We have no right to travel through the world feeling the people's skulls, then seize them by the throat telling them: 'You are our blood, you belong to us!'" he added.

A man's identity cannot amount to his belonging to a group, an ethnic group, a caste. He is a stakeholder in the whole gains of human civilization, in what it has for the best, which is universal and permanent. Let's listen to the French philosopher Alain Finkielkraut, who summed up clearly the difference between 1789 and ethnicism, in his book *The Defeat of Thought* in 1989:

Until then, individuals were defined by their position in the social order and suddenly they broke rank. They all became beyond-caste and conquered, Ernst Bloch [a historian] said "the right to throw out their liveries"

And Finkielkraut concluded :

Then, the option is simple: whether men have rights or they are liveried servants.

And can we claim that – since the States finance religions – they should finance non religious humanist communities as well?

What is the connection with secularism considered not as a non religious way of thinking but as a legislative institutional system which separates the public sphere from the private sphere? And what is a non religious community? A set of individuals who recognize themselves in non religious common values? A political party? I am a

non believer. I think that a great number of people in this audience are non believers, too. Does that mean that we share the same views on everything, like a believer who has to honor dogmas? Do we have the right to say to the States “we represent all those who are not represented by a religion, give us money”? If we make secularism the religion of non believers and if we base our activity on public subsidies, then, we can say that separation is a beautiful concept that we can enthusiastically adopt in a Congress, but that we should quickly put away as a useless and non cost-effective prop.

If we want to be consistent with ourselves, we should say to the States: Stop financing communities, all the communities! Use public money to develop public services, day-care, schools, hospitals, health centres, roads, cultural centres, post offices, public services for energy and transport. If there is to be a competition between communities, believers and non believers, let it be through the democratic means of a free debate, with no privilege for either side. On equal terms, without any interference of the State. The figures are quite clear: the fewer people in the churches, the more money the Churches get from the States and the more money and protection they claim from the States. If you insist on taking part in the share of public money given by the State, you allow the decaying Churches to prolong their agony indefinitely.

Then why should we be surprised when the European Union, whose constitution, expected or redrafted, is completely based on the social doctrine of the Roman Catholic Church – with or without preamble referring to the religious or humanist past of the Member States – tries also to blockade any evolution of the countries toward the separation of religions and the States, by freezing in the regulations the relationships which exist in every country at the time of the ratification of the treaty?

Why should we be surprised when the Council of Europe prioritizes the dialogue with the Churches? Why should we be surprised that in a delegation to Brussels, British and French free thinkers were told that it was quite natural to prioritize the relationships with the Churches rather than with humanist associations, because the latter represented immanence whereas the former represented transcendence?

It is common place to assume that the word *la cité* [secularism] would have no translation in any other language: it looks as if a new divine curse were imposed on this new Tower of Babel that Humanists are trying to build “whose top may reach upon Heaven”: Did you say *la cité*? No one understands you, old chap, it does not exist in the European Union language, and not in any language spoken by honest people, either.

Well, “pass me the word, and I’ll pass you the thing” as one French free-thinking poet of the 18th century (by the way, he was a priest) wrote in a pleasant, though a bit crude, poem to a beautiful lady.

In fact, those who talk of the impossibility to translate the word « *la cité* » into another language are the same who would like that nothing changes, that all the privileges of the past should be maintained. Because, finally, that idea that beliefs are confined to

the private sphere and should not interfere in the public sphere is it really so strange for the citizens of any part of the world?

What is untranslatable? The fact that millions of Euros are pouring, in complete lawfulness, into the State-established and recognized Churches? In 1999, in Germany, for instance, the Catholics and the Evangelists received more than €4 billion each, which represents 28 per cent of their budget.

Is it untranslatable to think that it is unbearable that the Catholic Church in most European countries (including inside the French territory) holds privileged rights because of Concordats? Can anyone understand that it is unbearable that in Germany an unemployed non believer's benefit is automatically debited with the amount of money corresponding to the Church taxes, even if he didn't pay any when he was employed? In the same country, is it natural that someone wishing to leave the Church to which they belonged, have to pay a tax amounting from 30 to 100 Euros?

Is it extreme or even old-fashioned to demand that Churches should not hide behind the shield of the State with laws that condemn blasphemy, including for those who do not take part in the belief of the blasphemed thing? Obviously they want to prevent any critics of their backward ideas. There are blasphemy laws in all the European countries, except France and Belgium – and yet, in these very countries there are laws punishing any “insult to others”. Thus the French bishops have recently lodged a complaint against a commercial advertising poster showing the Last Supper in which – what a shame! – there were only women. In a first hearing the poster was convicted. Fortunately, they were dismissed by the Cassation Court, the highest jurisdiction in France: La cité is also the demand of abrogation of all anti-blasphemy regulation. These laws belong to the past, they must be scrapped from the weight of the law of modern States.

Our friends of the National Secular Society have drafted a program for Great Britain: We published it in our quarterly review *L'Idée Libre* precisely on the subject of that country, and which is available at the French delegation for very little money. Of course, it is in French, I am sorry, but this is once again a specialty *la française*, I presume. What is this program they wish to inscribe in the constitution for which they are fighting?

1. There is no established Church.
2. The State shall not finance religious activities.
3. The benefits of all the public services are independent of religions.
4. No religion or denomination can influence the legislation.
5. No public act shall have as a major outcome to encourage religious practice.
6. No public act shall have the outcome to prohibit religious practice.
7. The State is not allowed to amend a religious doctrine nor to interfere in religious hierarchies.
8. The State is not allowed to express any creed nor any religious preference.
9. Official politicians are not allowed to express their religious preference, within their electoral mandate.

Is this a program for Britons only? Holding good for Great Britain only, unable to cross the seas and reach any land, like their questionable cuisine? We do not think so. It is the very meaning of what we call la la cité. It is the fruit of experience of our British comrades, like the 1905 law was the fruit of the experience of the French Free thinkers who drafted it. Every country can and shall find its path. There may be many ways, but the goal is only worth of it if you want to make humankind step forward on the path of real democracy.

I mentioned earlier that the upholding of the 1905 law was essential for the whole humankind. But shall we be able to fight in the same manner in the world for the separation of Churches and the State if there is not any more law of separation in France or if this law is completely distorted and emptied of its meaning?

Thank you.