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The French Libre Pensée (a republican secularist group with which the NSS has links) is expressing alarm over new threats to the law of 1905 which separates religion from the state.

While the 1905 law recognises the freedom of religions to organise themselves and be protected from state interference, it also protects the state from clerical interference in matters of governmental democracy.

Now the Council of State is suggesting that the 1905 law may conflict with the European Human Rights Charter. (The Council of State is a body of the French national government that provides the executive branch with legal advice and acts as the administrative court of last resort.)

The Council recently examined five cases relating to the 1905 separation law in the same hearing: two cases about benefits given to the Catholic Church (for an organ in the church Saint Pierre de Trélazé, for a lift in the Basilique de Fourvière in Lyon), the three others were about decisions from regional courts about Islamic matters (a slaughterhouse in Le Mans, hall for religious groups in Montpellier, and a long-term lease of unused property requiring the owner to improve it for the mosque in Montreuil sous Bois).

According to Edouard Geffray, the public reporter for the Council of State, if the separation law were to be implemented in its entirety, it could be considered unconstitutional in the light of the French international commitments. It could be conflicting with article 9 of European Court of Human Rights (he pointed to the Lautsi case about crucifix in Italian public schools as an example). He said that the law also had to consider the new demographics that have led to an imbalance between the rights of Catholics and those of Muslims. Mr Geffray suggested that it might be necessary to draw up agreements between religions and public authorities and local councils in order to define their respective rights and obligations.

In a statement, Libre Pensée said: "This wouldn't be separation any more but just a matter of negotiating privileges. It would lead to further separatism among communities and endless battles of wills between local authorities and religious interests. It will be a huge breach in the unity and indivisibility of the Republic. We will continue to campaign urgently to defend and restore the separation law of 1905 in its entirety. It has never been more necessary."