

The Problem with France's Recently Announced Anti-Separatism Bill

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At the start of October, French President Emmanuel Macron [announced](#) his government's intention to introduce a [law](#) that would confront the threat the country faces from "Islamist separatism." According to President Macron, Islam in France and around the world is in a "crisis" and the ideology of "radical Islamism" represents an existential threat to the "values of the Republic." Moreover, the French interior minister has declared that France is engaged in a "war against Islamist ideology... against an enemy that is both inside and outside [France]."

To counter this threat, the French president announced a range of measures that include: the requirement that imams be trained and certified in France, enhanced oversight of foreign funding of mosques, the outlawing of any religious organisation that promotes ideas "contrary to the laws of the republic," and a complete ban on the home-schooling of children from the age of three. Last week, the president announced [further measures](#) including the introduction of identification numbers for French school children to ensure that they attend school and the creation of a "charter of republican values" that all mosques and Muslim organisations in France must accept, or otherwise face the prospect of a state-imposed compulsory cessation of their activities. With the introduction of these measures, President Macron's goal is the creation of a "French Islam" freed from "foreign influences." This "reformed" and "enlightened" Islam would unequivocally embrace the "values of the Republic," including French-style secularism or *laïcité*, the supposed "glue of a united France." There are, however, serious problems with the rationale and content of the proposed law.

President Macron has [stated](#) that "secularism is not the problem." Indeed, the president clearly believes that French-style secularism is the answer to France's terrorism problem and accordingly it provides the rationale for his proposed law. However, everything the president has said about secularism is simply incorrect in the French context.

First, the president [explained](#) that secularism is "the freedom to believe or not to believe [and] the possibility of exercising one's worship." Second, the president claimed that "secularism is the neutrality of the state and in no case the erasure of religions in the public square." Neither of these statements are even remotely true. The kind of secularism espoused by President Macron goes well beyond the original and largely accepted definition of secularism as the separation of church and state.

In fact, what the president is proposing is the state control and regulation of the ideological, theological, and financial operations of France’s Muslim community. Seen together with France’s earlier restrictions on the hijab and the face veil, the absurdity of French police [patrolling beaches](#) to ensure that women are sufficiently undressed, and more recently the French interior minister’s [criticism](#) of separate halal sections in some French supermarkets, it becomes blindingly obvious that secularism in France is weaponised and targeted against the country’s Muslim community. The French state’s targeting of legitimate expressions of religious identity and the invasive regulation of religious communities, violates the basic rule of secularism—the separation of church and state—and also violates the principle of state neutrality towards religion. With all this in mind, it becomes difficult to conclude anything other than that the president’s—indeed France’s—secularism is the enemy of freedom of religion.

The president has also declared that secularism is “the glue of a united France”; yet this claim is also incorrect. Rather than representing a glue that binds the French people together, the president’s version of secularism, and these recently announced measures, are worryingly divisive and potentially counter-productive to efforts to prevent terrorism. While France evidently has a problem with terrorism, stigmatizing Muslims and restricting religious freedom is not the solution. It will do nothing to help mobilise Muslim support against terrorism, nor will it encourage the Muslim community in France to feel welcome and at home in their country.

This kind of secularism stands in sharp contrast to the American [constitutional order](#). The passing of these kinds of laws under the guise of secularism and neutrality would most likely never happen in the United States, nor would government attempts at controlling and regulating religions. In the United States there is quite simply a much more pluralistic sense of identity, and secularism does not force Americans to choose between being American and their religious beliefs, now the common experience of Muslims in France. The suggestion is not that France needs to adopt wholesale the American model but rather that even a modicum of it could go a long way towards respecting both the “values of the Republic” and the identity and rights of *all* the Republic’s citizens.

Beyond the rationale for the new law, there are also some serious concerns about the content of the new law, specifically in regards to France’s international commitments to freedom of religion. First, the French state has absolutely no right to interfere in the internal activities of religious communities by determining their internal organization and structure or their theology and beliefs. The right of religious organizations to determine these matters free from state interference is protected by [Article 9](#) of the European Convention on Human Rights and, in numerous judgements, the European Court of Human Rights has consistently defended this right (see, for example: *Hasan and Chaush v. Bulgaria*, 2000 and *Kohn v. Germany*, 2000).

Second, the president has also announced a ban on home-schooling in order to protect children from illegal schools “often administered by religious extremists.” However, a blanket ban on home-schooling hardly seems a proportionate response to the threat of terrorism and would result in unfairly affecting the vast majority of parents who, for different reasons, avail themselves of the right to home-school their children without worrying results.

Third, the president announced that the new law will allow religious and other organizations to be dissolved in cases where there is an “affront on personal dignity” and where there is “the diffusion

of ideas and statements hostile to the laws of the Republic.” However, these concepts are vague and could allow for the arbitrary targeting of individuals and groups that are otherwise acting legally and without any subversive or violent intent. For example, how will the law apply to religious leaders who criticise abortion or same-sex marriage, which are permitted under the “laws of the Republic.”

Finally, the [OSCE](#) has published an important document in which the organization warns against the introduction of “very broad” or “arbitrarily applied” laws in the name of “national security” because “experience shows that such limitations can worsen rather than improve security.”

French-style secularism, as it is being implemented by the Macron government, is inimical to religious freedom in France, and its claims of neutrality and equal respect for people of all faiths must be challenged and rebutted.

****The EU-Brussels Freedom of Religion or Belief Roundtable has sent a [letter](#) to the French president, signed by the author and other individuals and organisations, outlining these FoRB concerns.****

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