

**Report of a seminar  
February 2005**

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**Religion  
and  
the State**

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**Franco-British Council**

**Religion and the State**

*Common and divergent issues in Britain and France*

Report of a seminar  
held in London

9 – 10 February 2005

**Maurice Fraser**

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A background paper by Lord Prosser

A background paper by Jacques Rigaud

A background paper by Dominique Boché

Two lectures on the legal perspectives given by Professors John Bell and Philippe Malaurie

Comparative historical background from 16<sup>th</sup> century to today by Rachna Uppal

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Some conferences are convened to address thorny and highly specific issues of public policy. The topic is immediate, the discussion illuminating but, all too often, the decisions have already been taken, elsewhere and out of sight.

Then there are expert gatherings which set out to address more long-term, structural issues of society and governance. Their utility is measured not only by the practical proposals, which they generate, but by their ability to shed light on a problem widely perceived but only superficially explored, and by their ability to help develop and progress a national debate.

The discussion in this two-day conference fell squarely and unapologetically in the latter category – but with that undertone of urgency which all discussions of national identity and social cohesion seem to have acquired post 9/11. All the participants spoke with first-hand experience from their own very different vantage points within the contested space of church-state relations. They were not only commentators, but practitioners.

For a theme which lends itself readily to windy abstractions, the discussion seemed (to this studiously non-expert participant at least) remarkably ‘grounded’ and relevant. The discussion was sharpened by the commonalities of national experience between Britain and France which are as well-rehearsed as their differences, but which bear repetition: the transition from imperial status to multi-ethnic, multi-denominational societies; an entrenched tradition of centralised political authority; latent (and sometimes manifest) tensions generated by social exclusion, particularly in and around the big urban centres; traditions of active – and sometimes uneasy – engagement with the wider world, and the Muslim world in particular.

These factors are widely seen as complicating the search for new forms of identity which reflect the diversity of our societies, but which manage to synthesise such differences within a compelling national narrative which commands the allegiance of all citizens.

The challenge becomes even more daunting against a European background in which an explicitly Christian vocation has been ruled out of the EU’s draft constitutional treaty, but where the prospect of eventual Turkish membership raises profound existential questions about what it is to be a European.

What was perhaps most striking was the sense of unease amongst British and French participants about their respective national arrangements. On the British side there was a notable feeling that the existing policy of relaxed, ‘laissez faire’ multiculturalism needed to be revisited in light of the growing perception that it was not only undermining social cohesion and a sense of a shared national ‘project’ but was also damaging the life chances of some religious and ethnic minorities through ‘ghettoisation’.

For their part, many of the French participants were candid about what they saw as weaknesses in the robustly secular and integrationist model of citizenship which is

typically contrasted with the British paradigm. Could France's tradition of '*laïcité*'<sup>1</sup> be upheld with a little less '*juridisme*'<sup>2</sup> and a little more '*souplesse*'<sup>3</sup>?

The discussion ranged widely and fruitfully. The British participants set out some of the ways in which faith groups are making a practical contribution to the community at grass roots level, while a majority of French participants sought to elucidate and adapt the principles of tolerance, reason and respect to our modern, heterogeneous societies.

The discussion tended to the conclusion that an updated and renewed church-state relationship would combine these two approaches – bottom-up and top-down respectively – harnessed to a model of society in which religions, while meeting the spiritual needs of their communicants, also perform a wider integrating role, under a set of impartial rules specifying individual rights and duties based on the principle of mutual respect, and conferring on religious institutions only the limited privileges afforded by national tradition – all subject to the ultimate authority of a neutral and determinedly non-confessional state.

The conference ended with widespread consensus that this should be just the first of several such gatherings. Concepts had been fleshed out, national experiences compared, tentative terms of reference set. But the work had only just begun.

MAURICE FRASER

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<sup>1</sup> *Laïcité*: secularism

<sup>2</sup> *Juridisme*: legalism

<sup>3</sup> *Souplesse*: flexibility

## Summary of conclusions

British and French participants agreed that:

### On relations between religions and the State

- It is undesirable for the state to privilege – either by legal or fiscal means – any one faith group or community within society. The same applies to faith schools. Perceived ‘favouritism’ towards individual groups risked encouraging segregation and sectarianism, as well as resentment in society as a whole.
- Further work is needed to define how the state should deal with, and help shape, public attitudes towards very ‘visible’ religious groups where these wish to cut themselves off from society’s mainstream. It is important to discourage the ‘privatising’ or self-imposed ostracism of particular faith groups within the community.
- The concept of ‘*civilité*<sup>4</sup>’ was a valuable one and deserves development, including through information and training for, inter alia, the teaching, medical and legal professions.
- The challenge for faith groups and law-makers alike is to construct a vibrant public domain, which would be neutral as between its secular and religious components, and in which all communities would find a voice, on an equal basis, to the benefit of society as a whole.

### On education and learning about other religions

- There is a strong case for the introduction of a new subject of Religious Studies within the National Curriculum for secondary schools, provided this is rigorous, evidence-based and concentrated on textual analysis, including the key sacred texts of different religions.
- More information and training should be made available to people working in schools and hospitals with a view to discouraging religious intolerance.
- For society as a whole, there is a strong argument for improving public understanding of Islam.
- In France there was a case for a new French language foundation to teach and train imams who wish to give religious instruction in France.

### On the positive contribution of religious groups

- Faith groups often make a valuable contribution to the life of the community at large, for example by sharing their buildings and social centres, or by commissioning extra public spaces. This sort of commitment is to be welcomed and should be actively encouraged.
- Through its work in the armed forces, hospitals and prisons, the clergy has shown that it has an important role to play within public institutions. There was tangible evidence that, in individual cases, ‘spiritual’ rehabilitation can lead to criminal rehabilitation.
- It was important that the three Abrahamic religions should work together more effectively in such areas of humanitarian concern as development aid and the relief of poverty.

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<sup>4</sup> *Civilité*: civility



### INTRODUCTION

**Lord Prosser**, the Chair of the Conference, opening the discussion, pointed out the need to distinguish religious ('faith') groups from other groups in society. The definition was, of necessity, fairly wide, but some parameters were needed.

**Jacques Rigaud**, Co-Chair of the Conference, contrasted France, where secularism had forced church and state apart, with Britain, where religion still enjoyed a significant role in national life. In France, the religious question had been a contentious issue at the heart of national life and culture for centuries. In Britain, the religious issue had effectively been neutralised by bringing the Church into a national settlement in the 17th Century. In France, on the other hand, controversies – the Edict of Nantes, Jansenism, the Civil Constitution of the clergy, the Concordat, anti-clericalism – had continued to dominate the national debate. The issue of lay education was right at the heart of the church-state polemic. The problem had still not been resolved. A parallel debate had been pursued about the merits of assimilation of ethnic minorities and faith groups, under secular law. Is the objective of integration still possible and desirable?

### I - HISTORICAL PERSPECTIVES ON THE FRENCH AND BRITISH SITUATION

**Professor John Wolffe**, setting the English historical context, explained that the Church of England was part of England's national life. Anglicanism and Englishness had effectively fused. The alliance of throne and altar remained a potent force in Britain in the 20<sup>th</sup> Century. But whilst the conflict between the sacred and the secular had been much sharper in France, the level of disagreement in Britain should not be underestimated. In particular, there has been a continuing demand for disestablishment of the Church of England – that is, ending its privileged role in national life – particularly from ethnic minorities. (As a matter of fact, the C of E had received no parliamentary grants since the early 19<sup>th</sup> Century). North of the border, by contrast with England, the Church of Scotland was a case of 'virtual disestablishment'. Amongst the other questions now being addressed was England's heritage of religious buildings: are these principally to be used as celebrations of 'Englishness' or as venues for reconciliation in a multicultural society? Yet another lively and current question was whether Britain could learn from the French experience of finding an explicitly secular path to national cohesion.

**Yves Bruley** pointed out that this year was the centenary of France's historic law of 1905, separating Church and State. Many French people think that the law is really about the '*école laïque*'<sup>5</sup>, but this view is mistaken. Setting the law in context, it was worth recalling that Napoleon's Concordat had been an attempt to reorganise the French Church, by law, without consulting the Pope, thereby sowing the seeds of a deep division within France. The significance of the Concordat was that neither Church nor State could lay down the law for the other. It confirmed the status of the Church by asserting that one principal religion – Catholicism – was a social good: hence the case for the public funding for the Church provided for in the new dispensation. In return, bishops were nominated by the political authorities. No other Church would be authorised to compete with the Catholic Church, whose status was confirmed. After 1879, many republicans took a radically different view, leading to 25 years of tension and strife, with the most anti-clerical radicals openly accusing

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<sup>5</sup> *Ecole laïque*: secular state education

Catholics of a lack of patriotism, for looking to Rome. Why, they argued, should the State fund its foe?

It was important to understand that the 1905 law was not intended to exclude religion from national life: '*La République assure le libre exercice des cultes*'<sup>6</sup>. What is more, there was to be no discrimination between religions, and no interference by the State in the life of the churches. Nor was there to be any more public funding, for any religion. This centenary of the Law of Separation was an opportunity to revisit and review these principles.

**Roger Errera** commented that most French people supported the law, which threw up two issues in particular. First, who should get what church property? ('*L'Affaire des Inventaires*'). Second, the Vatican's anxiety that the Catholic Church's loss of 'preferred status' in France might encourage governments elsewhere to do likewise.

**Jean-Noel de Bouillane de Lacoste** asked whether the French Government had really chosen the bishops in the 19<sup>th</sup> Century or did it confine itself simply to ratifying the Vatican's choice? **M. Bruley** and **M. Errera** confirmed that the government did indeed select the bishops.

**Emile Poulat** pointed out that it had been agreed in 1921 that the Vatican should nominate a bishop and that the French state, if it wished to object, would have to give a political reason (as opposed to a 'moral' one) – and within a clear time limit. As for the 'military' episcopate (*L'Evêque aux Armées*)<sup>7</sup>, this would be by 'double nomination', by the army and the Vatican.

**Mark Pellew** explained the situation in Britain: the Sovereign accepts advice from the Prime Minister, who has a decisive role in nominating bishops.

**Keith Porteous Wood** said that, until not so long ago, it was not possible to study at Oxbridge if an individual was not a communicant member of the Church of England. There were still areas where the Anglican Church was entrenching its special status: in education, for example. Witness the increasing number of 'concordats' between the Church of England and Central and East European states.

**Revd Professor Daniel Hardy** observed that there appeared to be two different approaches to the definition of Church-State relations: one, driven by principles, characterised France; the other, taking account more of history and of contingent factors, was a feature of the United Kingdom.

**Mohammed Arkoun** argued that there were four distinct strands to the Church-State debate: educational, philosophical, theological, and historical.

**Lord Prosser** asked whether the overall effect of secularism had been to erode moral standards or, on the contrary, had the historical narrative of the last 200 years (Declaration of the Rights of Man, Universal Declaration of Human Rights, European Convention on Human Rights, etc.) been a story of moral affirmation? Was there a case for some kind of non-specific religiosity? There was much in common between the three Abrahamic religions in terms of ethics and morals: could people reach a compromise which would involve retaining a particular layer of belief whilst at the same time sharing a layer of belief?

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<sup>6</sup> *La République assure le libre exercice des cultes* : the Republic guarantees freedom for religious practice

<sup>7</sup> *L'Evêque aux Armées*: the Army Bishop

**Sir Stephen Wall** confirmed the degree of entrenchment of the established Church within the British political system. The Prime Minister, for example, has a private secretary who spends most of his time on Church appointments. He also sees the Queen once a week, including in her capacity, inter alia, as Head of the Church of England.

**Gilles Bottine** asked whether what he calls '*Anglicité*' is a founding myth ('*mythe fondateur*') in Britain. Is it a shared belief defining what it is to be a British citizen?

**Professor John Wolffe** replied that it was important to distinguish between Englishness and Britishness: Anglicanism was, to all intents and purposes, Englishness.

## II – WHAT ROLE (if any) SHOULD RELIGIOUS BODIES HAVE IN NATIONAL LIFE AND IN THE WORKINGS OF THE STATE?

**Emile Poulat** observed that the terminology of Church-State discourse had changed. The idea of '*laïcité*' never appeared in legislation in the early 20<sup>th</sup> Century. Only 25 years ago, it only applied to schooling. It is only recently that it has been used to denote a wider conception of secularism. Elaborating on the historical background which had already been sketched, M. Poulat evoked the traditional tension between '*les sacerdoces et l'empire*'<sup>8</sup>. For most of its history, the leading representatives of the French state had understood their roles as competing directly with the Vatican and the Holy Roman Emperor. In addition, the monarch had invested himself with a religious authority which derived from something even larger than France. '*Le Catholicisme à la française*' ("*Gallicanisme*") was in fact a direct ancestor of '*la laïcité à la française*'. It was important to realise that, in practice, Church and State were more separate under the Ancien Regime than is generally assumed. Conversely, the separation was less pronounced under the Third, Fourth and Fifth Republics than is generally assumed. It was important to realise that '*laïcité*' had been understood as '*la liberté publique de conscience*'<sup>9</sup>. This key principle was based on Article 10 of the Declaration of the Rights of Man and of the Citizen. This was a real revolution.

Expanding on the historical discussion, M. Poulat said that, in 1905, deputies ruled out returning church buildings to the Church but provided for the Church to continue to use them. For its part, the State would continue to respect the authority of the bishops. Public subsidy (of some 40 million francs) was ended. The financial impact on small dioceses in particular had been serious. The 1905 law was a liberalising law: all cults could worship freely. As for '*laïcité*', this had two layers of significance: enlightenment ("*l'émancipation des esprits par la raison*"<sup>10</sup>); and civil peace ("*la pacification des esprits par le droit*"<sup>11</sup>).

**Mark Pellew** commented that, from a French perspective, the role of religion in national life should, ideally, be measured as 0 out of 10. Britain would probably go

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<sup>8</sup> *Les sacerdoces et l'empire*: the Church and the Empire

<sup>9</sup> *La liberté publique de conscience*: public freedom of thought

<sup>10</sup> *L'émancipation des esprits par la raison* : emancipation of mind through reason

<sup>11</sup> *Pacification des esprits par le droit*: the conciliation of fractious minds through law

for 3 or 4 out of 10. The British were pragmatic about their Church-State settlement. The English accepted the traditions and trappings of their established Church with a monarch at its head and English bishops in the legislature (but no Scottish ones). Prayers and hymns were sung at public events and in state primary schools, nearly half of which were run by the Church of England. There was total freedom of observance: the Sikhs, for example, were not compelled to wear crash helmets. There was much critical comment in Britain about French policy on such matters, but this should be set against disturbing evidence that some of Britain's ethnic and faith communities were moving towards ghettoisation. Perhaps Britain, with its apparently over-relaxed attitude, could learn something from France.

On the question of national identity, the 2001 census in Britain revealed that 95% of British citizens consider themselves to be either British, English, Scottish, Irish or Welsh. Rather smaller proportions of non-Christian religions define themselves primarily in such terms. It was worth bearing in mind that only 43% of Muslims were born in the UK.

There was evidence that schools in inner cities based on a single faith or ethnicity were delivering lower standards, and higher levels of delinquency and criminality. It was noticeable that Church of England schools were integrating Muslims, whereas Catholic, Jewish and Muslim schools were not integrating other religions. It was regrettable that, in Northern Ireland, only 5% of children were in integrated schools. It was worth underlining the valuable role of the clergy in other areas of civil life, including in prisons (with the prison chaplain system) and in the armed services.

In terms of outward orientations, whilst Europe did not feature particularly strongly for UK religious organisations, most of these had a very global perspective – and were actively positioned – on such issues as aid and development. A noteworthy recent development had been the recommendation of Lord Wakeham's committee that 10 out of 26 bishops should be from non-Anglican denominations, but the Government had rejected this, citing the practical difficulty of there being no obvious 'leaders' or representatives from other faiths.

**Judith Lemprière** underlined the distinction between assimilation and integration, the latter conveying a stronger meaning of mutual respect. On the question of primary schools' performance, it should be noted that many faith schools *can* boast high levels of academic achievement, and also that many Catholic primary schools do take non-Catholics.

**Mona Siddiqui** suggested that one of the most problematic issues was how to deal with faith groups that are socially very visible without, in the eyes of many, being seen as fully forming part of society. We need to address what it is about a faith, which constitutes a 'problem' for a community? There was no doubt that race plays a big role in the way we see religious communities. We need to ask ourselves whether, in the 21<sup>st</sup> Century, religious affiliation was to be the excuse for racial hatred.

**Gita Sahgal** commented that religious groups had started to take a strong stand on forced marriage, thereby breaking down one form of 'multiculturalism'. She said it was disturbing that the teaching of creationism<sup>12</sup> was to be found in some state-

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<sup>12</sup> *Creation, creationism and the age of the earth:*

The religious doctrine of creation - the bringing-into-being of all things by God - is entirely independent of any particular mechanisms involved, evolutionary or otherwise, and it is not affected by scientific estimates of the age of the universe. Christian theology portrays the universe as both created and sustained in its entirety by God and rejects any kind of 'God-of-the-gaps' thinking which assigns divine activity to some parts and not to others.

funded schools. We were also seeing a ghettoisation in some cities as a result of the flight of middle class 'secular' families into faith schools, with less 'aware' or socially advantaged families left in the underperforming establishments. To understand what was going on in terms of the overall picture, we needed to look not only at the role of minorities but at the role and influence of the State.

**Khalid Hamdani** pointed out that there was now a lively debate in many European countries about the definition of national identity. In France the main badge of cultural identity is, nominally, Catholicism. The more challenging question is how to define identity in the population at large, as opposed to the *élites* in the richer countries? In France it was assumed that there were at least some basic elements, or shared values, which form a common cultural identity. Was there a sensible *via media* – not as 'relaxed' as the United Kingdom, but not as prescriptive as France was?

**Mohammed Aziz** took issue with the argument that an overly tolerant social model leads to ghettoisation. In fact the opposite is true: toleration *prevents* ghettoisation. There is a sense in which allowing girls to wear headscarves to school actually allows them to get out of the ghetto.

**Don Horrocks** said that evangelical Christians are a mainstream movement in the UK and the most dynamic of Christian faith groups. The state would have to learn how to deal with 'visible' religious groups: evangelicals weren't going to go into hiding. The work they were doing in prisons showed how spiritual rehabilitation could lead to criminal rehabilitation. This kind of work was valuable to society and should be encouraged.

**Roger Errera** offered a modern definition of '*laïcité*': it was about neutrality in public services; freedom of conscience; respect for the beliefs of others; and the prohibition of all discrimination in religious matters.

### III - TO WHAT EXTENT SHOULD GOVERNMENTS ENGAGE WITH RELIGIOUS ORGANISATIONS?

**Jacques Rigaud** suggested that the same issues were arising in both countries – from the methods of nominating bishops, to the engagement of faith groups with social problems. He was struck by the tolerance which marked British culture – a tolerance more evident, perhaps, than in France, where killing had historically been a feature of religious controversy.

**John Battle** cited Thomas More's Utopia as a powerful, religiously inspired vision of society. It featured common ownership of the land, care for the poor and the elderly, and religious tolerance. Only recently, the British Prime Minister and the President of Indonesia had spent two hours discussing the proper place of religion in the life of the state. He (John Battle) had been tasked by the Prime Minister to work on the role of faith communities in society. This was an issue which he had to address directly in his own parliamentary constituency, which boasts two mosques, four Catholic churches, six Anglican churches, eleven Methodist chapels, and substantial numbers of Hindus, Sikhs, Jains, Buddhist, Jews, Bahai and Quakers. Faith communities were making a very active contribution to the life of the local community, and it was essential to engage such groups. He had recently been working with British Government departments to develop more active forms of engagement with faith communities.

It was important to think through what precisely the state and public authorities more generally could do. An obvious example was in the area of urban regeneration: it surely made sense for local authorities to discuss with faith groups how their buildings could usefully be opened to community use. Until now, though, there had been an assumption in the UK that the spiritual life of individuals should not spill over into their civic life; effectively, this had 'privatised' faith communities in the UK. This was unfortunate, because it was now clear – as is evident in the work done by inter-faith chaplains in prisons, for example – that society had much to gain from the active engagement and practical initiatives of faith communities. They really *can* make a difference.

**Alain Dejammet** pointed out that France's Fifth Republic had added to the constitution of the Fourth Republic, 'Equality before the law, irrespective of race and religion'. The principle was clearly established that religion should, not enjoy any special status in national life. In practice, of course, Catholicism imbued national life in France. This was also apparent at the political level, where ministers pay regular visits to the Holy See. Another aspect of the significant role played by religion was the way in which Catholics priests who left France after 1905 had become very effective cultural ambassadors abroad, spreading French language and culture, most notably in the Near East – and with the support of the French Government. (The French Consul General in Jerusalem, for example, is supposed to defend Catholic and Christian churches in the Holy Land).

What the 1905 law had underlined was the need for a practical *means* to exercise freedom of worship. Islam, for example, had not benefited from any inheritance of buildings. A question, which now needed to be addressed, was what laws were needed to give Muslims the means to worship? There was also a case perhaps for a new foundation (teaching, *inter alia*, the French language) to teach imams who wish to give religious instruction in France. There was no reason why there should not be a more explicitly French teaching of faiths. Other questions remained unresolved: what were the proper limits of freedom of conscience in light of the 2001 law on '*les dérives sectaires*'<sup>13</sup>? Should there be a right to places of worship? Was there a right to religious education (possibly with public funding) if such instruction was over and above the national curriculum?

France was indeed quite far away from a British level of tolerance on matters religious. It was badly equipped – as a result of its '*juridisme*' – to understand what faiths really want and how religion was a driving force in such regions as the Balkans and Africa, for example.

**Roger Errera** pointed out that most holidays in France are religious feast days. It was also the case that many mayors would refuse permission to build a mosque. In fact, French law enables mayors to make land available for a mosque – but this power is never used. Broadly speaking, the UK and the US were 40 years ahead in terms of anti-discrimination.

**Mohammed Aziz** set out the challenge of increasing public understanding of Islam. One practical and positive example was the Oxford Centre for Islamic Studies, whose conception was based on an Islamic design. After initial protests that the Centre would destroy Oxford architecturally, the actual design, with quads inspired by mosques in Muslim Spain and entrances on an Isfahan design, had proven popular and had dispelled people's initial concerns.

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<sup>13</sup> *Dérives sectaires*: harmful sects

The question now was how to improve public understanding of Islam across a wide range of activity, including business and culture? An interesting question was posed by Islamic banking: were there not benefits to the UK of accommodating some of these banks? Pointing to the London Muslim Centre, an investment of £10million was providing facilities to the community which local authorities were unable and unwilling to deliver. In Dudley (West Midlands), Muslim associations were raising £15million for a cathedral-mosque of Gothic and Islamic inspiration. The building would be managed not by Muslims but by the people of Dudley as a whole, with health and education facilities available to everyone. It was surely desirable that government should give financial support to community initiatives like these and increase their scope and ambition.

**Mohammed Arkoun** suggested that we still don't have the right tools to understand religion, particularly Islam. We still conceptualise it in a form inherited from the Middle Ages, in spite of all the work of historians and theologians. It was regrettable that there was such reluctance to apply reason to religion questions. All we have is '*juridisme*' – but it is *reason* which is the key.

**Anthony Grayling** argued that it was now commonplace to invite people and groups into the public domain and give them a claim on society for whatever they can get out of it. This was a disturbing trend. The Netherlands are now having to confront the dilemma of whether to tolerate groups who are themselves intolerant. Such tolerance has proved to be dangerous. The British Government has been busy inviting just 5% of the population to request funding for faith schools. But the Jewish community for example – on the whole a very assimilated community – has shown itself able to raise its own private funds for such schools. Was it right to invite groups to claim excessive benefits from society?

**Didier Leschi** made several factual points about Islam in France: the French Army no longer had Islamic 'chaplains' and this was a step back compared with the first half of the XXth century. There was no official record of the number of Muslims in France. The French State only recognises practising Muslims. The French State actively wants serious interlocutors from the Muslim community, as a religious body. This is the reason for the support given currently by the government to the creation of a French council for the Muslim religion.

**Rev. Maxwell Craig** observed that Scotland had had state-funded faith schools for over 80 years. This had had some harmful consequences: children and families were effectively split up; whole communities, which could have been integrated, have been divided. There were some positive stories: Catholic schools on the whole provided excellent education. His own grandchildren go to multi-faith schools, but there are no Catholic pupils, and it was important that that denomination too should be integrated into society. Catholic schools had received state funding since 1918; with hindsight, this had been a mistake. It was important to resist the idea that faith communities should have access to public funds.

**Père Patrick Desbois** pointed out that the word 'respect' had a more positive meaning than the word 'tolerance'.

**Mona Siddiqui** picking up the theme of reason in Islam, argued that reason did in fact have a central role in the thinking of many leading Muslims. Unfortunately, these voices were seen as marginal and 'academic' and not representative of the mainstream. Their reasoned approach was not yet informing practical applications.

Particularly since 9/11, the Government's approach had been over-timid on religious issues: too much time had been spent trying to appease faith communities who want this or that. We risked being distracted from the intelligent, strategic thinking which was badly needed. This indulgence was in fact not helping these faith communities, and was, in fact, deterring them from addressing their own problems.

**Jean-Noël de Bouillane de Lacoste** drew attention to the fact that French Protestants need to pay for the maintenance of their own churches, unlike Catholic churches. The situation was unfair: there should be a parity of treatment.

**Khalid Hamdani** argued that all indigenous populations want reassurance from their national authorities. It was right that leaders of faith communities should hold the state to account to uphold their liberties. There was much to learn from British pragmatism in this regard, and there was a need for more tolerance in France. In schools, religious instruction should be based on the key sacred texts. Similarly, democratic principles should be imparted from the core texts of democracy.

**Keith Porteous Wood** offered an explanation for the good performance of faith schools: such schools were usually able to select pupils, and there tended to be fewer children from disadvantaged backgrounds in Church of England schools.

Minority faiths were now demanding state subsidies, the only outcome of which would be segregation and sectarianism. It was anomalous that Britain, as one of the most agnostic countries in the world, should still have churches exercising such major influence on national life. Faith groups formed constant processions to see government ministers each with a shopping list of demands. Surely we should be putting more effort into what binds us as a nation rather than into what divides us.

**Emile Poulat** pointed out that the subsidy for Catholic churches in France was an indirect one taking the form of a 'benefit in kind' from local authorities who assume responsibility for maintenance, repairs, etc.

There were four categories of 'toleration': private tolerance, something which society counts a virtue; public toleration, not properly a virtue but a matter of politics and rights, such as those affirmed in the Edict of Nantes (which dealt with '*liberté publique*', not '*tolerance publique*'); civil toleration, which was about ecumenism; and, lastly, religious toleration. The key question was: should everything be tolerated? Every society has its '*intolérables*': we should now be concentrating on what constitute such '*intolérables*'.

**Professor John Bell** said that there were two basic approaches to the role of religion in society. One was to stand back; the other was active involvement. Both positions had their limitations. We are all responsible to something bigger and beyond ourselves – namely, the future of society. The challenge was to create a space in which *all* human life can be enjoyed and valued.

**Roger Errera** observed that Britain and France share a framework of laws and norms, in the form of relevant articles of the European Convention on Human Rights and the Charter of Fundamental Rights which forms part of the EU's (still to be ratified) constitutional treaty.

**Sir Stephen Wall** commented that the situation regarding faith schools was a complex one: of the 220 Catholic schools in North London, two have a majority of Muslim pupils. In a few years time, it was quite likely that the Archbishop of Westminster was likely to come from Sri Lanka or Ghana. The volume of immigrants

meant that the dynamics of the Catholic Church were changing. It meant that, notwithstanding the national decline in church attendance, Catholic congregations in some inner city areas like Westminster were stable because of immigration.

**Philippe Malaurie** argued that there was no 'hierarchy of experience' between Britain and France: the two cases were different. Nor, in extolling the virtues of reason, should we forget the many crimes committed in the name of reason. We should also remember the importance of other cultural inheritances – notably from the Greek tradition and the classical tradition more broadly.

**Mohammed Aziz** argued that society needed to maintain a clear distinction between purely religious matters – which should be supported financially by the faith communities themselves – and religious institutions where these provide wider public services, thereby raising a legitimate case for public funding.

**Mona Siddiqui** regretted that the fear – induced by political correctness – of being labelled Islamophobic, anti-Semitic, etc. was leading to an unwillingness to confront issues honestly.

**Alain Dejammet** said that the first lesson of reason was to go to the text itself. Other watch-words which should serve us well in addressing the role of religion are humour, rigour (in the methodological sense), and respect – a key concept in the UN Charter, with application to such issues as borders, policies towards faith communities, etc.

**Jacques Rigaud** endorsing these observations, added that the narrow interpretation of law ('*juridisme*') was not enough.

#### **IV - LOOKING TO THE FUTURE**

**Lord Prosser** introducing the session, placed the discussion in its historical context, evoking the old idea of that which is God's and that which is Caesar's, and, in the Middle Ages period, the division between the spiritual and the temporal. In the contemporary context, it falls to the state (Caesar) to define standards of tolerable behaviour and, conversely, what should be regarded as intolerable. Nowadays churches do not set such standards – effectively leaving the talk to politicians. The notion of a 'faith community' has altered the meaning of 'community' from its traditional sense of a group having things in common to a more exclusive sense of discrete and separable units within society. How far should this be encouraged? Perhaps it makes sense to move discussion away from groups themselves and towards the individuals who compose such groups.

**Jacques Viot** observed that France had a lot more to do to explain what it wants in the area of Church-State relations. As for the concept of '*laïcité*', this could only be understood in the context of French values as a whole, particularly equality.

**Didier Leschi** explained that the centrepiece of France's public policy is freedom of worship for faith groups. The growth of intolerance in France was, for this reason, '*pas juridique*'<sup>14</sup>. We were seeing more assertive claims by faith groups, which was prompting an adverse reflex amongst secular groups. Elaborating on France's religious settlement, he pointed out that the 1905 law bans confessional cemeteries (other than cemeteries with dedicated denominational areas). But it allowed various

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<sup>14</sup> *Pas juridique* : not legal

religious allotments in the cemeteries as long as the tombs were not physically separated from the rest of the cemetery, for example by a wall. In some municipalities, there had, regrettably, been some regression: for example, some schools were insisting that meals should be taken by everyone, dropping the old practice of making non-pork options available. We were also seeing a refusal in some localities to grant planning permission for new religious buildings. On each occasion the government intervened to remind those concerned that freedom of worship meant that there should be places of worship. On the question of the headscarf in schools and the 'hijab' - the recent law had not been a bolt out of the blue. The issue had been raised in the 1980s, and not by the state but by teachers. The arguments had, since 1989, mostly been conducted within the teaching profession. To put the issue in perspective: nearly 200 girls had worn the hijab to school in September. 135 had relented, only 45 had been expelled. On the question of ritual slaughter, France had adapted the application of the EU Directives. If this had not been done there would have been serious religious friction since, if followed to the letter, these directives, in the name of animal protection, limit the production of animals slaughtered ritually (halal or kosher) and are seen by Muslims and Jews as obstacles to religious freedom.

**Anthony Grayling** said that tolerance in Britain carried no connotations of condescension. It was an entirely positive concept – as positive as the French understanding of the word 'respect'. Speaking as an atheist, he attached great importance to the strict neutrality of the public domain, which should be a framework in which everyone is at liberty to pursue their own goals. (This was the meaning of 'secularism'). Instead, we have the discourse of human rights. It was interesting that when the Universal Declaration of Human Rights was adopted, its greatest enthusiasts were in the colonies: the UK and France didn't much like it.

The instruments were now available to us to manage a neutral public space in which all groups can have formally equal status. By extension, it would be unfair for the state to privilege any particular group. We don't subsidise trade unions to run our schools and produce Marxists!

There was one key question of principle, and one of practice. The question of principle follows from the fact that religious orientation, unlike ethnicity or gender, is a matter of choice. Why should the state give special status to a group of individuals, just because they have chosen a set of beliefs? The question of practice was the following: what if all religious groups become more assertive and begin to rub up against one another? History is, in large measure, a story of religious conflict. But thanks to our conception of rights, we can all live together peacefully. Tolerance, whilst a positive notion, is indeed a passive one, but also a precious one if grounded in a strong secular framework, backed up by rights.

**Roger Errera** observed that France is the most ethnically diverse country in Europe and had had the largest immigrant population since the mid-19<sup>th</sup> Century. The political authorities had had, increasingly, to take account of this. The convention in France has been to accept the legitimate claims of Armenians, for example, without blaming the Turks for genocide.

The key question was how to translate the concept of '*civilité*' into practice. A number of steps were required. First, to devise rules which recognise the fact that a nation state is more than an aggregate of its communities. Second, '*civilité*' implies respect of the constitution and the laws. Third, it implied a whole order of public goods such as schools and prisons with their attendant set of rules and norms. Fourth, it meant the avoidance of arbitrary or ill thought-out interventions by the

public authorities. Finally, it meant more information and training for the professions – teachers, hospital managers, etc.

Returning to the theme of the physical boundaries of religion in civil life, M. Errera said that the demarcation of confessional sectors within cemeteries was a matter for local mayors, subject to some basic rules, such as the absence of physical barriers. It was also worth noting that conscientious objection to military service had been recognised in France. The French Republic can be liberal and intelligent, when it wants to be. We must protect what has been achieved.

**John Cornwell** said that the Catholic Church in the 19th century was like Islam now. But after the second Vatican Council, it had accepted for the first time that a good society is one where people choose and practise their own beliefs. It is now 'Christian' to believe in pluralism and in the separation of church and state. For the first time it was recognised that religion could actually underpin a pluralistic society. Picking up Professor Grayling's arguments from 'choice', Mr Cornwell argued that, from a believer's point of view, this misses the point: the key point was not 'choice', but 'truth'. Against the background of the current lively arguments over such issues as stem cell research and same-sex unions, the important question becomes: how should a faith group move from its adherence to moral laws to a practical role in formulating civil law? The notion that faiths have nothing to offer in such questions is absurd.

**Gilles Bottine** observed that, in spite of the separation of church and state, there were two state bodies addressing church / state questions: the *Bureau Central des Cultes* in the Interior Ministry, and the *Mission interministérielle de vigilance et de lutte contre les dérives sectaires*<sup>15</sup>. The establishment of these bodies had been prompted by two factors: the anxieties of parents whose children had been drawn into sinister cults ("dérives sectaires") and by evidence of sectarian drift within the older established religions. This vigilance on behalf of the state had as its guiding precepts toleration, respect for the beliefs of others, and moderation.

**Mohammed Aziz** pointed out that Christianity, Judaism and Islam all originated in the same part of the world, though the first two were properly 'European' religions. It was to be hoped that Islam too, would take its place as a European religion. It was difficult to draw a clear distinction between identity on the one hand and religious affiliation on the other: "If I renounced Islam, I would still be discriminated against... I would look to the state to protect my identity – not to give me privileges but in order to protect my human rights".

**Emile Poulat** said that several French ministries have their own dedicated religious advisers or working parties. Expanding on the religious responsibilities of the state, M. Poulat observed that whilst religion has come to be seen as an essentially private matter, religious observance was still also regarded as a public matter, guaranteed by the public authorities. Catholic churches still belong to the public domain and are open to the public. Churches still have a major public role and social impact; it was difficult to see how they could ever become 'private'.

**Daniel Hardy** said that Christian churches in Europe had for long enjoyed a privileged status but this was no longer a Constantinian status. They could no longer plead on the basis of some special authority. As for the modern discourse of human

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<sup>15</sup> *Mission Interministérielle de vigilance et de lutte contre les dérives sectaires*: Interministerial office for vigilance and prevention against harmful sects

rights – this need not be linked to secularism. The robustness of religion should be developed from within, not in response to outside threats. The key question now was how to construct a public domain, secular and religious, for the future of society?

**Alain Dejammet** asked whether we could now substitute the cult of humanism for religion? It was striking that so many people in the areas affected by the tsunami had reacted spiritually, in spite of such dramatic evidence that there is no beneficent God. Our starting point should be that religion exists: we therefore have to take this into account. Humanism was one approach, with strong roots in our cultural heritage, but it was not the only approach. The key to handling the religious issue judiciously was to avoid excesses. France's 'secular' approach to school food has shown itself to be an even-handed and neutral way of taking account of different religions and respecting all beliefs.

**Mark Pellew** argued that all the great religions of the world are fundamentally 'public' and socially oriented, even if theoretically 'private'. For evidence of religion as a positive force we could look at the role of religious leaders in Her Majesty's Golden Jubilee in 2002 and in the Jubilee Debt Relief Campaign – positive proof of how effectively faith groups can work together. The three Abrahamic faiths are very similar and can work productively together in such areas as development aid and the relief of poverty.

**Père Patrick Desbois** said that the Catholic Church had woken up after the Shoah and the Second Vatican Council. Respect for other faiths had become the watchword. It had proven easy to bring together individual Christians, Jews and Muslims at conferences, but they could only achieve so much. The task now was to mobilise the hard core and massed ranks of each religion and to develop new projects in difficult areas.

**Mohammed Arkoun** made a plea to the Franco-British Council to mobilise the rich human and historical resources available to our two countries for the purpose of introducing religious instruction – in the sense of 'scientific', evidence-based instruction about religion – at secondary school level. There had been other such initiatives: the former Culture Minister Jack Lang had set up a European institute to study the religious dimension of life. He himself had established an equivalent in Montreuil on an experimental basis. Regrettably, Régis Debray had just resigned from his body to send a signal to the authorities that they were not delivering on their undertakings. We should now convene a dedicated two or three day meeting involving such bodies and the Franco-British Council, to see how such an initiative could be taken forward bilaterally.

**Didier Leschi** warned against being too pessimistic. There was a Jewish saying: 'The world is held up thanks to the breath of children who are learning'. With enough effort, serious scholarship, and a return to Scripture, working together, we could surely improve things.

**Anthony Grayling** in his concluding comments, agreed that separating religious identity from cultural identity was deeply problematic. On the distinction between protection and privilege, it was important to understand that while discrimination in any society is intolerable, minority groups should take care not to invite discrimination, for example through dress which, in marking out a particular identity or allegiance, was by definition an exclusive and isolating gesture. Dr Grayling, taking issue with John Cornwell's point about choice and religion, pointed out that choosing a religion was bound to be problematic if there was an expectation of privileges attached.

On the matter of the European Convention on Human Rights, it was of more than passing interest that this had been drafted mostly by British lawyers, but had only been incorporated into British law in the last two years.

Finally, it was important to recognise that faith groups could make a very positive contribution to society, as do so many associations in civil society. This was a role, which religions had performed historically, but it was also important to bear in mind the negative contributions, which they had made as well. It was also important to realise that, whatever the semantics of the public / private distinction, we should remember that we have a perfectly serviceable and generally accepted distinction between the two, which can inform our public policy choices.

**Jacques Viot** reminded participants that the Chair of the British Section of the Franco-British Council, Lord Radice, had correctly pointed out that the mission of the Council, founded 33 years ago, was to enable and promote informed discussion representing a wide range of views, not drawn from government (which had its own communication channels) but from civil society. Reason had a central part to play in that dialogue. This colloquium had brought out a wide spectrum of views and enabled participants better to understand each other's perspectives. Alain Dejammet had been right to question whether humanism was the only response to social ills and natural disasters. There was a powerful case for new information and education initiatives in the matter of religion, with 'reason' the most important tool. Britain and France had a special part to play in that effort.

**Lord Prosser** concluding, confirmed that a follow-up conference was indeed a possibility. It was important that this network should pursue its discussion by all available means: to this end, the contact details of all participants would be circulated.

## British participants

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**Co-Chair: The Rt Hon Lord Prosser**

Former Senator of the College of Justice in Scotland

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**John Cornwell**

Author and Journalist

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**The Revd. Prof. Daniel Hardy**

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**Keith Porteous Wood**

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**Lord Radice**

Chairman, Franco-British Council

**Catherine Rawlinson**

Publications, Franco-British Council

**David Rayner**

Senior policy advisor, Community Participation Team (NRU, ODPM)  
Secretary of the Inner Cities Religious Council

**Gita Sahgal**

Head of the Gender Unit  
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**Mona Siddiqui**

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**Sir Stephen Wall**

Principal Advisor to Cardinal Murphy-O'Connor, Archbishop of Westminster

**Professor John Wolffe**

Professor of Religious History, Open University

**Observers:**

**Liza Burdett**

FCO

**Professor James Coveney**

University of Bath

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Sous-directeur de la Section française  
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Secrétaire général de la MIVILUDES  
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**Jean-Noël de BOUILLANE de  
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Ambassadeur de France  
Président de la Radio Fréquence  
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**Yves BRULEY**

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**Père Patrick DESBOIS**

Secrétaire du Comité de la Conférences  
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Président de la Section française du  
Conseil franco-britannique

# Agenda

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## WEDNESDAY 9 FEBRUARY

Opening remarks by the Chairmen

**Introduction: Historical perspectives on the French and British situation** introduced by Professor Wolffe and Yves Bruley

### SESSION I

**What role (if any) should religious bodies have in national life and in the workings of the state?** introduced by Emile Poulat and Mark Pellew

- How is national identity influenced by the religious makeup of its citizens?
- What is the role of churches or other religious bodies in providing support in schools, prisons, the army, hospitals etc?
- What is the significance of the European or global context?
- In the UK should different religions be favoured or disfavoured in parliamentary bodies (e.g. the House of Lords) or state or government office? If so, why?

## THURSDAY 10 FEBRUARY

### SESSION II

**To what extent should governments engage with religious organisations?** introduced by John Battle MP and Alain Dejammet

- Should historically dominant churches or denominations receive different treatment from other religious groups? If so, why?
- How should resources be allocated?
- Should any or all faith schools receive state support?
- Questions of language – should English and French be encouraged in religious practice?
- Should we ensure that equal treatment takes full account of religious differences (in hospitals, schools, the army, prisons etc)?

### SESSION III

**Looking to the future** introduced by Didier Leschi and Professor Grayling

- How can each country support and preserve shared values (democracy, equality of the sexes etc.)?
- How can society respect deep moral differences and find ways of resolving inescapable conflicts?
- Should traditional laws such as that of blasphemy be extended to cover many faiths, or abandoned as inappropriate (leaving control to general laws dealing with obscenity, breach of the peace etc.)
- Can broad concepts such as *laïcité*, integration or multiculturalism be brought together or re-expressed in a new and useful way?

### Conclusions

## Other Franco-British Council reports

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•	<b>The American Elections and Transatlantic Relations</b> Jean-Marie Le Breton	2005
•	<b>New Generations – New connections between Britain and France</b> David Walker	2005
•	<b>Future of the UN</b> Quentin Peel	2004
•	<b>Development Aid Policies</b> Jean-Marie Le Breton	2004
•	<b>Immigration and Integration</b> Sophie Pedder	2003
•	<b>The Future of the European Union: French and British Perspectives</b> Jean-Marie le Breton	2003
•	<b>Non-Governmental Organisations in France and the UK</b> Mary Braid	2003
•	<b>French/British views of the situation in the Middle East</b> Jean-Marie Le Breton	2002
•	<b>Food systems and responses to Biotechnology</b> Paul Levy	2002
•	<b>Views of the Middle East situation</b> Jean-Marie Le Breton	2002
•	<b>The Commonwealth and La Francophonie</b> Martin Mulligan	2002
•	<b>What do we want from Europe?</b> David Goodhart	2002
•	<b>Peacekeeping and International Crisis Management</b> Jean-Marie Le Breton	2001
•	<b>Crossing the Channel: promoting academic mobility</b> edited by Anne Corbett and Hilary Footitt     £8	2001
•	<b>Violence, Truancy and Exclusion from school</b> Ruth Kitching	2001
•	<b>Policing; restoring confidence locally and nationally</b> David Lawday	2000
•	<b>Committing to Culture (Arts Funding)</b> Graham Devlin and Sue Hoyle	2000
•	<b>The Film Industry</b> Jean-Marie Le Breton	2000
•	<b>A day in June; Britain and de Gaulle 1940</b> edited by Anne Corbett and Douglas Johnson	2000
•	<b>Combatting Social Exclusion; jobs for young people</b> Simon Wilson	2000
•	<b>Land Transport Policy</b> Christian Wolmar	1999
•	<b>Privacy and the right to know</b> Ian Davidson	1999
•	<b>Culture nationale et conscience européenne</b> (French only)     £8	1999
•	<b>*Muslims in Britain and France</b> Jean-Marie Le Breton	1999

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**The Franco-British Council** was created, on the joint initiative of Président Georges Pompidou and Prime Minister Edward Heath, when Britain joined the European Community. Its setting up was formally announced in a communiqué issued in May 1972 at the end of the State Visit by the Queen to France.

The Council's purpose is to promote better understanding between Britain and France and to contribute to the development of joint action through meetings of leading representatives of the worlds of culture, science, the arts, education, politics and business.

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