

Citizenship vs community

# How secularism - as opposed to laïcité - is intimately linked to communalism

Wednesday 16 November 2022, by [HELIE LUCAS Marieme](#) (Date first published: 21 August 2022).

**Presentation at the Celebrating Dissent 22 conference, in Cologne, Germany.**

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The original definition of secularism (laïcité) dates from the French Revolution; it establishes in no uncertain terms the total separation between Church and State.

In other words, the political power of the Catholic Church over the Kingdom of France has been dismantled by the 1789 Revolution: the State, from then on, is only accountable to its citizens and to no divine order - as interpreted by non-elected, self-appointed, reactionary clerics.

Needless to say, the Church and its supporters did not easily let go of their political power. Separation has been forcefully combatted by religious forces since 1789. Meanwhile, the final laws on separation took a long time to be elaborated and were finally passed in 1905: they have been ruling France since then.

While over centuries the Catholic Church had finally mollified vis à vis the secular law, the struggle against laïcité in France has been recently spearheaded by some far-right tenants of another religion: Islam. The Catholic Church did not take long for benefiting from these fresh troops and for backing these new reactionary forces.

## Separation

Article 1 of the 1905 law on separation guarantees all citizens total freedom of belief and practice.

Article 2 declares that the State does not recognize religions, does not interact or dialogue with their representatives, does not fund them or their activities, etc...

Subsequently, in circumstances when an agent is performing a function as representative of the secularity of the State, s/he will be requested not to identify religiously, to personify laïcité. This applies, for instance, to civil servants in contact with the public, to the personnel (administrative and teachers) and to the pupils in secular state schools. (Incidentally, secular state education in France is entirely for free, from nursery to university).

This provision has been totally ill understood in the past few decades, in view of the concerted attack by Muslim fundamentalists against the secular education system in France.

At the other end of the spectrum, Britain seems to consider that the only civil servants capable of serving citizens well are those belonging to the same 'community': if one goes to the police station in the UK, for instance, one can ask to be attended to by a man or by a woman, by a black or a white person, by a gay or straight person, etc... This is considered a progress from the point of view of human rights...

Two comments need to be made before we go any further:

- The secular law does not infringe on freedom of opinion, freedom of thought freedom of conscience, freedom of expression, freedom of religion: those are guaranteed by article 1. Yet The European Union instances regularly accuse France of doing so.

- The ridiculous assumption that French secular laws were designed against Muslims should fall by itself, if only lazy journalists looked at the date when the law was passed: 1905. This was a time when the "Muslim" migration from North Africa to France was far from having started. Timidly beginning after WWI, it is only in the 50ies that migration from (now former) French colonies in the Maghreb became sizable, first with the import of male workers in order to rebuild a country ravaged by WWII, later followed in the late 70ies by the government's decision on 'family regrouping' which allowed migrant workers to bring their families and settle into France. Today's extreme-right Muslim political movement (known as Muslim fundamentalism) made this historically erroneous accusation in order to discredit laïcité: it was unfortunately relayed by numerous political forces, including from the Left, at the level of Europe and globally.

We need to understand what allowed for it to happen.

### **British Redefinition of Laïcité as secularism**

The UK could hardly cope with the revolutionary concept of separation initiated in France, as the King/Queen is both the Head of State and the Head of the Anglican Church. It therefore created the concept of secularism where the State must treat all religions with "equal tolerance" and must observe strict "neutrality" towards them.

This a far cry from separation between Church/religion and State. On the contrary, the State does not ignore religions, it dialogues with its representatives, funds them, etc...

Two comments:

- This is the redefinition which was - unfortunately - adopted by the European Union; it explains why France is regularly condemned by European Union human rights instances for applying its very law on separation: for instance, the rules on religious dress codes in the secular state schools' system and in the public services.

- The UK redefinition of secularism has been exported to all British former colonies and beyond, throughout its historical sphere of influence. In other words, if an Algerian or a Senegalese (former French colonies) exchange with an Indian or a Nigerian (former British colonies) on secularism, they will not be talking on common grounds; unless the difference between their respective definitions is explicitly laid out, there can only be deep misunderstanding.

## Secularism breeds communalism

British secularism displays a false image of equity and liberalism; in fact, it puts religions in competition with each-others, for more recognition from the State, for more privileges granted by the State, for more representativity in the instances of the State.

While the French secular Republic recognizes only individual citizens equal before the law, Britain's 'secularism' pushes citizens to regroup in 'communities' - ethnic, religious, etc.- whose self-appointed representatives will negotiate in their names, with the State, some so-called 'community rights' (rather than individual citizens' rights).

We note, not only in Britain but throughout Europe, the erosion of the notion of citizenship, to the growing benefit of the concept of 'community'. In a Republic, equal citizens have direct legal access to their governments whom they elect through democratic processes, and where the principle of 'one wo/man - one vote' applies fully; meanwhile there is no democratic process to control the representativity of non-elected so-called religious leaders who negotiate with the State in the name of their community.

Nor is there a democratic process to control who, willingly or not, is supposed to be part of the said community, hence submitted to the authority of 'religious leaders'. Mohamed or Fatima are presumed to be Muslims. Paul and Mary are supposed to be Christians, Simon and Rachel are branded Jews. Etc.. So much for freedom of conscience and subsequent human rights...

In the UK, Muslim 'leaders', under the pretext of respecting their specific religious rules, have secured separate laws for their community, especially in the domain of personal status (or 'family law'). Citizens in the same country are no more "equal before the law".

In other words, different categories of British citizens may be ruled by different laws, some of them (the religious ones) unvoted, depending on the 'community' they are supposed to belong to. This means that Mary and Paul will be governed by laws their elected representatives have voted for, which they can modify by their vote if they are dissatisfied with these laws; while Mohamed or Fatima may be governed by laws that unelected self-appointed clerics have interpreted as the word of god. I say: 'may', because they can step out of this undemocratic system by formally requesting to be under general law, rather than community law. However, this is not an easy process and it will, among other things, cost them their family ties and their social life with their 'community': they will be accused of betraying their community.

Anyone who has attempted to refuse to pay religious taxes in Germany may testify to the fact that stepping out of 'community' law is not an easy process. It is probably worse if one belongs to a minority which suffers from discrimination and rejection.

Hence, many countries which declare themselves secular, discriminate against individuals' freedom of choice by legitimizing community laws. And they are not all in far-off African and Asian countries which former colonizers are always ready to charge with backwardness and alienation from modern democracy concept.

Let's take some examples from the 'developed' West:

In Germany, the governments of the Landers, i.e. the various States composing the Federal Republic of Germany, collect religious tax money directly in citizens' pockets in order to redistribute it to the various religions officially recognized. Declaring oneself an atheist and refusing to pay religious taxes is a steep path to climb; as a Christian, you have to obtain a certificate from the religious

authorities stating that you have renounced the baptism which was imposed on you by your family at the time you were born or in infancy.

In the USA, one swears on the Bible in Court, rather than on the Constitution (and the fact that one can request to swear on another holy book does not really seem a progress to me); "In God We Trust", the official 'logo' of the USA is even stamped on their paper money.

In the UK, not only is the Head of State also the Head of the Anglican Church, but about 300 religious tribunals (abusively labelled Sharia Courts) are officially in existence; their judgements are automatically recognized by the Justice authorities of the Land... unless the individual, unhappy with the judgement, has the courage to contest the decision of the religious court and to demand access to the law of the land. Discrimination against women in cases related to marriage, divorce, custody of children, alimony, inheritance, etc... is the norm in these courts. It has been fully documented by women's organizations in the UK.

Practically, it means that some citizens will benefit from hard won rights but others will not; if the system of separate religious laws will extend to everyone (and not just to presume Muslims, as is currently the case, it would mean that Mary and Paul could not enjoy the reproductive rights legal dispositions while Farima and Mohamed will; that Simon and Rachel will not be able to divorce as Mohamed and Fatima do; that only Fatima could be unilaterally repudiated without alimony by Mohamed, etc..

In my views, neither the UK, not Germany, nor the USA can qualify as laïcs. Secular they are indeed, as the State proclaims to be neutral vis à vis religious beliefs of citizens; but these countries' governments are still engrained into recognizing religions, negotiating with religious authorities, funding their activities - including educational ones which have so much influence on the youth. There is absolutely no separation between state and religion.

On the contrary, in its pretense to act for the best of human rights, British secularism breeds communalism, the State arbitrates between competing communities and, within them, allows discrimination against women.

"Divide and rule" may be the reason behind such a wider and wider European acceptance of secularism, British style, or let's say of communalism, vs citizenship.

As was the case for migrant workers who up to the 60ies were united together with British workers to obtain better working conditions, one has witnessed the fragmentation of the people into smaller and smaller entities; workers' rights gave way to migrant workers' rights (vs indigenous ones), which later evolved into migrants' human rights, to end up 40 years later with Muslim rights, Hindu rights, Sikh rights, etc..

No doubt that the fragmentation of workers forces served Capital. Who does this fragmentation of human rights serve?

Such a fragmentation of rights can also be seen up to the UN level where an Islamic Charter of Human Rights dating the early 90ies is - so far, unofficially - taken into account to balance the Universal Declaration of Rights, now seen as imperialist, not sensitive enough to the diversities of cultures, traditions and religions.

All this is being done in the name of human rights, religious rights and respect of minorities.

It is urgent for those of us who fled their countries -most of us from so-called Muslim countries - to survive the terror of religious clerics, and now live in Europe, it is urgent for us to refrain from

justifying legal measures that pretend to protect and respect migrant communities by boosting self-appointed religious representatives of the said-communities; that will no doubt ensure the return into Europe of what we fled from: the power of religions in governments.

Already numerous reactionary political forces work towards it, including a large chunk of an abused European Left which imagines working for more justice and human rights by promoting communalism and 'religious rights'. At the forefront of such an unholy struggle are the so-called Muslim fundamentalists, better qualified as an extreme-right Islamist political force.

We need to reclaim citizens' rights, not community rights. We need to demand laïcité i.e. separation from the state and religions, not secularism which breeds communalism.

France, unfortunately, is growingly allowing the distorted version of secularism on its soil, bending both to the European Union and to the relentless attacks of internal religious forces presently headed by the Muslim extreme right. France already betrays its own law on separation, for instance by constantly referring to 'neutrality' rather than separation, by formally establishing 'Islam de France', by funding religious schools, by allowing discrimination between men and women on religious pretexts, etc...

It is clearly a much needed task for us to fiercely oppose this deep alteration of laïcité in France, for if the last bastion of separation between State and religions falls, we are doomed.

August 21, 2022

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**P.S.**

• SIAWI. Friday 4 November 2022:  
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