

April 2004, updated in May 2007

# La France à la loupe

## Secularism in France

Secularism, the principle of separation between civil society and religion, is a **fundament of the French state**. Secularism in France, enshrined in the Constitution, has a long history. It is a legacy of the French Revolution, expanded under the Third Republic with the Ferry Act of 1882 and the Goblet Act of 1886 on primary schooling, and enshrined in the **Act of 9 December 1905 on the separation of church and state**. By ensuring that France's institutions are secular, the act upholds freedom of conscience and worship, freedom for churches to organise their own affairs, equality of churches before the law since there is no official religion, the right to a place of worship, the neutrality of institutions – particularly schools – towards religions, and freedom of education. Although the separation of church and state was difficult for many French people to accept at first and sparked controversy, it led gradually to a “secular pact”, i.e. social cohesion around secular values and principles.

However, new cultural and religious demands are emerging in France and **clashes with secularism** occurring in workplaces and public institutions, particularly schools. The main factors contributing to this situation are the issues of the integration of immigrants and developing intercultural ties and confrontation with other models of relations between church and state, particularly in an enlarging European Union. Some see the new situation as a threat to secularism and call for a law to confirm secular principles, as well as a reassertion and strict application of the 1905 Act, whereas others are in favour of amending the 1905 Act to make it more flexible.

In the midst of this debate, the focal point of which was schools once again, a commission on the application of secularism in state institutions, chaired by the mediator, Bernard Stasi, was set up by the French president in July 2003. The commission submitted its **report** on 11 December 2003. The report emphasises a reassertion of the principle of a secular state.

Following the report, the **Act 2004-228 of 15 March 2004** was passed. The act prohibits “the wearing of symbols or clothing by pupils that clearly demonstrate a religious affiliation” in public primary and secondary schools in France. The **Circular of 18 May 2004**, implementing the act, was published in the Official Journal on 22 May 2004.

In 2005, the centenary of the 1905 Act was commemorated by numerous events. The prime minister issued a **statement** on the occasion on 14 February 2005, which stressed the twofold objective of the commemoration: an in-depth discussion of the relationship between the state and religion and an educational campaign (particularly through a website, see link in “More information” below).

In April 2007, a secularism charter in public institutions drafted by the High Council for Integration and the Prime Minister reminds all agents and users of public services of their rights and duties in this area.

## For further information

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### LEGISLATION

#### Education code

- Secular public education: Articles L141-1 to L141-6.
- Education Code: freedom of education: Articles L151-1 to L151-6.

<http://www.legifrance.gouv.fr/WAspad/UnCode?commun=&code=CEUCATL.rcv>

#### Secularism charter in public institutions, Prime Minister, April 2007

[http://www.premier-ministre.gouv.fr/IMG/pdf/La\\_Charte\\_de\\_la\\_laicite\\_dans\\_les\\_services\\_publics.pdf](http://www.premier-ministre.gouv.fr/IMG/pdf/La_Charte_de_la_laicite_dans_les_services_publics.pdf)

### WEBSITE

#### 1905-2005, 100 years of secularism in France / Academy of Moral and Political Science.

<http://www.1905-2005.fr>

### REPORTS AND SURVEYS

#### Application of the Act of 15 March 2004 on the wearing of obvious religious symbols in public schools: report to the minister of education and research, Hanifa Chérifi, July 2005.

<http://www.ladocumentationfrancaise.fr/rapports-publics/064000177/index.shtml>

#### Public Report 2004: case law and opinions, 2003. A century of secularism.

Conseil d'Etat, 2004, 479 p.

<http://www.ladocumentationfrancaise.fr/brp/notices/044000121.shtml>

#### Secularism today: a progress report / National Consultative Commission on Human Rights, 2003, 21 p.

<http://www.ladocumentationfrancaise.fr/brp/notices/034000728.shtml>

#### Commission on the application of secularism in state institutions: report to the president / Bernard Stasi. President's Office, 2003, 78 p.

<http://www.ladocumentationfrancaise.fr/brp/notices/034000725.shtml>

- **Report of the fact-finding mission on religious symbols in schools** / Jean-Louis Debré. – National Assembly, *Documents d'information de l'Assemblée nationale*, 2003. Volume I, Parts 1 and 2:  
<http://www.assemblee-nat.fr/12/rapports/r1275-t1.asp>
- **The Islamic headscarf in schools** (in Europe): comparative study of legislation / Senate, Legal Affairs Department, November 2003.  
<http://www.senat.fr/lc/lc128/lc128.html>
- **Teaching religion in secular schools** / Régis Debray. – Ministry of Education, 2002, 35p.  
<http://www.ladocumentationfrancaise.fr/brp/notices/024000544.shtml>

## PAPERS AND ARTICLES

- **La laïcité (Secularism)**: Thematic feature. Website of the Prime Minister's Office.  
[http://www.premier-ministre.gouv.fr/thematique/societe\\_m123/laicite\\_m555/](http://www.premier-ministre.gouv.fr/thematique/societe_m123/laicite_m555/)
- **Laïcité : les 100 ans d'une idée neuve (Secularism: 100 years of a new idea)**, *Hommes et migrations* No. 1258, November-December 2005, and No. 1259, January-February 2006 (I: A l'école; II: Culture(s), religion(s) et politique).
- **Cent ans de laïcité à la française (100 years of secularism à la française)** / Mélina Gazsi. – Ministère des Affaires étrangères, *Label France* No. 60, 4<sup>th</sup> quarter 2005.  
[http://www.diplomatie.gouv.fr/fr/france\\_829/label-france\\_5343/les-numeros-label-france\\_5570/lf60-60-ans-onu\\_11476/societe\\_11490/cent-ans-laicite-francaise\\_22287.html](http://www.diplomatie.gouv.fr/fr/france_829/label-france_5343/les-numeros-label-france_5570/lf60-60-ans-onu_11476/societe_11490/cent-ans-laicite-francaise_22287.html)
- **La laïcité : débats 100 ans après la loi de 1905 (Secularism: the state of the debate 100 years after the 1905 Act)** / La Documentation française, November 2005.  
[http://www.ladocfrancaise.gouv.fr/dossier\\_actualite/laicite/jean\\_bauberot.shtml](http://www.ladocfrancaise.gouv.fr/dossier_actualite/laicite/jean_bauberot.shtml)
- **Laïcité : mémoire et exigences du présent (Secularism: past and present)** / Dominique Borne. – La Documentation française, *Problèmes Politiques et Sociaux* No. 917, October 2005.
- **Réaffirmer le principe de laïcité (Reasserting the principle of secularism)** : Current affairs feature. Website of the Prime Minister's Office, May 2004.  
[http://www.premier-ministre.gouv.fr/information/les\\_dossiers\\_actualites\\_19/reaffirmer\\_principe\\_laicite\\_68/laicite\\_pierre\\_angulaire\\_republique\\_41691.html](http://www.premier-ministre.gouv.fr/information/les_dossiers_actualites_19/reaffirmer_principe_laicite_68/laicite_pierre_angulaire_republique_41691.html)
- **La République et la laïcité : entretien avec Jean Baubérot (The state and secularism: interview with Jean Baubérot)**. – La Documentation française, *Regards sur l'actualité* No. 298, February 2004, pp. 5-23.  
<http://www.ladocumentationfrancaise.fr/dossiers/laicite/jean-bauberot.shtml>
- **Etat, laïcité, religions (State, secularism and religion)**. – La Documentation française, *Regards sur l'actualité* No. 298, February 2004.
- **Quelle laïcité aujourd'hui ? (What kind of secularism do we need today?)**, Vie publique website.  
[http://www.vie-publique.fr/decouverte\\_instit/citoyen/citoyen\\_3\\_1\\_0\\_q2.htm](http://www.vie-publique.fr/decouverte_instit/citoyen/citoyen_3_1_0_q2.htm)