

5-1-2002

Freedom of Religion in Context

Guy Haarscher

Follow this and additional works at: <https://digitalcommons.law.byu.edu/lawreview>



Part of the [Human Rights Law Commons](#), and the [Religion Law Commons](#)

Recommended Citation

Guy Haarscher, *Freedom of Religion in Context*, 2002 BYU L. Rev. 269 (2002).

Available at: <https://digitalcommons.law.byu.edu/lawreview/vol2002/iss2/4>

This Article is brought to you for free and open access by the Brigham Young University Law Review at BYU Law Digital Commons. It has been accepted for inclusion in BYU Law Review by an authorized editor of BYU Law Digital Commons. For more information, please contact hunterlawlibrary@byu.edu.

Freedom of Religion in Context

*Guy Haarscher**

I. INTRODUCTION

The title of this article is a paradox in itself. Freedom of religion is a part of human rights law. The basic assumption of human rights law is that human rights are universal and that respect for human rights should not depend on any particular economic, political, or cultural context. Indeed, if basic liberties were dependent upon their appropriateness to the norms of a particular country, group, or community, they would unavoidably lose their critical content. If every group producing specific, context-related norms were entitled to tailor human rights to its own needs and values, Muslim women would not be able to fight the discriminations they endure in their countries, and it would be impossible to condemn genital mutilations, which are justified in the name of cultural specificities. However, many countries do impose an official religion, and the economic or political context of the country is often an excuse to deny human rights in general. Thus putting freedom of religion “in context” might be considered dangerous, but such a view would be a misunderstanding.

II. TWO KINDS OF CONTEXTUALIZATION

To understand human rights and cultural contexts, one should distinguish between two very different methods of relating human rights to cultural contexts (not to mention the political and economical ones).

The first method—the “bad” type—is the one summarized above: adapting basic liberties to a certain context would mean that when a conflict of norms arises, the particular cultural value will prevail. In these circumstances, the relevant communities will only accept the segment of human rights law that fits into their own norma-

* Professor, Free University of Brussels (ULB); Duke University.

tive system. That is, they would retain their prejudices, not allowing the universal norm of human rights to prevail over their own specific values. This selective “reception” of human rights by a culture would simply mean *subordinating* human rights to the values of the group. The latter norms would be immune to any moral criticism expressed from “outside” the culture. This kind of universal claim (for instance, the universal requirement that religion is a matter of conscience, not of force) would unavoidably be labelled *ethnocentric*. Instead of seeing basic human rights norms as impartial and transcultural standards, the (often self-appointed) leaders of the group would simply dismiss these external norms as the requirements of *another particular* culture, that is, Western culture.

Such a claim should be patiently rebutted. If this is not carefully done, human rights will lose their critical edge and become an innocuous part of cultures that will remain “sovereign” as far as the values they want to impose (that is, very often, the way they treat their own members) are concerned.

But there is a second method—the “good” type—of considering human rights in a particular context. This view takes into account the fact that several conceptions of basic liberties exist in democratic countries. Consequently, it would be an oversimplification to consider one of these interpretations as authentic and the others not. In fact, the meaning of human rights is the subject of an ongoing debate. Such a controversy is normal in open societies particularly due to the fact that the universal norm of human rights is much more complex than it first appears. For instance, the status of religion itself is different in the United States than in many European countries. Of course, this is an oversimplification of the problem. There are divergent currents of thought everywhere, and the debate takes place as much *within* the broad cultural contexts (United States, Western Europe, Eastern Europe—where the Orthodox Church is dominant, etc.) as *between* systems.

I would like to briefly emphasize some of the very problematic elements of this debate. In doing so, I hope to clarify some of the complex contemporary stakes of freedom of religion. Although such an analysis will not produce general agreement, a “systematic study of confused notions”¹ may help to create a clearer view of the dis-

1. “On peut en tirer la conclusion, qui pourrait paraître irrévérencieuse, que l’objet propre de la philosophie est l’étude systématique des notions confuses.” Chaïm Perelman, *De*

agreements because an intelligible opposition of perspectives is better for democracy than sheer confusion. Additionally, although complete agreement may be difficult to achieve, one must not a priori exclude the possibility of obtaining even a partial agreement.

III. THE FIRST INTERPRETATION OF SECULARIZATION

A common core of values underpins freedom of religion in both the United States and Western Europe. To begin with, secularization is a good thing only if correctly interpreted. The first interpretation of secularization holds that the state should not favor or discriminate against any religious denomination. In other words, a person's conception of the sacred or the divine should not affect his or her position when dealing with state representatives or when acting in society. This idea is encompassed in *laïcité*, a French word meaning that the state should work for the people (*laos* in Greek) as a whole, for the general interest of the people and not in favor of (or against) any subgroup or individual because of their religious conceptions. Under this view, the state's responsibility lies only with secular matters—problems related to the terrestrial life of people—and not in matters of faith. So there is a shared conventional wisdom on both sides of the Atlantic that religion should not be imposed on people and that the policy of *compelle intrare*² must be strictly condemned. But *laïcité* requires more than mere secularization. Even under a government that guarantees freedom of conscience and that does not impose restraints on believers of any denomination (provided they respect each other and obey secular laws), the state may still prefer one of the free religions. The result is, in the most general meaning of the term, an established religion with freedom of conscience.

A. *Two Strategies Linked to the "Good" Secularization Process*

Two strategies can affect freedom of conscience. First, a state may adopt a separatist policy. Second, a state may realize neutrality

la Justice, in ETHIQUE ET DROIT 17 (Editions de l'Université de Bruxelles ed. 1990).

2. *Compelle intrare* is the policy of forcing people to enter the church. See *Luke* 14:23 (King James) ("And the lord said unto the servant, Go out into the highways and hedges, and compel *them* to come in, that my house may be filled."); SERMONS: THE WORKS OF SAINT AUGUSTINE 152 (John E. Rotelle ed., 1992) ("The outer constraint will create the good will inside.").

without using separation as a tool.³ This section will discuss these approaches in turn.

Separatism advocates that the political sphere should stand outside the realm of religions and creeds, so that the state does not advantage or disadvantage the members of any religious group. This philosophy is evident in the famous 1905 French statute on the “Separation of Church and State”⁴ as well as the equally well-known Jeffersonian wall theory.⁵

Another possibility exists for respecting the freedom of conscience and nonestablished religion standards. This strategy suggests that the state is authorized to aid (and subsidize) religions, provided it does so in an equitable manner without advantaging a particular religious group (and thereby establishing a state religion).⁶ In this way, a state attains neutrality without implementing separatist policies. Paradoxically, the separatist principle is more entrenched in the United States than in Europe.

B. *Secular and Religious Neutrality in France: A Brief Look*

Church and state overlap in several European Union countries. For instance, in Germany no real separation of the domains of the churches and federated entities (*Länder*) exists.⁷ Likewise in Greece, the dominant Orthodox Church intervenes in many aspects of secular life.⁸ The Anglican Church is *stricto sensu* established in England

3. Neutrality is the generally recognized standard that the state should neither impose nor favor a church. Separation is a particular means to obtain neutrality: if the state does not interfere at all in the sphere of religion, it will not be able to impose or favor any of them. Both states exist in Europe.

4. “Loi de séparation des Eglises et de l’Etat.” See J. Boussinesq, *La Laïcité Française*, in POINTS-ESSAIS (Editions du Seuil ed., 1994).

5. Thomas Jefferson voiced this theory in “his reply to an address to him by a committee of the Danbury Baptist Association.” The wall theory suggests that a wall of separation must be built between the domains of church and state: “I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should ‘make no law respecting an establishment of religion or prohibiting the free exercise thereof,’ thus building a wall of separation between church and State.” *Reynolds v. United States*, 98 U.S. 145, 164 (1878).

6. “[T]he establishment clause of the First Amendment . . . is not violated, even if government grants aid, recognition, or support to religion or religious groups, as long as government gives equal aid, recognition, or support to *all* religions and parallel or similar secularly based systems of belief and their organized groups.” EQUAL TREATMENT OF RELIGION IN A PLURALIST SOCIETY I (Stephen V. Monsma & J. Christopher Soper eds., 1998).

7. See GUY HAARSCHER, *LA LAÏCITE* 55–56 (1996).

8. *Id.* at 57–60.

with the queen at its head although no real advantages exist for the faithful of the dominant denomination.⁹ Finally, in Denmark, the Lutheran religion is the official practice,¹⁰ although freedom of conscience and nondiscrimination are strictly guaranteed.¹¹ Certainly no strict separation exists in these nations.

France exemplifies a country evolving towards neutrality. Although the French Church and the pope violently rejected the 1905 statute at the beginning of the twentieth century, in 1946, after the Second World War, *laïcité* became a constitutional principle accepted by the Catholics.¹² In fact, in 1958, the preamble of de Gaulle's new constitution referred to the 1946 Constitution as well as to the 1789 *Déclaration des droits de l'homme et du citoyen*. The newly installed Constitutional Court also became more powerful. It efficiently (though controversially) monitored the appropriateness of the statutes voted for by the French Parliament for what is now called the *Bloc de constitutionnalité*.¹³ In 1905, *laïcité* was only a statutory principle; today it is a well-protected constitutional standard.

The law of separation imposed a specific organization on the majority religion in France, Catholicism—as well as on minority denominations, such as Protestantism and Judaism. The law also privatized the property of the Catholic Church. All churches had to adopt an organizational structure based on their municipality (*associations cultuelles*—associations pertaining to worship¹⁴). The resulting decentralized church structure posed no problem for Protestantism or Judaism, which are not hierarchically organized, but the Catholics contested the neutrality of such a policy on the basis that imposing a fragmentation on an essentially hierarchical body would dissolve and democratize its system of authority.¹⁵ The Catholic Church also challenged the alleged neutrality of privatizing property policy, claiming that huge masses of tourists and scholars frequented the cathedrals and monasteries, outnumbering the rapidly dwindling number of believers. Thus, by privatization, the non-Catholics illegitimately prof-

9. *Id.* at 52–53.

10. The Minister of Ecclesiastical Affairs is head of the church.

11. HAARSCHER, *supra* note 7, at 53.

12. *Id.* at 21.

13. The term was created by the French constitutionalist Louis Favoreu and refers to the combination of the 1946 and 1958 Constitutions as well as the 1789 Declaration.

14. See HAARSCHER, *supra* note 7, at 19.

15. The Pope himself vigorously intervened in the debate.

ited, in a certain sense, from cultural premises that were supposed to be kept up by the church. The problem was the same in both cases: separation seemed to be an excuse for interfering in the church's activity by imposing on it an alien organizational system as well as costs that would benefit the whole *laos*, not just the Catholics.

The 1920s brought resolution of these problems. *Associations diocésaines*¹⁶ replaced *associations cultuelles*. Building associations took into account the Catholic Church's organization and replaced the secular, revolutionary municipality (*commune*) with the diocese. The state accepted the responsibility of paying for the upkeep of the Catholic cultural sites insofar as they belonged to the culture, that is, to the whole *laos*. Little by little, reconciliation between the Catholic Church and the principle of *laïcité* took place.

Private schools¹⁷ are an example of the compromise reached in France. The classical separatist position holds, "To public schools public funds, to private schools private funds."¹⁸ However, in France, the country of *laïcité*, and the 1905 statute, only the most radical

16. *Associations diocésaines* were associations based on the diocese, that is, the sphere of competence of the bishop. HAARSCHER, *supra* note 7, at 20–21.

17. *Id.* at 30.

18. Remarkably, the United States, which accords much more importance to religion than does Europe (and particularly France), has adopted this *laïcist* position up to now. The recent debate about the "voucher system" in Cleveland, Ohio, allowing parents to send their children to public *or* private school with the help of public subsidies, bears testimony to the separatist conception that although controversial, is still dominant at least in the opinions of a simple majority of Supreme Court Justices. But the situation might change very rapidly, as expressed below:

On September 25, [2001,] the United States Supreme Court agreed to review the December 2000 ruling of the Sixth Circuit Court of Appeals, which had found the Cleveland school voucher program unconstitutional because most of the participating schools were religiously affiliated.

In 1999, the Ohio Supreme Court declared the program constitutional because there was no credible evidence the program's primary effect was to advance religion.

Specifically, the United States Supreme Court will review the following question, with a ruling expected by summer 2002:

Does a program designed to rescue economically disadvantaged children from a failing public school system by providing scholarships that they may use in private, religious or suburban public schools that choose to participate in the program—and which operates in the context of a broad array of public school choices—violate the First Amendment because in the early stages of the program most of the schools that have agreed to take on scholarship students are religiously affiliated?

George A. Clowes, *U.S. Supreme Court Will Take on Cleveland Voucher Case*, SCHOOL REFORM NEWS (2001), available at <http://www.heartland.org/education/dec01/Cleveland.htm>.

current of the *laïcist* left adopted the position summarized in this motto. In fact, when François Mitterrand became president in 1981, the slogan was written into his program. But in 1984, when the French government tried to adopt the slogan, the opposition organized huge demonstrations in the name of liberty. Mitterrand soon realized the struggle was doomed to failure and dropped the slogan, leaving private schools today publicly subsidized.¹⁹

Similar to the rationale for state funding to upkeep Catholic cathedrals and architectural works of art, the alleged rationale for the apparent breach of the separation principle in funding private schools is based on culture. France has attempted to rationalize this incongruity by distinguishing between the *cultuel* (pertaining to worship) and the *culturel* (pertaining to culture). Worship only concerns the group of people who freely choose a certain denomination; culture—understood as the education of humanity, children, and adults—concerns the whole citizenry. Catholic schools provide a cultural service to the population independent of religious instruction and worship. Similarly, tourists and scholars visiting the churches enjoy a spiritual pleasure independent of the religious intention of the premises.

The situation remains the same today. Although the 1905 statute is still good law, *associations diocésaines* and subsidization of both churches and schools for cultural purposes are widely accepted. Of course, this acceptance does not mean that France has totally abandoned separation for the sake of collaboration with churches. Indeed, in some ways the *associations diocésaines* are more separatist than the former *associations cultuelles*. The latter clearly meant that the state intervened in order to impose its own values upon the Catholic Church, such as decentralization and democracy, whereas the former implies that the state leaves the church alone by allowing it to choose an organizational structure deduced from its own theology. As long as the church obeys the law of the state, it may choose the form of administrative structure it thinks fit. However, in the area of schools, an institutionalized form of collaboration obviously exists. The state does not formally privilege the Catholic denomination. In fact, any church may create schools and commit itself, by contract with the state, to a generally imposed curriculum accepting the same obligations as the other churches. This model may appear

19. The huge majority of the subsidized schools are Catholic schools.

fair, but it is at best neutral. It is in no way separatist but rather collaborationist. If considered unfair, it might appear to advantage the Catholic Church, which runs the vast majority of the private schools in the French system.

IV. THE SECOND INTERPRETATION OF SECULARIZATION

Let us now consider the more fundamental reason why the Catholic Church in France has progressively accepted a principle (*laïcité*) that was considered devilish in 1905. The particular elements mentioned above, organization and culture, are only part of the answer. The main motive is more likely to be found in international historical developments. As suggested above, for the Catholic Church (indeed, for all churches), *laïcité* is highly preferable to communist-style official atheism. In the nineteenth century, the state was not *laïque* in that it was biased in favor of Catholicism. But this bias tapered off in 1905 when religion was (very partially, as we have seen) relegated to the private sphere. At that time Republicans were often not only against the privilege of the Catholic Church in public affairs but also strongly antireligious; however the state was at least formally neutral. The nightmare for the Catholic Church was—and still is—a complete reversal of the positions that would not only deprive it of its former illegitimate privileges but also would put Catholics in danger of persecution. Such a reversal might be called the “bad” secularization process.

This second process of secularization differs from the first process as it asserts that only secular things are good, important, or valid and that “otherworldliness” is bad because it perverts normal relationships between people in *this* world. An example of this type of secularization is Marx’s notion of religion as the “opium of the people.”²⁰ He alleged that by making people fantasize about an

20. Marx stated:

Religion is the general theory of this world, its encyclopedic compendium, its logic in popular form, its spiritual point d’honneur, it [sic] enthusiasm, its moral sanction, its solemn complement, and its universal basis of consolation and justification. It is the fantastic realization of the human essence since the human essence has not acquired any true reality. The struggle against religion is, therefore, indirectly the struggle against that world whose spiritual aroma is religion. Religious suffering is, at one and the same time, the expression of real suffering and a protest against real suffering. Religion is the sigh of the oppressed creature, the heart of a heartless world, and the soul of soulless conditions. It is the opium of the people. The abolition of religion as the illusory happiness of the people is the demand for their real

otherworldly solution to their suffering, religion, like opium, prevents them from seeing the world as it is and transfers the responsibility for injustices such as political oppression and economic exploitation from the real culprits—despots and capitalists—to the unchangeable order of the world.²¹

Marx's conception may be interpreted in three different ways. The first interpretation implies that religion is a false illusion. The second interpretation implies that this error, preventing religious followers from seeing the world as it is, is a damaging illusion. Only the third interpretation, wherein the state deprives a church of its legitimate privileges by abolishing religion itself, would be characteristic of bad secularization. The first two interpretations do not contradict the principle of *laïcité*, which is the good secularization process embodying the idea that each person is entitled to think whatever he or she likes about spiritual matters, provided that that person does not try to impose his or her conception on others or claim any privilege related to that conception. In such a secular society based on *laïcité*, religiously-minded people might consider atheism a bad thing, for instance by arguing that without a belief in God, "everything would be permitted"²² and that atheism would unavoidably lead to relativism and even nihilism.²³ Such contenders would allege that agnosticism and atheism endanger respect for human rights and freedom of religion.²⁴ But the reverse position is also a priori permitted. Under this view, a materialist or a rationalist may consider religion the "opium of the people," hence deducing that a tolerant society would be better off without people who refer their values to a transcendent being and thus are intrinsically intolerant because they believe in uncompromising absolute values.

These opinions are usually present in democratic societies. However, a very damaging, although radically opposed, consequence

happiness.

Karl Marx, *Contribution to the Critique of Hegel's Philosophy of Right*, in *KARL MARX: EARLY WRITINGS* 41–46 (T.B. Bottomore ed. & trans., 1963).

21. *Id.* As the prayer says, here below is "a valley of tears." *Id.* The only possible salvation is in the other world. Thus, under the second interpretation of secularization, religion works like a drug by distorting reality and slowing the pace of emancipation by weakening critical awareness of the exploited and the oppressed.

22. Ivan's thesis is found in Dostoyevsky's *THE BROTHERS KARAMAZOV*.

23. "[N]othing is valid," or, to rephrase it, "everything has the same [non-]value."

24. In the eighteenth century, Locke believed that atheists could not be trusted because they could not swear on the Bible or invoke God.

must be carefully avoided. Each person should feel comfortable expressing his or her religious or nonreligious beliefs. In order for people to cooperate and find common grounds, so they can be loyal to each other, they may believe that disagreements should not be expressed. This desire results in what I would call the “lowest common denominator policy”—do not mention problems or positions that involve strong disagreements. Today, such a policy is labelled “political correctness.” To adopt a correct political behavior and to abide by the rules of a pluralist state (based on freedom of conscience, not religious orthodoxy), one should not shock others. Therefore, respecting one another’s creeds and values means not saying anything that might disturb them. Progressively, the debate would become dominated by an attitude of prudence (and, one might argue, hypocrisy).

As discussed earlier, the process of secularization in France began about twenty years before the 1905 statute on the separation of church and state. *Laïcité* was first introduced in the public schools before becoming the law of the adults. Around 1885, Jules Ferry, then the French Minister of Education expelled religious instruction from the primary public schools and replaced it with *morale laïque*.²⁵ The idea was, at least in general, quite clear: instead of teaching values and attitudes valid only for Catholic pupils, the public school would teach moral norms of behavior supposedly valid for every French citizen. The most difficult question then became what the subject matter of such instruction should be. Two positions were important. Ferry’s position held that primary school teachers should carefully avoid any statement that might shock the parents of any pupil in the class.²⁶ Ferdinand Buisson, also a well-known *laïque* ac-

25. “Secularist ethics” is an approximate translation of this very French expression.

26. He even suggested that instructors imagine that all the parents were sitting in their class, not wanting to be disturbed by any word that might challenge any of their religious tenets:

At the moment when you intend to present to your pupils a precept or any maxim, ask yourselves if, as far as you know, there is at least one honest man who might be shocked by what you will say. Ask yourselves if even one head of family (I insist: even one), who would be sitting in your class, might in good faith refuse his agreement to what he would be hearing to. If yes, refrain from telling it, if not, speak boldly because what you will be communicating to the child is not your own wisdom but the wisdom of the human species. . . . The teacher will have to avoid as a bad deed whatever would, in his speech or his attitude, hurt the religious beliefs of the children put into his care, whatever would trouble their mind or reveal on his part a lack of respect or reserve towards any opinion.

tivist²⁷ at that time, adopted the opposite position. For him the only alternatives to education were clerical and rationalist schools. In his view, the “new thought,” which consisted of reason, free thinking, and free examination without resort to any supernatural entity would replace the expelled religious instruction. Of course, such an attitude was intolerable not only to Catholics but also to many liberal nonbelievers who thought that it would amount to imposing an official rationalist and antireligious ideology on young people.

Both alternatives are in one way or another unacceptable. Either the controversy about God would be suppressed for the sake of a deleterious, superficial consensus or it would be suppressed by imposing one of the alternative positions on children (who would be future adult citizens). Jules Ferry won the debate and controversial religious opinions would not be mentioned in class. If Buisson had prevailed, the path would have been cleared for an official antireligious process of secularization favored by the most radical *laïcist* activists.

An important difference exists, however, between teaching antireligious doctrines at school and suppressing religion or persecuting believers.²⁸ An official atheist policy would only mean a reversal of traditional positions. In European history, nonreligious people²⁹ were persecuted because they did not accept the official conception of the Truth, which was backed by the “*bras séculier*”³⁰ of the state. Conversely, believers were persecuted during the Stalinist era of the former Soviet Union because the official “Truth” was that religion was a damaging illusion. A fundamental difference exists between a state that does not intervene in religious matters and treats people independently of their spiritual affiliations and a state that imposes an official ideology, be it religious or not. The first kind of political authority is secular in the sense that the state does not meddle in the

JULES FERRY, La lettre de Jules Ferry aux instituteurs (27 Novembre 1883), in POUVOIRS: REVUE FRANÇAISE D'ÉTUDES CONSTITUTIONNELLES ET POLITIQUES 109–16 (1995).

27. Buisson was a complex character who always opposed clericalism. But when, in the beginning of the twentieth century, free thinkers interpreted the principle of “*laïcité*” in an antireligious sense, he attacked the imposition under the pretext of rationalism. See JEAN-MARIE MAYEUR, LA QUESTION LAÏQUE. XIX^e–XX^e SIÈCLE 82 (1997).

28. Although persecution of believers occurred in twentieth century Communist countries, such persecution has not occurred in France.

29. “Nonreligious” in this context means people who adopt any different religion, including Christians with other rites and sacraments.

30. *Bras séculier* is defined as the “secular arm.”

“other world” sphere, or the ultimate ends of life, which are strictly matters of conscience and freedom. The state, in this first case, is secular because it *only* deals with terrestrial matters by overseeing the problems that a community of free citizens encounters such as individual rights, public facilities, and social security rather than the content of the faith or the belief. In the second instance, the state is also secular because people in power are convinced that no otherworldliness exists; therefore, they believe they are entitled by history to eradicate damaging illusions by repressing religious activities.

History reveals that both meanings were often intermingled in the mind of activists, politicians, and writers. In France, the Catholic Church’s domination of political and social life had been so paramount that getting rid of it was considered by many people as an antireligious struggle. But philosophically and pedagogically speaking, the two forms of struggle are radically different. The first secular state is *laïque* in the sense that it works in the service of the whole *laos* (people), not just part of it. The second secular state can in no possible context be interpreted as *laïque*: it imposes atheism in place of an official religion, resulting in favoritism (by the utmost repressive means) for that part of the population that criticizes religion or, more often, obeys out of fear or sheer self-interest.

V. SECULARIZATION AND THE EVENTS OF SEPTEMBER 11

After the attacks on New York and Washington on September 11, 2001, Osama Bin Laden justified his actions by criticizing the United States policy in Israel, Iraq, and Saudi Arabia. Regardless of the absolute unacceptable character of the attacks, the West could certainly envisage a more balanced attitude towards the Israeli-Palestinian conflict, a solution to the Iraqi crisis,³¹ and the departure of United States military from Saudi Arabia.³²

However, there remains a cultural or theological struggle to be taken into account in the fight against terrorism, and it would at least theoretically be possible to “moderate” and rationalize some aims by listening (even with a critical ear) to the claims (however distorted) that surface in the Arab-Muslim street. Of course these moderate (although controversial) aims can be discussed with Muslims

31. A beginning to this solution would be to stop the embargo.

32. The proximity of military camps to Mecca and Medina are considered humiliating for the Muslims.

who might be seduced by the Al-Qaeda rhetoric but not with the terrorists themselves. Bin Laden wants to eradicate the Jewish presence in the Middle East and retain the division between the two nationalisms. He does not blame Saddam Hussein for the situation in Iraq but only the United States, and when asking for the retreat of the American forces from Saudi Arabia, he does not think of freedom of conscience (respecting the sacred places and the religious practices of all the people in the world) but of a Muslim soil that must be purified from any alien presence.

Such an intellectual strategy cannot coexist with the idea of eliminating secularism. It is certain that when Bin Laden uses the latter term, he gives it the “bad” meaning as defined above. For him, the struggle takes place between believers of the true faith and infidels. In order to make what he considers to be the will of God prevail, he is ready to sacrifice thousands of innocent lives. Undoubtedly, for him the struggle against secularism means imposing his fanatic view of Islam on the world. In such a context, the protests against the American (“Christian”) military presence in the vicinity of the Holy Places is not a matter of mutual respect, but of eliminating any form of pluralism. Bin Laden is of course against the “bad” form of secularism (he began his fight, with the help of the United States, against the Soviet invasion of Afghanistan in the 1980s) but he is also—and maybe more importantly—against the “good” one, that encompasses “*laïcité*” and freedom of conscience. It will be very difficult to explain in the Muslim world that the form of secularism that Western democracies struggle for does *not* amount to an anti-religious stance but is dedicated to permitting everyone the free exercise of religion or, more generally, the free commitment to any spiritual conception that respects the same right for others. Indeed, accusing America of being antireligious is probably still more unjust than attacking Europe on the same topic. As previously mentioned, the United States was built on the premise that no established religion should remind people of European persecution whereas in many European countries, the secular state had to struggle against a dominant religion, which unavoidably created antireligious feelings in the population. But it remains that in democratic countries, the secular state works in the service of freedom and attacking *this* form of secularism would mean a terrible regression to a form of fanatical intolerance that is not easily captured by the benign expression “established religion.”

