



Macron Backed into a Corner

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Will the top notch at the Élysée be able to breach “the wall of home education” was the front page of Le Parisien on Thursday. The Conseil d’État (Council of State) made a polite reminder of the risk of failing. If he stubbornly persists, he may well crash land.

<https://www.leparisien.fr/politique/le-mur-de-l-ecole-a-la-maison-26-11-2020-8410724.php>

These days FREEDOM of the press is a precious ally for freedom of educational choice.

After having informed us of the birth of the law against separatism when Macron outright decided to ban home education in France (<https://www.leparisien.fr/politique/separatisme-l-histoire-tourmentee-d-un-projet-de-loi-brulant-19-11-2020-8409223.php>), the Parisian newspaper has now gone behind the scenes at the Conseil d’État to inform readers of debates between the jurists of this noble institution. Unsurprisingly the initial debates reiterate the arguments that we have been developing since the beginning of this crisis. The difference being that they emanate from an institution which is placed above the project of law that the government is preparing to submit to parliamentarians. The unconstitutional nature of such a ban on educational freedom raises questions. This is indeed an understatement when we realise that Jean-Michel Blanquer, himself a Doctor of Constitutional Law, in June of this year, proclaimed before the state senate that home education was based on a powerful constitutional principal. Curiously, after several press releases, during which the Education Minister then claimed that banning home education would be positive progress for children’s rights, the ‘Baron Noir’ of the National Education Department (https://www.liberation.fr/france/2020/11/20/magouille_1806308) has become much more discreet. “In other words, it is the state apparatus, Rue de Grenelle or in decentralised administrations, which has been put at the service of partisan instrumentalisation”. As of yesterday it is Darmanin’s turn to be weakened by police violence. Schiappa is up next...

The Impact Study is Insufficient for the Conseil d’État

On Monday at Place Beauvau, Paris, LED’A was received by advisors to the Minister delegated to citizenship (with LAIA, the cours PI and the association Créer son école). At the Ministry of the Interior, home education representatives were received out of politeness while it was indicated that the proposed ban on home education is the work of Blanquer. Clearly, if like Darmanin and Schiappa you see ‘ghosts of the republic’ don’t dial 911. Calling Ghostbusters on your Minitel terminal, would be more useful.

Once again home education representatives call for the Impact Study which was presented to the Conseil d’État. “Vision with Education!”. It already exists. Defender of the contradictory, Blanquer’s department wants to reserve the first consultation of the study for parliamentarians...rather than the principal groups concerned. The people’s elected representatives will no doubt be delighted to learn that the Conseil d’État considers this study “inadequate”.

Since the freedom of inadequacy is not yet constitutional this little attribute opens a breach towards a first class abandonment of the flagship measure in the law against separatism. We will make sure of that.

We have reached a turning point. Either Macron discreetly withdraws the measure concerning home education from the law against separatism and elegantly lets one of his ministers take the heat or he isolates himself with his shoulder to the wheel. In the long term Macron risks being disowned by the Conseil d’État, but for many families the damage caused will be considerable. It is for this reason that we have to increase the pressure, more than ever. It is to this end that LED’A encourages its members to use the freedom to demonstrate in front of the courts of law throughout France the 4th, 5th and 6th of December 2020. The aim is to show the executive that if we must, it is through the courts that we will increase our contention to cancel this law against liberty.

The opinion of the Conseil d’État, however enlightening it may be, is of an advisory nature for the time being.

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