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## **The Family Court Judge Taking Religious Convictions into Account: a French and European Perspective**

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### ABSTRACT

Even in a secularized society, the family court judge is sometimes required to take into account the parent's or the child's religious convictions, for example those concerning marriage, divorce, parental responsibility or adoption. What equilibrium can be found among the right of every man to freedom of conscience and religious belief, the protection of the rights and interests of others, in particular the rights and the interests of the child, and the defence of the fundamental principles of the society in whose name the judge applies the law? The judge's task becomes even more difficult because the question of the place of religion and of religious beliefs in a society is closely linked to the country's traditions, history, customs, habits of mind, and, in fact, identity. Nevertheless, beyond this diversity, it appears that in a society like the French or the European one, which respects pluralism of ideas and beliefs -- that is, a society that seeks to ensure respect for individual rights and freedoms - two words seem to guide the court : neutrality and respect. In fact, the family court must remain faithful to two commandments : " Do not judge beliefs" and "Do not judge believers.". This Article explores these matters with special attention to French and European law.

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