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## Religious Regulation in France

Paul Christopher Manuel

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### Summary and Keywords

Its past appears to be in constant tension with the present over the question of religious restriction. That tension might properly be understood as a centuries-long struggle between those favoring traditional, pro-clerical views and those espousing anti-clerical, Enlightenment understandings of church-state relations. This tension has given rise to many inconsistencies in legislative actions and public policy decisions around religion, as political power has shifted between the opposing sides at different points in history. This tension continues to the present day.

Keywords: Laïcité, Laïcité, Positive, Laïcité, de Combat, Concordat of 1801, Falloux Laws, Jules Ferry Laws, the 1905 Law of Separation, 1959 Debré, law, Cardinal Jean-Marie Lustiger, Panthéon, Sacré-Cœur Basilica, President François Mitterrand, Zombie Catholic, politics and religion

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## Introduction: On the Tension of the Past Versus the Present

In the years since the 1789 revolution, which proclaimed the universal values of *liberté*, *égalité*, and *fraternité* for all citizens, the French government has repeatedly attempted to impose restrictions on the practice of religion in the name of *laïcité*—a core principle of the secular republic. The term *laïcité* implies both the formal separation of church and state as well as the exclusion of religion from the public square. The objective of *laïcité* is the creation of societal solidarity, unhampered by the potentially divisive effects of diverse confessions (Barbier, 1998). If the tradition of *laïcité* had been universally embraced since the revolution, then the question of religious restrictions in France would have been easily resolved. This, however, has not been the case. Isaac Stanley-Becker has usefully identified a fundamental historical tension around the question of *laïcité*, noting that “France once did battle to defend Catholicism. Now it is home to one of the world’s largest populations of atheists. It is a country wrapped in its religious past yet proud of its commitment to secularism—or *laïcité*—in the present” (Stanley-Becker, 2017).

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The contemporary question of religious restrictions in France might be properly understood as a tension between the present and the past: a centuries-long struggle between those favoring religious, traditional views and those espousing an anti-religious, Enlightenment-based understanding of church-state relations. This tension has given rise to many incongruities between stated objectives and actual policies, as political power has pendulated between the two sides at different periods of history. For instance, although France is a secular republic, it observes several Catholic religious feasts as national holidays.<sup>1</sup> In addition, a Christian cross sits atop of a building in Paris, the Panthéon, which is dedicated to the heroes of the secular nation.<sup>2</sup> The past in France appears to be in constant dialogue with the present over the religious question, resulting in these types of incongruities.

Take, for instance, the case of the Panthéon. Construction on this magnificent new church—designated to be a future reliquary for the patron-saint of Paris, Sainte-Geneviève—was started in 1758, during the reign of King Louis XV (La Bedolliere, 2016). When completed during the revolution, in 1790, the revolutionaries saw a golden opportunity to symbolically make a statement in favor the Enlightenment values of the revolution, and against the Catholic values of the Ancien Régime, that were behind the construction of the building. To that end, the National Constituent Assembly passed a resolution that the new church should be transformed into a mausoleum for the interment of the great citizens of republican France. The former church of Saint Geneviève was therefore renamed the Panthéon, from the Greek, meaning a temple to all the gods (Corkran, 1849).

But that was not the end of this story: just as the political pendulum in France swung from those in favor of a restoration to those defending the revolution, the Panthéon also changed: it was turned from a mausoleum back into a church in 1806, under Napoleon I; then to a mausoleum under Louis-Philippe in 1830, who called it “The Temple of Humanity”; back to a church under Louis-Napoleon, renamed the “National Basilica”; this back-and-forth finally ended in 1885, when the Third Republic passed legislation reauthorizing it to be a secular mausoleum for the heroes of the republic (Bocquet, 1992). Thus, we are left with a living monument to a basic incongruity: when one looks about the Panthéon today, a large Christian cross adorns a significant public mausoleum dedicated to honoring the dead heroes of the secular state. Along these lines, Jocelyne Cesari points out that “the irony is that the *laïcité* law resulted from a conflict between the Republic and the Catholic Church, and yet its passage has not allowed France to officially erase its Catholic past” (Cesari, 2004).

Such political swings from secular to religious, from progressive to traditional, and from left to right illustrate the complicated question of religious restrictions in France. Over the years since the 1789 revolution, this has been a dialectical process: after one political regime in power passed legislation restricting the practice of religion, the subsequent generation has often overturned those measures. Like a gerbil on an exercise wheel, even with lots of movement, France seemingly always ends up at the same place, with the opposing sides ever ready to impose their vision of the proper role of religion in society

on the other: in other words, France appears to be mired in the tension of the past versus the present, seemingly forever.

## The Current Religious Composition of French Society

France, a large European country, has a population in 2018 of about 67 million people. It is difficult to know exactly the religious make-up of French society, given the terms of a law passed during the Third Republic, in 1872, prohibiting the government from keeping census data on the beliefs of citizens, passed in an attempt to promote national unity.<sup>3</sup> However, independent agencies are exempt from that law, so the best available information on that question can be gathered from those sources.

There are several discrepancies among survey findings on the religious composition of French society, muddying a clear grasp of the French religious landscape. On the one hand, a survey by Ipsos/MORI, in 2017, found that 48% of the French are Christians (of which 45% are Roman Catholics); 42% are irreligious (atheist or agnostic); 2% are Muslim; 6% adhere to unspecified other religions; and Buddhist and Jewish faiths each constitute less than one percentage of the total population (Ipsos, 2016). On the other hand, the CIA World Factbook reported somewhat different results in 2015: 63–66% Christian (of which 63% are Roman Catholic); 23–28% have no religion; 7–9% are Muslim; 2% are unspecified; and Buddhist and Jewish faiths each represent less than one percentage (Central Intelligence Agency, 2018; Project Eurl, N.D.). The results reported by the World Religion Database at Boston University in 2008, and by Pew in 2010, were close to the 2015 CIA World Factbook findings; the results reported by Eurobarometer in 2010 approximated the 2017 Ipsos/MORI findings, as indicated in Table 1.

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Table 1. General Religious Landscape in France

Survey Firm/Year	Roman Catholic or Christian	Protestant	Muslim	Jewish	Buddhist	None/Atheist or Agnostic	Other
Ipsos/MORI (2017)	45	3	2	<1	<1	42	6
CIA World Factbook (2015)	63	3	7-9	<1	<1	23-28	2
Pew (2010-2020)	63		7.5	<1	<1	28	3
Eurobarometer (2010)	44		2	1	*	42	11
World Religion Database (2008)	65		8.7	.73	.76	23.84	.07

Notes: (\*) Protestant total is included with Roman Catholic total;

(\*\*) included in "Other" total.

*Sources:* Data is from several sources, included Ipsos Global Trends (Ipsos, 2016); CIA World Factbook (Central Intelligence Agency, 2018); Pew Forum, The Future of World Religions (Pew Forum, 2015A); Pew-Templeton Global Religions Future Project (Pew Forum, 2015B); European Union, Special Eurobarometer (European Union, 2012); World Religion Database at Boston University World Religion (Johnson & Grim, 2017); and Yasemin El-Menouar "The religious landscape in Europe" (El-Menouar, 2017).

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We can identify at least four major elements of the current French religious landscape from the various survey results. First, although the Roman Catholic population remains the single largest religious grouping in France, religious practice among Catholics has dropped off significantly in the last 50 years, with 57% of them self-identifying in 2010 as nonpracticing believers, and only 4.5% attending weekly mass; second, the population without religion is the second largest grouping, but the composition of this second largest grouping is not always clearly defined in the different surveys—that is, it is difficult to know exactly which percent of this grouping are atheists (without God), agnostics (unsure if God exists), or theists (with a belief in God, but without a religion); third, Muslims constitute a substantial minority of the total population, and they practice their religion more regularly than Catholics, with only 34% of Muslims self-identifying in 2010 as nonpracticing believers and 25% indicating that they regularly attend Friday services; and, fourth, although the minority Jewish and Buddhist communities are each well established in France, they each represent just under one percent of the total population (Marchand, 2015).

## Of Cooperation, Opposition, and Separation

Since the 1789 French Revolution, subsequent generations of children of the Enlightenment, representing a progressive, secular, and anti-clerical position, have struggled mightily over the proper role of religion in French society and politics against those favoring a more traditional, pro-clerical, understanding. Their *mêlée* touches all aspects of French society, including the education of the young, religious ceremonies, marriages, and burials. This clerical–anti-clerical, or religious–anti-religious, cleavage remains a pronounced feature of French civil and political society, and it has played out differently in various historical periods, characterized by cooperation, opposition, or separation between the various political regimes and religions. A full understanding of the current question of religious restrictions in France demands an appreciation of these various phases.

### Religion-Regime Cooperation

At the birth of the French nation, a close relationship between religion and political regime existed. This close relationship lasted around 1300 years, roughly from 471 to 1789, and it perhaps reached its zenith during the Ancien Régime (roughly 1650–1789). Throughout this time, Roman Catholicism dominated France as it gained land, money, political power, and social prestige (Popkin, 2012; Ward, 1999).<sup>4</sup> The church also started to create its vast network of schools and hospitals during this period and carved out a special role for itself in the education of the young, as well as in the care of the poor, the destitute, and the marginalized in French society (Phillips, 2002).

Highlights of the Christianization of France begin with King Clovis I converting from paganism to Christianity and undergoing baptism by archbishop Saint Remigius in 496. King Charlemagne, who reigned from 768 to 814, and secured many military victories,

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including the defeat of the Moors trying to enter France from Spain, was crowned Emperor of the Holy Roman Empire in 800 by Pope Leo III. Since 987, in the tradition of King Clovis, most of the kings of France have been crowned in the magnificent Cathedral of Reims (Price, 2014). The French Church may have reached the height of its international political power during the Avignon papacy, when French bishops managed to convince the pope to stay away from Rome due to its political instability (Housley, 1986; Mullins, 2011; Rollo-Koster, 2015).<sup>5</sup>

The doctrine of the divine right of kings provided both theological and political legitimacy to this relationship. Many monarchs justified their rule in this way, perhaps best exemplified by Louis XIV, known as the Sun King, who centralized national power and authority in Paris (Smith, 1992). It was a two-way street: the Roman Catholic Church legitimized the monarch's claim to divine authority, and, in turn, typically received special privileges for that support. The relationship between them was generally stable and jointly advantageous. The fusion between religion and regime linked religious and political identities, rendering France profoundly Catholic. With each passing phase of French history, Catholicism became increasingly interwoven with the national identity (Bergin, 2004, 2009, 2014; Phillips, 2002). As such, the church also came to reflect and reinforce the stratified and elitist structure of French society. The upper classes dominated the leadership positions of the church and used that power to maintain and reinforce social inequality by frequent abuses against the poorer classes, or those who held different beliefs.

This period of cooperation between the regime and religion was not universally accepted and underwent significant trials. Most important, the 16th-century French Protestant movement known as the Huguenots objected to the close relationship between the monarchy and the Catholic Church and sought significant political and religious reforms (Knecht, 1996). The Catholic Church strongly rejected these ideas. Their impasse eventually resulted in the French Wars of Religion, causing great societal dislocations, with much bloodshed on all sides (Diefendorf, 2010). This very complicated story features a wide array of warring participants over thirty-six years, from 1562 to 1598; the conflict ended in 1598 when King Henri IV granted the Huguenots official protections, including the right to freely practice their faith, by the Edict of Nantes. The religious battle, however, was not resolved; in 1685, Louis XIV issued the Edict of Fontainebleau, which formally revoked the Edict of Nantes, rendering the practice of the various forms of Protestantism illegal in France (Benedict, 1996).

The seeds for catastrophic clerical-anti-clerical conflicts in subsequent periods of French history were thus sowed: those favoring Enlightenment views decried the close relationship between the Catholic Church hierarchy and the nobility; they condemned the hypocrisy of a material- and pleasure-oriented church hierarchy that ignored the poor and marginalized; and they objected to the poor treatment of Jews and Protestants (Outram, 2013; Van Kley, 1996). All of this exploded during the 1789 French Revolution and its

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aftermath, which leads us to the second theme, opposition, accurately understood as a counteractive to the first theme.

### Religion-Regime Opposition

The secular, anti-religious political model that emerged after the French Revolution of 1789 sought to restrict, or even remove, religion from politics and society. Paris, a center of Roman Catholicism, was also a main location for the Enlightenment. Intellectuals including Montesquieu, Voltaire, Rousseau, Diderot, and Condorcet, among many others, who came to be known as *les philosophes* [the philosophers] criticized the Roman Catholic Church for how it used the vast power at its disposal for its own gain, against both the interests of the people and the interests of knowledge. The *philosophes* were known for their unrestrained curiosity, openness to new ideas, and intellectual inquiry, and as such, they generated significant advances to our understanding in many areas, including the humanities, political systems, law, science, and mathematics (Manuel, 1965). Starting in the 16th century, the intellectual critiques offered by the *philosophes* would eventually undermine the basic tenants of the divine rule of the king, which had been used to legitimate the Ancien Régime and lead to massive social and political change after the revolution of 1789 (Kumar, 1978, 1987; Torrey, 1955).

The *Declaration of the Rights of Man and of Citizen*, in 1789, represented a revolutionary break from the Ancien Régime and sought to allow for the free expression of religion as well as to prevent a church from controlling the state and society (Schama, 1990). The Revolutionaries built their new Republic on the principle of *laïcité*; in the intoxicating days of the revolution, however, they committed all sorts of atrocities against the church and its clergy. The elaboration of the Civil Constitution of the Clergy in 1790, by the revolutionary Catholic priest known as Abbé Grégoire, sought to place restrictions on religion. It required bishops and priests to swear an oath of allegiance to the French State, and not to the Holy See, or they might risk losing their position; Pope Pius VI condemned it the following year. Although it sought to harmonize the revolutionary state with the church, it had the effect of causing a rift between those bishops and priests who took the oath and those who refused.<sup>6</sup> After Napoleon took control in 1801, he sought to end the religious conflict between the revolutionary state and the Catholic Church. To that end, he negotiated a Concordat with the Vatican in 1801. Napoleon and Pope Pius VII signed it on July 15, 1801, a day after the July 14 celebration, and it remained in effect until 1905. The Concordat contained an interesting set of compromises: it restored the civil status of the Roman Catholic Church in France and discontinued the legal provisions of Civil Constitution of the Clergy; it also permitted the state to maintain ownership over church lands and endowments taken during the revolution and permitted Napoleon to select the bishops and oversee church finances (Aston, 2000). The Concordat thus stabilized the religion-regime relations for some time, but the situation remained volatile.

The historical events concerning both the origin of the construction of the Basilica of the Sacred Heart of Paris [Sacré-Cœur Basilica] and the adjacent statue of the Chevalier de La Barre at the end of the 19th century illustrate well this phase of religion-regime

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opposition. The historical clerical–anti-clerical cleavage in French society was in full view after France’s defeat in the Franco-Prussian War of 1870–1871, the collapse of the Second French Empire of Napoleon III, and the brief leftist take-over of Paris government by troops of the National Guard during what is known as the Paris Commune, which lasted from March 18, 1871, to May 28, 1871. Both sides were quick to blame the other for the military defeat, leading to great political violence and social turmoil.

In 1871, soon after assuming power, the anti-clerical Paris Commune passed a decree holding the Catholic Church complicit for the crimes of the monarchy; related to that, it decided, among other measures, that Catholic schools could no longer maintain their religious identity—especially in religious curriculum—and to confiscate the property of religious congregations (Milza, 2009; Voltaire, 2013). The Commune also authorized the National Guard, among other measures, to close suspect churches and to arrest any priest who opposed their regime. A few months later, as the pro-clerical army forces started to enter Paris during the so-called Bloody Week of May 21 to 28, 1871, panic set in among the Commune; in response, one of their leaders, Théophile Ferré, authorized the execution of the Archbishop of Paris, Georges Darboy, and five other hostages, on May 24, 1871. Théophile Ferré himself was captured and executed by pro-clerical forces shortly thereafter (Milza, 2009). This episode of religion–regime opposition ended on May 28, 1871, when pro-clerical military forces defeated the Paris Commune. They did so with great brutality, including the massacre of some 20,000 anti-clerical combatants (Milza, 2009). The military justified this violent action as a just response to the cruelty that had been inflicted on members of the church by the anti-clericalists during the Paris Commune (Jonas, 1993).<sup>7</sup>

A few years later, in 1873, and at the prompting of the Archbishop of Paris, Cardinal Joseph-Hippolyte Guibert, the pro-clerical majority of the National Assembly voted to authorize the construction of Sacré Cœur Basilica high above Paris on the hills of Montmartre (Basilique du Sacré Cœur de Montmartre, N.D.). Church authorities were thrilled with this outcome: this new religious structure served at least two distinct purposes: first, it reclaimed that section of the city where the Paris Commune had started; and second, as the highest location in Paris, the new basilica would forever be seen all over the city as a monument to the late 19th-century Catholic renewal.<sup>8</sup>

## Separation of Religion and Regime

The third phase—separation between religion and regime—started in the late 19th century and continues to the present day. Cesari has observed that many in France viewed religion to be “an enemy of democracy, liberalization, freedom” and believed that it therefore needed to be separated from the public square (Cesari, 2011). There have been many laws passed designed to strengthen the constitutional requirement of *laïcité* to promote the creation of a secular public square for all citizens—but it has been a difficult struggle, with significant legislative measures and subsequent events around the question of separation.



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Perhaps the most important anti-religious legislative measures in the 19th century were the so-called Jules Ferry Laws (1881–1882), which created the architecture of the contemporary secular state education system. Jules Ferry, the then-Minister of Public Instruction, was concerned that the secular promises of the revolution were being compromised by the Falloux Laws, named for Alfred de Falloux, the then-Minister of Education (1850), which permitted the Catholic Church a role in the teaching of religion in the public schools (Harrigan, 1973). In contrast, the anti-clerical Ferry Laws removed the teaching of religion from the required course of studies in the public schools; limited those religious orders specifically authorized to teach by the Concordat of 1801 to Catholic schools, not public ones; and prohibited any religious order not specifically mentioned in the Concordat from teaching (Acomb, 1941; Brickman, 1981; Harrigan, 2001).<sup>9</sup> Thus, the pendulum shifted in the 19th century from permitting religion to be taught in schools by Catholic priests to restricting the practice (Liogier, 2009).

Twenty years later, in the aftermath of the Dreyfus affair, anti-clerical republicans dominated the Chamber of Deputies and sought to restrict the role of religion in the public square.<sup>10</sup> The Ferry Laws were followed by two additional anti-religious legislative measures, including the Law of Associations, in 1901, and the Law of Separation, in 1905 (Loi concernant la séparation des Églises et de l'Etat) (Coffey, 1997, 1998; Gibson, 1989; Gildea, 1983; McLeod, 2000).<sup>11</sup> The 1901 law undercut the church's control of associational life by permitting different types of associations to be formed; the 1905 law ended the terms of the 1801 Concordat, including government funding of Catholic groups, and provided that the state would have no further role in the naming of bishops; it also claimed religious buildings as property of the state and disallowed the display of religious signs, such as crucifixes, on public buildings (Aston, 2000; Maclear, 1995).<sup>12</sup> These two laws have come to be understood as defining features of *laïcité* in contemporary France.<sup>13</sup>

Shortly after the National Assembly passed the 1905 law of separation, they also voted to honor an 18th-century victim of religious bigotry, Chevalier Lefebvre de la Barre. He was memorialized by Voltaire in his 1766 work, *Relation de La Mort Du Chevalier de La Barre, Par Monsieur Cassen, Avocat Au Conseil Du Roi à Monsieur le Marquis de Beccaria* (Relationship of the death of the knight of La Barre, by Mr. Cassen, attorney at the King's Council to the Marquis of Beccaria) (Voltaire, 2013). The anti-clerical National Assembly decided to place a statue of Lefebvre de la Barre close to the Sacré-Cœur Basilica, 32 years after the pro-clerical National Assembly voted to build the basilica, as a reminder of the dangers of religious intolerance.<sup>14</sup>

All of this provoked a strong response from the Vatican. Pope Pius X penned four encyclicals to the French from 1906 to 1910, including *Vehementer Nos* (On the French law of separation), *Gravissimo Officii Munere* (On French associations of worship), *Une Fois Encore* (On the separation of church and state), and *Notre Charge Apostolique* (Our apostolic charge). These encyclicals condemned what the pope understood to be the

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illegal and unilateral abrogation of the Concordat of 1801 and the anti-religious and hostile tone of these legislative measures (Pius X, 2017).

Many traditional sectors of French society also opposed these measures, and the pro-clerical/anti-clerical pendulum swung back and forth during the 20th century: from the anti-clerical Popular Front government from 1936 to 1939, to the pro-clerical Vichy government during the Nazi occupation, from 1939 to 1945. After the war, the sides continued to battle back and forth during both the Fourth Republic (1947–1958) and the Fifth Republic (1958–).

A particularly egregious period in French religious history took place following France's military defeat in 1939, when the German occupying authorities invited 83-year-old Marshall Philippe Pétain, the great hero at the Battle of Verdun during First World War, to lead the Vichy France government. Some Catholic groups joined the *résistance*, but others, who felt that they could get a better deal from Pétain's government than had been the case under the anti-religious and secular Third Republic, supported collaboration (Jackson, 2003). To this point, Robert Paxton noted that:

most Catholics longed for official support for religious values and for undoing old wrongs that still smarted: “the “expulsion of God” from public schools in the 1880s, the quarrel over church property at the time of the separation of church and state in 1905, laws that discriminated against religious orders. . . . And so Monseigneur Delay [the Bishop of Marseilles] was speaking for most Catholics when he told Pétain at the end of 1940, during one of the marshal's triumphal tours, “God is at work through you, Monsieur le Maréchal, to save France.”

(Paxton, 2001, p. 149)

This split over whether to collaborate with the Germans clearly illustrates the profound and troubling cleavage in French society over the religious question.<sup>15</sup>

## The Vatican Accepts the Principle of Laïcité

It took 60 years, but the Vatican finally accepted the 1905 law of separation and the principle of *laïcité*. The Second Vatican Council (1962–1965) produced two milestone documents regarding the regime–religion relationship that brought the Vatican closer in line with *laïcité*: *Gaudium et Spes*: Pastoral Constitution on the Church in the Modern World and *Dignitatis Humanae*: Declaration on Religious Freedom. Combined, these documents clearly establish a new preference from Rome for a liberal democratic form of government, predicated on the separation of religion from the political regime. These documents also condemn any political regime that violates the rights of free assembly, free speech, and religious freedom (Dorr, 1992; Flannery, 1992). Pope John XXIII, who convened the Second Vatican Council in 1962, but died during the meeting, has rightly been credited for these breakthrough documents. His successor, Pope Paul VI, released the final Council documents and oversaw their initial implementation. Later, in 2005, John

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Paul II wrote to the Bishops of France about the centenary of the law of 1905, noting that although the law was painful for the church at first, it is now acceptable to Rome:

Correctly understood, the principle of *laïcité* (secularity), to which your Country is deeply attached, is also part of the social teaching of the church. It recalls the need for a clear division of powers (cf. *Compendium of the Social Doctrine of the Church*, nn. 571–572) that echoes Christ’s invitation to his disciples: “Render to Caesar the things that are Caesar’s, and to God the things that are God’s” (Lk 20: 25). . . Likewise, as the Second Vatican Ecumenical Council recalled, the management of temporal power is not the church’s vocation for: “The church, by reason of her role and competence, is not identified with any political community nor bound by ties to any political system” (Pastoral Constitution *Gaudium et Spes*, n. 76 2; cf. n. 42). Yet, at the same time, it is important that all work in the general interest and for the common good.

(John Paul II, 2005)

All the subsequent popes, including Pope Francis, have respected these documents (Decherf, 2001). There is also an ongoing discussion in France today about the recovery of *laïcité* as a Christian concept, with a particular focus on the distinction between the things of Caesar and those of God (Brancaccio, 2017).

## The State and *Laïcité*

It is important to stress the French legal system has granted the state, in the name of Republican universal principles—*les principes fondateur de la République*—the protection of the public order, especially in the matters related to religion. Accordingly, the French Constitutional Council has ruled that the French Republic is governed by a cluster of constitutional documents, known as the *bloc de constitutionnalité* (constitutional block), which includes the 1789 Declaration of the Rights of Man and of the Citizen, the Preamble to the 1946 Constitution, Article 1 of the 1958 Constitution (which expressly affirms the principle of *laïcité*), and other principles stated in certain historical legislative acts; such as the 1905 law separating church and state, which is one of the most important legal pillars of the principle of *laïcité*.<sup>16</sup> Together, these principles might be well conceptualized as a sort of legislative codification of the French egalitarian ethos, within which state law aims to treat all citizens alike, refusing to group them into ethnic or religious categories (Marrani, 2013).

However, the actual implementation of the constitutional block laws around *laïcité* has been rather complicated. On the one hand, those favoring secular views assume that *laïcité* implies that freedom of religion is chiefly a private concern, giving rise to a singular French form of secularism—the so-called *laïcité de combat* (combat secularism)—which tends to view any public expression of religion suspiciously (Camus & Laurent, 2016; Decherf, 2001; Winkler, 2016; Zwilling, 2015). On the other hand, traditional elements of French society strongly contest that notion, and instead emphasize the

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positive communitarian dimensions of religious expression and the related good works in society, especially among the poor and marginalized (Englund, 2008, 2016). So, although the church moved on the issue of secularization after Vatican II, and the *bloc de constitutionnalité* is quite clear, new battles over religious restrictions nonetheless broke out after the 1980 election of the François Mitterrand, the first Socialist President in France.

### New Clashes Over Restricting Religion in Public Schools: The Savary Law

In the secular tradition of the Ley laws of 1881, the new socialist government sought to end state support for private, mostly Catholic schools (Agulhon, 1997; Chélini-Pont, 2016; Healey, 1970; Larkin, 2002). From a *laïcité* point of view, the socialist proposal on reforming the education system was both clear and logical. The principle of *laïcité* necessitates a secular public space for all citizens to go about their business, regardless of confession (Byrnes, 2010). Specifically, the 1983 reform bill, proposed by education minister Alain Savary, sought to amend the 1959 Debré law, named for Prime Minister Michel Debré and signed by President Charles De Gaulle, which allowed for the public funding of Catholic schools and for the payment of the salaries for teachers (Baumgartner, 1989). In contrast, the so-called Savary Law proposed strict controls on the use of public funds: it would grant local officials more control over the private schools and allowed teachers in those schools to become civil service employees. One of the more controversial aspects of this law was that state subsidies to the schools would be linked to the number of public civil servant teachers employed at the school, essentially creating an incentive for all teachers to work for the state.<sup>17</sup>

Cardinal Jean-Marie Lustiger of Paris strongly opposed this measure. Known as “le bulldozer,” his heated and legendary exchanges with Socialist President François Mitterrand brought the clerical–anti-clerical tension back to life in the 1980s (Roberts, 2000). Protests across the country started against the proposed Savary Law, with more than a million people demonstrating across France on June 24, 1984. E. J. Dionne observed at the time that “at issue in the demonstration Sunday was a question that has troubled French political life for nearly two centuries: what role should the private, mainly Catholic, schools play in educating France’s young?” (Dionne, 1984). Shortly afterwards, Savary resigned, and the bill was abandoned (Christofferson, 1991). Faced with such fierce opposition, and clearly outmaneuvered by Lustiger, the Socialists withdrew the bill (Kaplan, 1995).

After this difficult battle, both Cardinal Lustiger and President Mitterrand came to respect each other as leaders of strong beliefs and great intellect.<sup>18</sup> Mitterrand certainly held on to his anti-clerical stances, and during the bi-centennial of the revolution in 1989 he transferred the remains of Abbé Grégoire to the Panthéon, with several other heroes of the 1789 revolution (Tiersky, 2002). For traditionalists, this opened up old wounds: they held that the Civil Constitution of the Clergy led to great atrocities against those priests and nuns who refused to sign their loyalty to the French state in place of the Holy

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Roman Church. Yet, when Mitterrand died in 1996, per his wishes, Cardinal Lustiger celebrated a state funeral at Notre-Dame Cathedral in Paris for him. Their friendship facilitated a period of reconciliation between the sides, although they continued to disagree on many issues, including education policy.

### The Law on Secularity and Conspicuous Religious Symbols

State efforts at religious restriction have continued in the 21st century. The National Assembly recently passed two new measures designed to keep all religion out of state schools and the public square: the Law on Secularity and Conspicuous Religious Symbols in School of 2004 [*Loi sur le port de signes religieux ostensibles*] and the Law Banning Concealment of the Face in Public Space of 2010 [*Loi interdisant la dissimulation du visage dans l'espace public*]. The defense of *laïcité* is at the crux of the 2004 and 2010 laws, but not all sectors of French society are in accord.<sup>19</sup> Indeed, although these laws were designed to promote the notion of universal citizenship by preventing any particular confession from dividing people into competing religious factions, they were widely understood to have been motivated by anti-Muslim feelings, as a result of the practice of Muslim girls wearing headscarves in schools. Similarly, the 2010 measure prevents people from covering their face in public, evidently intended to block a religious practice of Muslims.

These efforts have led to much Muslim opposition to *laïcité* (Fernando, 2014). Muslims question the motivations behind the ban on religious clothing, passed in 2010 and openly wonder if such measures are rooted in hatred for their religion. One response to the 2004 law has been for Muslim families to send their children to Catholic schools to escape the headscarf ban (Bennhold, 2008). It is understandable that some view these legislative measures as anti-Muslim; at the same time, such legislative measures appear to be consistent with how *laïcité* has been understood by many in France since the 1905 Law of Separation (Cesari, 2004; Scott, 2017; Selby, 2014).

It has been very difficult for the French state to place permanent restrictions on the practice of religion in France. Try as it might, there have been simply too many moving parts, and so incongruities abound. The terms of the current compromise around education in France are as follows: the state will pay the salaries of teachers at private schools as long as the school agrees to teach the national curriculum approved by the government, to prepare the students to pass the baccalaureate. These schools are “under contract” [*sous contrat*]. If a private school decides not to teach the national curriculum, “outside of the contract” [*hors contrat*], the state will not pay for the salaries of the teachers. This compromise seems to have worked thus far: the first Muslim school in Lille, *Lycée Averroès*, has received state approval to operate *sous contrat* (France24, 2013).

### Islam and Laïcité

Just as the secular state fights for the principle of *laïcité* in the schools, and indeed throughout society, religion continues to play a vital role in French society (Davie, 2000). Historically, the focus for the secular state was to restrict the practice of Catholicism in the public square; the recent legislative measures have Islam in mind, although it is not specifically mentioned in the legislation. In a noteworthy 2015 snapshot piece in *Foreign Affairs*, Jonathan Laurence argued that, although it is a secular state, and even considering the history of religious conflict in France, few French want religion eliminated from their country (Laurence, 2015).

As indicated in Table 1, Islam is a significant presence in France (Pew Research Center, 2009). It is the second largest religion in France, and French Muslims are also the largest populace of Muslims in any Western European country, numbering approximately 7–9% of the French population. A Brookings Report notes that much of the Muslim community arrived in France to work in the 1960s, following the colonial wars. Many of these male workers left their families to work in France; later, the government permitted the reunification of families, which also increased this population. Over the last 50 years, this population has steadily grown (Laurence & Vaisse 2006).

A 2017 study prepared by the French National Institute of Statistics and Economic Studies provides greater context for these numbers. It reports that approximately 7.3 million people born in France have at least one immigrant parent, representing 11% of the total French population in 2015. Among this 11%, as indicated in Table 2, 35% are from the Sunni Muslim-majority countries of Algeria (15%), Morocco (11%), Tunisia (5%), and Turkey (4%) (Brutel, 2017). These results show the immigrant roots of much of the French Muslim population.

Table 2. Distribution of the Number of Immigrant Descendants in France by Country of Origin (in percentage)

Italy	12%
Portugal	9%
Spain	8%
Other European Union Countries	12%
Other European countries	4%
Algeria	15%
Morocco	11%

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Tunisia	5%
Other African countries	11
Turkey	4%
Laos-Vietnam-Cambodia	2%
Other Asian countries	3%
America-Oceania	4%

*Note:* The country of origin is that of the immigrant parent, or of the father if both parents are immigrants.

*Sources:* Brutel, 2017; INSEE, 2015.

Muslim religious observance in France functions under *laïcité*, in terms of the 1905 Law of Separation. That measure both guarantees religious freedom and blocks governmental participation in its practice. However, there are times when the mosque-state lines can become blurred; therefore, several Muslim organizations have been established to protect and defend the free exercise of their religion (Alicino, 2015). There is great diversity among these associations, based on, among other factors, nationality, ideology, and engagement with *laïcité*.<sup>20</sup> Cesari usefully notes that:

The Islamic landscape in France is divided between two poles. The first represents the different ethnic and national currents that claim to promote Islam. The second is situated in a more universalist perspective, inspired by the Muslim Brothers' doctrine. It is also important to take note of the vast movement of brotherhoods and mystic groups, but it attracts few young Muslims of Arab origin.

(Cesari, 2002)

In light of the recent terrorist attacks, French authorities have closed several mosques, allegedly because of extremist activities and hate speech (Serhan, 2016). Many Muslim leaders have supported these measures as they work to improve relations with the larger society and the government (Kaplan, 2015). One important vehicle for their work is the French Council of the Muslim Faith [*Conseil français du culte musulman*], which functions under the aegis of the Ministry of Interior, per the 1901 Law of Associations. Established by President Nicolas Sarkozy in 2003, this council is an elected body of French Muslims, chosen from a variety of Muslim civic organizations, to engage the state on matters relating to their community, including: contesting religious discrimination in all its forms; working toward greater social peace and order; and ensuring the peaceful and free practice of their faith.<sup>21</sup> The development of Rally of Muslims of France [*Rassemblement des Musulmans de France*] is a notable effort to more fully engage Islam

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with the principle of *laïcité*; it is still too early to tell if any meaningful results will come out of such an engagement.

France remains a place of great contradictions: as we have seen, the question of religious restrictions can be properly situated as a tension between the present and the past, or as a centuries-long struggle between those favoring traditional, pro-clerical views and those espousing an anti-clerical, Enlightenment understanding of regime–religion relations. This tension continues, but there seems to be a noteworthy new development known as “Zombie Catholic.”

## The Past Versus the Present

French philosopher Pierre Manent recently called for a renewed dialogue around the question of religion, arguing that the traditional French state secular approach lacks the proper vocabulary in the face of contemporary challenges like terrorism (Manent, 2016). Manent’s appeal recalls the 19th-century Catholic writer Paul Bourget, who provided us with a sense of the ongoing ontological pull of religion in France. Bourget created an imaginary anti-clerical character named Jean Monneron in the 1902 novel, *L’Étape* (Bourget, 1902). Brought up by republican, secular parents, Monneron eventually rejected the convictions of his family and converted to Roman Catholicism. He explains, “I’ve decided to become what my family was for centuries. I want to get back, back to the depths of France. I can’t live without my dead” (Chadwick, 1975, p. 114). As such, Monneron seeks to embrace religion in order to connect with the memory of the past.

## The Rise of the Zombie Catholic and Le Manif Pour Tous

Similarly, a “return from the dead” may well sum up the new French phenomenon dubbed “Zombie Catholics” by sociologists Emmanuel Todd and Hervé LeBras in *Le Mystère français* [The French mystery] (Le Bras & Todd, 2015). Given several surprising events—including the unexpected national protest movement called La Manif pour Tous [Protest for All] in 2013—they suggest that, although it appeared dead, Catholicism has sprung back to life; hence the term Zombie Catholic. (Catholic News Agency, 2017; Zaretsky, 2016). The La Manif pour Tous protest movement brought together traditionalist and pro-Catholic support against the same-sex marriage bill under consideration by the National Assembly. They failed in this effort, but nonetheless brought a renewed focus to the ongoing role of Catholicism in French society.

Another unexpected development involved François Fillon, a leading presidential candidate in 2017, who publicly embraced his Roman Catholic faith—something quite unusual for a French politician. His campaign failed in the face of corruption charges, but his faith-based appeal was significant (Giangravè, 2017; Meichtry & Rocca, 2017). The successful presidential campaign of Emmanuel Macron also appealed to religious voters, with 62% of Catholics voting for him (Cowan, 2017; Gorce, 2018; Hallett, 2017). Todd and LeBras point to President Emmanuel Macron as an illustrative case of the current Zombie



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Catholic phenomenon: many of his supporters favor traditional family values, community engagement, and private (Catholic) schools.

Some have found the Zombie Catholic phrase to be lacking in any analytical value, arguing that Catholics were never really dead, and have always been active in their ministry. However, Samuel Gregg contends that “something has changed in French Catholicism. . . . The hitherto-dominant secularist understanding of *laïcité*, it seems, is receiving a comeuppance from part of France from which it was never expected” (Gregg, 2017). The Zombie Catholic movement may also be understood as a means by which the contemporary period is connected to France’s religious past, and it is reminiscent of the story of Jean Monneron (Paul Bourget in New York, 1893).

Likewise, Grace Davie argues that collective memory and tradition connect the individual to the larger society, broadly understood (Davie, 2013). The Zombie Catholic movement may mean that France is starting to overcome its amnesia of the past and moving towards a new understanding of what it means to belong to a timeless faith community (Hervieu-Leger, 2001). If this does indeed represent a new beginning for religion in France, then a new engagement with the secular state may be in the offing (Manent, 2016).

### Of Laïcité Positive and a Possible New Way

Along these lines, former French President Nicolas Sarkozy offered a new vision on the relationship between religion and political regime in France. At his 2007 speech at Saint John Lateran Cathedral in Rome, he proposed a novel understanding for the religion-political regime relationship around the concept of “*laïcité positive*” [positive laicism]. Learning some difficult lessons from the French historical experience around religion, he suggested that political regimes do not have to be anti-clerical, and conversely, religions do not have to be anti-regime (De Gaulmyn, 2012; De Larquier, 2008). Instead, Sarkozy encouraged clerical and anti-clerical forces to engage in “dialogue, tolerance, and respect,” in the hope that the best in the traditions of secularism and religion can enrich one another (Cazeneuve, 2012).<sup>22</sup> Likewise, newly elected President Macron noted that “we have a duty to let everybody practice their religion with dignity . . . we have a duty to let everybody practice their religion with dignity,” also adding that “when one enters the public realm, the laws of the Republic must prevail over religious law” (Brockhaus, 2017).

In that regard, Pope Francis—enjoying an 89% approval rating in France—sent a congratulatory telegram to the President Macron following his election and reminded him of France’s Christian roots, “I send you my very cordial wishes . . . and pray that God will support you so that your country, faithful to the rich diversity of its cultural morals and cultural heritage, which have both been greatly influenced by Christian traditions, shall always strive to build a more just and fraternal society” (McGuinness, 2017; Pew, 2014; Plant, 2014).

As the first so-called “Zombie Catholic” to be elected president, President Macron—who attended the Jesuit-run Lycée la Providence in Amiens—is cognizant of the Christian roots of France. Its majestic cathedrals, its great saints, and its many pilgrimage sites, continue

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to provide spiritual nourishment to the global church.<sup>23</sup> President Macron is also well aware of the lived reality of religion in France. During his campaign, he had lunch at a shelter named Cité Saint Martin, which is part of the Secours Catholique (Catholic Relief Service) network and visited its temporary residences. He shared his inclusive religious vision after the visit, saying that his own views were in harmony with those of Secours Catholique: “the values defended by the Secours Catholique are the idea that I have of the general interest and of generosity” (Maillard, 2017). He particularly seemed to be impressed by the many services provided by volunteers to the poor and marginalized, praising those “people who have decided to give their time to help repair the life of others” (BMFTV, 2017). As such, he appears to be open to an ongoing and robust role of religion in French civil society (Stanley-Becker, 2017).

Legislative efforts at restricting religion in France will most certainly continue in the name of *laïcité*, which remains a core principle of the secular republic based on *liberté*, *égalité*, and *fraternité*. Further, the French *laïcité* assumption that freedom of religion is mainly a private concern remains problematic, and may lead to future conflict. In recent years, however, the centuries-long pendulum of restricting religion in the public square appears to have moved in a slightly more *laïcité positive* direction. New forms of cooperation may indeed emerge between the state and religious organizations in France, but many challenges remain.

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### Notes:

(1.) Roman Catholic feasts also celebrated as public holidays in France include Easter Monday [Lundi de Pâques], the Ascension of Christ [Jour de l'Ascension], Pentecost Monday [Lundi de Pentecôte], Assumption of the Blessed Virgin Mary [Assomption], All Saints Day [Toussaint], and Christmas Day [Noël]. The Alsace and Moselle/Lorraine regions also officially observe Good Friday [Vendredi Saint] and St. Stephen's Day [Deuxième jour de Noël].

(2.) The inscription above the Panthéon entrance reads "The Fatherland recognizes the Great Men of France" [Aux Grandes Hommes La Patrie Reconnaisante].

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(3.) The *Figaro* notes that the 1872 law was reaffirmed by a new law passed by the National Assembly on January 6, 1978. In particular, Article 8 states that “It is forbidden to collect or process data of a personal nature related to racial or ethnic origins as well as political, philosophic, or religious opinions.” See Cosgrove, 2011.

(4.) The Christian story of France can be traced to even before the founding of the French nation, with the legends that some of the followers of Christ settled in France after their expulsion from the Holy Land, including Mary Magdalene, Martha, and Lazarus. Mary Magdalene is said to have lived in a cave in La Sainte Baume (Provence). For more, see Harvard Divinity School, 2018).

(5.) The French Popes remained in Avignon until Saint Catherine of Siena convinced Pope Gregory to return the papacy to Rome in 1378.

(6.) Most bishops refused to sign the oath, but around 60 percent of priests did so.

(7.) Louis Baunard, *Histoire du cardinal Pie 1886*, vol. 2, p. 498, quoted in Jonas, 1993, p. 483.

(8.) Baunard, quoted in Jonas, 1993, p. 483.

(9.) As such, the Marists, Jesuits, and Dominicans were formally prevented from running schools, but apparently this law was not always strictly enforced everywhere in France.

(10.) The Dreyfus affair (1894 to 1906) involved a Jewish military officer, Captain Alfred Dreyfus, who had been unjustly accused of giving secret military documents to the Germans, and then convicted of treason. This case further divided France between the traditional, pro-clerical side (anti-Dreyfusards), and the progressive, anti-clerical side (Dreyfusards). Eventually, the French intellectual Émile Zola started a robust public campaign to set him free; President Émile Loubet pardoned Dreyfus in 1906.

(11.) The 1905 law allowed any religious associations to operate, thus overturning the April 8, 1802, law that provided for public subsidies to Catholic organizations.

(12.) Interestingly, the region of Alsace-Moselle was annexed by Germany at the time of the law’s passage, and so it has remained exempt from the 1905 law, and still functions under the Concordat of 1801. On February 21, 2013, the Concordat was upheld by the French Constitutional Council in response to a legal challenge. See Perrault, 2013.

(13.) The actual implementation of the 1905 law has been rather complicated and imperfect; in addition, the National Assembly passed a law in 1908 to deal with the expenses that the secular state was incurring to maintain religious buildings, among other measures.

(14.) That statue has had an interesting history; it was built in 1905, moved to a less prominent place on Montmartre in 1926, and destroyed in 1941 by the pro-clerical Vichy collaborationist government. Most recently, in 2001, the Paris City Council voted to place

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a new statue of Chevalier Lefebvre de la Barre in Montmartre, close to the basilica at the Square Nadar.

(15.) There was a pro-Catholic political party in the Fourth Republic, known as the Popular Republican Movement (*Mouvement Républicain Populaire*), founded after the war to support Christian values. It was disbanded in 1967.

(16.) For more information, see *Documentation Française*, 2005.

(17.) The French Ministry of Education (2018) reports that in 2016, there were 5,890 middle schools [collèges publics] and 1,807 private middle schools [collèges privés]. Others estimate that approximately 20% of French schoolchildren (18 million total) attend private schools; 94% of those schools are Roman Catholic and receive state subsidies. See *About-France.com*, n.d.

(18.) Cardinal Lustiger converted from Judaism as a teenager. His Jewish mother was murdered in Auschwitz. John Paul II named him Cardinal of Paris in 1981.

(19.) Religious symbols from Muslim, Christian, Sikh, and Jewish faiths are banned in French public schools.

(20.) The leading Muslim civic associations in France include the following: (1) The Federation of the Great Mosque of Paris [*Fédération Nationale de la Grande Mosquée de Paris*] (1923), founded by Algerians; (2) National Federation of Muslims of France [*Fédération Nationale des Musulmans de France*] (1985), organized by Daniel Youssof Leclerc, a French convert to Islam; (3) The Union of Islamic Organizations of France [*Union des Organisations Islamiques de France*] (1983) associated with the Muslim Brotherhood, with Egyptian and Tunisian connections; known for its religious youth camps and the establishment of first Muslim seminary in France in 1991; (4) Committee of Muslim Turks in France [*Comité de Coordination des Musulmans Turcs de France*] (1986), coordinates the relationship between the French government and the local Turkish Muslim community, and has direct links with the Office of Religious Affairs of Turkey; (5) The French Federation of Islamic Associations of Africa, the Comoros and the West Indies [*Fédération Française des Associations Islamiques d'Afrique, des Comores et des Antilles*] (1989), which coordinates and represents, among others, Moroccans, Tunisians, and Algerians; and (6), the Rally of Muslims of France [*Rassemblement des Musulmans de France*] (2006), which favors a tolerant and moderate Islam, compatible with the principle of *laïcité*. See The French Ministry of Foreign Affairs.

(21.) The 2015 elections results included representation from several of the major French Muslim civic organizations.

(22.) Sarkozy's speech may be watched here.

(23.) Among many examples of the rich religious heritage and ongoing life of France are the modern Taizé Monastic Community, which welcomes thousands of pilgrims annually; Our Lady of Lourdes sanctuary, a very important Marian apparition shrine to Catholics;

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the cathedrals of Chartres, Notre Dame de Paris, and the Basilica of Sacré-Coeur in Montmartre, which welcome every year religious and non-religious visitors interested in both their spiritual and architectural histories; and the great devotion around the world to many French saints, including Joan of Arc, Vincent de Paul, Catherine Laboure, and Thérèse de Lisieux, also known as “The Little Flower.” See Hanke, 2016.

**Paul Christopher Manuel**

Department of Government, American University

