

# Secularism in French Cultural Discourse



# Secularism in French Cultural Discourse:

*Timeless Laïcité*

By

Vincenzo Pacillo

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# INTRODUCTION: THE ETERNAL YOUTH OF *LAÏCITÉ* AND FRENCH WRITERS

The primary objective of this book is to explore the origins and evolution of the juridical concept of secularism of the state, a comparatively recent idea<sup>1</sup>. The investigation specifically focuses on the French cultural realm during the period from 1850 to 2023, dedicating itself to examining the influence exerted by intellectual debate in defining and shaping the aforementioned concept. This book aims to examine how literary and extra-legal factors have significantly influenced the delineation and development of the concept of secularism within the French legal context, as well as in its progressive transfer and adaptation to other legal systems.

The book is based on the premise that a legal tradition is not merely a collection of laws and norms but also encompasses deeply rooted attitudes and beliefs, shaped by historical events and cultural debate. This fundamental idea interprets a legal order as an essential element of the culture in which it is embedded, emphasising the crucial role of the socio-cultural context in interpreting norms and principles. Through the example of secularism, this book aims to demonstrate how juridical concepts can develop in a layered manner, originating from a series of meanings that emerge from the interaction between various languages and cultural environments.

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<sup>1</sup> The historical-genetic path that led to the construction of the concept of secularism, as demonstrated by Jasonni (Jasonni, 2009), has developed deeply over time, to the extent that it can truly be said to be rooted in the civilization of ancient Greece. However, the goal of this volume is to focus on the moment when the term "secularism" fully enters not only the intellectual, legal, and political debate as a neologism capable of synthesizing, in a single word, the idea of the necessary emancipation of public institutions and powers from the interference of the Catholic Church and all other denominations, "the profound demarcation between the temporal and the spiritual" (Buisson, 1887), but also into the vocabulary of the French language. On this topic, see also Fiala, Pierre. "Les termes de la *laïcité*. Différenciation morphologique et conflits sémantiques". In: Mots, 27, 1991. Laïc, laïque, *laïcité*. pp. 41-57.

Diego Quaglioni has recently reminded us that, in mediaeval civilization, law was not viewed merely as a set of norms but as a practical science enriched and informed by the literary space. This approach to mediaeval law, characterised by its "radical otherness" compared to modern paradigms, suggests that law can and should assimilate literary and cultural elements for a more comprehensive understanding capable of responding to the need for justice that resides in the heart of the human being. In this sense, the Middle Ages represent an example of how law was intrinsically linked to 'extra-legal' sources, such as literary works and moral authorities (Quaglioni, § 1-15).

Following these ideas, Salvatore Prisco has recently emphasised how modernity, particularly European-continental modernity, has reduced law to a coercive and positivist normative order, depriving it of the richness and complexity that characterises previous epochs. In this context, works like "The Failure of the Word" by R.H. Weisberg become crucial for understanding how contemporary law can be reinterpreted and enriched through dialogue with literature, art, and other forms of cultural expression, to rediscover its humanistic dimension, fundamental for a deeper and holistic understanding of justice and society (Prisco, pp. 2 et seq.).

Indeed, Weisberg highlights how law is a linguistic phenomenon and how research in law and literature is essential to reestablish a structural link between normative language and ethics. Behind this idea, the shadow of Emilio Betti is evident, who proposes a hermeneutic orientation that centres the historicity of interpretation and the importance of reconstructing the "values" system of the legal order: this approach underscores the awareness of the cultural interests at play and the historical evolution of legal experience, suggesting the adoption of a dynamic and realistic perspective in analysing the process of generating juridical concepts (Betti, pp. 197 et seq.). According to Cervati, this implies recognizing the direct influence of cultural dynamics—as social realities—in the formation of these concepts, which are not only the result of deductive logic but also the product of historical dynamics and the cultural and social roots that influence legal doctrines and jurisprudential orientations. In this sense, law is understood not only as a tool for the authoritative composition of conflicts of interest but also as a field in constant evolution, adaptively responding to the changing structures of social relationships; structures that literary works contribute to shaping (Cervati, pp. 14 et seq.).

Of course, this modelling work depends on a series of variables: the recognition of the role of the intellectual and the centrality of cultural

debate in society; the specific weight enjoyed by the individual intellectual within the debate; the ability and strength of political militancy of the intellectual class at a certain historical moment. From this perspective, the choice of France as the cultural context of reference and the historical period analysed constitutes a nearly obligatory choice: and this not only because the juridical concept of secularism—as we understand it today—was born in France during that historical period, but because it is within the Hexagon that we witness the entry into the scene of the figure of the “intellectual” as a key role within public debate. The Dreyfus Affair, and particularly the publication of Émile Zola's open letter “J'accuse” on January 13, 1898, marked—at least in the collective imagination—the moment when the writer, regardless of their specific profession (in Zola's case, that of a writer), takes on the responsibility of intervening in matters of public importance, acting on principles of justice and truth (Ory & Sirinelli, pp. 13 et seq.)

In reality, the figure of the intellectual has more ancient roots (Ory & Sirinelli, pp. 5 et seq.).

Already in the 18th century, the philosophes and men and women of letters had a profound influence on culture and public opinion: these are figures—think of Olympe de Gouges, George Sand, or Victor Hugo—who contributed to shaping not only the culture and literature of their time but also political and social thought and, as we will see, also played a fundamental role in the structuring of the juridical concept of secularism.

Consistent with the purpose of the volume, the analysis excludes the thought of legal intellectuals and limits the field of investigation to intellectuals actively engaged in writing literary works in poetry and prose (*écrivains* in the strict sense) until 1964. The year 1964, marked by Jean-Paul Sartre's refusal to accept the Nobel Prize in Literature, represents a significant symbolic moment in the cultural and intellectual history of 20th-century France. This event marks not only a turning point in Sartre's career but also a transition in the idea of the intellectual in general: the subsequent years are characterised by the emergence of “specific intellectuals,” who differ from the model of the “total intellectual” represented by Sartre. These new intellectuals focus more on the social sciences and tend to specialise in particular sectors, rather than embracing a broad spectrum of disciplines as Sartre did (Zanotti, pp. 26 et seq.).

The decline of Sartre as a central figure in cultural life does not mark the end of the intellectual, but rather the evolution of this role in society. The

figure of the specific intellectual adapts better to a rapidly changing world, where specialised knowledge is increasingly in demand. However, this sectoral and technical approach also has significant implications for the study of secularism, which is no longer discussed and analysed from a broad and multidisciplinary perspective, but—from the 1960s to the 1980s—becomes an almost exclusive object of study—according to the technical-legal method—of the class of jurists; towards the end of the 1980s, conversely, the ideological aspect of secularism becomes dominant, reflecting the growing interest in the political and social implications of this principle.

This evolution reflects the increasing complexity of modern societies and the need for a more detailed analysis focused on specific aspects such as law, politics, and sociology, and it is for this reason that—starting from the study of the 1960s—the treatment of this volume increasingly includes an analysis of the thought on secularism not only of writers of literary works in poetry or prose but also of experts in various human and social sciences other than legal sciences who have never dedicated themselves to literature (*écrivains* in a broader sense).

Based on the premises just described, this book attempts an approach to secularism that recognizes and values its deep interaction with literature and—from a certain point onwards—with French philosophy and sociology, suggesting that the understanding of the principle of secularism cannot and should not be limited to the sole analysis of norms, but should include a broader interpretation that incorporates historical, literary, and cultural elements. This vision paves the way for an integrated humanistic approach to the study of ecclesiastical law, in contrast to the reductive and normative view prevalent in modernity.

The book will therefore seek to consider—from a diachronic perspective—how the role and influence of *écrivains* and non-legal intellectuals in shaping and interpreting secularism in France developed, and whether it can be asserted that these thinkers, despite lacking specific technical-legal competences, have contributed substantially and uniquely to the construction of a theoretical framework that has influenced the practice and understanding of secularism beyond mere legal aspects. It will also seek to understand how the action of these intellectuals manifested itself in defining the contours and proposing redefinitions of the principle of secularism, both within state institutions and in the broader sphere of civil society, and whether this action can be described as a form of intellectual militancy, a continuous activity aimed at shaping, changing,

or preserving the social structure and power dynamics related to the relationship between the state and confessions, as well as the concrete implementation of the right to religious freedom.

In this context, the book will also seek to understand how their work interacted with that of jurists, traditional custodians of the technical interpretation of the principle of secularism within the normative system, to form a broader conceptual fabric that includes both the axiological bases and the evolving social dynamics.

Finally, an evaluation will be undertaken to assess how various forms of communication—both legal and non-legal—have intertwined to shape the principle of secularism. Considering the universal nature of literature, philosophical thought, and sociological theory, an attempt will be made to understand how this interplay of languages has enabled the concept of secularism to transcend national boundaries and permeate the European juridical framework. This exploration aims to stimulate research and refine new regulatory frameworks, fostering a different legal sensibility, even from a comparative perspective.

This book, in opposition to the ideas of "legal nihilism," proposes a perspective in which non-legal intellectual speculation has the potential to transform the landscape, a concern outlined by Stefano Rodotà. Rodotà, years ago, noted a significant shift in society and law, marking the end of an era of shared values and the advent of an age of "value polytheism" and disputes over the recognition of pluralism. In this context, this volume posits that for concepts like secularism, which are at once highly indeterminate yet absolutely essential for ensuring full respect for democratic life and the full development of human personality, there exists a "mobile frontier" between law and non-law. This is an area of continuous discourse among technical knowledge, literature, philosophy, history, and art, reflecting the complexity and fluidity of contemporary societies (Rodotà, pp. 9 ff. and 35 ff.). Rodotà perceived this transition as the gradual unveiling of the traditional legal system's inadequacy in dealing with daily reality: an inadequacy manifesting in the legal order's potential to hinder individual personality development or limit the fullness of life. Rodotà's observation that "we are no longer facing abstraction, but the erasure of the subject" (Rodotà, p. 25) highlights a concerning trend towards depersonalization and anonymity in the modern era, where individuals risk being overwhelmed by structures and systems that no longer recognize their uniqueness and dignity.

This book argues that through an intellectual inquiry where law reclaims its connection with literature, understood as a tool for consciousness and revealing questions of meaning that transversely permeate societies, it might be possible to address and potentially modify this scenario. The volume suggests—aligning with Pietro Barcellona's concerns about a legal system that "can dispense with intentions and projects, with will and consciousness, and ultimately, with flesh-and-blood humans" (...) whose fate is "in the perfect circularity of the self-referential and self-reflective reproduction of its 'devices' and its logic..." (Barcellona, 152)—a more holistic and integrated approach to understanding and resolving the challenges posed by the complexity of the modern world. It seeks to go beyond the mere technical dimension in the evolutionary interpretation of juridical concepts, lacking any dialogical breadth with other forms of human consciousness expression. At the same time, it aims to demonstrate an unwavering belief in the existence of an intellectual class that, irrespective of specific technical knowledge, can still play a role in defining and developing those juridical concepts we might term "structural," as they form the fundamental framework of democracies in a substantive sense.

Due to its structural nature within substantive democracies, secularism (along with the debate surrounding it) is a concept forever young, destined not to age, as Jean Cornec stated in 1983 (Lazennec, 2019):

*«La laïcité n'a pas à être repensée. Elle n'a pas une ride».*

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*The editions of the literary works consulted, generally in their original language, are only cited when they are rare editions or works not easily available commercially. To improve the readability of the text, the*

*decision was made to translate some quotations from French. This is a personal translation for which I take full responsibility.*

## CHAPTER I

# *LAÏCITÉ AND SEPARATISM IN THE CULTURAL DEBATE FROM THE FALLOUX LAW TO THE PARIS COMMUNE*

### ***1. The Precursors: Anticlericalism as the Genetic Matrix of laïcité and Separatism in Revolutionary and Post-Revolutionary France (with a Digression on Olympe de Gouges)***

On January 15, 1850, during the debate on the bill concerning education reform drafted by the extraparlimentary commission chaired by Count of Falloux, Minister of Education<sup>2</sup>, Victor Hugo spoke before the Legislative National Assembly in defence of the monopoly of free and compulsory public schooling, free from clericalism and the mandatory teaching of Catholicism. The Falloux project effectively replaced the previous legislative proposal for national education reform presented by Hippolyte Carnot in 1848, which had envisioned free, non-denominational, and mandatory education for both sexes. Carnot, strongly opposed by the conservative majority in parliament, resigned on July 5, 1848: the fundamental principles of his vision of public education, including free access, public monopoly, and the promotion of republicanism and civil and political rights, were then completely rethought by the Parti de l'Ordre, victorious in the 1849 elections and composed of legitimists, orleanists, and republicans committed to defending property, public order, and the principle of freedom of education, interpreted in a system centred on full freedom of choice between public and denominational education.

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<sup>2</sup> Regarding the figure of the Count of Falloux, see Gobbi, G  rald. *Le comte de Falloux (1811-1886): Entre   glise et monarchie*. Presses Universitaires de Rennes, 2010. This reference points to a detailed study on Alfred de Falloux, who played a significant role in the intersection of Church and monarchy in France. The Falloux Laws, stemming from a bill established by the extraparlimentary commission convened by Minister Falloux, henceforth referred to for brevity as the Falloux Project, significantly impacted the educational landscape in France by promoting religious influence in education and facilitating the establishment of private (especially Catholic) schools alongside public ones.

We must now briefly examine the ties between right-wing conservatism—represented by the Parti de l'Ordre, of which Falloux was a significant exponent—and the Catholic religion. The latter had been proclaimed by the Concordat of 1801 and by the Constitutional Charter of 1830 (Art. 6)—which explicitly also guaranteed the freedom of education in Article 69—as the "religion of the great majority of French citizens," and although not elevated to the rank of the state's official religion, it enjoyed a special dignity. In virtue of this constitutional status, the Catholic Church in France was subject to a peculiar legal regime (based not only on the Napoleonic concordat but also on a set of common law norms like the law of April 10, 1834, and Articles 291, 292, and 294 of the Penal Code) (Prévost-Paradol, pp. 342 et seq.), under which it could use public buildings for its activities, receive state funds necessary to remunerate its ministers, and, crucially—along with other recognized religions (Lutheran and Reformed Protestantism and Judaism) which benefited from public recognition and were subject to state protection and control, but obviously had a lesser numerical weight—enjoyed a nodal role within the education system. The French Right generally understood the combined provisions of Articles 6 and 69 of the Fundamental Charter to mean that the principle of national education should be inseparable from that of a national religion: however, it was not clear how to harmonize—from a legal standpoint—this principle with the "républicain légicentrisme" that according to Odile Rudelle constitutes

"the curious constitutional destiny of a country which, in the space of two centuries, has experienced nearly fifteen different regimes" (Rudelle, p.441).

The Guizot Law of 1833 had attempted to create such harmonization by combining the freedom of primary education (anyone who had reached the age of eighteen could freely practice as a primary school teacher, provided they obtained a certificate of suitability issued after an examination and presented a certificate of morality, obviously favoring the opening of denominational schools) with the creation of a structured organization of a public primary education system, integrated into the University. The goal of the Parti de l'Ordre was to enact a new education law that would increase the weight of the Catholic Church in the structure of primary and secondary education (a goal we connect to clericalism) without, however, renouncing the control of public powers over schools, which everyone considers to play a fundamental role in the democratic life of the nation:

"the driving idea that, since the Revolution, represents the definition of the public education service—or, in the words of Taine, 'the fatal French prejudice that erects the State as the educator of the nation'" (Chanet, § 2).

This goal ended up radicalizing anticlericalism—which until then had been predominantly linked to a certain intellectual world, formed by Republican Catholics and heirs of the Gallican tradition of the Ancien Régime monarchy, by liberal Protestants and evangelicals, by deists supporters of natural religion, and finally by free-thinkers, atheists, or positivists<sup>3</sup>—highlighting, as Nathalie Jakobowicz aptly notes, its vigorously and proudly "popular" character<sup>4</sup>. This creates an ambiguous political and social climate, in which clerical instances that, winking at the re-confessionalization of France, certainly have in mind the idea of political action "*à droite, avec une forte tendance autoritaire*" (...) tendentially "*hostile à la liberté politique et religieuse*" (Raynaud, § 20) and militant anticlericalism often irreligious and intolerant towards the public presence of Catholicism.

This ambiguity generates an evident parliamentary and cultural polarization on the theme: the project presented—on June 23, 1849—by the Commission chaired by Falloux had to—well before the debate in the chamber—face the hostility of all Republicans, even the most moderate, who feared seeing education return to the clericalism of the Ancien Régime. On the other hand, the most reactionary Catholics—like Veuillot—have long reproached the authentic minds of the Falloux project, namely Charles de Montalembert, Félix Dupanloup (Ferrari, pp. 24 et seq., n. 47) and Adolphe Thiers, for having been protagonists of "a monstrous alliance of the ministers of Satan with those of Jesus Christ" (Mercier, § 11). The Falloux project aims to guarantee the freedom of teaching in primary and secondary education through some important modifications of the existing juridical framework. Among these, we recall the redefinition of the composition of the supreme control body (the Superior Council of Public Instruction, which—in the project—includes only eight academics out of twenty-eight members; seven of these represent the recognized religions and three the free schools) and the creation of a "dual-track" system in which the education system is made up of both public schools and free

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<sup>3</sup> Weill, Georges. *Histoire de l'idée laïque en France au XIXe siècle*, Paris, Alcan, 1925.

<sup>4</sup> Jakobowicz, Nathalie. "Chapitre VI. Les fissures du mythe". 1830, le peuple de Paris: Révolution et représentations sociales. By Jakobowicz. Rennes: Presses universitaires de Rennes, 2009. (pp. 201-223) Web.  
<<http://books.openedition.org/pur/100233>>.

schools "founded and maintained by individuals or associations" (Title 1, Chap. 3, Art. 17). Moral and religious education is—in the Falloux project—the first among the subjects taught (title 2, chap. 3, art. 23) in all primary schools, public or private; schools separate for each religion are recommended (title 2, chap. 3, art. 36). Ministers of worship (Catholic, Protestant, and Israelite) are part of the authorities responsible for local supervision of primary education, and the possibility of entering the school is for them *toujours ouverte* (title 2, chap. 4, art. 44). Education is neither free nor compulsory.

The project envisages active involvement of ministers of worship (Catholic, Protestant, and Israelite) in local supervision of primary education, guarantees them access to schools, and significantly simplifies the process of opening educational institutions by religious congregations. To open a private secondary school, one needs only a high school diploma or an internship (title 3, chap. 1, art. 60), and to teach in free schools, a high school diploma, the status of minister of worship, or a training certificate is sufficient; nuns, moreover, need only a letter of obedience from their superior to teach in primary schools (title 2, chap. 5, art. 49). Free schools can obtain premises and a public contribution, but this cannot exceed one-tenth of the annual expense of the entity (title 3, chap. 1, art. 69).

As mentioned, the Falloux project was born as a compromise between an ultramontane and intransigent vision, absolutely opposed to any compromise on the necessity to guarantee—without any state limit and without any control by secular authorities—the Church's right to erect schools and manage them according to the norms of canon law, and a secular vision of education, which intended to safeguard the freedom of conscience and the role of public powers and academia in the training of teachers, in the elaboration of programs, and in the conduct of teaching activities. This compromise was part of a more articulated climate of political conflict between Catholics and anticlericals, increasing its ambiguities and risking making dialogue between non-ultramontane Catholics and secularists open to discussion very complex. It is precisely from this dialogue that the "*Parti de l'Ordre*" arises, a cross-party right-wing grouping that—under the authoritative influence of Adolphe Thiers—seeks to prevent the debate on the Falloux project from becoming a new occasion for ideological opposition and instead resolves it in a guarantee of teaching freedom respectful of constitutional values (Raynaud, § 16 et seq.).

The ultramontane front entrusts essentially to the journals *Le Correspondant* (founded and directed by the archaeologist Charles Lenormant) and *L'Univers* (directed by the writer Louis Veuillot) the most vehement criticism of the dialogue (seen as a betrayal of Catholic values) between Catholics and secularists on the Falloux project: a criticism, that of the two aforementioned journals, that Pope Pius IX himself will disavow in the famous letter to the apostolic nuncio in France of May 4, 1850, inviting the French episcopate to accept the Falloux project (Fernessole, 1960, p. 253). *Le Correspondant* and *L'Univers* nevertheless remain two significant platforms from which the more conservative Catholic cultural world participates in the cultural debate: particularly Louis Veuillot—as Antoine Compagnon writes—'is the founder of a certain French pamphleteering style, which Thibaudet later recognizes in Drumont, Bloy, Daudet, Maurras' (Compagnon, p. 424 s): a style that would lead him to establish a direct connection with the Catholic populace of the Province and to incessantly ride a polemical literary wave of integralist content, which often reverberated within Catholic culture.

Moreover, the fact that the state's control over free schools is minimised, while the clergy participates in all the 'committees' of education, thereby effectively acting as a controlling force over the entire educational system, leads to another vehement intellectual reaction: that of the demo-socialists, moderate republicans, and liberals who do not identify with the dialogue promoted by the '*Parti de l'Ordre*'.

Before continuing, a premise is necessary. In 1850, in France, as Hugo is about to speak in parliament, the adjective *laïque* (and the noun *laïc*) generally mean 'which is neither ecclesiastical, religious, nor of the secular or regular clergy': from this viewpoint, one cannot properly speak of a '*laïc*' response to the Falloux project, since a fully developed meaning of the term *laïcité*—either from a political or philosophical point of view, and from a legal standpoint—did not yet exist (Kheir, pp. 32 ss.).

However, as we will soon see, at least since 1844, the concept of *état laïque* has been established in political language: a concept that Hugo indeed uses in his speech, which constitutes a republican and anticlerical response to the Falloux project (as we will see, the French language—at that time—did not yet know the word anticlérical or the expression anticléricalisme, but widely used the expressions *parti* or *esprit clérical*): in fact, if one examines closely the speech to the National Assembly of the writer of Notre-Dame de Paris, it can be said that those words, uttered in mid-January 1850, constitute the birth of structured political anticlericalism,

which will incubate the philosophical-political (and subsequently legal) concept of *état laïque* first and *laïcité* thereafter (Remond, pp. 10 ss.).

Certainly, the studies of Alain Tallon have highlighted—with great clarity and authority—how one can speak of ideological anticlericalism in France as early as the 16th century: it was—at that time—a sentiment directed against perceived unjust privileges enjoyed by the clergy in exercising political, economic, or social power, which was felt to be distant from the spiritual function that should characterise the actions of the ordained. This sentiment was theologically structured in many different forms, but struggled to take a clearly separate political form from theological action (indeed, until the Revolution of 1789, political anticlericalism was mostly entwined with theological ideas, even though the notion of the emancipation of science from metaphysics and of politics from religion progressively developed in philosophical and political-philosophical thought) (Tallon, § 12 ss.).

Anticlericalism returns (as an idea, but not yet defined by a specific term) with the Revolution, but this idea does not constitute—at least from a political and legal point of view—an immediate fruit of 1789. It is well known that a considerable number of ordained were part of the Constituent Assembly, just as it is known that the decision to put the property of the Catholic Church at the service of the nation (decree of 2 November 1789) was not taken out of hatred for the clergy, but rather to envision a positive contribution from the latter to the solution of a devastating financial crisis. Moreover, the proposal—put forward by the Count of Mirabeau and the Bishop of Autun, Charles-Maurice de Talleyrand-Périgord—specified that the expropriation would be accompanied by compensation for the clergy in the form of salaries: the state budget would support the cost of Catholic ministers of worship. This appeared to be heading towards a sort of 'new Gallicanism', towards the creation of a new 'national clergy' loyal to the Revolution and certainly not the subject of particular hostility, neither popular nor political (Dinet, § 1 ss.).

Certainly, 1790 changed the dynamics: the clerical component within the Assembly began to feel increasingly uncomfortable, the discontent over the refusal to approve the motion presented by the Carthusian Dom Gerle to recognize Catholicism as the state religion increased the distance between the ordained and the Jacobins, and the Martineau project for the civil constitution of the clergy was nothing but the initial moment of a broader process of 'defanatization' that made anti-Catholic spirit a political movement of rebellion against an organization (the Catholic Church)

deemed incapable of definitively breaking a 'fanatical' link with an external and foreign Power (the Pope) and thus unreliable in the real (and loyal) fulfillment of the revolutionary process (Lalouette, 2020, pp. 50 ss.). However, at least until the two briefs of Pius VI in 1791 (*Quod aliquandum* and *Caritas*), with which the Holy See expressly condemns both the Revolution and the civil constitution of the clergy, the intellectual debate seems to favorably and hopefully view the possibility of a French Catholicism different from that barricaded around blind and absolute obedience to Rome. The most evident paradigm of this change in trend is undoubtedly represented by the drama of Olympe De Gouges titled "The Voluntary Vows" (or "Le couvent ou les Votes force"). Written at the beginning of 1790, the drama perfectly captures the atmosphere of the time: it was only performed on October 4, 1790—also constituting, among other things, the first theatrical performance to show actors in religious clothing on stage.

Olympe de Gouges's patriotic and revolutionary commitment is well known, especially regarding the recognition of civil liberties for women, who were in fact deprived of the enjoyment of a series of subjective legal situations recognized for men and therefore not fully recognized as citizens (Casadei & Milazzo, *passim*): to put it in Scott's words, men and women at that time enjoyed 'asymmetric' universal rights that made women 'passive political objects' incapable of engaging in politics like men, and De Gouges intended to advance the idea of political theater capable of highlighting the hypocrisy of such asymmetry through the representation of some paradigmatic situations (Scott, pp. 1 ss.)."

In her 1790 work, the author exposes the silence surrounding young women who are coerced by their families into taking perpetual vows of chastity, poverty, and obedience in convents. She argues that these women are deprived of the rights to happiness and freedom championed by the Revolution. The plot of the drama highlights the intellectual and personal commitment of a priest (a *curé*) loyal to the revolutionary movement, who wishes to see young Julie freed from her forced vows. This character is inspired by Abbé Jean-Louis Gouttes, a revolutionary priest whom Olympe de Gouges frequently heard speak in the National Assembly, of which he was president from April 29 to May 8, 1790.

Already in December 1789, the Treilhard report introduced the issue of convents into the debates of the National Assembly, and the Assembly's Committee for Ecclesiastical Affairs decided to order the suspension of monastic vows to discuss the role of religious figures in revolutionary

society. Gouttes paid close attention to the Treilhard report of 1789, particularly concerning the fate of young women who, forced to take vows, effectively became “prisoners” of the convents. He often emphasized in his speeches the need to reform monastic life, respecting civil liberties.

Like Gouttes, the priest in the drama is a fervent patriot who prioritizes civil justice over religious laws:

"Well, know what humanity and religion command me to do. I will appear at the ceremony, which I am not forbidden to enter; I will loudly claim natural rights and freedom; if the novice hesitates, if I perceive any violence, I will deposit my protest at the registry of the court of justice, and I will endow your victim with the power to annul evidently forced vows." (I, 4).

The Marquis, offended by the priest's disobedience to his superiors, reproaches him for following Enlightenment ideals and becoming schismatic. In this way, De Gouges represents the theological and political fracture characterizing France in 1790: Catholics loyal to Rome increasingly distance themselves from the revolutionary reformist movement, accusing progressives of betraying the dogmas of the Catholic Church. Meanwhile, the priest in the drama emerges as a man of pure and integral religiosity, continually denouncing church abuses and longing for a return to the primitive Church, through which God's true laws can enlighten man and destroy human dispositions created by corrupt fanatics—represented in the work by the figure of the Grand-Vicaire. For De Gouges, as of late 1790, the victory of a pure, free, and civil liberties-respecting Catholicism of the curé over the corrupt and bigoted fanaticism of the Grand-Vicaire was still possible, and anticlericalism represents the general theory of commitment to the fight against such fanaticism (Loche, pp. 83 et seq.).

However, the situation rapidly changed. As Paul Chopelin notes, the fear of a clerical subversion, exacerbated by military defeats in the spring of 1793, led, a few months later, to an unprecedented wave of violence against the Catholic clergy and their religious artifacts (Chopelin, pp. 91 et seq.). From a legal and political perspective, the dechristianization that developed from 1791 onwards appears to be, in essence, the first true act of French secularism, a decisive moment when public authorities felt they could (and should) build a constitutional order based on the guarantee of freedom of conscience for all, the religious neutrality of public authorities, the neutralization of public space, and the separation between the State and religious confessions. However, revolutionary anticlericalism (of which dechristianization is an ideological premise) soon revealed itself as filled

with hatred and contempt for Catholics, thus betraying the essence of the values of freedom and neutrality it claimed to uphold. As Jacqueline Lalouette writes,

"The 'dechristianization' was marked by church closures or desecrations and the leveling of bell towers (the bells, themselves, had been removed as early as 1792, their metal to be converted into currency, then into weapons). (...) The Cults of Reason, then of the Supreme Being, Theophilanthropy aimed to supplant Catholicism; their festivals were meant to wean minds from Catholic celebrations, while adopting their ritual practices to better capture the faithful." (Lalouette, 2020, p. 51)

From 1789 to 1794, there was a transition from a regime of cooperation to the creation of an anti-Catholic state, where Article 10 of the Declaration of the Rights of Man and of the Citizen became effectively a dead letter. The refusal to take the oath by priests loyal to Rome, the alignment of many Catholics with factions hostile to the break between the French Church and the Apostolic See, and the inability of the Catholic Church that accepted the Civil Constitution of the Clergy to win the internal battle against the refractory priests (many of whom had been deported under the Decree of May 27, 1792, or killed by the sans-culottes) made those professing Catholicism one of the main suspects of being "enemies of freedom" under the law of September 17, 1793. Catholicism thus became the enemy of freedom, the Revolution, and the State: revolutionary anticlericalism transformed into a political-theological process of replacing the "old religion" of the majority of the French with the civic (not civil) religion of the Supreme Being. The culmination of this process is represented by the Cambon decree of September 18, 1794 (2nd sans-culottide of the year II), in which the Thermidorian Convention votes for the separation of Church and State. As Germain Sicard observes, this separation served to destroy the Catholic State Church, which had failed to win its internal battle with the refractory Church, composed of priests and faithful who had never accepted the new regime (Sicard, § 37 et seq.). At the same time, as Jean Paul Clément writes,

"The Thermidorians believed, according to André Latreille's expression, 'to throw a last shovel of dirt on the grave where the old religion lay'." (Clément, § 30).

It is clear that this anticlericalism, outside the particular context of the National Convention, would no longer make any sense: the Cult of the Supreme Being effectively died with Robespierre, and at no other time in the history of France would there be an attempt to destroy Catholicism and

replace it with something different. Indeed, François-René de Chateaubriand's *Génie du christianisme* (1802) transcends the boundaries of apologetic literature to construct an extraordinary romantic reinterpretation of the history of Western culture from a Christian perspective, illuminating (and illuminated by) the progress of letters, arts, and civil liberties. Therefore, the "long shadow" of Chateaubriand—a writer extraordinarily loved regardless of his political ideas, a true point of reference for the work of Victor Hugo—is destined to cast itself for at least half a century on the debate between clericalism and anticlericalism. Chateaubriand reinterprets the history of Christian France as a history of progress and explicitly links the dominant religion to national greatness (Serry, 2002, § 4 et seq.): this cannot fail to interest Napoleon Bonaparte, who in 1801 signed the Concordat with the Holy See and saw the work published four days before the agreement with Pius VII came into force. It seems evident that Chateaubriand appears to be the true "bard" of the concordat system, although, especially after *Génie*, he shows more loyalty to the idea of an autonomous Catholic Church, preserving its historical prerogatives while serving the freedom of the nation. In this perspective, there seems to be no room for old revolutionary anticlericalism, as it would be ontologically in conflict with the interest of the State. However, as will be seen later, the experience of the Paris Commune will again overturn this ideological approach. What happens with the Falloux project is the complex and organic structuring of a new anticlericalism: a new anticlericalism born with the function of developing a political and social opposition to an ideology—which will be defined as "clericalism" or the ideology of the "clerical party"—that, developing on the foundations of the political theology of *jus publicum ecclesiasticum*, emphasizes the primacy of ecclesial interest over national interest and the protection of individual civil rights.

In essence—to use René Remond's words—the Falloux project represented the event through which anticlericalism found its *raison d'être* in a political reaction against clericalism (Remond, p. 7), both to be conceived as "two complementary enemies," within the framework of the conflict of the "two Frances" (Remond, pp. 14 et seq.).

**2. "En un mot, je veux, je le répète, ce que voulaient nos pères, l'Église chez elle et l'État chez lui". Victor Hugo, the Father of *laïcité*?**

The parliamentary debate on the Falloux bill opened on January 14, 1850, three days after the vote on the Parieu project, which had strengthened government control over public education: with the Parieu law, primary

education was placed under the supervision of prefects (Article 1), who could commend and suspend teachers, or even dismiss them (Article 3). A suspended teacher could not open an equivalent school in the municipality where they worked or in neighboring municipalities, and must have the express authorization of the prefect to be appointed elsewhere in the department (Article 5).

The political and social context—as mentioned—had profoundly changed not only compared to that of revolutionary anticlericalism, but also compared to that brief period of harmony between the clergy and the Republic that occurred in 1848. As mentioned, the "compromise" on the educational issue, found within the Parti de l'ordre with the Falloux project, was not only rejected by the ultramontane Catholic fringe, but also ignited the spirits of those who were unwilling to leave the Catholic Church with such wide freedom to participate—as a protagonist—in the education system. Not only the démocrates-socialistes, but also the républicains modérés and some members of the Right essentially lashed out against the ease with which, in the future, confessionally oriented schools could be opened (which would compete with public schools in structuring the education system), and also against the norm that introduces moral and religious education among the pillars of teaching (Art. 23), as well as against the one that decrees a massive presence of official representatives of the Catholic Church and Protestantism in the Superior Council of Public Instruction and in the Academy Councils (Title I, Chapter I).

Victor Hugo's intervention on January 15, 1850, constitutes—in many aspects—the logical corollary of a personal and intellectual journey undertaken by one of the most popular French writers—Sartre writes "Hugo, undoubtedly, had the rare fortune of penetrating everywhere; he is one of the few, perhaps the only one of our writers who is truly popular"<sup>5</sup>—which leads him from substantially realistic positions—first legitimist and subsequently Orleanist, which lead him to support Louis Napoleon in 1848—first to the break with the Party of Order, subsequently to that with Louis Napoleon, and finally to the approach to the Montagnards (Garsou, pp. 47 ff.).

Certainly, although elected in the ranks of the Right, Hugo enjoyed a personal prestige that made him difficult to be subjected to the logic of

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<sup>5</sup> Jean-Paul Sartre, *Qu'est-ce que la littérature?*, Gallimard, Paris, coll. «Folio-essai» 1985, p. 126.

obedience to the dominant political line: however, Hugo's ideological journey is particularly interesting because he—as a member of the Church of Rome who does not renounce his membership—becomes between 1849 and 1850 the father of a new republicanism not hostile to Catholicism tout-court but deeply rooted in revolutionary values, in the fight against poverty, in the centrality of free and compulsory education, in the primacy of state sovereignty, in the reaction against any clerical interference in political debate, in the need to place the fundamental rights of man and citizen within political action. In many respects, his speech on January 15, 1850, constitutes the logical consequence of another speech he had held, a few months earlier, before the National Assembly: that "Speech on Misery" of July 9, 1849, in which he clearly stated that "misery can be destroyed. Poverty is a disease of society, just as leprosy is a disease of man. It can disappear like leprosy." If a political action against misery is—in Hugo's thought—as necessary as it is possible, here—and here is the novelty of the speech of January 15, 1850—that public policies on education can and must be an integral part of such action (Garsou, *passim*).

It is well known that Hugo is going through the years of literary silence. The tragic death, which occurred on September 4, 1843, of his nineteen-year-old daughter Léopoldine and her husband, Charles Vacquerie—who lost their lives in a boating accident on the Seine at Villequier—deeply upset the writer, who fully dedicates his intellectual fervor to politics. Hugo, however, already has a strong political commitment behind him, expressed especially in the 1830s, in literary works in which he developed reflections on some of the themes that constantly recur in his artistic production. Already in *Hernani* (1830), Hugo wanted to present a figure of a rebellious hero, who opposes the control of the powerful, manifesting a desire for freedom and self-determination, which can also be interpreted as a political metaphor for the fight against the authoritarian regime of the time. Furthermore, the work addresses themes such as honor, loyalty, and justice, which can also be interpreted in a political key. On the other hand, in the famous preface to the drama *Cromwell* (1828), Hugo had already expressed his rejection of classical aesthetics and the ideal of art for art's sake in favor of a new aesthetic canon, which no longer ignores the grotesque of reality and wishes to operate to translate "liberalism into literature," according to the search for a more just social order and the aspiration to a society in which the values of freedom, equality, and fraternity are fully respected and promoted. However, it is with *Le Roi s'amuse* (1832) that Hugo deals in an absolutely explicit way with themes such as the abuse of power, corruption, and tyranny, presenting not only an implicit critique of the monarchy of the time, but also a denunciation of

how certain political elites sometimes engage in irresponsible and arrogant behaviors. The character of Triboulet, the deformed and embittered court jester, who lives on the margins of society but has a deep awareness of the injustices and follies of power, represents a sort of voice of the oppressed people: his personal tragedy reflects the sufferings of those who are subjected to the dominion of the king and the ruling classes. The work—which will, moreover, be censored, being able to be performed again, after the premiere, only on November 22, 1882—can be seen as a call to social justice and freedom: it represents the conflict between the arbitrariness of power and human dignity, inviting reflection on the need for a responsible government committed to the common good.

Hugo's choice to align with the Right—both in the electoral round of 1848 and in the following year—seems in contrast with the values exalted in the two previous works: the Right indeed represented a conservative political force and apparently not in tune with the struggle for self-determination and freedoms of Hernani or with the social issues advanced by Triboulet and already developed by the writer in a work—*Les Misérables*—that would see the light more than ten years later (Winock, 2005, pp. 30 ff.). Hugo's decision to join the list of the Right can be interpreted as an expression of political pragmatism, aiming to exploit the numerical strength of such a group and offer support to the republican cause against the monarchic and ultramontane forces that attempted to restore the previous regime: a pragmatism that, however, has short breath, and that collapses irreparably in the face of the Falloux project, interpreted by the writer as a betrayal of one of his greatest ideals: free education (for all orders and grades of education) and compulsory (only as far as primary school is concerned), ensured by the State, which is accompanied by the freedom to erect and manage private schools under the strict control of the State (Laurent, § 5 ff.). Indeed, control must be particularly rigorous, free of any confessional interference: in the field of education, the State must—in Hugo's opinion—be *laïque*:

"From this limited but practical point of view of the current situation, I want, I declare, the freedom of teaching, but I want state supervision, and as I want this supervision to be effective, I want the state to be *laïque*, purely *laïque*, exclusively *laïque*."<sup>6</sup>

It has already been highlighted how the Falloux project was deeply in contrast with this vision of the education system, so it is not difficult to

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<sup>6</sup> Hugo, Victor. La liberté d'enseignement. Discours à l'Assemblée Nationale, 15 janvier 1850, in Id., Quatorze discours, Paris, Librairie Nouvelle, 1851, p. 38.