

time can be more serious than that of religious persecution. If there is one thing upon which absolute agreement may be said to exist among modern civilised nations, it is that in everything that pertains to conscience every man is entitled to absolute freedom; and a government which fails to give full protection to this essential liberty fails of its most sacred duty. To ascertain whether the laws recently enacted and the means for their enforcement lately adopted by the French Republic justify the indictment of the French Government as guilty of such an offense, is the object of this short paper.

In order to understand the situation that now exists in France it is necessary always to bear in mind the privileged position which has been occupied in the country by the Catholic Church. As recently as forty years ago most of the Public Schools of France, especially of the girl's schools, were in the hands of ministers of religious orders. Even the schools that were not in such hands had a denominational character. A public school was either a Catholic, a Protestant, or a Jewish school. As the Protestants and Jews together did not comprise more than two per cent. of the total population of the country, it is no exaggeration to say that the education of the people was thus entirely in the hands of the Catholic Church. The force that set to work with a view to destroy this privilege of the Church was the Republican party. It was actuated by two sets of motives: first, the natural hostility of a democratic party to any form of privilege; second, the fact that within the Republican party was found this large part of the population of France, which though neither Protestant nor Jewish, must be called at least non-Catholic, as it rejects the dogmas of the Catholic religion, and resents the dictation of the Catholic priest. Against the Republican party was set the Clerical party; and it may be said that the struggle between these two parties gives its real meaning to the internal history of France during the last half century.

The extent of the privilege of the Church in the matter of public education may be judged by a single fact. While any layman, in order to teach in the public schools, had to be provided with a state diploma no such requirement existed in regard to members of religious orders. They had simply to show a "lettre d'obédience," that is an order from their Superior, directing them to take charge of such or such school; and this document was considered a sufficient guarantee of their possession of the moral and intellectual qualifications needed in a teacher.

The struggle begun under Napoleon III., not only by the Republican party, but also by a branch of the imperialists, headed by Victor Duruy, who was Minister of Public Instruction from 1863 to 1869, was waged mostly under the Third Republic; and to this hostility of the Republican party to the privileges of the Catholic Church, must to a great extent be ascribed the political attitude of this church, and the support it gave to the anti-republican parties, even after being ordered by Pope Leo XIII. loyally to defend the form of government chosen by the people.

One of the laws enacted by the Third Republic prescribed that the Public Schools must be entirely undenominational,

unsectarian, both in their programmes of studies and in their personnel. But it was decided also that in places where the municipal authorities preferred to retain teachers belonging to religious orders, the government would be allowed to tolerate such a state of things for a rather long period. It thus happened that a few months ago, out of the fifty thousand public schools possessed by France, there were still about five thousand in the hands of religious orders. One of the acts of the Combes Ministry was to decide that the period of toleration had lasted long enough, and that every public school must be a secular school. This is now an accomplished fact.

But this was only a part, a minor part, of the fight. Most of the schools closed during the last four months were not public schools; they were private institutions in the hands of religious congregations; and the closing of these schools was a result of the enactment of the Association Bill adopted by the French Chamber during the incumbency of the Waldeck Rousseau ministry. Here again a short retrospect is necessary.

It is a fact that freedom of association had, before 1901, never existed in France. Articles 291 and 293 of the Penal Code, promulgated during the reign of Napoleon I., made it a punishable offense to start, without an authorization from the government, an association of more than twenty persons; and these articles had never been repealed. It followed, therefore, that every religious congregation which had failed to ask for and receive such an authorization, existed only in violation of the law. And yet hundreds of such congregations existed, and most of them conducted schools in a spirit, it need hardly be said, that was very far from being in accord with the tendencies of Republican France, or with the spirit of scientific enquiry which is bound to triumph if modern civilization is not to become a mockery. While some of these congregations were authorized, most were not. They had managed to live without a government permit through the tacit sympathy of most of the governments that France had had until 1870. Their failure to ask for an authorization was due, first to a denial on their part of any right of the State to interfere with an institution of the Church; second, to a feeling that they would be freer in their actions when they entertained no official intercourse whatever with the secular power. It need hardly be stated that at the head of these offenders stood the Order of Jesuits.

The Association Bill makes a distinction between two sorts of Associations: ordinary associations, the members of which retain all their civil liberties; and the congregations, the members of which are bound to surrender their natural rights. While the former can be formed by a simple declaration, the latter still need an authorization. When in possession of such an authorization, they must submit (and this is one of the points against which they most rebelled) to the authority of the Bishop of the diocese in which they have their principal establishment. This is natural; for the bishop who is, by virtue of the Concordat, appointed jointly by the Government and the Pope, is the only official representative of the Church in France. The religious orders, however, claimed independence from the Bishops, and the right of taking

orders from Rome direct. They must also confine themselves, as every incorporated organization must, to the objects for which they were created. Unauthorized congregations are forbidden to hold property, or to teach.

The congregations now may be divided into three classes. First, those who hold an authorization; second, those who have applied for an authorization; third, those who have declined to apply for an authorization. The last named have been dissolved, and their schools closed without any possibility of their being reopened. The congregations of the second class are waiting to see whether they will get their permits. They have placed in the hands of the Government no less than thirteen thousand requests for permission to open schools; a decision of the Council of State having, by virtue of its power of interpretation of the law, made it necessary to have a permit for each school. These permits can be granted only by the Chambers. The associations of the first class have in no way been disturbed.

Now, then, the situation is as follows: the Catholic Church has not been in the least disturbed in the enjoyment of the rights it possesses by virtue of the Concordat. Its Bishops still draw high salaries, and its parish priests sufficient salaries, from the Public Treasury. The schools conducted by priests, (not by monks, sisters or friars) have not been touched; neither have been the congregational schools that were in possession of regular authorizations. The schools for which no permits had been issued or asked for have been closed, but with the prospect that a good many of them will be reopened after the congregations conducting them have complied with all the requirements of the new law. To be sure, this is not absolute liberty; but it must be remembered that France is yet in a state of transition between the old systems of church domination and a condition of absolute liberty. The church is not wholly free, when it is compelled to contribute by taxation to the stipend of the ministers of the Catholic Church? It is not, we repeat, absolute liberty; but who, when knowing the facts, can call this persecution? The fact is that formerly the Church alone was free. Now it is amenable to the law, and resents the imposition of restrictions far less heavy than those it used to impose upon its opponents. It has to pass through a process that will convince it of the necessity of equal liberty for all, believer and unbeliever alike; and when, but not before, it is clear that the church is ready to respect the liberty of others, and to repudiate any privileges, will it be allowed to breathe in unrestrained the invigorating atmosphere of full liberty."

