



## Degree Program in Politics: Philosophy and Economics

Course of History of Political Institutions

### French Laïcité in schools (1870-2004)

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# **French Laïcité in Schools (1870-2004)**

Aux féministes, militantes et activistes, qui se sont battues pour que les femmes d'aujourd'hui puissent diriger leurs vies comme elles l'entendent. Et à toutes celles qui n'ont pas eu le privilège immense qu'est le droit à l'éducation.

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## INTRODUCTION

It has now been a decade since the wave of terrorist attacks that engulfed France throughout the year 2015<sup>1</sup>. After the initial shock, President François Hollande soon reacted by insisting on the importance of *Laïcité* in schools and deploring how the latter failed to defend the values so dear to the Republic. Though present in the public debate long before the 2015 attacks, the newfound awareness of the terroristic risk crystallized discussions about the place of religion and what is often seen as its counterpart – secularism – in society. If the question of religion had been one of the recurrent topics examined in the French public sphere since the beginning of the century, it was placed at its core in the past ten years.

Laïcité in French schools has been a subject of extensive scholarly research and debate, particularly regarding its evolution from the early III Republic to the 21st Century, and scholars have provided both general overviews and more focused analyses of its development. Daniel Moulinet's *La Laïcité en France au regard de l'Histoire* (2023) offers a historical overview on the evolution of Laïcité – also mentioning its turning points for school. On the other hand, Mona Ozouf's *L'École, l'Église et la République, 1871-1914* (1992) examines the ideological battle between the Church and the Republic in shaping secular education during the III Republic, a new regime trying to assert itself after 80 years of back and forth between different governance systems. Jean-Marie Gillig's *Histoire de l'école laïque en France* (2014) explores the birth of school Laïcité with a focus on the III Republic, whereas Edmond Vandermeersch's *Ecole: Eglise et Laïcité* (2008) delves more into its post-World War II transformations, whilst offering us a first-hand perspective on the birth and implementation of the Debré law. Despite this wide-ranging scholarship, less attention has been given to how Laïcité in schools evolved through the historical and political upheavals marking the 19th and 20th Century, as it is these historical events and political contexts which shaped what we know today.

Let us start with defining the terms that will be used here. Secularism is considered “the belief that religion should not be involved with the ordinary social and political activities of a country”<sup>2</sup>,

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<sup>1</sup> Attacks of Charlie Hebdo and HyperCacher in January (17 deaths), attack of the Bataclan and nearby bars in November (130 deaths).

<sup>2</sup> Definition of secularism by the Cambridge Advanced Learner's Dictionary and Thesaurus.

though it can be applied in different ways. Secularization generally means the decline of religion's significance in a society. The adjective secular has historically been used to define what does not belong to the spiritual domain – i.e., the mundane and finite course of events, and can now be defined as “not having any connection with religion”<sup>3</sup>.

The French word *Laïcité*, despite often being translated in English with the term ‘secularism’, represents a different concept, almost an ideology, and will therefore be used as such in this paper.

It is a great challenge to give an exhaustive idea of what *Laïcité* means in France as it is more than just a legal concept, but it has become a crucial cultural element of the Republic.

In its original and legal sense, *Laïcité* is the idea of complete neutrality of the State regarding religious matters, where, in the dichotomy between public and private sphere, religion belongs in the latter. Whilst the State ensures the equality before the law of all citizens regardless of their religion, it does not recognize nor fund any religion. *Laïcité* is considered as a pillar of the French Republic, linked to the freedoms of expression and of religion.

In the past decade, *Laïcité* has however risen to be more than one of France's core values, becoming a banner of the secular State's resistance against religious extremism. In his speech of October 2<sup>nd</sup>, 2020, where he introduces a law project striving to reinforce *Laïcité* and republican principles, President Emmanuel Macron insists on how *Laïcité* is “the cement of united France” against “Islamic separatism” – what he defines as a “politico-religious project” aiming to create a “counter society” negating the core principles of the Republic such as equality between men and women or human dignity.

The uniqueness of the French *Laïcité* is thus that the neutrality of the State (or the individuals that represent it) is combined with the obligation to keep religion in the private sphere, creating a sort of ‘cult’ of *Laïcité* as a fundamental principle without which society would crumble under the pressure of religious conflicts. School, in particular, has been at the heart of the current debate about *Laïcité*, especially since the 2004 law forbidding the wearing of conspicuous religious signs

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<sup>3</sup> Definition of secular by the Cambridge Advanced Learner's Dictionary and Thesaurus.

in schools<sup>4</sup> and its reinforcement in September 2023, with the ban of abayas and qamis – traditional garments worn in the Muslim world, now considered religious symbols.

As mentioned before, debates about the place of religion in society are central in France and in Europe nowadays. The composition of society has thoroughly evolved since the beginning of the V Republic, with a parallel secularization of society due to the decline of the Catholic faith – whose dominance on society was undisputed for a significant part of the 20<sup>th</sup> Century – and religious diversification, mostly illustrated by Islam now being the second religion in France after Catholicism. At a time where French society is slowly becoming a sort of ‘archipelago’, where people are divided into ‘islands’ corresponding to different communities and identities – including religious ones - despite sharing the same nation<sup>5</sup>, Laïcité has the potential to become a bridge to allow everyone to live together or to further separate these islands by making communities withdraw into themselves. This is why this question is so crucial, particularly in school: the approach that will be taken towards Laïcité there will shape its course for the next decades.

This paper shall focus on the evolution of Laïcité in school, retracing the steps that led to today’s approach to it - and the debates that follow – from 1870 to 2004. The end date is deliberate, as it marks the beginning of a new era of French Laïcité, of which we still feel the consequences today. This historical perspective will hopefully help us better understand where we come from in the questions of Laïcité, in order to adequately grasp current challenges.

We will thus start by analyzing the foundations of Laïcité in school during the first 40 years of the III Republic, focusing on the Ferry laws (1881-82) and the 1905 law on Separation of Church and State. We shall then understand how the two World Wars influenced the school system and Laïcité’s place in it, before seeing how the topic was dealt with in the Postwar period, both in the IV and V Republic. Finally, we will explore the factors that led to the 2004 law on conspicuous religious symbols in schools and study its implications.

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<sup>4</sup> Law of March 15th, 2004

<sup>5</sup> As explained in Jérôme Fourquet’s *L’archipel Français* (2019).

# CHAPTER 1: THE FOUNDATIONS OF LAÏCITÉ IN SCHOOLS (1870-1905)

| <b>PRESIDENT OF THE<br/>REPUBLIC</b>     | <b>PRESIDENTS OF THE<br/>COUNCIL<br/>(OF MINISTERS)<br/><i>Most important</i></b> | <b>MINISTERS OF<br/>PUBLIC<br/>INSTRUCTION<br/><i>When relevant</i></b> | <b>POLITICAL<br/>AFFILIATIONS</b>          |
|------------------------------------------|-----------------------------------------------------------------------------------|-------------------------------------------------------------------------|--------------------------------------------|
| <b>Adolphe Thiers</b><br>1871-1873       | Jules Dufaure                                                                     |                                                                         | Orleanist, Conservative<br>Republicans     |
| <b>Patrice de Mac Mahon</b><br>1873-1879 | Albert de Broglie, Jules<br>Simon, Gaëtan de Rochebouet                           |                                                                         | Legitimists, Monarchists                   |
| <b>Jules Grévy</b><br>1879-1887          | William Henry Waddington,<br>Jules Ferry, Léon Gambetta,<br>Charles de Freycinet  | Jules Ferry, Paul<br>Bert, René Goblet                                  | Moderate Republican                        |
| <b>Sadi Carnot</b><br>1887-1894          | Pierre Tirard, Charles Dupuy                                                      |                                                                         | Moderate Republican                        |
| <b>Jean Casimir-Perier</b><br>1894-1895  | Charles Dupuy                                                                     |                                                                         | Moderate Republican                        |
| <b>Félix Faure</b><br>1895-1899          | Jules Méline, Charles Dupuy                                                       |                                                                         | Moderate Republican                        |
| <b>Émile Loubet</b><br>1899-1906         | Pierre Waldeck-Rousseau,<br>Émile Combes                                          |                                                                         | Moderate Republican,<br>Radical Republican |

TABLE 1: French leaders of the III Republic and their political affiliations (1870-1905).

## A. The establishment of the III Republic

The Third Republic emerged in extremely adverse circumstances: the capture of Emperor Napoleon III and a military defeat against Prussia in 1871 – which led to a humiliating peace treaty, as well as a civil war. This section shall be dedicated to understanding how this new regime established itself to become the second longest lasting of France’s five Republics. We will analyze the political upheaval which led to the consolidation of the republican faction in power – which allowed for the first school Laïcité laws to emerge –, and we will observe the different thought currents that considered secular education before the Third Republic.

## A (1): From the fall of the Second Empire to the consolidation of Republicans in power

Following the Emperor's capture at the Battle of Sedan on September 1, 1870, a provisional government – of National Defense – was formed three days later, after the proclamation of the Third Republic in Paris on September 4. The Government of National Defense, led by General Louis-Jules Trochu, decided to continue the war, leading to the siege of Paris – which started on September 19, 1870, and officially ended on January 28, 1871, with the signing of the Armistice of Versailles with the newly established German Empire.

Despite the end of the war with the German Empire, political upheaval was far from being over. The siege of Paris led to the emergence of a radical popular movement in the city, which advocated for the continuation of the war and quickly gained significant influence.

The National Assembly and Adolphe Thiers' new government, formed after elections held on February 8, 1871 – which resulted in a right-wing victory almost everywhere –, and based in Versailles, soon faced the Parisian radical movement.

After several public altercations between the Parisian government, aligned with Thiers, and the city's radical movement, the latter finally seized Paris on March 18, 1871, and established the Paris Commune. Elections were held a couple of days later, and the Commune governed in a socialist style, promoting very progressive and anti-religious policies – which we shall analyze later. The Commune fell in May 1871 after a week of violent battles in every corner of the city, later named *Semaine Sanglante*, Bloody week. The army, commanded by Marshal Patrice de MacMahon for the Versailles government, crushed any resistance and dismantled the Commune, finally controlling all of Paris by May 28, 1871.

The National Assembly elected in February 1871 had a monarchist majority, mainly divided between Legitimists – supporting the senior line of the Bourbon dynasty<sup>6</sup> – and Orléanists – supporting the Orléans line<sup>7</sup> –, who both strived to restore the monarchy and saw the newly

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<sup>6</sup> To which Kings Louis XVI (1774-1792), Louis XVIII (1814-1824) and Charles X (1824-1830) belonged.

<sup>7</sup> To which King Louis Philippe I, who reigned during the July Monarchy (1830-1848), belonged.

established Republican government as a temporary step towards that goal. The possibility of a monarchical restoration was indeed not unlikely, especially considering that Thiers was not a convinced Republican: he had ties with royals and served as Prime Minister under the July Monarchy<sup>8</sup>. The attempt to restore the monarchy however failed due to the uncompromising position of the pretendent to the throne, the Count of Chambord (from the senior Bourbon line), who wished to erase all traces of the Revolution – of which the beloved *Tricolore*<sup>9</sup> flag.

Thiers, who officially received the title of “President of the Republic” in August 1871, was backed by a national consensus during the first year of his mandate; the situation nevertheless started degrading by the summer of 1872, due to the emergence of a strong polarization between radical republicans and conservatives. Thiers was defeated in a vote of confidence in May 1873, and Marshal MacMahon, famous for his repression of the Commune, was elected by the National Assembly. His election marked the beginning of the conservative “Moral Order” coalition, characterized among others by an emphasis on religion – especially in education – and a struggle against republicanism.

The Constitutional laws passed in 1875, though having a conservative character, put an end to monarchist aspirations as the Wallon Amendment finally established France as a Republic. Universal male suffrage was moreover introduced for the bicameral National Assembly, composed of the Chamber of Deputies and the Senate - the latter representing the interests of the conservatives.

In the following years, the republicans started gaining more ground. The legislative elections of 1876 gave a strong majority to the republicans in the Chamber, and victory narrowly escaped them in the Senate. The major political crisis of May 1877, opposing President MacMahon to the republican majority in the Chamber, ended with the dissolution of the latter. New elections in October of the same year confirmed the republicans as majoritarian in the Chamber, and MacMahon finally submitted by nominating a leftist government. It is only after the sweeping

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<sup>8</sup> Constitutional monarchy under King Louis Philippe I (1830-1848).

<sup>9</sup> The tricolor French flag – blue, white, and red – adopted in 1794 and kept since, save for the period of the Restoration (1815-1830).

victory of the republicans in the Senate elections in January 1879, that MacMahon, isolated, resigned and was replaced by republican Jules Grévy.

The new President promised to never fight the “national will expressed by its constitutional organ”<sup>10</sup>, i.e., the National Assembly, and therefore gave birth to what is now called the “Grévy Constitution” – an unwritten custom marking the end of the President’s independence and consolidating the Assembly’s position as the dominant political organ.

Aside from being the victory of one party on another, the republican’s consolidation in power was the final outcome of an ideological battle, opposing these progressive successors to the values of the Enlightenment and the French Revolution to the conservative faction, stuck in the old-fashioned model of *Ancient Régime* consecrated by the Catholic Church. It is the triumph of this progressive vision of society which paved the way for the development of French Laïcité, through a laicization of institutional bodies and of society – including schools –, as well as the general enclosure of religion in the private sphere.

#### A (2): Precursory ideas to secular education at the birth of the Third Republic

The numerous measures taken during the Third Republic about Laïcité – especially for education – are the product of the republicans’ arrival to power and mark a profound change of attitude towards religion at the time. The thought of laicizing schools had however been gradually developing in the 18<sup>th</sup> and beginning of the 19<sup>th</sup> Century, and the Laïcité laws are the culmination of this process. Whilst key figures such as La Chalotais, Condorcet and Talleyrand laid important foundations, first applications of the school Laïcité principles can be observed in the creation of the *Ligue de l’Enseignement* and the school reforms under the Paris Commune. These points shall be discussed below.

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<sup>10</sup> Message to the Senate by President Grévy, 6 February 1879.

### *18th Century thinkers*

The first idea regarding the need for a secular instruction can be traced back to 1763, when judge Louis-René de Caradeuc de La Chalotais published his *Essai d'éducation nationale ou plan d'études pour la jeunesse* – which can be translated as ‘Essay on national education, or education plan for youth’. In this book, La Chalotais exposed his views on the education of the next generation of citizens, which he considers as a national concern in the spirit of the Enlightenment. Though being a convinced Catholic himself, he argued that, whilst the divine teachings must stay the prerogative of the Church, the imparting of morality has always belonged to the State, and therefore, religious teachers and schools had to be replaced by secular ones (Gillig, 2014). La Chalotais’ essay thus opened the path to the diffusion of a spirit of Laïcité, and introduced the idea of secularization of educational institutions, which would later be taken up after the French Revolution.

The topic of a re-organization of the school system having been re-introduced by the *cahiers de doléances* in 1789<sup>11</sup>, the establishment of public instruction is included in the first title of the 1791 Constitution. Several projects for reform therefore emerged soon after.

Charles Maurice de Talleyrand-Périgord, a former Bishop turned diplomat who served at the highest level under the *Ancien Régime*, the Revolution, Napoleon, the Bourbon Restoration, and the July Monarchy, also played a role in the reform of education.

Besides a reorganization of the school system’s structure, Talleyrand insisted on the importance of civic education, which would need to become “a new catechism” (Buisson, 1887) for children, and he advocated for teaching morality as a science as it is essential for societal unity. Whilst primary education was to be free, Talleyrand rejected compulsory schooling, and his project had some grey areas as funding and teacher status – whether religious or secular – were left ambiguous. It is however this lack of precision about funding that made the new Legislative Assembly discard Talleyrand’s project (Gillig, 2014).

The Legislative Assembly thus created a Committee of Public Instruction in October 1791 composed of 24 members, of which Antoine Nicolas Caritat, Marquis of Condorcet and Member

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<sup>11</sup> The *cahiers de doléances* were lists of grievances compiled by each Estate in preparation of the 1789 Estates General, containing suggestions of reforms to be presented to the King.

of Parliament (MP) for Paris. Condorcet's main idea was that the public education was not to contain religious principles, which had to be left to the families. He also argued that a people with priests as teachers cannot remain free (Mély, 2004), hence the incompatibility between public instruction and the Church. Condorcet thus advocated for a strict separation of the teaching of morality – which had to be founded on reason - of any religion, as well as an overall ban of religion in public instruction, whilst keeping as fundamental principles the equality of all citizens in the public sphere and freedom of opinions and of religion in the private sphere (Gillig, 2014).

The political figures of the Third Republic who introduced Laïcité in schools largely took inspiration from Condorcet's intellectual heritage in the field. He is now recognized as the founder of school Laïcité – mostly thanks to the work of Elisabeth and Robert Badinter, who also highlighted how important his role was in laying the foundations of the French Republic (Gillig, 2014).

### ***The creation of the Ligue de l'Enseignement***

The *Ligue de l'Enseignement* was founded in 1866 by Jean Macé, a journalist and educator, drawing inspiration from a similar movement created in Belgium two years before. The Ligue's goal was to establish public, compulsory, and free education, secular in both content and teachers and liberated from the control of the Catholic Church. In creating the movement, Macé was driven by the belief that education was essential for democracy – particularly referring to the 1848 establishment of universal male suffrage – and for social progress (Gillig, 2014).

The Ligue actively advocated for free, compulsory, and secular education, and saw its beliefs triumph by the votes of the laws of 1881 and 1882. Having become a senator in 1883, Macé himself partook in the debates leading to the vote of the Goblet law of 1886 – about the laicization of school personnel in public institutions.

Despite political challenges, the Ligue became a cornerstone of France's Laïcité in schools and the popular education movement. Its reorganization in the 1920s created a section providing extracurricular activities, and whilst it was dissolved during the Vichy regime, it continues to be an important actor for school nowadays.

### ***Schools and religion during the Commune***

During the seventy days of the Paris Commune, an abundance of ideas about reforms of the school system emerged, though none of them actually came to life as there was not enough time to plan them. Nonetheless, the conception of the Commune of a secular, free and compulsory schooling resonates with the reforms of the 1880s, making this ephemeral regime a precursor in the field.

One of the Commune's main priorities was to separate Church and education, putting an end to the long-standing influence of the Catholic Church over schooling: indeed, the clergy had traditionally controlled primary education, spreading religious doctrine and conservative values. The Commune, on the other hand, saw schooling as a means to make society progress thanks to educated citizens (Gillig, 2014).

The decree of April 2, 1871, on the separation of the Church and State – which also foreshadowed the Separation law of 1905 – marked the start of the struggle for laicization of schools. Religious teachers started leaving primary schools, and a general call for free, mandatory and secular education was pushed by the Communards (Gillig, 2014). The latter also argued for the need for female education – who had been historically neglected in this area.

The brutal fall of the Commune left no time for these measures to be implemented, but these ideas had started permeating into public opinion, paving the way for further reforms to be considered.

### **B. The birth of secular education: the Ferry laws**

Fundamental cornerstone of French Laïcité, Jules Ferry's laws on free, mandatory and secular education, are at the base of the creation of a "Republic of teachers"<sup>12</sup>. The "black hussars of the Republic"<sup>13</sup>, so called because of the color of their uniform and their role in spreading Republican values, patriotism and civic duties, indeed helped consolidate the French nation-state by 'francizing' children – as many did not master the common language at the time. It is also after the Ferry laws that the word Laïcité appeared as a neologism to define the principle advocated for in the laws, in Ferdinand Buisson's *Dictionnaire de pédagogie et d'instruction primaire* (1887).

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<sup>12</sup> The expression was taken from Mona and Jacques Ozouf's book *La République des Instituteurs*.

<sup>13</sup> Term coined by Charles Péguy in *L'Argent* (1913).

This section will be devoted to the analysis of the Ferry laws of 1881 and 1882: we will see how they came to be, and what their consequences were for France. We shall then consider Jules Ferry's letter to teachers of 1883, where he explains how they should approach the new subject of civic and moral instruction in the classroom. We will finally touch upon the Goblet law of 1886, which established the secularization of school personnel, and marked the end of this series of crucial school reforms.

#### B (1): The laws on free, mandatory and secular education (1881-1882)

##### ***The road to the laws of 1881 and 1882***

Already in 1871 did Léon Gambetta insist on the need for a separation of Church and school. Gambetta, MP of the Seine<sup>14</sup> and an early Republican who participated in the declaration of the Third Republic and served in the Government of National Defense, exposed his positions in a speech in front of the Chamber of Deputies in, 1871, where he also made a reference to the need of separation of the Church and the State:

“But this reform of education, and the distinction to be made between religious and secular teaching are themselves linked to the solution of another long-standing problem: the separation of Church and State.”<sup>15</sup>

Gambetta's stance represents the position of most republicans on the matter, which considered that, when citizens are not educated, universal suffrage can lead to an authoritarian regime – such as the Second Empire –, whilst popular discontent could cause riots or uprisings such as the Commune.

Though having the majority in both the Chamber of Deputies and the Senate, the republicans were heavily divided into factions. The only element uniting them was the project to laicize State institutions and deprive the Church of the stronghold on society it still held at the beginning of the Third Republic. In the lineage of the Revolution, the Republicans would progressively realize their

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<sup>14</sup> Old French *département* created in 1790 and comprising the city of Paris and neighboring municipalities. It was suppressed in 1968.

<sup>15</sup> Speech of Léon Gambetta in front of the Chamber of Deputies, November 16, 1871.

Original text: “*Mais cette réforme dans l'éducation et cette distinction à apporter entre l'enseignement religieux et l'enseignement laïque se reliait elles-mêmes à la solution d'un autre problème depuis longtemps posé : la séparation de l'Eglise et de l'Etat.*”.

secular policies from 1878, of which we can cite the laws on divorce, the elimination of the denominational character of cemeteries, and the suppression of religious symbols from courts. The laws on public education would achieve to crown their efforts in terms of Laïcité.

Minister of Public Instruction from February 4, 1879, to September 23, 1880, Jules Ferry, a moderate republican, gave the impulse for the school laws that would bear his name.

One of his first measures, the law of August 9, 1879, on the secularization of teacher training schools, was part of the Republican program aiming to reduce the influence of the clergy on society. Championed by Jules Ferry and Paul Bert<sup>16</sup>, the law required each French *département*<sup>17</sup> to establish a training school for both male and female teachers within four years, with mandatory funding. Despite strong opposition from the conservative wing, the law got adopted after intense debates, allowing for the training of secular teachers – with the idea to replace religious teachers over time.

Another law project, this time targeting religious congregations – and particularly their involvement in education – was introduced at the beginning of 1880. Following a refusal of the bill by the Senate, two decrees substituted it: the first one dismantled the congregation of the Jesuits, which openly promoted the idea of a monarchical restauration and fostered hatred towards the Enlightenment in its schools, whilst the second one forced congregations to be granted an authorization to exert their activities. These decrees, adopted in a context of strong anticlericalism from the Republicans in power, led to a series of expulsions of religious congregations, and to a general unrest in society.

### ***The law of June 16, 1881, on free education***

During his mandate as President of the Council (Sept.1880 – Nov.1881), Ferry continued with his education reforms. The law of June 16, 1881, on free primary education in public schools, for both boys and girls, is often seen as a turning point despite not bearing the most significant change: indeed, mayors could already decide to make education free for underprivileged children. The law however abolished any distinction between pupils and implicitly favored public education,

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<sup>16</sup> Paul Bert was a Republican physiologist and politician who will later serve as Minister of Public Instruction under Gambetta's government (November 1881-January 1882).

<sup>17</sup> A *département* is an administrative division of France, situated between the region and the municipality, with its own local government and responsibilities.

whilst depriving municipalities of the power to nominate teachers. Having free education was crucial to slowly laicize the institution, and the position of the conservatives on the bill showed their awareness of this. Nonetheless, both the Chamber and the Senate adopted the bill after intense debates; it was thus possible from this moment on to move towards mandatory schooling, the logical next step, and Laïcité, Ferry's ultimate goal.

### ***The law of March 28, 1882, on mandatory and secular education***

Whilst other republicans such as Paul Bert insisted on prioritizing Laïcité before establishing the obligation of public instruction, Jules Ferry's original plan was to follow a more gradual approach, starting from the obligation and allowing for a facultative religious education. He indeed argued for religious instruction not to be mandatory in schools anymore: the presence of the clergy was to be tolerated under certain conditions but strictly limited to teaching – and not to overlook what was done in class.

The bill regarding primary instruction was introduced in the Chamber of Deputies on December 4, 1880, starting with a speech by Bert where he exposed his vision that Laïcité had to precede compulsory education to protect freedom of conscience.

The 'battle of Laïcité' (Gillig, 2014) started with the introduction of an amendment by the Bishop of Angers, Freppel, on December 21, aiming to restore moral and religious instruction whilst destabilizing the republicans, who were divided about the presence of religion in school. Freppel argued that children could not live a parallel life between religious families and a secular school. He also presented the argument that morality is tied to God as it is founded on the divine idea of what is good; doing otherwise would make morality rest on nothingness (Gillig, 2014). Though raising several questions about who would be entitled to teach morals, the amendment was rejected.

Two days later, Ferry responded with a historic speech defending religious neutrality, where he underlined that school laicization would be the mere consequence of the growing secularization of society France had known since 1789. Ferry furthermore presented Laïcité as a key pillar of freedom of conscience – as long as the Catholic Church would control school, it would impose its principles to everyone – and of State sovereignty, as only a secular State can preserve its independence.

Following further debates, where MP Émile Keller, part of the conservative and monarchist wing, accused the government of wanting to establish a new State religion, atheism, the bill was adopted in the Chamber on December 24, 1880.

The bill then moved to the Senate, where debates only began on June 2, 1881. The following day, Charles Chesnelong, a conservative and legitimist Senator known for his attempts to restore the Count of Chambord on the throne, argued that freedom of conscience would oppress Christians by driving the Church out of schools, and make their children into skeptical free thinkers. The virulent answer given by anticlerical free-mason Henri Tolain, accusing the right to only defend religious freedom and protect clerical celibacy – at the origin of scandalous behaviour –, led to so much agitation that debates had to be closed off (Gillig, 2014).

Later on, an amendment proposal by conservative Duke Albert de Broglie strived to reintroduce religious moral education, with the idea that establishing civic instruction would replace the so-called religious dogma with a secular one. Ferry countered that morality was to be neutral – thus not tied to any religion –, and that religious instruction was not banned: it could be freely continued outside of school. This amendment was part of a series of proposals by the right – including one on the replacement of “moral and civic instruction” with “religious and civic instruction” – which got rejected by the Senate. Notably however, an amendment by conservative Jules Simon aiming to add the teaching of “duties towards God and the Nation” to the curriculum was adopted in the Senate, much to the dismay of Ferry (Gillig, 2014).

The Chamber later rejecting Simon’s amendment, the bill only came back to the Senate on March 11, 1882 – where it had more chances to be approved, as the legislative elections of August-September 1881 and the senatorial elections of January 1882 increased the republicans’ majority in both Assemblies. Simon’s amendment, as well as the right’s remaining amendments, were defeated. The Senate finally adopted the bill on March 23, 1882, and it was signed by Ferry and President Jules Grévy on March 28.

The law is made of 18 articles, the main components of which are the obligation of instruction for children from 6 to 13 under Article 4 and Laïcité – through the ban of religious instruction in public schools, though it remains optional in private ones (Article 2), and a reorganization of the content

of teachings, of which civic and moral instruction is a pillar (Article 1). The right of inspection, supervision and direction in schools which was granted to religious people is suppressed (Article 3), and the central role of municipalities in ensuring access to education is confirmed (Articles 5 and 8).

We should note that the obligation concerns instruction, and not necessarily schooling: instruction can be given in public or private schools, but also at home. Families must inform the mayor of the modalities of schooling of their child, and homeschooled children are to take an annual exam to verify their capacities – meaning that they can be transferred to a public school when their results are not sufficient. The law also imposes sanctions to legal representatives of children in case of repeated absences or lack of sufficient education, which consist in fines but can go up to a sentence in prison.

The law of August 9, 1879, led to multiplication of secular teacher training schools and thus allowed the numbers of secular teachers to grow exponentially. At the time of the 1882 law, religious instructors were still allowed to teach when they held a degree allowing them to do so. Only in 1886 would the Goblet law – which we shall see in detail later on – fully establish Laïcité for teachers in public schools.

The Ferry laws, and especially the one of March 1882, are crucial for the spread of education in France. Young girls in particular benefitted from the obligation of instruction, which severely lacked in rural areas.

It is crucial to highlight that the education laws had a strong ideological character. Ferry famously stated in a speech in Reims in 1882 that “the Prussian teacher made the victory of his country; the teacher of the Republic will prepare the revenge”<sup>18</sup> (Lefebvre, 2023). Indeed, the 1871 defeat showed the gap between an instructed and prepared Prussian military, and a physically and militarily unfit French army. Besides creating a feeling of national unity by ensuring each future citizen masters French and has knowledge of the Republican organization and values, the school of the Republic thus aimed to instill patriotic spirit in French children.

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<sup>18</sup> Original text: *L'instituteur prussien a fait la victoire de sa patrie, l'instituteur de la République préparera la revanche.*

## B (2): Jules Ferry's letter to teachers

In order to put an end to the protests of the clergy and families against the 1882 law on Laïcité in schools, Ferry, who at the time served both as President of the Council and Minister of Public Instruction, decided to send a letter to teachers underlining the importance of their role in establishing secular instruction and morality. The letter, sent on November 17, 1883, is a plea for teachers to uphold Republican and secular principles in the light of the law of March 28, 1882. Ferry aimed to explain to teachers what was expected of them regarding civic and moral instruction, also providing concrete examples to help them teach this new subject, already so contested.

The letter starts by stating the two main dispositions stipulated by the law of March 1882, i.e., the banishment from school programs of any dogma, and the primacy of civic and moral instruction. It had to be clear that the law aimed at separating beliefs and religious instruction – which belonged to the private sphere – and knowledge, in the form of universal moral instruction based on universal principles, which belonged to the State.

Ferry then proceeds to add nuance to how teachers must fill their role as moral educators. In the whole letter, he privileges common sense to extreme and forced laicization, nudging teachers to adapt the ‘dose’ of secularism to the local populations. Moreover, it is underlined that teachers should not become the “apostle[s] of a new gospel”, but they should rather act from the perspective of a *pater familias* wanting to instill basic principles of morality in children.

One of the most commented passages of the letter consist in a concrete example given by Ferry to help teachers assess whether a precept or a maxim should be explained in class:

“When you are to present a precept or maxim to your pupils, ask yourself whether you know of a single honest man who might be offended by what you are going to say. Ask yourself whether any father, just one, present in your class and listening to you, could in good faith withhold his assent to what he would hear you say. If so, refrain from saying it; if not, speak boldly: because what you are going to communicate to the child is not your wisdom; it is the wisdom of the human race, one of those ideas of a universal

nature that several centuries of civilization have made part of the heritage of humanity.”<sup>19</sup>

Ferry thus argues for teachers to assess the teaching of morals on an *ad hoc* basis, also without relying too much on the several school textbooks about civic and moral instruction that flourished in those days – of which a couple even got added to the Catholic Church’s *Index* of forbidden books. By advocating for the primacy of the teacher on textbooks, which should remain a mere tool to help the former, and by adapting Laïcité to local populations, Ferry allowed for the laws to reach some sort of harmony with believers – despite strong tensions with the Catholic Church –, whilst slowly and progressively heighten the ‘dose’ of Laïcité in society (Gillig, 2014).

Jules Ferry left the Ministry of Public instruction a couple of days after sending the letter, after having overseen it for four years. He profoundly shaped the French public education system and is nowadays still remembered as the founder of school Laïcité, this letter being considered by some as a “testament” (Capéran, 1961) of this position.

### B (3): The Goblet law

Despite not being directly pushed by Ferry, the Goblet law of October 30, 1886, on the secularization of teaching personnel, is in the direct line of the several school reforms he introduced.

The first draft of the bill was deposited by Bert in February 1882. After its merging with another draft regarding the nomination and treatment of teachers, this time deposited by Ferry – who was Minister of Public Instruction at the time –, the bill was put on hold, mainly to wait for the results of the new legislative and senatorial elections which were to be held.

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<sup>19</sup> Original text: *Au moment de proposer aux élèves un précepte, une maxime quelconque, demandez-vous s’il se trouve à votre connaissance un seul honnête homme qui puisse être froissé de ce que vous allez dire. Demandez-vous si un père de famille, je dis un seul, présent à votre classe, et vous écoutant, pourrait de bonne foi refuser son assentiment à ce qu’il vous entendrait dire. Si oui, abstenez-vous de le dire ; sinon, parlez hardiment : car ce que vous allez communiquer à l’enfant, ce n’est pas votre sagesse ; c’est la sagesse du genre humain, c’est une de ces idées d’ordre universel que plusieurs siècles de civilisation ont fait entrer dans le patrimoine de l’humanité.*

The debate about the law only started in February 1884 in the Chamber of Deputies, where it was adopted in March, though encountering a strong resistance from the conservative and Catholic wing. Some radical municipalities strived to anticipate the implementation of the law by substituting secular teachers to those belonging to religious congregations: when the law finally got promulgated, dozens of schools had therefore already been laicized.

The bill was introduced to the Senate right after its adoption by the Chamber, but the political campaign for the legislative and senatorial elections of October 1885 set it back, once again.

The debates only resumed in January 1886, with René Goblet, a moderate republican, as Minister of Public Instruction. Many voices were elevated against the bill, including the aforementioned Charles Chesnelong, who argued that religious congregations were the precursors of popular education, and that banning them from public schools would only reinforce the “irreligion of secular school” (Gillig, 2014). Republican Senator Jean-Baptiste Ferrouillat brought three main arguments to defend the bill: the illogicality of having religious teachers in a school system where religious instruction had been banned, the drawback of having teachers who had two ‘managers’ – the State and the religious authorities –, and the danger of having teachers who followed the orders of the latter, too often hostile towards Republican and modern ideas.

Goblet later added that the secularization of teaching personnel was a logical continuation of the law of March 28, 1882.

The second deliberation of the bill, in March 1886, saw strong debates regarding the right of the municipality to choose between secular or religious teachers, particularly defended by Jules Simon. An amendment proposal, later rejected, was moreover introduced by Jean Macé – the founder of the *Ligue de L’Enseignement* –, offering to take local situations into account upon replacing religious teachers by secular ones.

The bill was finally submitted to the Chamber of Deputies for the final vote, and the Goblet law was promulgated on October 30, 1886.

The main element of the Goblet law is the secularization of public personnel: its article 17 stipulates that “in all State schools, teaching is exclusively entrusted to secular staff”<sup>20</sup>. Moreover,

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<sup>20</sup> Original text: *Dans les écoles publiques de tout ordre, l’enseignement est exclusivement confié à un personnel laïque.*

article 18 prohibits any new nomination of religious teachers in *départements* where a teacher training school had been established for four years<sup>21</sup>, and forces the replacement of religious teachers by secular ones to be completed within five years of the promulgation of the law in boys' schools. We should note that the law also allowed for the conservation of private schools, though they had to conform to some standards.

The Goblet law is considered the cornerstone of the laicization process initiated in 1879 by Ferry and Bert. Though it didn't mark the end of the debates about school, the secular and Republican school was thus established and reinforced, which allowed it to become a fundamental part of the Republic.

### **C. The Separation Law and its consequences**

Crucial turning point in the history of French Laïcité, the law of December 9, 1905, establishes the Separation of Church and State and concludes the violent debate about the place of the Church in society that had been raging for the past 25 years. The law abolished the 1802 Concordat concluded by Napoleon Bonaparte, which regulated the relations between the French State and the Catholic Church – though it recognized four main religions.

The law of 1905 is still in place today, though it does not apply in Alsace-Moselle: indeed, these territories are still under the system of the Concordat. This is because Alsace-Moselle was part of Germany when the 1905 law was adopted, and its return to France in 1918 was under the condition that there would be no Separation.

Though the Separation law did not have direct consequences on the school system, it must be mentioned for two main reasons. First, the law is the result of the long process of secularization of society – and schools – started in the 1880s, and the road to its adoption includes some measures regarding education. The Separation of Church and State is then a crucial step in French history and does determine how Laïcité in schools has evolved in the XX Century.

In this brief section, we shall therefore see the steps which led to the adoption of the Separation law, before analyzing its main components.

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<sup>21</sup> Which takes us back to the law of August 9, 1879.

### C (1): The road to the Separation law

The 1890s have been a period marked by political instability, social tensions, and major crises. The Republic was indeed threatened at the beginning of the decade by Boulangism, a nationalist and populist political movement led by General Georges Boulanger and supported by the monarchist wing, which strongly opposed the system of government in place. The Dreyfus affair<sup>22</sup>, then, which started in 1894 and was still ongoing at the time of the Separation law, proceeded to strongly divide France, highlighting deep political and social fractures.

Before delving into the following paragraphs, we must be aware of the difference between regular and secular clergy. The regular clergy consists of monks, nuns, and generally, members of religious orders or congregations – such as the Jesuits or the Franciscans. They follow a specific rule of life, take religious vows, and are subject to the authority of their religious superior – though they ultimately remain under the Pope’s jurisdiction. When religious (teaching) congregations are mentioned in this paper, we are thus referring to the regular clergy.

On the other hand, the secular clergy consists of priests, bishops and deacons<sup>23</sup> who do not belong to religious orders: they live with their contemporaries rather than in a monastic community, they do not take the same vows as monks and are under the direct authority of the bishop of a diocese<sup>24</sup>.

### ***The law of July 1, 1901, on associations***

The law of 1901 on associations, adopted under Pierre Waldeck-Rousseau’s republican “government of Republican defense” – which aimed to counter the rise of the extreme right in the 1890s – granted freedom of association but mainly imposed a strict control on religious congregations. The latter were thus obliged to request an official authorization to exist, which was

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<sup>22</sup> The Dreyfus affair (1894-1906) was a political and judicial scandal, which began with the wrongful conviction of Jewish officer Alfred Dreyfus for espionage. Fueled by antisemitism, the case divided France between Dreyfusards - supporters of justice and human rights, such as Émile Zola - and Anti-Dreyfusards, mainly nationalists and conservatives. Dreyfus was finally exonerated in 1906.

<sup>23</sup> A deacon is member of the Catholic Church whose rank is below priests and bishops in the hierarchy. Their role is to assist priests in liturgical functions, preaching and in performing certain sacraments such as baptism.

<sup>24</sup> A diocese is a geographic and administrative unit of the Catholic Church led by a bishop. Dioceses consist of multiple parishes, each headed by a priest.

often refused, and non-recognized congregations could be dissolved by a simple decree of the Council of Ministers.

Teaching congregations were specifically targeted: Article 13 of the law prohibited congregations from founding new schools except under virtue of a decree issued by the Council of State, and Article 14 banned members of non-authorized congregations from directing schools or teaching in them.

Whilst Waldeck-Rousseau only wished to control congregations more, his radical and anticlerical successor to the Presidency of the Council, Émile Combes, aimed to fully eradicate them. Solicited authorizations were almost systematically refused – which led to the sometimes violent expulsion of unauthorized congregations starting from 1903 –, and several teaching establishments belonging to congregations were closed.

### ***The law of July 7, 1904, on exclusion of congregations from teaching***

The law of July 7, 1904, goes even further than the one of 1901, as it fully excludes religious congregations from teaching, even for those who had been authorized to do so. The teaching congregations which had been authorized as such were given ten years before being definitively suppressed. This led to the closing of around 3000 schools and pushed numerous ecclesiastics to leave France.

Despite the forced departures of teaching congregations, Catholic schooling did not disappear as the secular clergy, not part of religious congregations, was still allowed to teach. The confessional school system was thus reorganized, and numerous private Catholic schools controlled by the secular clergy opened.

The 1904 law however notably reinforced school laicization in France, at the premises of the Separation law that would be promulgated the next year.

### **C (2): The difficult adoption of the Separation law and its main components**

The law being the culmination of decades of political, ideological and social struggles between the Republican State and the Catholic Church, the debates leading to its adoption were intense and deeply divisive.

### ***Debates and adoption***

As anticlerical measures multiplied under Émile Combes, the question of Separation made its return in the political sphere. The Separation was also a strong point on the agenda of the left, majoritarian in the Chamber of Deputies since the elections of in the spring of 1902.

After the rejection of several law proposals about Separation introduced from October 1902, a special commission to assess the question was established in June 1903. This was mainly pushed by socialist MP Francis de Pressensé, strong supporter of Dreyfus turned atheist after the affair.

Out of the 33 members of the special commission, we could find 17 leftist ‘separatists’ and 16 right-wing opponents to the law. The works of the commission led to the deposition of a law project in October 1903, written by socialist republican Aristide Briand, where measures such as the abolition of the Concordat were proposed. It is Briand’s text which got adopted in July 1904 as a law project to be presented to the Parliament; and it is Briand who became the parliamentary rapporteur of the bill<sup>25</sup>.

This happened in the context of strong tensions with the Catholic Church in the spring of 1904. Following French President Émile Loubet’s visit to the Italian King Vittorio Emanuele III, the Holy Seat was highly offended as the Pope considered himself held prisoner by the Kingdom of Italy (which annexed Rome in 1870). This conflict with the Vatican, which led to the severance of diplomatic relations between France and the latter, highlighted how crucial the independence of the State from the Church would be.

Combes, who previously argued for the upkeep of the Concordat in a system where the Church would be fully controlled by the State, deposited a law project in this light in November 1904, which created tensions in Briand’s commission. The fall of Combes’ government in January 1905 resolved the situation, and the new President of the Council, Maurice Rouvier, deposited a new law project about the Separation in February.

The debate in the Chamber of Deputies started on March 21, 1905, and would last more than three months. Two amendments were proposed right away: the first one, by right-wing MP Georges

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<sup>25</sup> The tasks of a parliamentary rapporteur included drafting a detailed analysis of the bill explaining its goals, legal and financial impact and possible amendments or modifications, explaining and defending the bill before deputies and senators, and negotiating amendments between different political factions.

Berry, aimed at the postponement of the debate on the Separation, whilst the second one, pushed by abbot Hyppolyte Gayraud, strived to upkeep the Concordat with some modifications. Gayraud notably attacked the separatists by presenting the Separation as a declaration of civil war. Both amendments would later be largely rejected.

During discussions, Briand fiercely defended the law, having to face both supporters of Combes – who argued for a “neo-Concordat” (Bringuier, 2019) where the Church would be subject to the State – and conservatives, strongly opposed to the law.

Whereas the first articles regarding the main principles of the law were adopted without much protestation, the debates on the implementation of the principles were long and heated.

Briand insisted on the fact that he wanted the law to both “preserve the interests of the Republic” and be “acceptable” for the Church, who remained a powerful actor in society (Bringuier, 2019). After several months of debate in the Chamber, which saw the deposition of more than 300 amendment proposals, the law was finally voted on July 3, 1905.

The bill then moved to the Senate, and was voted on December 6, 1905, before being promulgated on December 9, 1905. The Separation law, “jewel in the Crown of the law of the Republic” (Bringuier, 2019) and foundational text of French Laïcité, was finally in place after more than two years.

### ***Contents of the law***

The main principles of the law are contained in the first two articles: freedom of conscience and the free exercise of religion are mentioned in Article 1, whilst Article 2 states that “The Republic does not recognize, pay or subsidize any religion”<sup>26</sup>, putting an end to the 1802 Concordat. The State is therefore neutral from this point on and must treat all religions in the same way.

In practice, the law provides for the suppression of the State budget allowed to religious activities, the creation of ‘religious associations’ to oversee religious activities, and the redefinition of property laws regarding religious buildings. Moreover, the presence of religion in public space is regulated: religious ceremonies held outside worshipping spaces must be notified to public authorities, and religious symbols cannot figure on public buildings anymore – save for cemeteries

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<sup>26</sup> Original text : *La République ne reconnaît, ne salarie ni ne subventionne aucun culte.*

and museums. The State is thus henceforth charged to ensure that religious practices do not disturb public order.

## CHAPTER 2: LAÏCITÉ IN SCHOOL DURING THE WORLD WARS (1914-1945)

| PRESIDENT OF THE<br>REPUBLIC                                                  | PRESIDENTS OF THE<br>COUNCIL<br>(OF MINISTERS)<br><i>Most important</i> | POLITICAL<br>AFFILIATIONS                                             |
|-------------------------------------------------------------------------------|-------------------------------------------------------------------------|-----------------------------------------------------------------------|
| <b>Raymond Poincaré</b><br>1913-1920                                          | René Viviani, Aristide Briand, Georges Clemenceau                       | Republican nationalism, center-right                                  |
| <b>Paul Deschanel</b><br>1920                                                 | Georges Clemenceau, Alexandre Millerand                                 | Moderate Republican                                                   |
| <b>Alexandre Millerand</b><br>1920-1924                                       | Aristide Briand, Raymond Poincaré                                       | Conservative                                                          |
| <b>Gaston Doumergue</b><br>1924-1931                                          | Édouard Herriot, Paul Painlevé, Aristide Briand, Raymond Poincaré       | Radical socialist, with the presence of conservatives                 |
| <b>Paul Doumer</b><br>1931-1932                                               | Pierre Laval, Édouard Herriot                                           | Presence of both right-wing republicans and radical socialists        |
| <b>Albert Lebrun</b><br>1932-1940                                             | Gaston Doumergue, Léon Blum, Édouard Daladier                           | Moderate Republican with the presence of socialists.                  |
| <b><i>VICHY REGIME</i></b><br><b>Philippe Pétain</b><br>1940-1944             | Pierre Laval                                                            | Reactionary, pro-Nazi regime. Democratic institutions were abolished. |
| <b><i>PROVISIONAL GOVERNMENT</i></b><br><b>Charles de Gaulle</b><br>1944-1946 | Charles de Gaulle                                                       | National unity supported by left-wing forces and moderate Republicans |

TABLE 2: French leaders of the III Republic and their political affiliations (1914-1945)

### A. Laïcité and schools in World War One

World War I (1914-1918) was a global cataclysm that reshaped politics, societies, and ideologies everywhere in the world. Sparked by the assassination of Archduke Franz Ferdinand, heir to the Austro-Hungarian throne, the war was rooted in the establishment of a complex web of alliances, growing nationalism and imperial rivalries. The war ultimately led to the redrawing of borders, the collapse of empires, as well as strong social and political upheaval. Amidst this turmoil, France, who partook in the war alongside the United Kingdom, Russia, and later, Italy and the United States, saw the relationships between state, religion and national unity tested.

Though World War I did not lead to particular legal changes in terms of Laïcité in school, we shall discuss how the political scene evolved towards a national union, where both secular and religious figures allied in harsh times, and how the war was dealt with in schools.

#### A (1): The Sacred Union – towards a reconciliation of the Church and the State

The *Union Sacrée*, or Sacred Union, is the movement that saw political groups work together during World War I to show a united front against the enemy. President Raymond Poincaré introduced the concept of Sacred Union in his message to the Chambers of August 4, 1914, two days after Germany declared war to France. In the message, read by President of the Council René Viviani, Poincaré insisted on the necessity to be cohesive to effectively win the war, without letting political fractures fragilize the country.

At the beginning of 1914, we can say that the Separation was fully established, and religious tensions had waned to reach a pacified situation. Whilst the majority of French children attended public secular schools, around 20% of them (Baubérot-Vincent, 2024) were enrolled in former congreganist schools, turned into “free schools” by the Catholic Church. Extracurricular activities were taken care of by both secular and religious organizations, and there thus was a “coexistence of two France” (Baubérot-Vincent, 2024). Though the general framework was secular, every individual was indeed free to exert their religion in the way they preferred.

After the official start of the war with Germany on August 2, 1914, Louis Malvy, Minister of the Interior, called on the prefects<sup>27</sup> to suspend the laws of 1901 and 1904 targeting religious congregations. These tolerant measures aimed to allow for a reconciliation with Catholics, after the Republic had followed an anticlerical policy for the past forty years marked by the expulsion of congregations and the Separation.

Whereas the new government of National Defense, formed on August 26, 1914, was the first step towards the Sacred Union, as socialist movements entered the government alongside moderate liberals and republicans, we would have to wait until October 1915 to see a militant catholic, Denys Cochin, included in the government led by Aristide Briand.

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<sup>27</sup> In France, prefects are representatives of the State in each *département* and region.

The Sacred Union also entailed the image of a fraternization of teachers and priests, at the front - as many of them were mobilized –, and in the civil society. As Baubérot-Vincent highlights, both Catholics and anticlericals were able to go beyond their old rivalries in this time of national solidarity, seeing each other in a new light (Baubérot-Vincent, 2024).

The Union was however not without its challenges, and it started to wane in 1917. The upheaval caused by the Russian Revolution, combined with the length of the war, led to a resurgence in political tensions, as the socialists started refusing to partake in an ‘imperialist’ war.

The legislative elections of November 1919 achieved to bury the Sacred Union, which was replaced by the National Bloc – a coalition of center-right and conservative parties led by Georges Clemenceau. The latter, nicknamed ‘Father Victory’ for his position as Minister of War between 1917 and 1920, and for his participation in the Paris Peace Conference<sup>28</sup>, had been a crucial figure in the French political landscape since the start of the III Republic.

Though the Sacred Union was an exceptional alliance that could only have emerged in times of crisis, it did leave some marks. The National Bloc comprised some moderate Catholics in its ranks, and diplomatic relations between France and the Holy Seat were re-established in 1921, as the war had shown the usefulness of religion in creating a sense of national unity.

Finally, and as we have mentioned in Chapter 1, the return of Alsace-Lorraine into the French territory was characterized by the maintaining of local legislation regarding State and Religion: the system of the Concordat was thus upkept, with some modifications made by the Germans. The situation in those *départements* is still the same today.

## A (2): The war in schools

Though teachers had been “symbols of pacifism” (Haddad, 2016) since the start of the 20<sup>th</sup> Century, most of them joined the Sacred Union at the start of World War I.

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<sup>28</sup> The Paris Peace Conference (1919-1920) saw the victors of World War I set the peace terms for the countries who lost the war. The most important treaty born from the conference is the Versailles Treaty with Germany.

Haddad points out that secular teachers had been long perceived as preachers of peace, whose task was to teach young children about the horrors of the past to avoid future conflicts, whilst also fostering their love and commitment to the nation. The ‘black hussars of the Republic’ however fulfilled their patriotic duty from the start of the war, either by fighting at the front – and thus offering a model of patriotism to their pupils – or by teaching France’s youth about the greatness of the motherland and the courage of her soldiers (Haddad, 2016). The last activity was obviously done by non-mobilized teachers, of which most were women.

The pedagogic approach drastically changed to support the national war effort, and war themes were put at the center of teaching activities. The war was used as a topic in “every academic subject, from writing to mathematics” (Donson, 2014), and this *scolarité de guerre* – war schooling – lasted until the end of the conflict. French schools also engaged students in voluntary war work, such as collecting money for charities, making clothes for soldiers, and sending packages to the front lines (Donson, 2014).

Though not bringing particular changes to Laïcité in schools, the war deeply affected education, allowing for the intertwining of traditional academic notions with nationalistic and civil themes. Teachers played a crucial role in this: they helped foster patriotism and a sense of duty whilst also maintaining a balanced perspective – as teachers gradually became more pacifist –, underlining the importance of defense without glorifying the horrors that war brings.

## **B. The Interwar period**

The years following World War I were marked by a rapprochement of the Church and the French society. The clergy, mobilized like the rest of French men, had lived the “brotherhood of the trenches” (Moulinet, 2023), and the religious services celebrated on the frontlines to honor fallen soldiers were continued through several commemorations in the years following the conflict. Whilst Clemenceau’s National Bloc had been favorable to this reconciliation, the legislative elections of 1924 saw the victory of the Cartel of the Left. This left-wing coalition, led by radical socialist Édouard Herriot, announced from its arrival in power that it aimed to put an end to France’s conciliant approach to the Church. Herriot indeed proposed to extend the Laïcité

legislation to Alsace-Moselle, to reinstate the laws of 1901 and 1904 regarding religious congregations – which had been suspended in 1914 – and to end diplomatic relations with the Holy Seat.

The strong opposition to these proposals by Catholics and right-wing associations, as well as a monetary crisis, precipitated the fall of Herriot's government. The right and moderate republicans would stay in power until 1932, where they were then replaced by a second Cartel characterized by strong governmental and political instability.

Fearing the growing influence of far-right movements, as riots had caused the fall of radical-socialist Édouard Daladier's government in 1934, left-wing parties decided to ally. This led to the creation of the Popular Front in 1936, which won the legislative elections in the same year and formed a government headed by socialist Léon Blum.

The Popular Front lost power in 1938 and was replaced by a coalition of moderate republicans led by Édouard Daladier, which would last until March 1940.

His successor, Paul Reynaud – heading a government of national Union to respond to the German threat –, ultimately resigned on June 16, 1940, following Germany's arrival in Paris two days prior. The last Council of Ministers, held the same day in Bordeaux, saw an opposition between those who wanted to continue fighting – including Reynaud, Herriot, and Charles de Gaulle – and those in favor of an armistice with Germany, led by Marshal Philippe Pétain. As Pétain's idea reached a majority, he was then offered the presidency of the Council by President Albert Lebrun on a suggestion from Reynaud.

The armistice with Germany was signed on June 22, 1940, and Pétain eventually put an end to the Third Republic by creating the Vichy Regime on July 11. This marked the beginning of an authoritarian, reactionary and collaborationist regime which would govern part of France during the German occupation, until 1944.

## C. World War II and the Vichy Regime: a hindering of Laïcité

In the first weeks following Pétain's arrival to power, Laïcité started being attacked by the Catholic and conservative wing of the country. Seen by some bishops as a “divine punishment” (Moulinet, 2023) for the laicization of France, the defeat against Germany was seen by some as a sign for the country to turn back to religion and traditional values. Religious authorities would generally support Pétain until 1944, mainly due to their disdain for the III Republic and its anticlerical measures. There was indeed a strong will from the catholic and conservative wing to achieve a ‘reconstruction’ of society after the fall of the III Republic, reunited around the values of the regime: *travail, famille, patrie* – work, family, and homeland, which would become Vichy's new motto.

Whereas religious authorities had broadly supported the new regime in the first year of its existence, many bishops and cardinals, alongside Protestant authorities, strongly condemned the persecutions against Jews enacted from 1941 onwards. Many clerks moreover helped rescue Jewish people, especially children, from arrestation and deportation.

Though favorable to the Church and willing to hinder Laïcité – especially in schools –, we must note that the Vichy Regime did not question the 1905 Separation law or the laws on public and secular education: Pétain did break away from “the ethos of Laïcité” (Baubérot-Vincent, 2024) but he did not abolish its main legal foundations. We shall however delve into the measures adopted by the Vichy Régime to restore religion in education.

A list of forbidden textbooks was published a couple of weeks after the creation of the Vichy Regime, foreshadowing the restrictive measures that would target Laïcité in school (Moulinet, 2023).

September 1940 saw the abolition of secular teacher training schools<sup>29</sup> and the re-establishment of congreganist teaching through the abolition of the 1904 law and part of the 1901 law.

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<sup>29</sup> Law of September 18, 1940.

The programs of civic and moral instructions were also modified: whilst a decree<sup>30</sup> amended the programs and re-established the teaching of “duties to God” in classrooms, the latter were finally replaced by “spiritual values” (Baubérot-Vincent, 2024) such as the Motherland and the Christian civilization. The Republican and secular values previously taught in civic and moral instructions were thus replaced by a nationalist patriotism instilled with religious morals. Textbooks of civic and moral instruction were moreover heavily regulated: only fifteen of them were authorized by the regime (Gillig, 2014), which were all influenced by Catholicism. Religious instruction furthermore made its return in public schools<sup>31</sup>, though it stayed optional and did not always take place in school premises.

The Vichy Regime then severely favored private religious schooling, especially for secondary education. National scholarships were extended to also be used in private schools<sup>32</sup>, and the free secondary education introduced by Herriot in the 1920s was partially abolished<sup>33</sup> in order to put public and private institutions on an equal footing, as private Catholic high schools had always required the payment of a tuition (Gillig, 2014). Additionally, private schools were allowed to benefit from public funds<sup>34</sup>, and local school subsidies could be granted to private religious institutions on a decision from prefects and religious authorities<sup>35</sup>.

This new attractiveness of private institutions thus led to an increase of children attending the latter, at the expense of secular public schools.

The *Ligue de l'Enseignement*, which had been very active in developing and providing secular extracurricular activities in the interwar period, was then dissolved in April 1942 on the grounds that it was a tool for free-mason and political propaganda.

Laïcité in schools and its supporters were therefore heavily targeted by the Vichy Regime. As Gillig highlights, the whole legislative body on school painstakingly crafted during the III

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<sup>30</sup> Decree of November 23, 1940.

<sup>31</sup> Law of January 1, 1941, complemented by a circular on January 27 which sets out the details of its implementation.

<sup>32</sup> Decree of August 15, 1941.

<sup>33</sup> Law of August 15, 1941.

<sup>34</sup> Law of November 2, 1941.

<sup>35</sup> Law of November 9, 1941.

Republic was deeply endangered under Pétain, and it would have been even more undermined were it not for France's liberation in August 1944 (Gillig, 2014).

The hindering of Laïcité between 1940 and 1944 and the commitment of Vichy to erase the achievements of the III Republic in the field showcased the importance of Laïcité as a French value: hence its enshrinement in the 1946 Constitution, which we shall analyze in the next chapter among other post-war reforms.

## CHAPTER 3: LAÏCITÉ IN SCHOOLS FROM THE POSTWAR PERIOD TO THE 1980s (1946-1984)

| PRESIDENT OF THE REPUBLIC                                                      | PRESIDENTS OF THE COUNCIL (OF MINISTERS)<br><i>Most important</i> | MINISTERS OF EDUCATION<br><i>When relevant</i> | POLITICAL AFFILIATIONS                                                |
|--------------------------------------------------------------------------------|-------------------------------------------------------------------|------------------------------------------------|-----------------------------------------------------------------------|
| <b>PROVISIONAL GOVERNMENT</b><br><b>Charles de Gaulle</b><br>1944-1946         | Charles de Gaulle                                                 | René Capitant                                  | National unity supported by left-wing forces and moderate Republicans |
| <b>Vincent Auriol</b><br>1947-1954                                             | Robert Schuman, André Marie, Henri Queuille, René Pleven          | André Marie                                    | Center-left                                                           |
| <b>René Coty</b><br>1954-1959                                                  | Pierre Mendès France, Edgar Faure, Guy Mollet, Charles de Gaulle  |                                                | Transition from center-left to Gaullist right                         |
| <b>1958</b><br><b>END OF THE IV REPUBLIC</b><br><b>BIRTH OF THE V REPUBLIC</b> |                                                                   |                                                |                                                                       |

TABLE 3: French leaders of the IV Republic and their political affiliations (1946-1958)

| PRESIDENT OF THE REPUBLIC                    | PRIME MINISTERS<br><i>Most important</i>    | MINISTERS OF EDUCATION<br><i>Most important</i> | POLITICAL AFFILIATIONS                                           |
|----------------------------------------------|---------------------------------------------|-------------------------------------------------|------------------------------------------------------------------|
| <b>Charles de Gaulle</b><br>1959-1969        | Michel Debré, Georges Pompidou              |                                                 | Gaullism: right-wing, strong executive and national independence |
| <b>Georges Pompidou</b><br>1969-1974         | Pierre Messmer                              |                                                 | Conservative                                                     |
| <b>Valéry Giscard d'Estaing</b><br>1974-1981 | Jacques Chirac, Raymond Barre               |                                                 | Center-right, economic liberalism                                |
| <b>François Mitterrand</b><br>1981-1995      | Pierre Mauroy, Michel Rocard, Édith Cresson | Alain Savary                                    | Socialist: left-wing economic and social reforms                 |

TABLE 4: French leaders of the V Republic and their political affiliations (1959-1985)

Following the armistice signed with Germany in June 1940, France had been divided in two zones: the north of the country was to be fully occupied by the German army, whereas the South was controlled by the Vichy Regime – headed by Marshal Pétain. Following the Allied<sup>36</sup> invasion of French North Africa, in Morocco and Algeria, in November 1942, German and Italian troops invaded the free zone, making France a fully occupied territory.

We must underline that France had two governments during the war, which did not recognize each other as legitimate: the collaborationist Vichy regime on one hand, and the movement led by General de Gaulle since 1940, which would later become the Provisional Government of the French Republic from June 1944 to October 1946.

The liberation of France, which we shall refer to as the Liberation, started with the Allied invasion of French North Africa in 1942. Several operations such as the liberation of Corsica in 1943, the Normandy landings of 6 June 1944, and the landing in Provence in August 1944, led to the progressive liberation of the whole territory during the summer of 1944. Paris, freed on August 25, 1944, was taken by the French Provisional Government.

The Republican rule was officially re-established by the ordinance of August 9, 1944, marking the end of the Vichy Regime – whose legitimacy had never been recognized by de Gaulle. There was thus no proclamation of a new Republic, as the III Republic had never been officially dissolved.

This chapter is dedicated to the changes in Laïcité in school from the Liberation to the 1980s. We shall start by analyzing the debates about funding and Laïcité which followed the re-establishment of the Republican rule, before delving into the major reform that is the Debré law (1959). Finally, we shall consider the main aspects of the Savary bill and its failure in 1984, as it aimed to profoundly modify the French school system.

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<sup>36</sup> The Allies were a coalition fighting against the Axis powers – Germany, Italy and Japan – in World War II. The main actors were the United Kingdom, the United States (from December 1941) and the Soviet Union (from June 1941). The movement of ‘Free France’, which would become the Provisional Government of France in 1944, also fought alongside the Allies in the war.

## **A. School funding and Laïcité at the Liberation**

The questions of school funding and of the relations between private and public schools started being tackled right after the Liberation.

After the provisional government's establishment in Paris on August 31, 1944, a first Cabinet was formed. The new minister of Education, socialist René Capitant, was tasked to create a commission assessing the problematic relations between private and public education. Indeed, this issue was major as no common ground had been found between the defenders of Laïcité and those of Catholic schooling. A major question was the one of State subsidies, where the Catholic movement argued that they should be granted to both private and public schools to guarantee people's freedom (Gillig, 2014). Capitant's commission however failed to achieve any results and was dissolved in March 1945. We shall note that the financial privileges granted by the Vichy Regime to private schools were abolished through the Ordinance of April 17, 1945, on the Restoration of Republican Legality in Education.

In this context, we shall see how the drafting of a new Constitution in 1946 illustrated the tensions on Laïcité and education, before analyzing two bills favoring private schooling in the first years of the IV Republic.

### A (1): Education and Laïcité in the Constitution

Following the election of a Constituent Assembly in November 1945, debates started as the Assembly had to decide on which elements to include in the new Constitution. Education had a particular place in the debates: Catholics, represented by the Popular Republican Movement<sup>37</sup> indeed wished to enshrine educational freedom in the Preamble of the Constitution, though this proposal was rejected in March 1946. Both seculars and Catholics launched campaigns contesting the newly drafted Constitution; it thus did not come as a surprise that a majority voted against the latter in the referendum of May 5, 1946.

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<sup>37</sup> The Popular Republican Movement (*Mouvement Républicain Populaire*) was a Christian-democratic party ultimately dissolved in 1967.

A second Constituent Assembly was elected on June 2, 1946, and drafted a text that was eventually approved by referendum on October 13, 1946.

The Constitution of the IV Republic contains three key elements in terms of Laïcité. First, the principle of Laïcité is enshrined in Article 1: “France is an indivisible, *secular*, democratic and social Republic”<sup>38</sup>. Then, following an amendment by MP Paul Coste-Floret from the Popular Republican Movement (Gillig, 2014), the Preamble includes the reaffirmation of the rights and freedoms stated in the 1789 Declaration of the rights of Man and of the Citizen and of the “fundamental principles recognized by the laws of the Republic”<sup>39</sup>. As Gillig notes, educational freedom is part of these fundamental principles (Gillig, 2014). The Preamble furthermore underlines the fact that “the organization of public, free, and secular education at all levels is a duty of the State”<sup>40</sup>.

Despite a general consensus about the contents of the Constitution, the fierce opposition between seculars and Catholics would continue for the next decade. This so divisive question of education moreover worsened the political fragilities – governmental instability due to everchanging coalitions – that the Fourth Republic had inherited from its predecessor, the Third Republic.

#### A (2): A ‘victory’ of private schooling – the Marie and Barangé laws (1951)

In 1951, the political arena was dominated by a centrist coalition, the Third Force, composed of the Socialist Party, the Democratic and Socialist Union of the Resistance, the Popular Republican Movement, the Radical Party and other center-right parties opposed to both the Communist Party and the de Gaulle’s Rally of the French People. Unlike its opponents, the Third Force did not aim to implement significant constitutional reforms.

The legislative elections held on June 17, 1951, maintained the Third Force in power, though both the Communist Party and the Rally of the French People gained significant votes. As several newly

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<sup>38</sup> Title 1, Article 1, Constitution of the IV Republic (1946). Original text : *La France est une République indivisible, laïque, démocratique et sociale.*

<sup>39</sup> Preamble, Constitution of the IV Republic (1946). Original text: [...] *les principes fondamentaux reconnus par les lois de la République.*

<sup>40</sup> Ibid. Original text : *L’organisation de l’enseignement public gratuit et laïque à tous les degrés est un devoir de l’État.*

elected deputies had committed themselves to vote for State subsidies favoring independent schools, the new government led by socialist René Pleven pushed for the adoption of the Marie law on September 21, 1951 (Moulinet, 2023). The law, named after Minister of Education André Marie, made students enrolled in private schools also eligible to receive State-funded scholarships based on merit and financial need. It also included allocations of funds for the construction of public school facilities and the creation of new teaching positions.

Based on a proposal by a MP of the Popular Republican Movement, Charles Barangé, the law of the same name was adopted on September 28, 1951: its main purpose was to grant an allowance<sup>41</sup> to families with children enrolled in primary education, regardless of whether they attended public or private schools. The law broke away from the traditional practice of non-funding of private primary schools started in 1886. By creating this allowance, which was paid to each private school's parents association and not to families, the State de facto directly started funding private schools (Poucet, 2012). The main objectives of the law were to improve the salaries of private school teachers, which tended to be lower than their counterparts in the public sector, and to sometimes assist with infrastructure improvements relating to hygiene and safety (Poucet, 2012). The Barangé law however sparked several reactions from secularist groups, who viewed it as an attempt to start subsidizing private – often religious – schools.

Both the Marie and Barangé laws strived to provide financial assistance to families and students, but they targeted different levels of education and employed distinct mechanisms of support. Whilst the Marie law adopted an indirect approach by extending eligibility to national scholarships to deserving students in private secondary education, the Barangé law took a more direct approach by channeling public funds to private schools and the families with their children there. This approach marked a shift in the State's relationship with private (religious) education, going from a strict separation of funding – supported by the secular faction – to a model incorporating some level of public financial support.

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<sup>41</sup> The allowance was set at 1000 French Francs per child, for each trimester of schooling.

The school question however remained pending, as only the advent of the V Republic and the 1959 Debré Law, which we shall analyze in the next section, would provide a permanent solution to this long struggle.

## **B. The Debré law**

The IV Republic met its end in 1958, paving the way for the creation of a new Constitution which profoundly changed France. Though the Fourth Republic had always been characterized by a strong parliamentary instability, this weakness proved critical during the crisis of May 1958. Triggered by a Coup attempt in Alger on May 13, 1958, – in the context of the Algerian war<sup>42</sup> –, the crisis led to governmental collapse and brought the country to the brink of a civil war. Several political voices then called for a return to power of wartime hero General Charles de Gaulle, who agreed to do so only if he was granted the power to draft a new constitution. The latter was redacted by the Government – and specifically by a commission led by Minister of Justice Michel Debré. The draft, which broke away from France’s parliamentary tradition by establishing a much stronger presidency, was then approved by referendum in September and entered into force on October 4, 1958. The Fifth Republic was born.

Michel Debré, loyal Gaullist and architect of the new Constitution, became Prime Minister in January 1959. Debré could count on a strong majority in the National Assembly after the legislative elections of November 1958: the largest party was the new Gaullist ‘Union pour la Nouvelle République’<sup>43</sup>, which governed in coalition with center-right allies such as the Christian-democratic Popular Republican Movement.

The school question, which had yet not been settled, was a priority for de Gaulle: when coming back to power in 1958, he indeed aimed to put an end to the two conflicts preventing France from being a fully united nation: the school “war” and the Algerian war (Poucet, 2019).

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<sup>42</sup> The Algerian war (1954-1962) was a decolonization war opposing France and the Algerian Liberation Front. It was ultimately concluded with Algeria getting its independence from France through the Évian Accords in March 1962.

<sup>43</sup> Union for the new Republic

A commission was thus created in May 1959 to investigate the relations between State and private education, led by socialist and former Minister of Education Pierre-Olivier Lapie. Following the commission's submission of its conclusions in October, which was approved by de Gaulle, a preliminary law project was ready in November.

The debates in the Assembly were heated and passionate, as the project disturbed both the supporters of Laïcité – who refused State funding of confessional schools – and the national organization of Catholic education, who wanted the funds to be granted to them instead of funding each individual school (Moulinet, 2023). Debré also had to provisionally take the charge of Minister of Education during the debates, following the resignation of former minister André Boulloche due to disagreements on the policy.

The law was finally promulgated on December 31, 1959. The elaboration of the Debré law was ultimately quite fast given the topic, though Poucet points out that most of the legal work had already been done by several working groups and commissions over the years (Poucet, 2019).

Both the secular and the religious camp strongly reacted to the law: some supporters of Laïcité took the Vincennes oath in June 1960, swearing to fight until the law would be abrogated, whilst religious directors of Catholic schooling proclaimed the refusal of association contracts in January 1960, though they would ultimately apply them (Poucet, 2019).

The Debré law aimed to provide financial help to teachers in private schools and to help collaboration between the private and public sector through the establishment of voluntary contracts. Two types of contracts were – and still are – proposed:

- **Simple contracts** (mainly for primary schools): the school must meet some standards such as having been in function for at least five years and respecting health and safety regulations. The contract allows teachers to be paid directly by the State, though they are still appointed by the private school authority and considered private sector employees. The content taught in these schools must be in accordance with public education programs; the State has the right to educational and financial control.
- **Association contracts** (for both primary and secondary schools): to qualify for this type of contract, schools must prove that they meet a recognized educational need, that they have adequate facilities and that the employed teachers have certain qualifications. The Association contract entails following the national educational curriculum and

participating in national assessments. Teachers are paid by the State and are considered public sector employees, though they are recruited by the head of the private school. This more comprehensive and binding agreement allows for greater financial subsidies, though private schools are then subject to the same rigorous inspection as public schools.

Despite being able to keep their “individual character” – which is often religious –, it is underlined in Article 1 of the law that schools having entered one of these contracts must respect freedom of conscience in teaching and ensure access to all students regardless of their faith or opinions.

We must note that the ability of private schools to keep their (religious) “individual character” allows them to teach religion and to have visible religious symbols in their premises. Baubérot-Vincent refers to the changes brought by the law as a sort of “collaborative Laïcité”, also present in countries where there is no formal separation of the Church and the State (Baubérot-Vincent, 2024).

The Debré law, which was integrated in the *Code de l'éducation*<sup>44</sup> in 2000, is thus a turning point in the history of French Laïcité in school, as it attempted to reconcile private (religious) education with the State.

Two follow-ups of the Debré law consolidated its status: firstly, the question of the continuation of simple contracts in 1971 – which were planned to last 9 years, with the possibility of prolonging them of three more years – led to their permanent establishment (Moulinet, 2023). As underlined by Launay, the spirit of complementarity that was imagined by the law of 1959 was substituted by giving private schools the right to be in competition with the public education system, with the perennation of the Debré system (Launay, 1988).

Secondly, the Guerneur law of November 25, 1977, modified the Debré law by stating that, in the framework of association contracts, teachers had to respect the “individual character” of private establishments. The Constitutional Council, which was asked to issue an opinion on the law, approved the provision by declaring that respecting the “individual character” of a school did not

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<sup>44</sup> Which brings together legislative provisions and provisions adopted by decree regarding education.

infringe teachers' freedom of conscience (Moulinet, 2023). Private school teachers in religious institutions – who did not have to be religious themselves – thus only had to be neutral.

### **C. The Savary bill and its failure**

Following the election of socialist François Mitterrand to the Presidency of the Republic on May 10, 1981, the idea of creating “a large, public, unified and secular national education service”<sup>45</sup> took shape. The Socialist Party's campaign indeed included a comprehensive agenda of social and economic reforms, with significant attention devoted to the area of education. Mitterrand's objective was to address the issue of the dual education structure by bringing private and public schools into a unified school system whilst respecting their differences – including private schools' “individual character” (Moulinet, 2023). This new framework was to be grounded in the principle of Laïcité.

The Minister of Education, socialist Alain Savary, thus started discussions with the mainly Catholic representatives of private schooling in 1982.

The bill provided for a greater control over private schools by local authorities – also with the aim to decentralize the management of education (Forestier & Toulemonde, 2024) -, whilst seeking to place the budgets of private schools under direct public control. The bill would have also entailed a renewal of the school district map, and the implementation of a common pedagogical program for both private and public schools (Bauer, 2023), in order to promote greater uniformity in the educational experience of all students – regardless of the type of school they attended. It was furthermore considered to make private school teachers civil servants, which was heavily debated as it would have questioned their autonomy and relationship with the administration of private schools.

After two years of concertation between the government and representatives of private education, the Savary law project was officially born in April 1984 (Moulinet, 2023). The rationale behind the bill was very clear for the government: this reform of the education system would lead to

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<sup>45</sup> As stated in « 110 propositions pour la France » - 110 proposals for France-, the programme of the Socialist Party for the elections of April-May 1981.

greater equality between all French children, in the context of other socialist reforms aiming to reduce disparities within society.

The bill however encountered significant opposition, primarily from Catholic educators and parent associations such as the National Union of Parents' associations of Free education –in French, *Union Nationale des associations de parents de l'enseignement libre* (UNAPEL).

André Laignel, a socialist MP, introduced two amendments in May 1984 which would furtherly spark protests among the defenders of private schools: the first would have prohibited the creation of a private preschool in municipalities without a public one, and the second would have posed additional conditions for the personnel of private schools having a contract with the State.

A national demonstration was organized on June 24, 1984, in Paris, to protest against these repeated attacks against private schools. Estimates suggest that over one million people (Moulinet, 2023) participated in the protest, of which important political figures such as Simone Veil<sup>46</sup> or Jacques Chirac<sup>47</sup>, to voice their opposition to the Savary bill. This extraordinary display of public discontent highlighted how attached millions were to the dual system introduced by the Debré law, putting pressure on Mitterrand and his government. The scale of the demonstrations made it politically impossible for the latter to pursue the legislation, as it would have led to further social unrest and erosion of public support: Mitterrand was thus obliged to withdraw the bill, which he did in an interview on July 14, 1984. Savary and Prime Minister Pierre Mauroy would then resign three days later.

The failure of the Savary bill, this bold attempt to reshape the landscape of French education, thus confirmed the resilience of the dual system introduced by the Debré law. The opposition generated by the bill highlighted the societal value that was placed on freedom of education and showed the limits of such an attempt to fully laicize the school system.

Some of Mitterrand's broader objectives for public education reforms were however met and had a lasting impact on the French education system. One example of this is the establishment of *Zones*

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<sup>46</sup> Magistrate, politician and Holocaust survivor, Simone Veil served as Health Minister in numerous governments and was President of the European Parliament (1979-1982). She is also known for having been at the origin of the 1975 law which legalized abortion in France.

<sup>47</sup> Jacques Chirac served as Prime Minister (1974-1976 and 1986-1988), Mayor of Paris (1977-1995) and as President of France (1995-2007).

*d'Éducation Prioritaire* – priority education areas –, which still allow schools in disadvantaged areas to receive more resources in order to combat social and economic inequalities.

The road from the Liberation to the failure of the Savary bill show us how the question of school remained a constant in the French public sphere despite significant political and societal changes. Whilst *Laïcité* was enshrined in the 1946 Constitution (and later in the 1958 one as well), tolerance towards private – and often religious – instruction started being built, first with the Marie and Barangé laws which extended State aid to private establishments, and then with the Debré law which created the dual system still in place nowadays. The failure of the Savary bill furtherly highlighted the importance of freedom of education for the French people.

We can thus consider that the historical ‘school question’ regarding the conflictual relationship between the State and the Catholic Church in education came to an end in these years, as the existence of private and religious schools was fully accepted by most.

As we move towards recent years, we will however see that it is now another religion, Islam, which questions *Laïcité* in school, reopening certain debates that had been long settled with the Catholic Church: we shall discuss this in the next chapter.

## CHAPTER 4: LAÏCITÉ AT THE END OF THE XXTH CENTURY – THE ROAD TO THE 2004 LAW ON RELIGIOUS SYMBOLS

| <b>PRESIDENT OF<br/>THE REPUBLIC</b>         | <b>PRIME MINISTERS<br/><i>Most important</i></b>       | <b>MINISTERS OF<br/>EDUCATION<br/><i>Most important</i></b> | <b>POLITICAL<br/>AFFILIATIONS</b>                      |
|----------------------------------------------|--------------------------------------------------------|-------------------------------------------------------------|--------------------------------------------------------|
| <b>François<br/>Mitterrand<br/>1981-1995</b> | Pierre Mauroy, Michel<br>Rocard, Édith Cresson         | Alain Savary                                                | Socialist: left-wing<br>economic and social<br>reforms |
| <b>Jacques Chirac<br/>1995-2007</b>          | Alain Juppé, Lionel<br>Jospin, Jean-Pierre<br>Raffarin | Lionel Jospin, François<br>Bayrou                           | Center-right.<br>Cohabitation with the<br>left.        |

TABLE 5: French leaders of the V Republic and their political affiliations (1985-2004)

Our journey so far has primarily focused on the relationship between the State and the Catholic Church, applied to schools. We have seen how this stormy relationship has evolved over the years, finally achieving a sort of pacification at the end of the XX Century through the acceptance of the dual system introduced by the Debré law.

The last decades, starting from the end of the 1980s, have however raised new challenges in terms of school Laïcité, which would lead to the 2004 law on the prohibition of conspicuous religious symbols in schools. This last chapter shall thus be dedicated to defining these new challenges, before analyzing the 2004 law and its implications for the French society.

### **A. Changes in society at the end of the XX Century: between secularization and rise of other religions.**

The second half of the XX Century has witnessed a significant decline in the importance of Catholicism in France. Though the adherence to religion varied significantly from one region to another in the first half of the century – rural communities attached more importance to

Catholicism and lived more according to its dogmas than urban ones –, the whole population shared similar ways of living inherited from the Christian tradition (Portier & Willaime, 2022). This paradigm however started waning in the 1960s, with a double process of secularization. On one hand, legal changes such as the introduction of contraception (1967), of abortion (1975) and the depenalization of homosexuality (1982) helped secularize morals whilst permanently dissociating civil legislation from religious precepts (Portier & Willaime, 2022). On the other hand, society distanced itself from Catholicism: one example of this is the drastic reduction of people belonging to Catholicism, where we went from 92% of French people stating that they belong to this religion in 1950, to 70% in 1981, and only 42% in 2008 (Portier & Willaime, 2022). The declining importance of Catholicism furthermore went hand in hand with a reduction of the number of people working in the institution.

This strong secularization of society, in a country which was still designated as the “eldest daughter of the Church” so far as 1980<sup>48</sup>, therefore led to a profound mutation of *Laïcité*.

The religious landscape of France then underwent a significant transformation from the 1950s-1960s, going from an overwhelming predominance of Catholicism – with Protestant and Jewish minorities – to a growing presence of Islam, which is now the second religion in France after Catholicism (Drouhot et al., 2023). The presence of this consequent Muslim minority is due to patterns of immigration: following World War II, France faced a labor shortage and encouraged immigration, particularly from countries with a Muslim majority such as Algeria, Morocco and Tunisia. The aftermath of the Algerian war expanded this wave of immigration, as numerous Algerians settled in France.

Though having restricted immigration for economic reasons in 1974, the French government introduced family regrouping from 1976, which allowed the spouses and children of immigrant workers to join them in France.

This made Islam go from being a religion mainly practiced alone by men to a religion practiced by families (Baubérot-Vincent, 2024), thus becoming more visible in the public space. The

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<sup>48</sup> This expression was used by Pope John Paul II in a speech in June 1980, recalling France’s long relationship with the Catholic Church. The title originates from the baptism of Clovis (the King of the Franks) in 496 AD, which made France the first major kingdom to convert to Catholicism. The country has then always been a primary defender of the papacy and the Catholic faith throughout most of European history.

construction of mosques and Islamic cultural centers from the 1970s reflects this growing and more visible part of the population.

It is in this context of great societal change that a first major event concerning Laïcité in schools questioned the newly acquired place of Islam, and in particular its visibility public schools through the wearing of a headscarf.

A first case in June 1989 opposed teachers to parents: the former wanted Muslim girls to be able to remove their headscarf in case of severe heat, also invoking the principle of Laïcité, whilst the latter refused in the name of religion (Moulinet, 2023). It was ultimately established that Muslim girls would be able to keep their headscarf during lessons.

It is however the second case of 1989 which really put the question of the headscarf – and more broadly, religious symbols – in schools at the center of the public debate.

The case of the ‘Creil headscarf’ was sparked on September 18, 1989, in a middle school of Creil, a municipality in the outskirts of Paris. Three female students were excluded from the school by the principal as they refused to take their headscarf off: for the principal, wearing the headscarf was indeed incompatible with the principle of Laïcité (Blavignat, 2018). The media soon seized the case and the question of headscarves, as well as the place of Islam in society, sparked heated debates in the French public sphere.

In a declaration of October 8, 1989, Education Minister Lionel Jospin stated that Laïcité had to be respected, making school a tolerant place where “people do not display, in a spectacular or ostentatious manner, signs of their religious affiliation”<sup>49</sup> (Blavignat, 2018). Prime Minister Michel Rocard followed this line by also defending Laïcité, whilst refusing exclusion as a way to solve the issue.

The three excluded girls were finally able to return to school on October 9, on the condition that they would remove their headscarf upon entering the school premises.

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<sup>49</sup> Original text : [...] où l'on n'affiche pas, de façon spectaculaire ou ostentatoire, les signes de son appartenance religieuse.

This however did not put an end to the controversies, as several similar cases appeared in other French cities. Furthermore, the three girls of Creil returned to school with a headscarf on October 19, 1989, and were therefore not able to enter the school premises (Blavignat, 2018).

As the debates did not show any sign of waning, with several political figures taking a stance – such as Danielle Mitterrand, the President’s wife, who defended the right to wear a headscarf –, Prime Minister Lionel Jospin decided to refer the question to the Council of State<sup>50</sup>. The latter released its conclusions in November 1989: for France’s highest administrative court, the expression of religious convictions in schools cannot be forbidden in schools, as long as does not hinder academic activities and it is not “an act of pressure, of provocation, of proselytism or of propaganda” (Blavignat, 2018)<sup>51</sup>. Teachers were given the choice to accept headscarves in their classroom or not.

Several exclusions in the following years however strengthened the unease regarding this topic. In September 1994, Minister of Education François Bayrou released a circular letter differentiating ‘discrete’ religious signs, which could be tolerated in school, from ‘conspicuous’ signs which had to be banned. This attempt was however not enough to fully resolve the question: from 1994 to 2003, around a hundred students were excluded from public schools for wearing a headscarf for religious reasons (Blavignat, 2018), in a context where each school was responsible of its decision and had to face the pressure of different actors alone.

As this *de facto* hindered equality of all people in front of the law, President Jacques Chirac decided in 2003 that a law prohibiting religious symbols in schools was essential to create a legal framework for school Laïcité. A commission was thus established in July 2003 to reflect on the application of Laïcité in schools. Led by Bernard Stasi, the Commission, composed of twenty people from different fields, released its final report in December of the same year.

The Stasi Commission highlighted the tension between State neutrality and freedom of religion, whilst stating that Laïcité had to be strengthened in order to ensure the respect of religious diversity

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<sup>50</sup> The French Conseil d’État – Council of State – is the supreme court for administrative justice, as well as an advisory body to the executive power.

<sup>51</sup> Original text : *un acte de pression, de provocation, de prosélytisme ou de propagande*.

in the country. The several proposals of the Stasi Commission would lead to the adoption of the law of March 15, 2004, prohibiting the wearing of conspicuous symbols in schools – including headscarves.

## **B. The 2004 law and its implications**

The law of March 15, 2004, largely adopted by both the left and the right (Baubérot-Vincent, 2024), came into force on September 2 of the same year. It aimed to regulate the wearing of signs or clothing manifesting the belonging to a religion in public schools of all levels. Despite not targeting any religion, the law is still seen as an attempt to restrict the wearing of headscarves, following the several cases that arose in the 1980s and 1990s. Many moreover claim that the law unjustly affects Muslims due to the visibility of their religious symbols, as Christians do not generally wear big crosses and Jews benefit from the possibility to enroll their students in private Jewish schools, which are more common in the country due to the community's historical presence in France.

The mandatory display of the *Charte de la Laïcité* – Charter of Laïcité – in every public school starting from September 2013, where its Article 14 underlines the prohibition of wearing conspicuous religion signs or clothes, furtherly restated the principles of the 2004 law.

The law on religious symbols, still in place today, is the end of our journey, as one of the main recent developments about Laïcité in school. The tensions that arose in the decade preceding the adoption of the law highlight how much the religious landscape evolved and how this evolution translates into new questions about Laïcité.

One recent development, in the footsteps of the 2004 law, achieved to precise and strengthen Laïcité in regard to religious symbols. On August 27, 2023, Minister of Education Gabriel Attal declared that abayas and qamis, traditional garments worn in several Muslim countries, would be prohibited in schools in the name of Laïcité, as they would henceforth be considered religious symbols – thus falling within the prohibition of the 2004 law (Lecherbonnier, 2023). This ban was later confirmed by the Council of State in a decision of September 7, 2023: the highest

administrative court concluded that banning these garments in school ultimately do not infringe fundamental rights of freedom of religion, right to education and principle of non-discrimination (Le Monde, 2023).

The ban of abayas and qamis was strongly debated: for many, the garments' traditional significance does not make it a religious symbol. The Council of State however underlined that in most cases, the wearing of these garments entails a religious affirmation (Le Monde, 2023).

Laïcité in school, through the 2004 law and its developments, is thus still a widely debated topic, of which the ultimate resolution is uncertain. The changes in French society raised new questions about the place of religion in the country's public sphere and in schools: the conflictual relationship between religion and State is thus far from settled, though the main religion in the debates shifted from Catholicism to Islam.

## CONCLUSION

French Laïcité in school has a long history, starting from the early years of a new and unstable III Republic, but it is still being shaped and redefined today. We have seen how the first Laïcité measures, radical for their time, aimed to forcefully detach society from the historical influence of the Catholic Church and consolidate the young Republic by creating a national spirit removed from religious influence. The Ferry laws and the Separation of 1905 are the first steps of the estrangement of Church and State, aiming to reinforce the latter's independence, though the question of the usefulness of religion to instill moral principles in society was still pending (Baubérot-Vincent, 2024).

We then witness a period of fluctuation between rapprochement and division amidst the troubled first half of the XX Century: whilst World War I saw a movement of national union, where differences were set aside to face the war and where the State showed tolerance for religion, World War II – where France was controlled by the Vichy Regime – saw a softening of State policies towards religion, with the aim to grant it its past dominance in society.

The post-war years are then marked by debates about Laïcité and its place in new regimes, the IV and V Republic. In these years, we can see the resolution of the long-debated 'school question' with the dual system introduced by the Debré law (1959); this system would later prove to be extremely resilient, as shown by the failure of the Savary bill in 1984.

These past four decades, finally, present a double phenomenon. On one hand, the historical turmoil about the place of Catholicism in society and schools has been placated, also considering the heavy secularization of people and morals – with the introduction of contraception and abortion laws, as well as the depenalization of homosexuality. On the other hand, new questions about the place of religion were raised by the growth of Islam in France – where it is now the second most practiced religion – and in Europe, and the increased visibility of this religion in the public sphere. The case of the “Creil headscarf” achieved to place the question of the visibility of religion in society at the core of public debates: it stills holds this place 35 years later.

The ending point of our journey, the 2004 law prohibiting conspicuous religious signs in schools, shows this change of paradigm regarding Laïcité. The question is not about reducing the influence of religion on the State and the education system anymore, nor about the separation of morality

from religion: Laïcité is now about the neutrality of *individuals*, who must keep their religious beliefs in the private sphere and not show – by their attire or behavior – any religious affiliations.

Laïcité has never been a static concept – it has evolved over time to encompass different notions and reflect the values and concerns of past societies. Today, in an increasingly diverse France, Laïcité is seen as an instrument to keep a sense of national unity by transcending religious differences. Yet, to cling to a monolithic interpretation of Laïcité – which, admittedly, has been able to solve historical conflicts between religion and State –, is to ignore the reality of our contemporary French society. We must now strive to apply Laïcité in a different way, adapting its main principles to a plural society, where people with different backgrounds and relationships to religion and secularism coexist.

As it has always been, societal transformations are begun in schools: the future of French Laïcité thus lies in today's classrooms.

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