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LAW, RELIGIOUS FREEDOMS AND EDUCATION IN EUROPE

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Chapter 7

The French Model:

Tensions Between Laïc and Religious Allegiances in French State and Catholic Schools

Blandine Chélini-Pont

The educational system in France neither proscribes nor promotes religious education. Religious education in the French state system appears to play a marginal role in state education as a consequence of the progressive secularisation of France. But is the situation any different in French private denominational schools? Logically, it should be. With the *31 December 1959 Act*¹ on academic freedom, the French State integrated Catholic schools into the ‘public service teaching mission’ (*mission de service public*) while acknowledging their ‘distinctive character’ (*caractère propre*). In so doing, the State guaranteed the exercise of academic freedom by allowing children from religious families to receive a religious education as part of their schooling. However, the religious ethos of Catholic schools, their ‘distinctive character’, despite being acknowledged in the law, has become diluted.

This chapter will explore the main features of the French model on religion at school, revealing an often unknown possibility of religious education in state secondary schools through chaplaincies (section 1) and a less surprising presence of religious education in Catholic private schools, thanks to the concept of ‘distinctive character’ which these schools enjoy (section 2). However, it will be shown that French Catholic schools struggle to maintain their Catholic ethos. Some difficulties in maintaining a strong religious ethos stem from internal problems (section 3): the attachment professed by the Catholic school system to freedom of conscience; the decision to be fully part of the – highly secularised – French ‘public service’ of teaching; and the *laïcisation* of its staff and headteachers. Others are linked to the pupils and parents who choose to attend Catholic schools but do not necessarily have strong religious convictions, if at all (section 4).

Religious Education in State Schools

Though often unfamiliar to parents and teachers, Article 2 of the *9 December 1905 Act* on the Separation between State and Churches,² founded on the religious neutrality of the State and its services, provides for the possibility of having chaplains in state secondary schools. Moreover, Article 1(3) of the *Act of 31 December 1959* or *Debré Law* (after the Prime Minister under President Charles de Gaulle) provides that

¹ Loi n. 59–1557 of 31 December 1959 sur les rapports entre l’Etat et les établissements d’enseignement privés, *JO* 1959, 57 (Act on the relationships between the State and private education institutions).

² Loi du 9 décembre 1905 concernant la séparation des Eglises et de l’Etat, *JO* 1905, 7205.

national education authorities ‘take all necessary measures so as to ensure freedom of worship and religious education for pupils of the state education system’.³ On these textual grounds, as construed by the case law of the *Conseil d’Etat*, the *Décret of 22 April 1960* organised chaplains in French state schools.⁴ The presence of chaplaincies in French state schools was later confirmed and inserted into the French Code of Education.

The Purpose of Chaplaincies: to Facilitate Religious Education

The possibility of a chaplaincy service was prompted by the need to allow access to religious instruction for those children whose parents wish it. The whole system is based upon this goal. Two requirements need to be satisfied for a chaplaincy service to be created in a given school: a request by parents and an established need for such a service in the school in question.

A chaplaincy service may be created in French state secondary schools upon the request of parents. The request for a chaplaincy service is a necessary precondition to its creation (Code de l’Education, articles R 141–1 to R 141–4, *Order of 8 August 1960*⁵). The *Circular of 22 April 1988*⁶ specifies that ‘requests by parents, pupils’ legal representatives or adult pupils must be submitted individually and bear the signature of interested parties’. These requests must be addressed to the headteacher of the school in question. They may be submitted by standard form or be hand written on plain paper, as long as they mention the religion, family name, address, and signature of interested parties so as to clearly show the wishes of the interested family.

Under Article 2 of the *1905 Law*, the creation of a chaplaincy must be deemed necessary for pupils to practice their religion. The *Conseil d’Etat* makes it mandatory for the Minister of Education ‘to create a chaplaincy service in schools where it is established that this institution is necessary for the free exercise of religion by students’.⁷ For pupils at boarding schools, the creation of a chaplaincy service appears to be the only means for them to receive religious instruction and to worship. Declining to create a chaplaincy in a boarding school, when it corresponds to the desire of parents, would violate the principle of free exercise of religion. This is why, even before the *Décret of 1960*, the *Conseil d’Etat* had sanctioned a decision to abolish all chaplaincies created after 1939, because the decision ‘could have the effect of depriving boarding students ... of the possibility to freely practice their religion and receive religious instruction’.⁸ Following this reasoning, Article R 141–2 of the Code of Education (former Article 1 of the *Décret of 22 April 1960*) requires a chaplaincy service to be created in boarding schools upon request by parents. It is the school headteacher’s responsibility to organise this service but he must inform the rector (chief education officer) of the number of students per class and per religion who wish to receive religious instruction, the hourly schedule for each group and the location in which the teaching will take place.

³ *JO* 1959, 57.

⁴ Décret relatif au contrat d’association à l’enseignement privé par les établissements d’enseignement privés, *JO* 1960, 3829.

⁵ *JO* 1960, 7964.

⁶ *Bulletin* 1988.

⁷ *Rec CE* 1955, 51.

⁸ *Rec CE* 1949, 161.

For secondary schools not equipped with boarding capacity, there is no obligation. In state primary schools, there is no provision for chaplaincies at all. Freedom of religion is guaranteed by the provision of one day off school a week for pupils to receive religious instruction off school grounds, should they wish to.⁹ In state secondary non boarding schools, the decision to create a chaplaincy service is made by the rector.¹⁰ Article 5 of the *Order of 8 August 1960* states that the decision ‘is based on a report to be submitted by the headteacher within a maximum period of two weeks after the beginning of the school term’. The report must be exhaustive in order for the rector to make his/her decision.¹¹ Since Article 5 of the Order states that the decision must be taken by the rector before 1 November, the *Circular of 1988* suggests that ‘the requests of families and the opinion of the school board be collected before the end of the school year preceding the one where the dossier is sent to the rector.’ The decision to create a chaplaincy service or not in a given school is then left to the rector’s discretion but the *1988 Circular* states that:

The general rule should be to give satisfaction to the wishes of the requesting families, even if they represent only a very small percentage of the total number in the school. A refusal to create a chaplaincy service would in fact be hard to justify since the existence of such a service would not affect the convictions and the freedom of conscience of other school community members. The possibility of having chaplains in French secondary state schools has not ensured widespread religious education in state schools.

The Relative Failure of Chaplaincies to Facilitate Religious Education

As one can see, the effectiveness of a religious education in French state secondary schools is difficult to guarantee because of its sheer legal complexity. No one, so far, has challenged the difficulty and vagueness of the procedure. This is because the majority of users, parents and children, are completely unfamiliar with the legal texts. Even when the possibility of requesting a chaplaincy service is known, it is not always used. The presence of chaplaincies varies greatly depending upon the geographical, religious and political context of the school in question. Generally speaking, they are more visible in Western and Northern parts of France which have remained more Catholic than other French regions.

More generally, the *laïc* legacy of the French Third Republic remains strong in French state schools. Except for some Muslim parents or pupils regarding the issue of the Islamic veil, no one in France really contests the absence of religion and of religious symbols – may they be worn by teachers or pupils – in French republican state schools. State secular schools are the gem of French *laïcité*. Despite

⁹ Article R 141–1 of the Code of Education (former Article 5 of the *Décret of 22 April 1960*), Conseil d’Etat case law: CE 24 December 1909 *Commune de Sarzeau*, DP 1911, 3rd part, 118.

¹⁰ Article R 141–4 of the Code of Education (former Article 3 of the *Décret of 22 April 1960*).

¹¹ JO 1960, 7964. The *Circular of 22 April 1988* provides as well that the report must include the totality of the requests received, the distribution of the students interested by religion and classes, the conditions under which the teaching can take place, either inside or outside of the school, according to the following elements: the weekly school organization, with information on school activities or extra curricular activities organized on Wednesday; distance to religious venues; characteristics of the students involved (age distribution between home students and half boarders, ...); external constraints such as schedules of school bus services, whether or not, inside the school, rooms can be used for religious teaching; the opinion of the school board on the operating conditions of the chaplaincy service. If the board could not be consulted on this issue in time, the opinion of the board is to be sent at a later stage within the timeframe given for the final decision to be taken by the rector (*Bulletin* n. 16, 28 April 1988).

the crisis that the school state system is undergoing, state schools remain the living symbol and the heart of *laïcité*. This symbolic status of schools explains why the Ministry of education receives priority in the state budget. It also explains why the state school system is part of the French psyche. The school timetable rather than the traditional religious calendar now rules people's lives with the two months of Summer holidays in July and August and the four shorter school holidays throughout the year. The *Baccalauréat*, the end of school national examination (at A-level stage) and notably its philosophy component, is celebrated every year by extensive coverage by national media. The state education system is, *par excellence*, the point of socialization for all generations, and its authority over the collective conscience remains strong. The notion of *laïcité* is largely tied to the state school system, to such a degree, states Yves Bruley, that 'public opinion is often tempted to conflate the two' (Bruley 2005: 154).

The existence of this state secular school system is the result of a long academic battle. The idea that the State should organize a public system of education for the population dates back to before the laws of the 1880s. The *Guizot law 1833*¹² and the *Falloux laws 1850*¹³ had constructed the base for a state primary and secondary system under which bishops played an important role and sat on local academic councils (Mayeur 2004: 314–37). The education laws proposed by Republican Minister of Education Jules Ferry stripped the Catholic Church of this right of control, made attendance mandatory for all girls and boys aged between seven to 13, proclaimed that state education was to be free, and erased and forbade any religious education – the apprenticeship of Catholic truth – from the syllabus of primary schools (Combes 1997). Instead, pupils were granted one day off a week so as to pursue religious activities outside school premises should they wish to. The message that stems from the Ferry laws and feeds French collective memory is twofold: 1) that open access to free schools for all French pupils without any discrimination¹⁴ is owed to the school system created by Jules Ferry and 2) that the absence of religion at school is a precondition of the existence of this system.

After the Ferry laws (and throughout the decade that had preceded them), the Catholic Church fiercely attacked and criticized its exclusion from the state school system. The battle over schools divided the country into two camps. This 'war' was simultaneously the engine of anti clericalism forces – the adepts of the new school order – and of clericalism forces – the adepts (Catholics and monarchists) of the old system (Rémond 2004, Lalouette 2004: 646–65). The construct in French national imagination of an opposition over school between clerical / anti clerical enemies is rooted in these historical battles. But nowadays, the 'clerical forces' of this imaginary construct are no longer Catholics but can be sometimes confused with Muslims. In sum, Religious education is limited in French state schools. Presumably however, it should flourish outside of the French state system, in private denominational schools.

¹². François Guizot (1787–1874) was an historian and a famous politician. He became Minister of Public Instruction during the first government of King Louis-Philippe's liberal regime, before receiving other responsibilities including in the end the post of President of the Council in 1847. His education law made it compulsory for towns over 500 inhabitants to open a public school for boys. Thanks to this law, the number of French primary schools increased from 10,000 to 23,000 in 15 years.

¹³. Alfred de Falloux (1811–1886) was Minister of Public Instruction under the second French Republic. The law he initiated remained famous because of the insistence on freedom of education which allowed the Catholic Church to expand its own school system. Falloux also permitted some control of the state school system by the Catholic Church.

¹⁴. 'Without discrimination' is the more contemporary term, the older one being 'without inequality'. The idea that before the Ferry laws, French children had no access to education is of course largely inaccurate.

Religious Education and Identity in Catholic Private Schools

Let us examine whether the Catholic educational system (which represents 98 per cent of private schools in France and educate 20 per cent of school pupils) is more effective in transmitting religious convictions. Since the *Debré law of 1959* which set up the possibility for private schools to enter into a partnership contract with the State, Catholic schools under contract have been concerned about the ‘doctrinal’ preservation of their Catholic ethos. *The Statutes of Catholic Schools of 1973 and of 1992*, promulgated by the Conference of French Bishops at the time of the French decentralisation laws,¹⁵ both begin in their preambles with a review of fundamental Catholic texts on this issue: the *Declaration of 28 April 1965* (*Gravissimum educationis momentum*) and the texts of the Congregation for Catholic Education (*Lay Catholics in School* 1982, *The Religious Dimension of Education* 1988, *The Catholic School System on the Threshold of the Third Millennium* 1993 and, most recently, *Educating together in Catholic Schools. Mission shared by the Ordained and the Laity Alike* 2007).

The role of Catholic schools in the *integral education of Man*¹⁶ is clearly acknowledged for both the good of the earthly realm and the extension of the Kingdom of God. Among all the passages cited in the Preamble to the *Statutes of 1992*, there is a symbolic one quoted from the *Conciliar Declaration of 1965*:

The Catholic school system, by opening itself as befits the progress of time, teaches pupils to work effectively for the good of the earthly realm. At the same time, it prepares them to work on the extension of the Kingdom of God, so that in exercising an exemplary and apostolic life, they become a ferment of salvation for humanity.

Thus, the purposes of Catholic schools are: to communicate the message of the Gospel, to transmit a precise faith (‘the good news’) around which an idea of Man is formed, taking into account all of Man’s dimensions and potential. As to the exact nature of this teaching, the Preamble of the *Statutes of 1992* states, based on the *Conciliar Declaration* that it is designed:

[to] create for the school community an atmosphere enlivened by the Gospel spirit of freedom and charity. It aims to help the adolescent in such a way that the development of his or her own personality will be matched by the growth of that new creation which is bestowed on him / her by baptism. It strives to relate all human culture to the news of salvation, so that the light of faith will illuminate the knowledge which pupils gradually gain of the world, of life and of the human race.

The ‘distinctive character’ (*caractère propre*) of Catholic schools in France is the term used in Article 1 of the *Debré law of 31 December 1959* to describe their Catholic ethos. This expression is also found in the *Conciliar Declaration of 1965 on Catholic education* (*proprium autem illius est*, §8). It signifies the provision of a humane and intellectual education to each child stemming from the truths of the Catholic faith, a particularity that the *Debré law* protects in the name of freedom of conscience.

If freedom of conscience, for reasons we will discuss below, seriously limits the transmission and reception of the Gospel message in French Catholic schools, it nevertheless constitutes a

¹⁶ As expressed by the Congregation for Catholic Education 1982: n. 28 and in the *1973 and 1992 Statutes*: para. 1.

constitutional protection for the distinctive character of Catholic schools in France.¹⁷ In his preliminary speech to the Law, Michel Debré emphasised the ‘fundamental principle of respect for freedom of conscience’ and for freedom of education which implies the right of citizens to found and manage schools as well as the rights of parents to educate their children and to select their children’s school:

Private education is the expression of a fundamental freedom. We know it is not enough for a freedom to become a reality to proclaim it in a text. Expressions of the freedom must be allowed and those expressions must be guaranteed. It is not only a guarantee given to individuals; it is also a guarantee that is necessary for a balanced society, which would not really be a free society if freedoms were only theoretical.¹⁸

How then is the distinctive character of Catholic schools under state contract in France maintained? The system seems very efficient on paper. Article 4 of the *Statutes of 1992* provides that ‘in every Catholic school, the educational project explicitly refers to the Gospel and the teaching of the Catholic Church’ or elsewhere ‘each school is presented as a Christian community based on an educational project rooted in Christ and his Gospel (§1)’. The ‘Catholic’ label is only given if the school is built by the ecclesiastical authority of a diocese or otherwise with its approval and it is committed to follow the *Statutes*, their preambles, the texts of reference and canonical provisions. To implement these requirements, each diocese establishes, under the bishop’s pastoral responsibility,¹⁹ two regulatory authorities assisted by a council body. These regulators act as the ‘diocesan director’ for diocesan schools and as the ‘major superior’ for schools under congregational trust. The regulators are ‘guarantors before the bishop of the evangelical authenticity of the educational project’ (§15) and the councils assisting them should help to ‘maintain the vitality of the schools’ educational community’ (§16).

More generally, the diocesan director, appointed by the bishop is also the secretary general of the Diocesan Catholic Education Board which, under Article 28, has the primary responsibility to ‘implement the pastoral guidelines of the Diocese in the Diocesan Catholic Education system’. These boards were at one time seconded to academic boards to adhere to the decentralisation laws, but they were re-established as the principal regulatory bodies in 1996.

At the end of the chain, or first on the pastoral front, is the school headteacher. In the end, it is upon him that the development of the pastoral educational programme of the Catholic school depends. It** is he who is responsible for both educational and spiritual activities (§8). The *Statutes of 1992* use the term ‘Catholic schools of education’ in order to show that it is not so much the teaching that is Catholic as it is the way in which schools continually reinvent the link between ‘teaching, educating and revealing a sense of the person enlightened by the Gospel.’ It is up to the headteacher to create this link

¹⁷ The Conseil constitutionnel held that the preservation of the distinctive character of private denominational schools was a manifestation of the principle of academic freedom and added that freedom of conscience was a fundamental principle recognised by the laws of the Republic. Ccel 23 November 1977 n. 77–87, *Grandes décisions du Conseil constitutionnel* 25. [Online] available at: <http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francaus/les-decisions/acces-par-date/decisions-depuis-1959/1977/77-87-dc-du-23-novembre-1977.7529.html> [Accessed 15 January 2010].

¹⁸ Speech of 23 December 1959 [Online] available at: http://www.assemblee-nationale.fr/histoire/Debre1959_bis.asp [Accessed 6 December 2010].

¹⁹ §15 of the *Statutes* states that ‘Catholic schools are rooted in the diocesan church and are an important element of pastoral activity’.

and to make sure that the school does not become ‘a private institution with a chaplaincy’ but rather a place where the Gospel is the ‘key to query all activities and directions’ as stated in the document ‘Keeping the Promise’ sent to all Catholic schools in August 2005. The severance of this link would also be his responsibility and would mark the end of the distinctive character of the Catholic school in question.

Finally, since 1993, Catholic education ‘Assizes’ are held regularly to reflect upon the guiding principles of Catholic teaching. The first on ‘Making sense of school to give meaning to life’ focused for four years on the concept of ‘distinctive character’ and its articulation with the wider educational community, especially teachers.²⁰

The Dilution of Religious Identity in Catholic Private Schools

Despite this coherent framework, the distinctive character of Catholic schools seems to have inexorably diminished since the 1970s so that the daily life of Catholic schools has largely been secularised. This situation provoked a strong reaction at the beginning of the school year in September 2006 by the Archbishop of Avignon, Mrg Cattenoz, which has echoed in several newspapers and sparked a rather lively internal debate.²¹ Beyond the secularisation of French society and the fact that Catholic schools accept this secularisation and welcome all children, the difficulty of maintaining a religious identity within Catholic schools comes from the legal repercussions of the *Debré Law* and the Catholic educational culture itself in a country strongly influenced by ‘secular education’. Three factors contribute to the dilution of the Catholic ethos within French Catholic private schools: 1) the constraints imposed by the necessary respect for the fundamental freedom of conscience; 2) the decision of Catholic schools to be integrated into the – highly secularised – ‘public service’ teaching mission; and 3) the *laïcisation* of its staff and school headteachers.

The Constraints imposed by Freedom of Conscience

Freedom of conscience is a fundamental principle for both the Catholic school system and the Republican law. On the Catholic side, the principle of free membership in a faith and school is seen as a fundamental requirement of freedom of conscience. The *Statutes of 1992* (para. 8) articulates the concept of ‘respect for the religious freedom and conscience of pupils and families. Freedom is strongly defended by the Church’. It emphasises the essential link between family and school as well as the vital role of parents as the first educators of their children who give their requisite consent to this education. One reminder of this was the speech given by Mgr Eyt, Archbishop of Bordeaux, during the First Assizes for Catholic

²⁰ *Les orientations de l’Enseignement catholique, la démarche des Assises de 1993 à 2006* (Guidelines of Catholic education, the approach of the Assizes from 1993 to 2006) [Online] available at: http://www.formiris2.org/medias/cle_219_1.pdf [Accessed 6 December 2010].

²¹ While the Bishop’s Conference was reflecting on Catholic teaching, Mgr Jean-Pierre Cattenoz, Archbishop of Avignon, took position and delivered his views in a Diocesan charter written in June 2006. According to him, we are witnessing a ‘distortion or sweetening of the distinctive character of our Catholic schools’ and an ‘abuse of the values of solidarity and inclusiveness.’ Mgr Cattenoz therefore wishes to restore ‘an integral catechesis based on the tradition of the Fathers of the Church and the Catechism of the Catholic Church.’ To meet this goal, he hopes that ‘all teachers be involved in the project or agree not to stay in the school’ (*Recentrer l’enseignement catholique*, Elodie Maurot, *La Croix*, 28 September 2006, 10).

Education in 1993 on the ‘distinctive character of Catholic education in civil society and the Church’, based upon the *Conciliar Declaration* and the *Familiaris Consortio encyclical* of John Paul II:

Catholic teaching that does not respect freedom of conscience or that refuses to admit pupils on grounds of religious or philosophical opinions, would lose its distinctive character under the most solemn requirements of the Church ... the rights and duties, primary and inalienable, to educate children belongs to parents. They must enjoy genuine freedom in their choice of school. This right precludes any schooling monopoly and postulates the freedom of education. A monopoly in fact ‘goes against the innate right of the human person, against progress and the transmission of culture itself, against harmony among citizens, and finally against pluralism that is now the norm in many societies’.²²

It is obvious that, from the Catholic perspective, freedom of conscience is seen as the factor for the transmission of the Gospel. However, it is important to note that in the *Statutes of 1992* (para. 8), as in the speech of Mrg Eyt in 1993, ‘freedom of conscience’ did not entail abstention from transmitting the message of the Gospel to pupils:

Catholic education is intended to be open to all who accept its educational project ... the positive definition of the distinctive character reflects the freedom of children, parents and teachers, but it also allows for the freedom of Christians and the Church to offer the message of the Gospel while respecting everyone’s beliefs [a] Catholic education that would renounce offering faith, under any pretext whatsoever, would also lose its ‘distinctive character’. Because, to present and offer does not amount to imposing.

However, this is not properly ensured by the *Debré Law of 1959*. Rather, Article 1 of that Law provides:

In private schools under state contract as provided below, the teaching under the contract regime is subject to state control. The school, while retaining its distinctive character, must provide this education in full respect of freedom of conscience. All children, without distinction of origin, opinions or beliefs, have access to this education.

This Law clearly separates the ‘public’ content of educational programmes from ‘non state contractual activities’, allowing both pupils and teachers to disregard the concept of ‘distinctive character’. This means that, for the sake of their freedom of conscience, pupils cannot be obliged to attend catechism or be Catholic and teachers cannot not be required to participate in the school’s educational project beyond teaching their own subjects.²³

²² Mgr Eyt, Assizes of Issy-les-Moulineaux on 14–16 May 1993, Catholic Teaching documents: n. 1862, May 1993 [Online] available at: http://www.formiris2.org/medias/cle_184_1.pdf [Accessed 17 February 2011].

²³ The Conseil d’Etat held that the obligations arising from the concept of ‘distinctive character’ cannot infringe on freedom of conscience and should be assessed with regard to the nature of the duties performed by staff employed within the private school in question: CE 20 July 1990 (Décision judiciaire de Conseil d’Etat, 20 juillet 1990 - cas Conseil d’Etat, 3 / 5 SSR, du 20 juillet 1990, 85429 <http://conseil-etat.vlex.fr/vid/conseil-etat-ssr-juillet-recueil-lebon-40597849#ixzz1ITEXZoIE>) Similarly, the Conseil constitutionnel in its famous decision n. 77–87 – when asked to consider the provision in the *Debré law* whereby teachers who were entrusted the mission to teach in a private school under contract with the State were held to respect the distinctive character of the school – ruled that ‘the obligation imposed on teachers to respect the distinctive character of the school, if it holds them to the duty of professional discretion, may not be interpreted as allowing to infringe on their freedom of conscience’: note 18 *supra*.

To be recruited as primary or secondary private schools teachers, candidates need to pass an examination and undertake a motivational interview (which, if successful, grants them the right to access the exam). The motivational interview is designed to inform candidates on the distinctive character of Catholic education. The overall process of recruitment must abide by Article L 122-45 of the French Labour Code and be respectful of candidates' freedom of conscience. During this interview, candidates cannot be asked to commit to more than a duty of professional discretion and cannot be required to actively participate in the educational project.²⁴ The National Committee of Catholic Education states that the commitment in question is a matter of personal freedom: 'a Christian commitment is neither private nor public, it is the response of a person to a personal call discerned in the Christian community; it is of a vocational nature and can, as such, help to enrich all life and any professional status'.²⁵

The Constraints Imposed by the Participation in the 'Public Service' Teaching Mission

What consequences does the integration of Catholic education into the public service mission entail? It should be noted that the educational service mission was a Catholic tradition before becoming a republican legal requirement. The Catholic school system is open to all and intended to be a 'social service' (expression of Mrg Eyt) aiming at achieving the common good. Welcoming everyone and participating in the future of a society seems as fundamental as the sustainability of the Catholic faith. The logic of Catholic education in France is therefore its integration into public education. It is not a logic imposed by the State, but a logic chosen by the Catholic school system. The choice is one of a massive presence rather than of a reduced denominational presence. In terms of territorial networking, this choice has a very large impact since one out of two pupils in France goes through his schooling between the two systems; a compensatory flow phenomenon that prevents the marginalisation of Catholic teaching. The Catholic education system considers itself to be both universal and national as well as non denominational and non communitarian. Serving in a country in which 40 per cent of the population is self-described atheistical seems like an impossible challenge.

The Laïcisation of Staff and Headteachers

The process of replacement of clerics with lay staff and headteachers sharply accelerated in the early 1970s. According to André Blandin (Assistant Secretary for Catholic Education), Catholic teaching is experiencing:

a sort of break from tradition for its school headteachers. The generation of those who are now retiring had directly succeeded a priest, a monk or a nun and had, in fact, by direct tradition, and sort of by osmosis, received basic training. Today's arriving generation has not been as lucky ... demand is therefore high and it is vital that teachers should have enough theological culture to

²⁴ The level of commitment may not be the same for everyone. 'Thus teachers on the educational project level have the freedom to adopt attitudes that go from respect – considered as a duty of professional discretion – to commitment in the implementation of the Christian offer.' National Committee of Catholic Education (CNEC), 18 October 1996, quoted on the webpage for the 'recruitment of private nursery and primary school teachers'. [Online]. Available at: http://www.crdp-nantes.fr/service/doc_admin/recrutement-enseignants-premier-degre-prive.pdf [Accessed 6 December 2010].

²⁵ *Ibidem*.

understand the Church's mission at the time of their appointment. It is in this sense that the effort should be made rather than splitting the responsibility of the headteacher.²⁶

Today, 88 per cent of primary school headteachers, 81 per cent of secondary school headteachers, 70 per cent of diocesan directors responsible for the Catholic character of the school and 97 per cent of all teachers are laypersons in the ecclesiastical sense of the term. In view of this cultural and intellectual *laïcisation*, one may question whether laypersons have a different conception of faith, its transmission and its meaning, compared to priests and nuns of yesteryear who were subject to Canon law and to the authority of their bishop or the superior of their congregation and who were personally committed to spreading the Christian faith. In the history of the Catholic Church, there has always been a distance between the laity and the clergy in terms of transmission procedures. Because of this gap and the perception of their own role within the Church, one might also ask whether the entire educational community, now composed of laypersons, feels 'dependent' upon the directions of the Church and the pastoral guidelines of the bishop, given that so many issues other than the service of the Church, such as academic excellence and results, are also at stake.

It is certain that a substantial effort is made to promote the identity of private school teachers and their integration into the school educational project, as one may see on the website of FORMIRIS ('The Federation of Associations for Training and Career Development in Catholic Education'). But the distance of teachers from the educational project is facilitated by their gradual affiliation into the (civil service) public teaching sector and the possibility for them to join its unions alongside the traditional unions of the private sector. Lack of funding explains why the leaders of the Catholic educational system have fought for the State to provide complete financial support for their teachers with the same level of training and retirement conditions as public sector teachers. From the *Debré Law* to the *Censi Law of 2004*, the focus was on the conditions of recruitment and payment of teachers in the private sector (*Guermeur Law 1977*, the *Lang-Cloupet agreements 1992*). Likened to civil servants, private school teachers may go as far as to deny the distinctive character of the school that employs them and refuse any involvement in the school project. Unions such as the SUNDEP which fight against the participation of private sector teachers in any 'assizes' related to the 'distinctive character' of the school system is a surprising testimony to this fact. The SUNDEP claims to speak for the defense of secularism and to resist religious pressure, proselytism and radicalisation in private education. In a similar vein, the Interprofessional union UNSA (formerly FEN, a union for state schools) criticises the the French Catholic educational system for having become over subsidised by the State and accuses it of contributing to the decay of the public service of education with a policy of competition and of filling classrooms.

Catholic Private School Pupils

A final explanation for the rather diluted Catholic ethos displayed in French Catholic private schools as a whole – but with striking regional variations – lies with the pupils (and their parents) who attend Catholic schools. The last major challenge in maintaining the distinctive character of Catholic

²⁶ André Blandin was instrumental in the implementation of a charter for the training and recruitment of teachers in Catholic schools, prepared between 2002 and 2005; one of its primary objectives was to 'create a link between the project of Catholic education and teacher training'.

education comes from the key beneficiaries of the system, namely, its pupils. There are numerous sociological studies available concerning the public attendance of Catholic schools for the past 40 years and it is fairly easy to conclude that, after the 1960s, the incentive behind parents choosing a Catholic school has been less than before a religious one and that spiritual training for pupils has become increasingly trivial. We are therefore faced with a much contrasted picture on the users of the Catholic school today.

In terms of numbers, the proportion of children who attend Catholic schools has remained stable: 17 per cent since the 1970s. This stability is largely due to the capacity of the schools in question, which has not grown, and indeed has not been able to grow given that the *Law of 25 January 1985*, passed under the Ministry of Chevènement, limited the scope for opening or closing classes in private schools – using the criteria applicable in state schools. When the number of pupils decreases in state education, so does the number of teacher positions both in state and in private Catholic schools under contract (5,500 fewer positions in 2005). However, the drop in pupil numbers in state education is partly to be attributed to their transfer to the private sector. The number of pupils in Catholic schools therefore increased from 13,000 in 2004 to 23,000 in 2005 whereas the number of teachers dropped by 1,000. The result is that in some French Catholic schools, the number of pupils per class now reaches to 40 if not more. To avoid overcrowding, more and more prospective pupils are now being turned down by private Catholic schools: in September 2006, 30,000 pupil candidates were refused admission in the Catholic school system, amongst which 11,000 in the Ile de France alone.²⁷ Overall, the Catholic school system teaches two million pupils in the country, an enormous figure. In some regions, the proportion is particularly high; for example, the diocese of Lille is responsible for more than 377 schools and over 120,000 pupils.

To return to parental incentives, a survey by the French Institute of Public Opinion ('IFOP') for the 1978 Catholic weekly *La Vie* showed that 21 per cent of parents explained their choice for religious reasons (Tournier 1997: 560–88). They now represent 7 per cent. Meanwhile, according to a study published last year by CREDOC (research centre for the study and observation of the conditions of life) 33 per cent of parents turn to Catholic schools because of their disappointment with state schools aggravated by the upheaval of the educational world in 2003 and 2005 (Chauffaut 2005). Parents hope to find in the 'private' system a bandage for the wounds inflicted by the 'public' system and escape the rigors of the '*carte scolaire*' (distribution of pupils in state run schools according to residence) and the gigantic public secondary schools. Finally, Catholic schools are seen as a place of social selection and a safe haven where children are protected from frequenting other, 'ill bred' children of low socio-cultural background with violent or inappropriate behaviour. It is true that the Catholic teaching system is experiencing a recruitment contrast. Even though at primary level, the social background of pupils is comparable to that of state school pupils, even though efforts are made towards a broadening of the recruitment (towards pupils with disabilities as well as pupils from very disadvantaged backgrounds), children from higher social classes are overrepresented in secondary Catholic private education (21 per cent of adolescents) and the social differentiation gap widens as pupils rise in grade levels. Remaining to

²⁷ 20,000 refusals counted in September 2007.

be measured is the low percentage of foreign pupils and the low number of pupils on scholarships in Catholic schools compared to state schools (Vasconcellos 2004: 56–63). Several researchers, working on the inequalities of the French educational system and its hidden system of ‘favoured schools’ (including private education), reveal that because of strong sociological pressure, Catholic schools are actually seen and sought after as places of academic excellence and protection for the more privileged (Oberti 2006: 320–43; Van Zanten 2006: 343–70).

Does this mean that parents who choose and succeed in enrolling their children to a Catholic school are devoid of any interest in the spiritual dimension of the school? Another researcher who studied six secondary schools in the Paris region points to the ‘relative good will’ of parents toward the religious dimension of the school while appreciating its only slightly religious character (Longeaux 2005). The less satisfied with the religious offer are a very small minority. These are parents that Longeaux calls ‘assertive believers’ while the ‘cautious believers’ (somewhat or completely non practicing), who form two-thirds of those who declare themselves Catholics, are satisfied alongside the parents who define themselves as ‘non believers’. For the latter group (‘non believers without prejudice’), religious identity is accepted as a good source of values for everyone. However, there is another category of parents, defined by Longeaux as ‘assertive non’ who only accept the religious character of a school insofar as it respects strict secularism. These parents play on the concept of freedom of choice, which is also the means by which Catholics fought to maintain their schools; a freedom of choice that the Vatican II Declaration on Christian Education (para. 6) recognises for all parents pursuant to a universal right to education for all children. To freedom of choice, they couple their own freedom of conscience and, as a result, feel entitled to reject any compulsory religious dimension within the Catholic school system.

Although the motivation of the majority of parents is rather cautious in religious terms, on the whole, parents who choose Catholic schools for their children highly rate the idea of Man that these schools convey, their attitude and view toward pupils and the transmitted sense that a person’s behaviour can be ‘universalised’. The experience of pupils who live in a society that is particularly insulated from the spiritual process and where religious transmission is often frowned upon, whether it is through catechesis, or through courses on religious culture, is also relevant. According to Longeaux, who interviewed a number of people, religion has never ceased to be a topic of interest to them but under very demanding conditions of freedom and critical distance. In his analysis of open comments from older pupils (to whom he devotes a chapter), the sociologist notes that private school pupils enjoy their school and recognise the good atmosphere and quality of education, especially if they have also experienced public schools. They recognise that they are well looked after and that there exists a communality that is very different from the indifference and individualism in state schools. On their relationship to Christianity, 42 per cent of them think Christianity will disappear and 36 per cent remain confident in Christianity but are not satisfied with its current state. In the overall student responses, the question of religion is addressed as an illuminator of truth. Four attitudes emerge. The first shows confidence in the truth of religion and engagement in some way that reinforces this sense – usually participation in large religious gatherings such as *World Youth Day*. This fringe insists on ownership and personal freedom of faith and openness to others. A second attitude appears in about 60 per cent of pupils, namely, those who

deplora the irrelevance of the religious culture they receive, the obsolete nature of the rituals and celebrations and the refusal to take sexuality into account and to present it as a strong and positive ethic. A third attitude is to question the certitude of the Christian faith and criticise the rigidity of some believers. A final position, held by 10 per cent of pupils, condemns religion in general and Christianity in particular, considering them to be a form of obscurantism destined to disappear.

Conclusion: A situation on the verge to change ?

Given this paradoxical legal situation, which makes Catholic education an essential wheel of state education in France and allows it to welcome, thanks to its 'non denominational' openness, all 'children of the Republic', how can the distinctive character of its teaching, recognised by French law, be preserved (Gire 1999, Salencon 1999)? It seems difficult to maintain a strong Catholic ethos in French Catholic schools when the population itself appears satisfied with a more tepid religiosity. As for state schools, how can the Republic pretend to be respecting religious education – a fundamental freedom – when in fact little is done to inform families of the possibility of its expression through chaplaincies? The answer certainly lies in the French population's lack of religious interest – itself a product of a strong republican orthodoxy transmitted in the twentieth century and a result of the general secularisation of Western societies since the liberal sixties. But today, new religious trends have gained in popularity in French society and even if they have not had an impact yet on the inherited secular framework in which pupils in France are raised, it is likely that in future, the French system will be subject to changes.

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