

ON THE FRENCH LAW OF SEPARATION

VEHEMENTER NOS

Encyclical of Pope Pius X promulgated on February 11, 1906.

To Our Well-beloved Sons, Francois Marie Richard, Cardinal Archbishop of Paris; Victor Lucien Lecot, Cardinal Archbishop of Bordeaux; Pierre Hector Couillie, Cardinal Archbishop of Lyons; Joseph Guillaume Laboure, Cardinal Archbishop of Rennes; and to all Our Venerable Brethren, the Archbishops and Bishops, and to all the Clergy and People of France.

Venerable Brethren, Well Beloved Sons, Health and the Apostolic Benediction.

Our soul is full of sorrowful solicitude and Our heart overflows with grief, when Our thoughts dwell upon you. How, indeed, could it be otherwise, immediately after the promulgation of that law which, by sundering violently the old ties that linked your nation with the Apostolic See, creates for the Catholic Church in France a situation unworthy of her and ever to be lamented? That is, beyond question, an event of the gravest import, and one that must be deplored by all the right-minded, for it is as disastrous to society as it is to religion; but it is an event which can have surprised nobody who has paid any attention to the religious policy followed in France of late years. For you, Venerable Brethren, it will certainly have been nothing new or strange, witnesses as you have been of the many dreadful blows aimed from time to time by the public authority at religion. You have seen the sanctity and the inviolability of Christian marriage outraged by legislative acts in formal contradiction with them; the schools and hospitals laicized; clerics torn from their studies and from ecclesiastical discipline to be subjected to military service; the religious congregations dispersed and despoiled, and their members for the most part reduced to the last stage of destitution. Other legal measures which you all know have followed: the law ordaining public prayers at the beginning of each Parliamentary Session and of the assizes has been abolished; the signs of mourning traditionally observed on board the ships on Good Friday suppressed; the religious character effaced from the judicial oath; all actions and emblems serving in any way to recall the idea of religion banished from the courts, the schools, the army, the navy, and in a word from all public establishments. These measures and others still which, one after another really separated the Church from the State, were but so many steps designedly made to arrive at complete and official separation, as the authors of them have publicly and frequently admitted.

2. On the other hand the Holy See has spared absolutely no means to avert this great calamity. While it was untiring in warning those who were at the head of affairs in France, and in conjuring them over and over again to weigh well the immensity of the evils that would infallibly result from their separatist policy, it at the same time lavished upon France the most striking proofs of indulgent affection. It has then reason to hope that gratitude would have stayed those politicians on their downward path, and brought them at last to relinquish their designs. But all has been in vain—the attentions, good offices, and efforts of Our Predecessor and Ourselves. The enemies of religion have succeeded at last in effecting by violence what they have long desired, in defiance of your rights as a Catholic nation and of the wishes of all who think rightly. At a moment of such gravity for the Church, therefore, filled with the sense of Our Apostolic responsibility, We have considered it Our duty to raise Our voice and to open Our heart to you, Venerable Brethren, and to your clergy and people—to all of you whom We have ever cherished with special affection but whom We now, as is only right, love more tenderly than ever.

3. That the State must be separated from the Church is a thesis absolutely false, a most pernicious error. Based, as it is, on the principle that the State must not recognize any religious cult, it is in the

first place guilty of a great injustice to God; for the Creator of man is also the Founder of human societies, and preserves their existence as He preserves our own. We owe Him, therefore, not only a private cult, but a public and social worship to honor Him. Besides, this thesis is an obvious negation of the supernatural order. It limits the action of the State to the pursuit of public prosperity during this life only, which is but the proximate object of political societies; and it occupies itself in no fashion (on the plea that this is foreign to it) with their ultimate object which is man's eternal happiness after this short life shall have run its course. But as the present order of things is temporary and subordinated to the conquest of man's supreme and absolute welfare, it follows that the civil power must not only place no obstacle in the way of this conquest, but must aid us in effecting it. The same thesis also upsets the order providentially established by God in the world, which demands a harmonious agreement between the two societies. Both of them, the civil and the religious society, although each exercises in its own sphere its authority over them. It follows necessarily that there are many things belonging to them in common in which both societies must have relations with one another. Remove the agreement between Church and State, and the result will be that from these common matters will spring the seeds of disputes which will become acute on both sides; it will become more difficult to see where the truth lies, and great confusion is certain to arise. Finally, this thesis inflicts great injury on society itself, for it cannot either prosper or last long when due place is not left for religion, which is the supreme rule and the sovereign mistress in all questions touching the rights and the duties of men. Hence the Roman Pontiffs have never ceased, as circumstances required, to refute and condemn the doctrine of the separation of Church and State. Our illustrious predecessor, Leo XIII, especially, has frequently and magnificently expounded Catholic teaching on the relations which should subsist between the two societies. "Between them," he says, "there must necessarily be a suitable union, which may not improperly be compared with that existing between body and soul." *Quaedam intercedat necesse est ordinata colligatio (inter illas) quae quidem conjunctioni non immerito comparatur, per quam anima et corpus in homine copulantur.* He proceeds: "Human societies cannot, without becoming criminal, act as if God did not exist or refuse to concern themselves with religion, as though it were something foreign to them, or of no purpose to them.... As for the Church, which has God Himself for its author, to exclude her from the active life of the nation, from the laws, the education of the young, the family, is to commit a great and pernicious error. -- *Civitates non possunt, citra scellus, gerere se tamquam si Deus omnino non esset, aut curam religionis velut alienam nihilque profuturam abjicere.... Ecclesiam vero, quam Deus ipse constituit, ab actione vitae excludere, a legibus, ab institutione adolescentium, a societate domestica, magnus et perniciosus est error.*"[1]

4. And if it is true that any Christian State does something eminently disastrous and reprehensible in separating itself from the Church, how much more deplorable is it that France, of all nations in the world, would have entered on this policy; France which has been during the course of centuries the object of such great and special predilection on the part of the Apostolic See whose fortunes and glories have ever been closely bound up with the practice of Christian virtue and respect for religion. Leo XIII had truly good reason to say: "France cannot forget that Providence has united its destiny with the Holy See by ties too strong and too old that she should ever wish to break them. And it is this union that has been the source of her real greatness and her purest glories.... To disturb this traditional union would be to deprive the nation of part of her moral force and great influence in the world."[2]

5. And the ties that consecrated this union should have been doubly inviolable from the fact that they were sanctioned by sworn treaties. The Concordat entered upon by the Sovereign Pontiff and the French Government was, like all treaties of the same kind concluded between States, a bilateral contract binding on both parties to it. The Roman Pontiff on the one side and the Head of the French Nation on the other solemnly stipulated both for themselves and their successors to maintain inviolate the pact they signed. Hence the same rule applied to the Concordat as to all international treaties, viz., the law of nations which prescribes that it could not be in any way annulled by one alone of the contracting parties. The Holy See has always observed with scrupulous fidelity the engagements it has made, and it has always required the same fidelity from the State. This is a truth

which no impartial judge can deny. Yet to-day the State, by its sole authority, abrogates the solemn pact it signed. Thus it violates its sworn promise. To break with the Church, to free itself from her friendship, it has stopped at nothing, and has not hesitated to outrage the Apostolic See by this violation of the law of nations, and to disturb the social and political order itself -- for the reciprocal security of nations in their relations with one another depends mainly on the inviolable fidelity and the sacred respect with which they observe their treaties.

6. The extent of the injury inflicted on the Apostolic See by the unilateral abrogation of the Concordat is notably aggravated by the manner in which the State has effected this abrogation. It is a principle admitted without controversy, and universally observed by all nations, that the breaking of a treaty should be previously and regularly notified, in a clear and explicit manner, to the other contracting party by the one which intends to put an end to the treaty. Yet not only has no notification of this kind been made to the Holy See, but no indication whatever on the subject has been conveyed to it. Thus the French Government has not hesitated to treat the Apostolic See without ordinary respect and without the courtesy that is never omitted even in dealing with the smallest States. Its officials, representatives though they were of a Catholic nation, have heaped contempt on the dignity and power of the Sovereign Pontiff, the Supreme Head of the Church, whereas they should have shown more respect to this power than to any other political power -- and a respect all the greater from the fact that the Holy See is concerned with the eternal welfare of souls, and that its mission extends everywhere.

7. If We now proceed to examine in itself the law that has just been promulgated, We find, therein, fresh reason for protesting still more energetically. When the State broke the links of the Concordat, and separated itself from the Church, it ought, as a natural consequence, to have left her independence, and allowed her to enjoy peacefully that liberty, granted by the common law, which it pretended to assign to her. Nothing of the kind has been done. We recognize in the law many exceptional and odiously restrictive provisions, the effect of which is to place the Church under the domination of the civil power. It has been a source of bitter grief to Us to see the State thus encroach on matters which are within the exclusive jurisdiction of the Church; and We bewail this all the more from the fact that the State, dead to all sense of equity and justice, has thereby created for the Church of France a situation grievous, crushing, and oppressive of her most sacred rights.

8. For the provisions of the new law are contrary to the constitution on which the Church was founded by Jesus Christ. The Scripture teaches us, and the tradition of the Fathers confirms the teaching, that the Church is the mystical body of Christ, ruled by the Pastors and Doctors (I Ephes. iv. II sqq.) -- a society of men containing within its own fold chiefs who have full and perfect powers for ruling, teaching and judging (Matt. xxviii. 18-20; xvi. 18, 19; xviii. 17; Tit. ii. 15; 11. Cor. x. 6; xiii. 10. & c.) It follows that the Church is essentially an unequal society, that is, a society comprising two categories of persons, the Pastors and the flock, those who occupy a rank in the different degrees of the hierarchy and the multitude of the faithful. So distinct are these categories that with the pastoral body only rests the necessary right and authority for promoting the end of the society and directing all its members towards that end; the one duty of the multitude is to allow themselves to be led, and, like a docile flock, to follow the Pastors. St. Cyprian, Martyr, expresses this truth admirably when he writes: "Our Lord, whose precepts we must revere and observe, in establishing the episcopal dignity and the nature of the Church, addresses Peter thus in the gospel: "Ego dico tibi, quia tu es Petrus," etc. Hence, through all the vicissitudes of time and circumstance, the plan of the episcopate and the constitution of the Church have always been found to be so framed that the Church rests on the Bishops, and that all its acts are ruled by them. -- "Dominus Noster, cujus praecepta metuere et servare debemus, episcopi honorem et ecclesiae suae rationem disponens, in evangelio loquitur et dicit Petro: Ego dico tibi quia tu es Petrus, etc.... Inde per temporum et successionum vices Episcoporum ordinatio et Ecclesiae ratio decurrit, ut Ecclesia super Episcopos constituatur et omnis actus Ecclesiae per eosdem praepositos gubernetur" (St. Cyprian, Epist. xxvii.-xxviii. ad Lapsos ii. i.) St. Cyprian affirms that all this is based on Divine law, "divina lege fundatum." The Law of Separation, in opposition to these principles, assigns the administration and

the supervision of public worship not to the hierarchical body divinely instituted by Our Savior, but to an association formed of laymen. To this association it assigns a special form and a juridical personality, and considers it alone as having rights and responsibilities in the eyes of the law in all matters appertaining to religious worship. It is this association which is to have the use of the churches and sacred edifices, which is to possess ecclesiastical property, real and personal, which is to have at its disposition (though only for a time) the residences of the Bishops and priests and the seminaries; which is to administer the property, regulate collections, and receive the alms and the legacies destined for religious worship. As for the hierarchical body of Pastors, the law is completely silent. And if it does prescribe that the associations of worship are to be constituted in harmony with the general rules of organization of the cult whose existence they are designed to assure, it is none the less true that care has been taken to declare that in all disputes which may arise relative to their property the Council of State is the only competent tribunal. These associations of worship are therefore placed in such a state of dependence on the civil authority that the ecclesiastical authority will, clearly, have no power over them. It is obvious at a glance that all these provisions seriously violate the rights of the Church, and are in opposition with her Divine constitution. Moreover, the law on these points is not set forth in clear and precise terms, but is left so vague and so open to arbitrary decisions that its mere interpretation is well calculated to be productive of the greatest trouble.

9. Besides, nothing more hostile to the liberty of the Church than this Law could well be conceived. For, with the existence of the associations of worship, the Law of Separation hinders the Pastors from exercising the plenitude of their authority and of their office over the faithful; when it attributes to the Council of State supreme jurisdiction over these associations and submits them to a whole series of prescriptions not contained in the common law, rendering their formation difficult and their continued existence more difficult still; when, after proclaiming the liberty of public worship, it proceeds to restrict its exercise by numerous exceptions; when it despoils the Church of the internal regulation of the churches in order to invest the State with this function; when it thwarts the preaching of Catholic faith and morals and sets up a severe and exceptional penal code for clerics -- when it sanctions all these provisions and many others of the same kind in which wide scope is left to arbitrary ruling, does it not place the Church in a position of humiliating subjection and, under the pretext of protecting public order, deprive peaceable citizens, who still constitute the vast majority in France, of the sacred right of practicing their religion? Hence it is not merely by restricting the exercise of worship (to which the Law of Separation falsely reduces the essence of religion) that the State injures the Church, but by putting obstacles to her influence, always a beneficent influence over the people, and by paralyzing her activity in a thousand different ways. Thus, for instance, the State has not been satisfied with depriving the Church of the Religious Orders, those precious auxiliaries of hers in her sacred mission, in teaching and education, in charitable works, but it must also deprive her of the resources which constitute the human means necessary for her existence and the accomplishment of her mission.

10. In addition to the wrongs and injuries to which we have so far referred, the Law of Separation also violates and tramples under foot the rights of property of the Church. In defiance of all justice, it despoils the Church of a great portion of a patrimony which belongs to her by titles as numerous as they are sacred; it suppresses and annuls all the pious foundations consecrated, with perfect legality, to divine worship and to suffrages for the dead. The resources furnished by Catholic liberality for the maintenance of Catholic schools, and the working of various charitable associations connected with religion, have been transferred to lay associations in which it would be idle to seek for a vestige of religion. In this it violates not only the rights of the Church, but the formal and explicit purpose of the donors and testators. It is also a subject of keen grief to Us that the law, in contempt of all right, proclaims as property of the State, Departments or Communes the ecclesiastical edifices dating from before the Concordat. True, the Law concedes the gratuitous use, for an indefinite period, of these to the associations of worship, but it surrounds the concession with so many and so serious reserves that in reality it leaves to the public powers the full disposition of them. Moreover, We entertain the gravest fears for the sanctity of those temples, the august refuges of the Divine Majesty and endeared

by a thousand memories to the piety of the French people. For they are certainly in danger of profanation if they fall into the hands of laymen.

11. When the law, by the suppression of the Budget of Public Worship, exonerates the State from the obligation of providing for the expenses of worship, it violates an engagement contracted in a diplomatic convention, and at the same time commits a great injustice. On this point there cannot be the slightest doubt, for the documents of history offer the clearest confirmation of it. When the French Government assumed in the Concordat the obligation of supplying the clergy with a revenue sufficient for their decent subsistence and for the requirements of public worship, the concession was not a merely gratuitous one -- it was an obligation assumed by the State to make restitution, at least in part, to the Church whose property had been confiscated during the first Revolution. On the other hand when the Roman Pontiff in this same Concordat bound himself and his successors, for the sake of peace, not to disturb the possessors of property thus taken from the Church, he did so only on one condition: that the French Government should bind itself in perpetuity to endow the clergy suitably and to provide for the expenses of divine worship.

12. Finally, there is another point on which We cannot be silent. Besides the injury it inflicts on the interests of the Church, the new law is destined to be most disastrous to your country. For there can be no doubt but that it lamentably destroys union and concord. And yet without such union and concord no nation can live long or prosper. Especially in the present state of Europe, the maintenance of perfect harmony must be the most ardent wish of everybody in France who loves his country and has its salvation at heart. As for Us, following the example of Our Predecessor and inheriting from him a special predilection for your nation, We have not confined Ourselves to striving for the preservation of full rights of the religion of your forefathers, but We have always, with that fraternal peace of which religion is certainly the strongest bond ever before Our eyes, endeavored to promote unity among you. We cannot, therefore, without the keenest sorrow observe that the French Government has just done a deed which inflames on religious grounds passions already too dangerously excited, and which, therefore, seems to be calculated to plunge the whole country into disorder.

13. Hence, mindful of Our Apostolic charge and conscious of the imperious duty incumbent upon Us of defending and preserving against all assaults the full and absolute integrity of the sacred and inviolable rights of the Church, We do, by virtue of the supreme authority which God has confided to Us, and on the grounds above set forth, reprove and condemn the law voted in France for the separation of Church and State, as deeply unjust to God whom it denies, and as laying down the principle that the Republic recognizes no cult. We reprove and condemn it as violating the natural law, the law of nations, and fidelity to treaties; as contrary to the Divine constitution of the Church, to her essential rights and to her liberty; as destroying justice and trampling underfoot the rights of property which the Church has acquired by many titles and, in addition, by virtue of the Concordat. We reprove and condemn it as gravely offensive to the dignity of this Apostolic See, to Our own person, to the Episcopacy, and to the clergy and all the Catholics of France. Therefore, We protest solemnly and with all Our strength against the introduction, the voting and the promulgation of this law, declaring that it can never be alleged against the imprescriptible rights of the Church.

14. We had to address these grave words to you, Venerable Brethren, to the people of France and of the whole Christian world, in order to make known in its true light what has been done. Deep indeed is Our distress when We look into the future and see there the evils that this law is about to bring upon a people so tenderly loved by Us. And We are still more grievously affected by the thought of the trials, sufferings and tribulations of all kinds that are to be visited on you, Venerable Brethren, and on all your clergy. Yet, in the midst of these crushing cares, We are saved from excessive affliction and discouragement when Our mind turns to Divine Providence, so rich in mercies, and to the hope, a thousand times verified, that Jesus Christ will not abandon His Church or ever deprive her of His unfailing support. We are, then, far from feeling any fear for the Church. Her strength and her stability are Divine, as the experience of ages triumphantly proves. The world knows of the

endless calamities, each more terrible than the last, that have fallen upon her during this long course of time -- but where all purely human institutions must inevitably have succumbed, the Church has drawn from her trials only fresh strength and richer fruitfulness. As to the persecuting laws passed against her, history teaches, even in recent times, and France itself confirms the lesson, that though forged by hatred, they are always at last wisely abrogated, when they are found to be prejudicial to the interests of the State. God grant those who are at present in power in France may soon follow the example set for them in this matter by their predecessors. God grant that they may, amid the applause of all good people, make haste to restore to religion, the source of civilization and prosperity, the honor which is due to her together with her liberty.

15. Meanwhile, and as long as oppressive persecution continues, the children of the Church, putting on the arms of light, must act with all their strength in defense of Truth and justice-it is their duty always, and to-day more than ever. To this holy contest you, Venerable Brethren, who are to be the teachers and guides, will bring all the force of that vigilant and indefatigable zeal of which the French Episcopate has, to its honor, given so many well-known proofs. But above all things We wish, for it is of the greatest importance, that in all the plans you undertake for the defense of the Church, you to endeavor to ensure the most perfect union of hearts and wills. It is Our firm intention to give you at a fitting time practical instructions which shall serve as a sure rule of conduct for you amid the great difficulties of the present time. And We are certain in advance that you will faithfully adopt them. Meanwhile continue the salutary work you are doing; strive to kindle piety among the people as much as possible; promote and popularize more and more the teaching of Christian doctrine; preserve the souls entrusted to you from the errors and seductions they meet on all sides; instruct, warn, encourage, console your flocks, and perform for them all the duties imposed on you by your pastoral office. In this work you will certainly find indefatigable collaborators in your clergy. They are rich in men remarkable for piety, knowledge, and devotion to the Holy See, and We know that they are always ready to devote themselves unreservedly under your direction to the cause of the triumph of the Church and the eternal salvation of souls. The clergy will also certainly understand that during the present turmoil they must be animated by the sentiments professed long ago by the Apostles, rejoicing that they are found worthy to suffer opprobrium for the name of Jesus, "*Gaudentes quoniam digni habiti sunt pro nomine Jesu contumeliam pati*" (Rom. xiii. 12). They will therefore stoutly stand up for the rights and liberty of the Church, but without offense to anybody. Nay more, in their earnestness to preserve charity, as the ministers of Jesus Christ are especially bound to do, they will reply to iniquity with justice, to outrage with mildness, and to ill-treatment with benefits.

16. And now We turn to you, Catholics of France, asking you to receive Our words as a testimony of that most tender affection with which We have never ceased to love your country, and as comfort to you in the midst of the terrible calamities through which you will have to pass. You know the aim of the impious sects which are placing your heads under their yoke, for they themselves have proclaimed with cynical boldness that they are determined to "deCatholicise" France. They want to root out from your hearts the last vestige of the faith which covered your fathers with glory, which made your country great and prosperous among nations, which sustains you in your trials, which brings tranquillity and peace to your homes, and which opens to you the way to eternal happiness. You feel that you must defend this faith with your whole souls. But be not deluded -- all labor and effort will be useless if you endeavor to repulse the assaults made on you without being firmly united. Remove, therefore, any causes of disunion that may exist among you. And do what is necessary to ensure that your unity may be as strong as it should be among men who are fighting for the same cause, especially when this cause is of those for the triumph of which everybody should be willing to sacrifice something of his own opinions. If you wish, within the limits of your strength and according to your imperious duty, to save the religion of your ancestors from the dangers to which it is exposed, it is of the first importance that you show a large degree of courage and generosity. We feel sure that you will show this generosity; and by being charitable towards God's ministers, you will incline God to be more and more charitable toward yourselves.

17. As for the defense of religion, if you wish to undertake it in a worthy manner, and to carry it on perseveringly and efficaciously, two things are first of all necessary: you must model yourselves so faithfully on the precepts of the Christian law that all your actions and your entire lives may do honor to the faith you profess, and then you must be closely united with those whose special office it is to watch over religion, with your priests, your bishops, and above all with this Apostolic See, which is the pivot of the Catholic faith and of all that can be done in its name. Thus armed for the fray, go forth fearlessly for the defense of the Church; but take care that your trust is placed entirely in God, for whose cause you are working, and never cease to pray to Him for help.

18. For Us, as long as you have to struggle against danger, We will be heart and soul in the midst of you; labors, pains, sufferings -- We will share them all with you; and pouring forth to God, who has founded the Church and ever preserves her, Our most humble and instant prayers, We will implore Him to bend a glance of mercy on France, to save her from the storms that have been let loose upon her, and, by the intercession of Mary Immaculate, to restore soon to her the blessings of calm and peace.

19. As a pledge of these heavenly gifts and a proof of Our special predilection, We impart with all Our heart the Apostolic Benediction to you, Venerable Brethren, to your clergy and to the entire French people. Given at Rome, at St. Peter's, on February 11 in the year 1906, the third of Our Pontificate.

ENDNOTES 1. Ency. "Immortale Dei" Nov. 1, 1885. 2. Allocution to the French pilgrims, April 13, 1888.