The Educational Debate in the French National Assembly
1848-1850

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THE EDUCATIONAL DEBATE IN THE FRENCH
NATIONAL ASSEMBLY 1848--1850

by

John Leonard Kellogg

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of Loyola University in Partial Fulfillment of
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John Leonard Kellogg was born in Chicago, Illinois, April 4, 1936. He was graduated from Campion High School, Prairie du Chien, Wisconsin, June, 1956. From September, 1956 until January, 1959, he attended the College of the Holy Cross, Worcester, Massachusetts. He resumed undergraduate studies at Loyola University in June, 1959, graduating with the degree of Bachelor of Arts, February, 1962. He began graduate studies at Loyola University in September, 1961.
PREFACE

The effort in this thesis was directed toward portraying the range of the ideological spectrum revealed by the education question during the Second French Republic and toward presenting the background and events in this conflict in a succinct and comprehensive format (something that was found notably lacking during the author's investigations.)

If the inclusion of such administrative detail proves burdensome to the reader, it is the author's hope that he will realize that the positions assumed on many minor matters and the evolution of the educational machinery often had an important significance.

Translations of the longer French passages which appear in the footnotes were rendered by the author.

A word of special appreciation is due Professor Edward Gargan whose courses encouraged the author to delve into Nineteenth Century European history and whose interest and assistance in this particular study were most helpful.
Table of Contents

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. THE FRENCH EDUCATIONAL STRUCTURE. 1808-1848.</td>
<td>1</td>
</tr>
<tr>
<td>Introduction--Changes during the Revolution--Founding of the Université--Clerical dominance under the Bourbon Restoration--The Ordinances of 1828 and the anti-clerical temper of the July Monarchy--The Law of 1833--The unsuccessful projets for educational freedom for private secondary schools.</td>
<td></td>
</tr>
<tr>
<td>II. THE SECOND REPUBLIC AND THE EDUCATION OF CITIZENS. 1848.</td>
<td>19</td>
</tr>
<tr>
<td>The ministry of Carnot and his projet for primary education--The Ecole d'administration--Reaction and the dismissal of Carnot--The debate on the Constitution--Minor educational measures--The election of Louis Napoleon as President and the appointment of Falloux.</td>
<td></td>
</tr>
<tr>
<td>III. THE CONSERVATIVE REACTION AND THE MINISTRY OF FALLOUX. 1849.</td>
<td>32</td>
</tr>
<tr>
<td>Withdrawal of the Carnot projet--The commission extraparlementaire--The Assembly's organic law projet--The Ecole d'administration continued--The Assembly's commission on Falloux' projet--The dismissal of Falloux.</td>
<td></td>
</tr>
<tr>
<td>IV. THE REVIEW BY THE COUNCIL OF STATE AND THE SUSPENSION OF THE INSTITUTEURS. NOVEMBER, 1849--JANUARY, 1850.</td>
<td>48</td>
</tr>
<tr>
<td>The vote for review by the Council of State--Parieu's projet regarding the instituteurs--The council's version of Falloux' projet and the commission's revision--The debate on Parieu's projet.</td>
<td></td>
</tr>
<tr>
<td>V. THE DEBATE ON THE LOI FALLOUX. JANUARY--MARCH, 1850.</td>
<td>59</td>
</tr>
<tr>
<td>The general discussion--The first consideration of articles and amendments--The second consideration of articles and new amendments--Passage--Immediate reaction--The intervention of Rome with the French hierarchy.</td>
<td></td>
</tr>
<tr>
<td>VI. CONCLUSION. THE LOI FALLOUX IN OPERATION. 1850--1880.</td>
<td>76</td>
</tr>
<tr>
<td>Growth of private institutions--Personnel changes in the public school system--Reaction under the Third Republic--Conclusion.</td>
<td></td>
</tr>
</tbody>
</table>
CHAPTER I

THE FRENCH EDUCATIONAL STRUCTURE, 1808-1848.

Throughout the Nineteenth Century in the struggles between les deux Frances, on few issues was more attention paid, more legislation proposed or more emotion displayed than in the controversy over who should educate the French youth. Education was seen not as merely instruction in the rudiments of reading and writing or the arts and sciences but as the process by which the forthcoming generation of French citizens would develop attitudes and beliefs about their society and government, their God and destiny. As a result it was the rare Voltarian bourgeois or Catholic royalist who was willing to permit his opponents to educate his own son or daughter. No legislation or decree between 1795 and 1900 served as a lasting accord or acceptable compromise, for the governments of revolution and counterrevolution in France utilized the educational structure to impose their own political, social and religious philosophy. The state secular schools of the Revolution—which existed for the most part on paper—were followed by those under ecclesiastical domination during the Bourbon Restoration. The anticlerical temper of the July Monarchy was also evident in the educational structure. A conservative tide during the Second Republic and Empire saw its efforts undone after 1870. And in almost every case, it was not so much the machinery of

\[1\] One author has gone so far as to suggest that it could be made the central theme of Nineteenth Century French history. Roger Soltau, Political Thought in France in the Nineteenth Century (New Haven, 1931), p. 68.
governmental control that was revised, but more frequently a substitution of personnel, a neglect or enforcement of existing legislation or the simple exercise of the power to appoint and dismiss officials that was utilized. In 1822 under Louis XVIII, Mgr. Fraysinous became grand master of the Université. In 1880 all clerics were barred from its governing council. The inseparability of religion and education is nowhere better exemplified than in the single government ministry, the Ministère de l'instruction publique et des affaires ecclésiastiques (or des cultes) that was established to deal with them.

It was during the Revolution that the government of France first chose to give a comprehensive direction to education. The Convention proclaimed free and compulsory education in November, 1793, and permitted almost anyone to open a school, but in 1794, some supervision was introduced, and the following year compulsory education was renounced while the number of students who could obtain free education was reduced to twenty-five percent of those attending. Under the Consulate the basis of Nineteenth Century French education was established. Napoleon, in an effort to emphasize secondary education rechristened the old departmental écoles centrales as lycées in 1802, and at the same time provided for a more elementary secondary education in schools to be known as écoles secondaires communaux, if they were maintained by the local commune, and as écoles secondaires particuliers, if they were

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Ibid., p. 28.
Primary education was left to the local authorities, civil or private. Then on May 10, 1806, by a brief but portentous decree Napoleon created the Université de France, the educational corporation, that, in theory at least, was to have exclusive control of public instruction in France. This legal monopoly endured until 1850 when it was effectively abolished by the passage of the Loi Falloux. For two years, though, the Université existed in name only until its organization and function were spelled out in 1808. A decree of March 17 enumerated its basic structure; a second one promulgated September 17 offered supplemental regulations. The monopolistic character of the Université was apparent in the first article of the March decree: "L'enseignement publique, dans tout l'Empire, est confié exclusivement à l'Université." Articles 2 and 3 further prohibited any school from existing outside of it or anyone from teaching without being a member of it. A complete hierarchy of educational institutions was enumerated ranging from the facultés of arts and sciences, law and medicine to the primary level, the petites écoles.

The greatest reorganization occurred in the secondary schools. The lycées were retained, but the former écoles secondaires communaux were renamed

5 Arnold, p. 32.
7 Ibid., p. 196 f.
collèges communaux. All private schools, the écoles secondaires particuliers, were henceforth to be either institutions or pensions depending on the level of secondary education they taught. From the outset, the exclusiveness of the Université was compromised: in the same degree the Brethren of the Christian Schools were automatically admitted to it because of the government's insufficient resources to staff and support primary schools. It was also a gesture to the Catholics, as was the appointment of Fontanes as Grand Master of the Université. 8

There was no immediate effect on private secondary schools despite the wording of the decree. In 1806, they had 22,000 students, 9 and in 1809, they had 23,508. 10 In 1808, their status was permitted to remain unchanged pending an investigation of the situation, 11 but on March 8, 1811, the Grand Master decided to authorize no new ones in view of their sudden growth. 12 On November 15, an additional restriction was imposed to prevent their curriculum from duplicating that of a collège or a lycée when there was one in the same town. 13 Further consolidation of the Université's position was ended with the fall of the Empire, only a few months before Napoleon's final deadline of January 1, 1815, when all teachers in French schools were to have a

9 Weill, Secondaire, p. 20.
10 François Aulard, Napoleon Ier et le monopole universitaire (Paris, 1911), p. 306.
11 Ibid., p. 292.
12 Ibid., p. 293.
degree conferred by the Université.\textsuperscript{14}

Although Louis XVI retained the Université, he permitted certain exceptions—officially and unofficially—to private Church schools. On October 5, 1814, the monarch issued a decree allowing one petit seminaire in each department for the secondary education of boys intended for the grand seminaire.\textsuperscript{15} Enrollment, however, was subject to certain restrictions depending upon whether there was also a lycée or merely a collège in that department. In February of the following year, in a gesture to decentralization, the Université was divided into seventeen regional bodies termed academies. At the same time the lycées were renamed collèges royaux.\textsuperscript{16} The decentralization was undone during the Hundred Days but not reinstated when the Bourbon king returned, although a Commission of Public Instruction under the presidency of Royer-Collard replaced the grand master, chancellor and council organization.\textsuperscript{17} The quasi-independent corporative status that Napoleon had intended, in hopes of creating an esprit de corps peculiar to that body, was changed when the Université became a ministerial department in 1824.\textsuperscript{18}

In 1822 with Comte Villèle as head of the ultra cabinet, a serious

\textsuperscript{14}Girard, I, p. 198.

\textsuperscript{15}Ibid., p. 227.

\textsuperscript{16}Ibid., p. 229.


\textsuperscript{18}Arnold, p. 36.
attempt was made to undermine the Université, but actually abolishing it at that time would have been impossible. Mgr. Graysinous became Grand Master; liberal teachers were expelled and replaced by priests wherever possible; students never intending to become priests were accepted in the petits seminaires. An ordinance of February 27, 1821, had given the bishops supervision over the collèges in their diocese and permitted certain private institutions to offer a complete secondary education, but such schools, known as institutions de plein exercice, were prohibited from accepting day students (élèves externes) where a collège existed in the same town. In 1824, Catholic primary schools were placed under local committees headed by the clergy. Already in 1818, the Brethren of the Christian Schools had been exempted from all examinations, and by 1828, the Jesuits, an unauthorized congregation, conducted seven petits seminaires. The Church tried to discredit the state schools, and their lower tuition or lack of any tuition at all helped attract many students. In 1815, there had been about 18,000 students in the petits seminaires; by 1827, the enrollment

19 Frederick Arts, France under the Bourbon Restoration (Cambridge, Massachusetts, 1931), p. 228.
20 Ministère de l'instruction publique, Recueil des lois, I, p. 470.
21 Arnold, p. 44.
22 Ibid.
23 Artz, p. 229.
24 Ibid., p. 138.
has been estimated to have been as high as 50,000.26

In 1828, reaction to the clerical domination and subterfuges manifested itself. A press outcry against the presence of the Jesuits resulted in the establishment of a commission d'enquête.27 The Ordinances of 1828, the outcome of this commission, prohibited the Jesuits from teaching in any school and limited the number of students in the petits seminaires to 20,000.28 Under Louis Philippe and in accord with the anticlerical temper of the July Monarchy, further measures were taken. Many liberal lay teachers returned to the collèges, and the number of priests teaching philosophy steadily diminished.29 French replaced Latin as the language of instruction.30 On October 16, 1830, a decree ended the ecclesiastical preponderance in the local committees, and in the following year all exemptions to degrees and certificates were done away with.31

To organize the efforts of the Catholic opposition, the parti catholique was founded, and the educational question served as the common ground for both liberal and conservative Catholics. Hoping to achieve their objectives through parliamentary action, the Catholics cited the article in the Charter of 1830

26 Georges Cogniot, La question scolaire en 1848 et la loi Falloux (Paris, 1848), p. 56. There is every reason to consider this figure wholly exaggerated. The work is of dubious scholarship and obvious marxist interpretation. Only if the total number of students in the petits seminaires, the institutions and the pensions is meant can this figure be close to being correct. The actual number was somewhere between twenty-five and thirty thousand.

27 Bastid, Monarchie parlementaire, p. 396.

28 Weill, Secondaire, p. 66.

29 Ibid, p. 100.

30 Ibid.

31 Arnold, p. 49.
which called for freedom of education. The first gesture to this article occurred in 1833 but not purely for reasons of educational freedom.

François Guizot, now Minister of Public Instruction, was concerned over the state of illiteracy among French citizens. This was a common concern of the liberal minded, but the state up to now had been unwilling to provide sufficient funds or enforcement to establish universal primary education, and it would not permit the Church to fill this gap by freely establishing schools. In 1813, only one out of eight children was in a primary school. \(^{32}\) By 1821, there were 25,000 communes still without a school of any sort, \(^{33}\) and in 1830, only 24,000 out of 39,000 communes had schools. \(^{34}\) The Law of 1833 required all communes to establish a school. \(^{35}\) Where local resources, either civil or private, were inadequate, the department or even the national government would provide assistance. All were to be admitted to the schools regardless of capacity to pay whereas the present number of scholarships offered had been fixed at one fifth the total number of students. (This had been decreased from the one fourth established by the Constituante in 1794.) \(^{36}\) Any one of eighteen years age and possessing a certificate of morality and capacity could

\(^{32}\) Brunn, p. 116.


\(^{34}\) Arts, p. 139.

\(^{35}\) Moniteur, June 22, 1833, p. 1750. Law as adopted by Chamber of Peers.

\(^{36}\) See above, p. 2.
open a school after serving notice of his intentions to the local authorities.

The Chamber of Deputies was concerned over the inevitable rise of Church schools, but it voted down an amendment of Vataux which would ban members of unauthorized congregations from opening a school. Article 3 of the law as passed by the Chamber of Deputies and retained by the Peers indicated that children of a minority religious group would not have to participate in religious instruction. But religious instruction was not seen to be wholly undesirable in the primary schools. The commission which reported on this law to the Chamber of Deputies made this clear:

La direction des pratiques religieuses demeure exclusivement réservé aux ministres de chaque culte ... mais la partie morale, la partie historique de l'instruction religieuse, forment une des branches essentielles de tout enseignement civil ...

Opinion has been divided on this law ever since its passage. One author characterizes it as "un concordat entre l'Etat et l'Eglise [qui] abonnait l'instruction primaire au clergé;" another considers it as "la charte constitutive de l'instruction primaire en France." There is no question that the law enabled the number of primary schools, most of them run by the Church, to

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37 Moniteur, May 1, 1833, p. 1210.
38 Ibid., June 22, p. 1750. Law as passed by Chamber of Peers.
39 Ibid., March 4, p. 601. Report of commission accompanying the presentation of the projet. "The direction of religious practices is exclusively reserved for the ministers of each religion ... but the moral and historical content of religious instruction forms one of the essential parts of all civil education."
40 Bastid, Monarchie parlementaire, p. 399.
grow; but it is also the fact that whereas in 1834, there were 33,695 primary
schools, 12 little more than there were in 1813, 13 by 1847 there were 43,514. 14

With the almost complete freedom for private primary schools won, attention turned toward the next level of instruction. Four times before the outbreak of the Revolution of 1848, projets de loi were placed before the French Chambers, in 1836, 1841, 1844 and 1847. But before proceeding with a resume of this decade and a half of legislative debate over secondary schools, a brief description of that level of French education will be undertaken.

In 1830 there were 38 collèges royaux (the former lycées) and 322 collèges communaux with a total enrollment of slightly over forty thousand. 15 At the same time, however, there were twenty-eight thousand students in the private institutions and pensions. 16 Since 1809, the number of students in the state secondary schools had increased by two-thirds while the increase in the private schools had been less than twenty-five percent, although the number of private schools had increased during this period from 697 to 985. 17 If the

12 Arnold, p. 55.
13 Brunn, p. 146.
14 Arnold, p. 55.
17 Information was derived from references cited in the two preceding footnotes.
twenty thousand students enrolled in the petits seminaires are considered, there were actually more secondary students in the private schools than in the state system. By 1847, this proportion had not changed appreciably: there were 52,064 students in the state colleges and 60,717 in the private ones. ⁴⁸

The differences between the colleges and the institutions and pensions were not to be found in the level of instruction they were authorized to give. It has been pointed out that in 1821 some private institutions were given the right to be converted into institutions de plein exercice, and thus qualify their students for the baccalauréat examination. ⁴⁹ By 1844, there were 23 of these schools, ⁵⁰ and in 1847, they numbered 26. ⁵¹ In that same year, there were eight institutions offering instruction up to the rhétorique while the remaining 82 gave the seconde; the 870 private pensions conferred the quartiéme. ⁵² While it is true that more students in the state system received the higher degrees of secondary education, the student in the private schools could attain as high a degree as his counterparts. ⁵³

The actual causes of dissatisfaction were to be found partly in the

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⁴⁹ See above, p. 6.


⁵¹ Ibid., April 13, 1847, p. 781.

⁵² Ibid.

⁵³ In 1844, the number of students qualifying for the baccalauréat examinations was 5,038; 3,372 from the collèges, 295 from the institutions de plein exercice, 1,371 from études domestiques (but many in the last group actually came from the seminaires). Moniteur, April 21, 1844, p. 1050. Report to Peers.
numerous controls, requirements and restrictions on private schools, particularly the necessity of degrees conferred by the Université. The flood of ordinances, decrees and laws which had emanated from the French Government for the past half century affected every phase of scholastic life in both the private and public schools. Certain religious congregations were unable to establish or even teach in schools at all. Permission to organize a secondary school did not automatically follow an application. The schools themselves were subject to inspection and revocation of authorization. The teachers had to have certain degrees or certificates to hold positions. The students themselves often paid a tax to the Université. It was these restrictions on the Church's freedom to educate that the Catholic objected to.

In practice, however, many of these requirements were never observed. When the Minister of Public Instruction in 1838, resurrected a long-forgotten decree, first promulgated in 1811, that required students in the pensions of more than ten years of age to attend a collège, the Catholic reaction was violent, and the measure was never acted upon. On the other hand between 1830 and 1840, there were 2,118 authorizations made to open institutions and pensions while in only 198 cases was refusal given, and in many of these cases all the prescribed conditions were hardly ever fulfilled. The discrepancy between practice and the law generated great pressure to either apply the law or change it; but the projets de loi that were put before the Chambers in

an attempt to bring the statutes into conformity with reality required some change in the status quo. Neither side was willing to accept this.

The dispute was in fact more than a quarrel over government infringement on what the Church had for centuries considered its almost exclusive prerogative. It was also over the particular form of instruction religious leaders found in the state schools. Since 1830, attempts to wrest educational control from clerical hands had produced outcries against the anticlericalism and religious indifferentism of Université education.

Attacks against that corporation in the name of religion were not peculiar to the reign of Louis Philippe, however. Critics of Bonaparte had found irreligion rampant in the imperial schools. The denunciation of Chateaubriand is typical of that era although it is directed more against the Emperor himself than against his school system.

To imprison the minds of fathers was not sufficient, without disposing of their children. . . . These children were allotted to schools, where debauchery, contempt of domestic virtues, and blind submission to the sovereign, were openly proclaimed under the banner of irreligion. Parental authority, respected by the worst tyrants of antiquity, was treated by Buonaparte as an abuse and a prejudice. He wished to transform our sons into Mamelukes, without a God, without a family, without a country.

Thirty years later this same opinion was voiced by Catholics, both conservative and liberal, but the charge of substituting worship of the Emperor for worship of God had become criticism of the rationalism and skepticism then seen to be supplanting religious belief. By 1843, two projets regarding secondary

education had already failed to pass the Chambers, and a third was in the
offing. Neither of the previous proposals had met the approval of the two
outstanding representatives of liberal and conservative Catholicism, Count de
Montalembert and Louis Veuillot. In this year each published brief works which
dealt at least in part with the educational question. Veuillot's De l'action
des laïques dans la question religieuse, which was more an expression of his
own political and social positions than an attack on the Université, contained
this brief condemnation, "Nos enfants perdent la foi dans vos écoles, rendez-
les nous. Vous faites des générations monstrueuses, sans croyance, sans de-
voutement, sans vertue." Montalembert devoted a seventy page polemic to the
question and called Catholics to exercise all the legitimate means at their
disposal, means which he felt were sufficient to free children from the
Université schools. Those schools, he claimed, were the "raison principale
et permanente de l'irreligion publique en France ... la source où les génér-
ations successives vont boire le poison qui dessèche jusqu'à dans ses racines
la disposition naturelle de l'homme à servir Dieu et l'adorer."58

In defence of the Université there were many, and throughout the Restor-
ation—in law, at least—its position prevailed. Whether it was a system marked
by clerical domination or religious indifferentism, the state maintained a
decisive role in the education of the French youth. Representative of the
defenders of the Université were three whom Weill has called "les grands

58 De devoir des catholiques dans la question d'enseignement (Paris, 1843),
p. 15.
Victor Cousin, François Guizot and François Villedain, all of whom, at one time, served as Minister of Public Instruction.

Villedain refused to concede the absolute right of "liberté d'enseignement" which was claimed by Catholic writers. When he addressed the Chamber of Deputies after presenting a projet which would relax requirements for opening a secondary school but still retain certain controls, he expressed this opinion:

La liberté de l'enseignement, quelque juste importance qu'on y attache, n'est pas, comme d'autres libertés publiques, un ressort nécessaire au mouvement de l'État. Elle a pu être admise en principe par la charte; mais elle ne lui est pas essentielle.

Guizot was an indirect supporter of free schools. His law regarding primary schools had made education a joint venture of the state and the commune or the Church. For him the Université was necessary but not sufficient: "Les seuls pays et les seuls temps où l'instruction populaire ait vraiment prospéré ont été ceux où soit l'Englise soit l'État, soit mieux encore l'un et l'autre ensemble, s'en sont fait une affaire et un devoir . . . "

Victor Cousin, in 1841, delivered a lengthy discours before the Chamber of Peers during the discussion of a projet on secondary education. Defending the teaching of philosophy and the Université, he maintained that philosophy

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59 Weill, Secondaire, p. 70.

60 Moniteur, March 11, 1841, p. 613. "Freedom to educate no matter how just is the importance that is attached to it, is not, like other civil liberties, a necessary step for the proper functioning of the state. It could have been approved by the Charter, but it is not essential to it."

61 Mémoires, III, p. 69., quoted by Resbeq, p. 41. The only countries and the only times where popular education has truly flourished have been those where either the Church or the State, or better yet, both of them together, have made it an undertaking and a duty. . . ."
is but one truth, common to all religions, and that a parallel school system would destroy the Université. On the question of state control he was adamant:

La liberté d'enseignement sans garanties préalable est contraire, en principe à la nature des choses; et, comme tout ce qui est faux en soi, elle ne peut produire dans la pratique que des conséquences désastreuses.62

One of the leading literary figures of the decade, Sainte-Béuve, commented on the situation in these terms: "Si, en masse, ses professeurs ne sont pas hostiles à la religion, ils ne sont pas religieux; les élèves le sentent, et de toute cette atmosphère, ils sortent, non pas nourris d'ir-religion, mais indifferent.63

Speaking for those who viewed with disfavor obligatory religious instruction for all was the liberal Peer of France and diplomat to Rome and London under Louis Philippe, Saint-Aulaire. Disputing the Charter of 1830 which recognized Catholicism as the religion of most Frenchmen, he maintained:

Il n'est pas vrai que l'Université soit impie, mais il est incontestable que, dans l'enseignement qu'elle donne, le catholicisme ne tient pas assez place que bon nombre de pères de famille en soient satisfait. Sans doute ces pères de famille sont la minorité en France. L'Université est bien plus sympathique avec les masses. Il y aurait tyrannie, absurdité à soumettre les masses à l'enseignement obligatoire du

62Moniteur, May 3, 1844, p. 1043. "Freedom to educate without necessary safeguards is contrary in principle to the nature of things; and, like everything that is false about it, it cannot in fact produce anything other than disastrous consequences."

63Quoted by G. Vauthier, Villemain (Paris, 1913), p. 97. "If, as a whole, its [the Université's] professors are not hostile to religion, they are not religious; the students are aware of this, and they emerge from that atmosphere, not exactly nourished with irreligion, but indifferent to it."
With lines uncompromisingly drawn for or against free schools or Université supervision, it was doubtful whether any solution could be reached, but prior to 1848, four attempts were made.

In 1836, Guizot, Minister of Public Instruction for the second time, introduced a measure that would liberalize requirements for private secondary schools. In the Chamber of Deputies, an amendment designed to bar all members of unauthorized congregations brought its defeat however, and it was never carried to the Chamber of Peers. ⁶⁵ Villemain, in 1841, presented a similar projet, but it too failed because of a single provision: the degree requirements established for the head of a school would also apply to the petits seminaires. ⁶⁶

Three years later, a second projet of his was sent to the Chamber of Peers where it passed 85 to 51 although it contained more stringent measures of control. ⁶⁷ The petits seminaires were to be treated as institutions de plein exercice and subject to the same regulations. The tax to the Université for students in private schools was abolished as well as the requirement

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⁶⁴ Ibid., p. 98. "It is not true that the Université is impious, but it is incontestable that, in the education which it gives, catholicism does not occupy the place that a considerable number of heads of families are satisfied with. Undoubtedly they are the minority in France. The Université is much more sympathetic with the masses. It would be tyranny and absurdity to place the masses under the obligatory education of the clergy."

The right to educate one's children privately, that is, by a tutor or parent and outside of any school, was firmly maintained until well past 1848. The figures in footnote 53 indicate size of this group.

⁶⁵Bastid, Monarchie parlementaire, p. 400.
⁶⁶Ibid.
⁶⁷Ibid.
(which had never been enforced) that students of institutions and pensions must go on to a collège. The certificat d'études universitaires, which demanded that certain courses be taken in a collège, was changed so that similar courses taken in an institution de plein exercice would suffice. 68 Discussion in the Chamber of Deputies was postponed, but in 1846, they voted to keep it off the order of the day. 69

Salvandy had become Minister of Public Instruction when this projet died, and he shortly presented one of his own. He would do away with the certificat de moralité and the brevet de capacité while retaining the certificat d'études and the ban on unauthorized congregations. 70 A commission nominated by the Chamber of Deputies reported on it in July of 1847, 71 but discussion never began before Paris erupted in revolution the following February.

During the decade preceding 1848, the position of the Université had weakened despite the check given to the parti catholique. Efforts to provide private secondary schools on an equal legal footing mounted, and the strength of the advocates of educational freedom increased. In 1846, one hundred and forty six deputies were elected who were pledged to it, 72 but the legislative attempts to grant some form of freedom of education for secondary schools could not be carried without provision for some restraint on the very freedom that was sought.

68 Charlety, p. 339
70 Bastid, Monarchie parlementaire, p. 401.
71 Montalembert, IV, p. 438.
CHAPTER II

THE SECOND REPUBLIC AND THE EDUCATION OF CITIZENS, 1848.

Education was an immediate concern of the Second Republic's provisional government. A single ministry to deal with public instruction and religious affairs, the Ministère d'instruction publique et des cultes, was formed at once. Since this was a step which recalled a previous union under the early Restoration, the provisional Minister Lazare Hippolyte Carnot felt obliged to issue a circulaire reassuring the Université that this would not jeopardize their position but was done as a "garantie de la juste conciliation qui s'établira entre ces deux ordres d'intêts également respectable."\footnote{France, Ministère de l'éducation nationale, Circulaires et instructions officielles relatives à l'instruction publique (Paris, 1865-1870), III, p. 385.}

The Revolution of 1848 itself had been largely free from anticlericalism, and on March 13, Carnot had virtually invited clerics to take advantage of their political rights both as voters and candidates.\footnote{Moniteur, March 13, 1848, p. 692. Circulaire to the French bishops.} Even without this encouragement, it seemed to many of the parti catholique that there was both the opportunity of obtaining educational freedom and the possibility of a workable relationship with the Republic. On February 28, an electoral committee for religious liberty met including both liberal and conservative Catholics.\footnote{Alfred Cobban, "The Influence of the Clergy and the Instituteurs primaires in the Election of the French Constituent Assembly, April, 1848," English Historical Review, LVI, p. 335.}
Lacordaire and Ozanam, all associated with the newly founded journal *l'Ére nouvelle*, favored an actual alliance with the democratic government while Dupanloup, Montalembert and even Veuillot were willing to support it in order to achieve their aims in the legislature.  

Nevertheless it was in reaction to the Republic, that many Catholics and clerics were drawn into the political struggle, particularly against the socialist tide that the government seemed capable of unleashing. But it was also certain educational proposals that were seen as no less alarming: the talk of compulsory and tuition-free education, the attempts by the state to organize the pre-school *salles d'aisles* and *écoles maternelles* and the proposed night school education of adults with a presumably republican slant. On February 29, the *collèges royaux* received the appellation by which they were known during the first Republic, the *lycée*, and certain names were changed entirely: the *Collège royaux de Louis le Grand*, for example, became the *Lycée Descartes*. Then on March 1, Carnot, when he issued an *arrêté* to the rectors of the regional académies, indicated he would use the primary schools to disseminate republican ideas: "Il n'est aucune partie de l'instruction primaire qui ait été plus négligée, sous les précédents gouvernements, que la formation des enfants comme citoyens." Even Thiers, who only four years before had spoken out against Church schools but who had recently become more moderate


7 Ibid., March 7, p. 555.
in his views, took note of that aspect of primary education: "Aujourd'hui que toutes les idées sont perverties, et qu'on veut nous donner, dans chacque village, un instituteur jacobin, je regarde le curé comme un indispensible rectificateur des idées du peuple." Carnot had given the instituteurs every reason to uphold the new regime; he had stated that their condition was a real concern of the government.

A direct confrontation was reached in the elections for the National Constituent Assembly in April as the local curés presented lists of candidates, often provided by their bishops, while the government counteracted by using the instituteurs to promote the election of more democratic deputies. Carnot later pointed out that the two key men in each town were the local curé and instituteur.

But when the Assembly met in May, the republicans were in a minority although about two hundred representatives of democratic socialist sympathies were elected. Carnot delivered his initial report before the third session of this Assembly and directed a large part of it to the primary education of the French child as a citizen of the Republic.

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8 Letter dated April, 1848, quoted by Henri Malo, Thiers (Paris, 1948), p. 400. "Today when every idea is perverted and when they want to give us a jacobin school teacher in each village, I consider the curé as an indespensible means of rectifying the ideas of the people."

9 Cobban, p. 340

10 Ibid., p. 342

11 Moniteur, July 6, 1848, p. 1518. Discours before the Assembly.

Il est important que sa première education soit faite dans les écoles ouverte à tous et dont l'objet est, avant tous, de former des citoyens... c'est à l'éducation publique à rendre la France entière républicain par l'esprit et par le coeur, comme elle l'est aujourd'hui par ses institutions.\textsuperscript{13}

He criticized the private institutions whose own peculiar corporate spirit he saw as an obstacle to the republican unity which for him was "la loi suprême du pays."\textsuperscript{14} His program called for enlarging the scope of the Université for a truly universal educational system, providing manuals of an elementary nature to inform individuals of their political rights and revamping the courses of the Collège de France to bring them more in harmony with the current political order. At the heart of this program, of course, was a primary education that would be tuition-free and compulsory for all.

But the first project of substantial size inaugurated by Carnot's ministry was aimed at providing officials for the new Republic through a specialized school, l'Ecole d'administration. On March 1, Carnot had instituted a commission des études scientifiques et litteraires including such figures as the historian Henri Martin, professor Edgar Quinet and the chemist Bussingault.\textsuperscript{15} A week later the provisional government directed Carnot to plan a school to be affiliated with the Collège de France and patterned after the Ecole polytechnique.\textsuperscript{16} Carnot referred the matter to the commission. In their report,

\begin{itemize}
\item \textsuperscript{13}Moniteur, May 7, p. 970. "It is important that his first education comes in schools open to everyone and whose purpose is, above all, to form citizens... public education must render France entirely republican in its spirit and its heart, as it is today in its institutions."
\item \textsuperscript{14}Ibid.
\item \textsuperscript{15}Carnot, p. 4.
\item \textsuperscript{16}Moniteur, March 9, p. 571. Proclamation of Provisional Government.
\end{itemize}
issued a month later, entrance requirements, courses to be offered and chairs to be established were suggested. After a selective examination, one hundred and fifty students were quickly enrolled; an additional hundred and fifty entered in July.

The Ecole was suppressed only a year later, however, when a successor to Carnot substituted a comparable but more limited and less politically orientated plan which placed courses of studies in droit publique et administrative under the various facultés de droit. Under the Third Republic a private Ecole libre des sciences politiques was founded, and in 1945 a state Ecole nationale d'administration was again established.

Carnot's promised legislation was not presented to the Assembly until June 30 after the June Days and the ascendancy of General Cavaignac. Primary education under its terms would be both public and private, but in either case there would be no tuition, and attendance would be compulsory. The qualifications for a private individual to open a school were less stringent than those in effect since 1833, requiring only a certificat d'aptitude and notice to the local authorities of the school's purpose. While such schools would still be subject to state surveillance, proceedings to close them would have to adjudicated by the courts. At this time the projet de décret was merely presented and no discussion was in order.

17 Ibid., April 11, p. 807.
18 Carnot, p. 62. See below p. 37.
19 Ibid., p. 63.
20 Moniteur, July 1, p. 1536. Presentation of a projet de décret on primary education.
Six days later during consideration of a measure which would provide 100,000 f. as a credit extraordinaire for his ministry, opposition to Carnot was finally voiced in the Assembly itself. Until this point the government's educational program seemed to stand unchallenged by the deputies, and Carnot was the only original minister of the provisional government remaining. It was General Cavaignac, having assumed control by virtue of the cries for order after the June Days, who wanted to retain him: "On veut décimer le parti républicain." But when his name had been among those of the new ministry presented to the Assembly, there were murmurs of dissent.

A deputy Bonjean raised the issue that led to Carnot's dismissal by calling attention to a pamphlet issued under the auspices of his ministry entitled Manuel républicain de l'homme et du citoyen. He read certain passages from it which could only be construed as an implied attack upon property. Members of the radical left called for the order of the day claiming that it was a financial measure which was under discussion. Moderates and conservatives countered with shouts of "Lisez, lisez." Finally Carnot obtained the floor and confined his defense to a remark that a book could not be judged from selected passages. He did take the opportunity to make an interesting statement, however; with universal suffrage and universal primary education, the Republic could defy all its enemies.

Bonjean then offered an amendment to the appropriation which would reduce the figure to 995,000 f., intending to obtain a majority vote against the

21 Carnot, p. 62.
22 Ibid., p. 63.
23 Moniteur, July 6, p. 1577.
minister without changing the substance of the legislation. But cloture was
called for, only to be followed by heated interchanges between unrecognized
delegates. Cloture was voted down. The Assembly president almost dismissed
the session, but Bonjean's amendment was finally passed by a scant eleven
vote margin, 314 to 303. In the same issue of the Moniteur which reported
this debate, there was a notice announcing that Achille Vaulabelle, a deputy
from Yonne, had become the new Minister. Although the opponents of Carnot
effected his dismissal, this vote could only be considered as a rebuff against
socialism, for on July 12, a commission was nominated to examine the projet
on primary education that he had submitted. 24

Two other proposals which had been previously submitted illustrate this
point also. On July 3 and 4, two projets were presented which would make
higher professional education more widely available. 25 Admission to the
Ecole polytechnique, the Ecole militaire de Saint-Cyr and the Ecole normale
superieure was to be free. While the Ministry of War had been responsible for
introducing the measure which would affect the first two schools, it was Carnot
who had presented the second projet. Both passed the Assembly, the first
in July, 26 the second in August, 27 but the provision dealing with the Ecole
normale met with a good deal of opposition. In addition, on July 17, a projet
was introduced calling for the creation of fermes-ecoles to which admission
would be free and agricultural education provided as a compensation for manual

24 Ibid., July 13, p. 1632.
25 Ibid., July 4, p. 1555 and July 5, p. 1565.
26 Ibid., July 14, p. 1704.
27 Ibid., August 4, p. 1881.
Although this proposal had originated with the Ministry of Agriculture and Commerce, Carnot had previously expressed an interest in the same subject. On February 28, he had written to the members of the Institut reminding them of their duty to report on agriculture and at the same time informed the rectors of the académies that the government was interested in agricultural education.\(^2\) When the measure was discussed in the last few days of September, an amendment was voted down which would distinguish between private and public agricultural schools.\(^3\)

Despite the replacement of Carnot, the temper of the Assembly did not reflect as great a change in educational matters after June as it did in other areas. Radicalism in education was in the minority, but the majority, although composed of legitimists and Orleanists as well as republicans, still evidenced an egalitarian educational policy that relied on state schools. The battle over educational freedom for private schools was yet to be waged.

On August 31, the proposed Constitution was finally presented, and debate on it continued in the Assembly throughout September. From September 18 to 22, the two articles pertinent to the educational question were debated: Article 8 regarding political rights and Article 9 regarding educational freedom. This separation itself seemed to imply a distinction between natural rights and those conceded by the government, for the rights enumerated in Article 8 were limited only by "les droits ou la liberté d'autrui et la

\(^2\) Ibid., July 18, p. 1668.
\(^3\) Ibid., February 28, p. 512. Circulaire to the Institut.
securité publique" while educational freedom was to be "sous la garantie des lois et la surveillance de l'État." 31

Article 8 of the proposed Constitution enumerated the rights of association, of assembly without arms, of petition and of expression of ideas in the press and elsewhere. To this list Montalembert, an ardent advocate of educational freedom for eighteen years, urged an amendment adding the right of education, 32 an amendment also supported by deputies Lablanch and Frechon. At the end of the session of September 18, Montalembert began an impassioned speech in support of his position; he continued in the following session which was devoted exclusively to this question.

Montalembert first objected to the whole intent of Article 9, comparing government control of education to press censorship where interests of state necessarily affect content. The theme of this speech, as was the constant theme of many before, was a clear rejection of state surveillance in educational matters: "Nous contestons le droit spécial de l'Etat en matière d'enseignement; nous n'admettons pas que l'Etat ait sur l'enfant un droit qu'il n'a pas sur le père." 33 But the state is not without any rights entirely; although it should not be allowed to pose restrictions on education, it can step in where individual rights and public security are at stake. The right of education, then, is subject to the same limitations as those mentioned in Article 8, and Article 9 should be eliminated completely with the right to

31 Ibid., August 31, p. 2237. Reading of Articles 8 and 9.
32 Ibid., September 19, p. 2497. Discours of Montalembert.
33 Ibid.
educate added to those listed in Article 8.

Montalembert's appeal was for a freedom that would remove private schools from governmental control but would not place all education under ecclesiastical auspices. The greater part of his speech was directed against the "mal qui menace la société," the attacks on property and individual liberty which communism and socialism seemed to threaten. For Montalembert, there were two alternatives: the traditional esprit chrétien and the new forces which, to him, appeared to be an indistinguishable mixture of socialist doctrine, republicanism and egalitarian democracy. Witness the June insurgents, he remarked. Weren't they recipients of primary education. Yes, came the retort, but the Christian Brothers still educate most French children. At this point, interruptions and comments from the Assembly, both in support and in derision, increased so that the president repeatedly had to call for order. Montalembert maintained his answer: "l'enseignement chrétien [qui] peut seul donner cette solution, cette vérité, cette règle."

On September 20, Montalembert continued in the same vein, but growing increasingly vehement in his denunciation. So vehement, in fact, that a like-minded deputy from Maine-et-Loire Falloux had to follow him to the tribune with virtually a conciliatory speech. Falloux later noted that Montalembert had confided in him that he was afraid he had lost the case for his amendment with his vehemence. After Falloux had finished, Montalembert withdrew his amendment with the understanding that the subsequent article would treat educational freedom and stipulate that it would be guaranteed by future

34 Ibid., p. 2499.
35 Falloux, I, p. 376.
The following day Article 9 was discussed. Laboulié proposed the first amendment which would have put only public schools under State surveillance while the seminaires would be watched over by the bishops, and all other schools would be placed under local authorities. The commission did not accept it and it was not adopted. Parisis then spoke for an amendment which would have Article 9 simply say "L'enseignement est libre," but he immediately withdrew it since he observed the Assembly had already accepted the principle and that an organic law would have to be passed in any event. Following his example, Fayet and Rochette also withdrew amendments. But Mauvais claimed that there would be ambiguity over the words "sous la garantie des lois;" he felt the phrase "sous les conditions de capacité et de moralité déterminées par les lois" would be better. This suggestion was accepted, and Article 9 was adopted, differing only from the version originally presented in this one matter.

In accord with the prediction of Parisis, on November 9, Armand Marrast, reporter for the committee on the Constitution, presented a list of nine organic laws to be considered by the Assembly. Among them was a law on education. A month later the Assembly agreed to a list of organic laws, but, while a tenth one relating to public assistance was added to the committee's nine, there was no discussion of educational matters, and the list was accepted.

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36 Montalembert, Oeuvres, III, p. 97.

37 Moniteur, September 22, p. 2537.

38 Ibid., November 10, p. 3150.
It was now apparent that, although the majority agreed in principle to educational freedom, they were unwilling to concede the unsupervised operation of schools. Beyond this the Constitution did not stipulate, and before the question could be resolved by legislation, a President would be elected and a new ministry formed.

In October, another change in the Ministry of Public Instruction had occurred along with the cabinet shake up motivated by conservative pressure and effected by General Cavaignac. The Moniteur of October 14 carried the announcement that Vaulabelle was replaced by Alexandre Freslon, deputy from Maine-et-Loire. While this change brought no drastic reversal in policy, it gave certain indications of what was to come and how far away from the philosophy of Carnot things were now heading. Two of the last acts of Vaulabelle were to institute a course in recent (1789 to 1814) French history in the lycées and collèges, and to replace certain courses in Latin and Greek with living languages. Although the latter measure was retained, it was the last innovation in French public instruction until 1850. Freslon, on November 21, indicated his toleration toward private schools by permitting congregations of women that ran girls' schools to have an additional six months before the

39 Ibid., December 9, p. 3540.
40 Page 28.
41 Ibid., October 12, p. 2799. Arrêté of Minister.
42 Ibid., October 13, p. 2811. Arrêté of Minister.
requirement of a brevet de capacité would be put into force. It was Carnot who had in June attempted to make this measure, a law since 1836, effective after December. In January, however, Falloux, who succeeded Freslon after the election of Louis Napoleon, did away with it entirely.

The ambivalence of this "interim" minister is exemplified by two documents. The first, promulgated on October 27, while taking pains not to deny any political rights, "recommended" that instituteurs refrain from attending political banquets. The second which appeared in December complimented the adult night classes and referred to their instructors, mostly instituteurs, as participating in a "patriotic mission." This Service officiel des lectures du soir was also done away with by Falloux. The reaction against the instituteurs continued, until in January, 1850, while explaining the enforcement of a law providing for their suspension, Falloux's successor, Pariue, said, "Les instituteurs ne sont pas destinés à un rôle politique."

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43 Ibid., p. 3319. Arrêté of Council of Ministers.
44 Circulaires, III, p. 395. Circulaire of Minister to académie rectors.
46 Ibid., p. 420. Circulaire of Minister to académie rectors.
47 Moniteur, December 17, p. 3586. Arrêté of Minister to prefects.
48 Carnot, p. 54.
49 Circulaires, III, p. 472. Circulaire of Minister to prefects.
CHAPTER III

THE CONSERVATIVE REACTION AND THE MINISTRY OF FALLOUX. 1849.

A legitimist and former liberal, now a leader of the Catholic and conservative forces in the Assembly where he was noted for his efforts in dissolving the National Workshops, Falloux reluctantly accepted the post of Minister of Public Instruction and Religions under Louis Napoleon. It was only after pressure by Montalembert and assurance from Thiers that a law on education and a Roman expedition would be obtained, did he agree.¹

On January 4, 1849, the Moniteur printed two reports from Falloux to the President of the Republic, one dealing with primary education, the other with secondary.² After making a somewhat vague reference to the necessity of greater primary education ("L'exercice du suffrage universal est indissolublement lié à l'application d'un vast système d'éducation populaire."), he proceeded to criticize the projet that had been presented by Carnot and to explain the reasons for his decision to withdraw it. It would prove too costly; it would be an awkward attempt to draw the pre-school salles d'asiles, the adult night classes and the courses for young apprentices into the educational system. To draw up a more favorable projet, Falloux had organized a commission to function under his ministry. A second commission had also been formed to deal with secondary education which, he maintained, required a new law in

²Page 19.
accord with Article 9 of the Constitution. This commission was to be especially concerned with the organization of the Université, which would be retained but was no longer to have a "mission exclusive d'enseignement," with the free institutions, particularly the conditions of moralité and capacité required for opening one, and with the extent of state surveillance of education in general. These two commissions began to function as one almost immediately with Theirs as their acting president.3

In that day's session, Falloux addressed the Assembly to announce the withdrawal formally,4 To the deputies he was somewhat more specific: "Le projet de loi contenait quelque principes auxquels le gouvernement ne pouvait pas s'associer." In addition the commission had virtually destroyed the projet through changes, but it would be invited to work in cooperation with the ministerial commissions. Barthélemy Saint-Hilaire, president of the commission, followed Falloux to the tribune. For six months, he said in an urbane although somewhat bitter manner, the commission had been meeting and had held fifty-four sessions to date. Only three days ago its work had been completed, and he had been chosen to report to the Assembly. It was true, he conceded, that changes had been made, but this is the function of a commission. Granted, Falloux, as a new minister, had every right to retire the projet, but since an educational law was to be organic in nature, it was the prerogative and responsibility of the Assembly to name its own commission. Falloux promptly replied that projets can originate from various sources and that the ministry was entitled to form its own opinions too through the means it chose.

3A. F. P. de Falloux, Mémoires d'un Royaliste (Paris, 1888), I, p. 422.
4Moniteur, January 5, p. 34.
At this point, several deputies shouted for recognition. Finally Repellin was heard and indignantly claimed that this was an attempt to by-pass the Assembly, that this was a "commission extraparlementaire." Cries calling for the order of the day came from the right only to be met with challenges from the left. The Minister of Justice Odilon Barrot obtained the floor and delivered a rather diffuse defense of the legality of the government's actions. Discussion almost broke down completely until the order of the day "pur et simple" was voted for (Falloux had originally interrupted the order of the day to deliver a "communication de gouvernement.")

Despite the success of the right to end discussion, the Assembly nominated its own commission to frame an organic law on education. As was to be expected there was no one on the Assembly's commission who was also a member of the ministerial commission, while four of its members, Dufour, Germain-Sarrut, Simon and Bartélemy Saint-Hilaire had been on the Carnot commission.  

Only a month later, the commission reported. (The ministerial commission was to take four months for its work.) Jules Simon deposited a projet with the Assembly. It maintained the Law of 1833 regarding primary schools and placed only two regulations on the opening of private secondary institutions. The director must have either a bachelor degree in letters or science or must obtain a certificat de capacité by sustaining an examination. Primary education would be free only for those who were unable to pay and would be compulsory in some manner that was left to be determined later. The Conseil of the Université was reorganized and placed more directly under the Ministry.

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5 Ibid., January 7, p. 57
6 Ibid., February 6, p. 386. Text on page 502 f.
of Public Instruction, and although there were to be twelve members on it chosen from private education, the only formally appointed cleric was to be the Archbishop of Paris. This projet, however, never reached debate: on February 8, when the organic laws that were to be passed prior to the dissolution of the Constituent Assembly were being discussed, Boubee posed an amendment that would also include a "loi sur l'instruction primaire et l'enseignement." The amendment failed 458 to 307.

There was only one more piece of legislation dealing with education that was put before the Constituent Assembly, and the report on it was only a gesture. On April 10, Barthelemy Saint-Hilaire reported for the Carnot commission which had now been retired along with the projet which it drafted. Although it would never be discussed and concerned only primary education, certain of its provisions are nevertheless significant. As Falloux had claimed, the commission's version was a good deal different from the projet originally presented to it. Totally free primary education had been deleted, as in the proposed organic law Simon reported on, although there was financial assistance for those otherwise unable to pay. Primary education was, however, obligatory. The projet would have retained the essential provisions of the Law of 1833 for opening schools, and, while placing the curés on the local supervising committees again, would still have removed religious instruction as such from the public schools.

While both pieces of legislation were similar in tone--insofar as they dealt with the same matters--and were notably different from the discussion in

7 Ibid., February 9, p. 423.
8 Ibid., April 11, p. 1309. Text on p. 1465 f.
1848, they could still be contrasted with the projet that Falloux had in mind. It is not difficult to discern some of the principles that Falloux objected to, primarily in regard to the supervisory role that the state would play. He sought more ecclesiastically orientated control over public education and virtually none over private. Carnot's projet, as amended by the commission, and the proposed organic law can be seen as representing a state of mild reaction between the egalitarian philosophy of the republicans of 1848 and the conservative position toward which the government of Louis Napoleon was making more and more concessions. With the end of the Constituent Assembly and after the elections for the Legislative, any chances for anything but a reactionary educational law also ended. Even under the Constituent, majority sentiment was of a reactionary nature, and some measure of freedom for private secondary schools as well as the installation of clerics in some supervisory capacity in the public system would no doubt have been granted. But as one author suggests, the conservatives wanted Falloux to have the initiative, and the republicans, beset with other difficulties, decided to wait for the meeting of the new Assembly.9 But when the new body met, its composition included many more deputies—though no obvious majority—who would prove sympathetic to the projet Falloux would present.

The projet on primary education presented originally by Carnot, however, was not the only one of his that failed under the conservative reaction. The one that would legalize the Ecole d'administration, which had been conducting courses since July, was also withdrawn. On January 22, Falloux notified the

Assembly of his intention and at the same time presented a substitute proposal which would merely add courses in droit public et administrative in académies that had facultés of law. Bourbeau, the reporter for the commission dealing with the Ecole projet, objected immediately and utilized his right of initiative to resubmit it. His subsequent report, deposited with the Assembly on April 3, was virtually identical to the original, but when it was discussed on May 20, so many delegates, most of them apparently moderates and conservatives, were absent that the session adjourned for lack of a quorum. When the newly elected Legislative Assembly met just a few days later, however, the discussion was not continued, indicating the further decline in the ranks of the opposition left.

On July 20, a report was deposited on Falloux's substitute. Provision was made for courses in droit public et administrative to be given in all the departmental académies that had facultés of law. Additional chairs would be created and students would study for a three year period. Those presently enrolled in the Ecole could be admitted automatically or, if they chose, switch to other facultés of higher education. In the comments accompanying this projet, there is a good indication of the reasons for Falloux's opposition to the Ecole: it was located in Paris and therefore subject to all the influences of the left-leaning politics of the capital as well as similar sympathies that largely prevailed in the académie that included Paris. Far better, he claimed,

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11 Ibid., April 4, p. 1248. Text on page 1303.
12 Ibid., May 21, p. 1352.
13 Ibid., July 21, p. 2418.
would be courses given in different areas where political turmoil would not be such a disturbing influence. Here was an appeal to localism and decentralization prompted more than likely by the thought of another institution sending forth radically indoctrinated students as the Écoles normales were said to have done. For Falloux and other conservatives, if the youth of France had to be shielded from radically inspired instituteurs, future government officials had to be also. On August 9, the École was legally suppressed.

Meanwhile on June 18, Falloux's ministerial commission had deposited its projet, just two weeks after the new Legislative Assembly convened. This commission had begun to hold sessions in January and it was soon evident which position it would take. Montalembert, during the debate on the Constitution, had spoken for private schools entirely free of the state apparatus. Veuillot had supported this position also, but Falloux had favored clerics in control of the state system, and with this Dupanloup concurred. This division had consistently split the Catholic ranks, and it would do so again when the projet was announced.

According to Falloux, representation had been given to three elements: the Catholic party, the members of the Université and the state. But of the twenty-six members, there were only five Université men and, according to Jules Simon, only two or three actual liberals, while at least two of the

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11 Ibid., August 10, p. 2650.
15 Ibid., June 19, p. 2100.
16 See above p. 28 f.
17 Falloux, I, p.
Université representatives were quite favorable to free secondary schools. The state representatives could hardly be put as a group in the liberal category although there were some exceptions.

There is no disagreement as to who were the principals of this commission; it was Thiers and Dupanloup. But the actual happenings during its deliberations are not quite so clear. The transcript of the deliberations has been published by Hilaire de Iscomte, but its integrity has been attacked. Michel claimed that it was not complete and that passages showing a lack of accord had been deleted. Lacombe, in an article that appeared shortly after the publication of Michel’s work retorted that he had received what he published from Mgr. Dupanloup and that other members of the commission guaranteed them. The actual transcripts are apparently not to be found in any archive. Michel moreover questions the accord with which the commission is claimed to have worked. "Cordialité mais accord pas sans luttes." And Simon supports this in his account based on Cousin’s papers.

The commission met initially in general discussion dealing first with primary and then with secondary education; an undercommission met afterwards

19 All sources consulted were unanimous on this point.
22 Michel, p. 100.
23 Simon, p. 185 f.
to draft two projects which were submitted to the Minister.\textsuperscript{25} The sessions
have been characterized as a dialogue between Thiers and Dupanloup,\textsuperscript{26} and al-
though this is not entirely correct it is true that they were the main spokes-
men for two points of view, Thiers for the moderate majority in the Assembly
concerned with the democratic and socialist sympathizing instituteurs and Du-
panloup for the Catholic party. Cousin, as the defender of the Université,
was in a defensive position from the outset, but managed to prevent the com-
mission from running roughshod over it. Montalembert and Falloux, who were
hardly ever present and had relinquished the chairmanship to Thiers were nota-
bly quiet. Attention in the general discussion was paid mainly to the topics
of obligation, tuition, the Ecoles normales and the role of the state and
clergy.

The question of tuition was disposed of quickly. Thiers denounced abso-
lutely free primary education as a communist principle and too costly for the
state. Cousin spoke for accepting children whose parents were unable to pay,
and this formula was accepted. The idea of obligatory primary education was
also agreed upon but some limits were to be put on it.

The "péril social" motivated most of the discussion. It accounted for
the denunciation of the Ecoles normales and the instituteurs, as instruments
of socialist propaganda; it accounted for the lauding of the Church's "bonne
philosophie" by Thiers; it accounted for the willingness to exempt clerical
teachers from certain requirements and to put clerics in supervisory capa-
cities. And it would have accounted, in all likelihood, for the prohibition

\textsuperscript{25}Except where specifically footnoted, the account of the commission's
work is taken from Michel.

\textsuperscript{26}Simon, p. 185.
of all lay teachers if the clergy could have staffed all the schools. Much of this was advocated by the Catholic party despite the social question, but other members of the commission would have been far more reluctant had this factor not been present.

Both Cousin and Dubois defended the Université but differed in how they thought private schools should be related to it. Cousin suggested bringing the clergy into the Université rather than giving them control of it. Dubois spoke for maximum freedom for private schools, possibly hoping to keep the clergy out of the Université altogether. But the latter idea did not prevail. Dupanloup particularly favored having the clergy involved in the state's schools, and Thiers, at least insofar as primary education was concerned, agreed.

The undercommission's draft placed only one condition on the opening of private primary school, the brevet de capacité, and Thiers had wanted to dispense all the religious from this requirement. But if the school were to be only of the first degree, merely a certificate attesting that the applicant had served for three years as a primary teacher would suffice. In many cases, this would, in effect, be a dispensation. A comité departmental consisting of the prefect, rector and bishop would replace the more local comités d'arrondissement with their pastors, mayors and justices of the peace. In addition the number of académies was increased to eighty-six, equivalent to the number of departments, although both Thiers and Cousin had opposed this measure. Michel suggests this change was designed to diminish the rector's position vis à vis the bishop, as well as centralizing authority under state officials who would presumably be of the same political sympathies as the current
The general discussion of secondary education was begun by a deputy Fresneau who simply demanded the end of the Université. Cousin rose immediately to its defense, dwelling mainly on its role as providing a unity for the educators and educational system and as serving as a counterbalance to the government. Cousin did agree, however, to end the certificat d'études, to permit congregations to teach and to allow freedom for the petits seminaires. Thiers then offered his opinions, ones substantially different from those he expressed on primary education. Students in the secondary schools are mostly middle class, he explained. Here a free philosophical discussion is profitable, but the state must maintain surveillance. Otherwise a Proudhon could not be kept from teaching. Dupanloup insisted on the good of religion for all classes and all students, and he was willing to permit the Université to inspect, to establish budgets and appropriations and to confer degrees. The certificate must be done away with; all must be able to teach. To this Thiers agreed, accepting a very minimal inspection of the seminaires. Finally, the question of the congregations came up, which really was the question of the Jesuits, and here Thiers at first contended that the right of association under which the question of congregations usually occurred could not be given to the Jesuits without also giving it to all the political clubs. No compromise was reached, but with Thiers grudgingly acquiescing, the matter was simply left unmentioned.

As drafted the projet permitted anyone of twenty-five years of age to open

27 Michel, p. 130.
a school if he possessed either a bachelor degree in letters and science or if
he had served for five years as a professor of secondary education. This re-
quirement, however, could be also fulfilled by sustaining a special examin-
ation. Private schools could be subsidized by the state, and their representa-
tives were included on the Conseil supérieur of the Université. Inspection
would be limited to matters of sanitation, hygiene, morality and observence of
the Constitution and the laws.

The effect of this projet would be the long-sought freedom for secondary
schools, the end of the Université monopoly. It would also give the state
greater control over both public and private education. But the facet of the
law that would meet the most opposition was the inclusion of clerics in the
supervision of schools, especially secondary ones, and the regulations for
private schools which contrasted so sharply with those for public. It is in
this last area that the commission's projet differs most sharply from those
presented by Jules Simon and Barthélemy Saint-Hilaire.

The commission had finished its work in the first of May, and the two
projets were sent to the Minister. Falloux decided that their chance for
passage would be greatly improved if one single projet was sent to the Assembly.
This would tie both primary and secondary education together and force those
who undoubtedly shared Thiers' concern for the "péril social" to accept
private schools on the secondary level if they wanted curbs on the primary.
Depositing the projet on June 18 also took advantage of recent events. A
state of siege had been proclaimed on the 13, and a law which suspended some
political clubs came a day later. The law dealing with the press would be
passed the 25.
The law was quite naturally attacked by the left as soon as it was revealed, but it was also denounced by certain Catholics. Veuillot wanted complete freedom, while many others thought that not enough control was afforded clerical and conservative forces. Falloux, in reply to criticism, cautioned, "Prenez garde, on a plus d'une fois, perdu la bataille en voulant pousser la victoire trop loin." 28

On June 27, the Assembly selected a commission to review the projet, 29 many of whose members had been a part of past commissions. The composition of this commission is rather interesting: only four had served on either the Carnot or the Consituent's organic law commissions, Barthélemy Saint-Hilaire, Salmon, Sauvare Barthélemy, and Rouher, and this represented really a token membership. Montalembert, Janvier, Thiers, Fresneau and Melun had served on Falloux's ministerial commission that drafted the projet. The remainder were deputies most of whom were moderate and conservative.

The commission made several changes all of which were favorable for private schools or restrictive for public ones. 30 A representative of the Jewish faith was added to the Conseil supérieur. Only letters of obedience were to be required for teachers in religious girls' schools and they would be equivalent to the brevet. The Ecoles normales could be abolished at the option of the conseils départemantals who would choose all the instituteurs. The article indicating that the number of state-supported lycées would be increased was suppressed, and the rights of the permanent section of the

28Falloux, I, p. 487
29Moniteur, June 28, p. 2183
30The text is found in the Moniteur, October 21, p. 3263.
Conseil supérieur, that which was composed of old Université members over public schools was eliminated. Henceforth the entire Conseil would deal with them. Finally the instituteurs were placed under the prefects' authority.

The commission's report was deposited by Beugnot on October 6 and was greeted immediately by Lherbette's inquiry about a review by the Conseil d'État. On July 3, he had first raised this question and had been told by Falloux that this was an organic law and was therefore exempt from the constitutional stipulation. The commission, he promised, would also report on the matter, though. The report did appear in the Moniteur on October 21, three days after the one on the organic law itself. In it, Beugnot claimed that a review had to be made before the commission began work, but in any event, it was an organic law and a precedent had already been set in February when the Constituent Assembly had not sent its projet on education for review. Then oddly enough, he maintained that any projet should not go to the Conseil before a commission considers it. The report concluded by asking for discussion to begin.

The comments which accompanied the commission's version of Falloux's projet upheld the right of all those who were found worthy and not ignorant to teach, a statement which implied definite ideas about some who would not be found worthy. In addition, liberty did not mean the right to teach anything. There was a true education which circumstances and not principle determine. This applies also to the Church which has only limited rights to teach. If

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31 Ibid., October 7, 2991.
32 Ibid., July 4, p. 2236
33 Page 3316.
the sentiments expressed here sound familiar, it is because they had been uttered by numerous individuals who spoke in favor of the Université or against Church schools. Now the conservatives, feeling secure in their majority, albeit a majority dependent upon moderate support, utilized the same arguments to curb the brand of education which displeased, if not horrified them. For whatever the limits imposed upon education, private or public, the clergy would be in a position to play an important part in formulating them. And as will be seen, when the projet comes up for debate, the left will deliver speeches that once could have been pronounced by Montalembert.

Before any further developments could take place, Falloux left his ministry for the last time. Four times before ill health had necessitated appointing an interim minister. Now, while Lanjuinais was conducting educational affairs, Falloux formally resigned. Health was the stated reason, and he claimed to be satisfied with the handling of the educational and the Roman situation. But it is public record that he questioned Louis Napoleon's treatment of the latter. If there is some doubt as to whether Falloux withdrew before he could be removed, there is none in the case of the other ministers who were replaced on October 31, when Félix de Parieu, a deputy of noble ancestry became the new Minister of Public Instruction and Religions as part of a cabinet which ceased to be responsible to the Assembly—or any one

34 From January 10 to February 20, July 28 to August 3, August 18 to September 9, and since September 14.

35 Falloux, I, p. 548 f.
else but the President—and as one author pointed out, marked the end of the parliamentary phase of the Second Republic. 36

The change in ministers had no crucial effect on the projet which under Parieu would be passed, although not before the opposition would make a final attempt to have it buried or at least radically altered by the Conseil d'État or before the conservative reaction against the instituteurs reached its climax.

CHAPTER 4

THE REVIEW BY THE COUNCIL OF STATE AND THE SUSPENSION OF INSTITUTEURS

NOVEMBER, 1849--JANUARY, 1850

Pascal Duprat raised the question of review again in the session of November 7, this time challenging the conclusions of the commission's report. After the review had been called for once more, Parieu made his first appearance before the Assembly. He claimed that the government was indifferent to the legal process and that, if the review were voted, he would have to send to the Assembly a special law dealing with the instituteurs. Even if the review were not passed, he added, the government would ask for a short delay to consider the projet.

By a slight majority, 307 to 303, the review was approved. Thiers, Montalembert and Parisis all voted against it. Parieu abstained from voting. One author claimed that the Minister stalled, hoping for a withdrawal, but while his behavior on November 7 might substantiate this, subsequent developments indicated that, at most, the government had not fully made up its mind, for on January 19, Parieu announced that it supported "en general" the projet.

1 Moniteur, November 8, p. 3558.
2 Ibid., p. 3363.
Despite the fact that the following day a moderate deputy, Kerdrel, claimed that the record of voting contained numerous irregularities, the vote was sustained, and Kerdrel was not supported when he called for annulment even though many of those present said their votes had been recorded in error.  

This apparent setback was explained by Falloux as the result of the dissent of certain Catholics who felt the law as inadequate and of those committed to the Elysee party who wished the government to have its say. In the Univers, Veuillot predicted that the projet would die while the Liberté de penser, speaking for the left, was confident that it would be at least changed appreciably. Parieu realized that there would be considerable delay before it ever came to discussion, and so, as promised, on December 13 he presented a short projet which in four articles would place new controls on the primary school teachers.

The interim character of this law is shown by the first article which limit its effect until an organic law on education was passed. Parieu presented it as a motion of urgency, thus hoping to remove many instituteurs as soon as possible and also to eliminate the possibility of any review since motions of urgence were among those excepted. The proposed law would make departmental prefects all-powerful in the nomination, replacement or suspension of instituteurs; it would also prevent those suspended or replaced from opening private schools.

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5 Ibid., November 9, p. 3580.
6 Falloux, I., p. 559.
7 Michel, p. 292.
8 Moniteur, December 14, p. 4005.
Paacal Duprat spoke first and directed a sarcastic comment toward the Minister, asking if this meant the withdrawal of the other projet. He then asked for review, but the Assembly president ruled this out of order. Pariéu asked that the projet be sent to the commission which had treated Falloux's organic law, but this was objected to by Lherbette on the grounds that the commission had already finished its work and no longer existed. Barthélemy Saint-Hilaire agreed, but the Assembly voted to send it to that commission.

Shortly before the irremovability of the instituteur was threatened, another blow had been struck at the edifice of the Université. On November 17, a décret was promulgated abolishing the certificat d'études as a requisite for the bachelor degree. No longer were the courses comprising the rhétorique and philosophie required to be taken in the collèges or lycées; all private secondary students, as well as those in the institutions de plein exercice could qualify for the baccalauréat examination.

On December 17, the commission presented a hastily drafted report of the interim law, Beugnot again reporting. It urged adoption as presented and stressed again the urgency of the situation citing the "evidence du péril social." The Law of 1833, it continued, had made the instituteur practically immovable, and the present circumstances find the government "désarmé contre les entreprises d'un nombre, malheureusement trop grand, d'instituteurs communaux, qui, désentent leur modeste, mais noble mission, méconnaisant ce qu'ils doivent à la patrie et aux familles, se sont transformés dans nos

9 Ibid., November 17, p. 3697.
10 Ibid., December 18, p. 4059, Text on page 4109.
companions en propagateurs ardents de doctrines et de desseins également coupables."\textsuperscript{11}

On the same day, the Assembly also received the Conseil's version of the Falloux projet. Having been discussed during the first two weeks in December, it was accepted as amended by a 30 to 5 vote on the 17.\textsuperscript{12} To the surprise of almost everybody, the version that was returned to the Assembly contained less changes than expected.\textsuperscript{13} Those that were made were mostly in the nature of organization and reflected the growing authoritarianism of the government. Michel in attempting to explain the relatively few changes made by the Conseil analyzed its composition with particular attention paid to the dates when its present members were elected.\textsuperscript{14} He found the new members to be mainly those from the old July Monarchy majority, since on June 29, 1839, only nine of the original twenty members had been reelected. The "esprit de la Constituante [Assemblée]" that the opposition had hoped would manifest itself was simply no longer characteristic of its members. Like the new Assembly itself, it was of a different political cast.

A day later a report was deposited on the proposition of Wallon which was a short formula for the requirements on free secondary schools.\textsuperscript{15} The commission, the same one that had treated all recent educational matters, recommended that it not be discussed since it dealt with topics already covered by the

\textsuperscript{11}Ibid., December 21, p. 4110.
\textsuperscript{12}Michel, p. 322.
\textsuperscript{13}The text was published in the Moniteur, December 27, p. 4178.
\textsuperscript{14}Ibid., p. 322.
\textsuperscript{15}Ibid., December 19, p. 4205, text on page 13 (1850).
Falloux projet. If the proposer was in disagreement with any of the provisions of that projet, he always had the right to propose amendments. Wallon had called for greater state surveillance of private schools than the Falloux projet provided for.

On December 21, the Assembly president queried the deputies as to whether the projet as reviewed by the Conseil d'État should be returned to the commission. 16 Barthélemy Saint-Hilaire spoke for return, probably out of preference for the original. Kerdrel, who had gone on record in opposition to the review, now claimed the task of the Conseil was merely advisory and that the commission already had its version which had been submitted in October before the review. The return to the commission was voted.

Within ten days, Beugnot was before the Assembly again with the commission's report. 17 Although the Conseil had opposed increasing the number of académies, the commission had reinstated the number of eighty-six. It deleted the Conseil's comité departmental which was intended to treat primary education exclusively and put both levels back under the conseil académique departmental. The Conseil had wanted to have matters of private education adjudicated in the courts, but the commission preferred having the same administrative authority handle both private and public instruction. In line with the current question of the instituteurs, it had retained what was in effect the insertion by the Conseil of the provisions of the projet introduced by Parieu.

16 Ibid., December 31, p. 4103.
17 Ibid., January 1, 1850, p. 9., text on page 79.
on November 17. Falloux had intended prefect control originally, but the commission had placed the instituteurs under the conseil academique departmental.

The projet as it emerged from the commission the second time was perhaps even more unacceptable to the opposition than its original version, although less so than the draft of the Conseil d'Etat. Surprisingly, the Conseil had been favorable to the Church's educational demands and was prone toward greater centralization and control. Frustrated by the Conseil's action, the opposition would have its final chance on the floor of the Assembly itself. But a significant prelude to this debate would be held in the first part of January when the law on instituteurs or the "petite loi" as it is often called, would be dealt with.

The second disputed ballot within two months occurred on January 2 when the discussion of the "petite loi" was held. Parieu again tried to have it treated as a motion of urgency, but this time the opposition was aided in their stalling tactics by several deputies who, now that the commission had reported on the "grande loi," saw no reason for the urgency. Vesin was the first to speak against the projet. Although urgency had been supported in December, he maintained there was no reason for it now. Pascal Duprat followed him to the tribune and claimed that even without any legislation over 1800 instituteurs had been brought before the comités d'arrondissement and that of these at least 1200 had been suspended. In addition, twelve departmental inspectors and three directors of Ecoles normales had been replaced.

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18 Ibid., January 3, p. 23.
The present law obviously must be sufficient. If the government is disturbed over agitation, he concluded, why doesn't it do anything about politically active instituteurs on the right. Parieu replied that no more than 300 instituteurs had been replaced and that of these many were simply for negligence of duties. The situation, he added, requires special legislation and requires it now. Molé, who eventually supported the urgency motion, suggested that the organic law be discussed first and amended. At this time, however, it was not possible since the commission's report had not yet been printed and distributed, a circumstance which probably was not unplanned.

Finally cloture was called for and the vote took place. The results, announcing a tie at 312 for and against, provoked outbursts of laughter from the left. Then the president of the Assembly said that it would be on the order of the day for tomorrow. Sauvaire Barthélemy immediately claimed that if there were no urgency, the law should go to the Conseil d'État. Pascal Laprat interjected a simple agreement. At this point, a secretary informed the Assembly that there was some question as to the record of voting. Results would have to be verified, so the session adjourned.

The following day in a stormy session, the vote was annulled and the urgency then voted, 329 to 300.19 It was placed on the order of the day for the following day's session, but other matters had priority, so discussion

19 A certain confusion on the voting of the "petite loi" is shown in several of the secondary sources treating this subject. La Gorce stated that urgency passed on the 2 (II, p. 289), while the Moniteur's transcript of the debates of the 2 contains only the annulled vote with the actual passage of urgency not until the 3. Bastid (République, p. 253) gave January 2 as the date for passage of the law itself, but this was not until the 11.
did not actually begin until January 8. Debate would only last for four days, and the outcome was clear from the beginning. A deputy of the left Lavergne was the first to speak. He cautioned against the passage of a law intended to be temporary since such laws have a tendency to become permanent. He also found no reason for debating such a law now, for the "grande loi" was scheduled within two weeks. Beugnot, as reporter for the projet, and Parieu attempted to answer critics from the left. Both stressed the need for a law as soon as possible, but their motivation was different in one respect. Beugnot, in the tradition of Montalembert, Dupanloup and even Falloux, condemned the atheism of primary teaching. Parieu, on the other hand, seemed concerned with the instituteurs as a source of inspiration for disorder. His interest here seemed to be in social and public order, and his motivation appeared to be political rather than religious. If this is true, the urgency that Parieu found necessary to seek for the "petite loi" and the apparent reluctance he had in giving immediate and whole-hearted support to the "grande loi" may have been because he thought his attitude was closer to the majority sentiment in the Assembly, sentiment that may have found the loi Parieu more necessary than the loi Falloux. Parieu had been continually interrupted by members of the left—a tactic not unusual for either side in the debates—and his speech produced such emotional outbursts that order could not be restored for a quarter of an hour after he finished. He was followed by several deputies either supporting or criticizing the projet after which cloture was called, and the Assembly decided to pass on to discussion of the specific articles.

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21 During the discussion of the motion of urgency on January 2, Parieu had even said he wasn't the author, Ibid., January 3, p. 24.
The session of January 9 began with the president of the Assembly enumerating the various amendments that had been proposed, all of which in some way were designed to limit the revoking or suspending powers of the prefect or to make him work in concert with some local body, a conseil municipal, a comité d'arrondissement or an académie commission. All were sponsored by deputies of the left and they all failed.

Article 1 which specifically put the instituteur under the supervision of the prefect was passed but without the paragraph limiting the effectiveness of the law until an organic law on education was voted. Many thought the limit should be definite and wanted to reserve its stipulation for a later article. Article 2, as approved, provided for the nomination of instituteurs, either lay or religious, by the comités d'arrondissement from lists sent to it. An amendment permitted Protestant or Jewish teachers to be selected if they were desired. This process was substantially different from that which Parisieu had originally sent to the Assembly whereby the prefect himself would nominate all of them. Article 3 concerned the suspension and dismissal process, and it was toward this article that most of the unsuccessful amendments were directed. It stood as originally drafted: the prefect could suspend and dismiss. Article 5 prohibited a suspended or dismissed instituteur from opening a private school, but the qualification that this would only apply in the

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22 Moniteur, January 10, p. 101.

23 Some were withdrawn before coming to a vote when amendments with almost the same provisions were defeated.

24 Articles 1 and 2 were passed January 9; 3, 4 and 5 on January 10; 6, 7 and 8 on January 11.
locality in which he had been teaching when suspended was omitted. Article 6 gave the comités d'arrondissement the right to suspend on their own. Article 7 drew attention to the section in the Law of 1833 that would be modified while Article 8 stated that the law would be effective for six months regardless of whether the organic law was passed or not.

Article 4 produced the most discussion, both for and against. It had been an addition of the commission and said in effect that once an instituteur was dismissed, he was dismissed indefinitely, while a suspension would last for six months.

On January 11, the law was voted "ensemble" by a majority far greater than that which carried the earlier votes that month and the previous December, 385 for with 223 opposed.25 If there were any reason to wonder whether the "grande loi" would be passed less easily because those who wanted curbs on the instituteurs might be less inclined to support concessions for private secondary education, it was obvious that a substantial defection from the majority would have to take place. Michel pointed out that the Catholic right was largely absent from the discussion of the "petite loi,"26 while it was Farieu who obtained its passage by arguing that the instituteurs were anarchists. It remained to be seen if Montalembert, Thiers and the rest would be as successful when they added their denunciation of the Université professors in the secondary schools as atheists.

25 Moniteur, January 12, p. 127.
26 Michel, p. 365 f.
Lest there be any doubt about the government's attitude and the intent of the recent law, Pariou quickly issued three circulaires, one to the prefects, one to the rectors and one to the instituteurs themselves. In them he made it quite clear that the "instituteurs ne sont pas destinés à un rôle politique." 27

27 Moniteur, January 16, p. 177. Circulaire to prefects. See above p. 32.
CHAPTER V

THE DEBATE ON THE LOI FALLOUX. JANUARY-MARCH, 1850.

Falloux' projet after being sent to commission, reviewed by the Conseil d'État and revised by the commission again, was finally brought to discussion on January 14.¹ Twenty-six sessions comprising three deliberations were devoted to this piece of legislation in the next sixty days. The first deliberation which lasted a week and was open to general discussion saw more than a dozen speakers alternating for and against the projet. With occasional oratorical brilliance interspersed amid familiar arguments, the initial stage of the debate was characterized by several anticipated events: the parti catholique, recently so noticeably absent in the discussion of the law on instituteurs, now spoke out in full force. Even Thiers spoke in terms indistinguishable from them. Parieu, reflecting the thoughts of the parti d'Élysée, supported the projet for the government in a manner best described as authoritarian. On the attack were the deputies of the left, from extreme to moderate, but Mgr. Parisis, himself, also seemed to be hesitant about the law. Victor Hugo delivered a dramatic denunciation of the law and a stirring, if almost preposterous at times, plea for state education. Barthélemy Saint-Hilaire presented a detailed though somewhat drab critique, and Gremieux and Pascal Duprat made pleas for a true educational freedom which they claimed the present law would not bring about.

¹Moniteur, January 15, p. 153.
Barthélemy Saint-Hilaire was the first to speak in the opening session which was reserved for general discussion. He began by upholding the idea of liberte d'enseignement stating that the Constitution calls for it and that now is the time for it to be organized. But, he added, there is no natural right to teach. Although both the state and families have rights in the matter, those of the state are superior. With these presuppositions, he delved into a detailed critique of the proposed law. Of the twenty-eight members of the Conseil supérieur, he charged, only eight are from educational backgrounds; the competency of the other twenty must be questionable. In addition, there are opposed elements in the Conseil itself, and one of them manifests "une sorte de defiance contre l'Etat." Similarly in the conseils académiques departmentales, half of the members, the representatives from the conseils généraux, have no educational experience at all. Not even the académie inspector is included. Private education is supposed to be under the surveillance of the State, but according to this projet members of free education would be doing the inspection themselves. Since inspectors can be chosen from private education where there are virtually no requirements, almost anyone from there can be an inspector. This is not the case in the public system. As for inspection of private schools, he continued, the Constitution places no restraints, but this projet limits it only to matters

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2 Ibid., p. 154
3 At this point a deputy from the right shouted out that that was exactly what had been intended. Ibid.
of sanitation and morality. In addition, the **brevet de capacité** had virtually been negated by allowing private school professors to substitute as an equivalent for it, the **certificat du stage**, which guarantees nothing other than the fact that they have been teaching for five years. Female teachers have nothing required of them at all which guarantees competency. These measures have more effectively destroyed the **Université**, he concluded, than if it were abolished outright. "... ce n'est pas la liberté qu'on organise, mais bien le privilège."4 The clergy should conduct education under the same laws as everybody else.

Barthélemy Saint-Hilaire had spoken during the entire session of the 14 and a good part of the 15. He was followed by Mgr. Parisis, the bishop of Langres.5 Parisis maintained that the law would be one of compromise, but that he was still somewhat hesitant about it. He would vote for the law if all that was essential to religious liberty was retained by the Assembly, if the bishops in the **conseils** could prohibit books that were against Catholic doctrine and if it seemed that the bishops would be able to retire from the **conseils** when they might appear to endorse something contrary to their faith. His support of the law was based on the fact that religion would again be introduced into public instruction, for, he claimed, religion can teach without the **Université** but the **Université** can't teach without religion.

4 Ibid., p. 156
5 Ibid., January 17, p. 170 f.
The final speaker on January 15 was Victor Hugo, and his was, perhaps, the most emotional of all discours addressed to the Assembly. Hugo endorsed the orthodox position of the left in education. He lauded the ascending system of state schools and hoped that it would become universal. He praised obligation and gratuité. There should be private schools, he admitted, but under the surveillance of the State, and only the State. All clergy should be excluded from the conseils. "... je veux l'Etat laïque, purement laïque." 6 He is not opposed to religious education, but religious education is something vastly different from what the parti catholique has been dispensing for centuries. Had not Harvey, Prinelli, Galileo been repressed, he demanded. How can they deny men like that and still call themselves teachers, he asked. The Church was an anachronism: "Mais vous [i.e. l'Eglise] ne connaissiez donc pas, vous revoyez donc pas les éléments mêmes du temps où vous êtes. Mais vous êtes donc dans votre siècle comme des étrangers." 7 With almost everyone of his statements greeted with cheers from the left and jeers from the right, he concluded:

Je repousse votre loi. Je la repousse, parce qu'elle confisque l'enseignement primaire, parce qu'elle degrade l'enseignement secondaire, parce qu'elle abaisse le niveau de la science, parce qu'elle diminue mon pays. 8

The following day, Poujalat, speaking in support of the projet attached

6 Ibid., p. 172.
7 Ibid.
8 Ibid.
Hugo's contentions which seemed to him to be a "melodrame de tribune." Complete gratuité was a "roman politique" that would make national workshops out of public instruction. Poujalat then summoned arguments from history to show what the Church had accomplished in educational and cultural fields: France under Charlemagne, the western universities, the Italy of Trissan and Michelangelo, Spain's conquest of Islam. In rebuttal to Hugo's claim that the Church had wished to stop the progress of France, he affirmed that France would only be stopped from falling into an abyss.

Pascal Duprat, then mounted the tribune, and in an attempt to narrow the range of the general discussion, he stated that the question before the Assembly was to pass an organic law on education for the present and the future. He came out for educational liberty, but, he maintained, this law will not provide it. Private schools alongside of state schools are demanded by the Constitution, by the right of conscience and by civilization itself, but this law would put bishops with philosophers and make the clergy part of the monopoly it once combatted. If liberty of association is desired, he continued, then return the political clubs; if freedom to instruct is sought, return freedom to the press. But this will not be done, he concluded, for the passage of the "petite loi" "... me prouvent que nous serons condamnés long-temps encore."\(^9\)

The case which the following speaker Bechard presented was both interesting and diffuse. Unlimited liberty is impossible in France, he claimed, not

\(^9\)Ibid., p. 181.
like the United States which has had experience in universal suffrage for fifty years; in France people are too passionate about such things. So if hostility to religion or the eclecticism of Cousin seems about to triumph in the conseils, "L'Université sera jugée" and France will act.  

The fourth day of general discussion began with the opposition speech of Lavergne who attacked the intrusion of the Church in public education, emphasized the incompatibility of the two school systems and warned the Church that its refusal to accept progress would lead to disaster. He summarized the conflict in the following fashion: "Là où l'Eglise veut l'autorité, l'université réclame la liberté, là où l'université veut mettre le libre examen, l'Eglise veut la foi." The Université will have to burn its philosophy books or the Church will have to learn them, he added. His solution was for an entirely separate system for private schools (a solution that many liberals were rallying to in hopes of preventing the clerical victory passage of the law would bring):

"... je fais observer que ceux qui réclament aujourd'hui une part dans l'enseignement de l'Etat, autrefois, dans leur guerre contre l'université ne réclamaient pas autre chose que ce que je suis très disposé à leur accorder ..., le droit d'élever à côté de les établissements de l'Etat, ses propres établissements."

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10 Ibid., p. 183

11 Ibid., January 18, p. 193 f.

12 Ibid.

13 "I notice that those who today claim a role in the State's education at another time in their war against the Université claimed nothing other than that which I am quite willing to grant them ..., the right of establishing alongside of the state schools, schools of their own." Ibid.
Lavergne concluded with this warning:

... ce n'est que dans un moment où tous les débris des partis monar- 
chiques pris de frayeur, cherchent ensemble un abri que l'autorité qui 
regna au moyen âge peut tenter de s'imposer, en présentant aux esprits 
troublés le seul choix qui semble être restée fixe dans l'universelle 
hesitation. Mais prenons garde, la loi de l'humanité c'est de marcher 
en avant; ce n'est pas de revenir en arrière; si nous y retournerons 
nous y trouvons plus poignant et plus insupportable le doute qui nous 
voulons fuir.14

Fresneau, a member of the commission that drafted the projet, was next 
to speak.15 He offered a somewhat uninspired denial of Lavergne's allegation 
that there was a conflict. The French clergy and the civil authority are in 
harmony, he claimed (a claim that was coming closer to the truth all the time). 
In any event, the Church doesn't thwart society; it only guards its own re-
vealed truth.

After a brief dissertation by Soubies which labeled the projet as an 
anachronism and tried to distinguish between "l'esprit du siecle" such as the in-
difference of the Eighteenth Century and the "l'esprit revolutionnaire" which 
leads to anarchy, Montalembert spoke.16 His speech could have left no doubt in 
the minds of the deputies as to what he hoped the law would achieve. He first

14"This is but a time when all the ruins of the monarchial parties, 
seized with fear, search together a shelter that can try to impose again the 
authority which reigned during the Middle Ages while at the same time offer 
to troubled spirits the only thing which seems to remain fixed in their uni-
versal hesitation. But take care, the law of humanity is on the march, it 
will not fall back. If we return, we will only find the doubt that we want 
to flee has become more intense and more unbearable." Ibid., p. 194.

15Ibid.
16Ibid., p. 197 f.
referred to the projet as a "traite de paix" with official education and then attacked the "monopole de l'éducation" of the Université, which had led the French youth through liberalism to republicanism and now finally to socialism. Order and respect for authority has been replaced by pride and ambition, he maintained, and only religious education can remedy this. Only the curé stands for order and respect for authority, and through this law the clergy can "intervenir d'une manière régulière" in society.  

The following day Crémieux embarked on a lengthy analogy which claimed that religious education could never be effective as a block to progress. In the Eighteenth Century, all education was religious, and 1789 still came. The Revolution was in the congregations just as it was everywhere. "... ce que Dieu veut, c'est le progrès du temps." Montalembert on the other hand "juge le 18e siècle comme le 19e et le juge avec les yeux du 15e siècle." Then Crémieux almost touched off a riot by alluding to the émigrés who left France during the Revolution and those who rose in revolution in the Vendée as something akin to traitors who refused to accept a truly French development. Representatives from that area retorted with charges against the "crimes de la Convention"; deputies of the left cried out in support of the speaker. Finally a recess was ordered.

Crémieux, after order had been restored, finished by reading a letter

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17 Ibid., p. 199.
18 Ibid., January 19, p. 205 f.
19 Ibid.
supposedly written by Montalembert to Parieu from which he reasoned that the law must give power to the Church or Montalembert would not support it. For the letter said "L'Eglise n'est ni l'esclave, ni la cliente, ni l'auxiliare de personne, elle est reine ou elle n'est rien."  

Thiers was the next speaker in the general discussion, and his speech reflected the shifting sympathies of a large segment of Assembly moderates that he represented.  

"En présence de tout ce que nous avons vu depuis deux ans, j'avouerai, sans crainte, que je suis modifié." He frankly admitted that concessions had been made to the Church but that he had done this to unite all the defenders of society in the face of danger. He had taken the hand of Montalembert and will take the hand of anyone to defend society, the society that has put men of such feelings in the majority—for that is France. He contrasted the wishes of the extreme left against those of the extreme right, both of whom were displeased with the law. That proves, he stated, that it must be a compromise. Jurisdiction, surveillance and the conferring of degrees had been retained; only four of the twenty-eight members of the Conseil supérieur were clergy, while eight were from the Université. This compromise is demanded by the Constitution, the justice of the claims of free education and the dangers facing society.

January 19, was the final day for general discussion, and at this time

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20 Ibid., p. 207.
21 Ibid., p. 208 f.
22 Ibid., p. 208.
Parieu took the opportunity to announce the government's support of the law, support given with some reservations. 23 "Je viens motiver, en peu de mots, l'adhésion que le Gouvernement donne, en général, au projet de loi, et son voeu pour qu'il soit passé à une seconde deliberation." 24 He did agree with the major provisions of the law: the unified control of private and public education, the end of the Université monopoly in secondary education, the concessions to private schools; and it will be apparent when specific articles are discussed that amendments Parieu sponsors on behalf of the government are only incidental to the main intent of the projet.

Lagarde was the final speaker in the general discussion, 25 and he claimed the law was no compromise: what had been retained for the Université, its few representatives, the conferring of degrees, could easily be circumvented.

The second deliberation, the first actual consideration of individual articles, did not begin until February 4. 26 This stage of the debate was characterized by the constant and usually futile attempt by the opposition to offer amendments. Wallon, Lagarde, Barthélémy Saint-Hilaire and Pascal Duprat were the standard bearers of the left in this increasingly hopeless cause.

Coquerel was the first to speak, and he denounced the first article which enumerated the composition of the Conseil supérieur. After predicting

23 Ibid., January 20, p. 220 f.
24 Ibid.
25 Ibid., p. 221 f.
26 Ibid., February 5, p. 111.
it would bring death to public instruction and make education in France wholly clerical, he lapsed into an argument actually more suitable for the general discussion. His criticism of the concessions and exceptions made to private education, ended with this warning: "Vous ne pouvez pas prêter au mauvais socialisme un secours plus efficace que de vouloir rendre la nation française plus religieuse qu'elle veut le devenir." 27

Discussion of Article 1 continued for two more days, and several counter propositions were offered. Richardet presented an amendment which was, in effect, a counter projet. In six short articles he would have had removed all restrictions on education. Even at this early stage of debate, many of the left, convinced that most of Falloux' projet would become law, supported this counter projet. Although defeated, they hoped to save public instruction from clerical interference by granting extensive freedom to private schools.

When this had failed, the opposition then began to attack the projet, piecemeal, through amendments. And few of these were successful.

To amend Article 1, Chaffour proposed that the members of the Conseil supérieur be elected by the Assembly. Lavergne tried to limit the members to people presently in the Université or in one of the facultés. Cazales wanted to prohibit any clergy. Foreseeing an eventual staffing of the Conseil with individuals not from education at all, Barthélemy Saint-Hilaire tried to limit membership in the permanent section to those having fifteen years of service. All of these proposals failed.

27 Ibid., p. 413.
Parieu then spoke for the article. It would be useful, he declared, to have representatives of private education in discussions of such national interest. He also expressed his desire to have lay instruction, both public and private become more religious. Although Article 1 was passed in the same form in which it was presented to the Assembly, not every effort from the right was accepted. When Chapot attempted to include three members from private education in the permanent section of the Conseil, he was not supported. Articles 2 through 6 were also accepted as presented, but the left expressed their preference for Falloux's original version which had placed more power in the permanent section.

On February 12 and 13 discussion was heard on Article 7 which would increase the number of académies to correspond with the departmental boundaries. While much of the debate was couched in practical argument, proponents and critics aligned themselves along familiar ideological lines. Wallon deplored the end of the old comités which looked over primary education on the communal level and charged that the departmental administration would have too many schools under it for proper supervision. Montalembert then claimed that Wallon exaggerated the number of schools and urged the inclusion of non-educators in the conseil académique departmental to lend a balance to educational administration. Parieu supported the académie increase because of the more effectual control he felt would result. Barthélemy Saint-Hilaire defended the present organization and noted the gains made in education since 1814. He also made a rather interesting comment: by avoiding the new

28 Ibid., February 14, p. 530.
literary movement, Romanticism, the Université had spared society from the real source of disorder. Thiers spoke next and supported the measure, calling for the inclusion of private school personnel if there were to be a parallel private school system. "... il faut que tous prennent part au gouvernement." 29

The increase was voted and discussion passed on to the conseils académiques departmentals. When an amendment of Barthelemy Saint-Hilaire, designed to require rectors to have the grade de licencié, seemed about to fail, cries came from the left to forget about useless opposition. "Mettez tout de suite l’ensemble de la loi aux voix, ce sera plus tot fait." 30 But Parieu accepted the provision and the amendment carried. Then the addition of two members from private education to the conseils was voted down, a second minor concession to the left. When Article 13 (15 in the final version) was voted, spelling out the function of the conseils, Parieu made it plain that the government was not entirely in favor of departmental initiative; he reversed the process somewhat by having the conseils consulted on certain matters rather than submitting things for consideration. The Conseil d’État had already inserted a phrase that called for consultation only "si le ministre le juge nécessaire." 31 Although objected to by several among the right as well as the left, the government’s proposal was accepted.

29 Ibid., February 14, p. 530.
30 Ibid., February 15, p. 540.
31 Ibid., p. 544.
Article 15 (17 in the final version) stated explicitly that there would be two kinds of schools, public and free. When Wallon failed to have only those associations recognized by the state permitted to teach, the heart of the law had been approved, both in its educational structure and its implications. Of the remaining provisions, only the process of naming teachers and inspecting schools could have a significant effect on matters, and in these areas the opposition was equally unsuccessful. Despite outcries of privilege, inspection of private schools was limited to "moralité," "hygiène" and respect for the "constitution et les lois." Wallon's attempt to add "enseignement" and "discipline" failed completely. Instituteurs would be named by the conseil municipal according to an approved list submitted by the conseil académique departmental, despite several attempts by the left for more direct local control. The following article gave the prefect the sole right to suspend instituteurs without the required "avis du comité d'arrondissement" which the January law specified. In the area of primary education, amendments for obligation and complete gratuité failed, although children unable to pay would be admitted free, and the mayor and curé (or other minister) would draw up the list.

32 Ibid.
33 Ibid., February 19, p. 593. Article 19 (21 in final version.)
34 Ibid., February 21, p. 621. Article 29 (30 in final version).
36 Ibid., February 20, p. 607. Article 22 (24 in final version).
The left was successful, however, in having inspectors restricted to members from public education and to require them to have five years service. In addition, the list for subjects to be taught in primary schools was expanded to include history and geography, physical sciences, and elementary agriculture and industry, all subjects included by the Conseil d'État, but repressed by the commission. The last success of any importance by the left was in the area of the Ecoles normales. Article 34 (35 in the final version) as originally presented would replace them with courses taken by prospective instituteurs at certain primary schools under the direction of élèves-maîtres. While an amendment for an obligatory Ecole normale in each department was rejected, the Commission agreed to have the suppression dependent upon the recommendation of the conseil académique departmental.

Subsequent articles further strengthened the role of the Church in education by placing the mayor, the curé and ministers of other religions in a supervisory capacity over primary education in their area; by confirming the end of the certificat d'études universitaires formerly required for the bachelor degree; by allowing subsidies for private secondary schools;  

38 Ibid., February 20, p. 604. Article 21 (23 in final version).
40 Ibid., p. 636. Article 44.
41 Ibid., February 26, p. 678. Article 68 (63 in final version).
42 Ibid., Article 74, (69 in final version).
by permitting an unlimited number of petits seminaires; and by enabling a private school to become the public one if the commune's conseil municipal votes for it.

The second deliberation closed on February 26 with the acceptance of the final article which declared void all previous conflicting laws. Then in four days of sessions beginning March 11, the Assembly again reviewed the entire projet. There were several slight modifications urged by the Commission, most of which passed, and numerous amendments supported by opposition delegates, almost all of which failed. Crémieux did obtain the inclusion of a representative of the Jewish faith where a consistoire was legally established, and this was really the only opposition amendment accepted by the Assembly. Almost all the proposals from the left were attempts to bypass the conseil académique departmental by resorting to local supervision where republican sympathies might be strong in certain areas. Sommier wanted the conseil municipal to name and revoke instituturers. Anglade wanted every commune to have a public school regardless of how many attended a

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14 Ibid., p. 680. Article 75 (70 in final version).
16 Ibid., February 27, p. 692. Article 88 (82 in final version).
17 Ibid., March 12, p. 835.
18 Ibid., p. 839. Article 10.
19 Ibid., March 14, p. 854. Article 29 (31 in final version).
Saint-Romme went so far as to try to allow communes which assumed the entire educational expense to have the right to pick their own instituteur, commenting that communes and heads of families in this law "ne sont plus rien." 51

In a fitting close to this defeat for the left, Crémieux tried to amend the date of effectiveness for the law from September 1, 1850 to July 1, 1852, only to be met with a call for the question préalable by the majority, which, unlike cloture, would not merely end debate but would even prevent Crémieux from speaking to develop his amendment. 52 The vote carried 366 to 257, and moments later amid furious protestations from the left over the treatment of Crémieux, the law was voted ensemble 399 to 237. 53 This majority was somewhat less than that recorded on many of the individual articles and amendments, and one notable abstention was that of Mgr. Parisis.

50 Ibid., p. 866. Article 35.
51 Ibid., p. 867.
52 Ibid., March 16, p. 890.
53 Ibid., p. 891.
CHAPTER VI

THE LOI FALLOUX IN OPERATION. 1850-1880.

Despite the large majority which carried the vote on March 15, there was considerable voiced criticism of the law. Even the Moniteur waited until March 27 to print the text allowing Louis Napoleon time to order a fourth deliberation.\(^1\) Veuillot in his Univers inaugurated a campaign to have Rome disapprove of the law,\(^2\) while journals representing the left's opinion were full of criticism, although they showed a note of optimism over the recent election of three republican-minded deputies from Paris.\(^3\)

Finally on May 15, Mgr. Fornari, the Apostolic nuncio, issued a circulaire to all the French bishops which urged adherence to the law and expressed the opinion that the Church must disregard some of its rights for the overall good.\(^4\) It particularly encouraged the bishops to become active in the Conseil supérieur. After this formal declaration from Rome, the opposition Catholics ceased their public attack.

Events did not have long to wait for the conservative and clerical advance, and in this progress the government initially concurred. By 1851, the

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\(^1\)Page 1011.
\(^2\)Falloux, I, p. 561.
\(^3\)Michel, p. 548 f.
\(^4\)The text can be found in Montalembert, Oeuvres, III, p. 422.
the teaching of philosophy practically disappeared from the collèges, the sole exception being logic.\(^5\) Most of the rectors appointed to fill the increased number of académies were favorable to the Church, and the conseils académiques departmentals were dominated by the clergy with the support of the magistrates and the representatives of the conseils généraux.\(^6\) In the collèges and lycées, religious instruction was made obligatory,\(^7\) and chaplains became frequent in the Ecoles normales,\(^8\) where many priests served as directors and professors.\(^9\)

But the administration of Louis Napoleon was not merely interested in fostering religious education; increased centralization in public instruction also followed. On March 11, 1852, a decree was promulgated placing many teaching positions previously elected under the appointment of the President.\(^10\) Later that same year, the Minister of Public Instruction, Fortoul, tried to reinstate the old larger académies and to restore the rectors to their former importance, but he was effectively combatted in the Conseil supérieur, especially by Parieu, and the projet was adjourned.\(^11\)

\(^5\) Simon, p. 189.


\(^7\) Ibid., p. 143.

\(^8\) Ibid., p. 134.

\(^9\) Ibid., p. 142.

\(^10\) Moniteur, March 11, 1852, p. 395.

\(^11\) Maurain, p. 133.
On a more local level, the clergy were usually successful in fostering religious instruction and in ousting undesirable instituteurs. Many écoles publique laïque became écoles publique congréganiste at local option, and where an école libre congréganiste opened, it often meant the ruin of the école publique, since the congregations frequently would charge no tuition in an attempt to attract students. One author found these decisions to be "un des principaux objets de la vie municipale." On a secondary level many communal collèges became private institutions for similar reasons.

While Fortoul's ministry could be characterized as pro-clerical and authoritarian, that of his successor Rouland was more benevolent to the Université tradition. He was largely effective in curbing the ecclesiastical schools and bolstering the public ones, especially after 1860 when a liberal cast was manifesting itself throughout the Empire. In February, 1860, Rouland forbade the free institutions from calling themselves collèges, and in May of the following year, the right of the prefect to name instituteurs was reasserted, leading to decisions often at odds with a congregation's superior. Specific instructions were given to the prefect to obtain views of the conseil municipal on what type of a school they wanted after many had had congregational schools foisted on them by the local conservative forces.

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12 Ibid., p. 581.
13 Ibid., p. 580.
14 Ibid., p. 584.
15 Ibid., p. 586.
The trend established by Rouland was continued by Victor Duruy after 1863, although his projects were not very successful. His ideas for non-classical vocational education, for secondary instruction for girls in public schools, for free and obligatory primary education, and for educational freedom in higher and professional education were effectively combatted. But the teaching of philosophy was restored in the public secondary schools in 1863, and in the same year courses in recent European history were again required.\textsuperscript{16} It was during the years that Duruy occupied the ministry that public education made its greatest gains, both in number of students and quality of instruction.\textsuperscript{17}

Opposition to the clerically orientated education of the Empire was by no means stamped out, and after 1870, the legislative majority was in the hands of the former opponents. In the period from 1880 to 1886, the loi Falloux was effectively abrogated. Although private schools were not exactly suppressed, the clergy was removed from the public system. Complete revenge would not come until after 1900.

The following statistics reveal the initial growth of the Church and private schools after 1850 followed by the later restoration in the public system. The number of private schools on the secondary level rose rapidly during the first few years after 1850. Whereas in 1847 there were only 116 institutions (26 of which were institutions de plein exercice) that gave more

\textsuperscript{16}Ibid., p. 678

\textsuperscript{17}Williams, p. 197.
than the elementary secondary education given in the 870 pensions, there were over a hundred institutions de plein exercice controlled by the Church alone, and the total number of private secondary schools had risen by almost two hundred, from 988 to 1,081 with an enrollment that had increased from 40,717 to 63,574. Remarkably the state lycées and collèges had only decreased in enrollment from 52,755 in 1850 to 46,440 in 1854, although many collèges had become private schools under the control of the clergy. But from 1854 to 1865, there was an increase of enrollment in both systems with the state schools gaining more students both in absolute numbers and in percentage increase. The private schools by then enrolled 77,906 students while the state schools rose to 65,688.

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18 See above page 11.
19 Weill, Secondaire, p. 130.
20 See above page 11.
22 Moniteur, April 13, 1847, p. 781. Report to Deputies. Neither this figure nor the following one includes the number of students in the petits seminaires, but they were limited to 20,000 in 1847 and their number was estimated at 18,000 in 1854 (Maurain, p. 114).
23 Statistiques secondaire, II, p. 124.
24 Ibid., p. 136.
25 Maurain, p. 581.
26 Statistiques secondaire, II, p. 124. This figure does not include the number of students enrolled in the petits seminaires, but it seems reasonable to presume that the number would not have increased (and more than likely decreased because of transfers to private institutions) since it was no longer necessary to attend them merely to obtain a religious secondary education with no thoughts of entering the priesthood.
27 Ibid., p. 136.
The figures for primary education do not reveal so marked an increase in private schools, but here it must be borne in mind that many public lay schools were in effect religious in addition to those public schools run by the congregations. From 1850 to 1863 both the public congregational and the public lay schools increased in numbers and enrollment, but the number of congregational schools almost doubled from 6,160 to 11,099, while lay schools increased from 37,379 to 41,346, with the student increase proportional to that of the schools. 28 In private education lay schools decreased noticeably from 12,385 schools with 440,000 enrollment in 1850 to 10,209 schools with 421,000 students in 1863, while ecclesiastical schools climbed from 3,848 to 6,107, with an increase of students from 271,000 to 499,000. 29

In evaluating the effects of the loi Falloux, it is unavoidable to look to the events of 1880 to 1886 and 1901 to 1905, when all remnants of it were quite effectively destroyed. This study makes no pretenses of delving into those years of violent anticlericalism, but with them in mind a few observations must be made. It would be quite convenient to explain this reversal in terms of a simple reaction against the clerical control of education that evolved in the last two years of the Republic and under the Empire, but the feeling here is that this would not be a sufficient explanation. It would overlook the situation epitomized by the Dreyfus Affair which shook turn-of-

28 Maurain, p. 766.
29 Ibid.
the-century France to its foundations. It would overlook the intellectual effort expended in the second half of the Nineteenth Century, especially that which developed the concept of the école laïque, which Carnot had only primitively voiced. In addition, it should be pointed out that it was not merely the loi Falloux which enabled the clergy to insert religious education into the school system; Louis Napoleon himself utilized this inclination on the part of Catholics to repress republicanism. The effects of his decree of March, 1852, for example, were as effective in replacing liberals and republicans in teaching positions as any clerics on any conseil, supérieur or departmental. The rectors, who were appointed, had no clerical approbation but were named directly by the President. Moreover, it was the efforts of such ministers as Fortoul, motivated more by authoritarian ideas than religious confiction, which increased government control. After 1860, this tendency brought protests from the clergy itself. There is no doubt that education suffered as a result of more attention being paid to ideological content than quality of instruction; it is also true, as Duruy discovered, that desirable changes devoid of any religious or political connotations were severely resisted by conservative forces.

This study began with a reference to les deux France and has concerned itself with one aspect of the struggle between them. Nowhere was this division seen better than in the school systems where the number of students in public and private Church schools and the number in public and private lay schools came close to being equal. The question arises as to whether the violent quarrels of later years might have been avoided if the conservative-clerical interests had remained content with obtaining their own independent
schools, and the events after 1850 seem to indicate that this struggle would have gone on regardless. The Duperlaupps and Montalemberts were adamant in their denunciation of irreligion and radicalism and zealous in their efforts to repress it, while the Hugos and Saint-Beuves were equally ardent in their anticlericalism. Where the Law of 1850 did permit a local option, the strife was bitter with such anomalies as a congregation school offering free education only to lure students away from a public school which had to charge.

It was not the educational laws which paved the way for anticlerical reaction, nor was it the intemperance of clerics once they assumed some control. Les deux Frances had been born in the Eighteenth Century, and they would not die in the Nineteenth. Like equally matched armies, the area of occupation might shift, but a complete and permanent victory for either side was unobtainable.
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Approval Sheet

The thesis submitted by John Leonard Kellogg has been read and approved by three members of the Department of History.

The final copies have been examined by the director of the thesis and the signature which appears below verifies the fact that any necessary changes have been incorporated, and that the thesis is now given final approval with reference to content, form, and mechanical accuracy.

The thesis is therefore accepted in partial fulfillment of the requirements for the Degree of Master of Arts.

[Signature]

Date: January 27, 1964

Signature of Adviser