



*pour la Liberté de Conscience*

# Coordination of Associations and People for Freedom of Conscience

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## **The French December 9<sup>th</sup> 1905 Act on the separation of the Churches and the State**



**The December 9<sup>th</sup> 1905 Act regarding the separation of the Churches and the State is a French law promulgated on December 9<sup>th</sup> 1905 and published at the *Official Journal* on December 11<sup>th</sup>**

### **Introduction:**

When referring to the 1905 Act most people evoke separation between the State and the Church, secularity and neutrality of the State. They quote the first lines of articles 1 and 2:

Art. 1. - The Republic ensures freedom of conscience. It guarantees the free exercise of worships, under the only restrictions provided below, in the interest of public order.

Art. 2. - The Republic does not recognise, pay the salaries of, nor subsidies any worship.

All this is fine so far, but this law was never applied as such because as a matter of fact the passing of this law was the climax of the anti religious and atheist push of the most radical freemasonry group, the Grand Orient. Therefore, instead of having a real separation of the State and religion and religious freedom, we got a strange patchwork no one wants to examine thoroughly and in the wake of which we find the following facts:

- Contrary to secular popular superstition the State finances certain worships directly or indirectly and not others,
- Contrary to popular superstition and regarding Art. 1 there is more religious tolerance and neutrality of the State in Christian monarchies such as England, Denmark, Sweden, Norway and Spain or in a Republic like Italy than there is in France. The French Republic does not ensure “freedom of conscience” and “the free exercise of worship”. It tolerates major religions and

discriminates others by covert means.

- Contrary to the principle of neutrality the State artfully finances militant groups against religious minorities ADFI, MILS, MIVILDES infringing Article 1 of the 1905 Act and also Art. 9 of the European Convention of Human Rights,
- The State when passing the 1905 Act, de facto recognised or rather tolerated the Catholic, the two main protestant confessions (Lutheran and Calvinist) and the Jewish in provisions regarding the allocation of properties to worship associations, the retirement pensions of priests, the expenses related to chaplaincies in schools, hospitals mental institutions and prisons and other clauses. (The Protestants are quoted but not taken fully into account since Alsace and Lorraine were part of the German Empire) and the Muslims, practically non-existent at the time, were not included.

The State expropriated the Catholic Church, but put at its disposal all religious buildings for free, the maintenance of which is paid ever since by all tax payers

- not only the catholic, many of these buildings are part of course of the National Heritage.
- The State pays the salaries of Lutheran and Calvinist Ministers in Alsace and Lorraine and the maintenance of their churches and premises.
- The State dictates which are the “good” and the bad religions. The good ones get the benefit of buildings built before 1905 and maintained by the tax payer or get funds via 1901 associations, the “bad ones” are labelled as sects (cults) in a list of 172 movements which was provided to the Parliamentary commission on sects by the secret services that got it from the ADFI which was considered *magister sectae honoris causae*<sup>1</sup> both by catholic fundamentalists and the rationalist atheists. The list has no “legal value” but is used by local governments to deny the use of premises, the renting of conference rooms in hotels etc. to religious groups such as the Jehovah Witnesses, evangelist groups, scientologists etc. Civil servants, private employees and firms related to these groups have been discriminated, transferred, fired or gone out of business because of malevolent libel and slander originated by these militant groups and by a handful of MPs who monitor the anti-sect fight.
- The 1905 Act is not applied in French Guiana, at the time a colony, and to this day the local government of French Guiana continues to fund Roman Catholicism.

### **Historical outline:**

The real founder of the principle of separation of the State and the Church was a Palestinian agitator known as Jesus of Nazareth who had said: “*Give to Caesar what belongs to Caesar and to God what belongs to God*”. The Church of course neglected heavily this basic principle of its messiah and became after the fall of the Roman Empire, the keystone of the new Christian civilisation, the indispensable element to legitimate political power by crowning kings in mighty cathedrals.

The Church played a very important part in earthly endeavours in France and in other European Countries but the growing dissatisfaction in society with the clergy and the Church led to the creation of splinter groups like the heretics at the beginning of the second millennium or the Protestants at the renaissance. From then on, opposition to the Catholic Church will be ever growing and the Church will fight back mercilessly all of its critics. In France anticlericalism will be very strong especially in the aftermath of the French Revolution.

There had been “*les lumières*” the age of enlightenment brought by those who believed in tangible truths that could be observed in the physical universe and who preferred the Church to deal with heavens. Freemasonry was one of the hidden currents at the time fighting both

against the Church and against monarchy, and dreaming of an Ideal Republic where all men should be equal, by the way the motto “*Liberté-Egalité-Fraternité*” comes from freemasonry.

After the Revolution, the First Consul Napoleon Bonaparte will be crowned Emperor of the French on December 2<sup>nd</sup> in 1804 in the presence of Pope Pius VII, who had agreed to the order of ceremony negotiated by Cardinal Caprara in exchange for regaining several papal territories and a chance to visit France with the hope of winning the French people back to the Catholic church. If Napoleon decided to be crowned, it was not only for personal glory, this was decisive chess move in a battle of influences to consolidate his power. He knew the might of the church and his legitimacy was now vested not only by the senate who had voted the coronation but by the Pope himself, highest spiritual authority in the Christian world.

During the 19<sup>th</sup> Century, Freemasonry will advance stealthily, they will be considered as a sect by the Church until the second half of the 20<sup>th</sup> Century. The Grand Orient had stood for the Republic against monarchy from the beginning. In 1877 the Grand Orient of France modifies the first article of its constitution: *To the glory of the Grand Architect of the Universe* and instead of believing in some God or in the immortality of the soul, it states the “*Absolute liberty of conscience and human solidarity*”.

The Grand Orient becomes the bastion of lay teachers and continues the fight to eradicate the Church. Secular education, measures against charities, expulsion of religious congregations, and expropriation of the Church will be the landmarks of this conflict.

Anticlericalism is very strong and it could be said that there were two main currents: on one hand the Catholics and monarchists who thought that France was the eldest daughter of the Church and on the other side the republicans who thought France was the daughter of the French Revolution and who wanted a secular State.

The passing of the 1905 Act is the final move of this long and bitter hand to hand struggle after a long series of anticlerical measures originated in the lodges of the GO and voted by the parliament afterwards. At the time 60 % of senators and 50% of Deputies of the National Assembly were Freemasons. It has been proven that all these measures had been guided by the Grand Orient. The official speaker of the assembly in 1903 stated: “*I have already said that it is the supreme duty of freemasonry to interfere in every political struggle. The success of the anticlerical combat is due mainly to freemasonry since it is its spirit, its program and its methods that won*”. According to “brother” Emile Combes who led the Coalition of the Left that governed France at the time: “*This endeavour, the anticlerical struggle is taking place. The Republic must get rid of its religious congregations by sweeping them away in one vigorous move (...) the enemy must be smashed in one single hit*”. Senator Delpuch, of the GO stated: “*Jesus’ triumph has lasted for twenty centuries but now it is his turn to die*”. (In the original quotation he says “the triumph of the Galilean” for Jesus was from Nazareth which is in Galilee, the Northern part of Palestine)

The law put an end to the funding of religious groups. At the same time, it declared that all religious buildings were property of the state, the counties and of the local governments; the government puts such buildings at the disposal of religious organisations for free, provided that they continue to use the buildings for worship purposes only. Other articles of the law included prohibiting affixing religious signs on public buildings, prohibiting political gatherings and laying down that the Republic no longer names French archbishops or bishops (although this was modified in practise from 1926).

## Conclusion

The purpose of this law was not freedom of conscience but to gain means of control against the main enemy: the Catholic Church and to definitely confine its power outside of Caesar's realm. This was the most important move in the "atheist crusade" of the Grand Orient that is still on today, under the pretence that French *laïcité* is menaced. Of course all the freethinkers, agnostics and even Christians did not have the same radical views of the Grand Orient but it was its strategy and the diplomacy of Aristide Briand that won. Actually the 1905 Act is a yoke for the Church, a very well planned prison without iron bars in which worship provisions tell a minister or a priest exactly how to behave and menace him of 3 months to 2 years of prison at the slightest crossing of the border into Caesar's realm. A journalist from the *Express* recently spoke of this Law as a "gentlemen's agreement" between the State and the Church (The Catholic Church of course). Whether it is a gentlemen's agreement or the signing of a rendition with compensations it is hard to know, but in any case it is obvious that this old settlement at a time when France was 90 % Catholic entailed a system incapable of dealing successfully with the problems of today. It was a catho-secular pact dealing with a different reality. In French debate the important thing is to cling to ideological principles, who cares about workable solutions? That is how the 1905 Act became a sacred cow. France has a hard time accepting pluralism and immigration is a source of religious diversity that cannot go ignored. National Education has entirely failed the integration of immigrant's children who live in ghettos and suffer from severe handicaps to find jobs. In 2005 unexpected riots set aflame the *banlieues*<sup>1</sup> of major French cities and as Jocelyne Cesari put it: "*Today, the real issue at hand is not the loyalty or disloyalty of French Muslims. Rather, it is the dramatic upheavals in both the organization of society and the construction of identity currently taking place in France. These changes have caused the French to forcefully reaffirm many of their longstanding cultural values, including secularism (laïcité), the status of the citizen as an individual, and the rejection of minority cultural and ethnic communities. Given this situation, integration is something that refers not merely to people of foreign origin, but to all those who live on the margins of the social and economic system and who have to ask themselves what minimum values they might nonetheless share with their fellow citizens. It is thus urgent to put an end to the discourse that bases itself on a conflation of race, ethnicity, religion, and poverty. In the long term, this conflation will result in serious political disturbances, precisely like the ones that have just taken place*".<sup>2</sup>

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This is important because it has to do with different cultures and also with different religions that were not taken into account in the "ideal republic". Religion plays its part perhaps because it has to do with the identity of those who in fact are rejected by the system and who find human solidarity inside their communities. This is particularly true in black evangelist groups or Muslim groups that exist today in the slums around French cities. The French left wing intelligentsia or as the KGB used to call them "the useful idiots" are allergic to words like "community" and "communitarian" because it is seen as a menace to republican unity. They are also allergic to any religious manifestation and that is why when the Pope John Paul died there was a scandal

in France about having the French flag lowered at half staff as a mourning sign. At the same time in la Havana, Fidel Castro, Marx and Lenin's heir, did not hesitate a single second, to render homage to the Pope.

There is a total lack of pragmatism on these matters and a real paranoia of anything religious or even of spiritual. To the point that the current President of the French Republic, Nicolas Sarkozy has been ruthlessly attacked for daring to suggest that the 1905 should be reviewed. This law was just a non-aggression pact between the French State and the Catholic Church. Its principle of secularity of the State would certainly be a good one for this country, if it were applied, but this means freedom of conscience and neutrality of the State and as a matter of fact a country that decides which are the good or the bad religions, betrays the very principle of secularity.

“We have talked a lot about secularity recently, perhaps too much, for the great majority of the citizens of this country take it as a definite stride. This essential principle of secularity should not – for reasons more ideological than republican – become the key stone of a fundamentalism as dangerous as religious fundamentalism”. Janine Tavernier.<sup>1</sup>

No other democratic country has financed crusades against new religious movements as France has. This is closer to the attitude of countries like Turkey, China or Russia, by the way secularity is in real danger in Russia because after State atheism of the communist era, the Orthodox Church is gaining power and infiltrating the army and to the Orthodox it is vital to fight against «totalitarianism and sects» the first two sects being the Catholic and the Protestant by the way.

France has been sentenced very often in the past years by the ECHR (European Commission of Human Rights) 74 cases in 2003 mostly for bad treatment of immigrants but there are some interesting cases related to the situation of religious minorities: the Paturel case<sup>2</sup> in which France was sentenced for undue interference of the State in religious matters. There is also an internal case involving Scientology where the State was sentenced for gross negligence.<sup>3</sup> One of the principles on which the French Republic is grounded is the “égalité”, equality.

Religions do not get equal treatment at all. Religious practice cannot exist without organisation and financial support. A congregation needs premises for worship, for religious education and for social activities etc. to keep the activity going, electricity has to be paid, and ministers of worship should be entitled to a salary, social security and retirement pensions.

Most of Catholic premises (cathedrals, churches, chapels etc.) belong to the State, and their maintenance is paid by the Government. The Church is not taxed on legacies; any one may bequeath the Church with a part or the whole of his Estate.

Worship associations have the advantage of tax exemptions but so far very few groups have reached this status and former Minister of the Interior Charles Pasqua stated about the Jehovah Witnesses that “the French State was very careful not to grant worship association status to this sort of sect” well, perhaps we prefer the Kama Sutra or the portrait of Dorian Gray to the *Watchtower* (Jehovah Witnesses’ magazine) but it doesn’t seem to me that the good old JW are a football team, if they indulge into religious practice, whether we approve or not of their ideas and beliefs they should be granted the worship association statute and that is exactly what the 1905 Act provides for.

Tax control is one of the means of pressure the French State used against the JW and other groups. Fund raising and proselytising is seen as is normal in politics but as a «mortal sin» in a religious movement, they are probably supposed to live on prayer or to ask the Lord to turn on the electricity for free.

Deputies undertake special commissions to report on «the money of sects» and vote amnesties for public corrupted officials, they were in rage when the head of the Worship Bureau of the Ministry of the Interior told them that there was no problem with the Jehovah Witnesses concerning blood transfusions and

when he said that ungrounded accusations against minority groups were a menace to public order and a source of discrimination and that registering worship associations of the JW was now case law stemming from the *Conseil Constitutionnel*, in application of existing legislation, namely the 1905 Act. The curious thing is that Deputy Brard was sentenced for slander on the Jehovah Witnesses by the Court of Appeals of Versailles (the sentence was upheld by the Court of Cassation) and Deputy Fennech chairman of one of the commissions against sects, who wrote a book on the money of Scientology, is under investigation in the “Angola gate” case of arms trafficking in Africa and failed to be appointed to one of the highest posts in the Ministry of Justice because of his implication in various legal cases.

Corruption in politics attains such a high level in France that all parties could be disbanded if the About Picard Act <sup>1</sup> were applied to them.

The present situation is very different from what it was in 1905, because the religious map of France has entirely changed. Today, Muslims represent the 2<sup>nd</sup> religion in France and as a Minister of the Interior, Sarkozy wanted to have control over the financing of Mosques, to make sure there was not a fundamentalist flow of cash coming in through 1901 associations which could be used for other ends than worship.

In today’s France according to a 2007 Sofres survey, there are: 59 % Catholics, 3 % Muslims, 2 % Protestants, 1 % Jewish, 1 % Buddhists, 3 % others and 29 % without religion. From 60 to 49 % of Protestants, Jewish and Catholics do not believe in God, and only an average of approximately 5 % would indulge in religious practice. As far as the Muslims are concerned: 94 % are believers and 10 % state a regular religious practice.

New religious movements or minority religions such as Evangelists, Jehovah Witnesses, Mormons, Scientologists, etc. which have been persecuted for the past thirty years would represent only 0.62 % of the population. These numbers speak for themselves, they show that religious practice has dwindled considerably since the beginning of the 20th Century and also that it lasts mainly as a social rite on occasions such as marriages, christenings funerals etc.

There is an increase of religious practice due to immigration; mainly the Muslim and evangelist groups within the Arab and African communities but the French are mainly agnostic and proud of their *laïcité à la française* which is not a bad thing as long as secularity is not used to hide a covert atheist push infiltrating all spheres of society and labelling religion as a deviance.

Religion or any sort of spirituality has become in France something that must remain hidden, that should not be displayed as if religion were obscene. In the 19<sup>th</sup> Century sex was as usual a favourite French sport but it was like money something no one would speak about, in French republican manners nowadays, any mention to religion seems to have become quite improper.

The French headscarf ban prohibiting any conspicuous religious signs in schools is just another example of “Much ado about nothing”, a few Muslim girls wearing traditional headscarves and you get the “Fundamentalists of the Republic” trembling in fear because of this menace to «French secularity». The result of this intervention of the State is still more discrimination for ethnic minorities and women. The important thing is not what they wear *on* their heads but what they have *in* their heads. Why should people proclaim their political ideas and hide their religious beliefs?

The Constitution says that no one should suffer from discrimination because of his political ideas, race, gender or religion. The fact of being Caucasian, black, Arab or whatever is rather blatant. The use of make-up or the wearing of a skirt is also a blatant sign of gender identity...just as the choice of one’s religion or non religion. It is a matter of identity and why should the State ban the assumption of one’s identity?

In Venezuela, following the heritage of Bolivar who was a great admirer of the French Revolution, State schools are secular and students wear uniforms so that equality is respected, but no one in his right mind would make a fuss if a young lady came to school wearing a head scarf.

Secularity with its inherent separation of religion and the State is an excellent principle, far better than the crusades of Christian Kings, the holy wars of Muslim fundamentalists or state atheism like China, **but real secularity means respecting fundamental liberties like freedom of conscience and it implies the neutrality of the State, which should respect all beliefs without favouring any.** And as former Prime Minister Jean Pierre Raffarin stated:

*“Secularity also signifies justice for the faithful of all religions. Since 1905, the religious landscape of our country has changed profoundly. We need to take these changes on board.*

*(...) Indeed, I want the “secularity policy” to be a balanced one. Through a process of dialogue and consultation, dietary customs and funeral traditions, for example, must be respected in our country and no pupil must be penalized because he or she respects the great religious festivals. I also want schools strongly to develop in depth the teaching of the concept of religion and to pay more attention to immigrant history”.*

*Alex de Valera, Paris in the Year of Our Lord two thousand and eight and the day of the sun of the sixteenth of the month of Mars, retired Roman God of War.*

Two hundred and nineteen years after the French Revolution

<sup>1</sup> Self-made cult expert in pompous ecclesiastical jargon.

<sup>2</sup> Banlieue means a suburb, in mediaeval times the land situated one league (aprox. three miles) around a city, but the word in France refers mainly to poor suburbs with cheap public housing inhabited by immigrants

<sup>3</sup> CESARI Jocelyne, *Ethnicity, Islam, and les banlieues: Confusing the Issues*, <http://riotsfrance.ssrc.org/Cesari/>

<sup>4</sup> Madame Tavernier is Knight of the *Légion d'Honneur* and former chairwoman of the l'ADFI (Association de Défense des Familles et de l'Individu)

<sup>5</sup> Cf. **AFFAIRE PATUREL c. France** (*Requête n° 54968/00*) Arrêt de la Cour Européenne des Droits de l'Homme, Strasbourg, 22 décembre 2005.

<sup>6</sup> Paris January 6, 2000, French state fined for disappearance of Scientology documents. A Paris court has ordered the French state to pay 20,000 francs (3,150 dollars, euros) in damages to two individuals over the disappearance of documents in a fraud case involving the Church of Scientology.

<sup>7</sup> Anti sect law that has been compared to a lukewarm copy of the “Plaggio law” that Mussolini used against the communists in Fascist Italy.

## **Excerpts of the December 9<sup>th</sup> 1905 Act regarding the separation of the Churches and the State**

### **I. Principles**

Art. 1. - The Republic ensures freedom of conscience. It guarantees the free exercise of worships, under the only restrictions provided below, in the interest of public order.

Art. 2. - The Republic does not recognise, pay the salaries of, nor subsidies any worship. Therefore from the 1st of January following the promulgation of this law, all worship expenses shall be suppressed from the budget of the State, counties and local governments. Chaplaincy expenses for public establishments such as schools, retirement homes, mental institutions and prisons may be included in such budgets. Public worship establishments shall be suppressed under reserve of provisions of Art. 3.

### **II Allocation of properties - Pensions.**

Art. 3.-Institutions suppressed by article 2 will continue to function until their properties are allocated to associations provided for in heading IV and at the latest, at the expiry of the delay below.

From the promulgation of this Act, the agents of the Patrimony Administration shall proceed to an inventory assessing and describing:

- 1° Real state and goods of the aforementioned institutions;
- 2° Properties of the State, the Counties and Local Governments of which the aforementioned institutions have the enjoyment.

This double inventory shall be made in the presence of the parties involved with the representatives of ecclesiastic institutions duly summoned by administrative notification.

Officials in charge of the inventory will be entitled to receive all useful deeds and documents relevant to their endeavours.

Art. 4. - Within one year from the promulgation of the present Act the goods and real state of public worship institutions (parsonages, church counsels etc.) shall be with all appertaining charges and special allocations transferred by the legal representatives of these institutions to the associations which will have been legally incorporated in conformity to the rules of general organisation of the worship of which they wish to ensure the exercise pursuant to provisions of Art 19, for the exercise of this worship in the former districts of the aforementioned institutions.

Art. 5. - The goods under the above Article in provenance from the State which are not burdened by a charity created after the *18 germinal year X Act<sup>1</sup>* shall be returned to the State.

(...)

Art. 11. - Ministers of worship over 60 years of age at the promulgation of this Act, who would have fulfilled ecclesiastic duties paid by the State for at least 30 years shall receive an annual retirement pension equalling  $\frac{3}{4}$  of their salary for the rest of their lives.

Those over 45 years of age who will have fulfilled ecclesiastic duties for at least twenty years paid by the State, shall receive a yearly retirement pension equalling  $\frac{1}{2}$  of their salary for the rest of their lives.

Pensions provided for by the first two paragraphs of this Article shall not be combined to any other

pension or salary allocated by the State, the Counties, or the local governments.

The June 27<sup>th</sup> 1885 Act, relative to the staff of suppressed Catholic theology faculties is applicable to all academic staff and students of Protestant theology faculties.

### **III Worship buildings**

Art. 12. – Buildings put at the disposal of the nation which pursuant to the 18 germinal an X, Act are in use for public worship or as a housing facility to its ministers (cathedrals, churches, chapels, temples, synagogues, bishop’s palaces, presbyteries, seminaries) and their outbuildings, goods and furniture garnishing them at the moment the aforementioned buildings were bequeathed to the worships, are and shall remain the property of: the State, the counties and local governments.

Art. 13. – Buildings in use for public worship, goods and furniture garnishing them shall be left freely at the disposal of public worship institutions and then to the associations replacing them, to which, the goods of these institutions shall be granted pursuant to the provisions of heading II.

The end of this enjoyment shall be pronounced by decree unless there is a recourse before the State Counsel:

1° If the benefiting association is disbanded:

2° If outside an exceptional event, worship ceases to be celebrated for more than six consecutive months:

3° If the maintenance of the building or the goods classified under the 1887 act and of Art. 16 of the present law is jeopardised by insufficient maintenance (...).

4° If the association ceases to fulfil its object or if the buildings are used for other ends;

5° If it does not comply with the requirements of Art. or of the last paragraph or with provisions relative to historical movements.

Art. 15.- (...) Outside these obligations, public governments will dispose freely of the property of these buildings. (...)

Art. 16.- An complementary inventory of buildings used for public worship (cathedrals, churches, temples, synagogues, presbyteries, seminaries, etc) shall be undertaken, taking into account the buildings that would present in part or in the whole an artistic or historical value.

The goods, objects or buildings mentioned on Art. 13 which would not have been registered on the list pursuant to the March 30<sup>th</sup> 1887 Act, shall be pursuant to the present Act added to the list. The Minister of Education and Fine Arts shall proceed within the 3 next years to the definitive listing of those which would present enough historical or artistic interest. (...)

The ecclesiastical archives and libraries of Bishops’ palaces, seminaries, parishes, and their outhouses, shall be inventoried and those recognised as property of the State shall be taken back by the State.

Art. 17. - The buildings listed pursuant to the March 30<sup>th</sup> 1887 Act or to the present Acts shall be inalienable and shall not be affected by a statute of limitations.

(...)

No works of repairs, restoration or maintenance shall be undertaken without due authorisation from the Minister of Fine Arts, nor executed outside control of his administration.

Visits of buildings and exhibitions of listed objects shall not be the object of any tax or duty.

### **IV Of the associations for the exercise of worship**

Art. 18.- The associations created to support maintenance and worship expenses shall be incorporated pursuant to Articles 5 and following of the July 1st 1901 Act. They shall be more over abiding to provisions of the present Act.

Art. 19. - These associations shall have as only object the exercise of worship. (...)

## **V Worship policy**

Art. 25. - Meetings for celebration of worship in premises of a worship association or at its disposal are public. They are dispensed of formalities of article 8 of the June 30th 1881 Act, but are placed under surveillance of authorities in the interest of public order. They may only take place after due declaration pursuant to article 2 of the aforementioned Act, indicating the premises where they will take place.

Art. 26. - It is forbidden to hold a political meeting in premises usually meant for the exercise of worship.

Art. 28. - It is forbidden to put, erect or post any religious emblem or symbol on whatever public monument or public place excepting buildings meant for worship, cemeteries, funerary monuments, and also on museums or exhibitions.

Art. 30. - Pursuant to article 2 of the March 28 1882 Act, religious teaching may only be delivered to children from 6 to 13 years of age, enrolled in State schools, outside schools hours.

Provisions of Article 14 of the aforementioned Act shall be applied on Ministers who would have infringed these articles.

Art. 31.- Shall be punished by a 16 to 200 franc fine and of a prison sentence of six days to two months or to one of the two sentences only, those who, by means of assault and battery, violence or menace against an individual, or by making him fear to lose his employment or to be exposed to damages : himself, his family or his property would have led him to practice or to abstain from practicing a worship or to belong to or to cease to belong to a worship association, to contribute or to abstain to contribute to worship expenses.

Art. 32. - Shall be punished in the same guise those who would have prevented, delayed or interrupted the exercise of worship by causing trouble or turmoil in the premises used to this end.

Art. 33. - Provisions of the two last articles are to be applied only to trouble, outrage, assault and battery not leading to more severe sentences pursuant to provisions of the Penal code.

Art. 34. - Any Minister of worship who would by means of speech, lecture, distributed writings or posters, offended or libelled a public official shall be sentenced to pay a 500 to 3000 F fine and to a prison term of one month to one year or to only one of the two sentences.

Art. 35. - If there is in a speech or in a posted written statement in a place where worship takes place a direct provocation to resist the execution of the Law or any legal act of the public authority, or if it tends to raise or arm a group of citizens against the others, the guilty Minister of worship shall be sentenced to a prison term going from 3 months to two years with no prejudice to sentences of complicity in case this provocation would have been followed by sedition, revolt or civil war.

Art. 36. – In case of sentence by a court pursuant to articles 25 et 26, 34 and 35, the association incorporated for the exercise of worship in the building the offence would have been committed shall be liable.

## **VI General provisions.**

Art. 37. – (...)

Art. 39. – (...)

Art. 40. – During eight years from the promulgation of the present Act, worship Ministers shall not be eligible in local government councils in the districts where they exert their ecclesiastical duties.

Art. 43. - A ruling of the Public Administration issued within the next three months following the promulgation of the present Act shall determine measures proper to its application.

Rulings of the Public Administration shall determine the conditions of its application in Algeria and the colonies.

Art. 44.- All former provisions of law relative to the organisation of public worship are abrogated as well as all provisions contrary to the present Act and specially:

1° The 18 germinal an X, Act concerning the convention of 26 messidor an IX, between the Pope and the French Government and the whole of the articles of the aforementioned convention and of protestant worship shall be executed as laws of the Republic;

2° The March 26<sup>th</sup> 1852 decree and the August 1<sup>st</sup> 1879 Act on Protestant worships;

3° The March 17<sup>th</sup> 1808 Decree, the February 8<sup>th</sup> 1831 Act and the May 25<sup>th</sup> 1844 on Jewish worship;

(...)

<sup>1</sup> Translator's note: Worship Act passed by the First Consul Napoleon Bonaparte on April 8th 1802, on the 10<sup>th</sup> year of the French Revolution.

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