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FRENCH *LAÏCITÉ* AND THE POPULARITY OF THE PACS

The relationship between the Catholic religion and heterosexual Civil Unions in France

by

Ashley Gaylene Trupp Mattson

A thesis submitted to the faculty of

Brigham Young University

In partial fulfillment of the requirements for the degree of

Master of Arts

Department of French and Italian

Brigham Young University

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Brigham Young University

GRADUATE COMMITTEE APPROVAL

of a thesis submitted by

Ashley Gaylene Trupp Mattson

This thesis has been read by each member of the following graduate committee and by majority vote has been found to be satisfactory.

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FINAL READING APPROVAL AND ACCEPTANCE

Brigham Young University

As chair of the candidate's graduate committee, I have read the thesis of Ashley Gaylene Trupp Mattson in its final form and have found that (1) its format, citations, and bibliographical style are consistent and acceptable and fulfill university and department style requirements; (2) its illustrative materials including figures, tables, and charts are in place; and (3) the final manuscript is satisfactory to the graduate committee and is ready for submission to the university library.

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ABSTRACT

French *Laïcité* and the Popularity of the Pacs:

The relationship between the Catholic religion and heterosexual Civil Unions in France

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Department of French and Italian

Master of Arts

Civil unions are currently divisive issues in the United States. Religion has historically influenced these debates. The French version of civil union, the *Pacte Civil de Solidarité* (Pacs,) was created in 1999 after seven years of debate. Many have written about the Pacs in the last decade. However, few have explored the direct correlations with France's relationship with Catholicism, her dominant religion that is doctrinally opposed to any sexual relationships outside of marriage. *Laïcité* has influenced a steady decrease in religiosity among French Catholics. This thesis explores the impact of this religious decline on the creation and surprising popularity of the Pacs, especially among heterosexual couples seeking an alternative to traditional marriage. The author believes that French society's tendency to modify institutions to meet the needs of the times assures a permanent place in society for both marriage and the Catholic Church, though both will probably continue to change forms.

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INTRODUCTION

In the November 2008 United States general elections several states found themselves embroiled in ideological debates over civil unions and gay marriage. The issue was perhaps the most divisive in California where passionate advocates on both sides of the debate participated in almost violent protests and vicious slander. Several of the more outspoken gay rights groups targeted specific Churches or groups such as some Catholics, certain Evangelicals and the Church of Jesus Christ of Latter-day Saints (a lesser-known faith, but one that provided outspoken support in favor of Proposition 8) for their stance against gay marriage and civil unions. In America, we are not surprised to see religious groups targeted for their beliefs in friendly (or even not-so-friendly) political banter. The separation of Church and State in U.S. Government leaves plenty of room to stand by religious convictions and openly admit that they influence political activity. While religions may have lost some battles, the majority of practices that are against Christian values, such as abortion, gay marriage and civil unions are either prohibited in most of the country or highly regulated. America is, no doubt, still a Christian nation in a secular age.

It may be easy for the traditional Christian American to dismiss “non-Christian” political activity in other Christian nations as a pagan rejection of a people losing their faith. Such is the case for many Americans who examine the French version of the civil union, *le Pacte Civil de Solidarité* or the Pacs. Widespread opinion that the French are a

“godless Catholic nation” who have rejected their own religion may also encourage this judgment. However, the issues surrounding the Pacs, and the decline of the French Catholic Church for that matter, are not so black-and-white. This thesis aims to explore more in-depth the relationship of the French with their Catholic religion and how this relationship has impacted the creation, implementation and the widespread popularity of the Pacs. It is my hope that the reader will have an open mind when considering that the French have not abandoned their faith or their families. The cultural factors involved have simply created a society where institutions as fundamental as government, religion and family are manipulated in order to assure their perpetual place in French society.

One of the most difficult aspects of writing this thesis has been adapting the information for my audience. I realize that this topic may be of interest to persons researching a variety of subject areas including but not limited to: French culture and politics, Catholic and religious studies, marriage and family evolution, civil union and gay rights legislation and other sociological fields. I realize that many readers may not be familiar with French culture and language, core Catholic beliefs and practices or both. I have tried to fill in major gaps in these areas and have tried to provide an extensive bibliography and helpful footnotes to make up for what I did not have room to explain myself.

For those unfamiliar with the French language, I must make a note about some style aspects of this thesis. I have left most official French terms and important key words, such as *laïcité*, *mœurs* and *démariage* in French, but I have defined them in the text and

provided a glossary. These terms carry so much weight in French, I simply cannot translate them into one English term that would hold the same meaning. The reader will also note that I use feminine pronouns when referring to both France and the Catholic Church. This is because in the French language, both *la France* and *L'Eglise catholique* are feminine nouns. When paraphrasing French authors it is more true to their style to employ these pronouns, so I have done so throughout the thesis. Also the reader will note the different ways of representing the Pacs. When sources have used the acronym P.A.C.S or have left the "P" in lowercase I have done so when I have directly quoted them. Otherwise I have taken the most common spelling, Pacs, when I refer to the *Pacte Civil de Solidarité* in the text.

As for my method and purpose of writing this thesis, I have sought to gather the principal sources on both the subject area of the decline of Catholicism in France and the popularity of the Pacs and find correlations between them. Both of these subjects have vast scholarship and are contemporary hot topics within France's borders. I have studied a great variety of source types including academic articles, books and lectures; political speeches; legislative debates; sociological treatises; opinion polls, official Catholic doctrines and papal pronouncements; the French press; and of course the text of the Pacs itself. I have then synthesized the information to provide insight on how the declining religiosity among French people has influenced the creation and popularity of the Pacs, specifically among heterosexual couples. The fact that the French form of the civil union is overwhelmingly more popular outside of the homosexual community was one of the more interesting in my research.

While it is impossible to reach any sort of definitive conclusion to such an issue, both because of its contemporary status (the Pacts will celebrate its 10th anniversary this November) and the relative nature of the questions I am asking, I nonetheless feel that this research has added something to these different debates simply by bringing them together. I also hope to bridge the gap for those that may be interested in one aspect of the debate to other avenues they may not have considered previously.

Allow me to finish by admitting a few of my own personal biases that may have influenced the writing of this thesis. First of all, I am a devout Christian, though not a Catholic. I have a deep love and respect of the Catholic Church and do agree that marriage and family are sacred and ordained by our Creator. Secondly, I am a married woman myself, a mother-to-be, and believe in the need to protect and perpetuate the family. Lastly, I have a deep love for the French culture and French people. I lived in France for a short time, but it was long enough for me to develop a taste for their culture and gain an appreciation for their way of life. I feel that I can provide a unique, friendly outsider's perspective on these issues that, to date, have really only been explored by the French themselves.

CHAPTER 1: FROM MATRIMONY TO FREE UNION: CATHOLIC DOCTRINES RELATING TO MARRIAGE, DIVORCE, FAMILY AND SEX

In order to more completely understand the creation, implementation and popularity of the Pacs, one must be familiar with the trends in French culture that are involved. The Pacs deals directly with marriage, family and sexual practices in France, but also deals indirectly with the evolution of moral and religious values within the hexagon. The overwhelming majority of French citizens have been Catholic for hundreds of years.¹ However, their relationship with the Catholic Church has been anything but ordinary. Over the years the Church has been repeatedly accepted and rejected, modified and preserved, embraced and ignored. This has created a uniquely French brand of Catholicism that has everything to do with events such as the creation and reaction to the Pacs.

Therefore, before taking an in-depth look at marriage, family, sexual and religious practices among the predominantly Catholic French, it is important to be familiar with the official Catholic doctrine on these subjects. The Pacs is one obvious instance in which French Catholics act contrary to the teachings of the heads of the Church in Rome. Key Church documents are very clear on the Catholic stance on such practices. The following chapter contains an overview of official writings relating to matrimony, sexual relationships and family constructions taken largely from the current Catechism, the

¹ France was in fact the first nation in the world to officially become Catholic in 496 when King Clovis was baptized in Reims. For this reason, France is referred to as “*la fille aînée de l’Eglise*” or “the oldest daughter of the Church” (Edminston et Duménil 186-188).

documents of Vatican II and other important late 20th century papal texts such as *Humanae Vitae* and *Evangelium Vitae*. A basic understanding of the doctrine clearly illustrates the direct opposition between the practice of the Pacts and the official beliefs of Catholicism. They will be particularly valuable for readers unfamiliar with the teachings of the Church. Many passages quoted from Catholic doctrinal sources here are lengthy in order to not violate the integrity of the doctrines presented.

Marriage Doctrines

The first doctrine that is important to understanding the Catholic stance on marriage is that Matrimony is one of the seven sacraments of Catholicism. Along with the other sacraments such as Baptism and Confirmation, it is believed to be a sign of grace granted by God to His faithful followers. It is valid between two baptized persons who have purified themselves through the sacrament of the Eucharist and have accepted of their own free will to enter into an indissoluble union with another human being. The Catechism teaches: “From a valid marriage arises a *bond* between spouses which by its very nature is perpetual and exclusive; furthermore, in a Christian marriage the spouses are strengthened and, as it were, consecrated for the duties and the dignity of their state *by a special sacrament*” (409).² It is based upon God’s instructions to Adam and Eve, the first two human beings on the earth according to the Bible, concerning their relationship with each other: “The Creator of all made the married state the beginning and foundation

² Numbers in citations for the Catechism refer to the page number of the version found in the bibliography, not the paragraph numbers.

of human society” (Vatican II, 778). The creation of Eve in the Bible is immediately followed by this commandment: “Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh” (Genesis 2:24). In Catholic view, therefore, marriage has existed as long as man and woman have lived on the Earth. However marriage did not officially become a sacrament until the 12th century.

One of the most interesting and confusing Catholic doctrines on marriage relates to the relationship between Christ and the Church, described metaphorically as a marriage throughout the New Testament.³ However the Catholic Church takes the words of Paul to the Ephesians very literally: “For this cause shall a man leave his father and mother, and shall be joined unto his wife...This is a great mystery: but I speak concerning Christ and the church”(Ephesians 5:31-32).⁴ While accepting that complete understanding of the marriage between Christ and the Church will always be a mystery, its divine comparison to marriage between a man and a woman is very serious and much more clearly defined.

The following is a more complete definition of marriage found in Vatican II. It is quoted here in its entirety so as not to misrepresent the teaching:

³ The parable of the Ten Virgins represents Christ as the Bridegroom whom the followers of Christ must be ever ready to receive when He comes. This is found in Matthew 9, Mark 2, and Luke 5. John also talks about Christ as the Bridegroom (3:29) and later in Revelations he compares the followers of Christ to the Bride waiting for the Bridegroom (Chapters 21 and 22).

⁴ Vatican II states “Students should have a proper knowledge of the duties and dignity of Christian marriage, *which represents the love which exists between Christ and the Church* (Eph. 5:32)” (715, italics added) and later “The Creator of all made the married state the beginning and foundation of human society; by his grace he has made of it too *a great mystery* in the Christ and in the Church (Eph. 5:32)” (778, italics added). The Catechism also mentions this mystery: “Scripture speaks throughout of marriage and its *‘mystery,’* its institution and the meaning God has given it” (400, italics added).

The intimate partnership of life and the love which constitutes the married state has been established by the creator and endowed by him with its own proper laws: it is rooted in the contract of its partners, that is, in their irrevocable personal consent. It is an institution confirmed by the divine law and receiving its stability, even in the eyes of society, from the human act by which the partners mutually surrender themselves to each other; for the good of the partners, of the children, and of society this sacred bond no longer depends on human decision alone. For God himself is the author of marriage and has endowed it with various benefits and with various ends in view: all of these have a very important bearing on the continuation of the human race, on the personal development and eternal destiny of every member of the family and of the whole human race. By its very nature the institution of marriage and married love is ordered to the procreation and education of the offspring and it is in them that it finds its crowning glory. Thus the man and woman, who 'are no longer two but one' (Mt. 19:6), help and serve each other by their marriage partnership; they become conscious of their unity and experience it more deeply from day to day. The intimate union of marriage, as a mutual giving of two persons, and the good of the children demand total fidelity from the spouses and require an unbreakable unity between them. (950)

The doctrine regarding the very serious nature of the marriage union is clear. It is believed to be of divine origin and, once contracted, indissoluble in the eyes of God.

The Catechism adds another aspect to this definition by contrasting the Catholic definition of marriage with that of cultural definitions:

God himself is the author of marriage. The vocation to marriage is written in the very nature of man and woman as they came from the hand of the Creator. Marriage is not a purely human institution despite the many variations it may have undergone through the centuries in different cultures, social structures, and spiritual attitudes. These differences should not cause us to forget its common and permanent characteristics. Although the dignity of this institution is not transparent everywhere with the same clarity, some sense of the greatness of the matrimonial union exists in all cultures. (400)

Therefore Catholic doctrine holds that marriage is found in all cultures precisely because the Creator of man and woman actually created them with the innate desires, tendencies, and even biology to marry and build their society upon this institution. Pope Paul IV reaffirmed the nature of marriage in the heat of the sexual revolution in *Humanae Vitae* (1968): “It is false to think, then, that marriage results from chance or from the blind course of natural forces. Rather, God the Creator wisely and providently established marriage with the intent that He might achieve His own design of love through men” (277). Even marriage in a morally turbulent or pagan culture can be viewed as evidence of God achieving His own design of love through His creations, man and woman.

In Catholic theology, the responsibilities placed upon all married persons are great, but are especially great for those married in the Church. By partaking of the marriage sacrament, a person accepts the “apostolate of married persons and of families,” (*Humanae Vitae*, 778) especially in setting an example for the rest of society. Vatican II goes into more detail:

To give clear proof in their own lives of the indissolubility and holiness of the marriage bond; to assert with vigor the right and duty of parents and guardians to give their children a Christian upbringing; to defend the dignity and legitimate autonomy of the family: this has always been the duty of married persons; today, however, it has become the most important aspect of their apostolate. They and all the faithful, therefore, should collaborate with men of good will in seeing that these rights are perfectly safeguarded in civil legislation; that in social administration consideration is given to the requirements of families in the matter of housing, education of children, working conditions, social security and taxes; and in emigration regulations family life is perfectly safeguarded...Christian families bear a very valuable witness to Christ before the world when all their life they remain attached to the Gospel and hold up the example of Christian marriage. (779-780)

Certainly any marriage is a serious commitment and bears inherent responsibilities, but true Catholic marriage is accepting a God-given mission to promote, defend and live every aspect of Catholic traditional marriage and family.

Doctrines on the Family

Ultimately, any doctrines relating to marriage also affect the family. Doctrinally, the Church has spoken out boldly in relation to the erosion of the traditional two-parent stable family tradition throughout the Western world. Vatican II, written over four decades ago, carried this moral diagnosis of society:

This happy picture of the dignity of these partnerships is not reflected everywhere, but is overshadowed by polygamy, the plague of divorce, so-called free love, and similar blemishes; furthermore, married love is too often dishonored by selfishness, hedonism, and unlawful contraceptive practices. Besides, the economic, social, psychological, and civil climate of today has a severely disturbing effect on family life. (949)

The response back then was a call to action: “[The Council] hopes to encourage Christians and all men who are trying to preserve and to foster the dignity and supremely sacred value of the married state” (949). The threats were recognized as powerful yet combatable in the morally turbulent 1960s. The answer was to promote traditional families and marriages by example and by supporting civil legislation that protected and endorsed these values.

The responsibility for training children in the Catholic tradition is one of the greatest responsibilities placed on married Catholic couples. Again from Vatican II we read:

Christian couples are, for each other, for their children and for their relatives, cooperators of grace and witnesses of the faith. They are the first to pass on the faith to their children and to educate them in it...Authentic married love will be held in high esteem, and healthy public opinion will be quick to recognize it, if Christian spouses give outstanding witness to faithfulness and harmony in their love, if they are conspicuous in their concern for the education of their children, and if they play their part in a much needed cultural, psychological, and social renewal in matters of marriage and the family. It is imperative to give suitable and timely instruction to young people, above all in the heart of their own families, about the dignity of married love, its role and its exercise; in this way they will be able to engage in honorable courtship and enter upon marriage of their own. (778, 953)

Therefore Catholic couples are responsible for not only baptizing their children and raising them in the Catholic tradition, but for also setting the example through their own marriage of the type of marital relationship their children should have when they marry. Many of the parents today, the generation that has especially strayed from the traditional Catholic marriage and family values, were children in the early 1960s at the time of

Vatican II. As explained in the next chapter these children, today's French Catholic parents, place instilling Catholic values in their children as a low priority, including values relating to marriage and family.

Teachings on Divorce

Catholic doctrine recognizes the challenges that come with marriage and admits that many can be overwhelming. The Catechism teaches: "It can seem difficult, even impossible, to bind oneself for life to another human being." There is, however, no room for alternative solutions. The Catechism continues: "This makes it all the more important to proclaim the Good News that God loves us with a definitive and irrevocable love, that married couples share in this love...and by their own faithfulness they can be witnesses of to God's faithful love" (411). However difficult, once the contract is made the persons involved have the responsibility upon themselves for life.

Even in the worst of circumstances, divorce from a Catholic marriage is not acceptable according to the doctrine. Much of this doctrine is pulled from Christ's teachings in the New Testament such as "What God hath joined together, let not man put asunder" (Matthew 19:6).⁵ The Catechism clearly states: "A ratified and consummated marriage cannot be dissolved by any human power or for any reason other than death" (573). Because of its sacramental nature, the marriage is permanent and indissoluble. Divorce, even if it is legal, is unacceptable for a Catholic couple because it makes them

⁵ Quoted in Catechism, 561.

contributors to the moral decline in society: “Divorce is immoral also because it introduces disorder into the family and into society...and because of its contagious effect which makes it truly a plague on society.” Though marriage is recognized as difficult, once it is contracted there is no way out in the eyes of God until one of the partners dies.

Other New Testament verses such as “That whosoever shall put away his wife...causeth her to commit adultery: and whosoever shall marry her that is divorced committeth adultery” (Matthew 5:32) clearly exclude the acceptance of civil divorce in Catholic theology. The Catechism explains the literal interpretation of this verse: “Divorce is a grave offense against the natural law...Contracting a new union, even if it is recognized by civil law, adds to the gravity of the rupture: the remarried spouse is then in a situation of public and permanent adultery” (573).⁶ Even in cases where abuse or other unlivable situations exist separation is acceptable only without divorce and remarriage. The following also comes from the Catechism:

Yet there are some situations in which living together becomes practically impossible for a variety of reasons. In such cases the Church permits the physical *separation* of the couple and their living apart. The spouses do not cease to be husband and wife before God and so are not free to contract a new union. In this difficult situation, the best solution would be, if possible, reconciliation. The Christian community is called to help these

⁶ Also see 411 – 12.

persons live out their situation in a Christian manner and in fidelity to their marriage bond which remains indissoluble.

Today there are numerous Catholics in many countries who have recourse to civil *divorce* and contract new civil unions. In fidelity to the words of Jesus Christ “Whoever divorces his wife and marries another, commits adultery against her; and if she divorces her husband and marries another, she commits adultery” – the Church maintains that a new union cannot be recognized as valid, if the first marriage was. If the divorced are remarried civilly, they find themselves in a situation that objectively contravenes God’s law. (411-12)

There is one exception included in the Catechism: “Reconciliation through the sacrament of Penance can be granted only to those who have repented for having violated the sign of the covenant and of fidelity to Christ, and who are committed to living in complete continence,” (412) or in other words, complete sexual abstinence for the rest of their lives.

Social Responsibility

Catholic writings repeatedly warn of society’s inability to make correct judgments and decisions about marriage and family without the outspoken influence of Christian couples. *Humanae Vitae* bears one of the strongest warnings against trusting civil governments to protect traditional families and marriage:

And then [let reasonable individuals] also carefully consider that a dangerous power will be put into the hands of rulers who care little about the moral law. Would anyone blame those in the highest offices of the state for employing a solution considered morally permissible for difficulties affecting the whole nation?...And clearly it will come about that Men who desire to avoid the difficulties that are part of the divine law, difficulties that individuals, families, or society may experience, will hand over to the will of the public authorities the power of interfering in the most exclusive and intimate mission of spouses...After all, there are so many critical voices – broadcast widely by modern means of communication – that are contrary to the voice of the Church. (286-87)

An appeal to the responsibility of Catholic couples to defend and protect Christian marriage and family accompanies this warning. However, this appeal compares those who accept the apostolate of married persons to that of Jesus Christ himself: “Therefore, it is not surprising that the Church finds herself a *sign of contradiction* – just as was [Christ,] her Founder. But this is no reason for the Church to abandon the duty entrusted to her of preaching the whole moral law firmly and humbly, both the natural law and the law of the Gospel” (287). In this way the Church identifies with Christ himself who was rejected by the masses because of His teachings. Just as Christ refused to give in to his persecutors, this document clearly excludes any excuses from backing down from any moral battle concerning traditional marriage and family.

Preserving a society that protects traditional Christian marriage and family is vitally important in Catholic doctrine which holds that the failure of marriage and family brings about the failure of society itself. Both Vatican II and the Catechism teach: “The well-being of the individual person and of both human and Christian society is closely bound up with the healthy state of conjugal and family life” (Vatican II, 949).⁷ This applies not only to Christians, but to everyone within the society. It is, therefore, not only the responsibility of Christians, but of any government, to provide for and protect this institution as Vatican II states: “Everyone, therefore, who exercises an influence in the community and in social groups should devote himself effectively to the welfare of marriage and the family. Civil authority should consider it a sacred duty to acknowledge the true nature of marriage and the family, to protect and foster them, to safeguard public morality and promote domestic prosperity” (956). In this way, Christians are to work together with *all* members of society to prevent moral decay especially within families.

Let’s Talk About Sex

Marriage, being set up as the sacred institution for the creation and perpetuation of the love of God and the human race, is the only appropriate setting for sexual relations according to Catholic doctrine. Any sexual relationships outside of marriage are viewed as grave sins. Sexual relations within marriage without the use of contraception are “a far cry from mere erotic attraction, which is pursued in selfishness and soon fades away in

⁷ Also quoted in the Catechism, 400.

wretchedness” (Vatican II, 952). Sex between two unmarried persons is defined as fornication. “It is gravely contrary to the dignity of the persons and of human sexuality which is naturally ordered to the good of spouses and the generation and education of children” (Catechism, 565). This extends even to engaged couples. The Catechism teaches: “Those who are *engaged to marry* are called to live chastity in continence...They should reserve for marriage the expressions of affection that belong to married love. They will help each other grow in chastity” (564). Even though the couple is prepared to enter into the marriage commitment, any sexual activity outside of that commitment is unacceptable under any circumstances.

The Church’s position on sexual relations between members of the same sex, even if they are civilly married, is even more strictly forbidden. Again from the Catechism: “Basing itself on Sacred Scripture, which presents homosexual acts as acts of grave depravity, tradition has always declared that ‘homosexual acts are intrinsically disordered.’ They are contrary to the natural law...They do not proceed from a genuine affective and sexual complementarity. Under no circumstances can they be approved” (566). Here, marriage or sexual union of any kind between two persons of the same sex is not considered valid or acceptable in the eyes of the Church.

Frequently Catholic writings include warnings about the especially high susceptibility of young people to the temptations to commit acts of fornication. The Catechism teaches: “It is a grave scandal when there is corruption of the young” (565). *Humanae Vitae* underlines the importance of protecting the young from such temptations

by making it difficult for them to engage in acts of fornication: “Not much experience is needed to understand human weakness and to comprehend that human beings, especially the young, are so susceptible to temptation that they need to be encouraged to keep the moral law. It is wrong to make it easy for them to violate this law” (286). Of course adult married persons who engage in sexual relations with any person other than their spouse are considered in adultery and are also in violation of divine law.

And as for the Pacs

This exploration of Catholic doctrine on marriage, family and sexual relationships renders doctrine relating to the Pacs more clear. There exists specific commentary on civil unions, especially in the Catechism. However, they are referred to as either “free unions,” “concubinage,” or “trial marriages.” They are ranked on the same level of sinfulness as adultery, divorce and polygamy, which are all considered “grave offenses against the dignity of marriage” (576). “Free union” is defined as any sexual relationship that is not recognized as a civil marriage, such as a union like the Pacs. The Catechism explains:

The expression ‘free union’ is fallacious: what can ‘union’ mean when the partners make no commitment to one another, each exhibiting a lack of trust in the other, in himself, or in the future? The expression covers a number of different situations: concubinage, rejection of marriage as such, or inability to make long-term commitments. All these situations offend

against the dignity of marriage; they destroy the very idea of the family; they weaken the sense of fidelity. They are contrary to the moral law. The sexual act must take place exclusively within marriage. Outside of marriage it always constitutes a grave sin and excludes one from sacramental communion. (575)

No excuses, no exceptions, no tolerance for such unions are accorded in Catholic doctrine.

Even the argument for such relationships for people that intend to eventually marry is refuted on moral grounds. The Catechism continues:

Some today claim a '*right to a trial marriage*' where there is an intention of getting married later. However firm the purpose of those who engage in premature sexual relations may be, 'the fact is that such liaisons can scarcely ensure mutual sincerity and fidelity in a relationship between a man and a woman, nor, especially, can they protect it from inconstancy of desires or whim.' Carnal union is morally legitimate only when a definitive community of life between a man and a woman has been established. Human love does not tolerate 'trial marriages.' It demands a total and definitive gift of persons to one another. (575)

The teachings are clear, civil unions, including the Pacs, are in direct opposition to all Catholic teachings on marriage, family, divorce, sex and societal responsibility.

CHAPTER 2: FRENCH CATHOLICISM: THE PRODIGAL “OLDEST DAUGHTER OF THE CHURCH”

Both the longevity and the sheer size of the Catholic Church lead almost inevitably to regional variations of the religion as it mixes with native cultures. While we imagine this phenomenon happening far-removed from the Church in Rome in the heart of Africa or high in the Andes, the practice Catholicism is modified not far from Vatican City itself. France is a perfect example. While official Catholic doctrine may adamantly defend marriage and family while vehemently prohibiting divorce and homosexuality, the French, the majority of whom still claim to be Catholic, do not necessarily comply. The discrepancies between French Catholicism and official Catholicism have been extensively examined by individuals and groups affiliated with the Church, academics, sociologists and even the French press. A small sampling of some of their findings and analysis is presented here to introduce readers who may not be familiar with Catholic practices in French culture to the past and current situation.

Understanding the French Model of *Laïcité*

There is one word that describes the relationship between the French and their religion: *laïcité*. The word has many implications and cannot translate into one word in English. Authors such as Norman Ravitch have used the words “laity” and “non-denominationalism” (155), but such concepts are only part of French *laïcité*. In the

United States we talk about the separation of Church and State, which is similar to the dialogue that the French employ to talk about their system, but the nature of this separation is quite different. Truly understanding French *laïcité* requires a familiarity with the relationship between the French, the Catholic Church, their government, their mass media and their civil rights.

The history of *laïcité* begins with the first French Revolution of 1789. The monarchy and old feudal system were finally overthrown, never to be fully restored. A keystone of this system of the *ancien régime* was the power of the Catholic Church in everything from government to education. When the monarchy was overthrown, much of the Church's power was compromised. However, because the Church was such an integral part of the simple structures of society, it could not be completely eradicated. Portier explains that the most important aspect of the Church was lost. He claims that the *ancien régime*, or social and governmental system that was overthrown with the Revolution, was based upon laws that constantly reminded its subjects of the respect and obligations they owed to their Creator. After 1789, the laws of the Republic reminded the people of their obligations to the people and only the people. Though France has seen multiple regime changes since, each having their own relationship with the Church, Portier claims that the shift has never successfully refocused the attention on Divinity, only on man himself (117).

With the birth of the Republic, two diametrically opposed political tendencies began to develop: those nostalgic for the *ancien régime* and the former glory of the

Church on the Right and the new Republican, secular (or *laïque*) Left. Throughout the 19th Century these two political ideologies battled for power in France. Napoleon I recognized the administrative advantages of the Church, especially in education, and restored some of her power. After Napoleon's demise, the French see-sawed over much of the rest of the century between a restored monarchical system (that was never as powerful as the original monarchies of the *ancien régime*) and different forms of republics and empires.

Laïcité was a concept first formulated during the Third Republic that was meant to reconcile the two sides and make a place for religious beliefs in a Republican system. The Catholic Right, however, did not see the concept as a fair compromise and passionately defended a more central place for the Church in French society. After decades of turmoil, 1881 became a landmark year for the Left when laws went into effect that secularized all public schools (also called the *laïcisation* of the school system). The Church lost her foothold in education, and was rapidly losing her place in other domains until finally in 1905 the majority of the French pledged their support of the official Separation of the Church and the State. This made religion something entirely personal and private and the Church simply another institution that held no official position within the French government.

While at the beginning of the 20th Century the divide between the Catholic Right and *laïque* Left was clearly pronounced, the permanent state of *laïcité* over the last 110 years has actually blurred many of the old political lines. How has the Church survived

and has even, in some ways, become a stronger presence in French society since 1905?

The answer, Portier claims, is sentimentality. Many of France's great monuments are Catholic churches and cathedrals, pilgrimage sites or areas steeped in legend of saints and other Catholic heroes (119). The Church's place in French history has guaranteed her a place in French society indefinitely. However, that place is one that yields much less real influence, politically or spiritually, than the Church would like to have.

After World War II the Church assumed a new place in the modern French model of *laïcité*. As Portier puts it, the Church is "dans une position d'ouverture" (119). He explains that the Church has an important place in a system that is based upon the heterogeneity of institutions. To offset the far-left, liberal, more secular veins in the government and society, the Church provides a right-wing conservative and religious outlet in the form of a highly structured, international, and visible institution. He quotes Mgr Dagens from the 1996 Episcopal Conference of France stating it this way: "La laïcité se présentait à l'origine comme une idéologie conquérante et anticatholique...elle est devenue un cadre institutionnel et, en même temps, un état d'esprit que aide à reconnaître la réalité du fait religieux et spécialement du fait religieux chrétien dans l'histoire de la société française" (130-31). Atheists and religionists alike recognize the need of the presence of the Church in society, and can embrace her presence without embracing her doctrines. This may be one reason why actual religious practices do not correspond with the number of French people who claim to be Catholic, or who even claim to be practicing Catholic. The term is almost as political as it is confessional. Ravitch states the Church's precarious position in the French *laïque* society in this way:

The Catholic Church today thus has no longer any real unity, nor any authoritarian means of enforcing unity or even of pretending to it...[The clergy] evidently feared that any real analysis of the fundamental social issues involved [in the cultural and sexual revolution in France] would alienate too many people from the Church...at the price of increasing and embarrassing irrelevance. It is difficult to see how unity could be imposed from above upon French Catholics, how either papal or Episcopal authority could accomplish this. Once the Church had opened itself up to the world, all the conflicts of the world entered into the Church. It is hard to see how the doors and windows could ever be shut fast again. (165)

The Church in France seems to have lost the one position that she has traditionally meant to occupy in society: that of spiritual influence among her followers and the community. There is simply not enough ground left for her to make any sort of authoritative stand.

Declining Through the Decades

This state of *laïcité* has had a profound effect on what it means to be a Catholic in France. Study after study shows that claiming to be a Catholic in France rarely means that one actually believes in Church doctrine or actively participates in its basic practices. The scholarship on the subject is vast and became especially popular in the period after World War II, through the sexual revolution of the 1960s and into the 1970s. Those interested included Catholic clergy, sociologists, academics, the French press and much of the eager

general public who actively participated in studies and surveys. The evolution of the Catholic Church in France through this time period can teach us much about the current state of the Church in the hexagon.

Changing views and morals relating to sexuality are the most important factor in the decline of religiosity among French Catholics identified by the vast majority of experts in the field. Sérant cited the widespread acceptance of cohabitation as the number one reason for the decline of religious marriages in the late 1980s. He also blamed the decline of the traditional role of the family in society and simply laziness (261). These are issues that are in direct correlation with the Pacs, though they are part of an almost 30-year-old study.

One of the most influential sociologists that has tracked this evolution is Yves Lambert, Director of researchers for the *Groupe de sociologie des religions et de la laïcité* (CNRS-EPHE). He has been studying the evolution of religiosity in France for decades. In the 1980s he gathered information specifically on the religious practices of the younger generation in Europe. His studies of the values of high school and college-aged youth in France consistently showed that religion and patriotism consistently ranked last in importance. However, values such as family, children, and civil liberties consistently ranked at the top. Another study showed that over half of young French people believed that religion was outdated, but over 80% disagreed that traditional family values were outdated (“La religion et la recomposition,” 368). Therefore, the values that religion and country are meant to promote were, in fact, still the most important to

France's youth. Unfortunately, they simply did not give credit to Catholicism or to their mother country for protecting and promoting these values. Again, sexuality seemed to be the reason. Almost 40% of the youth surveyed attached "great importance" to the value of sexuality (362).

Even though religion was ranked among the least important values by France's youth, few dared to dismiss it completely. While less than 20% claimed there was one religion that was truer than the others, only 3% dared to claim that all religions were false. The key attitude among them was religious relativism. Lambert called them "cultural Christians," those who may be baptized and even married and buried by the Church, but are skeptical and very independent in their beliefs (369). The prevailing attitude in Lambert's youth study is that "everyone has their choice" because "all religions teach essentially the same things." Over half of those who claimed to be Christian agreed with the statement: "Whether Jesus is the Son of God or the son of a normal human being doesn't really matter to me. What really matters is what He brings to my life" (365-66). For these young people the truthfulness of their religion didn't matter nearly as much as what having a belief system gave them, whatever it may have been.

Another group of sociologists gathered results from several studies taken over the span of the twentieth century and conducted one of their own in 1986. After comparing and analyzing their results, they were published in conjunction with the *Centre national de la recherche scientifique* five years later, in 1991. Though it is over thirty years old, this work is perhaps the most comprehensive study to date on the religious practices

among French Catholics. Motivated by widespread public dismissal of France's devotion to her mother religion without strong basis, Guy Michelat, Julien Potel, Jacques Sutter and Jacques Maître dared to ask the question, "Are the French still Catholic?"⁸

Michelat's group found that in surveys conducted between the 1940s and 1980s, 80% of French people consistently claimed to be Catholic (Sutter, "Introduction," 12-13). However, few studies had bothered to define what the questioners meant by "being Catholic." This group's study sought to find out just how Catholic the French were in seven areas:

- *Outward practices:* Questions relating to baptism, catechism, communion, marriage, religious funerals and mass attendance specifically were asked.
- *Beliefs and attitudes:* People were questioned about the nature and depth of their beliefs, the importance of faith in their daily lives, their relationship with God and belief in official statements and creeds of the Church.
- *Personal religious experiences:* The group sought to understand how religion played a role in peoples' lives ranging from experiences at mass to personal prayer and how it influenced their conscience when making life decisions.
- *Attachment to the Church:* People responded to questions relating to when they would approach a priest, their opinion of the pope and local Church leaders, and how much interaction they actually had with the Church herself.

⁸ The title of the work in French is "Les Français sont-ils encore catholiques?" For reference see bibliography.

- *Religious tendencies:* Questions in this area sought to separate the many different groups within Catholicism from the more traditional Catholics.
- *Value systems:* People were asked to provide their positions on issues on which the Catholic Church has a clear official stance including abortion, sex outside of marriage, the marriage of priests, women priests, capital punishment and statements by the pope. Questions in this domain also related to a person's valorization of baptism, religious education and religious marriage.
- *Political views:* Rather than trying to separate religion and politics, Michelat's group sought to find correlations between the level of adherence to Catholicism and to right or left-wing political parties or movements including communism, socialism and capitalism (14-15).

Over 1,500 French people over the age of 18 participated in the study, 80% of which were Catholic. Though three decades have passed since, the study provides a comprehensive picture of the origins from which the current state of Catholicism in France has evolved.

The Michelat group prefaced their survey results with brute quantifiable statistics relating to religiosity. Baptism, the sacrament that makes one an official Catholic, has historically been the key indicator for counting the number of Catholics. The group found that baptisms had steadily declined by 1% each year between 1958 and 1975. Though 90% of French citizens were baptized Catholic in 1958, they calculated that if the trend continued, by the year 2000 the number would drop to 50% (Maitre, "L'Evolution," 30-

31). The latest Europa World statistics from 2006 count almost 75% of the population as baptized Catholics, but the decline is certainly still evident (Europaworld.com). This statistic can be deceiving. The key to analyzing the number of baptisms, Maître pointed out, is that because most Catholics are baptized as infants the baptism actually reflects the religious adherence of the *parents*, not the person baptized. However, counting baptisms is still a fairly accurate and quantifiable way of counting Catholics.

Religious marriage, the topic that is most relevant to this thesis, proved to suffer a similar decline in the Michelat group's study. In 1954, 79% of marriages in France were Catholic. The decline of religious marriage between the 1950s and 1970s was much slower than the decline in the number of baptisms over the same period, but between the mid-1970s and mid-1980s the number dropped dramatically until it was only at 55% at the time of the study. Maître suggested several reasons for this drastic change over a ten-year period. Remarriages after divorce are generally not counted as religious marriages, and the number of second or more marriages continues to increase. The most important reason he stated, however, back in 1991 was the rise of cohabitation as a replacement for marital commitment. The study found that the number of individuals, including Catholics, living in couples outside of marriage had doubled between 1975 and 1982 to at least 1,628,000 (33-34). The trend was clearly already impacting a significant number of Catholics over 20 years ago.

Another startling trend was the decrease in the number of active priests. The total number of priests in France, active and not active, decreased by 10,000 between 1965 and

1984. While this is troubling enough, the percentage of active priests was even more dramatic. Over 85% of the priests in the 1960s were active, while only 75% were active only ten years later. The decline continued steadily into the 1980s. The Michelat group calculated that if the trend continued, less than 2,000 priests would be active in 2010 for all of France, fifteen times less than the number in 1975 (41). While the numbers are not quite this dramatic in 2009, the decline has certainly continued at a rapid rate. The Michelat group also predicted that by the year 2000 there would be only one priest for every 10,000 Catholics in France (42). The numbers have only gotten as high as a little over 2,000 Catholics per priest, but again, the decline has continued. As will be pointed out in the current statistics section, the most troubling number today is not the total of priests, but their age.

The age of priests was not a significant part of the Michelat group's study, but the age of nuns was. In 1982 less than 9% of nuns were under the age of 45 and over 50% were older than 65. While over 3,500 sisters became nuns in 1945, the number had dropped to only 200 new inductees in 1979. The need for nuns in Catholic schools had also decreased with the significantly lower numbers of children receiving religious education (43-46).

In every category the Michelat group studied the quantitative statistics available, the numbers consistently showed a greater apathy among the French Catholic population over time. After comparing the results with other trends in French society and careful analysis, the group pinpointed the changes in sexual activity as the number one factor in

the declining religiosity (47). The increasing acceptance of sex outside of marriage, cohabitation, divorce, abortion and even the beginnings of the acceptance of homosexuality had taken a serious toll on French Catholics in the four decades following World War II.

Perception versus Reality

When the actual numbers are compared with the responses given by those who participated in the study, there are some interesting correlations. While the statistics showed that 90% of the French were baptized Catholic in the late 1950s and early 1960s, 97% of those surveyed in the early 1980s claimed to be baptized in some religion. This number seems compatible, especially considering the high number of Catholics surveyed and the fact that many Christian religions practice baptism. However, compared to the rather dismal actual totals of persons receiving religious education, being married by the Church and having Catholic funerals at the time, a surprising 91% claimed to have at least received the catechism, 87% were religiously married and 72% wanted to have a religious funeral. However, among this same group of persons only 11% claimed to attend mass regularly, only 11% admitted to praying daily and only 9% had *ever* read the Bible (Potel, 64-65, 94). Among the non-Catholics surveyed, 36% had read the Bible (94). In addition, almost half of the Catholics surveyed claimed they had *never* prayed (88). Only one out of ten Catholics actually prayed and read the Bible while nine out of ten were taught to do so in a formal religious setting.

When analyzing mass attendance, the group created different classifications of Catholics based upon their responses. The *messalisants* were those who attended mass weekly, the *pascatins* attended only for major religious holidays such as Easter and Christmas, and the *festifs* were only present for their own or family members' rites of passage (baptism, communion, marriage, funerals, etc.) The remainder of those surveyed were deemed either "of Catholic origin" without attending mass, or not Catholic. The group found that the *messalisants* have never represented more than 32% of Catholics since 1945. In 1960, for example, only 24% attended weekly while 30% were *pascatins* and 38% were *festifs*. Only eight percent claimed to be Catholic but never or almost never attended mass. By 1980 only 10% were *messalisants* and the *pascatins* and *festifs* together only represented 56%, leaving over one-third of Catholics in the only "of Catholic origin" category while almost never attending mass (Maître, "L'Evolution," 37). Frequency of mass attendance also appeared to correspond with age. Those who attended mass at least monthly in the early 1980s included 41% of Catholics over the age of 65. With each decreasing age group the rate of mass attendance also decreased (39). The percentages of mass attendance in all forms have seemed only to continue to decline in the decades since.

Age consistently emerged as a clear factor in the answers. Thirty percent of the regularly practicing Catholics were older than 50 and over half of the non-practicing Catholics were in the 25-34 age group alone. The majority of the respondents who claimed to have no religion were younger than 34 (Potel, 84). Even the very perceptions of "practicing" and "non-practicing" had evolved over time. When surveyed in 1977,

French Catholics defined “regularly practicing” as attending mass weekly, while only three years later the definition had slipped to attending mass only every other week (85). Therefore while the actual statistics tell an impressive story, the *perceptions* displayed by those who participated in the study are even more fascinating in and of themselves.

Table 1: Changes in French Catholic outward practices over time

Year	Regular Mass Attendance	Occasional Mass Attendance	Baptisms	Marriages
1950			95%	79%
1960	24%	68%	90%	78%
1970			80%	75%
1980	10%	56%	70%	64%
1990			60%	55%
2000	5%	2%	75%	35%
Total Decrease	19%	66%	20%	44%

Numbers represent percentages of Catholics who admitted to these outward practices and are drawn from two different studies. Numbers are approximate.

French Catholics Today

When these more dated results are compared with a 2006 survey we see the situation has only worsened (Senèze, “Les chrétiens d'Occident face au défi des

chiffres”).⁹ Now only two-thirds of French people call themselves Catholics and only one-fourth of those consider themselves practicing with 7% regularly practicing, according to their own definition of course. The practicing rate for Catholics world-wide is just under 50%.¹⁰ An overwhelming 43% of those in France are over the age of 65 while only 7% of them are between ages 18 and 24. As few as 4.5% are actually attending mass weekly, which leaves 2.5% of the “regularly practicing” who are not. This is probably the same 4.5% who still believe strongly in the sacramental nature of the Catholic sacraments. Less than one-fifth of Catholics who call themselves practicing admit to actually believing in the sacred nature of sacraments, including the marriage sacrament.

The actual quantitative numbers are just as sobering as the qualitative survey responses. The latest figures show that 46.1 million French people call themselves Catholics.¹¹ Only five countries in the world have more Catholics than France including Brazil, Mexico, the United States, the Philippines and Italy. If we do the math with the percentages of the 2006 survey concerning those who are practicing that would make 11,064,000 practicing Catholics in France with 3,227,000 of those who consider themselves “regularly practicing.” However, the number of Catholic parishes in France has been cut in half since 1994. Before the reorganization of the mid 1990s France had more parishes than Spain, the United States and all of Latin America. Now there are not

⁹ This survey was conducted by *La Croix* from August 14 – 15, 2006. The results cited here were republished in the article by Nicholas Senèze.

¹⁰ This figure was published in the Senèze article but was not part of the 2006 survey.

¹¹ These figures are of course problematic and impossible to define because the French government is not allowed to ask a citizen to reveal their religion. These types of numbers can only be gathered by non-government organizations such as the Catholic Church itself.

only less parishes within the hexagon than in these other parts of the world, but France is the only one on the list where the number has not either increased or stayed the same.¹² Spain, for example has 7.4 million *less* Catholics than France but 3,803 *more* parishes.

Table 2: Top Ten Countries with the Most Catholics (2008)

	Country	Millions of Catholics
1	Brazil	149.3
2	Mexico	92.2
3	United States	65.5
4	Philippines	65
5	Italy	55.7
6	France	46.1
7	Columbia	38.7
8	Spain	38.4
9	Poland	36.9
10	Argentina	34.2

Source: Senèze, “Les chrétiens d'Occident face au défi des chiffres”

Some would claim that this is simply because the decreasing number of priests forces each priest to serve a larger number of Catholics and decreases the number of parishes. Staggering numbers such as 2,027 Catholics for the average priest seem overwhelming. However, if we apply the math to the survey and actual figures cited above, the average priest in France is only responsible for 484 Catholics who consider

¹² These figures as well as those in the following paragraph unless otherwise noted were published in the same Senèze article cited above.

themselves practicing, 141 of whom claim to actually show up to mass weekly. Then again, very few French priests can actually claim that 141 of their parishioners are attending mass weekly. The priests' main role seems to be performing the sacraments of baptizing children and first communion, both of which have dropped significantly, but are still relatively important. The marriage sacrament, however, has clearly suffered more than the others. In Europe and the United States combined, the number of Catholic marriages performed dropped over 20% between 1994 and 2003.

The numbers relating to priests that are truly troublesome are not their ratio to parishioners, but their age. If the current trends continue, there will be less than 4,000 priests under the age of 65 in France before 2015 (Kubler). While the current number of priests is barely adequate, there are simply not enough being ordained to replace their aging counterparts. In recent years as many as seven times more priests die each year of old age than the number of new priests that are ordained.

French perceptions of Catholicism are as compelling as the facts. Recent opinion polls conducted by France's Christian, and more specifically Catholic newspaper, *La Croix*, divided those polled into practicing Catholics, non-practicing Catholics and those without religion ("L'image des chrétiens dans la société française").¹³ When these groups were asked if they knew personally any practicing Christians of any denomination 49% of those without religion answered no as well as 44% of non-practicing Catholics. While these numbers are rather shocking, the fact that 24% of practicing Catholics either knew

¹³ All of the following statistics in this section unless otherwise noted come from a telephone survey conducted by *La Croix* between October 31 and November 2, 2007. There were 1,008 participants ages 18 and older and were selected from a variety of groups based on sex, age and profession.

no one or only one other practicing Catholic seems a little strange. If someone is a practicing Catholic, which would assume regularly attending mass, it seems like that person would have to know more than one other practicing Catholic. Alternate explanations could be that the individual is the only person at mass or, the more probable, the person polled misunderstood the question. Then when asked if they believed all religions were equal, 63% of practicing Catholics agreed. This percentage is even higher than the number of non-practicing Catholics who believed all religions were pretty much the same and more than the sum total of all the groups surveyed who agreed that it didn't really matter what religion one belonged to.

When this same group was asked if they agreed that parents must teach their children their religious beliefs and values 65% of the total said no, along with 34% of practicing Catholics. Over one-third of practicing Catholics do not feel strongly enough about the religion they are practicing to impart its teachings and values to their children. Again, they may have misunderstood the question. Seventy percent from all groups believe that Christian churches, and especially the Catholic Church do not know how to reach young people. Therefore this group believes that parents aren't responsible for transmitting religion or values and the Church is incapable of doing so. The responsibility for the moral education of France's youth is left unassigned.

What did those surveyed believe the Catholic responsibility is if it is not teaching their children? When allowed to give multiple responses 46% of practicing Catholics and 61% of the total believed the first priority is relieving poverty in France. The second

priority is striving and standing up for world peace, but standing up for right (*la justice*) was at the bottom of the list, right above teaching others the message of Christ. In the eyes of Catholics and non-Catholics alike the Church has become a sort of social organization instead of a religion that is meant to improve the spiritual lives of its followers, a priority that didn't even show up on the list at all. Being a resource for key life events such as infant baptisms, marriages and funerals was also a very low priority. Of course it is impossible to measure the exact impact that the Pacs has had on lowering the priority of religious marriage from these statistics alone, but these responses do paint an interesting picture of what average French people perceive the role of the Church to be.

The “Sinking Ship”

Of course declining spirituality among Catholics is not solely a French problem. The Church in most Western countries is experiencing a similar lack of commitment among its self-proclaimed followers. La Croix recently published a French translation of the *Via Crucis* or the meditation of the Way of the Cross by Cardinal Ratzinger (now Pope Benedict XVI) on Good Friday 2005 that clearly expresses a pessimistic judgment of the situation:

Souvent Seigneur, ton Eglise nous semble une barque prête à couler, une barque qui prend l'eau de toutes parts. Et dans ton champ, nous voyons plus d'ivraie que de bon grain. Les vêtements et le visage si sales de ton Eglise nous effraient. Mais c'est nous-mêmes qui les salissons ! C'est

nous-mêmes qui te trahissons chaque fois, après toutes nos belles paroles et nos beaux gestes. Prends pitié de ton Eglise : en elle aussi, Adam chute toujours de nouveau. Par notre chute, nous te traînons à terre, et Satan s'en réjouit, parce qu'il espère que tu ne pourras plus te relever de cette chute ; il espère que toi, ayant été entraîné dans la chute de ton Eglise, tu resteras à terre, vaincu. Mais toi, tu te relèveras. Tu t'es relevé, tu es ressuscité et tu peux aussi nous relever. Sauve ton Eglise et sanctifie-la...Mais ne devons-nous pas penser également à ce que le Christ doit souffrir dans son Eglise elle-même ? Combien de fois abusons-nous du Saint-Sacrement de sa présence, dans quel cœur vide et mauvais entre-t-il souvent !...Combien l'orgueil et l'autosuffisance ! Que de manques d'attention au sacrement...Tout cela est présent dans sa passion. La trahison des disciples, la réception indigne de son Corps et de son Sang sont certainement les plus grandes souffrances du Rédempteur, celles qui lui transpercent le cœur. Il ne nous reste plus qu'à lui adresser, du plus profond de notre âme, ce cri : *Kyrie, eleison* – Seigneur, sauve-nous. (Méditation du chemin de croix le Vendredi saint de 2005 : 'Les vêtements et le visage si sales de ton Eglise...')

This is a tragic plea to save the Church from sinking its own ship through the transgressions and apathy of her followers clearly manifest through the rejection of key foundational doctrines of Catholicism and the embracing of new, highly secularized trends such as the Pacs.

Another expert, Bremond d'Ars explained this attitude among French people in 2003. His study relating to the number of adults in France who participated in the Catechism yielded the conclusion that many of these individuals were simply attempting to create their own personal belief system. A large number frequented services, education programs and other events of many different religions. Many had no intention of becoming fully active Catholics, but wanted to incorporate some beliefs and practices into their own lives (36). This trend seems to be quite prevalent in France, which renders the highly-structured Catholic model of complete conformity unattractive. What French people seem to be seeking is their own Catholicism, not Rome's.

CHAPTER 3: CREATION OF THE “*MARIAGE BIS*”

A Brief Introduction to French Government and the *Code Civil*¹⁴

In France the government has executive, judicial and legislative branches similar to the United States. Functioning somewhat like the United States Congress, the burden of debating, creating and amending laws falls upon the shoulders of the *Assemblée Nationale* and its members, the *députés*. The debates that led to the passage of law 99-944, commonly known as the *Pacte Civil de Solidarité* (or the Pacs), originated in November 1992 with the Ninth Legislature under the Constitution of 1958 (Rapport N1097). The debates continued through two more legislatures (the Tenth and Eleventh) until it was finally passed in November of 1999. During these seven long years many strong opinions advocated and opposed the measure, prophesying of either the great opportunities and rights it would create or of the terrible destruction it would bring upon French society. These debates provide an interesting look into the heart of the issues at stake, namely the nature of the *Code Civil*, known more commonly to Americans by its more historical term: The Napoleonic Code. Creating an institution like the Pacs requires rewriting a portion of the *Code Civil*.

The *Code Civil* is unlike any one document in the American Government corpus, but is revered by the French in a similar way that Americans revere the United States

¹⁴ Good summaries in English of the functioning of French government can be found on the Europa World website: <http://www.europaworld.com>. I also referred to the official website of *l'Assemblée Nationale*: <http://legifrance.gouv.fr> and Edminston and Duménil's *La France contemporaine* in writing this section.

Constitution. There is one significant difference, however, in the relationships between the French and their *Code Civil* and Americans and their Constitution: while the U.S. Constitution is often held up as the framework for judging the fairness and rightness of laws in order to perpetuate the values the nation was built upon, the *Code Civil* is meant to change with the times to adapt to the values and practices of the French Society. It is difficult for Americans to imagine their president having the ability to dissolve Congress or throw out the Constitution and rewrite it, but those are exactly the types of powers that the French Constitution itself invests in its president. Therefore, rather than being a government based on permanence with inherent structures resistant to drastic change (like the United States) the French government is the protector of the right of the French to change and create their own liberties and values over time.

The most passionate arguments either for or against the Pacs were based on the role of the *Code Civil*. Homosexuality and cohabitation are two social phenomena that have become a part of the *mœurs* of French society. The French word *mœurs* can translate into several different words in English: customs, habits, lifestyles, behaviors and attitudes; just to name a few. Those that advocated the Pacs provided plenty of statistics proving that these two “behaviors” or “lifestyles” and certainly alternate forms to traditional marriage and family were already quite prevalent in the 1990s. There is another important meaning of the word *mœurs*, however. It can also translate into the English words “morals” and “values.” Those who opposed the Pacs often did so on the grounds that they were not ready to accept these social practices, potentially destructive to the family, as a part of the morals or values of French society.

The Pacs Debates in *l'Assemblée Nationale*

One of the most influential *députés* in this debate who actively supported the Pacs was M. Jean-Pierre Michel from la Haute Saône. Currently a member of the *Socialiste* party, at the time of the debates he aligned himself with the *Radical-citoyen-vert* party. He authored or co-authored several reports that he presented to the *Assemblée* for consideration. In his most comprehensive report, N° 1097,¹⁵ presented on September 23, 1998 he provided a summary of the conflict up to that point in time. He wasted no time in beginning his report with a direct reference to the original Napoleonic Code: “*les concubins ignorant la loi, la loi ignore les concubins*” (Those who cohabit ignore the law and the law ignores them.) He then went on to explain that while the current system did not prohibit cohabitation, it did withhold these couples official legal recognition of their union. Also, by not defining the union legally it did not officially recognize their lifestyle as legitimate and accepted. Interestingly, he addressed directly those who opposed the moral implications: “Qu’on le déplore ou non, plus de deux millions de couples, appartenant à tous les milieux sociaux, ont ainsi fait le choix de construire leur projet commun de vie en dehors des liens du mariage.” By essentially saying, “whether we like it or not, this is the way it is” he evoked the idea that the lifestyle or behavior essence of the *mœurs* were already firmly in place, and the *Code Civil* was bound by its nature to follow.

¹⁵ Free copies (in French) of all of these official documents can be found on the official website of *l'Assemblée Nationale*: <http://legifrance.gouv.fr>. The search engine allows one to search by number or by topic.

After dwelling upon cohabitation and homosexuality in particular, and admitting that while some couples refuse marriage on ideological ground, most are just “lazy,”¹⁶ M. Michel gave suggestions of others who may profit from the Pacs. He claimed that it would not be solely reserved for couples, but open to any two people who had a common interest that could profit from the solidarity that the Pacs would provide them. He suggested aged persons and the younger persons responsible for their care may be interested in a Pacs. A handicapped person and their neighbor caretaker could be other candidates. Two widows may wish to be *Pacsées*, or even two farmers for financial reasons. This entire argument, of course, was meant to take the focus off of the sensitive issue that the Pacs is really for the benefit of homosexuals and unmarried couples living in cohabitation (what the French call *des concubins*.) However these types of Pacs unions between two persons who do not have a sexual relationship have been extremely rare.

M. Michel concluded his introduction by attempting to reassure those who claim that the Pacs would threaten traditional marriage. He claimed that by offering stability and solidarity to the unions between *concubins* society would actually benefit from such an institution. He then attacked the strength of marriage by arguing that one-third of all marriages ended in divorce including one-half of all marriages in the Paris area. His argument was essentially: if traditional marriage isn't working, why not offer an easier, less messy version to those who are interested?

¹⁶ The terms he used were “*une sorte de paresse de vie.*”

The report provided more disheartening statistics related to marriage and family on pages ten and eleven. At the time the report was written, almost 20 percent of men and women in France lived as non-married couples and had, on average, 1.5 children. Even more startling, one in every three children was being born outside of marriage, including one in every two first children. While marriage and responsible parenthood had obviously taken a back-seat to “lazier”¹⁷ family constructions, M. Michel did not advocate measures to encourage people to marry. Instead he claimed that the Pacs would help the situation by offering more stability to those couples who would not marry. The argument was that if these couples had more rights, they could be more responsible parents.

The question of homosexual couples was a different subject all together. M. Michel was very careful in his report about how he approached it. With the same sort of tone that he used earlier in the report (“whether we like it or not”) he matter-of-factly described the current situation for homosexual couples in France and made sure to cite European Union legislation that invested countries with the responsibility to provide for their rights.¹⁸ He also added the argument that while the origins of the debates that lead to the creation of the Pacs may have begun in the name of gay rights and while the passage of the Pacs may provide the most new rights to homosexuals, the real benefactors would be heterosexual couples who would have another option besides living outside the law or being bound by it for life (13).

¹⁷ See footnote 16.

¹⁸ The legislation that he refers to is the Treaty of Amsterdam, signed October 2, 1997 which lead to the addition of Article 6 to the European Community Treaty created by the European Parliament.

Within M. Michel's report he provided summaries of two earlier reports conducted by individuals outside of the government. The first was written by Law Professor Jean Hauser from the University of Bordeaux. M. Jacques Toubon, *maire* of Paris' 13th Arrondissement, had commissioned M. Hauser to look specifically into the possible financial implications of the Pacs. His report explored some research done on the *Pacte d'intérêt commun* (the Pact of Common Interest, or P.I.C.), the original proposed form of the Pacs. He strongly suggested that the only way this sort of legislation could really work without being an extreme financial and social burden would be if the rights accorded within it were very "modest." The rights he believed would be sufficient were far less than what the Pacs actually offers (13).

The second report was written by the influential sociologist Irène Théry. Martine Aubry the Minister of Employment and Stability, had commissioned Théry to present her outlook on the evolution of the family and society and the possible negative consequences that could result from the passage of the Pacs. Théry had already published several books on the topic including her most influential, *Le démariage* (loosely translated: the "anti-marriage" or "un-marriage"). Théry's writings were not extensively quoted in M. Michel's report, but they were already well-known by many of those involved in the Pacs debates.

The Philosophy Behind Théry's "Démariage"

Irène Théry predicted much of what we have seen in the last ten years since the passage of the Pacs clear back in the late 1980s and early 1990s. Her catch word, *le démariage*, described the social effects of the desacralisation of marriage. By referencing divorce legislation in France from the French revolution to the 1974 legalization of divorce by mutual consent, Théry used French society to illustrate the theory that the mentality that a society has about the rights of divorce as a civil liberty is actually a reflection of that society's valorization of marriage. In 1993, six years before the actual institution of the Pacs, she was already warning of its inevitable success: "On s'accorde aujourd'hui à souligner la coexistence pacifique du mariage et de l'union libre, deux formes d'union quasi interchangeables" (*Démariage*, 13). Théry saw the desacralisation of marriage and the family unit in French society as an ideal setting for the "peaceful coexistence" and the perceived nearly "interchangeable" relationship of the Pacs and traditional marriage.

Théry discussed marriage before 1792 as much easier to define than "modern" conceptions of marriage. As early as the 12th Century it was considered the most sacred of the sacraments in the Catholic Church, one of the most powerful pillars of society (31). It was the sacrament of uniting a man and a woman before God, and only God had the power to dissolve such a union. Trying to redefine marriage after the French Revolution in a society that theoretically no longer had religion was extremely difficult, and led to

great ambiguity. Théry described the confusion that resulted from changing a sacrament into a civil contract:

Comment définir le mariage civil? Est-il un contrat spécifique ? Quelles en sont les conditions ? Doit-on conserver le principe de son indissolubilité ? Et si non, selon quels principes, quelles références ? Les droits de l'homme ? La nature ? Le droit naturel? La tradition ? Comment concilier la liberté et la morale, le bien de l'Etat ? Quels sont les rapports entre droits civils et droits politiques ? Le sujet de droit des droits civils, quel est-il ? Un individu, un citoyen, ou un père, une mère, un époux, une fille, un fils ? Comment concilier référence à l'individu et référence à la famille ? Toutes ces questions, d'une certaine façon, renvoient à un même problème, majeur, celui du lien entre la famille et l'Etat. Quand la loi divine cesse d'être le fondement du lien social, se pose inévitablement la question de la relation entre les [deux.] (47)

Simply put, a society that has been built upon the Catholic model does not easily transform into one that has no divine laws and morals to govern it. An institution that was created as a sacrament in this culture does not easily transform into a civil contract that can be dissolved by the very human beings who entered into it. This forced transformation weakens and ultimately destroys the binding power of marriage and family life.

One of Théry's main points was that French society's obsession with keeping private and public spheres separate had allowed the family to decay behind the wall of *la vie privée*, or the private sphere. In the world of the *ancien régime*, the time of the monarchy before the French Revolution, marriage was a public matter. It was performed by, displayed by and protected by society. The republican government put in place by the Revolution passed a law in 1792 which moved marriage into the private sphere. This allowed for, for the first time, divorce based upon the choice of the persons involved. Overnight society lost its role as the protector of marriage and family and lost its right to even penetrate into these now "private" relationships.

The choice to move marriage from the public to private sphere was based upon the ideal of personal liberty. The right to divorce, or break a civil contract, represents a freedom that had not been available in the *ancien régime*. Théry even went as far as to say "Le divorce est...celui qui cristallise au plus haut point la valeur attachée à la liberté individuelle et l'inquiétude sur sa dérive individualiste"(8). She also pointed out that the action of making divorce easier to obtain produces an equal and opposite reaction that makes marriage less stable and provides more freedom to destroy it. Therefore, for over 300 years marriage in French society has been left open to unrestrained destruction without any sort of protector. As that society has evolved into becoming even more egocentric and secularized the destruction has accelerated exponentially. In 1993 Théry proclaimed that divorce itself had become a *mœur* of French society, just as respecting marriage and family roles had been previously.

Théry didn't blame the average French man or woman, but the ideals of the society that had allowed marriage to be so violated without any source of protection. As she says, "Ce qui nous manque, ce ne sont pas des individus responsables, c'est une collectivité capable de tenir sur la liberté individuelle un autre discours que celui de la gestion insignifiante ou de la décadence morale. Ce dont nous souffrons, ce n'est pas du divorce, c'est de l'incapacité totale de la société à lui donner un autre sens que celui de l'échec de ses valeurs" (10). A society based on the French form of *laïcité* inherently does not have the means to decide a common morality. Therefore there exists no reference point, such as the Catholic Church during the *ancien régime*, to measure a decrease or failure of that society's values.

As for her report she made before *l'Assemblée Nationale*, Théry added her views on the Pacs project specifically. She claimed that the more that cohabitation becomes defined and official under the law, the more it encroaches on marriage. Then she coined a phrase that is found throughout the rest of the debates: she calls the Pacs a "*mariage bis*" (Rapport N1097, 17). The phrase is difficult to translate into English while preserving its connotation, but the closest translation may be "alternative marriage," meaning that the Pacs encroaches upon marriage because it is marriage, just in another form. She suggests that instead of creating a new form of marriage, the government should simply grant more rights (though certainly not all the rights that the Pacs proposed to offer) to homosexuals and couples living in cohabitation outright, without redefining their living situation. If they want to live as married people, they would need to marry, end of story. This would be the only way to keep from disintegrating the social fabric of marriage and

family by encouraging marriage and keeping its rights separate and in-tact, rather than discouraging it by offering another solution with almost all the same perks.

Defining “Mariage bis”

Proponents of the Pacs, including M. Michel himself, strongly opposed the term “*mariage bis*.” The differences between traditional marriage and the Pacs were obvious, Michel claimed, as he continued his report. First, civil marriages and Pacs are registered in different ways by different governmental officials. The civil marriage in France happens at the *mairie*, like a town hall in the United States, and the document is signed by the *maire*, or the mayor, himself. The Pacs is signed at the *Greffe du Tribunal* by the *greffier*, a position that doesn’t really exist in U.S. local government but is somewhat similar to a County Clerk. Second, Michel pointed out, not every right that is available to married persons is available to Pacs couples, especially in the first few years after signing the document. Several benefits, notably the tax benefits, do not resemble those of married couples until three years after the date the couple entered into a Pacs. Third, and perhaps most attractive to perspective couples, the divorce from a civil marriage is completely different from ending a Pacs. It simply requires one or both of the of the partners to a) get married, b) die, or c) simply obtain another signature from the *greffier* (*Pacte Civil de Solidarité*).

Another key difference between a civil marriage and the Pacs that M. Michel underlined was one of the most troubling to those concerned about family stability. The

Pacs has no statutes relating to filiation or parental rights and responsibilities. In response to those who felt uneasy about this lack of stability for children, M. Michel pointed out that Pacs couples would not have adoption rights or rights for medically assisted reproduction practices. As for the staggering number of naturally-born children to unmarried parents, M. Michel claimed that the added measure of stability provided by judicially recognizing their parents' union could only benefit these offspring.

The Opposition

Several Right-wing *députés* vocally opposed the arguments in M. Michel's report following his presentation before *l'Assemblée*. Right-wing member of the *UMP* political party, M. Claude Goasguen from Paris, openly denounced the Pacs as dangerous for society because it would encourage rampant financial fraud. Another member of the *UMP*, M. Thierry Mariani from Vaucluse, agreed and added that the faulty "copy of marriage" opened the government up to any sort of misrepresentation imaginable. Long-time *UMP député* from la Loire, M. Pascal Clément, felt the need to defend the *Code Civil* and the hallowed private sphere of life for French citizens. He claimed that the Pacs violated not only the family, but the individual's right to privacy. It was also discriminatory legislation that could not benefit everyone, an idea that is incredibly important in French politics. Still others like Mme Nicole Catala, from Paris and representing another Right-wing party the *RPR*¹⁹, expressed concern about the impact of

¹⁹ The *RPR* merged with and became a part of the *UMP* in 2002.

the Pacs on the heterosexual community while supporting its measures to provide more rights to homosexuals. She claimed that opening the Pacs to all couples made it too ambiguous and was unnecessary when heterosexual couples already had marriage as an option for legitimizing and stabilizing their relationships.

M. Philippe Houillon, *UMP* representative from le Val d'Oise, agreed with Théry's assessment of the Pacs as an unnecessary *mariage-bis*. M. Henri Plagnol, another *UMP* representative from le Val-de-Marne, called the Pacs a *sous-mariage*, or a cheap imitation. He expressed concern for children at the mercy of their parents provided with a variety of choices from a sort of "marriage supermarket." By providing yet another option to marriage and free union, more and more couples were destined to choose options that deprived their children of basic rights relating to their place in their own families.

Another *UMP* member, M. Christian Estrosi from Nice, agreed with M. Plagnol and added that such legislation was exactly the opposite of what the *Assemblée* should be trying to accomplish. He claimed that their responsibility lied in protecting the family and fighting against the marriage decline rather than encouraging it. He expressed concern for children born to Pacs parents whose fathers would have no obligation towards them. He also pointed out past instances of hypocrisy where *députés* had claimed that there was not enough government funding available for projects that protected the family, but somehow there were plenty of funds available for the costly implementation and administration of the Pacs.

One of the most condemning *députés* was a representative of the *UDF* political party: M. Charles de Courson from la Marne. M. de Courson warned that the Pacs could disintegrate the fabric of society. He insisted that traditional families based upon marriage have certain rights for a reason. Two married persons have the power to create and nurture life in a stable situation with obligations and responsibilities as well as rights. Children are protected through these obligations their parents have towards them. As for homosexual rights, M. de Courson was very stern. He said that while they have their right to choose their sexual preferences and practices, because their unions do not create and nurture life in its natural setting, they simply should not be accorded the same rights.

M. Pierre Albertini, another *UDF* representative from la Seine Maritime, agreed with M. de Courson's evaluation of homosexuals' place in society. He boldly declared that only a relationship between a man and a woman can lead to the future of a society and only those relationships deserved the rights that marriage and the Pacs promised to provide. He sternly added that not all "values" are necessarily good for society, namely those that promote the disintegration of the family and bad parenting practices. He called the Pacs the "wrong answer to the real questions" and called for a refocus on marriage itself, not its alternative forms.

Majority Rules

Despite the heated opposition from these Right-wing *députés*, M. Michel certainly did not stand alone in his defense of the Pacs. Counter-arguments from his fellow Left-

wing politicians flew as freely as the opposition. Lining up behind many of M. Michel's arguments, other *Socialiste députés* like M. Jacques Floch from la Loire-Atlantique affirmed that the values of the times had changed and that legislation like the Pacs was inevitable. Others, like *Socialistes* Mme. Frédérique Bredin from la Seine-Maritime and M. Patrick Bloche from Paris, refuted the terms such as *mariage-bis* insisting with M. Michel that the Pacs was completely different from civil marriage but yet would provide needed stability to children and parents living outside of marriage. *Socialiste* M. Guy Hascoët from le Nord added that it would not harm marriage because it was simply not intended to. Still others, such as the late *Communiste* M. Bernard Birsinger from la Seine-Saint-Denis claimed that the government had the responsibility to provide for the homosexual minority.

While the heated debates continued for over one more year, M. Michel presented the definitive reading of the Pacs on October 6, 1999. In the report that accompanied this reading, M. Michel stated victoriously:

Au-delà de ces débats nécessairement animés, le PACS figurera sans doute au nombre des grandes lois républicaines qui, telles celles sur le droit de vote des femmes, l'abolition de la peine de mort ou encore l'interruption volontaire de grossesse, ont affermi les libertés individuelles en leur donnant un contenu effectif. C'est aussi une belle illustration de la devise de la République, cette réforme offrant aux couples, quel que soit

leur choix de vie, plus de liberté, plus d'égalité, plus de fraternité. (Rapport N1828)

Those who had valiantly supported the Pacs gave themselves a big pat on the back for advancing the liberties of the French people. Even after the die was cast however, the opposition held its ground. After the final reading of the law and M. Michel's report, M. Claude Goasguen made one final statement against the Pacs regretting the decision of the majority and reminding everyone that the debate had been long and hard and the final decision had certainly not been unanimous.

CHAPTER 4: THE PACS: CIVIL UNION À LA FRANÇAISE

Unanticipated Popularity

When the Pacs was first instituted in France it appeared that it would be especially for the benefit of same-sex couples. However, homosexual couples have never represented even 50% of French couples who choose the Civil Union option. In 1999, the Pacs' inaugural year, only 42% of Pacs couples were homosexual. Since 1999 the number has dropped significantly each year. The first big study conducted on the evolution of the Pacs in 2006 found only seven percent of Pacs couples that year were same-sex couples and only twelve percent of all Pacs couples were homosexual (Chemin, "En huit ans"). While other countries, like the United States, are burdened with deciding how many rights they are willing to offer homosexuals through their civil unions, France seems to have not only advanced gay rights, but also created another alternative to marriage for heterosexual couples. Most shockingly, the Pacs has become more wildly popular than anyone could have anticipated.

The same 2006 study found only seven years after the law was put into effect that over 77,000 couples entered into a Pacs. That adds up to nearly one new Pacs for every four civil marriages performed in France during that year. In 2008 it was as high as one Pacs for every two marriages (Borie). Between 1999 when the law was put into effect and 2006 the number of Pacs has increased by 20% each year. While the number of civil marriages had not significantly decreased, its stagnant state is being quickly eroded by

the popularity of this “new option.” This is largely because many proponents, such as *député* M. Michel, argued at the beginning that Pacs couples seemed to have a higher success rate than their civilly married counterparts (Rapport N1097). The near 50% divorce rate far outpaced the number of ruptures from the Pacs from 1999 through 2004. However, the Pacs only needed a little time to catch up. By 2006 the percentages of Pacs ruptures had actually slightly surpassed that of divorces from civil marriages that had been contracted over the same period of time. (Chemin, “Une union devenue banale”).

Table 3: Pacs and Marriages since 1999 with dissolution rate

	Pacs	Marriages
1999	6,211	293,700
2000	22,276	305,400
2001	19,632	295,900
2002	25,311	286,300
2003	31,585	280,300
2004	40,093	266,300
2005	60,473	283,200
2006	77,362	274,400
2007	102,012	273,669
% dissolved	18.90%	18.20%

These numbers are approximate and congruent with the official INSEE (*Institut national de la statistique et des études économiques*) statistics. Important note: 11% of total Pacs ruptures have resulted in the marriage of the two partners.

While for some the Pacs may represent a sort of “anti-marriage,” for many couples it represents nearly the same thing as a traditional marriage. As Anne Chemin pointed out in 2007:

Au fil des ans, le pacs semble donc s’être installé tranquillement dans le paysage, en se rapprochant peu à peu du mariage. Cette forme d’union se banalise...ils ressemblent de plus en plus aux couples mariés : ils aiment fêter leur union aux mois de juin et de juillet, comme les mariés, et ils s’unissent en moyenne à un peu plus de trente ans, comme les mariés.

(“Une union devenue banale”)

It has become nearly impossible to discern the difference between a traditionally married couple and a Pacs couple just by sight or by conversation. Whether believed to be cohabitation with a more solid commitment or marriage with a weaker one, this gray area alternative has certainly caught hold in the hexagon.

Death and Taxes?

So why does the Pacs appeal to so many heterosexual couples in France? Possible explanations may stem from the way that the French take advantage of their Social Security system. Much more elaborate than that of the United States, French citizens profit from such government programs as free higher education for many trades and mostly-free socialized health care. Some programs are barely imaginable for Americans such as maternity leave for fathers and vacation scholarships for those who are not able to

afford such a luxury. Women are paid a monthly sum for each child they have and are encouraged to go back to work by programs such as free day-care and preschool for their children.

All these great government benefits come at a price, of course, in taxes. *Les Impôts*, as they are called in France, are generally more than the sum that most Americans pay. On top of just property and income taxes there are taxes for such things as owning a television. Without understanding this element of the French lifestyle, it is difficult to understand just how appealing any kind of tax breaks and reliefs are to the French. Taxes are significantly less for married couples than for two separate individuals. Much of the text of law 99-944, the official implementation of the Pacs, relates to tax benefits for couples. On the third anniversary of the day a couple enters into a Pacs, they begin to enjoy almost all of the same tax benefits as a regularly married couple (Article 4-1).²⁰ Therefore, for many Pacs couples, entering into this sort of easily dissoluble union is more than just an act of measured commitment, it is a huge financial benefit.

Other financial rights offered to Pacs couples are also very appealing to couples across sexual preference lines. Pacs partners have inheritance rights in case of the death of their partner (Article 9).²¹ They also have the right to request that their employers give them the same vacation time. Indeed there is much to gain for many couples and

²⁰ Reference to changes made to article 6 of the Code Général des Impôts required with the passage of law 99-944.

²¹ Reference to changes made to article L. 361-4 of the Code de la Sécurité Sociale required with the passage of law 99-944.

individuals without having to make the intimidating and more serious, binding, marriage commitment.

Commitment Issues?

Of course the most common overt argument for the Pacs has been the relatively easy dissolubility of the contract compared to lengthy, expensive and complicated divorce from traditional marriage. The contract is dissolved automatically if a) one of the partners dies, or b) if one of the partners enters into a marriage contract with either their Pacs partner or with another individual. If one or both of the partners wishes to dissolve the union at any other time, they simply have to obtain the signature at the *Greffe de Tribunal* (Article 1:515-7). Any furniture or other significant possessions gained during the duration of the Pacs is distributed evenly between the two partners (Article 515-5). This break is much cleaner and simpler and certainly free of the stigmas that accompany traditional divorce.

Many young couples are choosing the lighter commitment of the Pacs because they are terrified of making the same mistakes as their parents. Almost half of the teenagers and twenty-somethings in France today come from divorced homes. These youth see choosing an alternative to marriage as a very responsible choice. Many blame their parents' failed marriages on getting married for the wrong reasons: to get away from their families, to become adults, to have a place to live away from home, to become a citizen, obtain tax breaks, etc. Now that the Pacs can offer them all of these things

without risking divorce, the choice seems obvious to many. Journalist Guillemette de la Borie found that many young French people believe “Mieux vaut ne pas se marier, pour ne pas avoir à divorcer” (“Pourquoi ne se marient-ils pas ?”). Many of these young couples claim that they will eventually marry. Before the institution of the Pacs nine of out of ten married couples in France first lived together outside of marriage for a time (A. S.). However, the majority of these Pacs couples in the last ten years have yet to marry.

Easy Path to Citizenship?

Another incredibly controversial aspect of the Pacs is the advantages to gaining citizenship or habitation rights in France (Article 12).²² These advantages are essentially the same as they are for married couples. Immigration and naturalization is one of the hottest political issues in France and has been since the colonial period. The vast majority of immigrants today are from France’s former colonial possessions in North and West Africa, including over one-half million from Algeria alone. The striking differences in culture, especially in those who come from Muslim backgrounds, has led to all kinds of crime, hate, and violence problems, especially in some of the suburbs surrounding Paris. It is relatively easy to arrive in France from another country, but for most, it seems all but impossible to become a French citizen.

²² Reference to changes made to 7° of the article 12 bis of l’Ordonnance no 45-2658 of 2 November 1945 required with the passage of law 99-944.

One of the easiest and most historically exploited ways to become a citizen of France is to marry a French citizen.²³ Countless marriages of convenience have happened in France over recent decades. Over one million total married couples consisting of an immigrant and a natural were accounted for in 2005 (Edminston et Duménil, 212). The passage of the Pacs has suddenly provided foreign hopefuls another avenue to citizenship that has almost no negative consequences. They can remain Pacsés long enough to become a citizen, then obtain the signature from the *greffier* to end the Pacs at any time.

***Laïcité* and the Pacs**

While the benefits provided by the Pacs are alluring, it is difficult to imagine a Catholic society untainted by *laïcité* embracing such an outright contradiction to Catholic doctrine. As religiosity among French Catholics has continued to decline, experts continue to blame morals deviating from the Church's positions on sexuality and traditional marriage and family as the key reasons. In the last decade, however, these issues have been represented by one important four-letter word: the Pacs. Portier blames the Church's debilitated position in the *laïque* society as the main reason this sort of legislation was even possible in a Catholic country. The Church simply finds herself divided and powerless in the face of such a monumental social and moral restructuring. The secular forces are infinitely more powerful, and the Church is left with neither means nor rights to stop or inhibit its creation, implementation or rapidly growing popularity.

²³ This right was limited between 1993 and 1998 by stricter immigration legislation (*les lois Pasqua*). The *loi Chevènement* restored these rights fully, however in 1998. See table in Edminston and Duménil, 213.

Portier puts the severity of the Pacs above that of even abortion, an issue where the Church has been slightly more successful in at least curbing the practice among the majority of her followers (133). However, the Church in her current position can do almost nothing now in the face of the Pacs.

In his 2000 article, Bréchon also blamed *laïcité* for cultural developments such as the Pacs. He analyzed how the cultural implications of *laïcité* influenced the perception of religion in general. He found that two-thirds of all French people agreed that religions caused more conflict than peace. The same number agreed that strongly religious people were often too intolerant of other people (12). These deeply-rooted cultural stigmas related to religiosity affect the number of Catholics who are willing to be regularly practicing. It is much more accepted to be baptized Catholic but to not allow Catholicism to dictate one's lifestyle and belief system for fear of becoming blindly intolerant.

Bréchon found another interesting cultural trend related to *laïcité*. Only 6% of French people surveyed claimed that all truth could be found in one religion. However, only 23% believed there was little or no truth in religion, while the remaining majority believed that fundamental truths are found in many religions. What *laïcité* has really accomplished in France is not the obliteration of Catholicism or religion in general, but an attitude of picking and choosing one's set of core beliefs from a variety of sources (12-13). This openness allows for easy dismissal of certain teachings that one does not wish to adhere to, especially, Bréchon claims, in relation to sexuality. He cites specifically the legitimacy of sexual relations outside of marriage and abortion as values that many

French Catholics embrace without embarrassment in a *laïque* society (25-26, 29). The French's value they place in their religion is that it is an essential element of society that is not meant to preserve values indefinitely, but meant to be changed or molded to fit their preferences.

Looking back over his decades of work, Yves Lambert wrote an article in 2004 trying to make sense of the Pacts by analyzing the attitudes of the passing generations from the 1950s to the present. During the 1950s, Lambert pointed out, the key indicator of one's religiosity was tied to their social class. The most religious persons were consistently those who lived in the countryside and/or had careers as executive or what the French call "*professions libérales*," or professions that require a specialized degree such as lawyers, doctors, architects and engineers. They were also almost without exception traditional right-wing politically. Those who were less religious tended to be either the working class or intellectual elite who were adherents of socialism or communism. These particular divisions show that the Church actually did have some political pull. Catholicism outwardly condemned both socialism and communism during this period which explains why only those who stood to gain the most from these social forms (the working class) adhered to them while those who could do well in a democratic society (those with specialized degrees) rejected these non-traditional politics and kept their religiosity ("De la classe sociale," 249-50).

However, beginning with the baby boom generation, this continuum was completely overturned. The leading factor determining one's religiosity was no longer

their social class, but the *generation they belonged to*. By 1990, Lambert claimed, the scale equated old age with religious fervor and deemed the youngest generations as the most apathetic. By passing on their rebellious spirit to their children, the descendants of the baby boomers have become progressively less accepting of religious guidance. Key issues leading to this divide, Lambert explained, were the Church's condemnation of contraception, abortion, and cohabitation since the early 1960s (250). Now forty and fifty years later, the children and grandchildren of the generation that first rejected the Church's stance on these issues are the ones supporting and defending the Pacs while legalizing their right to participate in practices condemned by their own religion.

One must be careful, however, before predicting that the generations to come will be even more promiscuous and rebellious than their forbearers. Support of legislation such as the Pacs does actually, in some ways, manifest the opposite of open rebellion in the current generation. True rebellion would be choosing to continue to cohabit outside of marriage without any real legal consequences. Instead, these young couples want to be legitimate in their lifestyles, they want to be legally recognized. Lambert argues that this trend shows an increased value on fidelity, authority, order and civic responsibility. Of course they claim the right to make their own choices relating to sex outside of marriage, abortion, homosexuality, etc., but they want to do so within the bounds of the law (253).

CONCLUSION

All of this being said, can anyone tell what the future may hold? The numbers are difficult to assess. Religious practices continue to decline along with any form of civil marriage, religious or otherwise. The number of Pacs couples has steadily increased since 1999 and seems to be just as appealing today as it was in its infancy. So are Catholicism and the traditional French family consigned to just wait for their inevitable and ever-impending death in the hexagon? Despite what it may look like, France's spirituality and value for the family does have significant reasons to hope for a very long life to come.

Laïcité in government has undergone a bit of a transformation since the inauguration of France's current president, Nicolas Sarkozy. He has condemned many of the negative effects of *laïcité* in the past and has sought for a more positive redefinition, what he calls "*la laïcité positive*." He has publically lamented the decrease of religiosity among his countrymen and has admitted that all that France has rejected in her own religion "n'ont pas rendu les Français plus heureux." He has also openly encouraged active Catholics by saying, "la France a besoin de catholiques convaincus qui ne craignent pas d'affirmer ce qu'ils sont et ce en quoi ils croient." An unashamed Catholic himself, the new president has not hesitated to make public statements such as "Les racines de la France sont essentiellement chrétiennes" and "la laïcité n'a pas le pouvoir de couper la France de [ces] racines" (Discours au Palais du Latran). He has promised to

renew and revalorize these Catholic roots in his country and has made conscious efforts to do so in the last few years.

A change in the papacy has provided almost as much hope for Catholicism in France as the change in the presidency. Pope Benedict XVI has been much more forceful than his recent predecessors in defending and proclaiming Catholic doctrine. His tour of France in September 2008 was met with much enthusiasm (Lensel et de Sauto). He openly addressed divorce and remarriage, mass attendance and public pronouncements of one's faith (Guénois, "Benoît XVI donne une feuille de route aux évêques"). President Sarkozy appeared with the pope publically, and Benedict praised Sarkozy's *laïcité positive* and defense of the Church ("Benoît XVI et Nicolas Sarkozy échangent sur la laïcité").

Surprisingly, some of the pope's most enthusiastic recipients in France were junior high, high school and university-aged youth. He addressed them directly several times, assuring them that the Church had confidence in them. He warned them of being superficially faithful while adhering to lower moral codes. "Témoignez de Dieu" he implored. "Il est urgent de parler du Christ...autour de vous, à vos familles et à vos amis, sur vos lieux d'études, de travail ou de loisirs" ("Benoît XVI aux jeunes : l'Eglise vous fait confiance"). Thousands of young French people expressed their renewed faith in the Church and in the pope himself, especially after hearing of his confidence in their potential (Bayet).

France remains a predominantly Catholic nation that values the traditional family and holds marriage in high esteem. Cultural trends may have tugged and be tugging quite violently at these traditional aspects of French culture, but yet after centuries they remain. The French are arguably more passionate and protective of their own culture than almost any other Western nation. It's a pride that perhaps even the most patriotic American cannot fully identify with. This culture, from its earliest origins, has been founded in Catholicism and families. France is still organized culturally and administratively by her ancient religious and noble family-based structures. Beautiful ancient monuments, churches, cathedrals and châteaux are found in every city and village. Even the staunchest atheist finds pride in France's finest Church and familial architecture and history.

However, another indisputable aspect of French culture is its ability to blend the pride of its past with the needs of the present. The *Code Civil* is perhaps the oldest legal document that is still in effect in the Western world, yet it has been modified over and over again to meet the present situation. Marriage has moved from a status symbol, to an essential foundation of society, to an option for two persons that still provides the greatest stability on which to base a relationship and a family. Even the concept of *laïcité* has been constantly redefined. And the Catholic Church has evolved from the administrator to the legitimizer to the source of nostalgia, but yet she remains. She too will continue to be modified to fit the present need, but, it is my opinion, that she will always have a place in the hearts of the French people. The Pacs, most likely, will also have a permanent home here.

APPENDIX 1: TEXT OF THE PACTE CIVIL DE SOLIDARITÉ

Law number 99-944 was passed on November 15, 1999. The official text of the *Pacte Civil de Solidarité* (Pacs) was published in *le Journal Officiel* on the following day. The law was also inserted into the *Livre Premier du Code Civil*. The following is the law in its entirety as it appeared in *le Journal Officiel* N° 265 on page 16959.

Article 1

Le Livre Premier du Code Civil est complété par un titre XII ainsi rédigé :

Titre XII – Du Pacte Civil de Solidarité et du Concubinage

Chapitre I^{er} – Du pacte civil de solidarité.

Article 515-1. Un Pacte Civil de Solidarité est un contrat conclu par deux personnes physiques majeures, de sexe différent ou de même sexe, pour organiser leur vie commune.

Article 515-2. A peine de nullité, il ne peut y avoir de Pacte Civil de Solidarité :

1. Entre ascendant et descendant en ligne directe, entre alliés en ligne directe et entre collatéraux jusqu'au troisième degré inclus ;
2. Entre deux personnes dont l'une au moins est engagée dans les liens du mariage ;
3. Entre deux personnes dont l'une au moins est déjà liée par un Pacte Civil de Solidarité.

Article 515-3. Deux personnes qui concluent un Pacte Civil de Solidarité en font la déclaration conjointe au Greffe du Tribunal d'Instance dans le ressort duquel elles fixent leur résidence commune.

À peine d'irrecevabilité, elles produisent au greffier la convention passée entre elles en double original et joignent les pièces d'état civil permettant d'établir la validité de l'acte au regard de l'article 515-2 ainsi qu'un certificat du Greffe du Tribunal d'Instance de leur lieu de naissance ou, en cas de naissance à l'étranger, du Greffe du Tribunal de Grande Instance de Paris, attestant qu'elles ne sont pas déjà liées par un Pacte Civil de Solidarité.

Après production de l'ensemble des pièces, le greffier inscrit cette déclaration sur un registre.

Le greffier vise et date les deux exemplaires originaux de la convention et les restitue à chaque partenaire.

Il fait porter mention de la déclaration sur un registre tenu au Greffe du Tribunal d'Instance du lieu de naissance de chaque partenaire ou, en cas de naissance à l'étranger, au Greffe du Tribunal de Grande Instance de Paris.

L'inscription sur le registre du lieu de résidence confère date certaine au Pacte Civil de Solidarité et le rend opposable aux tiers.

Toute modification du Pacte fait l'objet d'une déclaration conjointe inscrite au Greffe du Tribunal d'Instance qui a reçu l'acte initial, à laquelle est joint, à peine d'irrecevabilité et

en double original, l'acte portant modification de la convention. Les formalités prévues au quatrième alinéa sont applicables.

À l'étranger, l'inscription de la déclaration conjointe d'un Pacte liant deux partenaires dont l'un au moins est de nationalité française et les formalités prévues aux deuxième et quatrième alinéas sont assurées par les agents diplomatiques et consulaires français ainsi que celles requises en cas de modification du Pacte.

Article 515-4. Les partenaires liés par un Pacte Civil de Solidarité s'apportent une aide mutuelle et matérielle. Les modalités de cette aide sont fixées par le Pacte.

Article 515-5. Les partenaires d'un Pacte Civil de Solidarité indiquent, dans la convention visée au deuxième alinéa de l'article 515-3, s'ils entendent soumettre au régime de l'indivision les meubles meublants dont ils feraient l'acquisition à titre onéreux postérieurement à la conclusion du Pacte. A défaut, ces meubles sont présumés indivis par moitié. Il en est de même lorsque la date d'acquisition de ces biens ne peut être établie.

Les autres biens dont les partenaires deviennent propriétaires à titre onéreux postérieurement à la conclusion du Pacte sont présumés indivis par moitié si l'acte d'acquisition ou de souscription n'en dispose autrement.

Article 515-6. Les dispositions de l'article 832 sont applicables entre partenaires d'un Pacte Civil de Solidarité en cas de dissolution de celui-ci, à l'exception de celles relatives à tout ou partie d'une exploitation agricole, ainsi qu'à une quote-part indivise ou aux parts sociales de cette exploitation.

Article 515-7. Lorsque les partenaires décident d'un commun accord de mettre fin au Pacte Civil de Solidarité, ils remettent une déclaration conjointe écrite au Greffe du Tribunal d'Instance dans le ressort duquel l'un d'entre eux au moins a sa résidence. Le greffier inscrit cette déclaration sur un registre et en assure la conservation.

Lorsque l'un des partenaires décide de mettre fin au Pacte Civil de Solidarité, il signifie à l'autre sa décision et adresse copie de cette signification au Greffe du Tribunal d'Instance qui a reçu l'acte initial.

Lorsque l'un des partenaires met fin au Pacte Civil de Solidarité en se mariant, il en informe l'autre par voie de signification et adresse copies de celle-ci et de son acte de naissance, sur lequel est portée mention du mariage, au Greffe du Tribunal d'Instance qui a reçu l'acte initial.

Lorsque le Pacte Civil de Solidarité prend fin par le décès de l'un au moins des partenaires, le survivant ou tout intéressé adresse copie de l'acte de décès au Greffe du Tribunal d'Instance qui a reçu l'acte initial.

Le greffier, qui reçoit la déclaration ou les actes prévus aux alinéas précédents, porte ou fait porter mention de la fin du Pacte en marge de l'acte initial. Il fait également procéder à l'inscription de cette mention en marge du registre prévu au cinquième alinéa de l'article 515-3.

A l'étranger, la réception, l'inscription et la conservation de la déclaration ou des actes prévus aux quatre premiers alinéas sont assurées par les agents diplomatiques et

consulaires français, qui procèdent ou font procéder également aux mentions prévues à l'alinéa précédent.

Le Pacte Civil de Solidarité prend fin, selon le cas :

1. Dès la mention en marge de l'acte initial de la déclaration conjointe prévue au premier alinéa ;
2. Trois mois après la signification délivrée en application du deuxième alinéa, sous réserve qu'une copie en ait été portée à la connaissance du greffier du Tribunal désigné à cet alinéa ;
3. A la date du mariage ou du décès de l'un des partenaires.

Les partenaires procèdent eux-mêmes à la liquidation des droits et obligations résultant pour eux du Pacte Civil de Solidarité. À défaut d'accord, le juge statue sur les conséquences patrimoniales de la rupture, sans préjudice de la réparation du dommage éventuellement subi.

Article 2

Après l'article 506 du code civil, il est inséré un article 506-1 ainsi rédigé :

Article 506-1. Les partenaires procèdent eux-mêmes à la liquidation des droits et obligations résultant pour eux du Pacte Civil de Solidarité. À défaut d'accord, le juge statue sur les conséquences patrimoniales de la rupture, sans préjudice de la réparation du dommage éventuellement subi.

Article 3

Le titre du Livre Premier du Code Civil est complété par un Chapitre II ainsi rédigé :

Du concubinage.

Article 515-8. Le concubinage est une union de fait, caractérisée par une vie commune présentant un caractère de stabilité et de continuité, entre deux personnes, de sexe différent ou de même sexe, qui vivent en couple.

Article 4

I. Le 1 de l'article 6 du Code Général des Impôts est complété par un alinéa ainsi rédigé :

"Les partenaires liés par un Pacte Civil de Solidarité défini à l'article 515-1 du Code Civil font l'objet, pour les revenus visés au premier alinéa, d'une imposition commune à compter de l'imposition des revenus de l'année du troisième anniversaire de l'enregistrement du Pacte. L'imposition est établie à leurs deux noms, séparés par le mot : "ou"."

II. Après le 6 de l'article 6 du Code Général des Impôts, il est inséré un 7 ainsi rédigé :

"7. Chacun des partenaires liés par un Pacte Civil de Solidarité est personnellement imposable pour les revenus dont il a disposé l'année au

cours de laquelle le Pacte a pris fin dans les conditions prévues à l'article 515-7 du Code Civil.

Lorsque les deux partenaires liés par un Pacte Civil de Solidarité et soumis à imposition commune contractent un mariage, les dispositions du 5 ne s'appliquent pas.

En cas de décès de l'un des partenaires liés par un Pacte Civil de Solidarité et soumis à imposition commune, le survivant est personnellement imposable pour la période postérieure au décès."

- III. Les règles d'imposition et d'assiette, autres que celles mentionnées au dernier alinéa du 1 et au 7 de l'article 6 du Code Général des Impôts, les règles de liquidation et de paiement de l'impôt sur le revenu et des impôts directs locaux ainsi que celles concernant la souscription des déclarations et le contrôle des mêmes impôts prévues par le Code Général des Impôts et le Livre des Procédures Fiscales pour les contribuables mentionnés au deuxième alinéa du 1 de l'article 6 du Code Général des Impôts s'appliquent aux partenaires liés par un Pacte Civil de Solidarité qui font l'objet d'une imposition commune.

Article 5

- I. Il est inséré, dans le Code Général des Impôts, un article 777 bis ainsi rédigé :

Article 777 bis. "La part nette taxable revenant au partenaire lié au donateur ou au testateur par un Pacte Civil de Solidarité défini à l'article 515-1 du Code Civil est soumise à un taux de 40 % pour la fraction n'excédant pas 100.000 F et à un taux de 50 % pour le surplus.

Ces taux ne s'appliquent aux donations que si, à la date du fait générateur des droits, les partenaires sont liés depuis au moins deux ans par un Pacte Civil de Solidarité."

II. À l'article 780 du Code Général des Impôts, les mots : " article 777 " sont remplacés par les mots : " articles 777, 777 bis".

III. L'article 779 du Code Général des Impôts est complété par un III ainsi rédigé :

"III. Pour la perception des droits de mutation à titre gratuit, il est effectué un abattement de 300.000 F sur la part du partenaire lié au donateur ou au testateur par un Pacte Civil de Solidarité défini à l'article 515-1 du Code Civil. Pour les mutations à titre gratuit entre vifs consenties par actes passés à compter du 1er janvier 2000 et pour les successions ouvertes à compter de cette date, le montant de l'abattement est de 375.000 F.

Cet abattement ne s'applique aux donations que si, à la date du fait générateur des droits, les partenaires sont liés depuis au moins deux ans par un Pacte Civil de Solidarité."

Article 6

- I. Après le quatrième alinéa de l'article 885-A du Code Général des Impôts, il est inséré un alinéa ainsi rédigé :

"Les partenaires liés par un Pacte Civil de Solidarité défini par l'article 515-1 du Code Civil font l'objet d'une imposition commune."

- II. Au II de l'article 885 W du Code Général des Impôts, après les mots : "Les époux", sont insérés les mots : "et les partenaires liés par un Pacte Civil de Solidarité défini par l'article 515-1 du Code Civil."

- III. À l'article 1723 ter-00 B du Code Général des Impôts, après les mots : "Les époux", sont insérés les mots : "et les partenaires liés par un Pacte Civil de Solidarité défini par l'article 515-1 du Code Civil".

Article 7

Le premier alinéa de l'article L. 161-14 du Code de la Sécurité Sociale est complété par une phrase ainsi rédigée :

"Il en est de même de la personne liée à un assuré social par un Pacte Civil de Solidarité lorsqu'elle ne peut bénéficier de la qualité d'assuré social à un autre titre."

Article 8

Les dispositions des articles L. 223-7, L. 226-1, quatrième alinéa, et L. 784-1 du Code du Travail sont applicables aux partenaires liés par un Pacte Civil de Solidarité.

Article 9

Le dernier alinéa de l'article L. 361-4 du Code de la Sécurité Sociale est ainsi rédigé :

"Si aucune priorité n'est invoquée dans un délai déterminé, le capital est attribué au conjoint survivant non séparé de droit ou de fait, au partenaire auquel le défunt était lié par un Pacte Civil de Solidarité ou à défaut aux descendants et, dans le cas où le de cujus ne laisse ni conjoint survivant, ni partenaire d'un Pacte Civil de Solidarité, ni descendants, aux ascendants."

Article 10

Le deuxième alinéa de l'article L. 523-2 du Code de la Sécurité Sociale est ainsi rédigé :

" Lorsque le père ou la mère titulaire du droit à l'allocation de soutien familial se marie, conclut un Pacte Civil de Solidarité ou vit en concubinage, cette prestation cesse d'être due."

Article 11

Le deuxième alinéa (1°) de l'article L. 356-3 du Code de la Sécurité Sociale est ainsi rédigé :

1. Se remarie, conclut un Pacte Civil de Solidarité ou vit en concubinage ;

Article 12

La conclusion d'un Pacte Civil de Solidarité constitue l'un des éléments d'appréciation des liens personnels en France, au sens du 7° de l'article 12 bis de l'Ordonnance no 45-2658 du 2 novembre 1945 relative aux conditions d'entrée et de séjour des étrangers en France, pour l'obtention d'un titre de séjour.

Article 13

- I. Dans la deuxième phrase du quatrième alinéa de l'article 60 de la Loi n° 84-16 du 11 janvier 1984 portant dispositions statutaires relatives à la fonction publique de l'État, après les mots : "raisons professionnelles," sont insérés les mots : "aux fonctionnaires séparés pour des raisons professionnelles du partenaire avec lequel ils sont liés par un Pacte Civil de Solidarité."
- II. Dans l'article 62 de la Loi n° 84-16 du 11 janvier 1984 précitée, après les mots : "raisons professionnelles", sont insérés les mots : "les fonctionnaires séparés pour

des raisons professionnelles du partenaire avec lequel ils sont liés par un Pacte Civil de Solidarité."

- III. Dans les premier et deuxième alinéas de l'article 54 de la Loi n° 84-53 du 26 janvier 1984 portant dispositions statutaires relatives à la fonction publique territoriale, après les mots : "raisons professionnelles", sont insérés les mots : "les fonctionnaires séparés pour des raisons professionnelles du partenaire avec lequel ils sont liés par un Pacte Civil de Solidarité."
- IV. Dans l'article 38 de la Loi n° 86-33 du 9 janvier 1986 portant dispositions statutaires relatives à la fonction publique hospitalière, après les mots : "raisons professionnelles", sont insérés les mots : "les fonctionnaires séparés pour des raisons professionnelles du partenaire avec lequel ils sont liés par un Pacte Civil de Solidarité."

Article 14

- I. Après le troisième alinéa de l'article 14 de la loi n° 89-462 du 6 juillet 1989 tendant à améliorer les rapports locatifs et portant modification de la loi n° 86-1290 du 23 décembre 1986, il est inséré un alinéa ainsi rédigé :

" - au profit du partenaire lié au locataire par un Pacte Civil de Solidarité ;"

- II. Après le septième alinéa du même article 14, il est inséré un alinéa ainsi rédigé :

" - au partenaire lié au locataire par un Pacte Civil de Solidarité ;"

- III. Dans la deuxième phrase du premier alinéa du I de l'article 15 de la même loi, après les mots : "bailleur, son conjoint,", sont insérés les mots : "le partenaire auquel il est lié par un Pacte Civil de Solidarité enregistré à la date du congé, ".
- IV. Dans la deuxième phrase du premier alinéa du I du même article 15, après les mots : "ceux de son conjoint", le mot : "ou" est remplacé par les mots : ", de son partenaire ou de son".

Article 15

Les conditions d'application de la présente loi sont fixées par décrets en Conseil d'État.

Le décret relatif aux conditions dans lesquelles sont traitées et conservées les informations relatives à la formation, la modification et la dissolution du Pacte Civil de Solidarité est pris après avis de la Commission nationale de l'informatique et des libertés.

La présente Loi sera exécutée comme Loi de l'État.

GLOSSARY

L’Ancien régime – “The Old Regime” or the social order that existed in France before the French Revolution of 1789. The monarchy was the center of power and was closely tied to the Catholic Church.

L’Assemblée Nationale – “The National Assembly” or legislative body in France.

Le Code Civil – “The Civil Code” more commonly known to Americans as “The Napoleonic Code” that is still the basis of French law today.

Communiste – Left-wing Communist political party in France.

Concubin – Literally “concubine” but has a less stinging connotation in French.

Describes any person who lives in a couple outside of marriage.

Démariage – Word invented by sociologist Irène Théry which means “anti-marriage” or “un-marriage.” Théry uses this term to describe the evolution of marriage in French society.

Député – Elected member of l’Assemblée Nationale.

L’Eglise – “The Church” when capitalized refers to the Catholic Church.

Festifs – Term created by the Michelat group that describes Catholics who only attend church for rites of passage such as baptisms and marriages.

Greffe du Tribunal – Office of the Greffier. When a couple wishes to be Pacsés, they must go here instead of the *mairie*.

Greffier – Official responsible for authentication of judicial acts within his jurisdiction. Pacs couples must obtain a signature from the *Greffier* instead of the *maire*.

Les Impôts – The French word for taxes.

Le Journal Officiel – Official publication of the French government where, among other things, new laws are published.

La justice – In this paper, this word refers to “the moral right” as in opposition to “the moral wrong.”

Laïcisation – Term that refers to the changes on a particular institution, such as the national school system, in order to separate it from the Church and fit the *laïque* French society.

Laïcité – The French term that describes the government’s relationship with religion. A uniquely French concept, different than the American idea of “Separation of Church and State.”

La Laïcité Positive – President Nicolas Sarkozy’s new approach to *laïcité* which places religion in a more positive light.

Laique – Adjective describing something that has gone through *laicization*. Sometimes translated as “secular.”

Maire – The French equivalent of a mayor.

Mairie – Where the *maire* works, the French equivalent of a town hall.

Mariage bis – Term created by Irène Théry that figured prominently in the debates in *l'Assemblée Nationale* during the creation of the Pacs. Loosely translated it means “alternative marriage” or “marriage again” with the connotation that it is unnecessary and redundant because marriage already exists.

Messalisants - Term created by the Michelat group that describes Catholics who attend mass on a weekly basis.

Mœurs – A French word whose meaning encompasses the English concepts of customs, habits, lifestyles, behaviors, attitudes, morals and values.

Pacte Civil de Solidarité (le Pacs) – The French version of a civil union.

Pacte d'Intérêt Commun (P.I.C.) – Forerunner of the Pacs that was never actually implemented.

Pascatins – Term created by the Michelat group that describes Catholics who attend mass only on major religious holidays such as Easter and Christmas.

Professions libérales – Professions in France that require a specialized degree such as lawyers, doctors, architects and engineers.

Radical-citoyen-vert – French political party that comprises an alliance of the Left and environmentalists.

RPR – *Rassemblement pour la République* French Right-wing political party that has merged with the *UMP*.

Socialiste – French Socialist political party on the Left.

Sous-mariage – Term used by *député* M. Henri Plagnol during the Pacs debates in *L'Assemblée Nationale* which means “under-marriage” with the connotation of a “cheap imitation.”

UDF – *Union pour la démocratie française* centrist French political party.

UMP – *Union pour un mouvement populaire*, a French right-wing political party founded by President Jacques Chirac and political party of current President Nicolas Sarkozy.

La vie privée – Literally “the private life” referring to the private sector or private sphere.

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