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A Catholic Path to Liberalism: Montalembert, the Falloux Law, and Separation of Church and State

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This article seeks to enrich discussion of Catholicism and liberalism by recovering the intellectual trajectory of Charles Forbes René, Comte de Montalembert (1810–70) and his work in the drafting of the Falloux Law of 1850. The article shows how Montalembert served as a key bridge figure in the translation of liberal Catholic political discourse into legislative reality, emphasizing a liberalism of jurisdiction and constitutionalism that he wielded against both French anticlericals and reactionary Catholics. Although often seen more as a Catholic figure than as a liberal tout court, Montalembert's thought as evinced in his political interventions on education placed him comfortably in the core of nineteenth-century liberalism, perhaps more than he himself would have cared to realize. As the article shows, Montalembert bridged political theory and practice, and his relatively unappreciated legacy ramified far beyond his own career.

French Catholicism—and organized religion more generally—has often been portrayed as standing in opposition to republicanism. The concept of the Republic as essentially *laïque*, and juridically established as such in 1905, has grown deeply embedded in some corners of French society, continually looming over political contestation in the country. Recent scholarship, however, has sought to challenge the perceived opposition between religion and Republic that has exercised such a hold on French political culture, whether by highlighting the role of religion in the French revolution or showing the contestation and contingency that produced *laïcité*.¹ In this vein, the group of “liberal Catholics,” who left such a mark on French thought in the crucial years of the mid-nineteenth century, also destabilize the narrative of an inevitably *laïque* Republic. This article gives an account of the crystallization of liberal Catholicism by way of the thought and political role of Charles Forbes René, Comte de Montalembert (1810–70),

¹ Some of the many notable works in these discussions include Dale van Kley, *Religious Origins of the French Revolution* (New Haven, 1996); Catharine Maire, *De la cause de Dieu à la cause de la Nation* (Paris, 1998); Alyssa Goldstein Sepinwall, *The Abbé Grégoire and the French Revolution: The Making of Modern Universalism* (Berkeley, 2005); Jean-Marie Mayeur, *La question laïque: XIXe–XXe siècle* (Paris, 1997); Joan Scott, *Politics of the Veil* (Princeton, 2007); Scott, *Sex and Secularism* (Princeton, 2018); Jean Baubérot, *La laïcité falsifiée* (Paris, 2014); Baubérot, *Les sept laïcités françaises: Le modèle français de laïcité n'existe pas* (Paris, 2016); Joseph Byrnes, *Catholic and French Forever* (University Park, 2005).

a leader within that movement who has nonetheless been under-studied as a singular figure. Reading archived records of Montalembert's correspondence and interventions on education alongside his better-known published writings shows a Catholic path to liberalism that was more generative in the nineteenth century than is commonly appreciated.

Montalembert has long been considered as a Catholic figure more than a liberal *tout court*, with scholars calling to mind Montalembert's own slogan that he was a "Catholique avant tout."² However, close attention to his political and legislative work shows how his strand of liberal Catholicism arrived at a surprisingly familiar defense of negative liberties, which Montalembert shared with canonical figures in the French liberal tradition. This was despite a different point of departure: Montalembert's career followed an alternative, Catholic route to liberalism, which started with a focus not on anthropology or the individual qua moral agent, but rather on the limits of state jurisdiction. However, from this point of departure, Montalembert and his fellow travelers articulated a robust defense of negative liberties, and he became a crucial figure in a young tradition of liberal Catholicism that ramified far beyond its origin in 1830s France.

The relationship between religion and politics remains a key question for historians, and historians have recently showed a particular interest in the connections between Catholicism and modern politics. In recent years, many admirable volumes have been published on this topic, with a particular focus on the twentieth century. In explaining the role of Catholics in building modern political culture, historians have concentrated on several developments: the emergence of personalism and the formation of human rights law, the development of Christian democratic political parties, and, relatedly, the politics of the Second Vatican Council.³ The nineteenth-century antecedents of these developments have received more fragmentary attention, but a growing body of scholarship now turns to this period, and especially the Catholic *ralliement* to republicanism during the last decade of the century.⁴ Yet even the *ralliement* was not the beginning of this history, but the result of prior decades of contestation within French Catholicism, including by Montalembert and fellow liberals.

Montalembert reconfigured the place of Catholicism in French politics in part through his early interventions on education, another topic that has attracted sustained

² Lucien Jaume, "La place du catholicisme libéral dans la culture politique française," in Antoine de Meaux and Eugène de Montalembert, eds., *Charles de Montalembert* (Paris, 2012), 59–77, at 61.

³ Étienne Fouilloux, *Une église en quête de liberté* (Paris, 1998); Sam Moyn, *Christian Human Rights* (Philadelphia, 2015); Sarah Shortall and Daniel Steinmetz-Jenkins, eds., *Christianity and Human Rights Reconsidered* (Cambridge, 2020); Sarah Shortall, *Soldiers of God in a Secular World* (Cambridge, 2021); Brenna Moore, *Kindred Spirits: Friendship and Resistance at the Edges of Modern Catholicism* (Chicago, 2021); James Chappel, *Catholic Modern* (Cambridge, 2018); Émile Perreau-Saussine, *Catholicism and Democracy* (Princeton, 2011); Stathis Kalyvas, *The Rise of Christian Democracy in Europe* (Ithaca, 1996); John McGreevy, *Catholicism: A Global History from the French Revolution to Pope Francis* (New York, 2022).

⁴ Carol Harrison, *Romantic Catholics* (Ithaca, 2014); Jennifer Walker, *Sacred Sounds, Secular Spaces: Transforming Catholicism through the Music of Third-Republic Paris* (Oxford, 2021); Gérard Cholvy, *Frédéric Ozanam (1813–1853): L'engagement d'un intellectuel catholique au XIXe siècle* (Paris, 2003); François Eter, *Catholiques et Économistes: Leurs controverses depuis la Révolution* (Paris, 2022); Glaucio Schettini, *The Invention of Catholicism: A Global Intellectual History of the Catholic Counterrevolution, 1780–1849* (Oxford, forthcoming).

interest, especially in the historiography of modern France. Although historians have long realized the political quality of education and its role in fostering civic culture, a rich scholarly discussion has highlighted the more intangible moral education that was at stake in the battles over primary and secondary schooling.⁵ Much of this scholarship has focused on the second half of the nineteenth century, perhaps because of the endurance of the Ferry laws that were enacted in this period.⁶ Considered from different angles, the moral and political project enacted by Ferry's educational reform might appear in slightly different guises, but in any case, the development of French public education in the Third Republic has been the subject of a rich and growing historiography.

However, education during the Second Republic has not received the same attention, despite the 1848 Revolution having forced liberals to confront education's role in moral formation and social stability.⁷ Certainly, several historians have considered this chapter within the larger history of French education.⁸ Sylvain Milbach, for instance, shows how the law was the culmination of repeated struggles regarding the place of religion in education in the decades leading up to 1848.⁹ Additionally, the singular figure of Victor Cousin and his sway over French education has received attention, including in Jan Goldstein's important study *The Post-revolutionary Self*.¹⁰ Even so, the existing scholarship has undersold the significance of the Falloux Law in the intellectual histories of education and liberalism. The contestation surrounding the Falloux Law laid bare the moral stakes of education, stakes that remained relevant in the following decades. Moreover, the rich archival and primary-source material from the legislation's drafting gave a concrete account of how Montalembert and his allies married commitments to liberalism, Catholicism, and pluralism by seeking to limit state power and centralization in secondary education, despite it appearing contrary to their immediate interests.¹¹

Considering Montalembert's interventions in these debates on education does not just illustrate the intellectual biography of a significant French politician—it also gives

⁵For two classic accounts see Mona Ozouf, *L'École, l'Église et la République: 1871–1914* (Paris, 1992); and Phyllis Stock-Morton, *Moral Education for a Secular Society: The Development of Morale laïque in Nineteenth-Century France* (Albany, 1988).

⁶Judith Surkis, *Sexing the Citizen: Morality and Masculinity in France, 1870–1920* (Ithaca, 2006); Katherine Auspitz, *The Radical Bourgeoisie: The Ligue de l'enseignement and the Origins of the Third Republic, 1866–1885* (Cambridge, 1982). Many accounts stress the secular and anticlerical movements that led up to the Ferry Laws, including Katherine Auspitz and Jacqueline Lalouette, *La République anticléricale* (Paris, 2002).

⁷In explaining its brief coverage of the period, one important survey states that this is because of the “thin” role of the Second Republic in French education legislation. Françoise Mayeur, *Histoire générale de l'enseignement et de l'éducation en France*, vol. 3, *De la Révolution à l'École républicaine, 1789–1930* (Paris, 1981), 325.

⁸Antoine Prost, *Histoire de l'enseignement en France 1800–1967* (Paris, 1968), 172–7, Paul Gerbod, *La condition universitaire en France au XIXe siècle* (Paris, 1966).

⁹Sylvain Milbach, *Les chaires ennemies: L'Église, l'État et la liberté de l'enseignement secondaire dans la France des notables (1830–1850)*

¹⁰Jan Goldstein, *The Post-revolutionary Self: Politics and Psyche in France, 1750–1850* (Cambridge, 2005).

¹¹Particularly valuable are records from the Fonds Falloux in the Bibliothèque nationale de France's Département des manuscrits. Much of the drafting process was also later memorialized in Georges Chenesseau, *La commission extra-parlementaire de 1849* (Paris, 1937).

an account of how French Catholics articulated their own strand of liberalism that focused on limiting state power, even when that power was cast as bolstering the moral force of Catholicism. Recent accounts of the history of liberalism focus their genealogy on secular and Protestant origins.¹² And certainly there are important secular and Protestant sources in this political tradition. But Montalembert's career underscores the influence of what Lucien Jaume identified as the third strand of French liberalism—liberal Catholicism.¹³ Jaume understood this third strand of liberalism as attempting to reconcile Catholic teaching and the modern state and its liberties, but the following reading of Montalembert's work points to an even more focused project on mapping the limits of state jurisdiction.¹⁴ Historians have not fully taken stock of the significance of this Catholic strand of liberalism. Montalembert was more than the “liberal who failed,” to borrow from the title of one biography, and paying close attention to his interventions in politics shows how Montalembert's strand of liberalism was not as marginal as it may initially appear.¹⁵

The first part of this article overviews the initial emergence of liberal Catholicism following the July Revolution, highlighting Montalembert's collaboration with Lamennais. The second section focuses closely on Montalembert's work advocating for and then drafting an educational reform that granted the church greater liberty in operating secondary schools. The legislative records from the Falloux Law's drafting showed how Montalembert emphasized the state's limited jurisdiction over education and associational life, and a pluralist understanding of French society, as liberals of all varieties confronted the state's potential role in moral formation. The third section then connects this political work, which crystallized a liberalism of limited powers and jurisdiction, with Montalembert's influence beyond his time and place in mid-nineteenth century France. Although the full sweep of Montalembert's life and thought cannot be covered within the scope of this article, his contributions on disestablishment, education, and the Falloux Law proved more politically generative than is commonly understood.

The beginning and *L'Avenir*

Montalembert was born in 1810 to émigré parents in London, and was raised in part by his maternal grandfather, the British artist James Forbes. Coming from a long aristocratic line, Montalembert and his family were deeply affected by the chaos of the Revolution, though they would return to France following the fall of Napoleon.¹⁶

¹²Helena Rosenblatt, *The Lost History of Liberalism: From Ancient Rome to the Twenty-First Century* (Princeton, 2018); Jonathan Israel, *A Revolution of the Mind: Radical Enlightenment and the Intellectual Origins of Modern Democracy* (Princeton, 2010).

¹³Lucien Jaume, *L'individu effacé ou le paradoxe du libéralisme français* (Paris, 1997).

¹⁴In this respect, there is a similarity between Montalembert's liberal Catholicism and the aristocratic liberalism that Annelien de Dijn attributes to Montesquieu, among others, although these stands show markedly different attitudes towards religion itself. Annelien de Dijn, *French Political Thought from Montesquieu to Tocqueville: Liberty in a Levelled Society?* (Cambridge, 2008).

¹⁵James C. Finlay, *The Liberal Who Failed* (Washington, 1968).

¹⁶For a comprehensive, if sympathetic, portrait of Montalembert's early life see Édouard Lecanuet, *Montalembert*, vol. 1, *Sa jeunesse (1810–1836)* (Paris, 1903).

But the Revolution did not just impact Montalembert's upbringing and family life, it also loomed over French politics and religious life during the Restoration. The Civil Constitution of the Clergy had left raw wounds within the French church, and older clerics in Montalembert's youth would themselves have faced the choice of whether to swear the oath of allegiance to the state and constitutional church.

Montalembert first gained prominence as a "liberal Catholic" in his early twenties when he coedited the journal *L'Avenir* from 1830 to 1831. The journal had been founded by Félicité de Lamennais, then one of the most famous clerics in the French church and a key figure in the genesis of liberal Catholicism. Lamennais, a Catholic priest, was born in 1782 in Saint-Malo in Brittany and ordained in 1816 in Paris. His ordination and entry into the priesthood, which had the quality of a profound religious conversion, came immediately after the 100 Days and the Restoration of Louis XVIII to the French throne—an early demonstration of the interweaving of politics and religion that persisted in Lamennais's thought.¹⁷ Shortly thereafter, in 1817, he published his initial claim to fame, the *Essai sur l'indifférence en matière de religion*, where he argued against a religious indifference he perceived as taking hold within the French state.¹⁸ These early religious writings attracted wide attention, with Henri Lacordaire claiming that "in a single day, he found himself invested with the power of Bossuet."¹⁹

Over time, Lamennais wrote on a host of political issues. Increasingly identified with the left, or at least as a liberal, Lamennais would eventually argue for separation of church and state and against monarchy. Although it was the critique of religious indifference that catapulted Lamennais to fame, he increasingly focused his writings on church–state relations in the period leading up to the July Revolution.²⁰ Lamennais was particularly interested in the roles of church and state in education, authoring several pieces on the subject well before he came into contact with Montalembert.²¹ As those essays showed, Lamennais long understood education as a site of conflicting interests between church and state.

Montalembert joined Lamennais in a pivotal moment in his trajectory from fervent cleric to critic of church hierarchy. Amid the political turmoil of 1830, Lamennais established *L'Avenir* to articulate the liberal political vision that had crystallized in his mind. The moment had yielded a tremendous political opening. In France, the July Revolution brought the end of the Bourbon Restoration that Lamennais had criticized; just north of France, the 1830 Belgian Revolution saw Catholics join ranks with

¹⁷Thomas Kselman, *Conscience and Conversion: Religious Liberty in Post-revolutionary France* (New Haven, 2018), 159–64.

¹⁸See Félicité de Lamennais, *Essai sur l'indifférence en matière de religion* (Paris, 1817).

¹⁹Jean-Baptiste Lacordaire, *Considérations sur le système philosophique de M. De la Mennais* (Louvain, 1847), 19: "En un seul jour M. de La Mennais se trouva investi avec l'autorité de Bossuet. L'Europe attendit la continuation de son ouvrage."

²⁰Lamennais first seriously broached the topic of church–state relations in his short book *De la religion considérée dans ses rapports avec l'ordre civil et politique* (Paris, 1826).

²¹Félicité de Lamennais, *Du droit du gouvernement sur l'éducation* (Paris, 1817); de Lamennais, *De l'éducation considérée dans ses rapports avec la liberté* (1818).

liberals to establish the independent Kingdom of Belgium.²² Lamennais and his followers sought to capitalize on this moment to argue for a greater separation between the church and the state under the new regime. The journal's initial prospectus made this purpose clear. "The majority of the French want their religion and their liberty. No stable order will be possible if these are considered as enemies," the first sentences declared.²³ The time had come to "re-establish the union" between "Catholicism and liberty."²⁴ The chief goal would be "reclaiming the separation of the church and the state, a necessary separation for the liberty of the church," and the foundation for *L'Avenir's* strand of liberalism.²⁵

This vision captivated the young Montalembert, who was only twenty at the time. Having just completed a trip from Ireland, where he witnessed firsthand the oppression of an established Protestant church, Montalembert was particularly receptive to Lamennais's call for Catholicism and liberty. Montalembert wrote to Lamennais with a submission to the journal, and soon joined as an editor, around the same time as Lacordaire, the famed liberal preacher and politician who would go on to reestablish the Dominican order in France.²⁶ For Montalembert, Lacordaire, and Lamennais, the main target was Gallicanism, the long-standing tradition that the French church enjoyed a certain independence from Rome, responsive not just to the papacy but also to the monarchy. All three writers took issue with Gallicanism, and *L'Avenir* provided a platform for their collective critique.

One of Montalembert's first articles, "A ceux qui aiment ce qui fut," made explicit his hostility to Gallicanism. In that piece, he fired a broadside against the legitimist camp, referring to them as "neophytes," a "cult of the legitimacy of the King ... without accounting for the legitimacy of the people."²⁷ Here, Montalembert followed the lead of Lamennais and targeted in particular the "impure alliance between religion and power"—in other words, the Gallican conception of an established church.²⁸ Montalembert called on the French church to move beyond this "bastard Catholicism, to which the religion of the Kings had given birth."²⁹ In a postrevolutionary society, these political-theological tendencies were not only sacrilege, but an anachronism. Instead, Montalembert insisted upon a gentle ultramontanism, one which focused on God over human kings.³⁰ This was not the traditional ultramontanism that accorded

²² On the role of Belgian Catholics in the 1830 Revolution see Stefaan Marteel, *The Intellectual Origins of the Belgian Revolution* (London, 2018), 181–2, 211–46.

²³ "Prospectus," in *L'Avenir, 1830–1831* (Rome, 1967), 3.

²⁴ *Ibid.*, 4.

²⁵ *Ibid.*, 5.

²⁶ Letter from Montalembert to Lamennais, 26 Oct. 1830, republished in Louis Le Guillou, ed., *Félicité de Lamennais: Correspondance générale*, vol. 4 (Paris, 1973), 702.

²⁷ Charles Montalembert, "A ceux qui aiment ce qui fut," 6 March 1831, in *L'Avenir 1830–1831*, 362: "ce culte de la légitimité des rois que vous professez, sans tenir assez compte de la légitimité des peuples."

²⁸ *Ibid.*, 363: "l'alliance impure du pouvoir et du culte."

²⁹ *Ibid.*: "ce catholicisme bâtard qu'avoit enfante la religion des rois."

³⁰ Although ultramontanism is more closely linked with Montalembert's reactionary opponents, and with Veuillot most of all, scholars have also recognized lately the role of Lamennais, Montalembert, and other liberals in contributing to nineteenth-century ultramontanism. Montalembert himself used the term in "A ceux qui aiment ce qui fut." See the discussion of "liberal ultramontanism" in Perreau-Saussine, *Catholicism*

temporal power to the papacy, but it was nonetheless an effort to restore to the papacy powers and liberties held by the French throne, at least as far as spiritual matters were concerned. Montalembert was not alone in reconfiguring ultramontanist to critique secular authority—a similar convergence between liberalism and ultramontanist had recently emerged among the Belgian Catholic revolutionaries of 1830.³¹ In this sense, Montalembert was hardly an isolated political figure. However, as much as Montalembert followed these international developments, he articulated his own form of ultramontanist with the French state and Gallicanism in mind.

In this vein, Montalembert's true Catholics would "concentrate our faith and our hope at the feet of the only throne which has no jolt on earth to fear, because its roots are from heaven."³² By implication, the secular throne rested on rocky ground, all the more so when it attempted to make spiritual pronouncements, the same ones that had given rise to the "bastard Catholicism" of the Gallican church. The old order risked corrupting the church with the vicissitudes of civil politics, and moreover threatened to subsume the church into the state, just as had happened with the Civil Constitution of the Clergy. In any case, the *ancien régime* of Gallicanism had passed. As opposed to harkening back to a stale, legitimist politics, Montalembert followed what he saw as a new way of thinking, "from within the nineteenth century," that "was given by God."³³ This post-Gallicanism would mean nothing less than "the world regenerated by liberty, and liberty regenerated by God."³⁴

Such calls fit in easily within the pages of *L'Avenir*, which would shortly thereafter publish an article urging the government to renounce its power to appoint bishops and "finally accomplish ... the separation of the religious order and political order, as consecrated by the fundamental law."³⁵ More broadly, *L'Avenir* repeatedly published robust defenses of core civil liberties, starting from the premise that the state's moral or religious authority must be limited. Still, it is worth pausing here to note just how radical this call was. The Catholic Church in France had for centuries possessed what it referred to as its "Gallican liberties," among them that the king would assume responsibility for appointing bishops. Although the secular authorities' prerogatives over the church were crystallized in the Gallican Declaration of 1682, the French church had operated

and Democracy, 68–9; see also Byrnes, *Catholic and French Forever*, 89; Georges Weill, *Histoire du catholicisme libéral en France: 1828–1908* (Paris, 1979), 41. Relatedly, for the influence of Maistre on Montalembert's ecclesiology, see Arthur Harrison, "A Free Church in a Free State? The Relationship between Church and State in the Thought of Charles de Montalembert," in Aude Attuel-Hallade, ed., *An Intellectual History of Liberal Catholicism in Western Europe, 1789–1870* (London, 2024), 149–68, at 152.

³¹Vincent Viaene, *Belgium and the Holy See from Gregory XVI to Pius IX (1831–1859): Catholic Revival, Society and Politics in 19th-Century Europe* (Leuven, 2001), 64–77.

³²Montalembert, "A ceux qui aiment ce qui fut," 363: "concentrer notre foi et notre espérance au pied du seul trône qui n'a point de secousse à craindre sur la terre, parce que ses racines sont dans le ciel."

³³*Ibid.*, 366: "Au sein du dix-neuvième siècle, Dieu nous a donné une pensée."

³⁴*Ibid.*, 367: "le monde régénéré par la liberté, et la liberté régénéré par Dieu."

³⁵"Da la nomination des évêques par le gouvernement," in *L'Avenir 1830–1831*, 402: "Il est temps que le gouvernement accomplisse enfin, en renonçant à nommer les évêques, la séparation de l'ordre religieux et de l'ordre politique, consacrée par la Loi fondamentale."

with some degree of autonomy for much longer.³⁶ A union between the French state and the church was simply assumed as an essential component of French Catholicism. To separate the two, as the editors of *L'Avenir* proposed, was a radical message, and even more surprising when it came from professed Catholics. And yet this union of church and state stood on more wobbly ground that first met the eye—in recent years, French Catholicism had lurched from one form of subsumption into the state to another, whether in Gallican, revolutionary, or imperial modes.³⁷ The French clergy still recalled the trauma of the Civil Constitution of the Clergy, which itself owed its origins to certain strands of Gallicanism.³⁸ And while the French episcopacy appreciated the benefits of their restored offices, they had not recovered many of the church's old privileges associated with education. At least at an intellectual level, this led to an opening: if there ever was a moment when it would be possible for Catholics to reconsider the wisdom of linking church and state, the early nineteenth century was it.³⁹

However, the journal proved an ill-fated enterprise. *L'Avenir* showed signs of trouble early on, and by 1831 the French episcopacy had grown increasingly hostile to the journal, which was also suffering from poor finances and insufficient subscription revenue.⁴⁰ Lamennais, beleaguered by the French episcopacy, went to Rome in 1831 seeking papal support, “full of illusions” of sympathetic cardinals.⁴¹ However, after a lengthy silence, his politicking only yielded not one, but two, papal condemnations in the form of encyclicals.⁴² Lamennais left the priesthood in anger, refusing to conform to papal admonition. This was a bridge too far for Montalembert. In one of the many letters that ensued between him and Lamennais, he wrote, “I have more than ever come to the opinion that I expressed to you ... that there is nothing good to be done outside the church and of the clergy.”⁴³ With Lamennais refusing to heed friendly or papal advice, the relationship between the two ended.

The break with Lamennais illustrated Montalembert's attitude towards papal authority. At the end of his career, Montalembert became associated with the liberal camp that opposed the adoption of papal infallibility at the First Vatican Council. However, the fallout surrounding *L'Avenir* shows that Montalembert took papal authority quite seriously, and indeed it was a pivotal component of his larger critique of state power. As soon as the pontiff made clear that *L'Avenir* could not continue, that was

³⁶ Declaration of the Clergy of France (1682). See Jotham Parson, *The Church in the Republic: Gallicanism and Political Ideology in Renaissance France* (Washington, 2004), 14–19, finding the seeds of Gallicanism in thirteenth- and fourteenth-century France.

³⁷ For a history of such subsumption dating back to the *Ancien Régime* see Catherine Maire, *L'Église dans l'État: Politique et religion dans la France des Lumières* (Paris, 2019).

³⁸ On Gallicanism and the Civil Constitution see Van Kley, *The Religious Origins of the French Revolution*; Sepinwall, *The Abbé Grégoire and the French Revolution*, 144–50.

³⁹ Sylvain Milbach, *Lamennais: 1782–1854* (Rennes, 2021), 95: “Lamennais comprit que cet ancien débat prenait une importance nouvelle après la Revolution.”

⁴⁰ Alec Vidler, *Prophecy and Papacy* (London, 1954), 184.

⁴¹ Weill, *Histoire du catholicisme libéral en France*, 44.

⁴² Pope Gregory XVI, *Mirari vos* (1832), *Singulari nos* (1834).

⁴³ Charles Montalembert, letter to Lamennais, 2 Oct. 1833, republished in Louis Le Guillou, ed., *Félicité de Lamennais: Correspondance générale*, vol. 5 (Paris, 1974), 816–18, at 816: “Je suis plus que jamais revenu sur l'opinion, que je vous manifestai ... qu'il y a rien à faire pour le bien en dehors de l'Église et du Clergé.”

the end of the matter as far as Montalembert was concerned. Regardless of his private reservations, Montalembert understood submission to the Pope as central to his Catholicism, and indeed to his concept of religious freedom.⁴⁴ Liberty of conscience did not mean freedom from all authority; rather, a free conscience was what allowed the individual believer to genuinely submit to church teaching.

From political theory to legal reality

After 1831, Montalembert devoted his energy to one cause above all: educational reform. The French educational landscape had been radically reshaped during the Revolution and First Empire. The Revolutionaries had not only shut down the Sorbonne; they had also suppressed the various Catholic religious orders that had been responsible for much of primary and secondary education in France. Napoleon began to fill the institutional vacuum left in French education, reopening educational institutions under the aegis of his “Imperial University.” In his imperial decree of 17 March 1808 on the organization of the University, Napoleon mandated that “public education, throughout the entire empire, is entrusted exclusively to the University.”⁴⁵ The edict made no provisions for women’s education or primary education, but when it came to boys’ secondary education it was thoroughgoing, without room for private education.⁴⁶ As Article II of the same decree established, “No school, no establishment of instruction whatsoever may be formed outside the Imperial University without the authorization of its head,” and Article III, “No one may open a school, or teach publicly, without being a member of the Imperial University, and a graduate of one of its Faculties,” with an exception for seminary education for priests.⁴⁷ Napoleon’s political purposes for such a centralization of education were fairly obvious. Through the educational reorganization, he was able to meld an Enlightenment ethos of secular, scientific boys’ education with the propagation of his personal power, and, to boot, source a growing supply of young men ready for imperial service in the army and bureaucracy.⁴⁸ Progressive or not, in the moment of imperial consolidation, Napoleon’s tightening control over education through the Imperial University apparatus was easily understandable.

However, this imperial institutional arrangement far outlasted the regime it was designed to serve. Religious congregations slowly emerged during the late Empire and Restoration to provide primary education for both boys and girls, operating at

⁴⁴Harrison, “A Free Church in a Free State,” 156; Jacqueline Lalouette, “Les catholiques libéraux français et l’idée de séparation des Églises et de l’État au XIXe siècle,” in Antoine de Meaux and Eugène de Montalembert, eds., *Charles de Montalembert* (Paris, 2012), 115–43, at 129–37. Montalembert would later offer a more complete account of the importance of papal authority in *Des intérêts catholiques au XIXe siècle* (Paris, 1852).

⁴⁵Décret impérial no. 3179, 17 March 1808: “Art. 1.—L’enseignement public, dans tout l’Empire, est confié exclusivement à l’Université.”

⁴⁶Clive Emsley, *Napoleon: Conquest, Reform, and Reorganization* (New York, 2014), 52.

⁴⁷Décret impérial no. 3179, 17 March 1808: “Art. 2.—Aucune école, aucun établissement quelconque d’instruction ne peut être formé hors de l’Université impériale, et sans l’autorisation de son chef. Art. 3.—Nul ne peut ouvrir d’école, ni enseigner publiquement, sans être membre de l’Université impériale, et gradué par l’une de ses Facultés.”

⁴⁸Emsley, *Reorganizing France*, 52.

various levels of legal recognition.⁴⁹ But when it came to secondary education, the centralized institutional landscape remained untouched through the Restoration. Thus, at the outbreak of the July Revolution, religious congregations were unable to operate secondary schools, and nearly all priests, educated in seminaries as opposed to the secular University, lacked the requisite qualifications to open schools on their own.

Montalembert and his coeditors from *L'Avenir* had first challenged this monopoly in 1831, not by changing the law but by breaking it. That April, Montalembert, Lacordaire, and Charles De Coux opened an *école libre* without permission, where they set the curriculum free from the restrictions of the University bureaucracy, and announced that they had assembled “to take possession of the first liberty of the world.”⁵⁰ On the first day of instruction, they were ordered to cease by the police, and the school was soon shut down despite the organizers’ best efforts to persist. After a trial, the three were fined for violating the Napoleonic edicts, which were found to still carry force despite the change in regime.⁵¹ But Montalembert only saw this setback as a starting point: if the law would not yield on this point, the law had to be changed.

Montalembert consistently promoted educational reform as a parliamentarian and publicist, writing various essays on the subject and organizing a Commission for Religious Liberty that distributed pamphlets to lay Catholics. Over the course of the 1840s, Montalembert claimed increasing success in organizing lay voters as a Catholic voting bloc and electing friendly candidates to the lower house, with a focus on liberty of instruction. While the many battles over education in this period did not yield a comprehensive legislative reform, they represented important moments in the development of a deep association between church–state issues and education in France, as Sylvain Milbach has shown.⁵² In fact, Montalembert helped frame these political debates in religious terms, convincing at least some voters and parliamentarians to see politics not as a battle between the traditional forces of legitimism, Orléanism, or republicanism, but rather as a debate over the freedoms given to the church and believers, imploring Catholic citizens to vote accordingly.⁵³

Perhaps uncharacteristically for an erudite aristocrat, Montalembert worked not only in the chamber, but also in the world of mass politics, writing and distributing pamphlets to lay Catholics exhorting them to vote with education reform and related issues in mind, and going as far as to take credit for his electioneering efforts.⁵⁴ The

⁴⁹ Rebecca Rogers, *From the Salon to the Schoolroom: Educating Bourgeois Girls in Nineteenth-Century France* (College Park, PA, 2010), 47.

⁵⁰ Léonce Celier, *École Libre—Procès—Documents inédits* (Paris, 1931), 27: “Messieurs, nous sommes assemblés pour prendre possession de la première liberté du monde.”

⁵¹ “Cour des Pairs: Arrêt de la cour du Mardi 20 septembre 1831,” Archives nationales CC553.

⁵² Milbach, *Les chaires ennemies*.

⁵³ See, for example, Charles Montalembert, *Du devoir des catholiques dans les prochaines élections* (Brussels, 1846), 18: “Non; ni le parti soi-disant libéral, ni le parti conservateur ne nous accorderont ce que nous désirons, à moins d’y être contraints, parce qu’ils ne veulent pas ce que nous voulons.”

⁵⁴ Charles Montalembert, “Comité électoral pour la défense de la liberté religieuse ... Circulaire n° 7,” 10 March 1846: “Notre intervention dans quelque élections particulières a révélé ce que nous pouvons et ce que nous pourrions.”

title of his most detailed essay on the matter—"Du devoir des catholiques dans la question de la liberté d'enseignement"—indicated his views, and was a "cri de guerre," in Georges Weill's words, intended for a mass audience.⁵⁵ In giving the University control over secondary education, "the state constituted a monopoly," reflective of "its official Atheism, which distinguishes France today from all other large nations of the world."⁵⁶ Montalembert realized early on that secular or anticlerical education had a moral content of its own, bound up in the positive project of transmitting republican morality. For Montalembert, then, preserving space in society for Christian teaching could not be accomplished "except through obtaining the destruction of the University's monopoly."⁵⁷ These efforts at mass politics raised the eyebrows of many prelates, including Archbishop Affre of Paris, who remained wary of lay involvement in political questions touching the church.⁵⁸ Yet Montalembert persisted, aware of the new possibilities and exigencies that electoral politics offered Catholics.

Montalembert's victory on this score came after the 1848 Revolution, when he would finally see the educational reform he had sought for two decades with the passage of the Falloux Law. This was a critical moment—to begin with, the content of the Falloux Law itself was not predetermined. Moreover, though, the drafting of the Falloux Law represents a fascinating moment of translation of high political thought into legal reality. What emerged from this process was a liberal Catholicism that was centered not so much on bolstering the power of the church, but rather on demarcating and limiting the power of the state.

Although Montalembert had long pushed for education reform from the perspective of Catholic interests, it was other, decidedly profane interests that contributed to the Falloux Law's enactment. The heatedness of the 1848 Revolution had convinced liberal political leaders of the need for a stabilizing moral influence on France's young population. Moreover, the events of 1848 had offered signs of the possible collaboration between Catholics and republicans, from the election of Lacordaire to the Assembly to the appointment of Alfred de Falloux as minister of public instruction.⁵⁹ Catholics found a new ally in Adolphe Thiers, who reportedly promised some educational reform to Falloux when the latter was appointed minister.⁶⁰ Thiers previously had little interest in Montalembert's project, but, in the middle of the chaos surrounding the elections of May 1848, Thiers sought out Montalembert, knowing his long-standing push for education reform, seeking to meet with him and extolling the virtues of clerical

⁵⁵Weill, *Histoire du catholicisme libéral en France*, 73.

⁵⁶Charles Montalembert, *Du devoir des catholiques dans la question de la liberté d'enseignement* (Paris, 1843), 14: "l'État en a constitué le monopole"; "cet athéisme officiel qui distingue aujourd'hui la France de toutes les autres grandes nations du monde."

⁵⁷Montalembert, *Du devoir des catholiques dans la question de la liberté d'enseignement*, 18: "C'est un devoir impérieux pour les Catholiques, et ils ne peuvent l'accomplir qu'en obtenant la destruction du monopole de l'Université," original emphasis.

⁵⁸Cholvy, *Frédéric Ozanam* (1813–1853), 510.

⁵⁹Contemporaries remarked upon the widespread respect for religion among revolutionaries, which contributed to prelates like Affre and de Bonald of Lyon rallying to the new regime. Milbach, *Les chaires ennemis*, 505.

⁶⁰Édouard Lecanuet, *Montalembert*, vol. 2, *La liberté d'enseignement* (1835–1850) (Paris, 1909), 422.

education.⁶¹ The possibility of this convergence between Catholics and liberal and republican leaders is well known, but the legislative debates that followed showed the complexities of these newfound coalitions.

The stakes of this settlement were high. Education had become the subject of intense political and philosophical contestation since the Revolution, and it also had roots in some of the unresolved questions at the core of mid-nineteenth-century French liberalism regarding the power of the state and the autonomy of the individual. As Pierre Rosanvallon explains in *Le moment Guizot*, French political liberalism, while decidedly heterogeneous, converged in seeing education as politically weighty, in part because of its potential to “govern the spirits” of the population.⁶² Liberals, however, differed on just how much the state should make use of this potential power. The Doctrinaires, particularly Guizot and Royer-Collard, saw the state’s consolidation of the French educational system as a guard against social confusion, atomization, and instability.⁶³ Tocqueville, on the other hand, admired the liberty of instruction that he encountered in the United States.⁶⁴ Precisely because it implicated the crisscrossing relationships between individual, state, and society, education represented a particularly fraught question for mid-nineteenth-century liberals.

The complexity of the education question for liberals was on full display during the drafting process for the Falloux Law. Thiers and Montalembert joined a set of other liberal luminaries on the Falloux commission that drafted the law. Their colleagues included Victor Cousin and Félix Dupanloup, the liberal Archbishop of Orléans. Cousin was a particularly important figure in this process. Sometimes credited as the true author of the 1833 Guizot Law, which reformed and expanded boys’ primary education, Cousin had been an early follower of Guizot and Royer-Collard. Cousin’s philosophy, eclecticism, sought to pick from the best of competing strands of recent intellectual history, not unlike the doctrinaire desire to find the *juste milieu* between competing political positions.⁶⁵ But Cousin’s real power lay in his influence over French educational curricula, and in particular the philosophy course in secondary schools. As Jan Goldstein has noted, “The hegemony of Cousinianism in France, its ability to beat out its competitors and impose its concept of the self on a significant segment of the population, rested first and foremost on Cousin’s capture of the lycée curriculum.”⁶⁶ Cousin thus had a stake in the consolidated system for secondary education in France, which had allowed for the rapid dissemination of his philosophy.

⁶¹Letter from Thiers to Montalembert, 4 May 1848, Archives départementales de Côte d’Or, Fonds Montalembert, P632, Septième série (link); letter from Thiers to Montalembert, 21 May 1848 (copy), Archives départementales de Côte d’Or, Fonds Montalembert, P632, Septième série (link).

⁶²Pierre Rosanvallon, *Le moment Guizot* (Paris, 1985), 222–54.

⁶³Ibid.; Goldstein, *The Post-revolutionary Self*, 185–6; Aurelian Craiutu, “Rethinking Political Power: The Case of the French Doctrinaires,” *European Journal of Political Theory* 2/2 (2003), 125–55.

⁶⁴Sonia Chabot, “Education civique, instruction publique et liberté de l’enseignement dans l’œuvre d’Alexis de Tocqueville,” *Tocqueville Review* 17/1 (1996), 211–49, at 214–21.

⁶⁵Goldstein, *The Post-revolutionary Self*, 154.

⁶⁶Ibid., 183.

The debates of this commission—recorded in detailed meeting transcripts that were conserved with Falloux's personal papers—are an incredible source of intellectual and legal history.⁶⁷ Not only did the drafting process illustrate how the high ideals of figures like Cousin and Montalembert could be translated into legislation, it also laid bare the priorities and hierarchy of values of these different figures when confronting a moment of perceived crisis in the wake of the 1848 Revolution.⁶⁸ As the drafting process showed, Montalembert was hardly alone in this moment in appreciating the inherently moral quality of education, but, unlike fellow liberals, he maintained a commitment to pluralism in spite of the stakes of the issue. In Montalembert's case, these records complicate any sense that the 1848 Revolution had made him a reactionary, dominated by a concern for the protection of his privileges and property.⁶⁹

In these heated discussions, Montalembert emphasized his long-standing desire for liberty of instruction, seeking to deny the state the power to create any "monopolies" of secondary education. Thiers, on the contrary, sought to create such a monopoly by uniformly handing education over to the clergy—out of fear of "communism," the threat of which he regularly emphasized in the committee's meetings, Thiers faulted Montalembert for not being clerical enough.⁷⁰ Montalembert responded to the great irony of this situation by explaining, "What I ask for the clergy ... is liberty from influence, not the exclusive domination of that liberty."⁷¹ The upshot was that both Thiers and Montalembert understood the moral content of education, but for Montalembert that moral power was too great to centralize.

The kernel of Montalembert's opposition to Thiers was that the former saw education not primarily as a road to social stability, but rather as a key pillar in pluralist, associational life that necessitated some jurisdictional limits on the state and its organs, and also one that was not simply confined to religious associations.⁷² As Lamennais had seen earlier when it came to Gallicanism, Montalembert saw how the state's use of religion to pacify society might only end up subsuming the church into the state. Thus what might appear as a boon for the church worked contrary to Montalembert's long-held goal of protecting its associational independence. This focus not just on religious associations, but also on the freedom of association, called to mind a different French liberal, Alexis de Tocqueville, who just a few years prior had praised

⁶⁷ Meeting minutes, Commission on Liberty of Instruction. Bibliothèque nationale de France, Département des Archives et manuscrits, NAF 28125(62).

⁶⁸ These records were discussed in a rather flattering three-volume biography of Montalembert written by the Oratorian priest Édouard Lecanuet, *Montalembert II*, 456–66. They also feature in a 1906 account of the Falloux Law by Henry Michel, *La loi Falloux, 4 janvier 1849–15 mars 1850* (Paris, 1906). However, there are few recent accounts of Montalembert and the Falloux Law that discuss this drafting process in depth.

⁶⁹ Scholars have seen 1848 as a turning point for Montalembert, noting the fear that he expressed in his *Journal intime* in February 1848 as well as his break with Lacordaire over the prospects of the revolution and the Second Republic. See Milbach, *Les chaires ennemies*, 519; José Cabanis, *Lacordaire et quelques autres: Politique et religion* (Paris, 1982), 262–8.

⁷⁰ Meeting minutes, NAF 28125(62).

⁷¹ Ibid.: "Ce que je demande et ce que je demanderai encore pour le clergé, c'est la liberté de l'influence, pas la domination exclusive de la liberté."

⁷² Jaume, "La place du catholicisme libéral dans la culture politique française," 69.

the civil and religious associations that dotted American life.⁷³ Unlike Tocqueville, Montalembert maintained a more explicit focus on Catholicism, but on the point of associations, he and Tocqueville elaborated a similar position, one that was decidedly postrevolutionary in allowing various mediating bodies between the state and the individual.

However, perhaps the most lucid characterization of Montalembert's legal project came not from Montalembert himself, but from Cousin. Observing their differences on the proposed law, Cousin explained, "Your inclination ... is to give only as little as possible to that moral force which we call the state," going on to obliquely compare Montalembert to Jean-Baptiste Say, a comparison that Montalembert, with aristocratic disdain for commercial self-interest, would hardly have appreciated.⁷⁴ As Cousin understood, Montalembert's antistate politics were closer to the core of nineteenth-century liberalism than the latter would care to realize.

Beyond pointing to a potential tension in Montalembert's politics, Cousin captured a profound cleavage between Montalembert and many other French political figures in the moment following the 1848 Revolution. Although they disagreed on the specifics of the proposed legislation, Thiers and Cousin (as well as many other parliamentarians) both assumed that the state must possess some moral force to ensure social stability and gradual progress, a moral force that was diffused through education. Montalembert, by contrast, remained fixated on the jurisdictional limits of the state and skeptical of concentrated power.

This difference led to a continued ironic posture in the drafting of the law, where Thiers consistently sought greater church influence over education than did Montalembert. Responding to a long disquisition by Thiers on how the church was a necessary bulwark against "antisocial" doctrines, Montalembert explained,

I entirely share Mr Thiers's opinion on the extent of the evil and on the remedies to be applied to it. Nevertheless, there is one fact on which I cannot agree with him, it is on the exclusive influence to be given to the clergy; because I do not want in any way to abdicate the principle of freedom of education; the constitution solemnly proclaims it, and it would be a poor service to the interests of the social order to restrict it. A reactionary in politics, I do not want to be on this question; as a declared partisan of the influence of the clergy and religious congregations in education, I demand only one thing: that the obstacles to freedom be broken.⁷⁵

⁷³Alexis de Tocqueville, *Democracy in America*, trans. H. Mansfield and D. Winthrop (Chicago, 2000); Lucien Jaume, "Citizen and State under the French Revolution," in Quentin Skinner and Bo Stråth, eds., *States and Citizens: History, Theory, Prospects* (Cambridge, 2003), 131–4, at 135.

⁷⁴Meeting minutes, NAF 28125(62): "Votre inclination ... c'est ... de n'accorde que le moins possible à cette autorité publique, a cette force morale, qu'on nom l'État."

⁷⁵Ibid.: "Je partage entièrement l'avis de M. Thiers sur l'étendue de mal et sur les remèdes à y apporter. Néanmoins, il est un fait sur lequel, je ne saurais être d'accord avec lui, c'est sur l'influence exclusive à donner au clergé; car je ne veux en aucun façon d'abdiquer le principe de la liberté d'enseignement; la constitution la solennellement proclamé, et serait mal servir les intérêts de l'ordre social que de la restreindre. Réactionnaire en politique, je ne veux pas l'être sur cette question; partisan déclaré de l'influence du clergé et des

Montalembert understood these “obstacles to freedom” as the specific permitting rules that had previously applied to secondary instruction, particularly the necessity that schools and schoolmasters be certified by the University. Whereas Thiers focused on emphasizing the role of the *curé* in education, Montalembert focused on minimizing the role of state and University inspectors, pointing to the relatively liberal and pluralist educational landscape in England. These impulses should not be entirely surprising; indeed, as Arthur Harrison has observed, Montalembert’s public writings on education in the period prior to the Falloux Law had already demonstrated an “anti-State sensibility” that he shared with some other Catholic politicians.⁷⁶ Still, the implications of this sensibility became more marked and significant as they emerged in the political process of drafting a concrete educational reform. Montalembert, then, became the object of Thiers’s frustration—in fighting the surveillance of schools, and focusing on the constitutional provision that “l’enseignement est libre,” Montalembert threatened to allow a “Raspail” or “Proudhon” into the schoolhouse.⁷⁷

To the extent that Montalembert worried over so-called “antisocial” doctrines in secondary teaching, he saw state inspectors as providing no guarantees against their instruction.⁷⁸ Indeed, even if one conceded the possible utility of inspections, one could not meaningfully understand the curriculum of a school based on an annual visit.⁷⁹ The remedy, then, was not to be found in further arming a state apparatus which was doomed to failure and simply curtailed individual and associational liberty. Rather, the autonomy of the church and other institutions would provide the stability that was essentially social in nature, and beyond the power and jurisdiction of the state to conjure.

The draft law was criticized by both the republican left and the reactionary flank of French Catholicism, even as many bishops saw it as a substantial improvement over the status quo.⁸⁰ The reactionary opposition was led by the lay publicist Louis Veuillot and his journal, *L’Univers*. Veuillot launched a series of broadsides against the law, criticizing Montalembert’s unwillingness to secure a monopoly for Catholic schools and instead vesting ultimate power over instruction in a pluralist Council of Public Instruction, which was open to Catholic, Protestant, and Jewish representatives.⁸¹

congrégations religieuses dans l’enseignement, je ne réclame qu’une seule chose; que les entraves à la liberté soient brisées.”

⁷⁶Harrison, “A Free Church in a Free State,” 151.

⁷⁷Meeting minutes, NAF 28125(62).

⁷⁸*Ibid.*: “Que la loi de 1833 soit bonne ou mauvaise peu importe; ce qu’il y a de certain, c’est que la système d’inspection qu’elle a établie est parfaitement illusoire ... on n’inspecte pas si aisément une école qu’un régiment ou que la caisse d’un receveur général.”

⁷⁹*Ibid.*

⁸⁰On conservative Catholic criticism of the Falloux Law see John K. Huckaby, “Roman Catholic Reaction to the Falloux Law,” *French Historical Studies* 4/2 (1965), 203–13; Patrick J. Harrigan, “French Catholics and Classical Education after the Falloux Law,” *French Historical Studies* 8/2 (1973), 255–78, at 258. On leftist criticism of the Falloux Law see Jean-François Chanet, “La loi du 15 mars 1850,” *Vingtième siècle: Revue d’histoire* 87/3 (2005), 21–39. The hostility to the Falloux Law ginned up by Veuillot and the reactionary press helped fuel a larger concern among French prelates of the dangers of an uncontrolled Catholic press. See Anita Rasi May, “The Falloux Law, the Catholic Press, and the Bishops: Crisis of Authority in the French Church,” *French Historical Studies* 8/1 (1973), 77–94.

⁸¹Huckaby, “Roman Catholic Reaction to the Falloux Law.”

Despite this opposition, the law was ultimately enacted and established multiple pathways to opening a school, including an extended internship, allowing schoolmasters to bypass University bureaucracy.⁸² And, over time, the law's application would grow more congenial to conservative Catholics, with Weill famously writing that that it was "voted according to the desire of Falloux and applied in the spirit of Veuillot."⁸³ However, it is important to emphasize the novelty of the undertaking, and not just the substantive legal result. Before the nineteenth century, Catholic politics had consisted of variations of monarchical politics. The church had a minimal history of working within electoral political systems. Even if much of the hierarchy was not ready to accept a republican France, Montalembert offered one of several new proofs of the possibility of advancing a Catholic agenda in a modern electoral system. Where the church had failed to secure its interests through monarchical politics during the July Monarchy, Montalembert succeeded via electoral politics, and it was only the foundation of the Second Republic that allowed for this victory.

Montalembert's commitments to representative politics and the demarcation of state power gave form to what modern, liberal Catholicism might look like—a program that truly was liberal just as it was Catholic. As an initial matter, Montalembert consistently emphasized the respective jurisdictions of church and state to oversee spiritual and secular affairs. As he put it in one tract aimed at organizing Catholics in the next election, "It is impossible to conceive of peace and prosperity in a Christian country without some accord between church and state; but it is even less possible to conceive of such an accord without the independence of one from the other."⁸⁴ This point of departure on the intellectual road to liberalism distinguished Montalembert and his fellow liberal Catholics. But this was not the end of his political project. As Montalembert emphasized in the Falloux Law's drafting process, he was fighting a monopoly that "substituted the state for the individual."⁸⁵ Even though Montalembert started from a concern for the jurisdiction of church and state, this concern consistently led him to defend civil liberties, whether in writing for *L'Avenir* or drafting the Falloux Law. Thus, in terms of outcomes, Montalembert's project, while tinged with religious conviction, nonetheless sat within the core of nineteenth-century French liberalism. Beyond the similarities to Tocqueville, Montalembert's combination of emphasizing limits on state power with individual religious conviction called to mind an archetypical (and Protestant) French liberal—Benjamin Constant.⁸⁶ These figures reached more similar conclusions than their initial premises would suggest. Lucien Jaume characterizes liberal Catholicism as one of three variants of nineteenth-century French liberalism,

⁸²Loi du 15 mars 1850 sur l'enseignement—Titre III.

⁸³Weill, *Histoire du catholicisme libéral en France*, 105: "Elle fut votée selon le désir de Falloux, elle devait être appliquée dans l'esprit de Veuillot."

⁸⁴Montalembert, *Du devoir des catholiques dans les prochaines élections*, 40: "Il est impossible concevoir la paix et la prospérité d'un pays chrétien sans l'accord entre l'état et l'église; mais il n'est pas moins impossible de concevoir cet accord sans l'Indépendance de l'une et de l'autre." In various articles, Montalembert would focus on the jurisdictional contours of this independence, even to tiny detail, objecting, for instance, when the state requested clerics to pray for the Pope.

⁸⁵Meeting minutes, NAF 28125(62): "C'est la substitution de l'état à l'individu."

⁸⁶On the relationship between religion and liberalism in Constant see Helena Rosenblatt, *Liberal Values: Benjamin Constant and the Politics of Religion* (Cambridge, 2011).

which can be distinguished from one another by “the role given to the individual as a subject of judgement in politics and on institutional matters.”⁸⁷ But when it came to the Falloux Law, Montalembert’s liberal Catholicism gave more leeway to the individual’s judgment on matters of instruction than we might anticipate.

This is not to say that Montalembert and his fellow travelers were identical to other French liberals. Broadly, Montalembert’s liberalism started from a critique of state power, as opposed to a theory of the individual as a self-determining moral agent. More specifically on the benefits of pluralism, Montalembert took a slightly different tack than Constant and others. Constant’s defense of pluralism had a certain rhyme with *laissez-faire* political economy, given his understanding that competition in the market for adherents would strengthen religious institutions, exemplified in his defense of the proliferation of religious sects in *Principles of Politics*. Montalembert, by contrast, showed a general aversion towards liberal political economy, and never embraced such a justification for pluralism and disestablishment. However, despite different understandings of the potential positive good of pluralism, Constant and Montalembert understood the dangers of state power for religion in remarkably similar terms—specifically, both saw that religion, no matter its social utility, became the target of attack as soon as it was entangled with secular power.⁸⁸ For Montalembert, who understood religion as intrinsically valuable, this awareness contributed to a larger skepticism of state power, even when cast as the friend of religion. As he wrote shortly after the enactment of the Falloux Law, “Even by allying itself with the Church before commencing the inevitable struggle, absolute power can only give the Church favors and rest, honors and privileges; but it will never give it either rights or strength.”⁸⁹ Seen from this perspective, Montalembert’s aversion to a state-created educational monopoly—either religious or secular—was consistent with his general impulse to limit state jurisdiction.

In contrast to other liberals, Montalembert maintained some distance from popular new anthropologies, either the atomization and egoism wrought by a growing market economy, or the masculinist republican morality of “liberal discipline” that was implicated in later battles over education.⁹⁰ Indeed, Montalembert used his more scholarly works, *The Life of Saint Elisabeth of Hungary* and *The Monks of the West*, to favorably compare medieval sensibilities to those of nineteenth-century France, in keeping with his Romantic ethos.⁹¹ While Montalembert did not fully develop a political anthropology in these works, they illuminated his background assumptions on the relationship between the individual and society. As he wrote in his long introduction to *The Life of Saint Elisabeth of Hungary*, medieval sensibilities “elevated the *culte* of moral beauty

⁸⁷ Lucien Jaume, “The unity, diversity and paradoxes of French liberalism,” in Raf Geenens and Helena Rosenblatt, eds., *French Liberalism from Montesquieu to the Present Day* (Cambridge, 2012), 36–54, at 47.

⁸⁸ This argument introduces Constant’s discussion of religion in *Principles of Politics* in Bk VIII, Ch. 1.

⁸⁹ Montalembert, *Des intérêts catholiques au XIXe siècle*, 92: “Même en s’alliant à l’Église avant de commencer la lutte inévitable, le pouvoir absolu ne peut lui donner que des faveurs et du repos, des honneurs et des privilèges; mais il ne lui donnera jamais ni droits ni forces.”

⁹⁰ Harrison, *Romantic Catholics*, 3; Surkis, *Sexing the Citizen*, 19.

⁹¹ André Trannoy, *Le Romantisme politique de Montalembert avant 1843* (Paris, 1942).

over the exclusive domination of interests and material inclinations,” implicitly saying a great deal about the mores of his own age.⁹²

Even so, the core of Montalembert’s critique remained what it had been since *L’Avenir*—the limiting and demarcation of state jurisdiction. Indeed, Montalembert’s invocation of the Middle Ages can be read as of a piece with his larger project of constitutionalism, as he found in the period legal and practical limits on the state’s centralized power.⁹³ Whatever his Romantic ethos, Montalembert’s politics was more concordant than not with the premises of liberal contemporaries. In this sense, Montalembert might be regarded as a liberal in what Duncan Bell calls a “summative sense,” which moves past a focus on the singular “essence” of liberalism and allows the category to coexist with other commitments.⁹⁴ Within this frame, Montalembert’s decision to identify as a *Catholique avant tout* should not be read as an exclusive commitment; rather, Montalembert understood his commitments to liberty and Catholicism as overlapping and inseparable.

Montalembert’s political interventions in France largely came to an end after 1852. Although he initially supported the coup of Louis-Napoléon, he found himself in opposition to the upstart emperor, who proceeded to put Montalembert on trial for an obliquely critical publication.⁹⁵ But even as the Second Empire ended Montalembert’s direct political interventions in France, it did not erase his achievements. To begin with, Montalembert’s work drafting the Falloux Law helped develop a liberal Catholic political theory of jurisdiction, and Cousin was not wrong when he claimed that Montalembert worked to deny the state moral or religious force. Even more importantly, his political interventions also reshaped the fault lines of mid-nineteenth century France: Montalembert demonstrated that the Catholic Church, as a corporate entity, could still achieve political ends in a republican system, and need not condemn Catholic interests to a being secondary plank of the legitimist political platform.

Montalembert’s shadow: beyond the Falloux Law

One generous account of Montalembert’s political career might deliberately conclude with the Falloux Law—the following years saw his quickly regretted support for the coup of Louis-Napoléon, and then his marginalization in both French politics and church affairs in the years leading up to the First Vatican Council.⁹⁶ Without a doubt, this later period of his life is complex, and cannot be done justice within the space of this article. Nevertheless, the arc of Montalembert’s career illustrated both the instability within liberal Catholicism and its underappreciated legacy and influence. Montalembert’s work in the Second Republic responded to a more general problem—a

⁹²Charles Montalembert, *La vie de sainte Élisabeth de Hongrie* (Paris, 1836), xcvi: “qui élève la culte de la beauté morale au-dessus de la domination exclusives des intérêts et des penchants matériels.”

⁹³Etner, *Catholiques et économistes*, 184.

⁹⁴Duncan Bell, *Reordering the World* (Princeton, 2016), 70.

⁹⁵Charles Montalembert, *Un débat sur l’Inde au Parlement anglais, par le comte de Montalembert, précédé d’une introduction, du procès et d’une appréciation politique* (Brussels, 1858).

⁹⁶For a detailed overview of Montalembert’s activities during this later period see André Latreille, “Les dernières années de Montalembert,” *Revue d’histoire de l’Église de France* 54/153 (1968), 281–314.

modern iteration of what Pierre Manent refers to as the foundational “theologico-political problem” at the heart of liberalism.⁹⁷ Given the corporate, international nature of the Catholic Church, how can the church be reconciled to modern liberal regimes?

This question remained ever salient in France, and some of the most significant political figures in this history took inspiration from Montalembert. Edmond de Pressensé, a liberal Protestant and key figure in the genealogy of *laïcité*, saw himself in the tradition of Montalembert.⁹⁸ So too did Emmanuel Mounier, who referred to the Falloux Law as the “Montalembert Law” and looked to him as paving a path for Mounier’s Catholic and republican commitments.⁹⁹ In particular, Montalembert’s rejection of legitimism and his focus on constitutionalism and the liberty of conscience offered a political agenda that was not rooted in a bygone world, but workable in the present *saeculum*. As Mounier put it, Montalembert recognized that “these are not solutions that one can transport from one century to another, a direction of gaze that one hundred years later is apt to strengthen our own.”¹⁰⁰ Relatedly, as Lucien Jaume observes, Montalembert’s liberalism appears pioneering when considering the shifts wrought by the *aggiornamento* of Vatican II.¹⁰¹

Montalembert’s project of reconciling Catholicism and republican government was not realized in France during his lifetime. However, for a full account of the influence of Montalembert’s ideas, one must consider—even briefly—his reception abroad. Most immediately, Montalembert earned a following in Belgium, with its large camp of liberal Catholics. Indeed, Montalembert was connected to this milieu through his wife, Comtesse Marie Anne de Merode, whose family was at the apex of liberal Catholic politics in the country. Montalembert’s Belgian followers eventually brought him to a large congress of Catholic faithful in Malines in 1863, where he delivered a pair of speeches with the suggestive title “A Free Church in a Free State.” In these addresses, Montalembert repeated his conviction that political liberty would redound to the benefit of the church, and he urged his international audience of Catholics to form movements for “liberal democracy”—as opposed to democracy pure and simple—making perhaps the first use of that term in modern political discourse.¹⁰²

Montalembert’s intervention in Belgium caused a sensation, including favorable reactions from many of the Belgian liberals in the audience.¹⁰³ But it also provoked an unintended response when Pope Pius IX issued his notorious *Syllabus of Errors* in an effort to squelch the international spread of Montalembert’s liberal ideals.¹⁰⁴

⁹⁷Pierre Manent, *The Intellectual History of Liberalism* (Princeton, 1995).

⁹⁸Jacqueline Lalouette, *La séparation des églises et de l’État: Genèse et développement d’une idée* (Paris, 2005), 315.

⁹⁹Emmanuel Mounier, *Charles Montalembert* (Paris, 1945), 23.

¹⁰⁰*Ibid.*, 11: “son message, ce ne sont pas des solutions que l’on pourrait déporter d’un siècle à l’autre, c’est une direction de regard qui, cent ans après, est apte encore à affermir notre regard.”

¹⁰¹Jaume, “La place du catholicisme libéral dans la culture politique française,” 76.

¹⁰²Charles Montalembert, *L’Église libre dans l’État libre: Discours prononcés au Congrès catholique de Malines* (Paris, 1863); Rosenblatt, *The Lost History of Liberalism*, 3.

¹⁰³Édouard Lecanuet, *Montalembert*, vol. 3, *L’Église et le Second empire* (Paris, 1912), 357.

¹⁰⁴Harrison, “A Free Church in a Free State,” 161; Giacomo Martina, “Verso il Sillabo: Il parere del barnabita Bilio sul discorso di Montalembert a Malines nell’agosto 1863,” *Archivum Historiae Pontificiae* 36

Unfortunately for Montalembert, it was the *Syllabus* that became Catholicism's dominant political expression in the waning years of his life. Montalembert's ultramontane liberalism depended, more than he realized, on congenial papal politics, and now the pontiff was giving credence to his anticlerical foes who insisted that the project of reconciling Catholicism and liberal constitutionalism was in vain.

Just as significant, though, was the transmission of Montalembert's vision to the United States. This American reception may appear as a surprise. The success of Tocqueville notwithstanding, a French aristocrat would be an unlikely candidate to render Catholic politics legible to a mass republican audience. But Montalembert's emphasis on constitutionalism and jurisdiction made his articulation of liberal Catholicism particularly appealing to American readers, who circulated his thought and applied it to the American constitutional system.

A primary channel of transmission was Montalembert's correspondence with Orestes Brownson, the famed American social critic and ex-Transcendentalist Catholic convert. Brownson initiated the correspondence in 1849, as the Falloux Law was being drafted, and explained that he felt a strong sympathy with Montalembert's political work despite their different contexts, thanking Montalembert "for the generous ardour and distinguished ability with which you defend the freedom of religion and the cause of social order."¹⁰⁵ The two maintained a correspondence throughout their intellectual careers where they consistently expressed their mutual admiration and sense of common cause, which, as John McGreevy notes, was a pivotal influence on Brownson.¹⁰⁶ In 1855, after reviewing Brownson's latest articles on Donoso Cortés and the politics of Caesarism, Montalembert wrote to Brownson that their friendship was "one of the greatest privileges which providence has conferred on me," and praised Brownson for his work "to sift and extract, as you do, what is true and just out of liberalism and socialism instead of consigning the invincible spirit of modern humanity to a blind and sweeping proscription."¹⁰⁷

More publicly, Brownson repeatedly cited and praised Montalembert's work in his own journal, *Brownson's Quarterly Review*. Reviewing one of Montalembert's 1851 speeches in the National Assembly, Brownson noted, "We always read with interest the eloquent parliamentary speeches of Count de Montalembert, for we always find in them a noble spirit, and principles becoming the Christian and the statesman ... M. de Montalembert is not the man of a party; he is a Christian and a Frenchman."¹⁰⁸ Brownson was not only a significant social thinker; he also edited the most significant American Catholic publication in this period, and played a central role in efforts to articulate the compatibility of Catholicism and American constitutionalism, so his incorporation of Montalembert's thought reached a wide audience.¹⁰⁹

(1998), 137–81; Roger Aubert, "L'intervention de Montalembert au Congrès de Malines en 1863," *Collectanea Mechliniensia* 35 (1950), 525–51.

¹⁰⁵ Orestes Brownson to Charles Montalembert, 1 Nov. 1849, University of Notre Dame Archives, I-3-i.

¹⁰⁶ John McGreevy, *Catholicism and American Freedom* (New York, 2004).

¹⁰⁷ Charles Montalembert to Orestes Brownson, 1 Nov. 1855, University of Notre Dame Archives, I-3-l.

¹⁰⁸ Orestes Brownson, "The French Republic," *Brownson's Quarterly Review*, July 1851, 362–82, at 362.

¹⁰⁹ Orestes Brownson, *The American Republic* (Wilmington, 2003); Patrick Carey, *Orestes Brownson: American Religious Weathervane* (Grand Rapids, 2005).

What clearly emerged in Brownson's correspondence with Montalembert as well as his published writings on constitutional theory was a shared project that, just like the Catholic Church itself, spanned different national contexts. As Brownson wrote to Montalembert regarding his current advocacy for Catholics in American affairs, "to succeed in this it is necessary to recognize the modern spirit and accept it as far as possible, in a word to do what you and your lamented friend, the gifted Lacordaire," had done in France.¹¹⁰ Indeed, beyond sharing a common project, they also shared a common antagonist: Veuillot, who bothered Brownson no less than he did Montalembert despite an ocean of separation. Veuillot had written to Brownson in an attempt to establish some rapport, but Brownson had no interest in his overtures.¹¹¹ Relating the episode to Montalembert, Brownson wrote that Veuillot "strikes me as not up to the level of your France [*sic*] civilization, and not on a level with our own half-civilization. Certain it is that his influence here has been and is deplorable, because it is exerted through a very few individuals, and his faults are covered up."¹¹²

Brownson, however, was not the only point of reception in the United States. Throughout the nineteenth century, New Orleans was home to a vibrant francophone Catholic public sphere, which included former followers of Lamennais who left France for Louisiana after his condemnation. These clerics remained attached to constitutional politics and went on to lead parishes in the state as well as the weekly archdiocesan newspaper in New Orleans, *Le propagateur catholique*, which counted an impressive three thousand subscribers in the 1850s.¹¹³ Montalembert loomed large over this circle. To give just one measure, over the year 1848, nearly 25 percent of the front pages of *Le propagateur catholique* in New Orleans were devoted to reprinting Montalembert's writings and speeches in France.¹¹⁴

Of all the francophone luminaries in this period, Montalembert may seem a bizarre figure to dominate the interest of American readers, compared, for instance, to Tocqueville. But for these Creole Catholics, Montalembert provided not only commentary on the unfolding political drama in France, but also a way to square their Catholic identity and commitment to constitutional politics as Louisiana became more integrated into the United States and the antebellum American South. A frequent theme of the republished speeches was the difference, and indeed the battle, between true liberty (in other words, legal regimes that protected both individual rights and the corporate existence of the church) and false liberty, which attacked the Catholic Church whether in the name of freedom or of progress. In one republished speech on the situation of Catholicism in mixed-faith Switzerland—a topic that would occupy the front page of the *Propagateur* multiple times—Montalembert emphasized the battle that he saw unfolding in Switzerland between "savage liberty, intolerant and irregular, against the

¹¹⁰Orestes Brownson to Charles Montalembert, 11 April 1862 (draft), University of Notre Dame Archives, I-4-b.

¹¹¹Louis Veuillot to Orestes Brownson, 28 Aug. 1856, University of Notre Dame Archives, I-3-m.

¹¹²Orestes Brownson to Charles Montalembert, 24 May 1857 (duplicate), University of Notre Dame Archives, I-4-h.

¹¹³Une Créole [Hélène d'Aquin Allain], *Souvenirs d'Amérique et de France* (Paris, 1883), 195.

¹¹⁴*Le propagateur catholique*, Microfilm, Louisiana and Special Collections, University of New Orleans Earl K. Long Library.

tolerant legal and regular liberty.”¹¹⁵ Implicit for Montalembert and his American readers was that such a conflict between different conceptions of liberty, and their relative tolerance of Catholicism, was hardly confined to Switzerland in the 1840s. American Catholics could embrace a truer constitutionalism—which many would go on to do in the coming decades with the rise of the Catholic theological movement known as Americanism.

Conclusion

Montalembert's claim to significance is not so much as a singularly brilliant political theorist, but rather an essential bridge in intellectual transmission and reception, translating a French political idea into legislation in Second Republic France and political discourse beyond. This transmission of a Catholic vision of liberalism and separation of church and state had stakes in several larger historical questions. To begin with, it underscored the fact that the roots of liberalism and disestablishment were not a wholly Protestant domain. Rather, Montalembert's work drafting the Falloux Law gave concrete content to liberal Catholicism. In terms of ethos and (lack of) anthropology, Montalembert certainly differed from many of his liberal peers. But the crux of his politics boiled down to a desire to impose jurisdictional limits on centralized state power, showing an understanding of the relationship between state, society, and the individual that would have seemed familiar to followers of the marquee figures of French liberalism, including Constant and Tocqueville. The importance of this point cannot be missed—although scholars have tended to emphasize a genealogy of liberalism rooted in Protestantism or secularism, there were in fact multiple intellectual routes that arrived at nineteenth-century liberalism. And the same can be said of separation of church and state, Montalembert's fundamental project.

In some ways, Montalembert's interventions in France become clearer when seen from the standpoint of their reception in the United States. Montalembert was not among the French intellectuals most commonly associated with the United States, which he had not visited. Indeed, none of the early liberal Catholics initially wrote with an American readership in mind; in the 1830s, they were preoccupied primarily with the distinctly French questions posed by the legacies of Gallicanism and the Civil Constitution of the Clergy. And yet American Catholics saw this strand of political thought as particularly legible within their own context marked by constitutionalism and pluralism. This legibility highlighted just how central the impulse towards constitutionalism, negative liberty, and limited state power was in the cluster of writings and ideas that emanated from the *L'Avenir* circle.

A related point, perhaps more fraught, is the place of this liberal Catholic tradition within the (pre)history of *laïcité*. France finally separated church and state in 1905, but that development was only a late battle in a long-term conflict over the

¹¹⁵“Discours prononcé par M. de Montalembert a la Chambre de Pairs au sujet de la question suisse,” *La propagateur catholique*, 18 March 1848 (microfilm), Louisiana and Special Collections, University of New Orleans Earl K. Long Library: “la liberté sauvage, intolérante, irrégulière, contre la liberté tolérante, régulière, légal.”

relationship of church and state in France, dating back to the *Ancien Régime*.¹¹⁶ Prior to the 1905 law that secured an anticlerical form of church–state separation, France had attempted other legal settlements on the relationship between church and state. The revolutionary Civil Constitution of the Clergy, Napoleon’s Concordat, the Falloux Law, and the Ferry Laws all marked an ongoing attempt to recalibrate this relationship. Importantly, these Acts manifested not just juridical settlements on the question of church and state, but cultural settlements as well, and the content of each settlement was partially founded on Catholicism’s outward-facing image. Initially, Pius IX reportedly praised Montalembert for positively shaping popular attitudes towards the church and clergy.¹¹⁷ In the decades afterwards, however, Montalembert lost the battle for the church’s political guise in France, making anticlerical claims in 1905 that Catholicism was essentially hostile to republicanism more compelling. The politics that produced the 1905 settlement depended on this image of Catholicism—a reactionary church, one that could not be trusted to support the Republic, whatever the interventions of its pontiff. Montalembert’s earlier success promoting a different vein of Catholicism showed how this particular image of religion was not inevitable, but only one among many possible political configurations of French Catholicism that fought for preeminence over the nineteenth century.

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¹¹⁶Lalouette, *La séparation des églises et de l’État*.

¹¹⁷Milbach, *Les chaires ennemies*, 507.

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