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# Clerical Child Sexual Abuse and the Culture Wars in France, 1891–1913

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## Abstract

This article investigates clerical child sexual abuse in the first decades of the French Third Republic. Thanks in large part to the difficulty of accessing relevant archival records, we know very little about this crime or how it was investigated by judicial officials. This study addresses this gap by drawing on a rich and untapped collection of correspondence between local prosecutors and the Ministry of Justice in Paris. The files reveal the process for investigating and prosecuting abusive priests, as well as the reverberations within local communities. Though generated by the state rather than the church, they offer an insight as well into the response of ecclesiastical authorities. Finally, they shed light on the relationship between clerical crime and the culture wars pitting French republicans against Catholics, a conflict that was reaching a peak of intensity in this period. What emerges from this study is an appreciation of the personal toll and political impact of clerical sexual abuse, as well as a new perspective on the recent scandals which have engulfed the Catholic church in a range of nations.

## I

On 4 July 1900, the public prosecutor (*procureur-général*) in Montpellier sent a report to the Ministry of Justice in Paris concerning what he called a ‘serious case, of a sort that is unfortunately all too common’. A Catholic teaching brother in the town of Béziers stood accused of sexually abusing eight school-children aged from six to ten years old. The brother, Frère Longils, had fled before he could be taken into custody, leaving the local community in a state of uproar. Then there was a breakthrough. Not only did the police track down Longils in a nearby village, but he made a full confession. In what seemed to the prosecutor a pathetic attempt to mitigate his crimes, Longils stated that he had not committed the abuse every day, and that ‘I

sometimes didn't do it.'<sup>1</sup> In November, the prosecutor wrote again to the Ministry. The local assize court had convicted Longils and, thanks in large part to his confession, given him the relatively light sentence of three years in prison.<sup>2</sup>

The prosecutor's sense of weary familiarity when reporting the Longils affair is telling. Across the first decades of the French Third Republic (1870–1914), judicial officials often dealt with Catholic priests and teaching brothers accused of sexually abusing children. Yet, we know very little about such cases. Works on anticlericalism make at best passing reference to prosecutions of abusive priests.<sup>3</sup> The same can be said for another relevant field of scholarship, the history of paedophilia in nineteenth-century France. A small but growing body of literature argues that this era saw a decisive shift in criminal and medical approaches to the assault of minors.<sup>4</sup> The backdrop was the triumph of a conception of children which had its roots in the Enlightenment, and which stressed their natural innocence. This understanding prompted the enactment of a host of laws designed to protect the young, from regulating their conditions of work and providing for their education to protecting them from cruel and neglectful parents.<sup>5</sup> It also inspired a determined campaign to punish paedophiles. Following a reform of the penal code, the number of prosecutions and convictions soared from mid-century, and medical experts began to devote treatises to what was now seen as a distinct form of perversion.<sup>6</sup> This scholarship provides a crucial framework for understanding the judicial response to abusive priests. But it falls short of a comprehensive analysis of clerical paedophilia.

The main impediment to such an analysis in nineteenth-century France has been the archive. An obvious place for the historian to turn is diocesan records. The difficulty is that these are under church control and, as Anne Philibert discovered in her exploration of a handful of clerical scandals in

<sup>1</sup> Public prosecutor (Montpellier) to minister of justice, 4 July 1900, Paris, Archives Nationales (AN), BB/18/2145. Emphasis in original.

<sup>2</sup> Public prosecutor (Montpellier) to minister of justice, 19 Nov. 1900, AN, BB/18/2145.

<sup>3</sup> J. Lalouette, *La libre pensée en France 1848–1940* (Paris, 1997), pp. 235–6; J. Lalouette, *La république anticléricale: XIXe–XXe siècles* (Paris, 2002), p. 13; J. Maurain, *La politique ecclésiastique du Second Empire de 1852 à 1869* (Paris, 1930), pp. 212–13. Trials of notorious clerics have received some attention. The Abbé Mingrat was found guilty in the Restoration era of the murder of one of his mistresses. A. J. Counter, 'Mingrat: anatomy of a restoration cause célèbre', *French History*, 29 (2015), pp. 225–46; R. Rémond, *L'anticléricalisme en France de 1815 à nos jours* (Paris, 1999), pp. 73–6.

<sup>4</sup> A. C. Ambroise-Rendu, *Histoire de la pédophilie, XIXe–XXIe siècle* (Paris, 2014); A. C. Ambroise-Rendu, 'Attentats à la pudeur sur enfants: le crime sans violence est-il un crime? (1810–années 1930)', *Revue d'histoire moderne et contemporaine*, 56 (2009), pp. 165–89; G. Vigarello, *A history of rape: sexual violence in France from the 16th to the 20th century*, trans J. Birrell (Cambridge, 2001).

<sup>5</sup> R. Fuchs, *Abandoned children: foundlings and child welfare in nineteenth-century France* (Albany, NY, 1984); R. Fuchs, 'Crimes against children in nineteenth-century France: child abuse', *Law and Human Behavior*, 6 (1982), pp. 237–59; S. Shafer, *Children in moral danger and the problem of government in Third Republic France* (Princeton, NJ, 1997).

<sup>6</sup> J. M. Donovan, 'Combating the sexual abuse of children in France, 1825–1913', *Criminal Justice History*, 15 (1994), pp. 59–93.

the period 1927–33, consulting them can be a laborious and sometimes fruitless endeavour. Not only was she refused access to files, but there was also evidence that others had been destroyed.<sup>7</sup> A more accessible option is state records. Documents concerning the investigation and prosecution of abusive priests can be found in departmental archives, and particularly in the records of the assize courts where such cases were tried. This is feasible for a regional study, but constructing a national picture out of such scattered sources is a daunting challenge.<sup>8</sup> Given these challenges and limitations, it is tempting to rely on published sources. In his analysis of clerical paedophilia from 1860 to 1905, Claude Langlois draws principally on newspapers, government statistics, and polemics produced by defenders and opponents of the church.<sup>9</sup> While a valuable contribution, the absence of fine-grained records leaves many questions unanswered. How did state as well as church authorities approach such cases? What factors determined a successful or failed prosecution? And what were the repercussions both for local communities and for the nation's political life?

To answer these questions, this study draws on a rich body of archival material that historians of clerical sexual abuse are yet to exploit. Within the Ministry of Justice archives, there is a series (BB/18) which contains correspondence between Paris and public prosecutors across the nation. It owes its existence to the volatility of French politics. Throughout the nineteenth century, central governments kept a nervous watch on threats to their authority emanating from the provinces. A string of circulars demanded that the Ministry be kept abreast of affairs which, because of their 'nature' or 'seriousness', had the potential to unsettle public order.<sup>10</sup> The task fell to the public prosecutor in each appeal court who, in addition to having responsibility for the conduct of criminal cases, acted as the eyes and ears of the minister. Judging by the stream of correspondence that followed, prosecutors took this task very seriously. Paris was deluged with reports into riots, demonstrations, strikes, electoral fraud, anti-government rhetoric, and much more. Not content with relaying information, prosecutors often added their assessment of the state of community feeling. Together, these files offer a detailed and vivid picture of events, people, and movements at the grassroots level in large and small communities across the nation.

Accusations of sexual crime against the Catholic clergy fell clearly under the umbrella of cases that interested the Ministry of Justice. For the period 1891–1913, the archive contains 180 investigations into priests and teaching

<sup>7</sup> A. Philibert, *Des prêtres et des scandales: dans l'église de France du concile de Trente aux lendemains du concile Vatican II* (Paris, 2019), p. 326.

<sup>8</sup> For clerical trials drawn from departmental archives, I. Le Boulanger, *Enfance bafouée: la société rurale bretonne face aux abus sexuels du XIXe siècle* (Rennes, 2015), pp. 172–4; B. Singer, *Village notables in nineteenth-century France: priests, mayors, schoolmasters* (Albany, NY, 1983), pp. 22–5.

<sup>9</sup> C. Langlois, *On savait, mais quoi?: la pédophilie dans l'Église de la Révolution à nos jours* (Paris, 2020), pp. 65–9. For the period 1900–60, Langlois draws on a survey carried out by the noted sociologist of religion, Fernand Bouhard.

<sup>10</sup> Circular dated 6 Dec. 1840. *Recueil officiel des instructions et circulaires du Ministère de la Justice*, I (Paris, 1879), p. 474.

brothers accused of sexually abusing children, or an average of 7.8 per year.<sup>11</sup> These did not all result, it should be stressed, in a guilty verdict. Some were closed with no charges laid; others ended in an acquittal. For a significant number, the outcome is unknown. Yet, whatever the result, these investigations offer a revealing picture of clerical child sexual abuse and its impact. They show in great detail how judicial authorities understood this crime, the process of gathering evidence, and the factors that shaped a verdict. Though generated by the state, they reveal the attitude and behaviour of key figures within the church. Finally, they give us an insight into the community response. Fully conscious of the sensitivity of Paris to any semblance of disorder, prosecutors were careful to describe the level of community emotion. The files, then, are a rich resource, but they contain two important gaps. The first is chronological. For reasons that are unclear, the Ministry of Justice destroyed all files in the series from 1880 to 1890. The second concerns the scant attention given to the victims. We see the children only in glimpses, their voices smothered by the impersonal machinery of the justice system. They are a tragic and frustratingly elusive presence.

What the archive also brings to light is the political dimension of clerical abuse. There was always much more at stake than the innocence or guilt of one man. These cases shaped, and in turn were shaped by, the culture wars between French republicans and Catholics, a conflict that escalated after 1880. Though the official birthdate of the Third Republic is 1870, republicans only achieved dominance after a series of election wins in 1877 and the accession to the Presidency of Jules Grévy in 1879. From that point, they were in position to implement their legislative agenda and to embed the republic in the national psyche. They faced, however, an obstacle in the form of the Catholic church which regarded the republic as an outgrowth of the hated French Revolution, and which made no secret of its desire for a restored monarchy. The republican response was a series of laws which aimed to secularize public life and to curtail the church's social and political influence. These included the expulsion of Jesuits (1880), the reintroduction of divorce (1884), laws favouring lay funerals (1887), and the obligation of military service for priests and seminarians (1889).<sup>12</sup> Education was a key battleground. The decades before the Third Republic were a period of rapid expansion for Catholic schools. Alarmed by what they saw as the indoctrination of a generation of boys and girls in the authoritarian principles of the church, republicans set about building a comprehensive secular system for boys and girls.

After a decade marked by conflict, the 1890s promised a period of calm. In 1892, Pope Leo XIII made a dramatic intervention in the culture wars when he issued an encyclical calling on French Catholics to accept the legitimacy of the republic. However, the truce was short-lived. The political crisis triggered by the conviction for treason of a Jewish artillery captain, Alfred Dreyfus, sent relations tumbling once again. The virulent Catholic hostility towards

<sup>11</sup> I have not found any files concerning religious ministers of other faiths.

<sup>12</sup> For a good overview, P. Portier, *L'état et les religions en France: une sociologie historique de la laïcité* (Rennes, 2016), pp. 103–12.

Dreyfus and his supporters prompted an anticlerical backlash. Under the premiership of Emile Combes (1902–3), hundreds of religious congregations were dissolved, with many of their members going into exile abroad.<sup>13</sup> The final blow, from the church's perspective, was the abrogation of the Concordat which had governed church/state relations since the Napoleonic era. The Concordat and its associated organic articles were a trade-off: in exchange for submitting to government oversight and discipline, the church received state subsidies. In 1905, the landmark law separating church and state brought an end to this system, freeing the church from many constraints, but raising the spectre of financial ruin.<sup>14</sup>

Given this history of conflict, it is not surprising that government prosecutors were so intent on punishing Catholic priests and brothers. Yet, the relationship between the culture wars and investigations into clerical sexual abuse was more complex than we might assume. Scholars have in recent years cautioned against seeing the conflict in simplistic terms as a drawn-out battle between two unified blocs. The Catholic church was divided – in theological terms between modernists and traditionalists, and in political terms between those who accepted the papal call to rally to the republic and those who dreamed still of a monarchical restoration. Republicans, too, split into moderate and radical wings, and even those who belonged in the second camp could grudgingly concede that religion played a useful role in the lives of some citizens.<sup>15</sup> Furthermore, while there was certainly much friction between republicans and Catholics, relations ebbed and flowed in response to the unfolding political climate.<sup>16</sup> This kind of nuanced view finds some support in the Ministry of Justice files. On occasion, there is a surprising degree of co-operation. Whatever their differences, the two sides shared a commitment to maintaining social order, and this could lead them to find solutions that were of mutual benefit.

Overall, however, the Ministry of Justice files suggest that we should not take this revisionist line too far. While accommodation was possible, the more common outcome was polarization. Catholics were quick to denounce investigations into abusive priests as witch-hunts led by vindictive officials. Prosecutors and investigating magistrates, in turn, saw a church that was determined to put obstacles in the way of their inquiries and in any way possible undermine their authority. There was polarization, too, at the community level. In villages and towns, parents of victims expressed their anger,

<sup>13</sup> C. Sorrel, *La république contre les congrégations: histoire d'une passion française 1899–1904* (Paris, 2003). For works which emphasize the hostility between republicans and Catholics, R. Gibson, 'Why republicans and Catholics couldn't stand each other in the nineteenth century', in F. Tallet and N. Atkin, eds., *Religion, society and politics in France since 1789* (London, 1991), pp. 107–20; É. Poulat, *Liberté, laïcité: la guerre des deux France et le principe de modernité* (Paris, 1987).

<sup>14</sup> J. Lalouette, *La séparation des églises et de l'état, 1789–1905* (Paris, 2005); M. Larkin, *Church and state after the Dreyfus Affair: the separation issue in France* (London, 1974).

<sup>15</sup> S. Hazareesingh, *Intellectual founders of the republic: five studies in nineteenth-century French republican political thought* (Oxford, 2005), p. 286.

<sup>16</sup> A point made by R. D. Priest, *The gospel according to Renan: reading, writing and religion in nineteenth-century France* (Oxford, 2015), p. 15.

particularly when it became clear that church and school officials were sheltering abusers. In contrast, some locals threw their support behind accused clerics, rejecting what they saw as trumped-up charges of sexual abuse that were designed to tarnish their faith.

The article begins with the investigatory process. This section examines the different means through which a report of abuse reached the attention of the police, the measures used to determine if an investigation was warranted, and the criteria that were applied as prosecutors judged the guilt or innocence of an accused cleric. The next section moves beyond the investigation to the wider social and political context, assessing the response at both the community and government level. The final section focuses on a specific front in the clash between republicans and Catholics, the school wars. As advocates of religious and secular schools argued over their respective merits, the incidence of sexual abuse became a critical point of contention. Here, the complex impact of such cases came to the fore. Supporters of lay schools warned parents not to entrust their children to teaching brothers bound by the vow of chastity. But when high-profile cases against religious teachers collapsed, Catholics celebrated a much-needed propaganda boost.

## II

By the end of the nineteenth century, there was a well-established legal framework for prosecuting paedophilia in France. A turning point occurred in 1832, when legislators created a new crime, indecent assault without violence (*attentat à la pudeur sans violence*). Before then, the law punished sexual assaults only when there was proof of coercion or violence. Under Article 331 of the revised penal code, the focus shifted from the act to the age of the victim: if a boy or girl was eleven or younger (thirteen from 1863), then a sexual act, whether attempted or consummated, was a criminal assault.<sup>17</sup> While the range of sexual acts that fell under the law was in theory broad, in practice the majority involved direct genital contact in the form of touching, fondling, or masturbation. Penalties were harsh: from five to twenty years' imprisonment, with hard labour added when the accused held a position of influence or authority over the victim – for example, a teaching brother over a student. However, another element introduced in 1832, the notion of extenuating circumstances, gave juries and judges scope to impose shorter prison terms. A confession, as in the case of Frère Longils, was one of these circumstances. Together, these reforms had a dramatic impact on the rate of prosecution and conviction. From 1855, the annual number of prosecutions rose from 325 on average to 487 two decades later.<sup>18</sup> As a crime rather than the lesser category of offence, such cases were tried in the assize court (*cour d'assises*) before a jury, where a simple majority of seven out of twelve was enough to secure a conviction.

<sup>17</sup> In cases where the abuse was committed by a family member, the age limit did not apply. E. Dalloz and C.-H. Vergé, *Code pénal annoté* (Paris, 1881), pp. 506–7; R. Garraud, *Traité théorique et pratique du droit pénal français*, V (Paris, 1924), pp. 481–96.

<sup>18</sup> Donovan, 'Combating the sexual abuse of children', p. 70.

The long road to a conviction began with an accusation. Sometimes, the police acted on nothing more than a persistent rumour or an anonymous tip-off. More frequently, there was a formal complaint, usually stemming from a parent. In 1900, a day-labourer named Léon Blondel stumbled across a bundle of letters written by his daughter to a local priest. Their contents were so damning that he complained to the mayor, who in turn reported the priest to the police.<sup>19</sup> At times, parents took matters directly into their own hands. In 1904, in the town of Savigny, a postmistress learnt from her daughter that the village priest, the Abbé Léthimmonier, had molested her in the post-office. Fearing that her daughter's testimony would not be enough to secure an arrest, she and her husband devised a plan to incriminate Léthimmonier. Having taken care to hide several friends within earshot, her husband confronted him outside his presbytery and extracted a promise to never commit such an act again. The father and his friends then went immediately to the local gendarmes to report the priest's confession.<sup>20</sup>

There was no guarantee, however, that an accusation would lead to a trial. A common outcome was a decision of *non-lieu* (no case), meaning that an inquiry was dropped. This decision could be taken at different stages in the investigatory process. At the outset, the prosecutor (*procureur*) decided if an accusation was worth pursuing. If there were solid grounds to proceed, the responsibility passed to the investigating magistrate (*juge d'instruction*), who wielded broad powers. Amongst other tools at his disposal, a magistrate could interrogate suspects, commission expert testimony, and carry out searches, all the while holding an accused in preventive custody for months. On the strength of the dossier of evidence, the magistrate would determine whether or not to commit a case to trial. Still there remained a final hurdle in the French system, a pre-trial hearing before a special tribunal, the *Chambre des mises en accusation*. Only if that tribunal supported the magistrate's decision would a case go to the assize court.

The Ministry of Justice files show that decisions of *non-lieu* were common. Of the 147 investigations where we can determine an outcome, 28 per cent ended in this way. Sometimes, the reason was technical. If the victim were thirteen or older, charges could not be brought under Article 331. In such a situation, prosecutors could look to other statutes where no age limit applied. One of these was Article 332, which criminalized indecent assault *with* violence. The obstacle here was the narrow definition of violence. An act of sexual assault did not by itself qualify; it was necessary to prove either that the victim had been physically constrained or else had fought off the attacker. In the case of the Abbé Faugas in 1900, investigators in the southern city of Pau established that he held down a thirteen-year-old boy on a bed, and that a fourteen-year-old boy had struggled to break free. For this reason, the charge stuck, and Faugas was sentenced to hard labour for life.<sup>21</sup> Generally, however,

<sup>19</sup> Blondel to minister, 19 June 1900, Paris, AN, BB/18/2145.

<sup>20</sup> Public prosecutor (Caen) to minister, 18 Apr. 1904, Paris, AN, BB/18/2269; *Action*, 29 Aug. 1904.

<sup>21</sup> Public prosecutor (Pau) to minister, 11 July 1900, Paris, AN, BB/18/2145. Faugas fled and was sentenced in absentia.

prosecutors struggled to produce clear evidence of coercion or resistance. They might then turn to Article 330, which defined the offence of public exposure (*outrage public à la pudeur*). In the same year that he pursued the inquiry into Frère Longils, the prosecutor at Montpellier heard the testimony of Rose Maranges, who accused the Abbé Trille of assaulting her in the sacristy. Since Rose was fifteen at the time of the attack, Article 331 was out of the question. The prosecutor then considered Article 330. For this to work, he had to prove that the assault either had been or could have been witnessed. Upon surveying the scene, the prosecutor was forced to concede defeat. The sacristy was closed to the public, and located some twenty metres from the nearest house. There was a window, but it was placed so high that a passer-by could not look in. He therefore regretfully concluded that the case should be closed.<sup>22</sup>

More often, the decision whether to lay charges or not was shaped by a set of prejudices relating to class and gender. This became clear when judicial authorities were weighing up whether a specific act constituted an assault against decency. Where there was direct genital contact, as I have noted, the answer was clear. For acts that fell short of this standard, more subjective assessments came into play. When the priest of Potelières, near Nîmes, was found to have tickled the naked torsos of several boys in his catechism class, investigators judged his actions to be lewd but not indecent.<sup>23</sup> In other instances, the decision hinged on the social background of the key actors. In March 1899, the director of a congregational school in the coastal town of Le Tréport, Frère Laumer, confessed to kissing one of his students, a seven-year-old boy named Hamberlick. This was not, investigators stressed, an innocent embrace; they took care to specify that Laumer put his tongue in the boy's mouth. Was this, though, an indecent act? The prosecutor answered in the negative, and the main reason was less the nature of the kiss than the lowly origins of those involved. The boy seemed completely unaware that such an act might be considered indecent; he had attempted to kiss his mother in the same way, claiming to imitate his teacher. In their *milieu*, as the prosecutor explained to the minister, Laumer's kiss was viewed as a harmless 'caresse', and it sprang not from perversity but from a 'lack of education' along with a 'disgusting uncleanliness'.<sup>24</sup> Given this, the appropriate punishment was a one-year suspension from teaching.

Even when an act was clearly indecent, prosecutors might opt not to proceed with an inquiry if they had any doubts about the morality of the victim. This is where assumptions about gender and female sexuality became decisive. To a modern eye, one of the startling features of the investigations is the prevailing belief that even very young girls could be sexually corrupt. Reports describe some complainants as 'vicieuse', a term that signalled promiscuity. In 1904, ten-year-old Yvonne Mouren accused the Abbé Roquebrune of indecent touching. The local magistrate soon established that Roquebrune's reputation among the villagers of Marignane was impeccable. Mouren's was

<sup>22</sup> Public prosecutor (Montpellier) to minister, 16 Oct. 1900, Paris, AN, BB/18/2144.

<sup>23</sup> Public prosecutor (Nîmes) to minister, 12 Feb. 1904, Paris, AN, BB/18/2239.

<sup>24</sup> Public prosecutor (Rouen) to minister, 17 Mar. 1899, Paris, AN, BB/18/2110.



very different – she was said to give ‘rendez-vous’ to local boys. This, combined with evidence of animosity between the priest and Mouren’s family, led to a *non-lieu*.<sup>25</sup> In Grenoble, Marie Grouts made the same charge against the Abbé Brun. The prosecutor was at first impressed with her sincerity. However, though Marie was only seven years old, he began to suspect that she too might be ‘vicieuse’. The giveaway was not her behaviour or character but her body. To his eyes she seemed unusually well developed physically for her age, and this was a marker of sexual precociousness. From there, he saw no point in pursuing the investigation. As he explained to the minister, even if Marie Grouts’s claim against the Abbé Brun were true, the crime did not have the same gravity as it would for an innocent girl.<sup>26</sup>

Promiscuity was not the only disqualifying factor that applied to girls alone. Another was the condition that was so readily applied to the female sex by a host of doctors and psychiatrists, hysteria. The slightest sign of this would stop an investigation in its tracks, for among the many ills that were ascribed to the female hysteric was a propensity to invent claims of sexual assault. This is what spared the Abbé Frion a trial in 1899. The principal accuser, Berthe Lefebvre, had an excellent public reputation. Nevertheless, some inconsistencies in her statements, combined with the deputy mayor’s description of her as erratic, led the prosecutor to suspect hysteria, a suspicion subsequently confirmed by a psychiatric assessment. The consequences were dramatic. Citing the giants of forensic medicine and psychiatry, Ambroise Tardieu and Jean-Martin Charcot, the prosecutor judged Lefebvre to be ‘capable of imagining anything, even the most incredible things’. The case was dropped.<sup>27</sup> Did prosecutors, though, ever consider that erratic behaviour might be the effect of a traumatic assault? At times, they edged towards this conclusion. In April 1898, the father of Louise Blayac accused the Abbé Costes of a violent assault on his daughter. An initial inquiry was not promising. Louise’s parents were described as of low intelligence and morals. Her own behaviour was bizarre. While being interviewed by authorities, she ran out of the room and headed for nearby hills, where she wandered aimlessly through the night.<sup>28</sup> Still, the prosecutor hesitated. Her family and friends stated that her psychological troubles had begun only after the alleged assault. In the end, however, the taint of hysteria proved too powerful to ignore. He concluded that Blayac’s statement ‘could not be trusted’, and the investigation was closed.<sup>29</sup>

### III

While there were several reasons why an investigation might peter out, the majority (72 per cent) went to trial. Furthermore, the conviction rate was

<sup>25</sup> Public prosecutor (Aix) to minister, 14 Aug. 1906, Paris, AN, BB/18/2325.

<sup>26</sup> Public prosecutor (Grenoble) to minister, 27 June 1895, Paris, AN, BB/18/1990. On the perception of victims as sexually precocious, Ambroise-Rendu, ‘Attentats à la pudeur’, p. 175.

<sup>27</sup> Public prosecutor (Rouen) to minister, 18 Mar. 1899, Paris, AN, BB/18/2110.

<sup>28</sup> Note, no date, Paris, AN, BB/18/2079.

<sup>29</sup> Public prosecutor (Montpellier) to minister, 31 Aug. 1898, Paris, AN, BB/18/2079.

high: 46 per cent resulted in a guilty verdict. What factors, then, determined the outcome of a trial? The Ministry of Justice correspondence contains relatively little information about court proceedings. Thanks to their sensitive nature, these were usually closed trials, and newspaper sources are therefore an unreliable guide. Fortunately, prosecutors sometimes reflected on the reasons for a verdict, particularly in the case of an unexpected acquittal, and this gives us a sense of the factors that swayed juries.

One of the most common outcomes was a conviction in absentia (*par contumace*). This is revealing for two reasons. First, it shows that many accused clerics fled rather than face justice. Secondly, the act of fleeing was seen as an admission of guilt. The example of the Abbé Insausti, accused of abusing several schoolboys in the town of Hasparren near the Spanish border, was described by the local prosecutor as emblematic. When investigators arrived on 11 July 1913, they found that Insausti had left on a train the previous evening. In the eyes of the prosecutor, his action amounted to 'a formal confession of his guilt', a judgement confirmed at trial.<sup>30</sup> The police were conscious that accused clerics were a flight risk, and sometimes took preventive action. In May 1887, while waiting for a warrant to arrest the Abbé Lebouc, they kept watch on his presbytery. Even then they almost missed their man; after a search lasting several hours, Lebouc was found hiding in the roof of the church.<sup>31</sup> Other runaway priests proved harder to catch. A teaching brother in Étrelles asked the gendarmes if he could retrieve his slippers and hat from an adjacent room, then seized the chance to slip away. Days later, he was arrested while boarding a boat for Jersey.<sup>32</sup> In very rare cases, fleeing clerics turned back and gave themselves up to the police. In 1910, the Abbé Levert fled before he could be arrested for abusing twelve-year-old Suzanne Riquier. Levert managed to reach Belgium and then Holland where, with the aid of a Trappist monastery, he aimed to travel on to America. By his own account, a desire to see his parents and atone for his crime led him to return to France.<sup>33</sup> Most commonly, however, priests who fled remained, like Insausti, beyond the reach of the law. The Abbé Lebouc, who had been snared in his hiding place in the roof, served four years in prison. Five years after his release, he was again accused of abusing children. This time, he managed to make his escape and was sentenced in absentia to life in prison.<sup>34</sup>

When an accused cleric appeared in court, the outcome was much more uncertain, particularly since confessions were rare. Prosecutors needed only a simple majority of jurors to convict. Yet, proving a sexual assault on children was an extremely difficult task. There were usually no witnesses, and little physical evidence either. Medical expertise in paedophilia trials often worked in favour of the defence rather than the prosecution. As E. Claire Cage argues,

<sup>30</sup> Public prosecutor (Pau) to minister, 14 June 1913, Paris, AN, BB/18/2511.

<sup>31</sup> Public prosecutor (Orléans) to minister, 16 May 1887, Paris, AN, BB/18/2022.

<sup>32</sup> Public prosecutor (Rennes) to minister, 9 June 1891, Paris, AN, BB/18/1838.

<sup>33</sup> Public prosecutor (Amiens) to minister, 19 Feb. 1910, Paris, AN, BB/18/2428.

<sup>34</sup> Public prosecutor (Paris) to minister, 24 Nov. 1896, Paris, AN, BB/18/2022; *Journal de Seine et Marne*, 5 Nov. 1899.

doctors were usually unable to identify physical signs of sexual assault, and more often than not concluded that such claims had been fabricated.<sup>35</sup> The outcome therefore hinged on the character and testimony of the victim or victims. Unfortunately for prosecutors, more and more experts were calling into question the trustworthiness of children. As I have noted, one of the main reasons that paedophilia was prosecuted so vigorously in the nineteenth century was the widespread belief in childhood innocence. By the end of the century, however, a more sombre picture was beginning to emerge. Doctors and psychiatrists began to chart the incidence of what they regarded as false accusations, a phenomenon that sprang from duplicity – for example, an attempt to blackmail wealthy men – or from immaturity. Young minds, in this argument, were highly impressionable, and prone to inflate harmless gestures and encounters into a fantasy of assault. Children, in short, were beginning to be recast as natural liars.<sup>36</sup>

Some of these doubts could be mitigated when multiple victims came forward. But even then, prosecutors and magistrates scrutinized their testimony to ensure that it was detailed, unrehearsed, and above all consistent. Three boys who accused the Abbé Racq in 1894 came from good families and had no reason to hate the church. Furthermore, the prosecutor emphasized, each boy was able to describe in detail a belt that the priest wore under his outer garments.<sup>37</sup> In Toulouse in 1902, the victim impressed authorities with a statement that was ‘spontaneous, free and sincere’. In this case, presumptions about social class worked in her favour. The prosecutor was struck by her simple, even crude language, for this was the kind of language he expected a poorly educated country girl to use. She had not, in other words, been coached.<sup>38</sup> Most important, though, was consistency. There could be no divergence between the initial statement to prosecutors and the testimony in court; in addition, where there were several victims, their accounts had to match.

Admittedly, authorities were not blind to the possibility that children subjected to a highly traumatic ordeal might have a shaky recollection of details. In 1908, the prosecutor at Riom was confronted with such a situation. When subjected to repeated interrogations, the children appeared to waver on certain elements such as the exact timing of the attacks. He was not however fazed; in such cases, he judged, it was normal to find ‘confusion, uncertainty and even inconsistency’ from time to time. What mattered to him was that they were steadfast in their description of the sexual attack itself, and for this reason he maintained his confidence in them.<sup>39</sup>

The problem was that even the slightest inconsistencies in the witness box could cast a cloud over the entire prosecution. The files contain many examples of trials where the outcome was determined by the ability of a defence

<sup>35</sup> E. C. Cage, ‘Child sexual abuse and medical expertise in nineteenth-century France’, *French Historical Studies*, 42 (2019), pp. 409–11.

<sup>36</sup> *Ibid.*, pp. 414–16.

<sup>37</sup> Public prosecutor (Dijon) to minister, 6 Nov. 1894, Paris, AN, BB/18/1959.

<sup>38</sup> Public prosecutor (Toulouse) to minister, 27 Jan. 1902, Paris, AN, BB/18/2213.

<sup>39</sup> Public prosecutor (Riom) to minister, 15 Sept. 1908, Paris, AN, BB/18/2374.

lawyer to pick holes in victim testimony. In 1912, the prosecutor at Poitiers wrote to the minister to explain the acquittal of a Father Bohy, charged with molesting several girls in his catechism class. The case had appeared strong. One of the parents confronted Bohy and wrung a confession from him, though he later retracted it. Furthermore, the victim statements were detailed and consistent. Yet, under the glare of a lengthy and energetic cross-examination, the children began to stumble over certain details and to contradict one other. When combined with favourable character references for the accused provided by the mayor and other local notables, the jury decided to acquit.<sup>40</sup>

To lower the risk of a case collapsing in this way, investigating magistrates deployed a favoured pre-trial instrument: the confrontation. The nature of the confrontation varied according to the crime. In cases of sexual abuse, it involved bringing victims face to face with their alleged abuser, and forcing them to restate their claims in his presence. The accused was then given an opportunity to respond. What exactly, though, made the confrontation, in the words of a standard manual for judicial officers, ‘an often decisive means of finding the truth’?<sup>41</sup> When directing their gaze at the accused, prosecutors looked for some sign of guilt, whether in his face, his body language, or even, in exceptional cases, his words. In 1903, a Christian brother named Louis Pasquier was accused of abusing one of his students in the village of La Tour d’Aigues. At first, he denied everything. Then, amidst the drama of the confrontation, he broke down and made a full confession.<sup>42</sup> But prosecutors also appeared keen to test the resolve of the victims. Would their statements remain consistent or begin to diverge? And perhaps most importantly of all, did they appear capable of withstanding the kind of scrutiny they would face from defence lawyers?

The confrontation was a blunt instrument, and prosecutors made little allowance for its psychological impact on children. The files show that it could be a terrible ordeal. In 1908, when prosecutors in Rennes confronted the Abbé Hamon with three of his accusers, two repeated faithfully their initial claims. The third, however, dissolved into tears. In this case, prosecutors still felt confident to take the case to trial.<sup>43</sup> In other instances, such a reaction could prompt a decision of *non-lieu*. In 1905, the Abbé Loisel was released from custody by the prosecutor at Orléans following a lengthy investigation into accusations that he had sexually abused three girls. The key factor in this decision was the partial retraction on the part of one of the victims during a confrontation. The prosecutor took care to note that the Abbé Loisel glared at her in a ‘threatening’ manner; immediately she hesitated and stumbled over details, before finally beginning to cry.<sup>44</sup> Despite this evidence of intimidation,

<sup>40</sup> Public prosecutor (Poitiers) to minister, 17 May 1912, Paris, AN, BB/18/2480.

<sup>41</sup> P. Sarraute, *Manuel théorique et pratique du juge d’instruction* (Paris, 1890), p. 388. See also F. Duverger, *Manuel des juges d’instruction*, 1 (Paris, 1839), pp. 544–5. On the judicial system in this era, B. F. Martin, *The hypocrisy of justice in the Belle Époque* (Baton Rouge, LA, 1984); R. Harris, *Murders and madness: medicine, law, and society in the fin de siècle* (Oxford, 1989).

<sup>42</sup> Public prosecutor (Nîmes) to minister, 2 Sept. 1903, Paris, AN, BB/18/2269.

<sup>43</sup> Public prosecutor (Rennes) to minister, 14 May 1908, Paris, AN, BB/18/2374.

<sup>44</sup> Prosecutor (Tours) to public prosecutor of Orléans, 9 May 1905, Paris, AN, BB/18/2291.

he settled on a *non-lieu*. Remarkably, however, even amidst the terrible psychological pressure of the confrontation, many victims maintained their accusations. In 1899 in Cambrai, no less than thirteen children took part in a confrontation with Frère Halleray. Twelve, as the investigator stated, ‘persisted energetically in their statement’, while one, who was visibly shaken by the presence of the priest, retracted. Halleray, who had been tried and acquitted of the same crime in 1890, was this time convicted, and sentenced to seven years’ hard labour.<sup>45</sup>

#### IV

The Ministry of Justice files are a harrowing record of personal suffering and trauma. But when we zoom out and consider them globally, another important dimension, the political, comes into view. Politics shaped clerical abuse investigations in a number of ways. The most immediate concerns their frequency. The years after 1898, when legislative elections produced a radical majority, witnessed the government assault on religious congregations, and the separation of church and state. This was also the peak era for investigations into clerical sexual abuse. From 1899 to 1905, there were eighty, a figure that represents 44 per cent of the total number. When set against the broader trend of prosecutions for paedophilia, the role of politics becomes even more apparent. As James M. Donovan details, prosecution rates overall were in fact declining in the decades after 1880.<sup>46</sup>

Defenders of the church saw this surge in reports of abuse as a product of the anticlerical frenzy of the time. This claim is difficult to assess. What is clear, however, is that secular authorities sometimes saw political factors at work. When investigators in Rouen began digging into the charges of abuse against the Abbé Fretigny in April 1899, they quickly found reasons to be suspicious. The victims changed their stories, and a re-enactment showed that elements of the crime could not have occurred as they described. The children, then, seemed to have been influenced, and the prosecutor suspected local political forces. Fretigny had been a vocal opponent of the mayor in recent elections, and had earned the ire of radicals on the municipal council.<sup>47</sup> In the same year, the prosecutor at Lyon similarly blamed political turbulence for the allegations against the Abbé Colombin, who had been found guilty of defaming the local mayor two years earlier.<sup>48</sup> In both cases, prosecutors opted for a *non-lieu*.

On occasion, the political forces shaping investigations were highly complicated. On 15 October 1899, the Abbé Chaffaut, director of a seminary in Digne-les-Bains, abruptly left his post. Almost immediately, rumours began circulating that he was guilty of abusing the boys under his care. Some months later, the local prosecutor began an inquiry that was, in his terms, ‘discrete’.

<sup>45</sup> Public prosecutor (Douai) to minister, 15 Apr. 1899, Paris, AN, BB/18/2110.

<sup>46</sup> Donovan, ‘Combating the sexual abuse of children’, p. 78.

<sup>47</sup> Public prosecutor (Rouen) to minister, 7 Apr. 1899, Paris, AN, BB/18/2110.

<sup>48</sup> Public prosecutor (Lyon) to minister, 11 Jan. 1899, Paris, AN, BB/18/2110.

The reason for this wariness was that Chaffaut belonged to one of the wealthiest and most politically influential families in the region. His father, the Comte Césaire du Chaffaut, had been a senator; his brother was a member of the *Conseil-Général* of the Basses-Alpes. In a confidential report, the local prosecutor mapped out the political terrain for his superiors.<sup>49</sup> The reactionary party, composed of royalists and conservatives, was working assiduously to thwart the investigation by paying parents to keep silent. What, though, of the republican forces? The most noted republican in the town was Joseph Reinach, a historian and politician who became a national celebrity after he championed the innocence of Alfred Dreyfus. Reinach was also a newspaper proprietor, and in April 1900 an oblique reference to the scandal appeared in his *Echo des Alpes*. There was every indication that this would be the opening salvo in a suite of exposés. Yet, to the surprise of the prosecutor, Reinach cancelled a second and more detailed article that was due to appear, and then blocked any further reporting on the scandal. The reason, in the prosecutor's view, was political ambition. Two of his allies on the *Conseil-Général* were tied through marriage to the Abbé Chaffaut's sister; as a favour to them, and in the hope of reviving a political career which had stalled when he lost his seat in the 1898 election, Reinach agreed to take part in the cover-up. In short, there was a widespread 'syndicat de silence' at work in the town which made the prosecution of Chaffaut, even in absentia, extremely difficult.

Thanks to the renown of his name, the Chaffaut case was exceptional. Still, it suggests that what might seem at first glance to be a neat division of forces – republicans versus Catholics – was sometimes more complex, particularly when we take local circumstances into account. Behind the scenes, both sides sometimes worked together to defuse volatile situations. This is most apparent on the question of transferring troublesome priests. Today, we associate this practice with church authorities trying desperately to avoid scandal. In the nineteenth century, it also came about at the instigation of secular authorities.<sup>50</sup> In February 1899, the bizarre behaviour of the Abbé Balivy caused an uproar in the parish of La Balme, near Lyon. Children in his catechism class told their parents that Balivy was instructing them in the workings of the reproductive organs, displaying anatomical images, and even staging mock weddings. One child then accused him of inappropriate touching.<sup>51</sup> This was a thorny problem for authorities. The local prosecutor judged the chances of a successful prosecution to be low. The display of explicit images did not reach the threshold of an indecent assault, and the boy who claimed to be abused showed signs of mental impairment. Yet, community anger was growing, particularly after Balivy began threatening revenge on anyone who had denounced him. Fearful of an escalation, the government stepped in to break the impasse. The minister of religion wrote to the bishop of Belley, Louis-Joseph Luçon, requesting that Balivy be transferred or forced to retire.<sup>52</sup>

<sup>49</sup> Prosecutor (Digne) to public prosecutor (Aix), 10 May 1900, Paris, AN, BB/18/2145.

<sup>50</sup> A point made in Singer, *Village notables in nineteenth-century France*, p. 22.

<sup>51</sup> Public prosecutor (Lyon) to minister, 25 Feb. 1899, Paris, AN, BB/18/2110.

<sup>52</sup> Minister of religion to minister of justice, 20 Mar. 1899, Paris, AN, BB/18/2110.

The response was grudging. The bishop at first refused, and only agreed when it became clear that parents were boycotting the catechism class. But a solution was found that left all sides satisfied; with Balivy gone, students began returning to the catechism class, and community peace was restored.

Such moments of accommodation offer a welcome nuance to an image of the culture wars that can be one-dimensional. Nevertheless, they should not be seen as representative. Whenever there was little chance of a successful prosecution of a troublesome cleric, church and state might work together. More often, the two sides were at loggerheads. Republican officials were infuriated by Catholic actions which seemed designed to frustrate their inquiries, and which sprang in their view from an ingrained resistance to their authority. One sign of this defiance was a refusal on the part of local bishops to report abusive priests to the police. In a case that scandalized much of the northern region of France, the Abbé Delamarre, director of a school with close to 200 students, evaded arrest by fleeing to Belgium in 1899. Investigators soon established that the bishop of Arras, Alfred Williez, had known of the allegations against Delamarre, but chose not to inform the police.<sup>53</sup> Even more infuriatingly for government officials, some bishops went further by actively thwarting an arrest. In 1901, the bishop of Bayeux, Léon-Adolphe Amette, stood accused of complicity in the flight of a vicar named Dessay. The police reconstructed the timeline of events. When a parish priest denounced Dessay to the bishop, his response was to summon the accused vicar to a late-night meeting. The next morning, the vicar took flight, and investigators suspected that he was being hidden in a monastery or religious house. It seemed obvious to the prosecutor that 'precautions had long since been put in place to keep him out of reach of justice', and that the bishop was one of the chief culprits.<sup>54</sup>

The case of the Abbé Bidard showed the lengths to which church authorities were prepared to go to block an investigation. This time, the police managed to lay their hands on the accused cleric before he could flee. They then discovered that the bishop of Séez, Claude Bardel, was implicated in the destruction of evidence. Months earlier, a teacher at Bidard's school, who was troubled by the cleric's behaviour, had taken the initiative to collect statements from several victims of his abuse. He took the statements to Bishop Bardel, who immediately discouraged him from going to the police. When, some time later, the teacher and the school director burnt the statements, authorities saw the influence of the bishop at work. There was also evidence that Bardel had known already of Bidard's crimes. A search of Bidard's living quarters uncovered a note from the bishop, dated two years earlier, informing him that he was being transferred to another parish as his position was 'too tense' and every day becoming 'more difficult'.<sup>55</sup> While there was no specific reference to sexual abuse, investigators saw this as the likely reason for his transfer. When questioned, the bishop invoked the confessional seal.

<sup>53</sup> Public prosecutor (Douai) to minister, 26 May 1899, Paris, AN, BB/18/2110.

<sup>54</sup> Public prosecutor (Caen) to minister, 30 Dec. 1901, Paris, AN, BB/18/2180.

<sup>55</sup> Public prosecutor (Caen) to minister, 27 July 1899, Paris, AN, BB/18/2110. Bidard was found guilty and sentenced to four years in prison.

At times, prosecutors were so incensed by such interference that they considered laying charges. Under Article 248 of the penal code, it was a crime to conceal or to help to conceal a known offender. When prosecutors in 1909 began digging into the circumstances surrounding the flight of the Abbé Chateau, they found evidence pointing to the bishop of Angers, Joseph Rumeau. Bishop Rumeau did not deny that he had encouraged Chateau to leave the diocese. He claimed, however, that he did so without the slightest knowledge of any allegations of sexual abuse. Chateau, he affirmed, sought his permission to leave so that he could join a religious order.<sup>56</sup> The problem for Rumeau was that one of his own priests directly contradicted this account. The Abbé Desgrez stated that he informed his bishop immediately when he became aware of rumours about Chateau's crimes. It was after this that the bishop met with Chateau and gave him permission to leave the diocese. Faced with these two divergent stories, the prosecutor clearly trusted that of the priest, for he had no reason to lie and was furthermore jeopardizing his career. Were there, though, grounds to lay charges under Article 248? On the one hand, the prosecutor was convinced that Bishop Rumeau had abetted the flight of a man against whom there were serious criminal allegations. On the other hand, the law set a high bar for proving concealment. He would need to establish that Rumeau knew of a crime. The problem was that Chateau's guilt was yet to be settled in a court of law; the most he could prove was that Rumeau was aware of the accusations. With some reluctance, the prosecutor let the matter drop.

At the higher echelons of church and state, then, inquiries into clerical sexual abuse further poisoned an already tense set of relations. One of the strengths of the Ministry of Justice archives is that they take us to the grassroots of French society, and here we see a similar state of polarization. The first point to make is that this was a crime that inflamed public opinion. Again and again, prosecutor reports describe communities where feelings were running high. This was the situation in the small commune of Saint-Paul-aux-Bois in northern France. In 1894, Emile Demonceaux, a farmer and leader of the local republican association, wrote to his representative in the Chamber of Deputies to complain about the glacial progress of an inquiry into the alleged crimes of Father Gérard. Demonceaux was personally involved in the case, for he had relayed reports of the abuse to both the police and the prefect. To his dismay, the inquiry was dragging on with no sign of an arrest, let alone a trial. The community, he wrote, was in a state of 'ebullition'. There were many who were anxious for justice to be done. But other townspeople were convinced of Gérard's innocence, and saw a republican plot against their faith. Meanwhile, the accused priest had taken to condemning his accusers from the pulpit every Sunday.<sup>57</sup> Until the matter was resolved, the turmoil would continue.

The second point to make is that, as the above example indicates, local Catholics often rallied vigorously in support of clerics whom they saw as

<sup>56</sup> Public prosecutor (Angers) to minister, 16 Mar. 1909, Paris, AN, BB/18/2374.

<sup>57</sup> Emile Demonceaux to Philippe Cuissart, 7 May 1894, Paris, AN, BB/18/1959. After a lengthy inquiry, prosecutors decided not to lay charges, principally because the victim was older than thirteen.



victims of persecution. This was particularly true in periods when the culture wars were at their height, and in regions which were strongholds of piety. Amidst the uproar over the dissolution of congregations, there was an astonishing act of Catholic resistance. When the Abbé Delrieu was being taken into custody in the village of Bretenoux in January 1904, a crowd of supporters not only confronted the police but managed to snatch him away, hiding him in a nearby house.<sup>58</sup> Elsewhere, it was victims and their families who bore the brunt of the backlash, particularly in regions like Brittany, in the west of France, where attachment to the church was strong. In the town of Illifaut, the father of one of the alleged victims of the Abbé Hamon found himself shut out from work as a cabinetmaker; the mother of another complainant faced a daily round of insults from her fellow villagers.<sup>59</sup> Overt action in support of an accused priest sometimes extended to the courtroom itself. One of the few detailed reports of a trial that appears in the judicial files concerns the Abbé Fort, who in June 1900 appeared before the assize court of the Hérault department in southern France on a charge of abusing nine children. The prosecutor believed the case to be watertight. But the trial was, in his view, sabotaged by the actions of a noisy and aggressive group of royalists. They began by cheering constantly in support of Fort and booing the prosecution. Then, during a break in proceedings, a Catholic student approached the prosecutor's desk and scrawled the word 'merde' across his notes. Fort was subsequently acquitted, an outcome that the prosecutor attributed primarily to the 'moral pressure' exerted on the jurors by his supporters in the courtroom.<sup>60</sup>

## V

Such impassioned reactions suggest that more was at stake than the guilt or innocence of one man. This was most apparent in the battle over education. As I have noted, a key plank in the republican programme in France was the creation of a comprehensive and secular school system. This brought the government into direct conflict with the church and the teaching-focused congregations, which over decades had built up an extensive network of religious schools, and which provided teachers free of charge to many cash-strapped municipalities across the nation. Under the Minister of Public Education Jules Ferry, a series of laic laws through the 1880s expanded primary schooling, required all teachers, including Catholic brothers and sisters, to hold an official qualification, substituted 'moral and civic' training for religious instruction, and finally mandated that all teachers in public schools be lay and not religious.<sup>61</sup> In the face of these measures, the church regrouped by establishing

<sup>58</sup> Public prosecutor (Agen) to minister, 2 Feb. 1904, Paris, AN, BB/18/2269. Shortly afterwards, Delrieu handed himself in to the police.

<sup>59</sup> Public prosecutor (Rennes) to minister, 14 May 1908, Paris, AN, BB/18/2374.

<sup>60</sup> Public prosecutor (Montpellier) to minister, 26 June 1900, Paris, AN, BB/18/2144.

<sup>61</sup> On the school wars, S. A. Curtis, *Educating the faithful: religion, schooling and society in nineteenth-century France* (DeKalb, IL, 2000); R. Anderson, 'The conflict in education: Catholic secondary schools (1850–1870): a reappraisal', in T. Zeldin, ed., *Conflicts in French society: anti-clericalism, education and morals in the nineteenth century* (London, 1970), pp. 51–93.

a network of private schools (*écoles libres*). But in the heated atmosphere at the turn of the century, the republican offensive resumed. Under a law promulgated on 7 July 1904, religious congregations were banned outright from teaching.

To a degree that historians have not appreciated, the school wars were fuelled by sexual scandal. Anticlericals denounced religious schools as riddled with sexual predators. To prove the danger, newspapers published regular columns listing the convictions of religious teachers. In response, Catholics pointed to crimes committed by lay teachers. In a long analysis based on government statistics, the Abbé Bertrin compared the number of lay and religious teachers accused of crimes against the person, a category that included indecent assault. When adjusted for the respective size of the two teaching cohorts, he found that from 1867 to 1901, the rate for lay teachers was more than three times higher.<sup>62</sup> Furthermore, he argued, this was likely an underestimate of the true gap, for it was common knowledge that government prosecutors were more likely to press charges against teaching brothers than against lay teachers, and juries in turn were more willing to convict.<sup>63</sup>

The Ministry of Justice files show how this contest unfolded at the local level. Lay teachers often took the initiative to denounce their Catholic counterparts. In 1894, a teacher in the small town of Azille, not far from Carcassonne, reported the director of the congregational school, the Frère Soulié, to the police. He justified this action on the grounds that rumours of Soulié's crimes were rife in the town, and it was his professional duty to bring them to the attention of authorities. Soulié was subsequently acquitted at trial when several children retracted their claims. In the aftermath, Catholic papers castigated the lay teacher. In their account, he was jealous of the popularity of the rival congregational school, and pressured the children to invent their stories.<sup>64</sup> In other cases, the roles were reversed. In 1908, when prosecutors began investigating a series of accusations against a lay teacher in the town of Coubon, their attention quickly fell on a local priest, the Abbé Coupin. His role went well beyond passing information to the police. He personally collected the initial victim statements, consulted a lawyer for advice on drafting an official complaint, and then completed one such complaint himself. The prosecutor saw something deeper than a concern for the welfare of children. As he told the minister, Coupin was 'combative and violent', and not above cajoling children into embellishing their narratives.<sup>65</sup> The case was sent to the *Chambre des mises en accusation*, which decreed a *non-lieu*.

For Catholics striving to defend their embattled school network, the acquittal of a teacher in a religious school was a major propaganda coup. Two cases that bookended the 1890s in the city of Lille showed this very clearly. Lille was

<sup>62</sup> G. Bertrin, *De la criminalité en France dans les congrégations, le clergé et les principales professions: d'après les derniers documents officiels* (Paris, 1904), p. 152.

<sup>63</sup> *Ibid.*, pp. 76–8. On Bertrin, see Langlois, *On savait*, pp. 67–8. For another analysis of this kind, *Gazette de France*, 16 Feb. 1899.

<sup>64</sup> Public prosecutor (Montpellier) to minister, 3 Dec. 1894, Paris, AN, BB/18/1959. For Catholic attacks on the prosecution, *Croix*, 15 Nov. 1894; *Autorité*, 21 Nov. 1894; *Autorité*, 7 Dec. 1894.

<sup>65</sup> Public prosecutor (Riom) to minister, 15 Sept. 1908, Paris, AN, BB/18/2374.

an ideal stage for the school wars. Situated at the heart of the industrial north, it boasted an impressive Catholic educational network which could draw on the patronage of an elite of wealthy and pious factory owners. With its large population of skilled and unskilled workers beset by regular economic downturns, the city was also fertile recruiting ground for republicans as well as the rising socialist movement.<sup>66</sup> In 1890, these ideological divisions crystallized around the figure of Jules Marquis, a teacher in a Catholic school who was accused of sexually abusing four boys aged from eight to ten. The republican press denounced yet another Catholic predator.<sup>67</sup> Local authorities, too, were confident of a conviction. What happened next showed the determination of local Catholics to defend their school network. As the trial date neared, one of the boys abruptly retracted his accusation. The motivation for this about-turn soon became clear. The previous evening the boy and his mother had been summoned to a meeting at the school with the director and other laymen. They began by trying to convince the boy that he must have imagined the assault; when he stuck to his version, they began shouting and screaming at him. Reduced to tears, he agreed to sign a retraction. Here was proof, for the prosecutor, that the clerical party 'does not stop at anything in order to intimidate witnesses and force them to retract their statements'.<sup>68</sup> Fortunately, he went on, the boy had subsequently confirmed his initial statement, and the trial could proceed.

The outcome of the trial showed what was at stake. Despite the prosecutor's confidence, Marquis was found innocent of all charges. Clearly embarrassed by this verdict, the prosecutor explained to the justice minister that a well-resourced defence team had ruthlessly picked apart some slight inconsistencies in the four boys' accounts.<sup>69</sup> Catholics, in contrast, exulted in what they saw as a vindication for their cause and a humiliation for their enemies. The Catholic press spoke in one voice, proclaiming Marquis 'a martyr of the persecution organized today against Christian schools'.<sup>70</sup> Conservative politicians then joined the fray. In a letter to the minister of justice, a deputy from the north, Charles Thellier de Poncheville, lamented the fact that the French magistracy seemed to be inspired more by 'personal antipathies' than a love of justice.<sup>71</sup> The implications of the Marquis case, in sum, went well beyond one man, and prosecutors in other jurisdictions took note. In 1899, the prosecutor at Caen recommended a *non-lieu* in the case of the Abbé Lacroix. One of the victims had recanted. But as he wrote to the minister, his decision not to proceed also sprang from a wariness of transforming Lacroix into yet another Catholic martyr.<sup>72</sup>

Nine years later, Lille was the stage for an even greater Catholic propaganda coup. In February 1899, a Lasallian teaching brother named Frère Flamidien

<sup>66</sup> P. Pierrard, *Histoire de Lille* (Paris, 1982).

<sup>67</sup> *Petite République*, 13 Feb. 1891; *Progrès de la Somme*, 12 Feb. 1891; *Lanterne*, 13 Feb. 1891.

<sup>68</sup> Public prosecutor (Douai) to minister, 15 July 1891, Paris, AN, BB/18/1838.

<sup>69</sup> *Ibid.*

<sup>70</sup> *Vraie France*, 3 July 1891; *Croix*, 10 July 1891.

<sup>71</sup> Poncheville to minister, 11 July 1891, Paris, AN, BB/18/1838.

<sup>72</sup> Public prosecutor (Caen) to minister, 2 Sept. 1899, Paris, AN, BB/18/2110.

was placed in custody for a particularly brutal crime: the sexual assault and murder of an eleven-year-old student named Gaston Foveaux.<sup>73</sup> The gravity of the crime – assault but also murder – sets the case apart from others in the Justice Ministry files. Where it overlaps is in its connection to the school wars. The anticlerical press denounced an educational system that sheltered such predators. The left-leaning *Rappel* reminded its readers that no fewer than twenty-seven religious teachers had faced sexual abuse charges in the previous two years.<sup>74</sup> It was almost criminal, as the republican *Siècle* thundered, for parents to leave their sons in the hands of men who were clearly prone to ‘bouts of sadistic and bloody frenzy’.<sup>75</sup> In response, the Catholic press mobilized in support not just of the accused brother but the religious school system. The Abbé Henri Masquelier was the editor of the best-selling Catholic paper in the region, the *Croix du Nord*. In a series of bellicose editorials, he proclaimed Flamidien to be the innocent target of anticlericals and their campaign to paint all religious teachers as ‘abominable creatures, worthy of contempt and public rage’.<sup>76</sup> When, after 152 days in custody, Flamidien benefited from a verdict of *non-lieu*, Catholics acclaimed the ‘suffering but glorious victim of freedom of education’.<sup>77</sup>

This moment of triumph proved to be short-lived. In 1904, the Lasallian congregation to which Flamidien belonged was banned from teaching and effectively made illegal on French soil. Even after 1904, however, the issue of sexual abuse continued to shape the contest between republicans and Catholics. One incident in Rennes showed that some local officials would go to great lengths to protect the reputation of secular schools. In 1913, the prosecutor at Rennes discovered a cover-up. The police received an anonymous letter accusing a lay teacher named Sébastien Le Berre of abusing several girls in the town of Beuzec-Conq. When they investigated, they found that both the prefect and the school inspector not only knew of these allegations but had in fact received Le Berre’s full confession. Rather than alert the police or judiciary, they chose to transfer Le Berre to another town. This was a serious offence, but the prefect was unapologetic. Given the rivalry between republicans and Catholics in the region, and the repercussions of the crime for the secular school system, he maintained that his actions were justified. The prosecutor was quick to condemn such a breach of responsibility which to his mind smacked of the worst offences committed by the church hierarchy. ‘We must not’, he noted acidly, ‘mimic the pattern of behaviour of our enemies.’<sup>78</sup> In April 1914, Le Berre was tried and found guilty.

<sup>73</sup> The documents are contained in Paris, AN, BB/18/2108. For a full account, T. Verhoeven, *Sexual crime, religion and masculinity in fin-de-siècle France: the Flamidien Affair* (Cham, 2018). See also Ambroise-Rendu, *Histoire de la pédophilie*, pp. 66–70.

<sup>74</sup> *Rappel*, 17 Feb. 1899.

<sup>75</sup> *Siècle*, 11 Feb. 1899.

<sup>76</sup> *Croix du Nord*, 11 Feb. 1899.

<sup>77</sup> Monseigneur Baunard, *L'affaire de Lille et les frères* (Lille, 1899), p. 418.

<sup>78</sup> Public prosecutor (Rennes) to minister, 19 Dec. 1913, Paris, AN, BB/18/2511.

## VI

The Ministry of Justice correspondence files have much to tell us about the culture wars of the French Third Republic. To some degree, they show the error of assuming that there were two opposing camps in a constant state of antagonism. When community peace was at risk from a controversial cleric, republicans and Catholics could come together and hammer out a solution. There are cases, too, of priests and teachers breaking ranks by reporting the abusive behaviour of a fellow Catholic – though always to the bishop rather than to the police. Overall, however, the files show how clerical abuse investigations fuelled polarization both on the ground and in the upper reaches of church and state. The political ramifications weighed on the protagonists. In 1891, the prosecutor at Rouen was considering the evidence against the Abbé Frion, whose main accuser, Berthe Lefebvre, had been diagnosed as hysterical. If the accused were a private citizen, he wrote, he would shut the inquiry down. The fact that he was a Catholic cleric dictated a more cautious approach. The republican and anticlerical press was quick to pillory government officials who failed to act decisively. A failed prosecution would in turn fuel Catholic complaints of persecution. Investigations into clerical sexual abuse, he concluded wearily, ‘cause disarray in the political system’.<sup>79</sup>

The politics is only part of the story. The Ministry of Justice files show the difficulty of investigating sexual violence against children. It is clear that prosecutors took the crime seriously and were willing to side with victims against an accused priest. Yet, a number of factors – the absence of physical evidence or witnesses, the rudimentary state of forensic medicine, the likelihood that a young victim of trauma would crack under the pressure of an aggressive cross-examination – meant that even cases which seemed watertight could end in an acquittal. What is even more striking is the weight of added trauma for the children. Many were dismissed outright as fantasists, their morality, mental state, and – incredibly given their age – sexual experience opened to harsh scrutiny. Those who were believed still faced a series of gruelling interrogations, including a face-to-face confrontation with their abuser. The language of the files is generally formal and impersonal. If prosecutors asked victims about their feelings, they did not bother to record the response. Nevertheless, and even without the words of the children themselves, there is a compelling human drama at the heart of the archive.

Another point of reflection concerns the incidence of clerical sexual abuse in this period. At first glance, the number of investigations – 7.8 per year on average – seems tiny when set against the many thousands of priests and teaching brothers. Yet, this figure should not be seen as a reliable guide to the actual incidence of abuse. Prosecutors may not have reported every investigation to Paris, and files have undoubtedly been lost. More fundamentally, the records point to the problem of under-reporting which is typical of sexual violence. We cannot know how many victims kept silent. But there are multiple examples of parents who were slow to take their children’s claims

<sup>79</sup> Public prosecutor (Rouen) to minister, 18 Mar. 1899, Paris, AN, BB/18/2110.

seriously, or who sought to smother the crime either out of a sense of loyalty to the church or to protect the reputation of their children. In 1894, for example, a group of angry fathers complained to the bishop of Tarbes that one of his priests, the Abbé Pérès, had been abusing boys and girls in his catechism class. To spare their children further trauma, the fathers wanted to avoid an official inquiry, demanding instead that the bishop move Pérès elsewhere. In the end they co-operated with the police, but only after the bishop had refused their request.<sup>80</sup> Where bishops were more conciliatory, in other words, a crime might easily go unreported.

Finally, the Ministry of Justice files shed some light on more recent scandals. Across a range of nations, official inquiries have uncovered a shockingly high level of clerical sexual abuse in the contemporary era. In France, an independent commission headed by Jean-Marc Sauvé put the number of victims since 1950 at 216,000. A common finding across these inquiries has been the complicity of church authorities, whether by pressuring victims to stay silent, transferring abusers to other dioceses, and putting the reputation of the institution above their duty of care to the young. The Sauvé commission characterized the church response as one of ‘concealment, relativization or even denial’.<sup>81</sup> On the evidence of the Ministry of Justice archives, this response has deep historical roots. There is not a single instance of a cleric or bishop reporting an abusive priest to the police. To the contrary, investigators found many examples of bishops either moving priests to other parishes or, when an arrest appeared imminent, aiding their flight. There is a pattern of behaviour, in other words, that cuts across the very different political and social climates of the Third and Fifth republics, and that echoes the failings of the church in other national contexts as well. This suggests that further digging in the archives is vital if we are to comprehend the sexual abuse crisis engulfing the Catholic church today.

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<sup>80</sup> Public prosecutor (Pau) to minister, 27 Feb. 1894, Paris, AN, BB/18/1959.

<sup>81</sup> [www.ciase.fr/medias/Ciase-Summary-of-the-Final-Report-5-october-2021.pdf](http://www.ciase.fr/medias/Ciase-Summary-of-the-Final-Report-5-october-2021.pdf), p. 11.

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