



The Holy See

MAXIMAM GRAVISSIMAMQUE

ENCYCLICAL OF POPE PIUS XI

ON FRENCH DIOCESAN ASSOCIATIONS

To the eminent Cardinals: Louis Henri Luçon, Archbishop of Reims, Paul Pierre Andrieu, Archbishop of Bordeaux, Louis Joseph Maurin, Archbishop of Lyon, Alexius Charost, Archbishop of Rennes, Arthur Stanislaus Touchet, Bishop of Orleans, and the other Archbishops and Bishops and the clergy and people of France.

The moment has finally arrived for Us to announce the solution which We have arrived at on the important and very grave problem of Diocesan Associations. In laying bare before you, as We now do, the processes We have followed in arriving at this conclusion, We deem it Our duty to recall to memory and to place before your very eyes, as if they were pictures, the different steps in the negotiations which were taken with reference to this particular subject. We shall be able to do this quite briefly since We deal with a matter, the history of which is in great part already perfectly known to you.

2. We recall, but with sorrow, those sad days when in your country the evil project of separating the interests of the Republic from those of the Church was conceived and how, what is more unfortunate, steps were taken to put the project into execution. We cannot forget either how, at one fell stroke, the relations which existed between the Holy See and France were brusquely and unjustly broken off, how on December 9, 1905, the law of separation was passed by which the Concordat which had been in force over a long period of time was abrogated by but one party to the contract in direct violation of all the formalities demanded by law, how also, without the slightest regard either for the hierarchy of the Church or for the authority of the Holy See, unjust and arbitrary laws were enacted concerning the rights and possessions of the Church, as well as on the subject of divine worship. Neither can We forget how Our Predecessor of saintly memory, Pius X, in his encyclical *Vehementer* of February 11, 1906, and in the allocution which he made at the Consistory of February 21, the same year, condemned in no uncertain terms and with all possible solemnity this very law; nor how he condemned, at the same time, the so called "Associations Cultuelles" which were to be established in the spirit of that law, Associations which in another encyclical *Gravissimo* of August 10, of that year, the same Pope rejected once more and condemned.

3. The "Associations Cultuelles" did not come into existence, and therefore several persons - We use the words of Our Predecessor - thought it opportune to try, if possible, to create in their place another type of organization which would conform at one and the same time with the laws of France and the canons of the Church, and which would, considering

the sad times which seemed to loom up in the near distance, be able to preserve intact, at least in substance, the sacrosanct rights of Holy Church. But as such a result seemed impossible of achievement at that time, Pope Pius, after consultation with the bishops of France, forbade any attempt to form this new type of Association, at least as long as the law of separation remained on the statute books, and until it could be established legally and beyond all doubt that in these same Associations the divine constitution of the Church, the inalienable rights of the Roman Pontiff and of the hierarchy, as well as the Church's authority over her property and, particularly over church buildings, would be both respected and safeguarded.

4. You know only too well what followed upon this decision. The entire Catholic world looked on and was filled with admiration at the course of events. For precisely that which the Supreme Pontiff, Pius X, in the letter which We have referred to had asked of you, had with confidence recommended, and had even, if We may say so, foreseen, yes, that very course of action which you preached both by word and by example as the only solution of the problem, that finally and happily came to pass. Mankind witnessed the glorious spectacle of the clergy and the faithful of France rivaling each other day by day in fervor, in generosity, in devoted sacrifice. On the one hand, the faithful gave most generously and in abundance their offerings for the decorous upkeep of divine worship and for the adequate maintenance of their priests. On their side, the clergy willingly and even gladly submitted to the hard conditions of life which came into existence as a result of the law of separation.

5. It must also be added here that the sacred ministry, which is more closely united with the public welfare than any other vocation, was, because of that law, hampered in its activities and made still less efficient in its work through the expulsion of many of its needed helpers and coadjutors. The clergy, too, were deprived of all income from property, a fact which exposed them to a condition in which they were oftentimes in dire need of even the bare necessities of life.

6. The devoted and noble-minded rivalry between the clergy and laity, which existed under these trying circumstances, was of such a character that We in all justice may call it heroic, and We Ourselves, years ago, followed its course with the liveliest interest. From the beginning of Our Pontificate We have appreciated the remarkable economic advance which has been made and have noted, too, that the spirit of union has not been diminished, neither has it been in danger of being weakened. As a matter of fact, the economic condition of the Church of France, according to the views of several bishops, is such that it does not appear to be in need of an immediate remedy. On the other hand, both the organization and administration of the patrimony of the Church, despite the fact that it is often beset with difficulties and hampered by obstacles and, because of this unjust law, exposed to many dangers, has not been completely deprived of a support which has its base in the common law.

7. In spite of such facts, the lack of a sound juridical foundation for these rights carries along in its wake a certain instability as far as these rights themselves and all other matters of the Church are concerned, which together with the almost universal troubles of the present times and the widespread confusion have become to Us a source of great anxiety and of mental preoccupation. For these reasons it appeared opportune to try every possible means which might help to relieve or remedy the existing situation.

8. This consciousness of Our duty grew all the more pressing as the belief gradually became more and more general that intervention on Our part would assist greatly in bringing about a more general peace among men, a peace which, like

yourselves, We now desire, as We have always desired it, even from the first day when We, not by reason of any merits on Our part but because of a hidden decree of Divine Providence itself, were raised to the sublime office of the Common Father of all the faithful.

9. The ending of the terrible War through which the world has passed and the story of the glorious deeds of the clergy, both regular and secular, forgetting the insults they had received and remembering only their love of country, which was made known to all, caused to grow from day to day a profound desire for the re-establishment of religious peace broken by the law of separation, the result of which peace would be that the status of the Catholic Church in France would be made more conformable to the dictates of justice, should it be able to function under the sanction of law.

10. Out of this desire for peace has come the problem of Diocesan Associations. The statutes of these Associations, drawn up by competent scholars, who did not act without the consent of the heads of the French Government, were first sent to the Holy See by Our Nunzio in France. They were then forwarded to you, as well as to Our Venerable Brothers, the Cardinals of the Holy Roman Church, who are members of the Congregation of Extraordinary Ecclesiastical Affairs. The views of both these parties were asked for more than once. Finally, these questions were examined by Us personally.

11. One can readily understand that it was not easy for Us to pass judgment on this question. In the first place, We could not and We did not even wish it to be made to appear that We were willing to accept a different solution from that which had been outlined by Pius X. Both the memory and the position taken by the great Pontiff who was Our Predecessor made such a course impossible; the violation of the rights of this Apostolic See and of the hierarchy, rights which are the rights of God and of souls, simply forbade such a course. What We did do was to ask for the prayers of many of the faithful, and We too lifted Our heart to God in prayer, and then after considering at great length the matter in the Divine Presence, We confirmed the condemnation which had been made of the iniquitous law of separation, but at the same time concluded that, due to the change in public opinion, and, due also to the different circumstances and relations between the Holy See and the French Republic which had toward the end of 1922 been so profoundly changed, We did not see any difficulty which would keep Us from allowing the Diocesan Associations to come into existence, at least as an experiment, but only on the following condition. First, the statutes would have to be corrected in such a way that they would conform, both in their general tenor and in their essential nature, with the divine constitution and laws of the Church. Secondly, We must be given certain guaranties, protected by law, which would remove as far as possible all danger that in case men hostile to the Church should come into power in the Republic, they might be able to refuse to recognize the legal existence and the legal rights of these Associations, and thus expose them to the possibility of losing their property which they held under the law.

12. These statutes have been discussed at length and with great care by both parties. The outcome of these discussions is that the Diocesan Associations which are contemplated by this plan are quite different from those which Pius X condemned and had refused permission to organize. This conclusion takes on added certainty due to the facts that these statutes do not depend, either necessarily or directly, upon the law condemned by Pius X, and that the functioning of these Associations must always be in conformity with Canon Law. In case of difficulties or conflicts, those in charge of the Associations have the right and the duty of informing this Apostolic See.

13. With reference to the guaranties sought by Us, they are not as a matter of fact precisely those which We asked for at the beginning of the negotiations and to which the heads of the French Government gave their consent. However, the guaranties actually offered are of such character and are based on such reasons and such explicit declarations that We have thought it possible to accept them in the interests of a more general peace. We have done this, too, because it did not appear possible to obtain better guaranties and because those which we proposed can, all things considered, be accepted as possessing both the legality and the security which Pius X himself would have demanded of such guaranties in the circumstances.

14. Finally, there is this to be said, that We have in favor of the new statutes not only the opinion of men versed in law and of unquestionable reputation but also the unanimous opinion of the Council of State, a body made up of the members of both Chambers, which is, according to French law, the supreme and only competent court empowered to express a view on the interpretation of French law. Their view which is shared with them by the heads of the Republic comes in the last analysis to this, that these statutes contain nothing which is against the laws of France. This, of course, means that the Diocesan Associations have nothing to fear from the laws of the Republic.

15. Such being the situation, We wished in conformity with Our Apostolic duty, to omit nothing, short of sacrificing the sacred rights and honor of God and of His Church, which would in any way possible assist the Church of France in securing for itself an unquestionable basis in law. This, Our action, will contribute or at least We hope it will, to the establishment of complete peace in your country, a country very dear to Our heart. Therefore, We decree and declare that Diocesan Associations may be permitted at least as an experiment, provided always they are governed by the statutes which are hereto subjoined.

16. It is scarcely necessary, dearly Beloved Sons and Venerable Brothers, that We employ a great number of words in order to explain and make clear to you why We use an expression which is so prudently and carefully chosen. In the present circumstances it is a case of merely applying a remedy to conditions which contain the possibilities of still greater evils than those at present existing. We have always been convinced, We are still convinced, that if Heaven should grant Us the happiness of bringing about certain definite results in this important affair that both We and you, as well as the clergy and faithful of France, ought to look on such results as merely, on one hand, an installment of that full and entire liberty which the Church must possess, not only in your country but the world over, a liberty which belongs to her and is enjoyed by divine right and which, because of her office and nature, she cannot allow to be either suppressed or diminished. On the other hand, we ought to view these results as a starting point from which we shall be able to go forward to the legitimate and peaceful conquest of a full and entire freedom for the Church.

17. At any rate, let no one distort the meaning of Our present decision in a way which is quite foreign to Our thoughts to the effect that by it We desire to nullify the condemnation of Associations made by Our Predecessor of saintly memory, Pius X, or that We have become reconciled to the so-called "Lay Laws." Whatever Pius X condemned, We condemn; wherever and as often as the term "lay" is understood in the sense of a feeling or ideal inimical or foreign to God and to religion, We absolutely condemn such a thing and declare moreover to the whole world that such "laicism" must be condemned. Nor let anyone say that the permission to exist, which We accord to the Diocesan Associations, is in itself an overturning of the orders of Pius X, for the simple reason that the orders of Pius X referred to entirely different matters existing in circumstances altogether different from the present.

18. There now remains nothing further for Us to write about except to proffer, from the depths of Our fatherly affection, to you, to your clergy, and to your flocks, the following very important piece of advice. In the first place, We wish you to recall a certain fact to your priests and to the faithful confided to your care, a fact which you know already and which you yourselves will explain to them somewhat more in detail. The fact is this. If the new Associations and the statutes which are to govern them contribute to making the juridical position of the Church in your country somewhat more stable and by consequence more satisfactory than it has been, this should not be accepted as a reason for permitting that noble and generous rivalry between them, and which We have already praised in this very letter, to go out of existence. Otherwise the property which was lost to the Church by reason of the law of separation could never be recovered; which if it should be recovered or paid for, that would be only an act of restitution dictated by justice.

19. We, therefore, exhort you, dearest Sons and Venerable Brothers, as well as your priests, who are co-workers with you, to continue as you have in the past to feed with loving and watchful care the flock which God has confided to you. (*Peter v, 2*) Feed them by your words, feed them by your example; feed them by your good works, feed them by your sufferings in much the same way as Our Lord Jesus Christ who redeemed us by His sufferings, to the end that you, too, may gather in joy abundant fruits. We exhort the faithful entrusted to your care in the words of the Apostle: "Remember your prelates who have spoken the word of God to you" (*Hebrews xiii, 7*); continue to "love the beauty of the Lord's house" (*Psalms xxv, 8*); furnish the "temporal means to those who have sown among you spiritual things" (*I Cor. ix, 11*); "obey your prelates, and be subject to them. For they watch as being to render an account of your souls; that they may do this with joy, and not with grief." (*Hebrews xiii, 17*)

20. In declaring, dearly Beloved Sons and Venerable Brothers, that the existence of Diocesan Associations can only be permitted by Us, We must frankly avow that by this statement We have wished to abstain from commanding you in a formal manner to create and to establish them. However, We desire their existence, and We pray you in Jesus Christ, inspired by that feeling of filial love which you have for Us and by the ardent desire which consumes you to protect the discipline, unity, and peace of the Church, to give a trial to these Diocesan Associations. In doing this, you will demonstrate that you are filled with the selfsame spirit of generosity and of filial deference for us that you had for Our Predecessor of saintly memory, Pius X. For God will have mercy on all "who have done all this together, and have craved mercy of the Lord" (*II Machabees xiii, 12*); "and God is faithful, who will not suffer you to be tempted above that which you are able; but will make also with temptation issue, that you may be able to bear it." (*1 Cor. x, 13*)

21. That all things may work out for the glory of God, for the salvation of souls, for the increase of peace which all so ardently look forward to - an intention for which We pray to the Sacred Heart and to the Immaculate Virgin with great instancy - We bestow from the depths of Our heart upon you, dearly Beloved Sons and Venerable Brothers, upon your clergy, upon your faithful people, and upon France herself the Apostolic Blessing.

Given at Rome, at St. Peter's, on the feast of the Chair of St. Peter in Rome, the eighteenth day of January, in the year 1924, the second of Our Pontificate.

PIUS XI

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