

the Church's presence and life in the separated community. While not developed in the East during patristic times (nor later, as it was in the West), the same theological approach would be applied to the Antiochene and other eastern schisms. As for the situation in North Africa, Augustine's thesis was sufficiently attractive to bring a number of Donatist bishops and clergy into the Catholic community.

NOTES

1. Epistle to the Philadelphians, 3.
2. Against the Heresies, III.24.1
3. Apology, 39.1
4. On the Unity of the Church, 6.
5. Epistle 73.21
6. Preserved as Epistle 75 of Cyprian.
7. See Augustine, Epistle 43.16.
8. Synodical Letter in Socrates, History of the Church, I.9
9. So Basil of Caesarea and Theophilus of Alexandria.
10. Contra Parmenianum, V.4.

PIUS VII, NAPOLEON, AND

THE CONCORDAT OF 1801

by Cornelius Buckley

(Editor's note: Cornelius Buckley is Professor of History at the University of San Francisco.)

In June 1800, Napoleon Bonaparte took the first step to come to terms with Pope Pius VII on the status of the Church in France.(1) The First Consul, a pragmatic deist and cynical moral relativist, was hardly motivated by religious convictions or by lofty ideals to make peace with the pope and put an end to the ten year struggle between Church and State in France. However, when he overthrew the Directory government

by a coup d'etat the previous November, he realized that his initial project in securing his newly acquired position of power was to restore law and order at home and peace abroad. The "Church problem" merely reflected the economic, political and social anarchy that prevailed in the nation at large. The deplorable state of the ecclesiastical organization in France proper and in the annexed territories beyond her boundaries convinced the First Consul that it was in his best interests to come to terms with the pope in order to reconcile the Revolution with the Church.(2)

The source of the rupture between Rome and Paris was a bill passed by the National Assembly in July 1790 subjecting the Church in France to the civil authority. The Civil Constitution of the Clergy incorporated a whole series of tenets, long proposed by the defenders of Jansenism and Gallicanism, that challenged the jurisdiction and discipline of the Roman See. When Pius VI issued a brief, in 1792, declaring it not only schismatic but even heretical in a number of its clauses and excommunicating priests and bishops who took an oath to defend it, relations between the Revolutionary government and the Holy See were suspended.

Those clerics who took the oath were henceforth known as the 'jurors' who made up the 'constitutional' Church; those who refused to take the oath, the vast majority, were known as the 'nonjurors'. They had to face the ire of the government and a fate that grew more threatening as the Revolution progressed and as relations between the two churches became more embittered. At first it was the nonjurors who were hunted down, forced to take refuge beyond the frontiers, imprisoned and massacred. But by the time of the 1794 Terror, even the priests and bishops of the constitutional church had to climb the scaffold where they paid the supreme price for attending to the spiritual needs of the people.(3) Napoleon's program of reconciliation, therefore, had to take into account not only the pope but also French bishops and priests of both churches who had been profoundly marked by the historical events suffered through during the past decade.

Moreover, there were the Jacobins as well as various sects to contend with. Chief among the sects was the Theophilanthropist Church, popular among intellectuals who had espoused the philosophical cult of Robespierre. They were confident their highly ritualistic and dogmaless cult would soon replace Christianity in the land of Rousseau and Voltaire. The Jacobins regarded the bishop of Rome as the archenemy of the Revolution, of which they were the self-appointed custodians, and therefore they considered that coming to terms with him on any question

threatened the principles of 1789.(4)

Pius VII's motives for responding to Napoleon's initiative for reconciliation were religious rather than political.(5) But like Napoleon he too stood alone before formidable adversaries. Emigre French bishops and a number of powerful cardinals were convinced that the Church could never come to terms with the Revolution which, they believed, was on the brink of collapse under the weight of the crimes committed in the name of liberty, equality and fraternity. Their attitude convinced the papal Secretary of State, Cardinal Ercole Consalvi (1754-1824), that the group chosen to advise the pope, the so-called Little Congregation, would have to be small.(6) As for the plenipotentiary of the papal cause, Consalvi chose an old friend of Bonaparte's, Bishop Guisepppe Spina (1756-1838). By a ruse the First Consul managed to get the bishop to quit Italy for France where, it was thought he could be more easily manipulated.

But as soon as Spina arrived in Paris he immediately defined his mission to the French negotiators with clarity and candor. He informed them that in all negotiations he was determined to be mindful of the "privileges indispensable to carrying on the Catholic cult," and his intent was to secure from the French government a recognition of the jurisdiction of the Church. These points were non-negotiable and stood in stark contrast to Napoleon's position of the supremacy of the state over the Church and his contention that all religions were equal and were meant to serve the state. Faced with these two irreconcilable positions Spina realized from the outset the difficulty of his task. However, it did not take him long to learn that the First Consul was perhaps the only one in the city intent on negotiating a concordat that would guarantee that the Church could "freely and fully" carry out its "spiritual mission."(7)

The logical choice for arbitrator for the French government was Bishop Henri Gregoire (1750-1831), the spokesman for the Constitutional Church, who had suffered heroically for the Catholic cause at the hands of the godless revolutionaries. But the First Consul regarded him as too rigidly fixed in his Gallican and Jansenistic principles to fill the role of a reconciler. He turned to Abbe Etienne Bernier (1762-1831), a nonjuring priest, to perform this task.(8) Napoleon saw through Bernier's personal charm and theological acumen and considered him a "blackguard," but he added: "I have found the man I need."(9) Undoubtedly, this nonjuring priest was ambitious, crafty, and self-serving, but he was also highly competent, and in 1802, when he received the mitre which he had so desperately sought, he had served both France

and the Holy See well.

Bernier insisted that as a preliminary to negotiations the pope had to agree to three considerations. First, all the bishops of the old regime had to resign their sees. These were the men who had given unswerving loyalty to the pope during the course of the Revolution, and even if most of them, good Gallicans that they were, saw their loyalty to the Holy See as indistinguishable from their loyalty to the Bourbon cause, they had nevertheless paid dearly for their fidelity to the pope. Spina, not empowered to make any concessions on his own, realized it would not be easy for Pius VII to abandon these bishops at this late hour. Moreover, as Consalvi observed, "a massacre of 100 bishops has never taken place in the whole history of the Church." Secondly, the Consul insisted the Church had to agree to give up all claim to properties confiscated by the Revolutionary government. Neither of these demands proved to be insurmountable.(10)

The third stipulation, however, was an altogether different matter. Bernier proposed that the Constitutional bishops be automatically reconciled with the Catholic faith at the signing of the concordat. The pope declared he would never receive these schismatic bishops until they admitted their errors; Napoleon resisted the imposition of any humiliation on his former revolutionaries. This matter was tabled while a series of drafts were drawn up for negotiation, but the question was never really settled.(11) Four of these drafts were studied and, although some agreement was made on a number of points, recommendations on the approval of divorce, the recognition of clerical marriages, the appointment of bishops and priests ordained without the consent of the pope and the establishment of a French national council whose decrees would be binding and independent of the pope were found unacceptable by Rome. Napoleon himself dictated the fifth draft and became furious when it was returned by the Little Congregation with drastic alterations. The chief obstacle concerned the nomination of new bishops. The First Consul was determined to have "a clergy submissive and faithful to the government" and reserved to himself the right to designate candidates for the episcopacy. Exasperated, the First Consul resubmitted his draft with an ultimatum that threatened to bring negotiations to an end by recalling Francois Cacault (1742-1805), the French agent in Rome, and threatening to use military force against the pope. Cacault saved the situation by persuading the papal Secretary of State to travel with him to Paris, thereby avoiding all semblance of a rupture.(12)

Consalvi arrived in the French capital on June 20, 1801. Two more proposals and counter-proposals were drafted. Finally the eighth

proposal was found satisfactory to both parties. But it was at this juncture that Gregoire and the constitutional bishops convened their Second National Council at which they warned the First Consul against giving away the Gallican liberties. However, by now the position of the constitutional bishops did not allow them much leverage. In order to protect themselves against the dangers of papal domination of the Church in France, they had given absolute obedience to the secular government. But now the secular government was eager to come to an agreement with the pope, and if they proved to be an embarrassment in this process they would be going against their own principles.

Ironically, it was Napoleon who was destined to play the role of high executioner of the Gallican Constitutional Church. However, this fact was not fully appreciated until after Napoleon's fall from power. Meanwhile, Gregoire's proclamation served to remind Napoleon that in his desire to settle the Church problem it was dangerous to alienate too many of his fellow countrymen. Accordingly, the First Consul had refused to accept the seventh proposal and dictated a new one which he presented to Consalvi. The eighth proposal was essentially the same as that which Cacault had submitted to the Little Congregation on May 29. But Consalvi's stay in Paris had rendered him more conciliatory and after a few minor alterations he accepted the document on July 12. Two days later when the document was to be signed Consalvi noticed it had been considerably altered and refused to attach his name to it. A compromise was reached and the document was finally signed on July 15, 1801; Pius VII ratified it on August 15, and the French legislature approved it the following April.(13)

The concordat consisted of 17 articles preceded by a brief preamble. The number of bishops was to be reduced from 135 to 60; all present bishops were to resign and the new bishops were to be nominated by the First Consul, providing they were Catholics, and installed by the pope. Pastors were to be named by the bishop in collaboration with the government. Bishops and priests were to take an oath of fidelity to the government. The Church could set up cathedral chapters and seminaries; the salary of the clergy was provided by the state. The Church was guaranteed freedom of worship, although this worship had to be conducted in conformity with those police regulations the government might judge necessary for public tranquillity. After the concordat was signed Napoleon used this stipulation to justify publication of the famous Organic Articles, much to the dismay of the pope. These seventy regulations defined the supremacy of the State over the Church. They forbade the Church in France to publish bulls from Rome and receive legates sent by the pope without permission of the government. They

defined what clerical dress was to be, what was to be taught in the seminaries, and stipulated that there was to be a uniform liturgy and catechism used throughout the republic.(14) These rules were to be enforced by a police force. Napoleon insisted that Cardinal Giovanni Battista Caprara (1733-1820), whom he considered malleable to the point of weakness, be named a legate in order to apply the agreements contained in the concordat. Caprara was easily duped by Bernier.(15)

All the constitutional bishops agreed to resign as did 97 nonjuring bishops; however, 45 bishops held out arguing the pope could not make such an unprecedented demand. Eventually all but two of these were persuaded to submit. Those who did not, founded the schismatic Petite Eglise, a shadow of which exists to this day.(16) Napoleon designated 16 bishops of the Ancien Regime, 12 constitutional bishops and 32 priests for the new dioceses. The pope demanded that the constitutional bishops retract their former oath to the Civil Constitution and negotiations on this point went on until 1805 when a compromise was reached on the precise wording of the formula of retraction. Gregoire, claiming with some justification that were it not for the nonjuring clergy the sacraments would not have been available to the people during the Revolution, refused to sign any retraction. Since there was a shortage of priests in many dioceses Caprara, whose desire it was to go down in history as a peacemaker, gave in, much to Rome's displeasure over allowing juring priests to take up posts of responsibility without making the required retraction. Those priests who had married before August 15, 1801, the day Pius VII ratified the concordat, were laicized and their unions blessed. The following year a new brief extended this same privilege to religious of both sexes who had attempted marriage.(17) Bishops were another matter. The former bishop of Autun and still one of the most powerful men in France, Charles-Maurice Talleyrand (1754-1838), was laicized but Rome steadfastly refused to dispense him from his vow of celibacy. Talleyrand had tried on a number of occasions during the negotiations to place insurmountable obstacles in Spina's path.(18)

Was the concordat a boon or a bane for the Church? Obviously, it stripped her of the prestige and of many of the privileges she had enjoyed during the Ancien Regime, but was she really any worse off in her new condition for all this? The concordat saved France from the schism that had come about as a result of the Civil Constitution, and it did so at a critical time for the Church. This might explain why Pius VII, who was later roughly treated and even imprisoned by Bonaparte, considered him the courageous restorer of the church in France. Although the most unlikely actors were called upon to play key roles in hammering out solutions to delicate complex negotiations and to applying

the final agreement, in fact there were only two principal players - Pius VII and Napoleon. The various opposing sides of this drama were powerless to initiate any serious dialogue apart from these two men. Each served as an indispensable catalyst to the final denouement. The First Consul (he became Emperor in 1804) stood alone against formidable opposition and if he gloated over the victory he had imposed on the pope through the Organic Articles, it was a pyrrhic victory because as the years passed they were instrumental "in turning loyal Gallicans into enthusiastic Ultramontanes."(19)

The concordat provided that the state could interfere in marriage legislation, in selection of bishops, in education of the young, and in a number of other areas the Church considered her province. For this reason the concordat hampered her freedom, subjected her to the state, humiliated her by countless regulations imposed by an ever-present police force. However, the concordat also guaranteed the legality of the Church in a land where a decade earlier she had been forever proscribed and "arrested an impious war directed against Catholicism" in Germany and other nations in Europe. It is ironic that from 1801 to 1905, when the Third French Republic unilaterally abolished the concordat, France was never blessed with a more distinguished and forceful group of bishops. It was during this same period that she witnessed the great awakening of an unparalleled renaissance in popular religion and the flowering of catholic culture. Looked at from this point of view Pius VII's judgment of the agnostic Napoleon, "the great man who ruled France," who manifested a "zeal for the restoration and maintenance of Catholicism," was prophetic.(20)

NOTES

1. Henry H. Walsh, The Concordat of 1801: A Study of the Problem of Nationalism in the Relations of Church and State, New York: AMS Press, 1967, 39-61.
2. Henri Daniel-Rops, The Church in an Age of Revolution, 1789-1870, translated by John Warrington (History of the Church of Christ, vol. 8), New York: E.P. Dutton & Co. Inc., 65-85.
3. Daniel-Rops, op.cit., 8-21; 31-45.
4. Walsh, 23-8;33-4.
5. Jean Leflon, La Crise Revolutionnaire, 1789-1846 (Augustin Fliche & Victor Martin, eds., Histoire de l'Eglise depuis les Origines jusqu'a nos jours, vol. 20), 172.
6. Walsh, 41.
7. Ibid, 42.
8. Ibid.

9. Leflon, 180-1.
10. Ibid, 182.
11. Walsh, 43-4.
12. Ibid, 45-7.
13. Ibid, 47-54; 132-6.
14. Leflon, 192-6.
15. Leflon, "Concordat of 1801 (France," New Catholic Encyclopedia 4:116.
16. L.P. Mahoney, "Petite Eglise," New Catholic Encyclopedia, 11:236-7.
17. Leflon, "Concordat of 1801," 116-7.
18. Leflon, La Crise Revolutionnaire, 186-7.
19. Walsh, 60
20. Cited in Walsh, 58-9.

BIBLIOGRAPHY

Aubert, Roger, The Church Between the Revolution and Restoration, translated by Peter Becker, (Jedin, Hubert and John Dolan, History of the Church, vol. 7, New York: Crossroad, 1981.

Daniel-Rops, Henri, The Church in an Age of Revolution, 1789-1870, (translated by John Warrington) (History of the Catholic Church, 9 vols.), vol. 8, New York: E.P. Dutton & Co., Inc., 1965.

Dansette, Adrien, Religious History of Modern France (translated by John Dingle), New York: Herder & Herder, 1961.

Latereille, A., R. Remond, Histoire du Catholicisme en France, 3 vols., La Periode Contemporaine, vol. 3, Paris: Editions Spes, 1962.

Leflon, Jean, La Crise Revolutionnaire, 1789-1846, (Histoire de Eglise), vol. 20, Paris: Bloud & Gay, 1951.

-----, "Concordat of 1801 (France)," New Catholic Encyclopedia, New York, McGraw-Hill, 2967. 4:115-17.

Mahoney, "Petite Eglise,": New Catholic Encyclopedia, New York, McGraw-Hill, 1967. 11:236-7.