

## 7. THE CONCORDAT WITH THE ITALIAN REPUBLIC AND THE “RULES OF EXECUTION”

Given that the ecclesiastical representatives objected, Bonaparte declared that his intent was to put himself in accord with the pope, and he actually sent a letter to Rome saying that. Pius VII had a meeting of some of his cardinals, namely, Albani, Gerdil, Doria, Panfilo, Carandini and Consalvi, so that they might advise him on this “very important matter”; He wrote a reply, dated 17 March, in a very courteous manner, but not lacking the necessary reservations.

Actually the pope, on one side, was satisfied - and this satisfaction was reflected in his reply - with the declaration of Lyon according to which the Catholic religion was the “religion of the State”; and so he wrote to Bonaparte: “We must recognize with pleasure the advantages that the interests of religion have obtained by your work, if it is compared to the painful situation to which it had been reduced.”<sup>1</sup>

But, on the other hand, he was full of apprehensions - and very great ones - because of the Organic Laws which denied the ordination to the title of sacred patrimony, the existence of colleges and the immunity of Religious. Cardinal Consalvi, in his secret instructions to Cardinal Caprara, expressed it vehement terms: “His Holiness is very disturbed ...”; also: “His Holiness is terrified, not only by the intrinsic nature of these laws, but also by their source, to wit, the appropriation to lay power of the right to treat and regulate the affairs of the church.”<sup>2</sup>

Meanwhile in Milan there was started the “Ministry of Cult”, empowered to exercise

incomprehensible interference in the life of the Church; in the Roman circles a preoccupation increased, in part because they were coming to the conclusion among the “powerful ones” of the “Italian Republic” that there was only one who sincerely and efficaciously wanted the restoration of religion, and this one was precisely Bonaparte. But he himself did not want - nor could he want - to see the rejection of all sects, a complete and inspired restoration in a clear religious spirit; instead he maintained the right of state interference in questions strictly ecclesiastical.

During this mess, the notice arrived in Rome that the First Consul wanted a concordat between the “Italian Republic” and Rome, similar to that between the Holy See and France, already drawn up. In Vatican circles this notice fell like a bomb, because it was openly contrary to a previous agreement. In effect, they did not want to recognize the right of the Italian Republic which still retained important pontifical territories; and on the other hand, it was not considered that Italy had to have a radical religious restoration, for never was there, as in France, the intention of a total demolition of Catholicism.

They thought that the “Concordat” had been made so that it applied to France but not to Italy, and so this made the real situation worse on the south side of the Alps. By way of many clever attempts to avoid this trouble, the Holy See tried to bend the will of Bonaparte, but could not do so. It must be remembered that he alone, in spite of everything and everyone in France, had been the restorer of Catholic worship and he showed this same desire in respect to the “Italian Republic”.

The negotiations continued between Cardinal Caprara, representative of the pope,

<sup>1</sup> Cf. da Leflon, *Op. Cit.*, p. 302

<sup>2</sup> *Ibid*, pp. 303-304.

and the “Italian” representatives in Milan. Others took part too: Cardinal Consalvi and various other Cardinals, and Pius VII himself, to whom Bonaparte often wrote personal letters; the pope always responded in a most cordial and fatherly manner, although always and invariably with the necessary reservations.

In addition to the numerous complications, two elements impeded a conclusion to this agreement: in the first place, the “Organic Laws of the Clergy” already promulgated in Milan, with all of its jurisdictional and spiritual consequences already described. The Holy See demanded that these laws be revoked, because to sign a concordat while they were in effect, would be an explicit acceptance of them.

Bonaparte on the contrary, as President of the Cisalpine Republic, now known as the “Italian Republic” refused to abrogate these laws, partly not to admit that they were a mistake, and partly not to go against the strictly anticlerical elements. Actually a group of Milanese political leaders was against the clergy and against a return to Religion in a most ferocious way imaginable. Melzi and Monescalchi wielded a negative influence in the development of the negotiations of the Concordat, and this influence was frankly tragic after the signing, as we shall see later.

The difficulties were developing in such a way that Cardinal Consalvi wrote a letter dated 25 October 1802 in which he said: “The state of things in relation to religion is frightful. And the one stuck in these affairs and those who feel deeply, can only be hurt to the very core of their soul. The situation of the Holy Father is terrible, whether he accepts it or does not accept it. There are certainly two dangers whose results cannot be seen: and of them the most grave danger is perhaps not to give in according to the indications from

outside. Really, never has the storm been so fierce for the Church, and it is extremely urgent that God help us; my soul is torn apart and I have almost lost my courage.”<sup>3</sup>

Only by the patience and skill of Caprara and even more so of Consalvi, and also of Pius VII himself together with the absolute desire of President Bonaparte to reach a concordat, was it possible to get the acceptance of the proposed propositions by the Milanese and really to correct the situation provoked by the Organic Laws of the Clergy. Nevertheless, the discussions came to such a tone of hardness and vehemence that just at the culminating moment, when it seemed that an agreement had been reached, all fell apart on 29 August 1803. But still, they started the negotiations again and they were able to come to an agreement with Cardinal Caprara signing it on 16 September 1803, and which was later ratified by Rome.

Then there began, on 26 January 1804, a discussion of the “Laws of Execution” by Vice President Melzi, which in their basis and form were unwanted and disturbing to the Holy See.

In reality the Milanese political leaders - in the first place Melzi himself - had been very unhappy with the terms established by the agreement and they refused to consider it a victory for the Church. So they started a series of vigorous protests to President Bonaparte. They also promulgated these “Laws of Execution”, which practically castrated the very Concordat made to defend the ecclesial rights properly so called.

The “Laws” caused a painful stupor in the pontifical court and gave rise to afflicted protests on its part. Meanwhile the circumstances were made more grave in the

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<sup>3</sup> *Consalvi to the Nuntios*, 25 October 1802. Cf. Leflon, *Op. cit.*, p. 320.

political field when Bonaparte proclaimed himself Emperor of the French on 18 May.

As we have said, Pius VII saw in Napoleon the only support between the French and Milanese politicians for a renovation of the Church, even though along political ends; and so the pope on the one hand suspended putting into force the Concordat because of the way they wanted to put it into practice in Milan, but on the other hand he did not refuse to crown the new sovereign, which he did on 2 December 1804 in the Cathedral of Notre-Dame.

The coronation in Paris was followed by that in Milan, the “King of Italy”, with the crowning with the “Iron Crown”. By this extraordinary honor given to Napoleon, the pope hoped for a better treatment for the Church in regards to the consequences of the Concordat. But, on the contrary, the conditions did not get better, mainly because the “King of Italy” wanted to reorganize church affairs with the Decree of 8 December 1805. After dividing into five categories the religious congregations according to competency and ends, by this decree he established a graded scale for the budgets of the dioceses, chapters, seminaries and cathedrals.

On 8 July 1805 the “Laws of Execution” were published.

Naturally, an interference so direct and prejudicial toward ecclesiastical order was received with true pain in Rome, while Napoleon was, or apparently was, convinced that he had been generous in his treatment, and he wanted to personally let the pope know this. In the end, he reaffirmed his own basic ideas.

From this year on, the general situation became more complicated and the European problems grew more grave and more tragic.

Incredibly victorious, with difficulty

could Napoleon maintain a sense of proportion and his superpower almost slipped out of his hands as violent waves again and again destroyed European autonomy.

They were years of profound uneasiness for the Holy See; the pope, the cardinals, many bishops had no great illusions about the future. It is not easy to share the fields of jurisdiction and of spiritual action with a leader so omnipotent that, on the other hand, he could not recognize the genuine nature of the problems that he was trying to solve. Cardinal Consalvi justly said that all of those who were involved in the affairs and could see profoundly, were not going to lie in a bed of roses. This “profound” vision was a preview of what would happen a little later: the definitive conflict between the Holy See and the Empire.

Nevertheless this painful preoccupation was in the minds of the highest dignitaries of the Church. For the majority of the Roman population, including many ecclesiastics, the years between 1804 and 1808 were years of relative tranquility. There was in this a notable difference in the face of the daily concerns of the ecclesial life for the so called “Italian Republic”, in which the suspension of the Concordat and the Napoleonic decrees brought about constant changes.