

26. THE PSEUDO-CONCORDAT OF FONTAINEBLEAU

While Gaspar “relished” his prison, there was happening in the higher atmospheres events on which depended the outcome of the 600 priests deported to Parma, Piacenza, Bologna and Corsica. Pius VII, after weeks of passing between death and life in Fontainebleau because of that trip filled with accidents so disastrous to his strength that caused deterioration of his health.

Visits of courtesy were begun; he started to have contact with the ecclesiastical world in Paris, with those who were not forbidden to visit the pope. Not all could do so, we know; for example, the “black” cardinals, marked with the stigma of imperial ostracism, who were to be found dispersed in various places more or less far away.

The “red” cardinals went to see him, that is, those who had attended the second marriage of Napoleon and had the faculty of wear the purple insignia; also some of the French bishops went to see him. The pope, humble and serene, received everyone with kindness; down deep, it was a relief to see many faces and hear the voices of the Church after the unbelievable isolation in Savona.

Naturally the principal theme of the conversations was the situation of the church. Cardinals and bishops described to the pope the sad state in which the dioceses without a bishop, of the deported clergy, Rome itself, deprived of her major shepherds. It was a sad explanation of the reality for Pius VII, a progressive understanding of the evils of which the church was victim.

Having been submitted to a most hard testing because of the many years of humiliations, the pope received this news with an enormous weight. If he would give in to the conditions imposed by the emperor, then

things would return to normal: this thought multiplies by a thousand his sense of responsibility, which for many years plagued the soul of the pontiff. With the desire to heal the wounds of the church he had reached the supreme limit of concessions; on the other hand, his conscience stopped him inexorably at this limit, which would not be trespassed under any earthly pressure.

The drama of Pius VII was more internal than external; in comparison to the intimate sufferings, all the petty pestering, the fatigues and mortifications that he suffered, were nothing. It is clear that the internal and secret disgust of his soul was counterbalanced in part with the incessant act of faith and of abandonment to God, but this did not stop or lessen his sorrow.

For this reason it is easy to understand with what fervor Pius VII desired and prayed to the Lord for the pacification of his church. He would have made whatever sacrifice in order to obtain it. But there passed five long months for the tortured soul of the pontiff before he could realize even the least efficacious action towards this end.

Napoleon was far away, in that Russia which presents itself to the imagination as a place frozen, with the desire to swallow the sons of France and Italy. It was known that he kept going victorious, that the Muscovites lost ground to the eagle, but it was scratching many minds with the thought: could it be a tactic to draw the imperial army into a desert of ice?

The pope, in reality, remained in seclusion; communications with the rest of the world were disrupted for him, and the only voices he could hear were those loyal to the emperor. Even the ecclesiastics of whom we have spoken were found to be in friendly relations with Napoleon; that which was lacking to Pius VII was precisely a group of

free counselors, unfettered by any psychological suggestion. Consalvi, Di Pietro, Pacca and the rest of the “black” cardinals who were denied the use of the purple by Napoleon, were those who would be able to offer information and counsel to the pontiff.

At the end of November 1812 Napoleon returned from Russia. The truth was that he had been practically routed and defeated. Nevertheless, there was lacking a note in the tragic symphony: the victor of one hundred battles was not conquered on the field of battle. Everything conspired against him. The vastness without end of the land, the anticipated cold of the winter, the desperation of the Russians who only left big holes where the French troupes needed to restock themselves with utmost urgency with food and clothing. Even the holy sanctuary (Moscow) had shown itself to the French under a horrible and yet a grand aspect at the same time: her cupolas of gold enveloped in a sea of flames in which was consumed all the past of all the people. But, in spite of this disaster, Napoleon was not yet conquered. You could not put into doubt his military genius; he continued to be the domineering power of Europe.

He returned and immediately renewed his grand plans, without fear of asking the nations for more heroic sacrifices. Right away he more than ever wanted to resolve the scandalous controversy with the Holy See. Europe was still at his feet, but he knew the sentiments of the governments and of the peoples; the mastiff could return and rise up again and bite, and in this case it was necessary to reestablish fully his moral prestige.

The interchange of courtesy on both sides, which revealed the desire to define the pending questions, gave rise to a new project of negotiations.

Napoleon chose Monsignor Duvoisin,

bishop of Nantes, an expert negotiator, with affable temperament and a clear understanding of the canonical problems; he was accustomed to the style of the courts. Cardinal Pacca said: “It would have been most difficult for the pope to oppose a champion of equal expertise and skill.”¹

The conferences started, in which took part Cardinals Doria, Dugnani, Fabrizio Ruffo, De Bayanne, archbishop of Tours, and the bishops of Treves and of Evreux and Monsignor Bertassoli. Of this group none of them were “black” nor “zealot”.

The pope was represented by honest persons, but yes, predisposed favorably toward France; he himself, as we have said, had a fervent desire to regularize things. But given the complexity of the problems to be solved, the result was still uncertain.

Napoleon solicited a series of important modifications in the ecclesiastical structure, with the proposal to increase enormously lay influence. He had renounced in the first proposal, that is, to transfer the Holy See from Rome to Paris or Avignon. The principal problems that surged up were: the army itself of pontifical authority in the spiritual and well as temporal field; the Papal States in diverse provinces; the canonical institution of 100 bishops proposed by the emperor in France and in Italy; the reduction of bishoprics in Toscana, in Ligouri and in other European countries, and various other themes.

“When those charged with maneuvering these matters,” writes Cardinal Pacca, “realized that the pope not only vacillated, but he even seems to be inclined to grant the demands and what they insisted on, they wanted to leave for the emperor the glory of the definitive conclusion of the treaty.

¹ *Op. cit.*, I, p. 315.

Napoleon, who was informed daily of the progress of these machinations, on the afternoon of 19 January 1813 he suddenly took the empress Maria Luisa to Fontainebleau, and he went directly to where the pope, in those moments when he was conversing with the mentioned cardinals and bishops who lived in the palace, but they retired immediately when the sovereign appeared. Napoleon, as if there reigned the best harmony between him and the pope, ran to embrace him, he kissed him and made various demonstrations of cordiality and friendship. On this first afternoon I do not think you could speak of negotiations.”²

Pius VII was moved. The goodness of his soul made it possible to forgive that “son way off base, but a son nonetheless,” for all the suffering he had caused him. He reported with satisfaction to the rest about the kind acts of cordiality of the emperor.

On the following day began the famous “talks of Fontainebleau” which gave rise to such great curiosity when they were developed in perfect isolation of the protagonists. Given that there were no witness who could give an account of how things developed, legends became owners of the episode and it was transformed in this manner.

They say - and a well known French poet admitted to this rumor - that Napoleon made violent scenes with the pope; that the pope listened patiently and that, ultimately, he lashed out with irony the famous epithets:

“Comedian! ... Tragedy!”

It is also said that Bonaparte, in order to force the approval of the pope, in a fit of anger grabbed him and shook his shoulders disrespectfully. ...

But the historic truth is different: it is similar to the legends, but it is softer. Napoleon maintained with the pope “an

authoritative tone and at times depreciating; he even came to say that the pope himself was not very learned in ecclesiastical matters.³ Later, Pius VII, asked many times in that respect, said that the emperor never had shown any gestures of violence against him; and as far as the “comedian” and “tragedy”, the pope reported that he simply said: “Oh, the matter commenced with a comedy and he wished to end it as a tragedy.”

What is certain is that five days of negotiations with the adversary gifted with incredible power, and this after years of cruel moral afflictions, had made a dent in Pius VII, already torn between the fear of granting too much and that of provoking a schism and anarchy in the church as a result of the reaction of an irritated Napoleon.

The discussions ended on January 24 and on the 25th it was proposed that the “preliminaries” of the concordat be signed. At the most solemn moment there were present the cardinals and bishops who were the negotiators; the pope shook, and showed himself profoundly confused; according to Pacca, he was “in a state of great agitation”.⁴ Before signing, he looked around at those nearby, toward his “counselors”; some of them remained immobile, others gave a slight sign of approval with the head, and others shrugged their shoulders as if to say, “It is necessary to be resigned.” ...

Pius VII signed it, convinced that, according to what was established, the text would remain secret until the “black” cardinals were put in liberty and with the cooperation of all the Sacred College, they could elaborate diverse clauses which would make it possible to proceed to a definitive treaty.

² *Ibid.*, p. 317.

³ *Ibid.*

⁴ *Ibid.*, and also that which follows.

Essentially, the rough draft of the concordat was broken down into eleven themes treated in the following manner: the pope will exercise his pontifical authority “in France and in the kingdom of Italy in the same form as did his predecessors”; he would maintain a diplomatic representative; his possessions not alienated will be administered by his agents; for the alienated possessions he will receive in exchange two million; he will approve the canonical naming of the bishops within a span of six months, and after this, the naming will be granted to the metropolitan; he will have the exclusive right to name bishops for the six sees of the ecclesiastical province of Rome and for the sees “*in partibus*”; he will agree with the emperor in the reduction of bishoprics in Toscana and in Ligouri; he will also establish the bishoprics in Holland and the Hanseatic (German) departments; the emperor will restore the benefices to the cardinals and the prelates who had objected; the Propaganda, the Penitenciaría and the Archives will again be transferred to the residence of the Holy Father.

Once these documents were signed, they spoke of freeing the “black” cardinals and the deported bishops; Cardinal Di Pietro was freed on 26 January and he went to live with the pope; also released in freedom and taken to Fontainebleau were Cardinal Consalvi and the other “black” cardinals; as for Cardinal Pacca, who was held in the fortress of Fenestrelle, there was a “real battle” because Napoleon repeated: “He is my enemy.” But he finally conceded, and Cardinal Pacca a month later, on February 27, arrived where the pope was.

On the afternoon of January 25, the same day as the signing, Napoleon sent this message to the pope:

“Most blessed Father, having realized that Your Holiness, accepting the articles of the concordat that end the divisions that

afflicted the church, I felt a certain tremor that it could be deduced by them to be an implicit renouncing of the rights over the Roman States. I have the pleasure to assure you with the present letter that, not having ever thought of asking you for your renouncing of the temporal sovereignty of the Roman States, your Holiness should have no fear that with the signing and accepting of the said articles that you have renounced in direct or indirect form your rights and pretensions. Treating with the pope I have done so, considering you in your capacity of head of the Church and in spiritual matters. Meanwhile, most blessed Father, I beg God that he conserve you for many years in the government of our Holy Mother the Church.

“Fontainebleau, 25 January 1813.

“Your devoted son: Napoleon”.

For his part the pope almost immediately after signing, realized that he had committed a grave error. He had surrendered indisputable rights of the Holy See, conceding, for example, to the metropolitan the faculty to validly name bishops, with an eventual opposition to the pope. Various other articles went way beyond the concessions that the pontiff could have made without violating what is correct. He fell, therefore, into a severe melancholy, up to the point that he had a fever.

It was the beginning of great moral sufferings for the pope. On the 28th, three days after the signature, he wrote a document in which he expressed “his surprise and his error”, protesting that if he had granted them, he would not have done so in order to avoid persecution and reprisals, but rather for fear of “terrible evils that by his refusal would have caused to occur to the church.”⁵

Pius VII, “agitated by his remorse”,

⁵ Cf. Leflon, *Op. cit.*, p. 460.

and “moved by the obligations of his ministry, on his own initiative and with apostolic authority, canceled, derogated, denied and annulled from that day the said act”, and ordered that it be considered null and non-existent.

This declaration was to be made public only in the case in which “the circumstances that happen and the means that are taken, are against him and the finality of his life”, which is oppressed by so many evils, bitterness and worries which pierce his heart, “and makes it that his intentions cannot be carried out.”⁶ The dispositions decided by him were to remain secret until, after having consulted the cardinals about the best manner to annul that act of January 25, his decision be made known.

“Meanwhile” says Pacca, “he fell into a profound sadness and he abstained from saying Holy Mass, alleging that he was not worthy for having debased himself.”

“Nothing is more moving,” writes Leflon,⁷ “than that sad testament written by the pontiff at the limit of his strength and tormented by remorse to the point of wanting to die. And nothing more noble than the confession of his weakness: ‘It is our duty and will be our glory, when, following the example of our predecessor Paschal II, we confess before God and the Church, the error in which we, as man, have fallen by inadvertency.’”

Respecting the truth, we must recognize in Pius VII a singular grandeur. Finding himself denied the help of his most valuable advisers, badly advised, he had given in, in order to avoid terrible evils for the church. But he himself saw, as the result of hours of meditation and thought, the consistency of the error and without the

advice and certainty of counselors more informed and more competent, he thought no more of his own mortification, and he accepted it with complete sincerity and humility.

This happened just after the “black” cardinals, banished by the emperor, could rejoin the pontiff who explained to them the conditions of the so-called concordat. The surprise and the anguish of the pope had reached its limit because Napoleon, instead of waiting for its publication, which was the definitive agreement that had been promised, was anxious to release it to the press and announce with great publicity the text of the provisional agreement, which Pius VII hoped he would be able to emend in the final agreement.

The “black” cardinals were divided into two groups, one group who thought that it was necessary to reopen the negotiations in order to eliminate the errors committed in this preliminary text, and so arrive at a correct concordat. The second group judged it necessary that there be a complete rejection of the signed preliminary agreement.

Pius VII, given his own humiliations and sufferings, accepted the second solution. He confessed, in a very noble letter⁸ sent to

⁸ Letter of Pius VII to the Emperor Napoleon: “Majesty:

“For whatever it costs our heart to make this confession to Your Majesty, no less is the disgust that it causes us, the fear of divine judgements, to which we are very close because of our advanced age and the weakening of our health, it ought to be for us beyond whatever other consideration and all the anxieties which we experience at this moment.

“Constricted by our duty and with that sincerity and frankness that belongs to our dignity and character, we must advise Your Majesty that from the January 25th, the day on which we signed the articles

⁶ *Ibid.*

⁷ Cf. Leflon, *Op. cit.*, p. 460.

which ought to serve as a basis for the definitive treaty which in there is mentioned, the most atrocious remorse and most lively repentance has pierced our soul, such that neither rest nor peace is found.

We became aware right away (and a serious and continuous meditation has made us continue to avert to it) of the error to which we were drawn and the desire to terminate as soon as possible the controversies that arose with respect to the affairs of the church and also be concerned with pleasing Your Majesty.

Only one thing mitigated in some way our affliction: namely, that the evil caused by us to the church with that signature could be emended in the subsequent document of the definitive agreement. But our sorrow was increased without measure when, to our surprise, given the agreement with your Majesty, we saw printed and published with the title of Concordat those very articles which were only a base for a future agreement. Groaning bitterly in our heart by the scandal given by us to the church informed by this publication, and convinced of the need to repair it, with infinite pain we contain ourselves in manifesting at this time our sentiments and our complaints for consideration itself of having to proceed with greater prudence and not to fail in matters of such importance.

Knowing that we should have shortly with us the Sacred College, that is, our Counselors, we decided to wait and consult them in order to receive their guidance and then to decide, not only about what we should recognize as what we should have done to correct that which we have done - God is the witness that from the first moment we were fully resolved in this respect - but also about the election of the best way to bring about our proposal.

We did not believe that we could find anything that would be better in respect to what we professed to Your Majesty than that of directing ourselves to Your Majesty by writing this letter. In it, placing ourselves in the presence of that same God to whom we must render account of the use to which as his Vicar we have done with the power that he gave us to govern the church, we declare to you with apostolic sincerity that our conscience presents for us innumerable obstacles to the execution of various articles of that writing; that, for our confusion and sorrow, we recognize unfortunately that putting into practice that which we have promised, it will serve not to build but to destroy and not to shelter incorrect intentions of which God himself is the witness, but rather human weakness, as the dust and ashes which we are.

As to this document, although it has been signed by us, we say to your Majesty the same which

our predecessor, Paschal II had to do, in a similar case of document signed by him, which contained a concession in favor of Henry V, of which his conscience gave his reasons to repent, namely: that in this way we recognize that as we realize that this evil has been done we also admit this evil act and with the help of the Lord we desire that it be emended in its totality so that it does not result in any damage to the church nor for our soul.

We recognize that there are some articles susceptible to some emendation of the aforesaid articles by way of a distinct redaction and with some modifications and changes, but at the same time we recognize others as intrinsically evil, because they are contrary to justice and to the regime of the church established by our Lord Jesus Christ and therefore are executable and untenable.

How could we - to give an example - commit the grave injustice to deprive of their sees without canonical reason so many venerable bishops who are not guilty of anything other than to have fulfilled our instructions and to admit, also without canonical reason, the destruction of the very sees? Your Majesty will remember surely the strong clamor that disturbed Europe and France itself, for the use of our power when in 1801 we deprived of their Sees - although done with the corresponding interpolation and solicitude of their dismissal - the ancient bishops of France. And with all of this, it was an extraordinary means, recognized as necessary in those calamitous times, indispensable for putting an end to the deplorable schism and to uplift a grand nation to the center of the Catholic unity. But, what of these most grave causes that exist now in order to justify before God and men the means taken in one of the articles to which we refer?

In the same way, how could we accept a regulation so subversive of the Divine Constitution of the Church of Jesus Christ who established the primacy of Peter and of his successors, as is that which submits our power to the Metropolitan and permits that he could appoint those named in diverse cases and circumstances that the Supreme Pontiff in his wisdom had considered not opportune to appoint; constituting himself in this way as judge and reformer of the conduct of the Supreme Hierarchy someone who is inferior in the hierarchy and ought to give submission and obedience? Could we introduce in the church of God this unheard of novelty, that the Metropolitan can install someone in opposition to the Head of the Church? In what well organized government has it ever been granted to an inferior authority the faculty to do what the Head of the government has judged convenient not to do? On the

other hand, to what disorders and schisms equally fatal for the church and the State would as we open the door to a concession such as this, putting at times the Roman Pontiffs in the need to deny communion to those named which the Metropolitan would have instituted in opposition to his determination and as an affront to him. Could we, moreover, dispossess the Holy See of one of her primordial rights, we who are obliged with the solemn oath to sustain her, to defend her prerogatives even to the shedding of our blood?

But Your Majesty will say that this same concession we gave in the Brief given in Savona, with some modifications; a Brief which shortly was refused by your Majesty, notifying us even officially of your refusal. Our answer to this same sincere confession of error which, given our situation, we would commit humanly in this occasion; we are moved by the need to avoid by this concession the evils for the Church, without duly reflecting that with the introduction of the mentioned system we would open an entry for evils even more lamentable and permanent. By the refusal of that Brief by Your Majesty, the concession made in it no longer remained in force, and we consider it as an intervention of Divine Providence who watches over the governing of the Church. For not having seceded this Brief and for having substituted that Brief, the reasons already mentioned being valid against the Brief as against the article that is treated here, we are equally forced to revoke it.

Nor can we dissimulate that our conscience reproaches us also that in the said articles there is no evidence of those rights over the dominion of the Holy See that our ministry and the oaths pronounced by Us when we assumed the Pontificate oblige us to maintain, vindicate and preserve; this we should have expressed in the same text of that writing. And the letter which Your Majesty wrote to Us does not offer sufficient remedy to our negligence.

For these and other motives very grave that refer to the mentioned articles and others, particularly the fifth article of the folder of January 25th which we do not quote here so not to delay Your Majesty, our obligations, which we cannot renounce, do not permit us in any way to put into execution.

We know perfectly well the force and obligatoriness of the agreed stipulations, but also we know that when these are opposed to the divine institutions and to our duties, they must concede to the force of a superior obligation which forbids and makes its observance illicit.

In the document itself, nevertheless, which we fulfill in the indispensable obligation to declare to Your

the emperor, his error and remorse as well as his sorrowful surprise at seeing what had been turned into a definitive contract, which was intended only as a preliminary draft.

In the same letter he annulled everything that had been established in the provisional form.

He wrote slowly, day after day (because his health did not permit him to write more than a few phrases daily), this decisive document of retraction, which was given to

Majesty, we also have a lively solicitude to manifest to you that we are disposed and that we desire fervently to come soon to that final accord with Your Majesty with respect to all the controversies that have arisen, which are contained in the proper articles, although under other basis so that they can be compatible with our duties.

As far as it comes to our understanding that Your Majesty agrees to that with paternal confidence and apostolic liberty we have explained to you here, swift attention will be given to the opportune disposition in order to undertake the new negotiations leading to a conclusion of the desired definitive agreement.

On this occasion we do not doubt that the necessary remedy will be taken to so many and so grave evils that the church suffers, over many of which we do not fail to send our representation to the throne of Your Majesty; and that an end can be put to the other dissensions which in these last years have given us great reasons for sorrow and a justified protest; all of this we cannot neglect in a definitive agreement without being treasonable to the obligations of our ministry.

We implore Your Majesty to receive these our sentiments, with the same effusion of heart with which we have explained them to you; We beg you, through the very heart of Jesus Christ, to give consolation to our heart, which can long for nothing more than to arrive at that conciliation which has always been the object of our wishes. We beg that you consider how much glory will come to You Majesty and the grand benefit also to your States from conclusion of the agreement which brings with it true peace for the church and can maintain itself also for our successors. We lift up our most ardent prayers to God that he deign to shower on Your Majesty the abundance of his celestial blessings.

Fontainebleau, 24 March 1813.

(Pacca, *Op. cit.*, I, pp. 340 ff.)

Coronel Lagorse in order to be delivered with urgency to the emperor.

This was for the pope a great liberation. He soon recovered from his mortal depression in which he found himself until he returned to his normal self and to his normal treatment.

Napoleon, on his part, maintained this communication secret and continued by acting on the preliminary agreements. In reality he stretched even tighter the circle of vigilance and isolation of the pontiff and took severe means against those who were obstinate, from then on, and who would not recognize as valid the first published agreement and continued to refuse to take the oath.