

# *The Concile National of 1811: Napoleon, Gallicanism and the Failure of Neo-Conciliarism*

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*The concile national of 1811 was one of the greatest flashpoints in the struggle that pitted the Napoleonic Empire against the papacy. This episode, which deserves to be situated within more recent historiographical trends, reveals much about the nature of Napoleonic imperialism and the Church's distrust for the power of the state. This article puts forward the view that the failure of the concile national was not strategic but tactical. Several bishops were frustrated with the pope's recalcitrance over episcopal investiture and fearful of schism. But their initial openness to neo-conciliarism turned to hostility when confronted with the state's intolerance.*

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The most unintended outcome of the Revolutionary and Napoleonic decades was the strengthening of the papacy and its Ultramontane ideology. Of all the forces that resisted French 'cultural imperialism' the most successful and relentless in its refusal to acquiesce was the Church of Rome. This phenomenon, which Michael Broers has called the 'War against God', reached a significant 'crisis point' in 1811.<sup>1</sup> On the surface it seemed as if the Napoleonic behemoth had conquered Europe and now commanded universal obedience. Yet the behaviour of the

AN = Archives nationales, Paris; ASMi = Archivio di Stato di Milano. All translations from the French are the author's own.

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<sup>1</sup> M. Broers, *The politics of religion in Napoleonic Italy: the war against God, 1801–1814*, London 2002, 1–26.

clergy in the French *imperium* betrayed just how much dissent and anger lurked beneath apparently placid waters. Empire and Religion did not operate in harmony and conflicts over ultimate control of the Church were the norm.

This was especially the case in the Napoleonic Empire and its struggle with the papacy over episcopal appointments within those territories that fell under its control. The *concile national* of 1811 was one of the key flash-points in this struggle for supremacy. This episode reveals much about the nature of Napoleonic imperialism and the Church's distrust of the growing power of the bureaucratic state. French Catholic historiography lavished attention on the *concile* during the late nineteenth and early twentieth centuries, but its assessments were deeply entangled in the context in which they were written. The growing conflict over the occupation of Rome in 1870 and the separation of Church from State in 1905 created a siege mentality among church historians. Catholic aristocrats and scholarly clergymen drew clear parallels between their anti-clerical present and the Napoleonic past. They charted an impressive genealogy of anti-Catholic persecution that cast a long shadow into their republican present. Studies by the comte d'Haussonville, the comte Mayol de Lupé and the abbé Ricard are admirable in their erudition.<sup>2</sup> These antiquarians had access to minutes, journals and notes whose location today is uncertain.

The Archives départementales du Rhône hold the lion's share of the papers of Napoleon's uncle, Cardinal Joseph Fesch, archbishop of Lyons, but his minutes on the *concile* of 1811 and the diary of Maurice de Broglie, bishop of Ghent, are difficult to locate. Fortunately the content of these vital documents is substantially reproduced in the studies by the comte d'Haussonville and the abbé Ricard published during the 1890s. This article also refers to the journal kept by the *canonico* Alberto Rossetti during the *concile*, and published by the cathedral chapter of Venice in 1844.<sup>3</sup> This is a vital source that throws light on the attitudes of the Italian-born bishops from the satellite kingdom of Italy who attended the *concile*. It appears not to have been cited in previous studies. Otherwise the bulk of the archival material consulted for this article emanates from the Archives nationales in Paris and the Archivio di Stato in Milan.<sup>4</sup> The thousands of manuscript pages in Paris, although known to historians,

<sup>2</sup> J. O. de Cléron, comte d'Haussonville, *L'Église romaine et le Premier Empire, 1800–1814*, Paris 1864–79; M. E. H. comte de Mayol de Lupé, *La Captivité de Pie VII: d'après des documents inédits*, Paris 1916; A. Ricard, *Le Concile national de 1811*, Paris 1894.

<sup>3</sup> A. Rossetti, *Giornale, ossia memorie relative al Concilio Nazionale convocato in Parigi colla circolare dell'Imperatore e Re Napoleone 25 aprile 1814*, Venice 1844.

<sup>4</sup> The summons, orders and travel arrangements for the bishops of the Napoleonic kingdom of Italy are to be found in ASMi, atti di governo, culto parte moderna 2540.

have not been systematically sifted. Indeed, much interesting material has lain dormant and unappreciated.

Since the First World War, historical scholarship has tended to lose sight of the *concile* of 1811. Notable exceptions include Bernard Plongeron's *Résistances religieuses à Napoléon* and, more recently, a collection of essays edited by Jacques-Olivier Boudon.<sup>5</sup> These studies have identified the *concile* as a turning-point in the religion crisis that confronted Napoleon's Grand Empire and its ecclesiastical culture. The French *imperium's* absolute insistence on the supremacy of lay government over the Catholic hierarchy was too bitter a pill for the early nineteenth-century Church to swallow. The emperor completely under-estimated the resolve of the clergy. As the late Geoffrey Ellis reminds us, for the Voltairian Napoleon, religion was a utilitarian exercise.<sup>6</sup> For him, the clergy reinforced the moral authority of the imperial government, allowing it to impose taxes and conscript its subjects with divinely sanctioned legitimacy.

On the other side of this divide lay a papacy that could not accept such subservience. The pope could neither accept subordination nor equality with other faiths or Christian denominations. The law codes promulgated during the consulate struck at the heart of the Catholic culture of the family. As Michael Broers has demonstrated effectively, for the *départements réunis*, a significant proportion of the population (especially at the base of the social pyramid) tended to side with the Church when faced with modernisation and reform. The parish seemed a natural bulwark for the community against the social disaggregation that was threatened by the intrusive Napoleonic state.<sup>7</sup> This article argues that the *concile* will be better understood if it is integrated within these fresh historiographical trajectories. Previous studies painted the Church's survival and liberation from Napoleon's Babylonian captivity as providential. To picture this episode as a battle between good and evil is not particularly helpful. Through new archival sources and unexploited published materials, this article argues that the *concile's* failure was not pre-ordained, but the fruit of miscalculation and a striking failure of diplomacy on the part of the French imperial administration.

<sup>5</sup> B. Plongeron, *Des Résistances religieuses à Napoléon, 1799–1813*, Paris 2006, 279–315; J.-O. Boudon and R. Hème de Lacotte (eds), *La Crise concordataire: Catholiques français et italiens entre Pie VII et Napoléon, 1808–1814*, Paris 2016, esp. B. Plongeron, 'Napoléon et la crise religieuse, 1809–1812: radioscopie d'un échec', at pp. 21–39; S. Hermann de Franceschi, 'Le Spectre de Bossuet et des quatre articles de 1682: reviviscence d'une référence gallicane au temps de l'affrontement entre Pie VII et Napoléon I<sup>er</sup>', at pp. 171–95; and R. Hème de la Lacotte, 'De la Faveur à la fronde: la grande aumônerie Napoléon et l'échec du concile de 1811', at pp. 69–91.

<sup>6</sup> G. Ellis, 'Religion according to Napoleon: the limitations of pragmatism', in N. Aston (ed.), *Religious changes in Europe, 1650–1914*, London 1997, 235–55.

<sup>7</sup> Broers, *Politics of religion*, ch. iv.

The late Emile Perreau-Saussine highlighted that Catholicism's grudging acceptance of the 'political modernity' unleashed by the French Revolution, and internationalised by the Napoleonic Empire, was anything but a linear process.<sup>8</sup> It was fitful, characterised by myriad misunderstandings and false starts. Those who had signed the Concordat of 1801 had done so in the expectation that they would receive a more favourable compromise in the future.<sup>9</sup> The organic laws, the Italian Concordat of 1803 and Pius VII's visit to Paris to crown the emperor in 1804 highlighted the worsening relationship between Church and State.<sup>10</sup> By 1809 events spiralled out of control, as French imperial administrators assumed that they could simply impose the concordat and reorganise the ecclesiastical administration in newly conquered territories with little or no consultation with the pope.<sup>11</sup> The point of no return in this process was reached when Pius VII was arrested indecorously on 6 July 1809 and imprisoned in Savona for almost three years.<sup>12</sup> Six hundred Roman priests who refused to swear loyalty to the French were deported to Corsica.<sup>13</sup> More unprecedented still was the detention of those thirteen cardinals who failed to attend the emperor's wedding to the Archduchess Marie-Louise. They were stripped of their pontifical robes and became the defiant black cardinals of the imperial gaols.<sup>14</sup> As a sign that Paris was the new Rome, the Vatican archives were shipped to the French capital.<sup>15</sup>

Throughout this crisis the papacy responded in time-honoured fashion by refusing to collaborate with hostile forces. Its ultimate displeasure was made manifest when the emperor and his administration were excommunicated.<sup>16</sup> Thus the road was opened for mass civil disobedience.<sup>17</sup> The Concordat of 1801, like that of Bologna in 1516, had recognised the

<sup>8</sup> E. Perreau-Saussine, *Catholicism and democracy*, Princeton, NJ 2012, esp. chs i, ii.

<sup>9</sup> W. Roberts, 'Napoleon, the Concordat of 1801, and its consequences', in F. Coppa (ed.), *Controversial concordats: the Vatican's relations with Napoleon, Mussolini, and Hitler*, Washington, DC 2012, 34–80.

<sup>10</sup> A. Theiner, *Histoire des deux concordats*, Paris 1869, ii/1, chs ii–iii; ii/2, ch. x. More broadly see J. McManners, *The French Revolution and the Church*, London 1969, 140–50, and S. Desan, 'The French Revolution and religion, 1795–1815', in S. Brown and T. Tackett (eds), *The Cambridge history of Christianity*, VII: *Enlightenment, reawakening and revolution, 1660–1815*, Cambridge 2006, 564–73.

<sup>11</sup> Napoleon to Pius VII, Paris, 13 février 1806, in Fondation Napoléon, *Napoléon Bonaparte: correspondance générale*, Paris 2004–18, vi, no. 11445, at pp. 113–14.

<sup>12</sup> Mayol de Lupé, *La Captivité de Pie VII*, passim; E. E. Y. Hales, *The emperor and the pope*, New York 1978, passim.

<sup>13</sup> J. Destrem, 'Déportations de prêtres sous le Premier Empire', *Revue historique* xi/2 (1879), 331–88.

<sup>14</sup> U. Beseghi, *I tredici Cardinali Neri*, Florence 1944, passim; C. A. de Grandmaison, *Napoléon et les cardinaux noirs, 1810–1814*, Paris 1895, passim.

<sup>15</sup> V. Bindel, *Le Vatican à Paris*, Paris 1942, 135–53.

<sup>16</sup> B. Melchior-Bonnet, *Napoléon et le pape*, Paris 1958, 118–21.

<sup>17</sup> Broers, *Politics of religion*, ch. vi.

monarch's right to appoint bishops to vacant dioceses.<sup>18</sup> Throughout the years from 1808 to 1814 no papal bulls were issued to confirm imperial nominees. A new investiture crisis, reminiscent of the struggle that had pitted Henry IV against Gregory VII in the eleventh century, was building.<sup>19</sup> By 1811 the Church faced one of its worst crises since the great medieval schism which had straddled the fourteenth and fifteenth centuries.<sup>20</sup>

The papacy's refusal to negotiate, let alone invest new bishops, left only one solution open to the imperial administration: namely a recourse to neo-conciliarist measures. Simply put, the French Empire resurrected the late medieval notion that church councils could circumvent papal supremacy. Many historians have seen this process as a cynical exercise by Napoleon to force his will on the Catholic Church. While there is some truth in this assessment, it can rather be argued that the appeal to conciliarism was not entirely misguided. Through this expedient, the Empire sought to appeal to older members of the Catholic hierarchy in France who had lived through the twilight years of Gallicanism and Jansenist controversies over ecclesiology during the second half of the eighteenth century.<sup>21</sup> Historians of conciliarism have focused on Jansenism and Febronianism and have disregarded its swansong during the early nineteenth century. For example, Francis Oakley's brilliant *The conciliarist tradition* passes over the events of 1811 in complete silence.<sup>22</sup> This article contends that neo-conciliarist thinking, even if clumsily articulated, was central to the *concile*.

The Napoleonic regime's relationship with the French Church's Gallican inheritance was complex.<sup>23</sup> The eighteenth century had witnessed a great intellectual ferment with regard to the structure of church governance. Jansenism's quasi-democratic defence of the priesthood against episcopal hierarchy and its legal/constitutional opposition to papal interference in domestic matters was to inspire deeply the politics of religion.<sup>24</sup> Ecclesiological restructuring, before 1815, was profoundly indebted to the reforms of enlightened absolutism. Rulers like Joseph II had sought to privilege a utilitarian secular parish clergy against the

<sup>18</sup> V. Bindel, *Histoire religieuse de Napoléon*, Paris 1940, i. 13–74.

<sup>19</sup> C. Morris, *The papal monarchy: the Western Church from 1050 to 1250*, Oxford 1989, 109–33; P. Wilson, *The Holy Roman Empire*, London 2016, 46–67.

<sup>20</sup> J. H. Smith, *The Great Schism, 1378: the disintegration of the papacy*, London 1970, *passim*.

<sup>21</sup> D. van Kley, *The religious origins of the French Revolution*, London 1996, esp. pp. 1–13, 135–90.

<sup>22</sup> F. Oakley, *The Conciliarist tradition: constitutionalism in the Catholic Church, 1300–1870*, Oxford 2003, 141–216.

<sup>23</sup> A. Latreille, 'Le Gallicanisme ecclésiastique sous le Premier Empire, vers le Concile national de 1811', *Revue historique* cxciv/1 (1944), 1–22.

<sup>24</sup> van Kley, *Religious origins*, 135–90.

redundant monasticism of the regular orders.<sup>25</sup> Admittedly, such reforms had witnessed widespread resistance and reaction. Yet their modernising spirit was still present amongst an older generation of European clergy born during the second half of the eighteenth century. Some currents within Catholic enlightenment remained sympathetic to working in partnership with the state to renew the structures of both secular and ecclesiastical governance.<sup>26</sup> This had been especially the case in the Grand Duchy of Tuscany where Bishop Ricci's Jansenist synod in Pistoia sought such reform.<sup>27</sup> Admittedly, it did, in the end, fail to achieve its goals and Tuscan *Giansenismo* would never achieve such heights again. Nevertheless, from the vantage point of the 1780s it was far from clear that Ultramontane thinking would triumph over neo-conciliarist and regional traditions. For many, the ecclesiological rivers of the eighteenth century had seemed to be flowing in the opposite direction.

In France, the situation was further reinforced by centuries of powerful localist traditions. Gallicanism, or the notion that the Church in France was autonomous and that its bishops in council shared spiritual authority with the pope, was a powerful legacy, which, although increasingly beleaguered, strongly influenced clerical thinking throughout the nineteenth century. The well-informed reminded the public that the decrees of the Council of Trent had never been ratified fully in France.<sup>28</sup> The most concrete expression of this ecclesiological position can be observed in Bishop Jacques-Bénigne Bossuet's famous four articles of the declaration of 1682.<sup>29</sup> Essentially the French monarchy, and its Church, claimed administrative independence and immunity from excommunication. Bossuet's declaration was registered by the council of state after the annexation of Rome in 1809, and was made a mandatory part of the curriculum in seminaries throughout the French Empire.<sup>30</sup>

Gallicanism, as André Latreille reminds us, had always been a multifaceted phenomenon,<sup>31</sup> divided, for convenience, into three different

<sup>25</sup> D. Beales, *Enlightenment and reform in eighteenth century Europe*, London 2005, 207–61.

<sup>26</sup> J. Bradley and D. van Kley (eds), *Religion and politics in Enlightenment Europe*, Notre Dame, IN 2001, 1–45; D. Sorkin, *The religious Enlightenment*, Princeton, NJ 2008, 1–21; J. Burson and U. Lehner (eds), *Enlightenment and Catholicism in Europe*, Notre Dame, IN 2014, 1–31.

<sup>27</sup> C. A. Bolton, *Church reform in 18th century Italy: the Synod of Pistoia, 1786*, The Hague 1969, passim; D. van Kley, 'Catholic conciliar reform in an age of anti-Catholic Revolution: France, Italy and the Netherlands, 1758–1801', in Bradley and van Kley, *Religion and politics*, 46–106.

<sup>28</sup> T. Crimando, 'Two French views of the Council of Trent', *Sixteenth Century Journal* xix/2 (1988), 169–86.

<sup>29</sup> J. Bergin, *Crown, Church and episcopate under Louis XIV*, London 2004, 232–60.

<sup>30</sup> 'Déclaration du Clergé de France de 1682' [with registration in parlement], AN, AF IV 1047, dossier 2, no. 10 [?].

<sup>31</sup> Latreille, 'Le Gallicanisme', 1.

strands: monarchical, *parlementaire* and ecclesiastical. Napoleon was interested in the monarchical branch of this tradition, but the *parlementaire* strand did re-emerge unexpectedly in 1811. The emperor's attachment to the traditions of the Church of Gaul were to an extent opportunistic. For example, the concordat of 1801 can hardly be held up as a shining example of French ecclesiological tradition.<sup>32</sup> Indeed, the pope's power as supreme head of the Church was used to force the resignation of the surviving bishops of the *ancien régime* Gallican establishment. A more Ultramontane measure is hard to imagine.<sup>33</sup> It was viewed as a crime by the *petite église* which never forgave Pius VII for his betrayal.<sup>34</sup> Furthermore, those constitutional bishops who had sworn loyalty to the French Revolution and its civil constitution had remained wary of the Roman dimension of the Concordat.<sup>35</sup> However the really unknown quantity was the new generation of bishops created after 1800 who had little or no experience of the *ancien régime* or of a constitutional episcopate. The emperor, as he admitted himself later on St Helena, had badly misjudged the French clergy's attachment to the traditions of Gallicanism.<sup>36</sup> The experience of revolution during the 1790s had created younger *curés* and bishops who placed their highest hopes and loyalties in Rome. An imperial state, that had inherited the revolution's non-denominational nature and lukewarm appreciation of religion, remained suspect to them.

This article puts forward the view that the failure of the *concile national* was not strategic, but tactical. A hefty minority of Napoleonic bishops were frustrated with the pope's recalcitrance and frightened by the looming schism that threatened to plunge the Catholic Church back into the bad old days of the Civil Constitution of the Clergy.<sup>37</sup> Many of these clergymen had experienced exile and persecution in their mature years during the 1790s. They knew the danger of schism, and wanted to avoid it at all costs. Yet this same revolutionary crisis had given birth to a younger generation, within the priesthood and the episcopate, that was endowed with unprecedented Ultramontane sympathies. By 1811 they

<sup>32</sup> Bernard Plongeron, 'Face au Concordat 1801, résistances des évêques anciens constitutionnels', *Annales historiques de la Révolution française* cccxxxvii (2004), 85–115.

<sup>33</sup> Ibid. 85–92.

<sup>34</sup> J.-E. Drochon, *La Petite Eglise; essai historique sur le schisme anticoncordataire*, Paris 1894, passim.

<sup>35</sup> The papal requirement that they retract their oath of 1791 and recant previous errors was never enforced by the Napoleonic authorities: Plongeron, 'Face au Concordat', 87; R. J. Dean, *L'Eglise constitutionnelle, Napoléon et le Concordat de 1801*, Paris 2004, 315–404.

<sup>36</sup> 'Il n'y a rien de Gallican dans le jeune clergé': E. de Las Cases (ed.), *Le Mémorial de Sainte-Hélène*, London 1823, iii. 80.

<sup>37</sup> T. Tackett, *Religion, revolution, and regional culture in eighteenth-century France: the ecclesiastical oath of 1791*, Princeton, NJ 1986, passim.

were different from their *ancien régime* and constitutional church colleagues in outlook and expectations.<sup>38</sup> With the legitimate king in exile and church properties permanently confiscated as national lands, there was little hope that the 'real' Gallicanism of the past could ever be resurrected.

The *abbés* Lamennais (Jean, brother to the more famous Hugues), Astros, Perreau, Dauchet and many others, linked to the anti-imperial *chevaliers de la foi* conspiracy, were distinctly un-nostalgic.<sup>39</sup> They were radicals, who wanted a much more powerful and reformed Church to be built on the ruins of Gallicanism. In this they were natural allies of the papacy, and during the Restoration made some important contributions to political thought.<sup>40</sup> That said, Gallicanism did not die with the empire: the *abbé* Denis-Luc Frayssinous, who was the secretary to the *concile national* of 1811, and the later rector of the Restoration university, did his best, with a neo-Gallican clique, to rejuvenate French ecclesiastical traditions.<sup>41</sup> The battle between Gallican and Ultramontane ecclesiology would continue right up to the 1848 revolutions and beyond.<sup>42</sup>

At the heart of the crisis of 1811 were those twenty-six dioceses that had been left 'widowed' of their bishops. None of the emperor's incumbents could officially take possession of their sees as they lacked papal investiture.<sup>43</sup> The interim expedient used to solve this crisis was to force cathedral chapters to elect episcopal nominees as capitular vicars-general.<sup>44</sup> This meant that, although not canonically bishops, Napoleon's candidates could administer their dioceses legitimately with the approval of the chapter. This device was at first trialed in the dioceses of Paris, Asti and Florence. However, with the help of an anti-imperial network of clergymen, the pope managed to contact clandestinely the chapters of these cathedral cities and to urged their canons to resist the French-born *évêques intrus*.<sup>45</sup> This wide network, which extended from Savona to Turin to Paris, *via* Lyons, came to light in December 1810. It demonstrated that not only

<sup>38</sup> Bindel, *Histoire religieuse de Napoléon*, i, chs iv, ix.

<sup>39</sup> G. de Bertier de Sauvigny, *Le Comte Ferdinand de Bertier et l'énigme de la Congrégation*, Paris 1948, 36–48.

<sup>40</sup> C. Armenteros, 'Hugues-Félicité de Lamennais, lost sheep of the religious Enlightenment', in Burson and Lehner, *Enlightenment and Catholicism in Europe*, 145–64.

<sup>41</sup> A. Roquette, *Monseigneur Frayssinous, grand-maître de l'université sous la Restauration, 1765–1841*, Paris 2007, 29–63.

<sup>42</sup> A. Gough, *Paris and Rome: the Gallican Church and the Ultramontane campaign, 1848–1853*, Oxford 1986, esp. pp. 34–59.

<sup>43</sup> Félix Julien Bigot de Préameneu to Napoleon, n.d., AN, AF IV 1047, dossier 2, no. 20.

<sup>44</sup> The immediate solution had been to return to Bourbon precedent. During the *régale* crisis of 1672 to 1693, Rome had similarly refused to confirm Louis XIV's candidates to the episcopacy: Bergin, *Crown, Church and episcopate*, 232–60; 'Aperçu de la conduite tenu par les Empereurs et Rois lorsque les Papes se sont mal conduits', AN, AF IV 1048, dossier 2, no. 49.

<sup>45</sup> 'Rapport à SM sur l'affaire d'Astros', *ibid.* dossier 1.



clergy but also some senior lay administrators in the Napoleonic Empire had joined this conspiracy to resist the emperor's clumsy attempts to short-circuit the papacy's powers of appointment.<sup>46</sup>

The empire's legislators were forced to seek other solutions. Two ecclesiastical *conseils* met in late 1809 and early 1810 charged with advising the council of state on the most effective means of resolving the episcopal stand-off. The most loyal bishops and theologians of the empire, headed by Cardinal Fesch, met to search for a solution. Three series of questionnaires on the governance of the Church during the present crisis were issued and provided the agenda for discussion.<sup>47</sup> Most preferred a negotiated settlement with the imprisoned pope. They proposed that a delegation be sent to Savona to discuss terms.<sup>48</sup> For Pius, the release of the college of cardinals and his return to Rome were the *sine qua non* for future negotiation.<sup>49</sup> Yet the government was concerned about what would happen if the pope continued to resist conciliation.

The final recourse open to the emperor and his administrators was neo-conciliarism, an instrument which might well back-fire.<sup>50</sup> The use of a council to arbitrate on questions of church governance did not necessarily guarantee the desired outcome. As the emperor knew only too well from his own experience with the *tribunate*, deliberative assemblies could be very unpredictable.<sup>51</sup> The *conseil* was lukewarm when it came to consider this option and recommended that it be used only in the most extreme 'case of necessity'. The Gallican *abbé* Jacques-André Émery, the head of the seminary of Saint-Sulpice, advised caution. For him, recognition of the independence of the French Church, in terms of its internal organisation, did not invalidate the pope's authority as the visible head of the universal Church.<sup>52</sup>

Before delivering its final report, the *conseil ecclésiastique* met with the emperor in person on 16 March 1811.<sup>53</sup> It was decided that an attempt would be made to persuade the pope to accept a negotiated settlement by sending to Savona a hand-picked delegation, comprising the archbishop of Tours and the bishops of Trier and Nantes.<sup>54</sup> They would offer the pope

<sup>46</sup> P. Droulers, 'Abbé d'Astros et l'expérience religieuse du Premier Empire', *Gregorianum* xxix/2 (1948), 252–87.

<sup>47</sup> 'Rapport de la Commission sur les réponses des évêques', AN, AF IV 1047, dossier 1, no. 1.

<sup>48</sup> Savona deputation, AN, AF IV 1048, dossier 2, nos 120–2.

<sup>49</sup> 'Rapport du voyage des évêques auprès du pape', *ibid.* no. 156.

<sup>50</sup> B. Tierney, *Foundations of the conciliar theory*, Cambridge 1955, *passim*; A. J. Black, 'What was conciliarism?', in B. Tierney and P. Linehan (eds), *Authority and power*, Cambridge 1980, 213–24.

<sup>51</sup> I. Collins, *Napoleon and his parliaments, 1800–1815*, London 1979, 107–20.

<sup>52</sup> J. E. A. Gosselin, *Vie de M. Émerys*, Paris 1862, ii. 295–312.

<sup>53</sup> Haussouville, *L'Église romaine et le Premier Empire*, iv. 81–2, 87–8; D. Dufour de Pradt, *Les Quatres Concordats*, Paris 1818, ii. 453.

<sup>54</sup> Haussouville, *L'Église romaine et le Premier Empire*, iv. 88–9.

the option of residing in Rome but he would have to swear allegiance to the French empire. Failing that he would live in either Avignon or Paris under imperial supervision. The pope would be guaranteed external communication through an independent diplomatic corps accredited to him. The real bottom line was that imperial nominees to sees should receive canonical investiture within six months.<sup>55</sup>

The imperial government had expected that the threat of a *concile national* meeting in Paris would induce the pope to make concessions. In April 1811 all the bishops of the French empire, of the kingdom of Italy and Karl Theodor von Dalberg, prince-primate of Regensburg, were summoned to Paris.<sup>56</sup> The intention was that an assembly of the bishops of the imperial Church could circumvent papal authority and sanction canonical investiture by metropolitan archbishops (or in their absence the senior bishop of the province). Although superficially simple, this plan rapidly ran into difficulties. The three deputy bishops returned from Savona with a note, dated 19 May, which they claimed had the pope's sanction.<sup>57</sup> It comprised four articles which accepted the metropolitans' right to invest new bishops within six months of nomination. Within forty-eight hours, the pope's conscience caused him to disavow the note and retracted the last two articles. From a legal standpoint, the note was unsigned and thus valueless.

Failing to make progress in the negotiations in Savona, the imperial government staged a publicity campaign clothing their struggle against the pope in Gallican colours.<sup>58</sup> No previous studies have noted how the academic elite of the Empire rallied behind the *concile national* of 1811 and tried to provide the emperor with potent intellectual and ecclesiological ammunition. Of vital importance in this operation to win over the public sphere was Pierre Daunou who, in 1810, published his far from innocent *La Puissance temporelle des papes et l'abus qu'ils ont fait de leur ministère spirituel*.<sup>59</sup> Daunou was a former Oratorian teaching brother and a Brumairian who knew his church history well. After a tempestuous term as president of the *tribunate*, he had been moved to the directorship of the imperial archives.<sup>60</sup> Here he was in the perfect position to strengthen the regime's anti-papal ideology with historical material.

<sup>55</sup> 'Rapport du voyage des évêques auprès du pape', AN, AF IV 1048, dossier 2, no. 156.

<sup>56</sup> Rossetti, *Giornale ossia*, 97–8; ASMi, Culto PM 2540, dossier 1 circolari.

<sup>57</sup> L. M. J. de Barral, *Fragments relatifs à l'histoire ecclésiastique des premières années du dix-neuvième siècle*, Paris 1814, 328–30.

<sup>58</sup> Napoleon to Eugène de Beauharnais (his stepson and viceroy of Italy), Paris, 3 mars 1809, *Napoléon Bonaparte: correspondance générale*, ix, no. 20203 at p. 146; propaganda, AN, AF IV 1048, dossier 2, nos 68–9.

<sup>59</sup> P. Daunou, *La Puissance temporelle des papes, et l'abus qu'ils ont fait de leur ministère spirituel*, Paris 2007, 154.

<sup>60</sup> G. Minart, *Pierre Daunou, l'anti-Robespierre*, Toulouse 2001, 151–77.

Daunou and his team in the archives were behind a wide variety of learned reports and historical treatises that allowed the emperor to legitimise the *concile*.<sup>61</sup> These reports equally betrayed the regime's debt to the French enlightenment as they quoted bountifully from sceptical histories written by the *abbé* Claude Fleury and by Voltaire.<sup>62</sup> The historical research undertaken by the imperial archivists and *auditeurs du conseil* was prodigious, but what it possessed in mass it lacked in structure and consistency. It skipped from one historical example to another and the arguments as to why precedents, shrouded in millennial mists, should guide early nineteenth-century practices were nebulous.<sup>63</sup> Ultimately, the empire's fall-back position was that, if the pope and *concile* failed to solve the investiture crisis, a return to the pragmatic sanction of Bourges of 1438 was inevitable.<sup>64</sup>

It was when it came to 'managing' the bishops gathered in Paris that the imperial regime made several fatal diplomatic blunders. The first problem was that the congregation of bishops summoned to Paris was not ecumenical, as not every Catholic bishop was invited to attend. Similarly, it could not be described properly as 'national' since it included Belgian, Italian and two German bishops. The ill-defined and unprecedented nature of this assembly meant that it would always be vulnerable to questions of competence and legitimacy. The second major issue was one of timing. The emperor wanted everything resolved in a matter of weeks. Such haste was unlikely, especially as the Council of Trent, the last great ecumenical council of the Church prior to 1811, had taken eighteen years to promulgate its decrees.<sup>65</sup> Even the Council of Embrun of 1727, the last provincial meeting of the Gallican Church, which had condemned the writings of Jean Soanen, took four months to reach its foregone conclusion.<sup>66</sup> Within five weeks Napoleon would dissolve his own *concile national*. Such high-handed treatment quickly sapped any residual Gallican sympathies for his reform programme.

When the bishops arrived in Paris, Cardinal Fesch hosted some preliminary conferences at his residence in the rue du Mont-Blanc. These discussions concentrated on relatively uncontentious matters, like who should

<sup>61</sup> 'de l'exercice des droits du pape et des souverains relativement aux conciles', 31 mai 1811, AN, AF IV 1047, dossier 2, unnumbered; anon., *Cérémonial du Concile National de Paris tenu l'an 1811*, Paris 1811, 6–7.

<sup>62</sup> 'Aperçu de la conduite tenu par les empereurs et rois lorsque les papes se sont mal conduits', AN, AF IV 1048, dossier 2, no. 49.

<sup>63</sup> 'de l'exercice des droits du pape et des souverains relativement aux conciles', 31 mai 1811, AN, AF IV 1047, dossier 2, unnumbered.

<sup>64</sup> 'Daunou's report on concile', *ibid.* no. 13, fo. 32; N. Valois, *Histoire de la Pragmatique Sanction de Bourges sous Charles VII*, Paris 1906, *passim*.

<sup>65</sup> R. Po-Chia Hsia, *The world of Catholic renewal, 1540–1770*, Cambridge 2011, 10–25.

<sup>66</sup> J. Carreyre, *Le Concile d'Embrun, 1727–1728*, Bordeaux 1929, esp. pp. 28–62.

assume the presidency of proceedings and questions of procedure and ceremony. Fesch, as both Napoleon's uncle and primate of Gaul, was the most senior prelate of the empire and *ex-officio* president.<sup>67</sup> From these early discussions an ecclesiastical *fronde* had started to coalesce around the archbishop of Bordeaux and the bishops of Ghent, Troyes and Tournai. They articulated a determination not to rubber-stamp passively the emperor's plans to have bishops confirmed without papal approval. The main protagonist in this affair was Maurice de Broglie, bishop of Ghent, whose journal, published by Haussonville in 1870, provides the most detailed account of opposition within the *concile*.<sup>68</sup> This bishop was the scion of an *ancien régime* princely family and personified Napoleon's policy of administrative *amalgame*, of combining, that is, the winners and losers of the Revolution into a composite elite for the empire.<sup>69</sup> Yet the example of de Broglie demonstrated the regime's limited success in rallying old elites to its standard. In 1810 he declined promotion within the *légion d'honneur* in protest against the annexation of Rome, and was dismissed from his post as one of the emperor's chaplains.<sup>70</sup>

Those who opposed the *concile's* reform programme and those who enthusiastically espoused a neo-conciliarist solution were two important factions, but neither could command a majority within the *concile*. Most bishops were moderates, who hoped that the council would present an opportunity for discussion, and that a new concordat might result. 16 June 1811 saw the state opening of the *corps législatif*. It was traditional for a speech to be given from the throne outlining the legislative programme for the session. The emperor's radical plans for the papacy were discussed with little in the way of tact:

The affairs of religion have all too often been caught up in and sacrificed to the interests of a third-rate minor power. If half of Europe has separated itself from the Church of Rome, one can attribute this to the contradiction which has always existed between the truth and principles of religion, which are universally valid, against the particular claims and interests that concern a mere corner of Italy. I have put an end to this scandal forever. I have reunited Rome to the Empire. I have given the popes palaces in both Rome and Paris. If they have the interests of religion at heart they will come and reside at the centre of the affairs of Christianity, in the same way as St Peter preferred Rome to the Holy Land.<sup>71</sup>

<sup>67</sup> Ricard, *Le Concile National de 1811*, 119–24.

<sup>68</sup> J. Lenfant, 'Maurice de Broglie, évêque de Gand, 1766–1821', *Revue d'histoire de l'Église de France* xvii/76 (1931), 312–47.

<sup>69</sup> S. Woolf, *Napoleon's integration of Europe*, London 1991, 109–10.

<sup>70</sup> Lenfant, 'Maurice de Broglie', 325.

<sup>71</sup> J. Madival and E. Laurent (eds), *Archives parlementaires, 1787–1860*, Paris 1867, xi. 71.

This speech antagonised the bishops before the opening ceremony had even taken place.

On 17 June 1811 the *concile national* began with a solemn procession and mass at Notre Dame. The sermon preached by Étienne-Marie de Boulogne, bishop of Troyes, offered a reassuringly Gallican preamble, but also reaffirmed absolute loyalty to the papacy. Equally, Cardinal Fesch's decision to have a roll call in the course of which each bishop swore allegiance to the pope, as prescribed by the canons of the Council of Trent, was seen as inappropriate by the emperor.<sup>72</sup> The most vexed question surrounded the status of those bishops who had been nominated to sees but had not received papal confirmation. When taking his oath, the bishop of Troyes dismissed these nominees as 'those, whose very presence is already a scandal in their dioceses'.<sup>73</sup> Despite such opposition, they could attend the *concile* with a consultative voice but no voting rights.

On 20 June Félix-Julien-Jean Bigot de Préameneu, as minister of religious affairs, addressed the bishops and presented them with the emperor's instructions and agenda for deliberation. This speech was essentially an indictment of the policies of the Roman curia since 1801. It had been ghost-written by Daunou and revised by Fesch.<sup>74</sup> Its disrespectful tone towards the papacy, accusing the mild-mannered, and captive, Pius VII of being a reincarnation of the worst excesses of the Gregorians and Bonifaces of medieval obscurantism, was misguided at best. Equally the accusation that the Rome curia sought to excite the fanaticism of a new generation of regicides, following in the footsteps of Ravillac and Damiens, was hyperbolic. The possibilist attitude of many bishops metamorphosed into irritation within the space of just four days. This unintended outcome highlighted the perils of neo-conciliarism. If the bishops had been handled with greater tact, and been given more time, their attitude to the *concile* might well have been very different.

Between 21 June and 11 July the bishops essentially debated the question of how to respond to Napoleon's agenda and whether, as a body, they were competent to adjudicate on the question of investiture. Initially a commission charged with responding to the imperial address was elected. It comprised the archbishops of Ravenna, Tours and Turin and the bishops of Nantes, Troyes, Ghent and Evreux.<sup>75</sup> As the work of the abbé Ricard shows, the papal and imperial factions were evenly balanced. The Gallican theologian Jean-Baptiste Duvoisin, bishop of Nantes, tried to carry forward the empire's agenda by reading a pre-prepared statement

<sup>72</sup> Report from Bigot to the emperor on ecclesiastical oath, AN, AF IV 1047, dossier 2, nos 31–2; J.-P. Lyonnet, *Le Cardinal Fesch, archevêque de Lyon*, Paris 1841.

<sup>73</sup> H. Welschinger, *Le Pape et l'empereur, 1804–1815*, Paris 1905, 201.

<sup>74</sup> Imperial address, AN, AF IV 1047, dossier 2, no. 74.

<sup>75</sup> Ricard, *Le Concile National de 1811*, 158–60.

which expressed gratitude to Napoleon for convening the council and declared the pope's excommunication of the emperor nullified by the four articles of the Gallican Church. The bishop of Ghent objected strenuously to the content of this response and defended the prerogatives of the Holy See. The retort that Duvoisin's text had already been approved by Napoleon only made matters worse.<sup>76</sup>

A redrafted version of Duvoisin's reply to the emperor's address was debated in three general congregations towards the end of June. The archbishop of Bordeaux reaffirmed that the canons of the Council of Trent entitled the pope unequivocally to excommunicate sovereigns. He declared: 'condemn the pope if you dare and condemn the Church if you can!'<sup>77</sup> The commission made no more progress in reaching a resolution than ecclesiastical *conseils* of the previous two years had done. Like the *conseils*, several bishops demanded that their response to the emperor must contain the humble appeal that the pope be released from Savona and brought to the *concile*. The emperor was aware of the growing ecclesiastical *fronde* and, on 29 June, refused to receive a deputation from the *concile*.

The early weeks of July saw a new commission appointed to discuss two fundamental questions: Was the *concile* competent to decide the issue of investiture? If so, could it provisionally confirm the appointment of the nominated bishops?<sup>78</sup> This new committee comprised Cardinals Carlo Francesco Caselli and Giuseppe Maria Spina (mistakenly believed to be pro-imperial moderates), the archbishops of Bordeaux and Tours, and the bishops of Nantes, Comacchio, Ivrea, Tournai, Trier and Ghent.<sup>79</sup> Louis-Mathias de Barral, the Gallican archbishop of Tours, tried a change in tactics. He revealed the outcome of his mission to Savona in May. He did bend the truth by stating that the pope was in principle, with some reservations, in favour of the four articles which been drafted in his presence. This revelation backfired as many argued that if the pope was in agreement then surely there was no 'case of extreme necessity', no need for emergency measures to invest new bishops. Consequently, the pope should be asked to send the necessary bulls to confirm the emperor's candidates. Several ballots were taken on the question of whether the *concile* was competent to decide the investiture issue, and a majority against emerged.

On 5 July Fesch travelled to Saint Cloud to give the emperor news of this significant reverse.<sup>80</sup> The neo-conciliarist solution, instead of rallying and

<sup>76</sup> Haussonville, *L'Église romaine et le Premier Empire*, iv. 258–61; 'Esprit du Concile' (police reports on the bishops), AN, AF IV 1047, dossier 2, nos 32–3.

<sup>77</sup> Haussonville, *L'Église romaine et le Premier Empire*, iv. 281.

<sup>78</sup> 'Note on committee', St Cloud, juillet 1811, AN, AF IV 1047, dossier 2, no. 35.

<sup>79</sup> 'Esprit du Concile', *ibid.* nos 32–3. <sup>80</sup> Lyonnet, *Le Cardinal Fesch*, ii. 336.

resurrecting the Gallican Church on the contrary emphasised the strength of Ultramontane feeling. The emperor expressed his dissatisfaction and threatened to arrest any metropolitan archbishop who would not bestow canonical investiture on an imperial candidate.<sup>81</sup> A last ditch attempt was made to save the situation and Napoleon dictated a draft set of decrees to be approved by the bishops.

Those bishops who were active in the ecclesiastical *fronde* made it known that if this decree was approved, they would return to the question of competency.<sup>82</sup> Fesch, yet again, was summoned by his nephew and asked to identify the key troublemakers. The bishops of the satellite kingdom of Italy were native Italians, unlike their colleagues in the *départements réunies* of Piedmont, Parma and Tuscany which were ruled directly from Paris and had French-born bishops.<sup>83</sup> The *canonico* Rossetti's diary alleges that the episcopate of the Italian kingdom was singled out by the emperor for effusive praise. These prelates, who had little native tradition of Gallicanism, proved much more amenable to the imperial will than their French counterparts, who considered themselves as champions of the Ultramontane cause.<sup>84</sup> Why the Italian episcopate of the satellite kingdom proved more docile than those born in France is hard to fathom. One could speculate that not having experienced a native revolution they did not appreciate fully the dangers of a schism. Perhaps the *Giansenismo* of several leading Italian seminaries made some of the older bishops more sympathetic to curbing papal power.<sup>85</sup>

Given the increasing problems in making progress with the *concile's* agenda, Fesch was asked to name the principal opponents of the reform programme. Under pressure he was forced to identify the bishops of Ghent, Tournai and Troyes as the principal culprits. They were arrested at three that very morning and would spend the next three years either in fortresses or internal exile.<sup>86</sup> These arrests were a harbinger for the dissolution (suspension would be more accurate) of the *concile* on 12 July 1811. All the bishops were told to remain in Paris awaiting further orders. An *interregnum* of three weeks ensued, during which a streamlined version of neo-conciliarism, that left no hostages to fortune, was choreographed behind the scenes.

The most forgotten aspect of 1811 was the brief re-emergence of *parlementaire* Gallicanism. The council of state appointed a special commission of experts to explore legal remedies and apply pressure on the episcopate to solve the investiture crisis. It was presided over by Régnier, as minister of

<sup>81</sup> Haussonville, *L'Église romaine et le Premier Empire*, iv. 325.

<sup>82</sup> *Ibid.* iv. 328–9.

<sup>83</sup> ASMi, Culto PM 2540, dossier 2, concili e sinodi.

<sup>84</sup> Rossetti, *Giornale ossia*, 37–69, esp p. 51.

<sup>85</sup> van Kley, 'Catholic conciliar reform', *passim*.

<sup>86</sup> J.-O. Boudon, *Napoléon et les cultes*, Paris 2002, 286–90, 299–304.

justice, and included some of the most famous jurists of the empire: Jean-Jacques-Régis de Cambacères, Bigot, Michel Regnaud de Saint-Jean d'Angély and Achille Libéral Treilhard.<sup>87</sup> Many of these men had been close to the Jansenist *avocats* of the *parlement* of Paris who had resisted the papal bull *Unigenitus* with great vigour throughout the eighteenth century.<sup>88</sup> From this older generation of lawyers they had inherited a disdain for any intrusion by Rome into French affairs. They were eager to protect Gallicanism from papal interference. In this goal they had a keen ally in the Voltairian, and anti-clerical minister of police, Anne Jean Savary duc de Rovigo.<sup>89</sup> He had been a key figure in the repression of secret networks of Ultramontane clergy, and had overseen the interrogation and arrests of the three bishops who had challenged the emperor's intentions during the *concile*. In many ways these men were the ideologues of Napoleon's 'War against God'.

The work of this commission has been ignored by historians, although its findings were truly remarkable for an imperial regime that was so invested in legislative innovation.<sup>90</sup> Its jurists agreed that a metropolitan archbishop could invest new bishops, and that this could be done with the approval of the *concile*. For the commission, the most important question was what to do if archbishops refused to comply. Under the *ancien régime* their revenues could be withheld and their properties confiscated. However, as church lands had been nationalised in 1789 this remedy was unlikely to be sufficiently intimidating.

The commission lamented the fact that modern legal codes made no provision for the old legal instrument of the *appel comme d'abus*.<sup>91</sup> Under this procedure, during the *ancien régime*, appeals against ecclesiastical decisions could be brought to secular courts of appeal, like the old *parlements*. Here, clerical rulings or actions could be overturned. This instrument was used against clergy who exceeded the boundaries of their jurisdiction and intruded into the realms of the secular. The commission proposed its reintegration into imperial law and thus gave judges a potent weapon against rogue archbishops. Their suggestion that *parlementaire* Gallicanism be resurrected was decidedly unexpected. Régnier argued

<sup>87</sup> 'Rapports de la commission sur les réponses des évêques', AN, AF IV 1047, dossier 2, no. 10.

<sup>88</sup> D. Bell, *Lawyers and citizens: the making of a political elite in old regime France*, Oxford 1994, 68–91.

<sup>89</sup> T. Lentz, *Savary, le Séide de Napoléon*, Paris 2001, 281–7.

<sup>90</sup> M. Broers, *The Napoleonic Mediterranean: Enlightenment, revolution and empire*, London 2016, esp. pt II; T. Lentz and G. Bernard (eds), *Napoléon et le droit*, Paris 2017, esp. Guillaume Bernard, 'Le Droit dynastique napoléonien: entre enracinement historique et innovation politique', at pp. 91–102; Marc Bouvet, 'Le Conseil d'État napoléonien, juge administratif suprême sous l'Empire', at pp. 125–39; and Xavier Martin 'L'Implication de Bonaparte dans l'éclosion du Code Civil', at pp. 199–210.

<sup>91</sup> R. Généstal, *Les Origines de l'appel comme d'abus*, Paris 1951, *passim*.



that articles six and seven of the organic laws of the Concordat (which the papacy had never accepted) had allowed for allegations of clerical abuse of power to be judged by the council of state.<sup>92</sup> They advised that the emperor could transfer the council's jurisdiction over the clergy to the imperial courts of justice. Thus, metropolitans refusing to invest candidates could be tried through an *appel comme d'abus* as criminally negligent in the exercise of their duties and indicted accordingly.<sup>93</sup> Imperial prosecutors anywhere in the empire could thus pursue any metropolitan who did not invest nominees. It was a safe assumption that Savary's police force would vigorously enforce this anti-clerical legislation.

The *appel comme d'abus* inhabited the porous and permeable boundaries of the *ancien régime's* alliance of Throne and Altar.<sup>94</sup> Imperial France had claimed supremacy over all religions and did not recognise an autonomous religious jurisdiction that operated in parallel with that of the state. Even considering resurrecting such an arcane instrument of *parlementaire* constitutionalism was paradoxical and highlighted the limits of neo-conciliarism. The draft decree that would have re-established and incorporated the *appel comme d'abus* into law was impressive in its menace. By early August 1811 the decree was at an advanced stage in the drafting process and came close to promulgation.<sup>95</sup>

Although there is no surviving evidence, it seems plausible that Savary and the ministry of police leaked these draft decrees to the prelates in Paris, thus heightening their fears of arrest. Whatever the case may be, episcopal resolve melted away during the second half of July 1811. The turning-point came when all bishops in Paris were invited to the ministry of religious affairs and presented with a draft decree containing five articles.<sup>96</sup> Essentially these returned to notions that the Church in France was autonomous and after six months metropolitans could invest their own bishops. The only concession was article five, that made provision for an enlarged deputation to be sent to Savona to seek papal sanction.<sup>97</sup> Bigot, as the French minister of religious affairs, and Giovanni Bovara as his Italian counterpart, spent many days trying to persuade the bishops in Paris to accept this draft decree in writing. The letter of adherence drafted by Cardinal Étienne Hubert Cambaceres, archbishop of Rouen, served as the template to which the vast majority of bishops signed their name.<sup>98</sup>

<sup>92</sup> 'Rapport de la commission présidée par S.E. le Grand Juge et chargée de proposer un projet touchant l'institution canonique des évêques', AN, AF IV 1047, dossier 2, no. 44.

<sup>93</sup> 'Projet de loi', *ibid.*

<sup>94</sup> van Kley, *Religious origins*, 114–70.

<sup>95</sup> Long undated draft piece of legislation signed by Cambaceres, AN, AF IV 1047, dossier 2, no. 45.

<sup>96</sup> Draft decree, *ibid.* no. 54.

<sup>97</sup> *Ibid.*

<sup>98</sup> C. Ledré, 'Un Archevêque français au concile de 1811', *Revue d'histoire de l'Église de France* xxxii/20 (1946), 84–102.

On 25 July Bigot tallied votes for and against. To his satisfaction eighty-five bishops were favourable, while thirteen still opposed the decree.<sup>99</sup> Ten days later, the *concile* was reconvened for a pre-orchestrated final general congregation in which nothing was left to chance.<sup>100</sup> During the closing session, Bigot and Bovara steered the bishops successfully towards a formal ratification of the decree. The imperial government had achieved its objective, yet it could not hide the fact that the *concile's* favourable verdict was the outcome of physical coercion and psychological intimidation. The enlarged deputation mandated by the decrees comprised the usual storm-troopers of Gallicanism and was expanded to include Cardinals Aurelio Roverella, Fabrizio Ruffo, Alphonse de Bayanne and Antonio Dugnani who headed for Savona.<sup>101</sup> They would negotiate with the pope from September until January 1812.<sup>102</sup>

Success seemed to follow in the wake of this delegation when on 25 September a draft papal brief arrived in Paris that accepted the decrees of the *concile*.<sup>103</sup> It was worded delicately, as it made no reference to the imperial government and seemed to imply that the *concile* had been summoned by the pope *motu proprio*.<sup>104</sup> This was unacceptable to the imperial authorities, and in the following months attempts were made to revise the brief. The pope reiterated his demands that he be released, and refused to accept that imperial appointments extend to the Suburbicarian sees of the province of Rome.<sup>105</sup> The French had abolished and amalgamated a number of these dioceses, so their return to papal control was impossible in practice. The failure of the *concile national* seemed confirmed when, in February 1812, the pope, though gravely ill, was transferred from Savona to Fontainebleau amidst security concerns and the need to isolate him further.<sup>106</sup>

Such a conclusion would be hasty, however, as throughout 1812 and early 1813 negotiations between Napoleon and the pope continued. They would culminate in the Concordat of Fontainebleau, signed by Pius VII on 25 January 1813. Its provisions were profoundly inspired by the

<sup>99</sup> Bigot and Bovara's tallies of bishops for and against the decree, AN, AF IV 1047, dossier 2, nos 48–52; Eugène de Beauharnais orders Bovara to Paris, 8 June 1811, ASMi, Culto PM 2540, dossier 2, concili e sinodi.

<sup>100</sup> Ricard, *Le Concile National de 1811*, 257–83.

<sup>101</sup> Haussouville, *L'Église romaine et le Premier Empire*, v. 10–14.

<sup>102</sup> Joseph-Marie de Gérando, report, AN, AF IV 1048, dossier 2, nos 123, 124.

<sup>103</sup> Patriarch of Venice announces that a papal brief is being drafted, AN, AF IV 1047, dossier 2, no. 80.

<sup>104</sup> Reports by Bigot on issues with draft papal brief, *ibid.* nos 82–5; Haussouville, *L'Église romaine et le Premier Empire*, v. 74–105.

<sup>105</sup> Bigot to bishops in Savona, 3 Dec. 1811, AN, AF IV 1047, dossier 2, no. 124; L. Madelin, *La Rome de Napoléon*, Paris 1906, 435–53.

<sup>106</sup> Melchior-Bonnet, *Napoléon et le pape*, 305–23.

decrees of the *concile national* of 1811, and the influence of Jansenism was implicit throughout its articles. This new concordat (subsequently repudiated by Pius) would have created a Catholic Church that accepted the supremacy of the empire and would have given the clergy a new utilitarian mission.<sup>107</sup> The vicissitudes, and eventual retraction, of this concordat are beyond the scope of this article. For the moment it was the key point at which Napoleon's policy of neo-conciliarism had seemed to triumph over Ultramontane resistance.

The story of the *concile national* of 1811 is a vital one in understanding the religious policies of the Napoleonic Empire and, to an extent, the development of papal monarchy in the early nineteenth century. It was much more than just a tale of good *versus* evil, as several nineteenth-century ecclesiastical historians claimed. The empire's gross mismanagement of this church council backfired in unintended and deeply damaging ways. The eighteenth century had witnessed much ecclesiological ferment. Gallican and Jansenist activists had shown that there was some hunger within the Church to work in partnership with the state to push forward a shared programme of enlightened modernisation.<sup>108</sup> During negotiations for the concordat, and throughout the empire, Napoleon appealed to these instincts which, decades before, had proved so compelling for this older generation of bishops. Many prelates had been willing to give him the benefit of the doubt when he came to power in 1800. The *concile national* of 1811 shattered any residual illusions. The brutal reality of an empire determined to control all aspects of religious life was laid bare and the mismanagement of the *concile* rekindled the deep mutual distrust which had pitted Church against State since 1789. One could speculate that the *concile* contributed to the toxification of Gallicanism and neo-conciliarism for future generations of French priests and Catholics.<sup>109</sup> The French Revolution and the Napoleonic Empire certainly made an important contribution to making 'God' and 'political modernity' increasingly uncomfortable bedfellows.

<sup>107</sup> Welschinger, *Le Pape et l'empereur*, 339–93.

<sup>108</sup> Boudon, *Napoléon et les cultes*, 145–56.

<sup>109</sup> N. Aston, *The end of an élite: the French bishops and the coming of the Revolution, 1786–1790*, Oxford 1992, *passim*.