

The Civil Constitution of the Clergy as seen by the Journal encyclopédique

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The *Journal encyclopédique* (hereafter, *JE*) was published uninterruptedly from January 1, 1756 to December 30, 1793, first in Liège, then in Brussels, and finally, till its fusion with *l'Esprit des Journaux*, in the Walloon city of Bouillon. Its founder was Pierre Rousseau, a Toulousain born in 1716, who after completing law studies, achieved prominence as a minor playwright in Paris between 1744 and 1754. Beginning as literary correspondent for Charles Theodore, Elector of Mannheim, and editor of the *Affiches de Paris*, an advertising sheet which published theatrical and literary works in the French capital, Rousseau took up the idea of founding a journal which would popularize the contents of the *Encyclopédie* (six volumes were complete by 1756) as well as the concepts of the *Encyclopédistes*. Rousseau was not content simply to issue a digest form of the *Encyclopédie*, but wished to found a journal "complete with book criticisms reflecting the points of view of the philosophes."¹ The periodical would also be open to original contributions and articles taken from foreign publications, "which Diderot, during the dangerous years immediately following resumption of printing of the *Encyclopédie* in 1753, would not have dared to insert into his compilation."²

Publication in France of a journal so unabashedly partial to the *philosophes* would have been simply impossible given the existing censorship regulations. Thus Rousseau looked elsewhere to locate and petitioned Maximilien Henri de Horion, the prime minister of the prince-bishopric of Liège, for permission to open a publishing firm there. The prince-bishop spent much of his time out of his diocese and left the running of his city to his prime minister, who welcomed Rousseau, delighted no doubt by the prospect of an injection of prosperity into the economy. Horion's permission to publish obviated the *JE*'s submission to censorship. Three years later, however, accusations against the *JE* of impiety from the canons of St. Lambert, the papal nuncio, and his own Jesuit confessor convinced the prince-bishop to revoke the franchise. Whereupon Rousseau alighted in Brussels for one year until an unfavorable decision from Maria Theresa

¹ Raymond BIRN, *Pierre Rousseau and the Philosophes of Bouillon*, Vol. 29 of *Studies on Voltaire and the Eighteenth Century*, ed. Theodore Besterman (Geneva, 1964), p. 39.

² *Loc. cit.*

forced him to vacate the Holy Roman Empire completely. One might well have wondered where he could have gone to be near enough to the French market and source of supply, yet sufficiently removed from either France or the Empire to avoid the restrictions of censorship. Bouillon was such a place, an unincorporated duchy of the Kingdom of France, whose duke enjoyed autonomy within his own domains. Although politically viable, the duchy was moribund economically and thus the Duke welcomed Rousseau and ensured his tranquillity by handpicking the only censor through whom the *JE* would have to pass. According to Birn, Rousseau never had to retract a line.³

Published twice monthly until 1790, and thereafter thrice monthly, the *JE* was primarily concerned with the diffusion of literary ideas. But of course the term “literary” in the 18th century connoted a scope of subjects. For example, the issue of January 1, 1770, which is typical, contains forty-seven expository and review articles concerning such subjects as the “T” articles of the *Encyclopédie*, philosophy, political science, linguistics, commerce, physics, weaponry, religion, divorce, horsebreeding, agriculture, Latin literature, French history, classical and contemporary French theatre, sculpture, medicine, astronomy, anatomy, taxes, geography, drowning, Italian history, mineral waters, law cases, infant care and four letters from Voltaire and one letter to him. The remaining one-third was composed of two sections: the *Nouvelles littéraires*, which gave précis of recently received books and the prospectus of forthcoming works; and the *Nouvelles politiques* consisting of a concise rendition of the significant political events from the capitals of Europe.

Frequently the butt of ironic thrusts on account of its arrogation of the word, *encyclopédique*, especially from playwrights receiving adverse criticisms,⁴ the *JE* did not dogmatize the thoughts of the *Encyclopédistes*. Enjoying virtual autonomy of action within Bouillon, performing the ritual bribery which would ensure the *JE*'s entry into France, and receiving the friendship and literary cooperation of the leading *philosophes*, Pierre Rousseau succeeded in giving his readers “who were concerned with the progress of letters, religion, and politics during the Enlightenment,” a periodical “as significant in representing the liberal point of view as the *Année littéraire* was in representing the traditionalist.”⁵

³ *Ibid.*, p. 77.

⁴ *JE* April 1, 1775, pp. 120-123, Beaumarchais' riposte came in his *Lettre Modérée sur la chute et la critique du Barbier de Séville*, when he suggests to his readers that if they are oppressed by life, they should open “le journal établi dans Bouillon avec encyclopédie, approbation et privilège, et dormez vite une heure ou deux.” Quoted in Beaumarchais, *Le Barbier de Séville*, Paris, Classiques Larousse, 1934, p. 13.

⁵ BIRN, *op. cit.*, p. 151. The *Année littéraire* was published between 1754-1790. There were other leading journals of comparable longevity with the *JE*, but none shared the avowed purpose of popularizing the works of the

Three obstacles, all of which happily are in the last stages of being overcome, have interposed themselves between the *JE* and the scholar: a typographical error; no exhaustive index; and a lack of available editions. A defiguration of the number 9 in Hatin's *Bibliographie historique et critique de la Presse périodique française* put the *JE*'s dates at 1756-1773. This error was repeated in both the 1924 and 1949 editions of Bédier and Hazard's *Histoire de la littérature française*.⁶ Fortunately an Index of the *JE* for its entire thirty-seven year period of publication is now being completed, and two well-known publishing firms, Slatkine Reprints and Kraus and Company, have reprinted the *JE*. Profitable though the *JE* may be in the study of the 18th century in general, it also has a specific value for the student of the French Revolution, for two reasons: its consistent "philosophic" tone; and the coverage it gives to the revolutionary events from 1789 to 1793.

Initially, the *JE*'s "philosophic" tone evoked judgments condemning its incendiary nature or congratulating its courage to take an *avant garde* position. But the same tone made it look moderate in the 1780's and positively anachronistic during the tempestuous period of 1790-1793. Charles Auguste Weissenbruch, Rousseau's brother-in-law and director of three other Bouillon

philosophes. The *Gazette de France* (1631-1848) remained an organ of the *ancien régime*, limiting itself more and more to reproducing the acts of the government. The *Mercure de France* (1672-1820) was less solemn in format than the *Gazette de France* but purposefully impartial in presenting literary and political news. *The Journal de Paris* (1777-1811) up to 1789 determined to have no identifiable editorial policy. Despite its metamorphosis into one of the most reputable political journals of the Revolutionary period, its airy format before the Revolution hardly revealed any leaning towards the *philosophes*. The so-called *Gazette de Leyde* (1680-1811) was in fact the *Nouvelles extraordinaires de divers endroits*, published in Leyden. Although a journal of liberal opinion and a precious source for the history of the American Revolution, it did not pursue the single-minded goal of disseminating the thoughts of the Encyclopedists. The *Journal de Trévoux* (1701-1762) was conceived originally as a literary and scientific journal, but by 1712 had come under the direction of the Jesuits who had the defense of traditional Catholicism as their principal goal. *Les Nouvelles ecclésiastiques* (1728-1803) relentlessly attacked the papal Bull, *Unigenitus*, which condemned Jansenism as a heresy. See Eugène HATIN, *Histoire politique et littéraire de la Presse en France*, Paris, 1859; *Bibliographie historique et critique de la Presse périodique française*, Paris, 1866.

⁶ Gérard WALTER however corrected this error. In his *Catalogue des journaux révolutionnaires* (1789-1799), Paris, 1943, p. 340, he indicates that the Bibliothèque Nationale has 292 volumes of the *JE* covering 1756-1793, of which the last 25 correspond to the Revolutionary era. A complete set of the *JE* is available for scholar's use at the University of Western Ontario, London, Ontario.

Journals from 1776 to 1793, saw clandestine journals appearing in France which criticized specific abuses of the *ancien régime*. He tried to convince Rousseau to strike a more daring posture toward the political and social issues of the day, but Rousseau would not become directly involved in political controversy, and even after Rousseau's death in 1785, the *JE* maintained its characteristic optimism and commitment to the efficacy of reasonable discussion.⁸ In the rapid polarization of opinion recorded in the thousand or more journals which grew from 1789 onward, the *JE* would not compete. It lost so many subscribers that within one month after its last issue, it had been bought up by the publishers of *l'Esprit des Journaux*.⁹ Thus the point of view which it brings to its coverage of the Revolution up till December 30, 1793 is one relatively untinged by the polemics of the right and of the left. It is the point of view of another age.

The *JE* covered the day events of the Revolution less extensively than it did the political, social, economic, and religious issues raised by the Convocation of the Estates-General. Birn states that "the *JE* devoted only fifty-seven pages to the National Assembly."¹⁰ True enough, but in addition to these resumés in the *Nouvelles politiques*, there are approximately four hundred and sixty articles dealing with matters specifically relevant to the revolutionary situation. Eighty-eight treat of the constitutional reforms decreed by the National Assembly; eighty-two deal with the Catholic Church in its relationship with the state, as a land-holder, as a foreign power; sixty-two refer to the administrative and social changes effected in France between 1789-1791; forty-nine demonstrate the divergent opinions regarding the nature of the constitution under the *ancien régime*; forty-five expose the economic ills of the country and suggest plans for its regeneration; twenty-eight reflect opinions about Louis XVI, the Court, and the aristocracy in general; eight concern the storming of the Bastille; forty-three refer to the war; and fifty-one exhibit what appears to be a grudging assent to the Republic.

The *JE* gave favorable coverage to the Civil Constitution of the Clergy (hereafter the C.C.C.). It is a valuable source regarding this decree of the National Assembly because it made available a collection of about forty articles, written for the most part by members of the Assembly's Ecclesiastical Committee and constitutional clerics. These constitute, firstly, an exposition of specific reasons why reform of the Church is necessary and why it must be undertaken by the state rather than by the national councils of the clergy; secondly, a demonstration that

⁷ *Recueil philosophique et littéraire* (1769-1779); *Gazette des gazettes* or *Journal de Bouillon* (1764-1793); *Gazette salubre* (1761-1793).

⁸ See *JE* May 20, 1792, p. 173.

⁹ *L'Esprit des Journaux*, published in Liège and Paris from 1772 to 1818, collected summaries from other journals, translated them into French and reproduced them.

¹⁰ BIRN, *op. cit.*, p. 98.

the C.C.C. is valid despite all the nefarious usurpations and defects ascribed to it. The way in which the writers use the historical method demonstrates their empirical approach and documentation. Twenty-six of the articles selected employ historical allusions. *In toto*, there are approximately eighty references to general and local church councils, the New and Old Testaments, Byzantine, Merovingian, Carolingian, Ottonian, and Capetian legislation regarding ecclesiastical affairs, ecclesiastical positions of Church Fathers and selected French theologians, public declarations of the French clergy, and Concordats. Verification of these proved their accuracy; in only a few of the citations did the authors disregard the historical context of the document quoted.¹¹ Their insight into the historicity of ecclesiastical structures strikes one as modern. Living amidst present tensions one views with special empathy this brief but intense struggle to change France from a monistic sacral society to one which is pluralistic and secular.

Legislation concerning the religious life of Frenchmen had already been broached by the National Assembly before the decree of July 12, 1790 establishing the C.C.C. Taking as its keystone Louis XVI's Edict of Toleration of 1787 which legalized the status of Protestants, the Assembly had enacted a whole spate of decrees which expanded the civil role of non-Catholics: in December 1789 it admitted non-Catholics to all civil and military positions; in January 1790 it recognized the political rights of Jews in France save those in Alsace and Paris; in March 1790 it enfranchised Protestants and even elected as its president the eminent Protestant, Rabaut Saint-Etienne; early in July it provided for the restoration to Protestants of that property which had been confiscated from them. On the other hand, legislation directed towards the Catholic Church withdrew its exclusive pecuniary and religious privileges: August 4th saw the abolition of the tithes and annates, November 2, 1789, and the nationalization of Church lands; February 13, 1790 the putting aside of the motion of the bishop of Nancy which demanded that Catholicism be declared the religion of state, and the first decree regarding the dissolution of religious orders.

Up to this point there was no widespread opposition, but "the imposition of the Civil Constitution of the Church was to have a very different reception."¹² When in November 1790 the Assembly required an oath of loyalty in addition to

¹¹ Frequently invoked is canon 9 of the Council of Antioch in 341, that ecclesiastical provinces and metropolitan seats shall correspond geographically with their civil counterparts. Following this, emperors created new ecclesiastical metropolitan seats unilaterally upon the division of a civil diocese. The Council Fathers at Chalcedon in 451, in canon 12, nullified any metropolitan bishopric created by imperial edict. What the authors cite are the examples of unilateral action. What they fail to cite is Chalcedon's condemnation of such activity. See J. HEFELE, *Histoire des Conciles*, Paris, 1908, IIb, p. 801.

¹² Alfred COBBAN, *A History of Modern France*, Vol. 1, 1715-1799, Harmondsworth, 1957, p. 173.

the one demanded by the C.C.C., the stage was set for the polarization of opinion for and against the Revolution based upon one's interpretation of the C.C.C. During the interval between July 1790 and the first public and official declaration of the pope regarding the C.C.C., public discussion intensified. And when in March and April 1791, Pius VI condemned not only the C.C.C. but also the principles of religious liberty, public religious toleration, and popular sovereignty, public opinion in the realm of religious sentiment solidified into two *blocs* whose relations ignited into civil strife between 1793 and 1795.

It is in this context, then, of imminent polarization that the defenders of the C.C.C. argue their case for the C.C.C. Grégoire¹³ asks pointedly of the French bishops why they had not foreseen the need for church reform and presented a plan the elements of which were to be found in the *cahiers*. He cites the prelates' refusal to merge with the Third Estate voluntarily and accuses them of refusing to take part in deliberations whose outcome they could not control. He implies that the Assembly might not have acted unilaterally had not the bishops of the Assembly "always had the maladroitness to come three months too late" (Feb. 10, 1791, p. 484). Gratien suggests that the clergy would have already renewed the face of the Church in France, had not those who gave and received benefices been less interested in preserving the *status quo* (Aug. 20, 1792, p. 332). And now ironically enough the French bishops, realizing the seriousness of the National Assembly's intent, embrace ultramontanism in a manner conspicuous for its novelty. P. T. Duran-Maillane¹⁴ contrasts the position taken by the thirty deputy bishops that they must await the advice of the pope before they accept the C.C.C. with that of the bishops in 1682 when they made their Declaration of Gallican Liberties.

In the past the bishops disparaged the importance of the pope in order to elevate themselves; now they call the pope to their aid so that they will not have to descend – not to the rank of priests, but to the useful practice of their vows. (Oct. 30, 1791, p. 197)

What emerges from the *JE*'s coverage is the opinion that the abuse of power by laymen, by bishops, and by the papacy constituted the core of the problem with the Church in France.

It may appear curious that the National Assembly singled out laymen as among the villains of the piece, since the C.C.C. itself restored the early Christian procedure of allowing the layman to participate actively in the election of his

¹³ On the career of these key figures consult *Biographie universelle, ancienne et moderne*, ed. Joseph François Michaud, Paris, 1854, XVII, p. 384, pp. 458-471.

¹⁴ There is an entry in Georges Cardinal GRENTE, *Dictionnaire des Lettres Françaises, Le Dix-Huitième Siècle* (Paris, 1960), I, 409.

clergy. But the type of lay control which is severely castigated in no less than eight of the forty articles is that of the monarch and prince who have usurped the rights of the people and lower clergy, rendered canonical election a charade, and effectively decided who would be bishop and abbot in France. The authors claim that this usurpation was motivated by the desire to control politically and economically the lands which had accrued to the Church from the fifth century onward. Over and over the authors extol that period of Christianity prior to the Constantinian and Theodosian settlements when the Church “despite persecution lived from voluntary contributions and enjoyed the authority and power that respect for virtue gave it” (Aug. 15, 1790, p. 32). When, however, the Church acquired land and churchmen became temporal princes, “then were born those abuses about which we complain so much today, and which we must confront frankly” (loc. cit.).

The authors lambaste many of the bishops for enjoying a wealth far in excess of their needs and living on a level in conspicuous contrast to the poverty of the rural curates. Others are scolded as plural benefice-holders who, residing out of their dioceses, delegate their ministry to vicars. Lacking leadership from their bishops, and existing frequently in poverty, curates also bear the handicap of a seminary education, criticized as woefully irrelevant to the needs of the parish priest. As one author complained:

One heard in the seminary discourses on Grace, free will, Jansenism, the Encyclopedia, and nothing on this simple morality which teaches fathers what they owe their children, which teaches children what they owe their fathers, which teaches men what they owe to God, to the state and to other men. (July 1, 1790, p. 22)

In only two instances does the *JE* go beyond a citation of specific abuses to a more radical questioning of the very nature of the episcopacy. The first comes, unsurprisingly enough, from the *Nouvelles ecclésiastiques*, and consists of an ecstatic benediction of the Revolution as the divine instrument which has put down most of the bishops (Feb. 20, 1792, pp. 86-97). The second, by Grégoire, examines more reasonably the accusation made by the bishop of Toulon that the C.C.C. has destroyed the hierarchy and installed richerism and presbyterianism in its place. All of the articles save one assume or at least pay lip service to the assumption that the papal primacy exists by right. This one exception by J. P. Brissot de Warville hardly rejects the concept of a Petrine primacy, but argues relentlessly that it did not always reside exclusively with the bishop of Rome. This prescient ecclesiological nuance frightened the *JE* into a highly defensive stance.

There is reason to presume that circumstances did not permit M. Brissot in the composition of this article to have been sufficiently exact in all his

citations and reasonings, nor to have attentively proof-read it before publication. (May 30, 1791, p. 341)

This stance will be struck again in its coverage of the subject of religious toleration, and will put the *JE* noticeably to the right of the opinions it popularizes.

Fundamentally what the *JE* authors reject about the papacy is its claim to be the source of and to possess the fullness of all power in this world, both spiritual and temporal, the so-called doctrine of *plenitudo potestatis*. They do not regard it as a part of revelation, but rather as an historical phenomenon whose progress can be traced through the use of the False Decretals by Gregory VII, Innocent III, and Boniface VIII, as well as the papal precedent of legitimating the exercise of political sovereignty by Pepin the Short, Charlemagne, and Otto I. These phenomena, they claimed, were closely associated with the development of the papacy itself into a monarchical-type structure. The political corollary of this doctrine of *plenitudo potestatis* was the papal deposition of princes with the attendant release of their vassals' oath of loyalty. Since the authors dismiss the credibility of monarchy based upon divine right, they spend no time on debating the validity or invalidity of the hierocratic jurisdiction. Rather do they concentrate on scraping away from the barque of Peter those historical accretions of power which they feel have derogated the role of the episcopacy, virtually eliminated participation by non-noble laymen, and diminished the concept of the Church from being the Body of the Faithful.

Symptomatic of what the writers believed to be papal usurpation is the *JE's* concern with such things as annates and bulls of episcopal confirmation. L.-F. Lalande¹⁵ in his pastoral letter quotes the Council of Basel almost *verbatim* when in praising the abolition of annates, he excoriates them as a form of simony "which has always been an execration in the Church" (Oct. 30, 1791, p. 186). Although Saurine¹⁶ denigrates papal bulls of episcopal confirmation as simply money-making schemes (Oct. 10, 1791, p. 443), nine other writers criticize this habit for more fundamental reasons. In effect, they ask if the pope may name men to bishoprics in view of the use of popular election during the first four centuries of Christianity;¹⁷ if the pope may claim exclusive right to confirm bishops in view of the repeated assertions by councils from Nicea on, that metropolitan bishops shall install new bishops;¹⁸ and if a bishop's pastoral mission emanates from his

¹⁵ See GRENTE, *op. cit.*, II, 27-28.

¹⁶ A. V. ARSENAULT, A. JAY et autres, *Biographie Nouvelle des Containporains*, Paris, 1823, X, 372-373.

¹⁷ May 10, 1791, pp. 27-35; November 20, 1792, pp. 458-465.

¹⁸ May 10, 1791, pp. 27-35; April 20, 1792, pp. 323-339; Aug. 20, 1792, pp. 330-341; Oct. 20, 1792, pp. 39-61; Nov. 20, 1792, pp. 458-465; May 30, 1793, pp. 333-344.

ordination rather than from his delegation by the papacy.¹⁹ The crux of the problem was the nature and extent of papal infallibility. The writers, in their capacity as popular apologists for the C.C.C., wished to muffle the sound of those *foudres de l'Église* whose first rumblings were heard in March 1790.

Then, at a secret Consistory, Pius VI condemned those decrees of the National Assembly which granted the citizen freedom from coercion in religious matters, recognized the civil rights of non-Catholics, and withdrew public authority from the enforcement of religious vows. On July 9 he admonished Louis XVI not to sanction the forthcoming C.C.C. and the next day, in his letter to the archbishop of Bordeaux, he threatened to invalidate any new bishops in the event that the king did sanction the C.C.C.²⁰ He did not make good his threat, however, when on August 24, 1790, Louis did give his approval to the decree of the C.C.C. Nor was there any public statement from him in October when thirty deputy-prelates published their disapproval of the C.C.C. in the so-called *Exposition des principes sur la constitution civile du Clergé*, nor in November when the National Assembly on the 15th placed the institution of bishops under civil control, and on the 27th imposed the civic oath to uphold the C.C.C., nor in December after Louis had sanctioned the decree prescribing the aforementioned oath.

Intimations of what was to be Pius' formal position were revealed in his letter to Cardinal de Brienne on February 23, 1791. He reprimanded the prelate for having sworn the civic oath and went on to give his interpretation of the National Assembly's conception of religious freedom.

Who does not see that the constitution established by the National Assembly, in leaving man the liberty to think and to write on matters of religion, goes against religion itself that so many of the other novelties which it introduces absolutely overturn the Church's authority and annihilate all her rights? Your duty was to combat these errors and to follow the example of your colleagues.²¹

Finally on March 10, 1791 after an official silence of eight months, Pius VI issued the brief *Quod aliquantum*, to be followed on April 13 by *Caritas quæ*, and on March 19, 1792, by *Novæ hæ Litteræ*, three briefs which condemned not only the C.C.C. but also those principles of religious toleration and popular sovereignty

¹⁹ Feb. 20, 1791, pp. 66-73; May 20, 1792, pp. 159-174; Nov. 30, 1792, pp. 42-59; May 30, 1793, pp. 333-344.

²⁰ See Emile LA FONT, *La Politique Religieuse de la Révolution Française*, Paris, 1909, p. 170, and *Papal Teachings*, selected and arranged by the Benedictine Monks of Solesmes, trans. Mother E. O'Gorman, Boston, 1962, pp. 66-67.

²¹ LA FONT, *Op. Cit.*, p. 30.

by which the National Assembly justified its action.

The tone of the first brief was sufficiently uneven to permit the suggestion that Pius VI would have made a compromise if offered one. Commencing with the traditional absolutist rhetoric of papal pronouncements, Pius repeatedly accused the National Assembly of acting solely to destroy the Catholic religion in France and of exceeding its competence in legislating for the autonomous entity of the Church. Nevertheless, he imposed no penalties on those who cooperate with the C.C.C. Rather did he strike some ambiguous positions: he abnegated his rights to the annates, which had already been abolished by the National Assembly; invited the King to refuse his approval of the C.C.C. when Louis had given his approval over eight months previously; and asked the French bishops to submit a solution for his consideration.²²

A month later, however, the brief *Caritas quæ* scathingly refers to the C.C.C. as heretical, sacriligious, schismatic, and destructive of the rights of the Holy See and of the Church. It reiterates the indictment of the National Assembly, accuses its members of coercing Louis' approval and ignoring the wishes of the majority of the French bishops.

Of 131 bishops of this kingdom there were only four dissenters; and if you add to this great majority of bishops the adherence of a crowd of chapters, curates, pastors and of an exposition adopted unanimously, must this not seem to be the veritable doctrine of the Gallican church?²³

After appealing to the parish clergy and people of France not to cooperate with *les intrus*, the newly elected bishops and priests, Pius makes the following judgments: automatic suspension from priestly function of those juring ecclesiastics who do not retract the oath within forty days and for those bishops who consecrate new ones under the C.C.C.; declaration of nullity of all elections of priests and bishops effected under the C.C.C., and also of all sacraments administered by constitutional bishops. In March 1792 Pius excommunicated all ecclesiastics who accepted the provisions of the C.C.C. and all Catholics who cooperated with the constitutional clergy.

At the same time that the papacy was making its public position clear with regard to the C.C.C., the French government was inadvertently muddying its position. It had increasing difficulty in controlling the actions of its officials. In an attempt to fill the enormous number of vacancies created by priests who resigned rather than swear the civic oath, the government had already in February 1791, accorded a pension of five hundred livres to those non-juring priests who would agree to function privately, that is, not in the churches, which were now considered as public edifices. When in May 1791, the National Assembly

²² Papal Teachings, *op. cit.*, pp. 66-85.

²³ LA FONT, *op. cit.*, p. 172.

proclaimed unrestricted religious toleration with its corollary of inter-denominational use of churches, it provoked protest from both the non-juring and the juring clergy: from the former because they were denied the right to preach or administer the sacraments at these so-called public masses; from the latter because they saw the government beginning to move away from the Gallican position of a favored church to one of positive religious liberty argued for by both Talleyrand and Siéyès.²⁴ In November 1791, the Legislative Assembly, acting upon the recommendations of Gensonné and Gallois, who investigated the religious conflicts breaking out in the Vendée and Deux-Sèvres, abolished the divisive special oath of the previous year and required just the general oath of allegiance elicited from all public officials. Neatly balancing mitigation with severity, they proceeded to abrogate the pensions of priests who would not swear this oath, placed them under surveillance, but did not disallow them from using the churches privately. Even though Louis XVI vetoed this decree, public opinion not only made it law in forty-two departments, but prohibited the non-jurors from using the churches. “Thus from December 1791, throughout the greater part of France, there was no liberty of religious worship for papal Catholics.”²⁵ A complete but benign separation of church and state would have obviated at least the specific problem of two parallel clergies each vying for the allegiance of the people. Clermont-Tonnerre had proposed this as early as October 23, 1789, Gensonné and Gallois again in October 1791, and the abbé de May in May, 1792. These proposals failed and the Assembly became progressively fragmented: first by its own decreeing of this abrupt yet non-definitive law; then the polarizing effects of Pius’ three briefs, with the addition of seditious overtones when the war with Austria commenced in April, 1792. Consequently, by May 1792 the government had come to regard the non-juring priests no longer as irritants but as *refractaires*, that is, contumacious and thus liable to those penalties which rapidly escalated from fines to incarceration, to deportation, to death.

The tactic pursued by the defenders of the C.C.C. was to attenuate the moral imperative of the papal denunciations by challenging the papal claim to unilateral infallibility. Their tendency is to understand and accept papal infallibility within the broader context of the infallibility of the Church, the concept of which is itself considerably broadened. The *JE*, then, gives much space to those writers who see the pope not as one who possesses infallibility uniquely, but rather as one who is the “visible head of the Church” (May 30, 1793, p. 338), and “organ of the wishes of the church rather than its interpreter” (Oct. 30, 1791, p. 195), one who exercises “a jurisdiction to watch over the Faith and the conduct of his brothers, to have the right to warn them when they deviate from the rules and to reward them

²⁴ J. LEFLON, *La Crise révolutionnaire*, Vol. 20 of *Histoire de l’Eglise*, eds. Augustin Fliche and Victor Martin, Paris, 1949, p. 83.

²⁵ A. AULARD, *Christianity and the French Revolution*, trans. Lady Frazer, London, 1927, p. 86.

when they are faithful to them” (Oct. 20, 1792, p. 46).

Perhaps the bluntest opinion publicized by the *JE* was that of Grégoire who in May 1793 was attempting to explain to his constituents in the department of Alpes-Maritimes that the C.C.C. did not injure the dogmas of the Church. To be united with the pope, seen as the visible head and center of unity, does not necessarily involve belief in his infallibility. France, he continues, referring to the delayed acceptance of the Council of Trent by the French monarchy, has had a long tradition of not accepting unilateral papal infallibility (May 30, 1793, pp. 333-344). Le Jeune²⁶ in his catechism for “the people, too cruelly abused and frightened ceaselessly with odious and revolting names of apostasy, schism, heresy, intrusion,” locates infallibility in the episcopacy as well as in the papacy.

It is the doctrine of the Gallican Church that the decisions of the popes are not exempt from error of themselves, that they are irrefrangible only with the legitimate consent of the whole Church, when – of the whole body of pastors, they become the decisions of the Church herself (May 20, 1791, pp. 152-164)

Durand-Maillane, who defends his committee's works, “sharply attacked and not less unjustly calumniated sometimes by the croaking of ignorance, sometimes by the declamations of a prejudiced mind, more fertile in subterfuges than in solid proofs” (Oct. 30, 1791, pp. 186-205), refers to infallibility emerging from the whole Church through a General Council. Too often, according to La Font de Savine,²⁷ the Church has been looked upon as consisting of pope and monarch. He expands this narrow concept in terms which smack of Vatican II, calling the Church, “the body of the Faithful which the Apostle calls the Body of our Saviour Jesus Christ” (April 20, 1792, p. 330), and maintains with reference to the papal briefs that “the judgment of the pope is not definitive until the consent of the Church is added to it” (Oct. 20, 1792, p. 61). In what appears to be a direct refutation of Pius VI's condemnation in *Quod aliquantum* of laymen being involved in a change of ecclesiastical discipline, the priest, François de Torcy²⁸ alludes to the unique voting arrangements which characterized the Council of Constance. Apart from the Church whose voice can be articulated through the episcopacy or council, the pope can err, according to Le Jeune, who brandishes the historical condemnation of Pope Honorius by the Fathers of the sixth general council. Even papal excommunications according to Grégoire, must neither be accepted as legitimate until the other side has been heard, nor believed

²⁶ GREUTE, *op. cit.*, II, p. 81.

²⁷ See F. X. de FELLER, *Dictionnaire Historique Lille*, 1833, XII, p. 147-148.

²⁸ See J. M. QUÉRARD, *La France littéraire* (Paris, 1827-1829), IX, p. 503.

injudiciously in view of the fact that papal excommunication in the past never prevented the pope from expecting the annates from the excommunicated.

In particular Pius VI was accused of being less well-informed than he should have been before issuing his three briefs. De Torcy calls him a veritable prisoner of the Curia (Nov. 20, 1792, p. 464), while Savine questions whether the *Exposition des principes* of the thirty deputy-prelates was a document sufficiently valid on which to base a judgment of the C.C.C. Was the *Exposition* a reliable rendition of all the wishes of its signees? Had there really been a viable dialogue between pope and bishops? Savine opines that the adhesion of the bishops resulted not so much from careful deliberation as from a desire to express zeal and fraternity. For example, although the bishop of Orange signed the *Exposition*, he agreed to only several of its points and accepted really a large part of the C.C.C. (Oct 20, 1792, p. 59). In lieu of a mature and fruitful exchange of ideas between bishops and pope writes Savine,

The bishops of France have made and adopted a book. The pope has expressed his opinion in another book. The bishops appear to adhere to the book of the pope: the pope, although with less precision, appears to adhere to the book of the bishops. The bishops write the pope that they await his judgment in order to decide: the pope answers the bishops to the effect that he awaits their advice in order to decide. (*Ibid.*, p. 58)

The *JE* authors realized that with the nationalization of Church lands in November 1789 new politico-ecclesiastical arrangements were required. As Martineau²⁹ asks, “What kind of morals can a society have without religion?” (Sept. 15, 1790, p. 390). Grégoire asserts that “Without religion, a country would be only a den of tigers in human form” (Feb. 10, 1791, p. 475). But what choices of politico-ecclesiastical arrangements were available? Both Savine and Lamourette³⁰ distinguish between a religion which is public and one which is the religion of the public. In contemporary terms the former would be an established religion united with the state, while the latter would function freely but separately from any formal connection with the state. When a religion is public, “it is recognized as such, expressly authorized by the society, instituted and financed by the society.”

To claim that it has the right to give itself alone an exterior discipline is to raise up an independent power in the middle of a society of which is a part. (May 20, 1792, p. 160)

²⁹ See MICHAUD, *op. cit.*, XII, 75-76.

³⁰ Lamourette was executed during the Terror. See GRENTE, *op. cit.*, II, 36-37; MICHAUD, *op. cit.*, XXIII, 106-107.

However, when religion exists within a nation as an association, enjoys no connection with the civil order, and receives its support from the voluntary contributions of the faithful, it is not subject to the tutelage of the state. "It governs itself; the civil power must leave it in complete liberty, regulating only what pertains to the public order" (*loc. cit.*).

M. de la Fare, bishop of Nancy, declared that the *cahiers* of all the electoral districts called for religious uniformity. Bertolino³¹ responds that this may have been the case for a few *cahiers* of the clergy, but not for the aristocracy or Third Estate. What the National Assembly decreed and what the nation wanted was that "the Catholic, Apostolic and Roman religion will continue to be the only one whose financial support will be the responsibility of the Nation" (Sept. 1, 1790, p. 202). A study of the work done on the *cahiers* by Beatrice Fry Hyslop, indicates that both men oversimplified the content of these documents.³² However what the exchange does demonstrate is that both men, though arguing for distinctly different church-state arrangements, argue nevertheless from much the same politico-religious categories of thought.

When Savine employs basically different categories of thought, which approach the contemporary mode of thinking, ironically enough it is the *JE* that takes issue with him. Savine anticipated that kind of church-state arrangement which was to grow from the first Article of the American Bill of Rights. He disapproved of the state financially supporting Catholicism on the grounds that such favoritism contravenes the rights of liberty and equality promised under the new Constitution. Savine also objected to financial support because he foresaw what did occur in 1794, viz., ministers of the Cults of Reason and Supreme Being demanding salaries from and precedence in the state.

The *JE* replied to one whom they call a prétendu philosophe:

The Nation is neither Protestant nor Jewish. It is Catholic, intermixed only with Protestants and Jews. All that which this little number of dissidents were able to desire was freedom for their cults, and they have obtained it. (Oct. 20, 1792, pp. 40-1)

To let the Catholic clergy fend for itself would be to do something for which there is no precedent. Consequently, it would be out of the question! Despite this difference of opinion as to how the Church should be related to the state, the *JE* supported the principle of religious toleration, but not the form of it which Pius VI vilified in *Quod aliquantum*:

This absolute liberty which not only assures man the right of not being

³¹ See MICHAUD, *op. cit.*, IV, 173.

³² B. F. HYSLOP, *French Nationalism in 1789 according to the General Cahiers*, New York, 1934, pp. 42-47.

disturbed about his religious opinions, but which accords him license to think, say, write even publish with impunity in matters of religion everything which the most disordered imagination can suggest.³³

Rather is it the principle of religious freedom cast in a negative manner as in Article X of the Declaration of the *Rights of Man*:

No one may be disturbed for his opinions, even in religion, provided that their manifestation does not trouble public order as established by law.³⁴

Where specific reference is made to religious toleration, it is to promote the rights of Protestants and Jews within a country traditionally Catholic, or to discredit the past use of force by Catholic to gain adherents.

Having been sufficiently impressed by the writers' nobility of expression and frank disavowal of coercion in matters religious, one might well be surprised to discover a conspicuously intolerant attitude toward the non-juring clergy. It is true that not one of the writers who concerns himself with this subject advocates persecution of these priests. All of them, however, attribute base motives for their actions and predict disastrous results from their obstinacy.³⁵ Depicted as men who are either personally desirous of regaining privileges or as dupes of those who wish to do so, the non-jurors are castigated for fomenting schism within the Church and civil war within the nation. What accounts for this manifest incongruity in the writers' application of toleration? These men almost unanimously reveal their complete incomprehension of the *raison d'être* of a Catholic clergy which was not an intimate part of the state machinery. They considered the clergy to be *fonctionnaires*. Hence when Savine opined that the oath seemed to constitute a violation of freedom of religion and liberty of conscience, the *JE* argued in reply that a state would place itself in jeopardy if it allowed into positions of service those who were enemies of the law (Sept. 10, 1792, pp. 177-200).

Following logically from this commitment to a public religion is the argument that the temporal power may regulate the exterior discipline of this public religion. Practically every writer who broached this subject did so within the context of the theory of the Two Swords put forth by Pope Gelasius I in 494. The one exception was Savine who aptly remarked that this "theory is the torment of reason whose application is the discord of the world" (June 30, 1792, p. 211). They emphasized,

³³ Cf LA FONT, *op. cit.*, p. 105.

³⁴ J.H. STEWART, *A Documentary Survey of the French Revolution*, New York, 1951, pp. 113-115.

³⁵ Sept. 30, 1791, pp. 312-322; Oct. 10, 1791, pp. 436-445; Nov. 10, 1791, pp. 329-334; April 10, 1792, pp. 323-339; Dec. 20, 1792, pp. 337-345.

however, the *étatiste*, or secular-imperialist interpretation which emerged from the Investiture Conflict between the *sacerdotium* and *imperium* in the 11th and 12th centuries. The Church possesses uniquely and exclusively her control over dogma, and the sacraments (Nov. 20, 1791, pp. 474-503), but “in all mixed affairs, that is where the Church and the State are both concerned, but where Faith is not the subject, the political magistrate is the sovereign judge of the interest of the State” (*Ibid.*, p. 480). The C.C.C. follows this traditional pattern of thought. The decree rightfully regulates the exterior discipline of the Church since the operation of this discipline affects public order.³⁶ The controversial provisions of the decree relating to the popular election of the clergy, the re-distribution of dioceses, and the civic oath, far from impinging upon the domain of the Church, actually are restoring certain habits of action well-established earlier in the Church's history. Pius VI said he was indeed not able to suppress a shudder at the reading of this decree.³⁷ Noël de Larrière³⁸ suggests that opposition to the C.C.C. assumed more the form of a convulsion, brought on by a dose of ancient discipline (June 20, 1791, p. 63).

To defend the popular election of the clergy, a concept most congenial to their way of thinking, the authors amass a formidable battery of historical allusions to Church councils and royal decrees which upheld the laity's right to participate significantly in both the election and deposition of their spiritual pastors.³⁹ With regard to making the number and territorial extent of dioceses conform to those of the newly established departments, the authors try to prove two points: that the state historically had acted unilaterally and with impunity in the creation of dioceses; and that traditionally the territorial divisions of the Church had concurred with those of the civil order.⁴⁰ They are served well by history and prove convincingly the latter case; they often manipulate history and fail to score with the former. They defend the oath of loyalty demanded by the C.C.C. in a variety of ways, for example, by alluding to oaths taken willingly by clerics in the

³⁶ State to decide common good: Sept. 1, 1790, pp. 199-210; June 20, 1791, pp. 34-63; Nov. 20, 1791, pp. 474-503; July 30, 1792, pp. 330-341. State therefore to control church affairs: Sept. 1, 1790, pp. 199-210; Feb. 10, 1791, pp. 471-491; Feb. 20, 1791, pp. 66-73; May 10, 1791, pp. 27-35; June 20, 1791, pp. 34-63; Sept. 30, 1791, pp. 312-322; Oct. 10, 1791, pp. 436-445; Nov. 20, 1791, pp. 474-503.

³⁷ *Papal Documents, op. cit.*, p. 67.

³⁸ GREUTE, *op. cit.*, 11, 45.

³⁹ Sept. 15, 1790, pp. 389-396; Jan. 10, 1791, pp. 47-61; Feb. 20, 1791, pp. 66-73; Oct. 10, 1791, pp. 436-445; Oct. 30, 1791, pp. 179-186; Nov. 20, 1791, pp. 474-503; June 30, 1792, pp. 206-233; May 30, 1793, pp. 333-344; April 10, 1792, pp. 323-339.

⁴⁰ Jan. 10, 1791, pp. 47-61; Jan. 10, 1791, pp. 61-72; Feb. 20, 1791, pp. 66-73; May 10, 1791, pp. 27-35; June 20, 1792, pp. 52-62.

past to their political sovereigns.⁴¹ Basically, however, as has been mentioned, they derive justification from *raisons d'état*.⁴²

The word *état* acquires a new connotation in the argumentation of these supporters of the C.C.C. Room has to be made now for the sovereignty of the people. Consequently, the National Assembly had the right to act unilaterally with regard to the reform of the Church. Durand-Maillan refers to the point made by those who said that many troubles would have been avoided if the National Assembly had asked for prior consent of Rome to the C.C.C., and replies that for the National Assembly to have done so, would have been tantamount to admitting its incompetence in ecclesiastical matters (Oct. 30, 1791, p. 188). Indeed as Savine and Grégoire affirm, the type of power that the sovereign people exercise at this moment over the Church corresponds directly with that exercised by the royal sovereigns under the *ancien régime*.⁴³ If the C.C.C. as reformed Christianity is peremptorily rejected by two diametrically opposed groups, the ecclesiastical aristocracy and the irreligious *philosophes*,

The People will end up in effect by believing that religion and the Revolution cannot continue to exist together; and balancing the alternative whether to be Christian or free, they will choose that which costs them less to breathe free of their past misfortunes; they will abdure their Christianity. (June 20, 1791, p. 69)

Certainly the question posed in such general terms by Lamourette, of the compatibility between the Revolution and Christianity, remained undecided in France until the last decade of the 19th century. Heretofore, citizenship had been understood within the non-national concept of the *Respublica Christiana*. Citizenship as a secular national fact arrived on the European scene with the Revolution, quite before its philosophical elaboration. Illustrative of the type of dialectic that these two approaches to citizenship were to undergo are two citations, one from July 3, 1792, and the other from June 10, 1793. Gratien asks the question: "Of what avail would it be to be a good citizen without being a good Christian?" Unequivocally comes the response: "One is a true Christian to the degree that one is a good citizen."

⁴¹ Feb. 10, 1791, pp. 471-491; June 20, 1791, pp. 34-63; June 20, 1792, pp. 52-62.

⁴² May 10, 1791, pp. 27-35; Oct. 10, 1791, pp. 436-445; Sept. 10, 1792, pp. 177-200; May 30, 1793, pp. 333-344.

⁴³ April 10, 1792, pp. 323-339; Sept. 10, 1792, pp. 177-200; May 30, 1793, pp. 333-344.