

# THE SELECTION AND NOMINATION OF BISHOPS<sup>1</sup>

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This work is an expeditious and lively history of the freedom of the Church in the various ways she chose to perpetuate her hierarchy. While everything changes and she herself adjusts her discipline to the needs of the times, we see her, attentive to keep herself from the yoke of princes, ever assembling her strength to maintain *the charter of her liberty*, as Godfrey of Vendome expressed it in the twelfth century. Whether the bishops elected their colleagues according to the original order; whether the election was transferred to the chapters by the fourth Council of the Lateran, thus introducing a new order; whether the Supreme Pontiffs drew to themselves, in so-called reserves, a large number of the nominations; it was always for the preservation of its freedom that the Church acquiesced to those changes. The Concordat of Francis I itself, however dreadful in its results, was nonetheless a victory for the Church over an even greater oppression of which she was threatened. Such is the spirit and the movement of the book of life. The author provided an important service to Catholics by placing the claims to their independence under their eyes at a moment when the last shreds of Christian society were being torn apart, and when authority had become indifferent but nonetheless wished to preserve the concessions the Church had made to society's piety. God would not tolerate it, because He could not allow His Church to suffocate in humiliation. But the hour of her deliverance can be hastened or delayed, according as the Catholics labor with more or less courage at retaking the character, too weak in them, of the free man, of the man of God and the man of the people; they need to praise the ordinary Christian who played a great role in this activity, without ever giving his name.

Nonetheless, the more we set a price on the old suspicions of the author, all the more do we have the right not to remain silent about the points on which we disagreed with him. In Chapter XII of *the Concordat of Leo X and Francis I*, the honorable writer upheld three propositions that, to us, do not appear to conform with the truth, namely, that the Concordat was not the work of Gallicanism, nor of Francis I, and that those who recently demonstrated its drawbacks implicitly accused the Roman Church of error. And besides, these three propositions do not fit into the body of the work and are altogether alien to the purpose of the author, whose pen presented more vividly than any other *the drawbacks of the Concordat*, in a brisk treatment. In fact, these three propositions deserve a serious examination.

After the Councils of Constance and Basel in 1438, some bishops of France assembled at Bourges in the presence of King Charles VII and of his court. They decided that the Pope would be deprived of all power to nominate bishops, whom the chapter itself would elect and that the elect would receive canonical institution from the metropolitan. This act was called the *Pragmatic Sanction*. Charles VII kept it, Louis XI abolished it. Charles VIII and Louis XII protected it; the Clergy of France, the administration of the University took it into their safe-keeping; the Popes Eugene IV and Pius II attacked it forcefully; against it, Julius II called in Rome the fifth Council of the Lateran; finally, in the midst of all these divisions, Leo X assumed the Eternal See, and Francis I the throne of France. The new Pope feared that, if the Council of the Lateran condemned the Pragmatic Sanction without a previous agreement, the Church of France would break away from the Holy See; he conferred in Bologna with Francis I, and agreed to cede to the crown the election of bishops, provided that the crown did not contest the canonical institution by the Tiara. Francis I accepted the treaty, the clergy of France and the Parliament rejected it, until the Parliament, realizing that this would bring certain advantages to the secular power, became its strongest defender. These are the facts.

Well, was Gallicanism really alien to that Concordat? The author believes so, for the reason that the French Clergy was strongly tied to the elections of chapters, that it always was disturbed over them, and that it opposed, as much as it could, the treaty of Leo X and Francis I. Unfortunately, the result of all this offers no proof in favor of Gallicanism. This Gallicanism rejected the Concordat that linked it to the Holy See by bonds that it had thought broken at Bourges. But who reduced the Holy See to the point of relying on the Concordat to reforge half-broken bonds? Who reduced the Holy See to look to the throne for a support that it would not have found among the episcopate? Who forced the Holy See to conclude a treaty with a king against a Church? In Germany, elections had been the subject of troubles more frightful and more prolonged than in France. Why was the Roman Church able to maintain elections in Germany and destroy secular influence by the Concordat of 1448, while, in France, it could rescue apostolic authority only by sacrificing the elections to royal power? The author himself will answer us: “how different fate would have been if our Church in *the spirit of independence* that was rising at the time had not impeded the application of canonical rules? *More fortunate than us*, Germany had easily completed a reform whose need was felt everywhere. A Concordat, the very first of all, was concluded in 1448, between Nicholas V on the one hand, and on the other Nicholas III with the Princes of the Germanic Confederation. With restrictions having become less necessary from then on, they were considerably reduced and the chapter elections were reinstated. Their freedom was assured by keeping all lay intervention at a distance, and their canonical nature by the confirmation that, following the agreements, necessarily had to come from the Holy See.” (*De l’élection*, etc.; p. 189-190) It was the spirit of independence, as the author stated so well, that deprived France of these great benefits, and constrained the Roman Church, by set regulations, to abandon to a king the election of bishops — something never seen before. Now this spirit of independence coming from Constance and Basel, later manifested at Bourges, what name does it go by in our history? Leo X was not mistaken about the causes that forced him to sign the Concordat of 1516. Furthermore, in the Bull wherein he condemned the Pragmatic Sanction, after having brought to mind

illustrious examples of submission to the Holy See, he continued thus: “We would not be in the embarrassment we now face if the delegates of Bourges and of Basel had followed laudable customs.” *Quam laudabilem consuetudinem si Bituricenses et Basileenses secuti fuissent hujusmodi modestia procul dubio careremus.* (*Conc. Hard.*, Tom. 9, pag. 1829)

Francis I is no more innocent than Gallicanism in the matter of the Concordat. The honorable writer tries to justify him with two citations: one taken from a report on the Concordat by Chancellor Duprat, the other taken from a foreword joined to the Concordat itself by Francis I. Chancellor Duprat indicates in his report that the king “far from having sought the nomination of bishops, had rather received it from the Pope, who offered it on his own.” The same king said in his preamble that, “as for the elections, he was unable to obtain what he desired.” We note, first of all, that there can be little reason to object to an attempt to find the intentions of a king in the writings that his chancellor presents to an ill-disposed parliament, and in the preambles of a treaty destined to be badly received. Some day, those who will judge the intentions of the great powers of Europe relating to Belgium according to the Protocols of London, will run the risk of being misled. I place little faith in the report of Duprat and in the preamble of Francis I; indeed, I have the right not to believe one word. Both of them made it a point to overcome the resistance of the clergy and of the Parliament; and both must have used language such as this: “We are very angry, but what can you expect? The Pope was adamant.” The genuine intentions of Francis I are contained in the Concordat itself; accordingly, he is equally culpable, either because he was the first to request the right of elections, or because he accepted it. In any case, he wanted to remain absolute master of nominations to the sees of his kingdom, the master by the Pragmatic Sanction, by means of the influence gained over his electors, or as master of the Concordat, by virtue of his direct right. Powerfully backed by the spirit of the clergy of France, convinced that the bans of the Fifth Council of the Lateran would bring about a schism — and that the Pope greatly feared this — the king was the supreme arbiter of the conference at Bologna. Indeed, it is impossible to believe that the Pope, absent an absolute

need, had signed a Concordat so new and so different from the German one.

The honorable writer presupposes, it is true, that at the time of the conference of Bologna, Francis I had need of the Pope; we will weigh this issue: “The interval between sessions two and eleven of the Lateran Council, one historian said, was filled with unforgettable events. Francis I came to Italy with fifty thousand men, recaptured Genoa, and conquered the Swiss at Marignan, became master of Milan, brought low Maximilian and forced him to be satisfied with an annual pension, spread the admiration of his valor and of his good fortune in all the European courts. The Pope, who had negotiated with all the enemies of France to have this expedition fail, was surprised more than anyone else by so rapid a revolution. *It was no longer a question of linking plots*, the king was on Tuscan territory and could easily have chased away the Medici; from that area, only a detour was needed to reach the Papal State. Accordingly, *it was necessary for Pope Leo X to send an agent with his compliments* (*Hist. de l'Égl. Fall. Cont. par le P. Berthier. T. 17, p. 423*). Do we know the outcome of the compliments presented? Yes! The Conference of Bologna and the Concordat.

But, one will say, how interested was Francis I in requiring the nomination of bishops? Why did he set this as his goal in the conference of Bologna? Was he not already master of the elections with the Pragmatic Sanction? Yes indeed, but by intrigue, master by a power that could be challenged, master in fact but not by right. Now, possession by right was an invaluable acquisition, whether on the side of dignity, or by reason of the permanence of his intervention in Church matters. Chancellor Duprat said: “One had to keep reminding the Holy See of the honor it showered on our kings by entrusting them with nomination to the highest ranks of the French clergy — something that increased the luster of the crown and obviously required that the Parliament make itself the defender of so precious a right.” (*Ibid.*, p. 461) Once more, the Chancellor did not say everything; what is left out can best be found from the pen of the writer whom I so reluctantly oppose. “In

the major controversy of the investitures, the Popes fought for entire centuries against a system that transferred all the energy of the Church to the benefit of politics by the submission of all its benefices. In France, the Concordat of Leo X had brought more gently, *but much more effectively*, that age-old plan so incompatible with the exemption of the clergy. Since Louis XI, all our kings having worked successively at tearing down, piece by piece the feudal building, it was urgent to offer the nobility some compensation for so many real losses, an exchange for their genuine tribulations. For that, a new door to legitimate ambition had to be opened. By transforming the major benefices into so many fiefs, destined to form the inheritance of high-standing families, the sovereign linked the nobility to the clergy that he directed by the influence of nominations and simplified the mechanism of government by amalgamating the first two orders into one. The court became the road to the episcopacy, the prelates, the king's men, the dignitaries of the Church, the reward for political services, the price of fidelity: in a word, by the greatest of all abuses, religion in its entirety became the property of the King." (*De l'élection, etc., p. 226-227.*)

All this made signing the Concordat worthwhile and offered justification, it seems to us, to those who previously had the honor of upholding that Francis I *had required for himself the right of naming bishops*, and that he had intended to break the former ties of the people with Catholicism, with the all-inclusive aim of delighting and restraining the nobility.

To those concerned, the author addresses a final reproach, that they are free to reject with some sensibility: "Their veneration for the Roman Church," said he, "did not prevent them from implicitly accusing her of weakness and complicity, as if a Catholic did not know that God, from the heavens, watches over the fidelity of His Spouse." Yes, every Catholic sees this, which is why those receiving this reproach expressed themselves in this way: "By consenting, although regretfully, to the establishment of Concordats, the Holy See used a power before which every Catholic conscience had to bend. All she did was well

done, because there are times when great evils can be avoided only at the price of major accommodations. Moreover, the authority of the Father of all Christians, sacred for everyone and for all times, is never more venerable and dear to us than, when bowing to inflexible circumstances, she receives the consecration of a painful sacrifice.” We do not believe that the author could have justified the Holy See in another way, nor in a loftier way. For all that, there is an evenhandedness that brings calamity to truth in times of prejudice. One becomes frightened on thinking like those that the world finds bold; one seeks in the depths of logic or of history some distinction that approves of moderation while saying the same words as those whose sharpness causes fear. The honorable writer, we have no doubt, is above those fears of a timid century; he will never have need to look into his heart to learn that whoever, today, does not have an iron pen will unwittingly betray truth.

Here I offer my summary.

The Concordat of 1516 is one of the greatest crimes of Gallicanism, because it was Gallicanism that placed the Holy See between the inevitability of schism and that of the Concordat.

Francis I was the author of the Concordat because he was the absolute master of its conditions, whether he or Leo X devised its pattern.

Finally, no one attacked the Holy See because of the Concordat, since everyone knew that this treaty was required to the same degree that most of its results were unfortunate.

We hope that, in a second edition, the author will grant to truth and to the esteem his own work deserves, the correction of certain inexact phrases that in no way belong in

his project. We are more unhappy than he in not finding ourselves in full agreement; but truth comes before the pleasure of having one and the same thought. Catholics will read his work with interest and reward; from that viewpoint, he is even more happy than we are.

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**ENDNOTES**

1. The very title of the work that Lacordaire reviews in this article.
2. A final blow was to be given to the body of discipline (the Pragmatic Sanction) *when the king resolved to make an agreement* that, by preserving most of the decrees of the Pragmatic Sanction, created no suspicion at the court of Rome. (*Mém. du Chanc. Duprat.*)

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