

Con

With the Author's

respectful Compl.

Princeton 1877.

PRIZE ESSAY ON VATICANISM.

EXPOSITION AND DEFENCE

OF

Cover

PRINCE BISMARCK'S ANTI-ULTRAMONTANE POLICY:

SHOWING THE DIFFERENCE BETWEEN THE PRESENT
STATE OF THE ROMISH QUESTION IN
GERMANY AND GREAT BRITAIN.

BY

CHARLES A. SALMOND, M.A.,

STUDENT IN EDINBURGH.

With Preface by DR WYLIE, Professor to the Protestant Institute,

AND

*Recommendations from DRS BEGG, ROBERTSON, and ANDREW THOMSON,
the Adjudicators.*

“Πάσα ψυχή ἐξουσίαις ὑπερεχούσαις ὑποτασσέσθω Οἱ γὰρ ἀρχοντες οὐκ εἰσὶ
φόβος τῶν ἀγαθῶν ἔργων, ἀλλὰ τῶν κακῶν Ἀπόδοτε οὖν πᾶσι τὰς ὀφειλάς.”—
(Ρωμ. Κεφ. ιγ’.)

EDINBURGH:

LYON & GEMMELL, GEORGE IV. BRIDGE.

1876.

Price One Shilling.

~~III. 564~~

For 2205.102

1878, Nov. 29.
Gift of
Henry W. Longfellow,
Prof. in Harv. Univ.



CONTENTS.

CHAP.	PAGE
I. THE CONFLICT AND THE COMBATANTS	1
II. THE PAPACY IN THEORY	9
III. THE PAPACY IN PRACTICE	24
IV. PAST RELATIONS OF GERMANY WITH ROME	36
V. RECENT ECCLESIASTICAL LEGISLATION IN GERMANY	47
VI. GENERAL RESUME AND DEFENCE	79 to 94

PREFATORY NOTE BY REV. DR. WYLIE,

PROFESSOR TO THE PROTESTANT INSTITUTE OF SCOTLAND.

SOME time ago a prize of ten pounds was offered by Alex. Whytock, Esq., George Street, Edinburgh, for the best Essay in vindication of Prince Bismarck's policy respecting the Ultramontanes. The competition was open to students either now or in former years connected with the Protestant Institute of Scotland. The Rev. Dr Andrew Thomson, of the United Presbyterian Church, Dr William Robertson, of the Established Church, and Dr James Begg of the Free Church of Scotland, kindly undertook to act as adjudicators. On opening the sealed envelopes, it was found that the prize had been unanimously adjudged to the Essay by Charles A. Salmond, M.A., of Edinburgh.

The Essay is now given to the public, at the suggestion of the adjudicators. It displays, on the part of its writer, that mastery of the general principles of the Papacy which is so essential to the formation of a right judgment in the case. It exhibits, moreover, as regards the special question discussed, a full and minute knowledge, acquired both by residence in Germany and by wide reading on the subject; and it weighs with calm judgment, and states in clear and vigorous language, the merits and issues of a controversy which is vital to all Christendom, and which as nearly concerns us in Great Britain as it does the people of Germany.

The publication of the Essay cannot fail to correct misapprehensions, dispel prejudices, and diffuse just and correct ideas on the great question of which it treats.

Subjoined are the

OPINIONS OF THE ADJUDICATORS.

From DR. BEGG.

I beg to state that I had formerly no difficulty, as one of the adjudicators, in awarding the prize to the Essay of Mr Salmond. Having now read over the Essay again, very carefully, I have as little difficulty in saying that its publication will, in my opinion, be productive of the best results. It contains a very able and comprehensive view of a subject of much present interest, and which, although comparatively little understood, has the most important bearing on the best interests of man, and especially on the future state of Europe and the world. I wish its author very great success in his present important undertaking.

JAMES BEGG, D.D.

From Dr. ROBERTSON.

I have no hesitation in expressing my desire that Mr Salmond's Essay on Ultramontanism should be published. It has become a subject of the highest importance, and it is one rarely well understood or duly considered. Mr Salmond has studied it carefully in all its bearings, and has placed it in a strong and clear light. The Essay will interest many, and will impart an amount of information on the subject, such as, so far as I know, is nowhere else to be found in so small compass.

WM. ROBERTSON, D.D.

From Dr ANDREW THOMSON.

The Essay is distinguished throughout by a knowledge and grasp of the whole subject that make the reading of it instructive even to those who have been trying to keep abreast of the facts, while the style is remarkable for point and energy. It is fitted to correct very prevalent and injurious mistakes on the whole subject of Ultramontanism (which it must never be forgotten is a living mischief at work in almost every nation in Europe), and to turn apathy into alarm and opposition. Without committing myself to every sentiment in the Essay, I have no hesitation in recommending that in some way or other, after careful revision, it should "see the light."

ANDREW THOMSON, D.D.

CHAPTER I.

THE CONFLICT AND THE COMBATANTS.

THERE is doubtless a measure of truth in the allegation that every succeeding age has a tendency to magnify the importance of its own contemporaneous history. But we of the nineteenth century have the privilege, or the misfortune, to live in peculiarly stirring times, and may without much egotism claim for our own age a prominent place in the chronology of the world.

THE ANNUS MIRABILIS.

Recurring to the immediate past, our minds are constrained to linger about the year 1870, that *annus mirabilis* so full of events and so replete with catastrophes. The bewilderment which took hold of us then, as we gazed on the dramatic and quickly shifting scenes of that marvellous epoch, has now given way to clearer light and calmer perception; and, from the vantage ground on which the lapse of even a few short years has placed us, we can better appreciate and admire the wonderful workings of the great "Divinity that shapes our ends, rough-hew them how we will." It was a memorable year for Germany, a glorious year and yet a sad one—glorious, for by a succession of victories without a parallel in the annals of modern warfare, it had made the heart of united Fatherland throb with grateful joy; yet sad, for how many vacant homes and bleeding hearts bore silent witness to the greatness of the price at which those victories were bought! It was a memorable year for France—a sad and bitter year for her; for with her countless slain she lost her martial glory, and lay humbled in the dust. It was a memorable year for Italy—a

bright and brilliant year ; for it saw a magical shaking and compacting together of her disjected priest-consumed members ; and the fair Southern peninsula, from the fertile plains of Lombardy to the sandy slopes of Spertivento, hailed one king and owned one capital. And assuredly it was a memorable year for the Papacy, a year of proudest elevation and of deepest degradation, for scarcely had the system attained its loftiest height of blasphemy, when it was plunged into the lowest deep of humiliation ; scarcely had the decree of Infallibility gone forth, when Providence gave it the lie, and the infallible Pope, by the strange irony of events, saw himself hurled from his temporal throne, his theocratic sceptre broken, and his eldest son a captive even more helpless than himself. Germany indivisible, Italy united, France prostrate, Rome taken—what a terrible year for the Papacy ! Add to all this the reflection that Rome probably by her machinations brought these disasters on herself, and her cup of misery is surely full, her degradation hopeless and final.

THE NEW STRUGGLE IN GERMANY.

But no : Popery has terrible vitality as a system. Though cast down she is not destroyed ; and there is every reason to believe that she is recuperating her forces for a vigorous renewal of the inevitable struggle. Nay, at this moment we see her workings in various parts of the earth, but nowhere are they so manifest as in Germany. That mighty country had no sooner emerged from her death struggle with France, than she was involved in a conflict yet greater in its dimensions and grander in its issues. We look in vain, it is true, for the serried ranks of hostile armies ; we do not hear the clash of arms, or the roll of artillery, or the groans of the dying. But the struggle, though less obtrusive, is no less real and obstinate than that which shook the heights of Speicherer and drenched the fields of Worth and Gravelotte. Yea, its very invisibility gives certain elements of terror to the present conflict. The enemy is more invulnerable than the imperial veterans, and far more formidable than the extemporized soldiery of the French Republic. For, as Luther said long ago, " You cannot draw the sword against a ghost."

A DEBATE IN THE GERMAN REICHSTAG.

The struggle, however, is not wholly devoid of external manifestations. We enter the German Reichstag. It is evident, from the throng pressing along the Leipziger Strasse, that a debate of more than ordinary interest is expected. Taking our stand in the strangers' gallery, just behind the presidential chair, we have an excellent view of the faces of the deputies. Great excitement pervades the house, consequent on the furious speech just delivered by a Bavarian Ultramontane. So electrical is the atmosphere that a stranger might well imagine he had before him a body of mobile Celts, instead of a gathering of sober representative Teutons. But now there is a hush, as from the same Right Centre Fraction another member rises to address the house. He is short in stature, and considerably above middle age; and his whole appearance is that of an ideal German doctor. He begins his speech in measured tones. His manner is calmly dignified, and free from every taint of the excitement which seems so prevalent to-day. And soon his provoking coolness develops into biting sarcasm, which is rendered doubly effective by his sneering deportment. This in turn passes into a whirlwind of invective; and the little man at length relapses into his seat on the front bench of his fraction, amid the prolonged and enthusiastic plaudits of his partisans. He is none other than Dr Windthorst, the Ultramontane leader, and one of the most finished speakers in all Germany. Scarcely has he resumed his place, when all eyes are turned to the raised platform directly below us, on which the members of Government are seated. A mighty man, of great height and sturdy build, has bounded to his feet, and is already without parley hurling thunderbolts among his writhing enemies, like another Jove among the Titans. His gestures are not graceful, his language is not polished, his voice is not pleasing, his address is not insinuating; but nevertheless he is the most effective speaker in all that Parliament. His quick and forcible utterance; the heavy rolling of his huge frame, as he clutches with one hand the parapet before him, and defiantly swings the other in the faces of his enemies; the fiery flashes of his keen and terrible eye, the unmistakeable emphasis of

his whole bearing : these are suitable accompaniments to the strong and bitter words which are pouring from his lips with such overwhelming effect on the assembly at his feet.

BISMARCK'S CHARACTER AND SUCCESS.

We need hardly say that this big-brained giant in military dress is Bismarck himself—the Cromwell of modern times—the statesman to whom Germany owes her unity and more than half her present greatness. In speech, as in action, the Prince is wont to consider the *fortiter in re* more than the *suaviter in modo*. There is a terrible Gothic frankness about him ; and, as has been said, he has the art of opportune communication so useful to a statesman—the faculty of letting out secrets just in time to cover his enemies with confusion. Hence he is the best hated man in Europe. Ever and anon he is observed to lift the curtain just a little, and give the world a glimpse behind the scenes. He shows his enemies that he knows them well, and leaves the impression that he could tell much more if only he would. Their indignation is stirred as he discovers the Popish origin of the Franco-Prussian war, or reveals the seditious utterances of Papal envoys, or publicly accredits the Ultramontanes with fanatical free-shooters like the incensed and inconsiderate Kulmann.

If a man's usefulness is to be measured by the number of enemies and the fierceness of the hostility he gains for himself, Prince Bismarck may well take comfort in his work. There is extremely little danger of woe coming on him, "because all men speak well of him." At the same time, while he has many enemies and many detractors, he is by no means destitute of friends. While French bishops utter angry pastoral letters, and the "ladies of Westphalia" under Romish instigation express disapprobation of his policy, he knows that he has the open sympathy of England and America, and the latent approbation of other countries besides. And, best of all, he has the moral support of the manly loyalty and the advanced enlightenment of his own great nation.

But assuredly Bismarck, powerful as he is, will need all his energy and vigilance, and all the moral support of the friends

of liberty, to sustain him in this momentous struggle. He has an iron will, and a nerve of steel: and he requires it all. Heedless of dangers to himself, and conscious of perils to his country, he is resolute in his endeavours to avert the latter, and can be neither threatened nor cajoled from his purpose. Germany is no doubt consolidated now; but it has "France on its borders, and Rome in its midst." Let it thank Heaven that it has also a leader who recognizes the danger and does not succumb before it!

It is a remark worthy of attention, that "what others only conjecture about, is fact to Bismarck." He *knows* that the Papists are carrying on systematic intrigues to bring about violence and war, with a view to the dismemberment of the Empire. He quotes the Würtemberg Papal Nuncio's opinion, that "*revolution is the sole means by which Rome can gain her rightful position*, except perhaps in Belgium, England, and America." And when he says that this has been Rome's aim in their country for at least five years, the majority of the German Parliament practically responds to the avowal, and refuses longer to truckle to a system which strikes a blow at the root of individual and national liberty, honour, and life.

? *autocratic*

Church laws have accordingly been enacted, the Jesuits have been expelled, and various measures adopted to confine the minions of the Pope within due limits. These decrees the Chancellor has been careful to enforce with all the rigour demanded by existing circumstances. Diplomatic relations have now fallen into complete abeyance between Prussia and the Vatican. The German Envoy has been withdrawn as "superfluous;" since the Pope is no longer a king, though continuing to be the enemy of Germany. The breach is daily getting wider, and the prospect of adjustment more remote.

Bismarck usually succeeds in passing his measures, however distasteful they may be to some members of the Reichstag. A well consolidated party is certainly required; for the Ultramontane faction has naturally been more closely united than ever by the hostile action of the Government,—and it now numbers about one hundred members of the Imperial Parliament. Some of these are not lacking in ability, and what others want in tact they have in daring. The low mutterings of sedition break forth at times into a hoarse yell

of passion ; and war is boldly flaunted before the eyes of the Chancellor, as that to which the country is drifting through his policy. Moreover, the enemy is ubiquitous, as well as thoroughly organised. Prince Bismarck has challenged a foe that fights best in the dark—that works unseen with greater assiduity and effect than in open day. But though it is an enemy more terrible far than the “rugged Russian bear, the armed rhinoceros, or the Hyrcan tiger,” he confronts it right manfully, and the monster writhes under his grip, as the ancient Grendel did in the hands of the heroic Beowulf.

Both the combatants are fully on the alert. If the Pope is vigilant, there is quite as little likelihood of the Chancellor being caught napping. To the power of an Atlas, he adds the wakefulness of an Argos, and the prompt execution of a Hercules. While bearing the German Empire on his shoulders, he can detect the most insidious movement of his adversaries, and can thwart them with an astuteness equal to their own, and with a manly openness, at times, to which they are utter strangers.

THE CONTROVERSY NOT A NEW ONE.

And what *is* the question at issue, which engages the disputants so earnestly, and draws upon them the eager eyes of all Christendom besides ? There is nothing new under the sun : this is just the old, old controversy about Church and State, and the relationship which ought to subsist between them. From the days of the Guelphs and the Ghibellines this question has occupied no small share of the attention of European churchmen and politicians ; and there is no public question of more urgent importance in our own day than this. We perceive one phase of it at home, and another abroad. All kinds of men are seen to mingle in the fray, with opinions of every shade—from avowed Erastianism on the one hand to rankest Popery on the other.

At the beginning of the present century, statesmen fondly hoped that this matter was set at rest for ever. Romanism, as they thought, had received its deathblow ; it was effete, and its claims had been consigned to perpetual oblivion. The revolutionary spirit of the eighteenth century had been too

strong for it. Many were the indignities to which it had submitted itself. It had failed to repel Joseph II. in Austria, and Pombal in Portugal; and popular antipathy had been so strongly aroused everywhere, that the Pope had been compelled to disband and root out the order of the Jesuits. The Papacy had plainly got its quietus; it would never again trouble the political world at least. So men reasoned; but events soon proved the falsity of their conclusion. Rome seemed humble and submissive enough. She can bend at any time, if breaking is the only other alternative. But when the storm is over, she raises her head as proudly as before. Thus, taking advantage of the reaction consequent on the French Revolution, she got her Pope re-established, chiefly through the instrumentality of the non-catholic powers, which little imagined on what a sea of troubles they had thereby embarked. Pius VII. at once reinstated the Jesuits, contrary to general expectation, and directly in the face of the bull of 1773. The sons of Loyola were not slothful or remiss. They showed themselves the most devoted emissaries of the popedom; and with an assiduity and self-abnegation worthy of a better cause, worked steadily towards the goal of their ambition—the universal triumph of Ultramontaniam. Its final triumph in the Church they achieved in 1870; its complete triumph in the world is now their darling aim. This latter is a task yet more prodigious than the other. Great and many are the obstacles in the way; for the scheme involves the suppression of all national feeling, and the extinction of every aspiration even after civil liberty.

ROME'S CLAIMS AND POLICY.

The claims of Rome are universal and uncompromising; and her avowal of them, unlike her efforts to realise them, is sufficiently open and explicit. Universal temporal supremacy, as we shall afterwards see, is one of the prerogatives she asserts for herself. The German Emperor, Chancellor, and People are disinclined to admit the claim, so far as they are concerned; hence the conflict now so fiercely raging in their country.

The barque of St Peter has had wonderful success, all things

considered, in evading the breakers which lie near the shores of liberty. At length, however, it has struck on a mighty rock, which has sent a shiver to its very core. But the unhappy vessel is at present under stubborn pilotage, by which it is again and again brought into violent collision with the unyielding barrier. Attempts have been made to remove the obstinate rock; but more powder and greater skill in blasting will be required, ere the barque can possibly go on its way. The Papacy must have its course. The inexorable Chancellor obstructs the path. Neither is inclined to yield; and a dead-lock seems inevitable, unless some pious hand, like Kulmann's, take out of the way the hated obstacle.

Rome's policy is truly anomalous and even paradoxical. It is at once accommodating and selfish, elastic and yet rigid, circuitous and yet undeviating. It keeps the goal of personal aggrandisement most steadily in view, however; sometimes pushing boldly towards it, and at other times swerving to a side, when such a course seems advantageous. Like fabled Proteus, Popery adapts itself to circumstances. At one time, it brandishes weapons of war; at another, it wields the instruments of diplomacy and dissimulation. Nay, it wears different aspects in different countries. Like the chameleon, it can alter its hues. In England, it wears a modest garb, and meekly bows its head; but only till full emancipation is obtained. In Germany it appears in its native dye, and rears its deformed front in haughty defiance. But it is of the last importance to remember that Rome is ever the same in spirit, however fickle the outward shape.

IS POPERY EFFETE ?

Popish activity appears to have received a fresh impulse in our day. Those men are mistaken who compare Rome to a decaying family, scrupulously careful of the forms of greatness when the substance has departed. Rome is not only vigilant of her prerogatives, arrogant in her pretensions, and exacting in her claims; but she has still a very real and most dangerous power. Turn where we will, we find traces of her activity. If the system is nearly burnt out, the embers are sending forth

a blaze which threatens a general conflagration. If the Ultramontane squadrons are approaching the hour of their capitulation, they will first make a final impetuous effort at victory. In Austria, we hear them clamouring for a renewal of the Concordat. In Spain, to serve their own purposes, we saw them helping the Carlists, till "a more excellent way" was found in blessing the youthful king. In France, they lord it to their hearts' content,—densifying the superstition of the lower classes, driving the more enlightened to the opposite extreme of infidelity, and taking special care to foster in all the anti-German feeling still so prevalent and so intense. On the soil of the Low Countries the same cloven foot may be traced, and Protestant England cannot boast exemption from its inroads; nay, if we cross the Atlantic to South America, Ultramontanism is found there also, exerting its baneful influence in stirring up sedition and fomenting the domestic jealousies of states. But certainly, at the word "Ultramontane" our thoughts most naturally revert to Italy and Germany: Italy, where Popery has its stronghold, and Germany, where its hostility to civil liberty and national independence is meanwhile most obtrusively manifest. Rome and liberty cannot live together. All Protestant powers she hates most cordially, but she is careful as far as possible to fight them one by one. "Divide and conquer" is her motto. Her embroilment with Germany is perplexing enough to occupy her for the present; and the energy and craft she devotes to a triumphant emergence from it are all but superhuman.

We now proceed to a more minute examination of Rome's Doctrine and Practice, in so far as these have a bearing on the subject before us.

CHAPTER II.

THE PAPACY IN THEORY.

DR MANNING has surely merited his new-born dignity, for never was the cardinal's hat bestowed on a more zealous supporter of the Romish see! But his zeal too often outruns his

prudence, and he has an awkward habit, common among Papists, of putting bare assertions in place of demonstrated truths. One of his recent utterances, for instance, which would certainly carry conviction with it if regard were had merely to the assurance with which it was made, is to the effect that the claims of Ultramontaniam and those of the Free Kirk of Scotland are substantially the same. Now this, as we hope to show, is utterly false and misleading.

ARE PRESBYTERIAN AND PAPAL CLAIMS ANALOGOUS ?

The Free Church claims and those of the Papacy are as different as night from day. To assert liberty for one's self is something *toto cælo* distinct from imposing tyranny on others. It is true, as Macaulay points out, that both Calvinists and Papists have resisted civil encroachment; but this they did, as he well knew, on very different grounds. Calvinists merely vindicated their right to the uncontrolled enjoyment of *spiritual* privileges; Papists sought to establish an ecclesiastical despotism, based on a claim to universal *temporal* supremacy.

The Free Church holds that the sphere of the Church is co-ordinate with that of the State, and distinct from it; and this in opposition alike to Erastians, who assert the supremacy of the State over the Church, and Papists, who assert the right of ecclesiastical rulers to exercise civil authority. It considers the Church and the State to be "two distinct independent societies, each having a distinct government of its own, self-sufficient and authoritative in its own province and with reference to its own functions and objects." It enjoins its members to render to Cæsar the things that are Cæsar's, and unto God the things that are God's—the things of God being "the conscience of men and the Church of Christ;" the things of Cæsar, "the persons and property of men." Here, in the maintenance of principles like these, and not in Manning's Ultramontaniam, do we find the "divinely appointed antagonist of Cæsarism."

The Papacy, with greedy gorge, seeks to swallow both the things of Cæsar and the things of God; and it effectually precludes the possibility of either a free State or a scriptural

Church. The Free Church of Scotland merely asserts for itself the rights of conscience, and does not deny the same to the State. The Church is not a piece of State machinery, nor is the State a mere serf or useful money-bag to the Church. The two may rather, in this view, be likened to sister and brother, mutually independent and engaged in different spheres, yet mutually helpful and having their interests bound up together. But what a contrast to all this does Ultramontaniam present, as interpreted by its ablest expounders! With them the jurisdiction of the Church is not co-ordinate but superior to that of the State.

Again we sit for a little at the feet of Manning, who is always urging and vehemently reiterating the Papal claims, as in his famous address on "Cæsarism and Ultramontaniam" (reported in the *Times* of December 24, 1873), where he speaks of the Pope as "the successor of Peter, the Vicar of Christ, the Roman Pontiff to whom all kings of Christendom ought to be subject, as to our Lord Jesus Christ himself." He goes on to prove that "Ultramontaniam and Catholicism are identical, as are also Catholicism and perfect Christianity;" and the decrees of the Vatican, like the bull *Unam Sanctam*, are, according to him, "not enacting but declaratory acts." Obedience to the Church he calls *liberty*, "because the Church cannot err or mislead either men or nations;" and he admits with wonderful ingenuousness, that "*if* the Church were not infallible, obedience to it might be the worst of bondage."

Here we have his idea of Ultramontaniam: "The spiritual power knows with divine certainty the limits of its own jurisdiction, and it knows therefore the limits and competence of the civil power. . . . Any power which is independent, and can alone fix the limit of its own jurisdiction, and can thereby fix the limits of all other jurisdictions, is, *ipso facto*, supreme . . . and the Church is all this or nothing, or worse than nothing, an imposture and an usurpation." Verily his definition of Cæsarism may well be adapted to describe Ultramontaniam,—"*Divus Papa! Imperator et Pontifex!*"

There is one fact that the cardinal and his coadjutors find it very convenient to forget—that the State having responsibilities must also have certain rights. Being responsible to the Almighty for the outward peace and temporal welfare of

the community, it is competent and bound to further these, and to determine conscientiously its proper sphere of jurisdiction in the furtherance of them. But then the Pope is the Almighty, or at least his representative ; therefore to him and him alone are kings responsible!

Dr Manning is certainly a bold defender of the faith. He disdains, as he showed in the *Academia* in November 1874, "all half-fearful, half-hearted assertions of the sovereign Pontiff's claims to infallibility," and urges his brethren fearlessly to declare to England and the world "the sovereign Pontiff's right to temporal power, and the duty of the nations of the earth to return to their allegiance to him." Vain expectation! That day of darkness and imbecility is surely gone for ever.

THE FUNDAMENTAL DOCTRINE OF THE PAPACY.

But it is time for us briefly to examine the Papal claims and the doctrines on which they are founded. The Romish Hierarchy, stupendous as it is, grows out of a single dogma—that of APOSTOLIC SUCCESSION. Romanism has well been called baptized Paganism, just as Broad Churchism is, in too many cases, baptized infidelity. The power of each, and specially of the former, lies in the element of truth it contains, an element carefully held before the eyes of the uninitiated. Rome speaks unquestionable truth when she says that *Christ was the Vicar of God*. But the rest of her syllogism—that *the Pope is Vicar of Christ and therefore Vicegerent of God*, is nothing but blasphemous error. It would not be difficult, by reference either to scripture, reason, or history, to expose the wickedness of this doctrine and the folly of the assumptions involved in it; but our present purpose is to deal with the claim itself and its practical consequences, rather than to show the worthlessness of its foundation. "The Pope is Peter's Successor, and Peter was Vicar of Christ." Here we have the Papacy in germ. Thus, by an inevitable logical conclusion, the Pope is supreme and universal sovereign, in things temporal as well as spiritual. Whatever Christ was, that must the Pope now be. Was Christ *a prophet*? so is the Pope, from whose lips drop words of infallible wisdom! Was Christ *a priest*? so is the Pope, who offers up mass for the

sins of the people ! Was Christ *a king*? so is the Pope, to whom all principalities and powers are made subject ! The spiritual and the temporal are inseparably blended. The Pontifical supremacy of necessity includes both : and "the Pontifical supremacy," as Bellarmine plainly states, "is the fundamental article of Christianity." The Pontiff owns moral infallibility and moral omnipotence. His is a power which knows no limits, and anticipates no end ; his a government irresponsible and divine.

The Priest of Rome has become lord over God's heritage : and that by means most subtle, and a process gradual but sure. Yet if the actual supremacy has been slowly and patiently accomplished, the right to it lies at the very root of the system. When, in the fifth century, the spiritual supremacy was realised ; when in the eleventh, the War of Investiture was waged and won by Hildebrand ; when, in the thirteenth, Innocent III. proclaimed himself to be, *jure divino*, King of kings and Lord of lords ! and when, in the nineteenth, Pío Nono declared himself the infallible ruler and arbiter of Christendom,—the world saw but the outgrowth of that germinal doctrine which at last, in 1870, took a form which forced it more than ever on the attention of civil rulers.

The Infallibility is not, however, a new thing for Rome. It has been held for centuries in one shape or other ; and that, as we have seen, by a strict logical necessity. The Papists have usually accredited with it either the Church, or the Councils, or the Pope. The Latin Church has passed through various stages in the course of its history. From a democracy it has changed to an oligarchy, and finally to an autocratical theocracy with an infallible and irresponsible head. But the popes have always, since the days of Hildebrand, claimed for themselves this absolute and universal authority, though it was a long time before their final victory over the recusant councils was achieved, as it actually was on July 10th, 1870. ✓

The claim to Temporal Power has been couched in different forms, but it has never been relinquished. The famous theologian, Bellarmine, in his "Disputationes," states three different opinions that have obtained regarding the temporal supremacy. "First, that the Pope has, *jure divino*, immediate and

supreme jurisdiction over the whole world, in things civil as well as spiritual." "Second, that the Pope has *no power in temporal things*, and no jurisdiction over secular princes,"—a "heresy" to which all Protestants, and the distinguished defenders of the Gallican liberties plead guilty. "Third, that the Pope has an *indirect* jurisdiction in temporal matters"—whereby, *in ordine ad spiritualia*, he may depose princes and abrogate civil laws whenever he considers it to be for the good of the Church. The last is Bellarmine's own view, for expounding which his book, because of the mildness of its claims, narrowly escaped the Index Expurgatorius.

But it matters exceedingly little in what form the theory is held. The Pope's power under the circuitous *indirect* form, or the still more subtle disguise of De Maistre's *Direction* Theory, was quite as boundless in reality as under its recently revived and now stereotyped form of *direct infallible* jurisdiction.

This "*directa potestas*" is declared with refreshing frankness in the Bull *Unam Sanctam*, where by an ingenious and well-nigh ludicrous manipulation of the texts—"Here are two swords," and "Put up thy sword into its sheath,"—it is *proved* that both swords are in the power of the Church, the material to be wielded *for* the Church, and the spiritual *by* the Church. The spiritual is handled by the Pontiff himself, the temporal, *ad nutum et patientiam sacerdotis*, by the hands of princes and soldiers. The Bull ends in the following emphatic way:—"Therefore we declare, say, define, and pronounce, that *every human creature is subject to the Pontiff*, as a necessary condition of salvation."

A POPULAR MISCONCEPTION CORRECTED.

In the arrogant bulls and petulant edicts of Pius IX. we hear but the echoes of the thunders of Innocent and Hildebrand. Though the present Pope has had not a few intellectual superiors in the long line of his predecessors, he yields to none in the arrogance of his assumptions, and his obstinate adherence to what he calls his *rights temporal*.

These "*temporal rights*" are of two kinds, which we may call the temporal *sovereignty*, and the temporal *power or supre-*

macy. The first is represented by the triple crown ; the second embraces all the kingdoms of the earth.

There is a misconception abroad about this matter, which it would be of the highest importance to remove from men's minds. The Pope lost in 1870 not the *temporal power*, as many suppose, but only the miserable Italian temporalities which, compared with it, are like the small dust of the balances. Nay, the Pontiff's greater claim, though crippled in some respects, was in other respects furthered by his recent disaster. It may now wear a more spiritual aspect than before ; for, be it remembered, Rome demands temporal power only, as she avows, for spiritual ends. She uses, or professes to use it, as the fulcrum on which to rest her spiritual lever.

The distinction between the Temporal Sovereignty and the Temporal Power may be clearly brought out by a homely illustration:—The Pope's house was established in Rome. The triple kingdom constituted what we in Scotland would designate his walled-in "policies ;" but the acreage of his domain extended to the uttermost ends of the earth. Kings were his vassals, bound to do homage to their liege lord ; or, to pursue our metaphor, they were the Pope's lessees, holding their lands at the discretion of the owner. And surely the title-deeds were imperfect enough, and sufficiently unfavourable to the unhappy tenants, who might at any moment receive notice to quit, and were expected to do so at once without remonstrance. Tenant-right was but little regarded by him who could put down one and set up another at his will ! The Pope's ill-gotten "policies" have passed into other hands ; but his claim to these, and to his universal domain, is no less urgent and uncompromising than before.

THE VATICAN DECREES STRICTLY LOGICAL.

As to the Vatican Decrees, of which we have heard so much, they are merely, as has already been hinted, the formal and logical expression of opinions long cherished in the minds of Romanists. The Pope seems often lamentably ignorant of the outside world ; but he is said to know the mind of the Church pretty accurately, and would hardly have ventured to declare himself infallible had he not already been practically

accepted as such. The only difference now is, that what was before an opinion, or open question, has been made a dogma to reject which imperils the everlasting happiness of the soul. The Jesuits were chiefly instrumental in passing the Decrees. They have always been rivals of the bishops, many of whom were naturally opposed to a dogma which would materially detract from their own power, and greatly enhance that of their "lord the Pope." Once on a day, bishops derived their divine authority direct from God himself; but now it can only reach them through the Papal chair. The change has been achieved by Jesuitism and Ultramontaniam which are the strenuous upholders of Papal Infallibility and Papal Autocracy. The Pope himself could not be more jealous of his dignity than are these zealous defenders of his prerogatives.

MR GLADSTONE'S PAMPHLET AND THE CONSEQUENT COMMOTION.

We all remember what "his Holiness" said of Mr Gladstone's incisive pamphlet, though confessedly he had not read it, being unwilling to pollute his ears with blasphemies. His omniscient and infallible eye had detected in the writer "a viper assailing the barque of St Peter,"—rather a mixed metaphor by the way—and he spoke with unconcealed bitterness of the "fallen minister," who, he perceived, "was intoxicated by the proceedings of another minister in another state." But if our statesmen have the confidence and esteem of a free and loyal people, they need be little disturbed by the vituperations of a pope. Better is it to be a Protestant viper than a Jesuitical serpent. The "other minister" is of course Prince Bismarck. If Gladstone is a viper, what must *he* be in the eyes of the Pontiff? Possibly a boa-constrictor! But that by the way.

✓ Mr Gladstone incontestably demonstrates that the Papal claims and those of national loyalty are irreconcilable. Circumstances may any day arise by which the two will be brought into direct conflict; and one or other must go to the wall. The devout Roman Catholic may thus find himself in a very serious and painful dilemma. If prepared to side with

the Pope, he is disloyal to his monarch and unworthy of his country; if ready to stand by king and country, he is "no good Catholic," and endangers the salvation of his immortal soul. To be a Papist and yet a loyal subject is quite possible in certain circumstances; but there is no guarantee for the continuance of these conditions.

In Rome the Ultramontane papers have been speaking out, and conclude vigorous denunciations of modern civilization and the rebellious Protestantism which gave rise to it, by emphatically asserting that if Roman Catholics do not now dethrone their oppressors, this is solely due to their "heroic patience!" Yet expostulation regarding such opinions is described as "sheer effrontery" and "astounding ignorance." Something more, however, than violent diatribes or vague generalities will be required to meet the powerful arguments of our late Premier.

It has been interesting to observe the commotion caused in this country by the recent pamphlet. The Roman Catholic clergy and laity have fought the battle, while "all the world wondered" what has become of Rome's boasted unity. Can it be that the Church's harmony is more apparent than real? Silence is not always synonymous with peace.

There has been quite a turmoil of voices. Lord Camoys asserts that history, common sense, and his early education forbid him accepting "the novel and astounding doctrine of the Pope's personal infallibility;" and he very properly doubts whether Catholic Emancipation would have been granted, if a Roman Catholic archbishop had then as now defended the proposition—"I am a Catholic first and an Englishman afterwards." Monsignor Capel, who has been honoured to bring so many converts or "captives" within the true fold, declares that "the Church has always held that the ecclesiastical power is superior to the civil, and defines the one and the other;" and he maintains that Camoys, and "all who seriously and obstinately refuse to accept the doctrine of the personal infallibility of the Pope, make shipwreck of the faith, and, *ipso facto*, separate themselves from communion with the Church and the See of St Peter." Dr Ullathorne, "Lord Bishop of Birmingham," uses similar language. The O'Donoghue proclaims his entire submission to the Pope, but ridicules the idea that "some fine day he may be called on to renounce his

allegiance." Shanaghan and Maden, Romish priests and countrymen of his, think differently, and feel compelled to leave the Church's pale, "because modern Romanism is but another name for universal kingship." Canon Oakley accepts and defends the Decrees, and so does Lord Herries. Lord Acton does not think it needful to reject the Decrees, at least in public, but proves in a way that cannot be agreeable to Rome that "nothing new is required in them." Among other things, he relates that a modern Pontiff declared that whoever questioned and restricted his authority in temporal matters was *worse* than those who rejected it in spirituals, and that therefore some men justly suffered death for this cause just as others for blasphemy or atheism. "The recent Decrees," argues Acton, "have neither increased the penalty, nor made it more easy to inflict." Scarcely more palatable to Rome has been the recent pamphlet of the learned and retiring Newman, whose sentiments respecting the Church are no less visionary than devout. Manning, as might have been expected, attempts an argumentative reply to Mr Gladstone's propositions. He too lays down propositions; but, unlike his adversary, fails to prove them. The infallibility of the Pope, according to him, was a doctrine of divine faith before the Vatican Council, which simply declared an old truth and made no new dogma. Whence, then, we ask, arose the unseemly disturbance in the Council itself, and the commotion throughout the Church consequent on the Council's decisions?

THE GROUND SHIFTED SINCE 1849.

It is interesting to note that one of the ablest thinkers and acutest observers among Scottish ecclesiastics—Dr Cunningham to wit—was able to write in 1849 that "almost all Romanists now admit more or less explicitly the falsehood of the doctrine that the Pope has *jure divino* either a direct or indirect temporal supremacy?" But could this be said now? There cannot be a doubt that a few Roman Catholics have intelligently resisted the Papal claims from the very first. Yet not only the Popes themselves but most of the eminent theologians of the Church have warmly defended the temporal power, not on the constitutional principles of any particular

age, but on the high ground of *an alleged divine right*, which, however, they never succeeded in making good (as the case certainly demanded) by the production of plausible proofs, not to speak of unimpeachable credentials. His Holiness, in one of his recent addresses, took up this very question, and made an ingenious but abortive attempt to make people believe that "the deposing power had its source in *public law and the general agreement of the nationalities*:" and further that "it never had anything in common with infallibility, and its source was *not in infallibility but in the Pontifical authority*." This is a very nice but a very useless distinction. The deposing power had its source, if his Holiness will have it so, in the Pontifical authority, and the Pontifical authority had *its* source in the infallibility, for the kings of the middle ages would never have brooked dictation from any but an *infallible* priest.

But to return to the Vatican decrees and their Westminster defender. The truth is, that what was optional before is now compulsory; a question of choice or convenience has become a matter of religious necessity. No French Bossuet, no English Widdrington, no German Döllinger can now be tolerated. We hear nothing now of Gallican liberties among the forty thousand Ultramontane priests of France!

MANNING'S DEFENCE OF INFALLIBILITY.

Manning's avowal that "the civil powers have hitherto stood in peaceful relations with an infallible Church" is falsified, as we shall see, in almost every page of mediæval history. But his most subtle argument remains—and it is this:—"The allegiance of Romanists is as undivided as that of Protestants, for if the one is limited by the decree of the Church, the other is equally limited by conscience." This reasoning is plausible, but altogether unsound. There is the widest possible difference between obeying the dictates of conscience and submitting the guidance of our conduct to an extraneous authority. Circumstances no doubt may arise, and sometimes have occurred, of such a nature as to render resistance to civil authority a conscientious duty. The blood-stained heather of our own Scottish mountains has borne ample testimony to

this great truth. But such cases are comparatively rare ; and the decision as to when this "sacred right of insurrection" ought to be exercised belongs to the conscience and reason of the individuals concerned, and cannot rightly be surrendered to the selfish and capricious judgment of a so-called infallible man. Moreover, the spiritual independence claimed by Protestants is to *obey* not to *exercise* the authority of Christ. And the civil obedience of Protestants rests on the law of God as revealed by Himself, in the divine Word, which we are bound to examine for ourselves ; that of Papists depends on nothing more secure than the fickle mandates of their self-seeking Pontiff. Even divided allegiance will not satisfy the Pope ; what he demands is *total* subjection to himself.

But some say, the Decrees are not yet binding, because the sittings of the Council are not yet over. Cardinal Antonelli certainly considers them obligatory ; and so do the rulers of "*the Church in England*," who have informally excommunicated all who refuse to accept the Decrees—it being declared sacrilege for such to approach the communion or enter the confessional. And we cannot but think that those are the consistent Papists who cordially accept the Decrees, be the consequences what they may.

WHAT THE POPE HAS GAINED BY THE VATICAN DECREES.

What then does such acceptance imply ? or what has the Pope gained by the promulgation of the Infallibility Dogma ? First, *he has more firmly established a claim to coerce the consciences of men* and to outrage some of the noblest principles that sway their hearts and lives. Neither at Constance nor at Trent was Papal Infallibility made binding on the conscience. On the contrary, the doctrine was condemned, and its rejection received the imprimatur of three Popes. Then the Pontiff was held amenable to a general council ; now he is himself the supreme tribunal. Says the Pope, speaking through Manning in the *Tablet*, so early as October 9th, 1864 :—"I acknowledge no civil power, I am the subject of no prince. And I claim more than this : I claim to be the *supreme judge and director of the consciences of men*. I am

the sole last supreme judge of what is right and wrong." The Pontiff, however, can speak for himself, and very plainly too, as in 1866 before a foreign deputation;—"I am the successor of the Apostles and the Vicar of Christ. I have the mission to conduct and direct the barque of Peter. I am the way, the truth, and the life." Astounding statement! Does it never cross the minds of thinking Papists that the claims of their liege-lord are possibly false—and if so, that he must stand arraigned as the blasphemous vicar of a very different potentate from Him whom he claims to represent?

Men are wont to speak of the conscience as an impregnable citadel into which none can enter. Hence with the fond boast! Down with the drawbridge, that the Pontiff may enter, not as an intruder but as the rightful lord of the manor! Truly the Pope makes no light demand when he requires from his followers the surrender of conscience to his keeping. "We must obey God rather than man" is a noble declaration often sadly prostituted; but it is a grand principle which should be equally valid with respect to all human authority, whether secular or ecclesiastical. But what does such a plea avail with the sovereign pontiff, with him who claims to be God upon earth? *Petrus locutus est; causa finita est.* To appeal to conscience would be to blaspheme the holy authority of "my lord the Pope." The conscience is God's viceroy in men's bosoms; but the priest of Rome, by usurping its place, usurps in reality, here as elsewhere, the place of the Most High.

While abhorring the system, let us sincerely commiserate its victims, whom it requires, under the terrible sanctions of its anathema—which to them has an awful reality—to do what God forbids, and to relinquish those powers for the use of which Romanists, like other men, remain responsible to Him.

But further, the *Pope has now a better pretext than ever for indulging his propensity to civil interference.* Endowed with an Infallibility acknowledged by the Church and dogmatized by her council, he can freely exercise that secular authority which he and his predecessors have so long and so strenuously vindicated for themselves. The Pontiff holds it to be "as much his right to depose kings and emperors, as to excommunicate individuals."

Ultramontanism, to the ill-concealed anxiety and regret of the less powerful constitutional party, has at last triumphed in the church. All authority is now centred in the Pope—a doctrine proclaimed by the Jesuits even at Trent, but received at that time with murmurs from the prelates of France and Spain. To every adherent of the Papacy he may now say: “Go!” and he goeth; “Do this!” and he is bound to do it, without remonstrance or appeal. He has at length a jurisdiction that knows no limits. It is utterly vain to speak ✓ as if the little phrase *ex cathedra* brought any restriction with it. The Infallible One alone can judge of what is or is not *ex cathedra*. It is equally vain to argue limitation from the phrase “faith and morals.” All actions and duties of this life, as well as all beliefs of the heart, are included here; all alike must be submitted to the direction of the Pontiff. And not only so, but the council has formulated and decreed the doctrine, that *whatever comes under, or is connected with, the discipline and government of the Church* throughout the whole world, is subject to direct Papal jurisdiction. Roman Catholics are thus undeniably under a civil jurisdiction distinct from that of the community in the midst of which they happen to dwell. And we must not forget that to a devout Papist Infallibility is a divine omnipotence, which he cannot resist except by damnable heresy and at the risk of eternal perdition.

Where the Pope beckons, his subjects must follow. “It is to the Holy See *of course*,” writes the editor of the *Dublin Review*, “that the eyes of a catholic naturally turn when there is a critical and pervasive question of *morals* to be solved.” And again, says the same writer, with the genuine frankness so characteristic of our Hibernian brethren;—“The Pope, in virtue of his ecclesiastical office *has the power of deposing* any sovereign whose government he may consider injurious to the spiritual welfare of that country; and, his *civil principedom* having a *spiritual character* from its relation to the Church’s good, he has immeasurably stronger ground for exercising his indirect civil power than in the case of *any other* civil government which can be named.” Just so: the Pope’s power, though in spiritual guise, is temporal and universal. Time was when the assertions we have quoted

would have been reckoned treasonable, and the writer been arraigned at the bar of offended majesty; but this is an age of toleration and something more. Contumacy here has a different reception from that which it meets with in Posen and Fulda!

How strangely the present utterances of our Roman Catholics contrast with those of the period immediately preceding 1829! Take as a single example this remarkable statement made by Dr Doyle, before the House of Lords Committee, in 1825:—"The Church has uniformly for nine centuries, by the Popes themselves, by her practice, by her doctrines, and by her academies, maintained that the Popes have no right whatever to interfere with the temporal sovereignties or rights of kings or princes." (!)

Yet our quotation from the Dublin editor is nothing but a sober exposition of one of the vital doctrines of Ultramontanism. As a witty Venetian said long ago—" *Il Papa vol esser il dominus et maestro del jocho del mundo.*" If he cannot rule the game, he will not play at all; and like a spoiled boy he retires within the Vatican, "nursing his wrath to keep it warm."

If the Pope had the power as he has the will, he would enthral the world, trampling on the necks of kings and treading under his feet the liberties of nations. He would establish a gigantic feudalism, with himself as sovereign lord, the kings his vassals, and the people his serfs. But if he is vicar of God, he is not plenipotentiary. He cannot achieve all that he would. He does however what he can, by his own bulls and encyclicals and the practical efforts of his minions, to annihilate civil independence; to undermine the validity of civil marriage; to shackle thought and education; to put an end to liberty of worship and of speech: in a word, the Head of the Papacy fulfils his legitimate function in doing his utmost to enslave the bodies and souls of mankind, and to exterminate everything which opposes, or has a tendency to oppose, the full establishment and recognition of his own irresponsible, illimitable sovereignty.

CHAPTER III.

THE PAPACY IN PRACTICE.

BUT, it may be asked, is the doctrine of Universal Supremacy a mere theory, or has it any real practical import? This is, after all, the great question for us. If it were simply a pleasing fancy that had laid hold of the pontifical mind, His Holiness might be permitted to cherish it to his heart's content, just as lunatics in our asylums suffer no contradiction when they affirm to the bystanders, with suitable pomp and gravity, that they are "monarchs of all they survey." The Pope's theory, however, is unhappily not confined to the region of phantasy, but is fraught with the gravest practical consequences. This *vox* brings with it *præterea multum*. The past records innumerable instances in which the abstract theory has assumed a terribly concrete form.

WHAT THE SYLLABUS SAYS.

We have before us the Syllabus of 1864, the salient portions of which are now so familiar. Nowhere have we a better exhibition of the true genius of the papal system, which here directly opposes itself to those things which mankind holds most precious. Liberty of conscience is denounced as *insanity*; and freedom of speech and of the press, is characterised as the *liberty of perdition*. But we are chiefly concerned with two of the propositions, which anathematise with emphasis those who deny "that the Church has a right to employ force,"* or who hold "that the Roman Pontiffs and Œcumenical Councils have transgressed the limits of their power, and usurped the rights of princes."† Let us turn to history for the warrant and requirement to place ourselves under the sweep of this anathema. Lord Acton may be of service as our guide. But cases of open and unjustifiable interference on the

* SYLLABUS—Prop. XXIV. "Ecclesia vis inferendæ potestatem non habet neque potestatem ullam temporalem directam vel indirectam."

† Prop. XXIII. "Romani Pontifices et concilia œcumenica a limitibus suæ potestatis recesserunt, jura principum usurparunt, atque etiam in rebus fidei et morum definiendis errarunt."

part of Rome with the rights of princes and peoples are so numerous and glaring, that one knows not whether to be more amazed at the audacity which affects to overlook them, or that which, while admitting them, can speak in their defence.

O religion ! How many barbarities have been perpetrated in thy name ! What country, O Rome ! has not thy sanguinary fanaticism stained with blood ? Holy wars and pious inquisitions have ministered to thy lust of power, but have not yet appeased it. "More ! more !" is thine eternal cry ; for, like the grave and the horse-leech, thou never hast enough. The rack, the wheel, the gibbet, and the stake, in France, Spain, England, and the Netherlands, have only served to whet thy savage hunger. These were thy instruments of old, and by thine own proud boast thou art *ever the same*. Self-aggrandisement is still thy purpose, though religious zeal be thy pretext !

WHAT "THE TIMES" SAYS.

It is no doubt convenient, but yet extremely immodest, for men like Manning to attribute religious persecutions to the growth of the civil power, when they know that persecution is inseparably bound up with their Church's creed, and made one of the meritorious services of faithful prelates. Well may *The Times* say—"Was it Caesarism that caused the Massacre of St Bartholomew, the wars of the Albigenses, the Inquisition in Spain, or the persecutions under Mary ? If there is one thing certain in history, it is that the one great foe of freedom of conscience, the unscrupulous advocate of persecution, the despot of domestic and social life, has been the Roman Catholic Church." One of Caraffa's rules for the remorseless and inflexible Inquisition was—"No commiseration is to be shown to any prince or prelate, however high he may be in station."

WHAT HISTORY SAYS.

Like the Jews of old, Rome is condemned by the mouth of her own prophets. We have unimpeachable evidence to show that the Popes of the middle ages regarded themselves as per-

fectly entitled to depose kings and dissolve civil allegiance at their pleasure. They never spared the use of their terrible weapons for the carrying out of their ambitious projects. They never thought of restricting themselves to spiritual censures, but freely hurled the thunderbolts of excommunication at the heads of refractory kings, whose innocent subjects, plunged into the unspeakable horrors of the Interdict,* were glad to make any concession in order to regain the favour of the Pontiff. What nation has been able to boast immunity from the destroying blast of Papal usurpation? History records no fewer than sixty-four cases of interdict by which kings, doges, or emperors, and their people have been ruthlessly smitten. One of these bolts was levelled at the weak, unstable John of England; and the miseries it entailed on the country, added to the fears of a French invasion instigated by the Pope, compelled, on May 15th, 1213, the abject submission of England's king, and the unparalleled degradation of this proud people. †

It does not come within our province to trace the steps or exhibit the means—sometimes far from creditable—by which this tremendous temporal authority was acquired. It might be interesting, indeed, to study the successes of the various occupants of St Peter's chair, especially from the days of the daring and subtle Gregory VII., with his war of investitures, to the matchless Pontificate of the brilliant and relentless Innocent III., who set up a tribunal for the whole world, and held all monarchs amenable to his jurisdiction. But we

* The *Interdict* is thus graphically described in *Cassell's History of Protestantism*: "The men of these times on whom this doom fell, saw the gates of heaven locked by the strong hand of the Pontiff, so that none might enter who came from the unhappy realm lying under the Papal ban. All who departed this life must wander forlorn as disembodied spirits in some doleful region amid unknown sufferings, till it should please him who carried the keys to open the closed gates. As the earthly picture of this spiritual doom, all the symbols of grace and all the ordinances of religion were suspended, The church doors were closed; the lights at the altar were extinguished; the bells ceased to be rung; the crosses and images were taken down and laid on the ground; infants were baptised in the church-porch; marriages were celebrated in the churchyard; the dead were buried in ditches, or in the open fields. No one durst rejoice, or eat flesh, or shave his beard, or pay any decent attention to his person or apparel. It was meet that only signs of distress and mourning and woe should be visible throughout a land over which there rested the wrath of the Almighty; for so did men account the ban of the Pontiff." (p. 65).

deem it more in accordance with our design simply to cite a few historical facts, which exemplify the policy of bygone Pontiffs, and elucidate those principles and motives by which they have generally been actuated.

There have been some comparatively good Popes, like the pious and benevolent Adrian VI., and the laborious but unfortunate Clement VII. Still more numerous have been able and enterprising Pontiffs like the two we have mentioned above. But no one who knows anything of history will affirm that the infallible occupants of the Papal chair have been patterns either of wisdom or of morality. One thing they have done most consistently—they have vindicated and extended their own pretensions with a zeal and craft well nigh incredible. By means of legates, interdicts, bishops, concordats, indulgences, mortmains, and the dread confessional, they have unswervingly pursued their object, and have, age after age, vied with each other in demonstrating how little they had of the spirit of Him whom they professed to represent,—the Prince of Life, who said : “ My kingdom is not of this world, else would my servants fight.”

The fifty Popes from John VIII. to Leo IX. have been called “ monsters and apostates,” even by eminent historians belonging to the Romish Church. We spare the list of their crimes and heresies. Nor shall we speak of the mediæval councils, concerning one of which Baptiya thus writes—“ Almost all the clergy are under the influence of the devil. In the prelates there is nothing but malice, iniquity, ignorance, vanity, pride, avarice, simony, lasciviousness, and hypocrisy.”

At present, however, we are concerned neither with the intellectual nor the moral fitness of Rome’s pontiffs and prelates to be civil governors of the world, but only with their claims to be such, and their manner of enforcing them. Let us then cull a few examples, as far as possible in chronological order.

SOME “ EMINENTLY SPIRITUAL ” POPES.

Gregory VII. wrested the nomination of the bishops from the hands of the Emperor Henry IV., thereby gaining vast temporal influence for the papal chair. The same high-minded pontiff demanded civil allegiance from William the

Conqueror, who agreed to pay the arrears of Peter's Pence, but absolutely refused to swear fealty.

Innocent III., as we have seen, made King John his vassal, sending his Legate, Pandolf, to spurn with his foot the English crown; and not content with such a consummation he sought to annul the people's rights, declaring in his own emphatic way, "We altogether quash the Charter, and pronounce it to be, with all its obligations and guarantees, null and void." Raymond of Toulouse also suffered ignominy at the hands of this Pope, and, unlike our English prince, had his kingdom actually harried, filched, or wrenched from him, and handed over to the zealous and unscrupulous Simon de Montfort. Innocent IV. deposed the Emperor Frederick II., absolving from their allegiance his subjects, and excommunicating all who should give him "advice, assistance, or favours." The same monarch had been previously excommunicated by Gregory IX. The great Boniface VIII. launched his bulls and excommunications against Philip the Fair of France, with as hearty goodwill and scarcely greater effect than Paul III. subsequently instanced against our bluff, unbending Henry VIII.

Then came the great schism (1378-1410), with its constant intrigues and international broils, during which all Christendom had perforce to side with one or other of the claimants to the divine vicarship and the power of the keys. John XXIII., vilest of pontiffs, enraged with the King of Bohemia for favouring one of his rivals, excommunicated him and his children to the third generation, commanding all potentates, under promise of pardon and paradise, to join in a war of extermination against him and his subjects. A grand text this for the future martyr Huss, on which he did not fail to preach a striking sermon, contrasting powerfully Christ himself and the vicar to whom he had delegated his office!

Nor were the Bohemian crusades confined to this pontificate. Several successive pontiffs adjured, "by the wounds of Christ," all princes, knights, and commonwealths of Christendom, to unite for the extirpation of that "sacrilegious and accursed nation." They had, indeed, scant success (no thanks to them!); for the Hussites had a Ziska and a Procopius, and the God of battles himself was on their side.

Then Borgia arose, and time would fail to tell all that the Italian princes suffered from his infamous procedure.

Leo X., the scholarly and accomplished pontiff who became cardinal when he was at the tender age of thirteen, fond as he was of learning, did not devote all his time to literature and the fine arts. He had a keen eye to the papal prerogatives, and did not hesitate to use the authority with which the Council of Lyons accredited him in the words—"To thee is given *all power* in heaven and on earth."

Paul IV., the rigorous and austere pontiff who revived the Inquisition in the sixteenth century, and prompted his "blessed daughter" Mary to those deeds of blood, from which she derived her common appellation, demanded that Elizabeth should submit her claims to his judgment, and tried to exact Peter's pence in England. The like-minded Pius V., who declared he "would rather spare a culprit guilty of one hundred murders than a single notorious heretic," deposed,* or tried to depose, our maiden Queen, the "English Jezebel" as she was politely called. His savage fury in persecuting the Huguenots, even to extermination, was surpassed only by that which his friend and confidant Philip of Spain, with his bloody minister Alva, exhibited in the Netherlands. Gregory XIII. tried to equal, or if possible to excel, his predecessor's stern virtues, and approved so thoroughly of the massacre of St Bartholomew, that he proclaimed a jubilee in honour of the pious work.

That remarkable, and in many respects admirable pontiff, Sixtus V., sanctioned and materially assisted the unfortunate expedition of the "Invincible Armada;" and in France he coerced Henry III. in various ways, at length inciting, or at least rejoicing in, his assassination as a providential blessing. The much beloved, though vacillating Henry of Navarre, felt

* Pius V., in excommunicating "Elizabeth, the pretended Queen of England," describes himself as "Prince over all people and all kingdoms, to pluck up, destroy, scatter, consume, plant, build:" and after anathematizing the Queen he thus proceeds:—"We declare her to be deprived of her pretended title to this kingdom, and of all dominion, dignity, and privilege whatsoever . . . and we do command and interdict all and every the noblemen, subjects, people, and others aforesaid, that they presume not to obey her or her monitions, mandates, and laws; and those which shall do the contrary we do innodate with the like sentence of anathema."

in his own person the same dire power which in his youth laid low so many inoffensive Huguenots. He was placed under fierce sentence of excommunication; and there is every reason to believe that his assassin Ravallac was a popish fanatic of the Kulmann stamp, goaded on to the accomplishment of a deed which many of his brethren had attempted before without success.

In the seventeenth century, there was a violent conflict between the bigoted, but imperious and insatiable Louis XIV. and the no less bigoted and insatiable Innocent XI. It was a sort of renewal of the War of Investitures on French soil. Louis accused the pontiff of trenching on his secular rights, and was in turn accused of "encroaching on the spiritual power of the keys." Louis met the Pope's bulls of excommunication with banishment of his partisans, and drew down on his devoted head more terrible anathemas than before.

But why multiply instances of what is so common in the pages of Hallam, or any other trustworthy historian of mediæval Europe? Enough has been said to show that though Rome's power (to quote from Wiseman) is "eminently spiritual," she never ceased, during the middle ages, to intermeddle with the affairs of states. She aspired to be, and indeed was, chief and ruler of all kingdoms—the source of their legislation and the commander of their fleets and armies. Not only individual freedom of conscience and understanding had to yield before her; but she sped roughshod over the life and liberty of nations. *few quoted*

A few examples must suffice of the continuation of this policy in modern times. By the canonization of Hildebrand, in the eighteenth century, his person was idolized and his claims homologated. In the beginning of the present century, Pius VII. crowned Napoleon, over whose action he exerted no little influence; and not long after, Pius VIII., illustrating the accommodating aspect of Papal policy, directed his subjects to take the oath of allegiance to Louis Philippe. We have recently witnessed a similar phenomenon. During the past months, the Carlists in Spain had the moral support of the Vatican on their side, though their cause was not sufficiently stable to receive the pontiff's benediction. But the breeze of fortune veered round, and with it the Papal policy.

The blessing which Carlos had failed to earn was promptly bestowed on the more hopeful cause of the young Alphonso, whose mother was so staunch a devotee of Rome. Those who guide St Peter's barque can trim their sails to catch well-nigh every breeze that blows—except, perhaps, the northern blasts from the plains of Pomerania. (*autocratic Prussia*).

THE PRESENT PONTIFICATE.

The present Pope has never been slow to exercise his prerogatives. He has committed not a few very fallible blunders in his time, as when he excluded himself a few years ago from the Czar's dominions, by laying Poland under interdict in the hope of stirring it up against the Russian yoke. Pius IX.'s demands have, in fact, brought him into collision at one time or other with almost every power in Europe. Even the third Napoleon, devoted son of the Church, had a fierce struggle with Pio Nono, about the enforced introduction of the Roman liturgy. It is matter of history that the Papacy has broken the peace of Europe at least a score of times this century. Belgium, Saxony, Switzerland, Austria, and Piedmont attest the truth of this; and in the time of the French Empire, Jesuit confederacies had to be quelled more than once by the strong arm of Napoleon—otherwise his accustomed boast—"L'Empire c'est paix," could not long have been maintained.

One of the most recent overt interferences on the part of the Pope with the civil rulers of Christendom took place in August 1873, when Pius IX. addressed his remarkable letter to the Emperor William, in which he vainly tried to separate between the sovereign and his government, and claimed king and people alike as belonging to himself. "All who have been baptized," said he, "belong to the Pope in some way or other." We all remember the noble Protestant reply of the old emperor, in which he repudiated "any other mediator than our Lord Jesus Christ," and acknowledged his responsibility for the actions of his Government,—a responsibility, however, which he owed to God Himself, and not to any earthly Pope or potentate. *nor the people.*

Thus we see that Rome has by no means relinquished her claims in these latter days, or ceased on every available occa-

sion and by all possible means to enforce them. The Popes have held most rigidly by the prerogative of the deposing power as it is expressed by Suarez, in his "Defensio Fidei Catholicæ,"—"Propositio hæc, Papa potestatem habet ad deponendos reges hereticos et pertinaces suove regno in rebus ad salutem animæ pertinentibus perniciosos inter dogmata fidei tenenda et credenda est." This doctrine was formally decreed by the fourth Lateran Council, during the pontificate of Innocent III. ; and of course, like all the decrees of infallible wisdom, it remains unchanged and unchangeable to this hour. Not only have the Pontiffs, past and present, held most resolutely by this dogma, but it has been strenuously defended by the ancient and modern historians and theologians of the Church.

To say that these claims have never been renounced is only half the truth. We may now add that since 1870 they have been, and must continue to be, beyond the *possibility* of renunciation. Rome cannot go back. No wonder then that she takes a bold stand ! Should startling events emerge during the next few years, no one need be surprised.

The Pope's weapons too are substantially those of his predecessors—open excommunication or secret intrigue, according to existing circumstances. It is a delusion to speak as if the "fangs of the Papacy were drawn and its claws torn away." *Roma est eadem semper !* We must be vigilant to guard against a monster which unites a craft so devilish with a power so deadly. "The Pope," it is said with much ignorant *galanterie*, "is a feeble old man, and he has neither fleet nor army !" Nor had he ever : but he has still his ancient "shorn corps," full of zeal, energy, and cunning ; and he has by him his well-tried weapons, which he uses with a will on all who, like the illustrious Döllinger, limit his authority, or, like Victor-Emmanuel, ignore it. The present state of affairs in Spain is very unpromising, and the condition of France is certainly not fitted to encourage the hearts of those who love truth and liberty. The Pope may soon be in a position to wield his power to more purpose than is at all imagined by some of our mock chivalrous politicians.

AN IMPORTANT QUESTION.

We have thus considered the Papacy in doctrine and practice, in so far as these bear on the liberties of nations and the prerogatives of their rulers. The question naturally arises—What attitude are governments to take towards a system so dangerous in theory, and so disastrous in its past applications of its fundamental doctrine? What are we to think of a system which declares that faith need not be kept with heretics, which establishes persecution by a law,* which applauds tyrannicide as a deed of piety, and which employs men whose prime tenets are, corpse-like submission to authority, and unscrupulous obedience to superiors, even at the expense of truth and everything else that is accounted sacred! Are we bound to let it work its will, to enter our countries and tamper with the allegiance of our people? Let it work its will! And what does this imply? We turn to Catholic countries for our answer.

THE EFFECTS OF ROME'S PATERNAL TUTELAGE.

What then do we find in those highly favoured lands which have enjoyed the paternal tutelage of the Pope, and the unwearied surveillance of his pious functionaries? Loyalty, intelligence, industry, culture—blighted; tyranny, ignorance, crime, turbulence, rampant. What do we find in Italy? A rich but neglected country, only now awakening from the torpor and stagnation of a long continued thralldom! What do we find in Spain—the land of Loyola himself? A country which has become a proverb and a hissing for hopeless dissensions, uncontrolled licence, reckless bloodshed and rapine—in a word, a land notorious for utter disregard of the laws of God and the lives of men. And all this, strange to relate, in a

* Rome knows no toleration. It has been noted that when at the zenith of her power, and under no menace from any quarter, she showed herself bloody and not magnanimous. She appealed to the stake, and not to reason, for the settlement of her disputes with recreants. Her plan for destroying heresy was to root out heretics. The oath of fealty sworn to the Pope by Bishops contains this as one of its requirements. "Heretics, schismatics, and rebels to our said Lord or his foresaid successors, I will to the utmost of my power persecute and oppose."

country once the queen of Europe, and where the benign influence of the priesthood has been enjoyed in its highest perfection! Pass from the Protestant to the Popish cantons of Switzerland, and something in the very atmosphere seems to tell you that you have made an important transition—from a region held by men intelligent if not refined, and comfortable if not opulent, to a region which bears unmistakable evidence of ignorance, superstition, and poverty. Or turn nearer home to unhappy Ireland, that fair and fertile land which no longer can be called the “Isle of Saints,” without a harsh and cruel irony. There the sad spectacle which meets the eye, in all its Popish districts, compels a contrast with the naturally poorer but infinitely happier Scotland, and enforces the belief that priestly supremacy, so far from being a “salutary guardianship,” is nothing but a most “noxious and unjust tyranny.”

MANNING'S INFERENCE.

Yet in the face of these facts, so stern and sad, Dr Manning is ridiculous enough to say—“To the Church we owe the order, progress, civilisation, and, so far as there has been peace on the earth, the peace of the Christian world.”

A strange way indeed has Rome chosen to promote the civilisation of the world! She has ever shown herself the enemy of free trade, of social enlightenment, and of representative government. The progress she furthers is retrograde—back to the ignorance and gloom of the dark ages. The peace she strives after is the peace of unqualified submission to herself—all obstructives to which she would gladly consign to the quiet grave.

MACAULAY'S INFERENCE.

Our judicious and penetrating historian Macaulay, whose well known leniency towards the Papists of his day places him beyond suspicion of harshness, speaks sober truth, when, treating of the influence of the Church of Rome, he says:—“During the last three centuries, to stunt the growth of the human mind has been her chief object. Throughout Christendom, whatever advance has been made in knowledge, in

*A
result of
English
oppression*

freedom, in wealth, and in the arts of life, has been made *in spite of her*, and *has everywhere been in inverse proportion to her power*. The loveliest and most fertile provinces of Europe have under her rule been sunk in poverty, in *political servitude*, and in intellectual torpor; while Protestant countries, once proverbial for sterility and barbarism, have been turned by skill and industry into gardens, and can boast of a long list of heroes and statesmen, philosophers and poets. And again, "For *political and intellectual freedom*, and for all the blessings which political and intellectual freedom have brought in their train, England is chiefly indebted to the great rebellion of the laity against the priesthood."

And if such be the Papacy in its pretensions and its effects, again we ask, what should be our position with respect to such a system? Is it to be pampered or even yielded to by intelligent and patriotic statesmen?

Rome may now seem under a cloud. The pope is old, and a so-called prisoner in his palace; and while his votaries are adjured, as they value their eternal interests, to help the vicar of God to regain his rightful place, Protestant unbelievers are entreated and cajoled, by various artful devices, to "pity the sorrows of a poor old man." But little sympathy need be thrown away on a prisoner who has sullenly immured himself, and who would gladly put in shackles the civil and intellectual freedom of all Christendom.

churchmen
? plus
nobles
got the
Magna
Charta

TWO AUGURIES—WHICH SHALL WE BELIEVE?

The Popes, moreover, have often been in worse predicaments. In an article of recent date, a Roman Catholic computes that, during the twelve hundred years of their temporal sovereignty, the Pontiffs have been exiled from the Holy See at least a third of the time. From a consideration of the instances adduced, the writer urges two things: *Hope for the present Vicar*, and *No compromise of his Divine Right*. Whatever we Protestants may think, and whatever misgivings faint-hearted Romanists may have, he foretells with the utmost confidence, that "Bismarck and his German empire, Cavour and his sturdy king, Napoleon III., and his accomplished facts, eternal republics, unalterable laws which no one will obey . . .

all these things will have their little day, and do their little worst, and go their way to join the long phantasmagoria of human things, washing about with the rest at the foot of the Rock of Peter in ceaseless flux till time shall end."

Vain confidence of Rome's false seers ! We turn to a surer word of prophecy, which declares of this system, so arrogant in spirit and so rotten at the core—"Thus with violence shall that great city Babylon be thrown down, and shall be found no more at all."

CHAPTER IV.

PAST RELATIONS OF GERMANY WITH ROME.

THE genius of Teutonism and that of Romanism do not appear to suit each other well. The Gothic love of liberty has more than once asserted itself against the domination of the lordly southern nations ; and now we see the centre of political influence shifted from the shores of the Mediterranean to that barbarous north whose savage tribes were fought and conquered by Julius Cæsar and his invincible legions. The retaliative action, begun in the fifth century, when the Goths swept southward like an irresistible torrent, devastating and possessing sunny Italy and reducing to fealty the proud mistress of the world, did not end with the fall of Rome political. No ; the yet haughtier kingdom of the Popes, reared on the ashes of imperial Rome, had also to suffer an all but crushing blow from the same Teutonic hand. The dark centuries of Romish superstition and degradation rolled on, till at length, by God's providence, Luther arose, and with his trumpet-voice shook Rome ecclesiastical to her very foundations. It was "a squabble among the friars," said Leo. X. ; but how many privileges and blessings does the world owe at this hour to that moral reaction against Romish error and priestly domination which showed its first great workings in Germany.

"The Reformation," in the words of Macaulay, "was a *national* as well as a moral revolt. It was not only an insurrection of the laity against the clergy, but also an insurrection

of all the branches of the great German race against an alien domination. *It is a most significant circumstance that no large society of which the tongue is not Teutonic has ever turned Protestant.**

We purpose in this chapter to treat of the relations which have hitherto subsisted between Germany and the Church of Rome, as some knowledge of these is indispensable to a just criticism of the present ecclesiastical legislation.* It will be found that the position of the Romish Church in Germany is so different from that which it holds in Britain as very considerably to modify any judgment we may pass on the present procedure of the German States.

Lord Chatham once said, "America must be conquered in Germany;" and this we may now predicate in a certain true sense of the Papacy. If Rome succeed in the present conflict, it will be a dark day for Europe and the world. If Germany triumph, a brighter and better era will dawn not only on the Fatherland but on the whole of Christendom. Once more the eyes of the world are towards Germany; and while the battle rages fiercely let us view somewhat closely the grounds on which it is fought, that we may clearly discover on what side it is that truth, justice, and honour are arrayed.

THREE PHASES OF GERMANO-PAPAL RELATIONSHIP.

The most cursory view of the Papacy in its relation to the German Empire brings to light three different phases of development. First, the Church was dependent on the Empire; then co-ordinate with it; and lastly, as far as possible, sovereign over it. It is chiefly with the recent developments of the struggle that we are here concerned; but the incessant and inevitable conflict has been the same throughout, if differing somewhat in its manifestations.

The Church of Rome, claiming universal sovereignty, and the German State, demanding inalienable supremacy in its own sphere, cannot but conflict. They are as opposed to

* A mass of information bearing on our subject will be found in a bulky volume entitled "*Ultramontanism: England's Sympathy with Germany.*" To it and the current periodical literature of the past few years, the author is indebted *passim*, but particularly in this and the succeeding chapter.

each other as fire and water. Thus though the Peace of Westphalia established a truce, it could not bring a permanent adjustment of the quarrel. And it is worth remarking that, favourable as that truce was to Rome, the Pope, Innocent X., protested against it because of the privileges it conferred on Protestants in common with Papists.*

“THE SPIRIT OF THE AGE”—LAST CENTURY.

It has been remarked that the self-governing spirit prevailed last century in almost every state of Europe, from the great kingdom of Louis XIV. down to the smallest German principalities. Not only Protestant princes refused to brook ecclesiastical inroads—as when Duke George of Saxony declared himself “Pope and Emperor in his own territory;” but Papists seemed disposed to do the same, and some of them went so far as to interfere directly with the Church, asserting this as part of the royal prerogative. Even “a good Catholic” like Maria Theresa published books of Jurisprudence, affirming that it was “within the competency of princes, in virtue of their authority from God, to prescribe the measure and the mode to be observed in the application of ecclesiastical censures.”

Reform, toleration, and freedom of thought, were defended by various bishops, and it seemed at one time as if the whole German hierarchy were to be united against Roman interference. But the French invasion interposed, and men’s thoughts were diverted into other channels. Dalberg’s attempt to secure, by concordat, a practical independence of jurisdiction for Germany, fell to the ground. Yet the new-born spirit of independence was not extinguished in many quarters among the Roman Catholics themselves, some of whom claimed the right of appeal to “the whole body of the Church’s pastors, and from every other tribunal to that which is higher than any other—a man’s own convictions.” Rome did not think it necessary *then* to censure such opinions,

* The Bull was unheeded, but it may be interesting to have a specimen of the eloquent language in which it was couched:—“*Articulos præfatos, aliaque præmissa, potestatis plenitudine penitus damnamus, reprobamus . . . cassamus, annullamus, viribusque et effectu, irritamus, vacuamus,*” &c.

though her infallibility, if it is worth anything at all, must have existed at that time.

A PAPAL ERASTIAN.

Notwithstanding the great outcry against the present "persecution" in Prussia, the action of Bismarck is mildness itself compared, for example, with that of Montgelas, Prime Minister of Roman Catholic Bavaria in the beginning of this century. *He* chastened the Church not with whips but with scorpions, sweeping away numerous monasteries, and intermeddling freely with purely ecclesiastical concerns.

THE ECCLESIASTICAL POLICY OF THE HOHENZOLLERNS.

To this kind of policy that of Prussia has all along borne a striking and favourable contrast, having been almost uniformly characterised by the utmost tolerance of religious opinion, while vigorously repellent of what it deemed ecclesiastical encroachment on the civil sphere.

It is a mistake to suppose, as many unfortunately do, that the present or past policy of the Hohenzollerns bears any close resemblance to that of our own Henry VIII. He was a thorough-going and persistent intermeddler with matters belonging solely to Church doctrine and discipline. They, on the contrary, have abstained, as the present Emperor does, from dictating in matters of religious belief and purely spiritual censure.

Thus Frederick the Great, who in many ways anticipated the present legislation, distinctly refused to interfere on behalf of certain subjects who had voluntarily incurred the spiritual censures of the Church. His defensive policy, however, was no less pronounced than the present. He told the Pope very emphatically that he would not allow him, "more than any other power, to make laws interfering with the liberty of conscience of Prussian subjects in Silesia;" and he rejected with decision the Pope's claim to have all children of mixed marriages reared as Roman Catholics.

His successor, Frederick William II., in a code which remained in force till 1850, sought to define the relations of

Church and State in accordance with the policy above attributed to his dynasty. This code (*das allgemeine preussische Landrecht*), while granting the utmost liberty of conscience to the individual citizen, contains certain laws which we may note as bearing on *Church Societies*. One of these reads as follows :—"Every Church Society is bound to teach its members reverence for the Divine Being, *obedience to the laws*, and *fidelity to the State*, and to instil amongst its members sound moral opinions." Well may surprise be felt that it is called persecution *now*, "to make the negative demand that nothing contrary to these principles be taught in the State!" The whole code was intended to prohibit "clerical excesses" and all oppression of the individual conscience; and the national character of the Established Roman Catholic Church was carefully guarded, the introduction of Papal Bulls or foreign Episcopal jurisdiction, without special State sanction, being strictly forbidden. It is worthy of remark that this is *still* the statute law in Prussia, though for a time its enforcement fell into desuetude. We have already seen how incompatible with these doctrines is the whole spirit of the Papacy.

As regards property, the German Roman Catholic Church, by the middle of last century, had little ground of complaint; but most of her temporalities were lost at the time of the Revolution, which was followed by the French wars of Napoleon and the breaking up of the empire. At the readjustment of affairs, after Napoleon's final collapse, Prussia found herself a leading Protestant power, but saddled with a great Popish population for which it was necessary to legislate: and Niebuhr's negotiations with Gonsalvi issued in the mapping out and endowing of seven Roman Catholic Dioceses,—the grants to be given on condition of the Prussian crown having a voice in the election of bishops. This result was embodied and announced in a Papal Bull sanctioned by the Prussian Government; and a new race of "poor and zealous" bishops arose, who soon showed by the sharp contest concerning mixed marriages that the days of Church and State conflict were not ended. The traditional policy of forbearance had for once to be departed from, by taking summary measures with the contumacious arch-

bishops of Cologne and Posen, who were imprisoned in 1837 for slighting the Government and ignoring the laws.

But soon after the accession of the visionary Frederick-William IV. (1840), an ignoble truce was secured by conceding everything to the Church: and this peace lasted till the first German Parliament in 1871, when the long smouldering conflict broke out afresh.

THE GERMAN REVOLUTION.

The Revolution of 1848 was a grand opportunity for Rome, which she did not fail to use. Insidiously representing herself as "a mere society," the Church claimed and acquired unrestricted liberty in the management of internal affairs,—“always subject to the general laws of the State.” This latter clause the bishops found it both convenient and practicable to ignore.

HOW ROME REACHED HER ACME OF POWER IN GERMANY.

The conflict of parties, the passions of men, are the chosen means of Rome's advancement. The Jesuits watched their time, and the "State's extremity became the Church's opportunity." The Conservative and Radical interests were in bitter opposition. Which was Rome to join? The one which should seem most likely to further her own designs. The Party of Order had the best prospects in the long run, and therefore succeeded in conciliating the hierarchy, and securing for itself the valuable electioneering support of the priesthood exerted through the confessional. Thus the Government favoured the forging, or rather the unsheathing, of a weapon which has since been wielded against itself. The political necessities of the time are the only excuse which can be offered for this wretched pandering to Rome.

For it must not be supposed that the hierarchy was so generous as to befriend "the solidarity of conservative interests" gratuitously! Former concessions were ratified anew, and the constitutional Ministry of Public Worship was divided into two departments—a Protestant and a Roman Catholic. By this means, the Papists were allowed to manage

things in their own way—a liberty which they terribly abused—while the Protestants remained under their previous surveillance. The minister for public worship had still the nominal supervision of both departments; but for a long time it was simply nominal, as regards the Romanists at least. To quote from Bismarck—"There was peace, but it was purchased by the uninterrupted compliance of the State, which had unreservedly surrendered its rights over the Catholic Church to the care of this department."

HOW THE RUPTURE CAME AT LAST.

The bishops were masters of the situation: and Ultramontane supremacy reached its climax in 1855, when the Austrian concordat was promulgated. But in 1859, Rome saw rocks ahead. She must lose no time in asserting her claims. Soon the Syllabus appeared, followed by the Immaculate Conception dogma, which was probably only tentative of what would happen in the event of more sweeping measures being taken by the party.

Then came 1866; but, though Bismarck broke with Austria, the unholy Ultramontane alliance remained. Still less could he afford to quarrel with Rome at the outbreak of the war in 1870. The unity of Germany had not been secured, and the Southern States were chiefly Roman Catholic. At last the crisis came, and Bavaria, *by one vote*, allied herself with the rest of Germany, to the chagrin alike of Napoleon and of the Pope. The battle was fought, the victory won, the whole Fatherland bound together with a covenant of blood.

While Bismarck and Von Moltke were fighting, the Pope and his cardinals were plotting. Even during the war complaint was made, without effect, of the Romish clergy of France trying to give a religious character to the struggle, by inciting the soldiers to fight for "the cause of our dear country *and holy religion*." And *after* the suspension of hostilities, little time for relaxation was allowed to Germany or its energetic leaders. The Ultramontanes on the first opportunity moved for the restoration of the Pope. A negative was given by the vast majority of the imperial

representatives: and from that moment to this, the din of conflict has never been hushed for so much as a single day.

Whether Bismarck could have succeeded in preventing the passing of the Vatican Decrees, it is idle now to conjecture. The Church has certainly herself to blame for the untoward events which have happened in consequence of the infatuated decisions of the ill-starred, packed Assembly of 1870.

We cannot wonder that Germany's first struggle has been with Rome, and that Bismarck has at last been compelled to relinquish his conciliatory policy. German unity means the weakening of Popery. Hence the untiring efforts of Ultramontanism to stir up and foster the animosities of the Poles, Particularists, and other malcontents, by whose aid it seeks to oppose every measure likely to consolidate the empire or retard the advancement of Papal interests. The Pope, we verily believe, would be willing to dismantle the Vatican and demolish St Peter's, could he by that means give a quietus to Prince Bismarck and disband for ever the German Empire!

THE PRESENT CONFLICT FORCED ON GERMANY.

The new struggle has difficulties all its own, and admits of no relaxation of effort on the part of the Government. The power of the Roman Catholic Church, like her privileges, is very great in Germany. Till recently, "her officials governed all public Catholic schools: they ruled the women by the Confessional: they influenced the elections: and, what was more dangerous, the Roman Church openly condemned and defied the principles upon which the modern State rests." Had Rome confined herself to abstract principles, Bismarck would doubtless have winked at her policy. But when she began to put in practice the abstract principles of the Syllabus, and later, those of the Vatican Council, the case was altogether different. Opinions might be let alone, or countervailed by opposite opinions. But actions demanded counteractions; and the Chancellor was not forgetful of his duty to the renascent Empire. Patriotism and common sense demanded interference; and in their name Bismarck advanced to vindicate the claims of justice and civil liberty.

Well was it for Germany that such a man was found,—one who could seize and mould events to his purpose,—who could not only act with vigour, but act at the proper time. The promulgation and intolerant application of the Vatican Decrees in the Popish schools of Germany, and the practical slights offered at the same time to the prerogatives of the crown, required prompt and stringent coercive measures. Now or never! said the Chancellor. Strike off the fetters now, or be for ever bound!

The beginning of the present decade saw the real commencement of the strife. The Papacy had been consummated: so also had German unity. But the latter was accomplished under a Protestant regime, which, by conquering France, had enabled Italy to occupy Rome with impunity. These and other considerations combined to make Germany, and especially Prussia, the scene of the present great conflict between Church and State.

The disaffection within the German Roman Catholic Church likewise contributed to the same result. For the passing of the Decrees had taken by surprise not only politicians but religionists in Germany.

RISE OF THE OLD CATHOLIC MOVEMENT.

The bishops, assembled at Fulda before the Vatican Council, had declared that “a general council never did, and never could, proclaim doctrines in contradistinction to the principles of justice, to the rights of the State, to culture, and the true interests of science, or to the legitimate freedom and well-being of nations.” The change of tone *after* the council might well strike honest Romanists with astonishment, when they were asked and constrained to subscribe dogmas which in their hearts they believe to be untrue and hostile to the best interests of society. Men like the learned and candid Döllinger could not, and would not, subject reason and conscience to the Pope; and they neither could nor would profess to accept an authority which did not approve itself in the forum of conscience. “This doctrine,” said Döllinger, “I cannot accept, either as a Christian, a theologian, a student of history, or as a citizen.” He and other eminent exponents of

German history and Roman Catholic theology positively refused, on religious grounds, to admit the Infallibility dogma—

“That lie which Scripture strips of its disguise,
And execrates above all other lies;
The lie that claps a lock on mercy’s plan,
And gives the key to yon infirm old man,
Who once ensconced in apostolic chair,
Is deified, and sits omniscient there.”

The Old Catholic movement, which thence arose, has an influence, especially on the educated middle-class of Germany, which is great, and increasingly great. Its progress may seem slow, but it is earnest and unflinching. Döllinger may be old, and not enough a man of action to establish a new sect; but perhaps those are not too sanguine who expect that he and his followers will either compel reform within the Church, or effect the separation and nationalization of the Catholic Church in Germany. The people will discover that their bishops are more devoted to their “Lord, the Pope,” than anxious for the welfare of their dioceses; and if only the Old Catholic spirit were transfused among the masses, we might yet see a movement which should mirror truly, though faintly, the great German Reformation.

It is certain that the sympathisers with the Old Catholics are far more numerous than those who, by openly avowing themselves, venture to incur the horrors of excommunication; and the leaders of the movement are sufficiently eminent.

After the promulgation of Döllinger’s famous *Erklärung*, denouncing the Infallibility dogma as novel and untrue, a Congress was held at Munich in September 1871, and the principles of the Old Catholics were distinctly formulated and explicitly declared. Resolutions were submitted by a committee, comprising such accomplished and resolute men as Döllinger, Schulte, Friedrich, and Reinkens. They maintained that a general council has “simply to ascertain the historical tradition of the *whole Church*, and not to formulate new dogmas.” The following two resolutions we quote as bearing more particularly on our subject:—The *fifth* in order was—“We reject, *as citizens*, the dogma of plenary Papal authority, *because dangerous to the State*.” And the *sixth*—“We

hold the suppression of the Jesuits to be necessary to the interests of the Church *and of Civil Society.*"

Not only Döllinger, but all the members of the Congress repudiated, "on national and historical grounds, the dangerous dogma of Papal Supremacy," and promised to "stand faithfully and resolutely by their respective Governments" in the struggle against Ultramontanism. Proclaiming themselves the true representatives of "the Catholic Church to which Government had guaranteed political recognition and public protection," they firmly asserted their title to "all the property and legal rights of the Church."

THE GERMAN CONFLICT TWOFOLD.

We thus see that there are really two struggles going on in Germany—or rather one great struggle in two divisions—the *political* and the *religious*. The first is what Bismarck is concerned with, and what he calls the "immemorial conflict of authority between King-dom and Priest-dom." The other, waged between Old Catholics and Vaticanists, though in substance a religious conflict, has in its consequences an important bearing on the political world. So much, indeed, is this the case, that the two might be almost identified with each other. The tendency of the Old Catholic movement is all in Bismarck's favour; and he in turn has not refused to extend a helping hand to the internal ecclesiastical foes of Ultramontane pretensions and tyranny.

It is this concurrence of the two streams which gives the present movement its great significance and strength. Bismarck up to this time has shown himself quite a match for a whole host of "archbishops, ambassadors, and assassins;" but were he acting alone, or from personal caprice, he would assuredly fail in the mighty contest—as many others have done who opposed on such terms the hierarchy of Rome. He is not alone, however, and his animosity is not personal or capricious. He says, and with truth, as our last chapter showed—"The Papacy has ever been a political power, which, with the greatest audacity, and with the most momentous consequences, has interfered in the affairs of this world." And, viewing the question with the eyes of a statesman, he shapes

his policy as the emergency demands. His action is not less decided, if his language is more courteous, than that of Philip. the Fair, who said to the Pope—"Know thou, O supreme fool, that in temporal things we are subject to no one." Then he has at his back two great converging powers—the "political and patriotic convictions" of one large section of the community, and the "ecclesiastical and religious principles" of another. Thus aided, he is fully warranted, from the analogy both of English and Continental history, to augur success in his enterprise.

For the followers of Prince Bismarck and those of Döllinger are entirely at one as regards the present movement. Their aim is the same, if their motive-power is different. They are equally resolved to resist the encroachments of Rome. In the great army of German liberty, we see two divisions headed by two doughty captains. Both have reluctantly taken the field, but neither thinks of flinching now. Each division fights in its own way, under the direction of its own commander. The spiritual corps is led by Döllinger, the political by Bismarck ; but both are animated by the same spirit—the same devotion to freedom and justice. On the banner of each is emblazoned the glorious watchword—"With God for King and Fatherland," and as their cause is holy, its ultimate success is sure.

CHAPTER V.

RECENT ECCLESIASTICAL LEGISLATION IN GERMANY.

WE now proceed to an examination of the recent ecclesiastical legislation in Germany, and especially of the notorious Falck laws so much maligned in certain quarters. The fuller our examination is, the more apparent will it be how just and necessary these laws are. The denunciations hurled against them by irate Romanists may easily be explained ; and the strictures passed on them by well-meaning English Protest-

ants spring in many cases from sheer ignorance of their real scope and purpose.

PRELIMINARY FACTS TOWARDS A DECISION.

Before examining the laws in detail, let us note a few preliminary considerations which should weigh with us in our judgment on the present action of the civil power in Germany.

In the beginning of our second chapter, we sufficiently indicated the importance of the State, as well as the Church, confining itself to its own sphere. And while not prepared to say that the laws now enforced in Germany are, in every particular, what we should desire to see applied in our own country, we do assert that, in the main, they are based on sound principles, and that any apparent infringement on ecclesiastical rights and liberties must be attributed not to the design of the legislators, but to the urgency of the case, and the exigencies of the *status quo*.

We have seen what Rome's claims have been and now are. These no country can afford to overlook, and especially no country with a large Roman Catholic population in it. Germany has one-third of its inhabitants belonging to the Romish Church : and while Englishmen in their fancied security may laugh at the inroads of Popery, it is evident that Bismarck cannot afford to ignore "the mobilisation of the Ultramontane interest" against the State, and the deliberate propagation of sedition throughout the Fatherland. And, evidently, the laws must be judged, not by English, but by German public opinion, and in the light of German history and institutions ; or else our criticism could in nowise be "german to the matter."

It must be remembered that there are two Established Churches in Prussia, both of which received a legal status and public endowment at the Peace of Westphalia in 1648 ; that that peace was concluded without the consent of the Pope, and in spite of the vituperations of the bull *Zelo Domus* : that it recognised the *jus reformandi* as inherent in the State ; and that it secured a *modus vivendi* for Church and State, which lasted for two hundred years. It was, of course, an Erastian settlement in both

cases, but for the period named the Romish Church seems to have accepted its position and its endowment without remonstrance and without interference from the Curia. The Crown regarded the churches very much as pieces of State machinery, and strictly supervised their operations in the public schools.

The conditions of settlement were all disturbed, however, in 1870. The Roman Catholic Church became too narrow to hold those who declared that "neither the Pope nor any other ecclesiastical person has any right to interfere directly or indirectly in the civil government." There was room for those only who held, with the bull *Unam Sanctam*, "that the government of the whole world belongs to the see of Rome," and who further held that all authority was now vested in one infallible man, between whom and the remotest of his subjects no power on earth could interpose, in things temporal or spiritual. And to meet this new state of things Germany, and especially Prussia, had to accommodate her legislation.

We have already seen the highly favoured position of Romanists in Germany. Roman Catholic disabilities are there unknown. Important privileges have been freely bestowed on the ungrateful Church and her ungracious dignitaries, who have recompensed it all by wielding their dogmas against the State, and doing their utmost, by pulpit, press, and club, to spread anti-Prussian feeling in the disaffected parts of the new Empire. Bismarck, however, is mindful of the interests of Germany at large, and his vigorous efforts to secure their welfare are not unrequited by the Minor States, whose loyalty to the Empire would be enthusiastic and sincere, were it not for the insidious influence of priestcraft.

HOW THE PLOT THICKENED.

The clerical party of the centre, which arose immediately after the war, formed the rallying-point of all the disaffected members of the House, and soon was recognised as the *party of destruction*.* The clergy became active political conspirators, animated by the intolerant spirit and unreasoning passion which distinguished their earlier conflicts.

* We have heard Ultramontane sedition defended as merely *constructive treason*; but in Germany it is *destructive treason* of a very pronounced type.

But though they began the struggle they were not to be permitted to carry everything their own way. Government at once picked up the gauntlet, and addressed itself to its work—by its very first act (the abolition of the special Catholic Department of Public Worship), implying the principle on which it has acted ever since. Up to that time the Roman Catholic Church had not only courts of its own, but actually prisons of its own, and the power to inflict corporal punishment for ecclesiastical offences. But when the Catholic Department became a nest of sedition, and the Roman Catholic prisons and punishments weapons wielded against the Government, it was felt to be high time to suppress them.

There were various preliminary skirmishes, like that with the Bishop of Ermeland, who excommunicated Dr Wollman, a Roman Catholic professor in Braunsberg, for not teaching Infallibility. Government protected its official, who had done nothing, in its opinion, to forfeit his salary, in the way of departing from the conditions of contract on which it was granted. Similar conflicts occurring at Bonn and Breslau forced on Government the question,—Whether does the Church of the Vatican, or the Old Catholic Church, have the true right to State protection and support?

Meanwhile the strife grew hotter. The clergy hurled anathemas from the pulpit, defied the Government and laws, and consigned recreant members of their flocks “to purgatory here and hell hereafter.” Plainly, it would have been toleration gone mad to have permitted such conduct to continue unchecked. Something required to be done to curb the treasonous virulence of the clergy, who were working with zealous temerity towards the dismemberment of the Empire.

It was well known that the Pope, through the Archbishop of Posen, had offered to help in the work of consolidating Germany, if only the Emperor would crush Italy and permit the Vatican Decrees to be promulgated and enforced throughout the Empire. The refusal of these conditions turned the proffered aid into active opposition, and produced a policy of secret intrigue and overt obstruction. While other men were eulogising the German Empire, and auguring peace and prosperity for it, the Episcopate, under directions from the Curia, set in motion the machinery at their command,

with a view to break up a corporation so hostile to the interests of Rome—because so hostile to the ignorance, stagnancy, and degradation on which she feeds and fattens.

ROMAN CATHOLIC BAVARIA GIVES THE LEGISLATIVE PRELUDE.

It is an interesting fact that, when the struggle began in earnest, it was Popish *Bavaria* that took the lead, by moving the law, in December 1871, by which it was made a penal offence for a clergyman to favour or incite riot or sedition. The clergy were to be regarded as officials, but not as persons privileged to wound the hand that fed them; and “*any of their number who animadverted on affairs of State, in such a way as to endanger the public peace, was liable to imprisonment in a jail or fortress for a period not exceeding two years’ duration.*”

EXPULSION OF THE JESUITS DECREED.

Another act of the German Empire followed about six months after, when, on the 4th July 1872, it was decreed that “*the Order of the Society of Jesus, and those of a like constitution affiliated with it, be excluded from the German territory.*”

This was a measure which had become absolutely necessary for the well-being and even the existence of the Empire. The law was characterised by due moderation in its details. It enacted that no new establishment should be set up, and that the old should be disbanded within six months after the date of promulgation. While foreign Jesuits had to leave the country, natives were permitted to remain, in a private capacity, so long as they did nothing to necessitate further action against them.

The character and designs of these arch-plotters are too well known to require much comment in the way of excusing their expulsion.

THEIR AIM, METHOD, AND SUCCESS, IN GERMANY AND EUROPE.

The Jesuits have all along been enemies to Germany. Even in the sixteenth century, they did her irreparable injury

by throwing themselves forward to thwart the progress of the Reformation. Protestantism seemed at one time likely to carry the day in middle Europe; but while the contest was yet undecided, the Jesuits insinuated themselves into France, Belgium, Hungary, and Southern Germany, and by their zeal, union, and tact, proved more than a match for the disunited and poorly organized advocates of Protestant theology. In unhappy Poland, too, the doctrine that *no faith need be kept with heretics*, was wielded by them with terrible effect in crushing the Reformation. Everywhere they were to be found, and in all kinds of disguises—as “rustics or courtiers, puritans or cavaliers, religious devotees or men of fashion.” Their aim was always the same, however,—to subjugate the whole world to the Papal See. They became all things to all men, if only they might gain them for the Vatican.

Nowhere were they more successful than in Germany. Pouring in from Southern Europe, they possessed themselves of pulpit, press, school, and confessional, ever labouring with indefatigable zeal and devotion for the attainment of their great object—“to subjugate, to subdue, to bend and to break” every power which raised itself against the Poppedom. Under the name of “Spanish Priests,” not a few of them succeeded in finding places in professional chairs, from which they taught with great ability, saturating the minds of the German students with their pernicious doctrines.

As to means, they were never scrupulous! False swearing they regarded as “a mere jest.” They renounced truth, liberty, and conscience, and were ready to call “white black, and black white.” Whatever may be said of their *chastity* and *poverty*, their obedience was so unquestioning as wellnigh to fulfil the requirement of their constitution, which demands that they submit to their superior, “to be moved and governed as though they were corpses”—(*ferri ac regi perinde ac cadavera essent*). Another of their laws declares that nothing can oblige them “to commit *mortal or venial sin*, unless the superior command them in the name of the Lord Jesus Christ, or in virtue of obedience!” The superiors themselves, in turn, are bound to obey implicitly the General of the Order, who has thus unlimited control over one of the largest and best organized and compacted armies the world has ever seen.

His power is less apparent, but not less real than that of the Roman Pontiff. "On the seven hills sits the one Pontiff, the golden head of that great colossus which comprehends the purple cardinal and the barefooted Carmelite with all between. In night and darkness dwells the other and mightier Pontiff—the General of the Jesuits—the Apollyon of the Papal pandemonium."

The eighteenth century found the Jesuits less devout and energetic, but no less powerful, than their predecessors, the fruit of whose labours they were now reaping. They were the teachers of Germany, and had their headquarters at Ingoldstadt, which has been called "the Catholic Geneva." Their political influence in Europe was immense: and so ill employed was it that the Order was at last regarded by nearly every government as a public nuisance. So obnoxious did they become to even Popish countries, that Ganganelli (Clement XIV.), had to suppress the Order in 1773, extirpating and abolishing, "for ever and to all eternity," its offices, houses, and institutions.

They were reinstated, however, in 1814, and have been plying their fiendish office ever since—"plotting against the thrones and lives of apostate kings, spreading evil rumours, raising tumults, arming the hand of the assassin." They have not unfrequently erred by going too far in their sapping and mining for the Roman army, and consequently have been expelled no fewer than seventy times, by different European governments, including bigoted Roman Catholic countries like Austria and Portugal.

WAS IT JUST TO EXPEL THEM FROM GERMANY ?

Bismarck has thus no lack of precedents for his present action, and cannot surely be blamed for imitating a virtuous and infallible Pope like Clement XIV. ! The Jesuits, in his eyes, are nothing more than a body of political plotters, rendered highly dangerous by their resoluteness, discipline, and adaptability to circumstances. Ever since 1850, when Ultramontane aid was conciliated against the Radicals, Prussia has paid dearly for her share in the bargain. Jesuitical propagandism has been busily at work, spreading that dis-

affection among Romanists of which we see manifestations at the present time.

When the Expulsion Act was passed, foreign Jesuits, encouraged by the Vatican Decrees, were swarming in Germany, and doing their utmost to weaken the bonds which unite the different sections of the Empire. Bismarck did no more than his duty when he cleared his own house of such noxious vermin; but we in England have little cause to thank him, when we see the shoals of Jesuits who are landing on our own shores, and with a rare presumption setting up their lodges at the very gate of Windsor.

We ourselves may yet be compelled to enforce existing laws against the formidable Order, and especially their foreign propagandists, by turning them abroad once more, and forfeiting the property which they here hold illegally and for purposes dangerous to the State. At all events, let not Englishmen animadvert on Germany for the action she has taken, since by so doing they only betray ignorance of a measure which was not only just and wise, but imperatively necessary.

SPECIAL PRUSSIAN LEGISLATION.

Both of the above laws applied to the whole German Empire. But Prussia, meanwhile, found it necessary to make certain ecclesiastical enactments for herself: and she had first, in May 1870, to prepare the way by rendering more explicit several Articles of her Constitution.

THE WAY PREPARED.

The Minister of Public Worship, in moving certain additions to the fifteenth and eighteenth Articles, clearly showed that the State, by decreeing in 1849 that "*the Evangelical and Roman Catholic Churches as well as every religious society should arrange and conduct its affairs independently,*" did not relinquish its right of legislation and general oversight. While surrendering "*the positive interference of executive power,*" it still retained "*that negative right of supervision*

which the State can never surrender without jeopardy to itself."

We need not here enter into the proof of this proposition, in establishing which he dwelt on the manner in which the statutes were originally proposed, the wording of the laws themselves, and the harmonious teaching of German Jurisprudence with respect to State power over Churches. The State, he maintained, had the threefold right of recognising, protecting, and inspecting the Church. The *jus cavendi* he held to be inalienable; and the Churches, while having perfect liberty as to dogma and liturgy, *could claim privilege and protection from the State only so long as they observed the public laws.*

Even in 1849 it was stated that a closer definition would have to be given, by and by, of Church and State relations; but nothing was done till the Decrees of 1870 rendered forbearance no longer practicable. The following addition was therefore made to the fifteenth Article—" *but remains subject to the laws and oversight of the State.*" The supplement to Article eighteenth runs thus—" *And further, the law regulates the powers of the State with respect to the preparatory training, the institution and the deposition of clergymen or religious officers, and fixes the limits of Church discipline.*

By these modifications it was not intended to claim the old prerogative of ratifying all clerical appointments, but only to prevent the Church from turning her liberty of appointment against the State. The oversight thus limits itself to defensive or repressive measures, and it seems undeniable, on German principles, as a penetrating writer on this subject remarks, that "the State which gave the *legal* right of independence can also determine when that right is legally exercised."

SOME GEMS FROM ROME'S INFALLIBLE REPERTORY.

The necessity for such explicit declarations is evident from the smallest consideration of the kind of teaching prevalent in Roman Catholic Germany, as elsewhere in the Popish districts of Europe. " *The bond of allegiance to an excommunicated man does not bind those who have come under it;*" " *An oath sworn against the good of the Church does not bind, be-*

cause it is not an oath but a perjury ;” “ *If laics encroach upon clerical immunities, they are after admonition to be excommunicated ;*” “ *It is damnable presumption to compel priests to pay their debts ;*”—Such are some of the decrees of *Canon Law*, assiduously promulgated among the subjects of the Empire, by emissaries abetted by the moral support of an infallible Pope and an infallible Code.

EMANCIPATION OF PRUSSIAN SCHOOLS.

Prussia's first step was to emancipate her schools from priestly control and Ultramontane inoculation. The Prussian system of education, as is well known, is thoroughly national and compulsory. The inspection of schools had been committed to the clergy; but when they began to abuse the power it gave them, Government wisely passed a law, on March 12th, 1872, by which the teachers were secularised and made direct servants of the State. The confessional teaching, customary in Prussian schools, by which Jewish children had Rabbis, Protestants had Ministers, and Papists had Priests to instruct them in religion—just and equitable as the arrangement appears—afforded Ultramontanes dangerous opportunities of disseminating their seditious opinions, and made direct government inspection doubly necessary. The provisions of the law therefore were—“ *The supervision of all public and private educational institutions belongs exclusively to the State, and so does the appointment of local and county inspectors.*”

No one can deny that education is a matter of direct concern for the State, and surely if Government pays for its schools, it has the right of securing that nothing should be taught there contrary to the principles of sound loyalty and virtuous citizenship. Now the priests were acting as the servants of a foreign power, and it would have been folly in the State to have continued the mockery of entrusting to such men the supervision of the education of the young. If priests therefore were retained, they acted no longer as subjects of the Romish hierarchy, but as nominees of the Prussian Government, which both gave and could withdraw their inspectorial appointment.

ITS EFFECT ON LEDOCHOWSKI AND OTHER "MARTYRS."

The passing of this measure was the occasion of the first great debate between Bismarck and Windthorst, and was the means of stirring up the renowned Archbishop Ledochowski to that outrageous course of conduct by which he has made himself foolish in the eyes of some men and a martyr in the estimation of others. His first step was to fawn Polish aspirations, and foster Polish dissatisfaction, one immediate result of which was that the teachers refused to give German lessons, as they had done before, without remonstrance. And, as we know, the Archbishop did not rest till he was committed to duress vile, where he could set his easy martyrdom as a flattering unction to his soul, and anathematize at his leisure the "modern Diocletian and his bloodthirsty minister."

Other church dignitaries followed his example, till at length, under pressure from Rome, all the German Bishops were in arms, fermenting the social animosities of their subordinates and excommunicating all who would not accept and teach the Infallibility Dogma. Italian Ultramontanes were sent in large numbers to train the young German priests, with a view to denationalize them, by withdrawing them as far as possible from healthy national influences and indoctrinating them solely with the one-sided views current at the Vatican.

The Falck Laws.

Such proceedings brought the Prussian Government once more to the front, this time with the famous (or according to others, infamous) *Falck Laws*, of which Englishmen hear so much and understand so little.

. THEIR BASIS AND GENERAL SCOPE.

These laws proceed on the admission of a close and necessary relation between Church and State, and do not seek to solve the Gordian knot by attempting an impossible isolation of the two. Recognising the difficulties which beset the Church connection in Prussia, the Government there has made an honest attempt so to legislate as to render a continuance of

the connection possible, without either of the parties surrendering its proper rights to the other. Church and State, we must remember, are more closely embedded into each other in Prussia than with us; and we believe that neither the one nor the other desires a complete severance. The Church has no inclination to relinquish its stipends nor the State to withdraw these, so long as the recipients of them act fairly by the donors.

The *principle* of the Falck Laws is certainly just and admirable, whatever may be said of their *details*. They are based on the acknowledgment that all Churches have a right to the full exercise of their spiritual and ecclesiastical functions, so long as they do not conflict with loyalty to the sovereign or safety to the State. When a Church becomes dangerous to the public weal, the State is not only entitled but bound to step in and protect the peace and well-being of its subjects. In such a spirit, and with such a policy, have the Falck Laws been framed, not to infringe on liberty of conscience or of worship, not to interfere with things spiritual, but to defend the realm from the political machinations of an enemy which is not the less, but rather the more, dangerous that it wears a hood instead of a helmet and wields the anathema instead of the needle-gun.

We shall now examine the laws *on their merits*; and the importance of the subject must be our apology, if our treatment of it be somewhat minute.

Dr Falck, who succeeded Mühler as Minister of Public Worship, has long been known in Germany as a very distinguished jurist. But his name obtained an European and historical celebrity, on April 5th, 1873, when he brought forward his great budget of ecclesiastical laws.

PREPARATORY LAW OF DR FALCK.

The first measure was preparatory to the rest, and need not delay us here. Its chief importance is held to consist in showing that State control was now to be *by law*, precise and definite, and not by arbitrary interference as before 1850. Its terms are the following:—

“Every religious society shall order and conduct its own affairs independently, but shall remain subject to the State laws, and to the legally ap-

pointed supervision of the State. Under the same limitation, every religious society shall continue in possession and enjoyment of the institutions, foundations, and funds vested for its uses in worship, in education, and in benevolence."

The First Falck Law

applies only to the two privileged Churches, and those which have charters of incorporation, others being regarded as mere private associations and coming under the ordinary laws which pertain to private rights. But at least 95 per cent. of the population belong to one or other of the privileged Churches, a fact which is doubtless in great measure due to the difficulties which surrounded dissent in Prussia, before the introduction of this Law, whose provisions are briefly as follows :—

"Legal withdrawal from a church shall be effected by the declaration of the person so withdrawing before the judge of his district. He is then discharged from the taxes of his former congregation, and is likewise discharged, at the end of the following year, from the obligations of membership, it being understood that the registration has been at once communicated to the minister of the congregation."

LIBERTY OF DISSENT.

This law must commend itself to every lover of liberty. To separate at all from a church was difficult before, and did not bring relief from church taxes, or even from special collections for pew rents, surplice fees, church buildings, and the like. But now a man is no longer bound to remain in a church because he is a citizen of a particular place, or to support a creed which he does not believe by paying taxes which have the reputation of being far more odious and multiform than our church rates ever were.

So far then the legislation is all on the side of liberty, and has no trace of anything like persecution or coercion; but for that very reason it is distasteful to Rome, which hates liberty with a perfect hatred.

The Second Falck Law,

which *limits Ecclesiastical Penalties and Discipline* (Straf

und Zucht-Mittel), also protects the liberty of the subject. Its provisions are as reasonable as they were necessary :—

“Ecclesiastical discipline is restricted to the domain of religion, and to the withholding of Church rights. Punishment directed against the person, property, freedom, or reputation of the citizen is not allowed. And no discipline is to be inflicted because a member has done what he was obliged to do by the laws of the State, or because he has exercised his right of voting as he pleased. And no threats are permitted whereby he may be influenced or intimidated in respect of these two kinds of action. Further, the infliction of penalties is not to be published, or followed out in an insulting manner. Those who break this law shall be punished by fine, and in aggravated cases by imprisonment for two years.”

TWO KINDS OF EXCOMMUNICATION.

This law does not interfere with spiritual censures within the Church; but protects the person, property, freedom, and good name of the citizen from the outward civil wrongs inflicted under ecclesiastical pretexts. Rome's minor excommunication, so far as it is spiritual, remains untouched; but her *excommunicatio major*, forbidding all social intercourse with its victim, banning and isolating him in the midst of the community, assuredly trenches on the civil sphere, and must be checked as an infringement of the civil rights of Prussian subjects. The Bishop of Ermeland employed the greater excommunication against Dr Wollman and Professor Michelis, for not teaching Infallibility; and, to take only one other example out of many, the Bishop of Olmutz ordered a man and woman who had been joined by civil marriage in his diocese, to be avoided “*as if they were lepers*,” by all the faithful. It must be remembered that excommunication has still its terrors for German Catholics,* unlike most of the Italians; and the State cannot afford to have its citizens abused and intimidated whenever it may suit the bishops to bend them to their will.

THE RIGHTS OF VOTERS—NO INTIMIDATION.

Civil law must religiously guard the civil and social rela-

* “Catholics,” i.e., Roman Catholics. The true Church Catholic and the Church of Rome are very different organisations. But while firmly repudiating the claim it embodies, we sometimes inadvertently, as here, employ the word *Catholic*, according to usage, as a convenient antithesis for *Protestant*.

tions of its subjects from spiritual tyranny; and especially has it a right to say in the matter of voting, as we say in England, "No intimidation!" The priests' power over elections was, and is still, immense, for it is denounced as mortal sin to vote against their behests. They threaten to withhold the sacraments from refractory voters, to whom they declare that paradise or damnation depends on their use of the franchise.

This law endeavours to do justice by Church and State respectively. It seeks to make the Romanist as far as possible an "independent elector," which he can never be so long as the priests have things all their own way.

Not even Rome can deny that the elections are a very important element in the life of a State, which has therefore a perfect right to see that they are fairly conducted. Priestly influence on our own elections is greater than many people imagine, and it was recently boasted in Ireland that "Peter turned out the late Government." However that may be, we wish Germany all success in her endeavour to purify her elections from this crying evil—an evil worse than bribery and corruption, inasmuch as it is more coercive, and more permanently hostile to everything that tends to better the condition of a people.

Rome, by the control she exercises over votes, only gives another illustration of our remark that hers is essentially a *political system* which requires to be held in check. The free expression of opinion is necessary to the well-being of a State, which, while permitting advice to be given, cannot in justice to itself permit men to be coerced by threats either of worldly or eternal misery. Our English law is equally explicit here (as was seen in the Galway case in Ireland), and forbids priests practising on the consciences of electors or exposing them to religious suffering for the free exercise of their electoral rights.

PROTECTION FOR THE LAITY.

The design of this law is to protect the *Roman Catholic laity*. It is an utter mistake to suppose that the Church is on the side of conscience. On the contrary, it seeks to enslave conscience, and crush the civil liberty of citizens. The State

does not interfere either with religious doctrines or ceremonies ; and hence it may justly require obedience to its requirements, strenuously defending its subjects, at the same time, from the wrathful penalties hurled at them by Rome for fulfilling their civil functions in accordance with the law of the land. It is bound to repel every attempt to injure those for whose external welfare it is responsible ; and so far as Government is concerned, Romanism has no more right to maim the political and social prerogatives of citizens than Thuggism would have to maim their bodies. The plea of " religion " avails nothing in either case, but only renders the proceeding all the more odious in the eyes of civil government.

GERMAN STATE CHURCH PRIVILEGES.

The next two laws apply only to the privileged Churches. It may be well here to state, parenthetically, what their special privileges are.

The State undertakes to preserve the Church buildings ; to collect the Church dues ; to give special grants both to bishops and to ordinary incumbents of poor Roman Catholic communities—in all about a million thalers annually—in order to provide for the instruction of children in the Church's faith ; to authorise and protect the Church's jurisdiction, within certain limits ; and to exalt the clergy, by giving them important State functions to perform, and freeing them from certain burdens which fall on the rest of the community. Is it too much to expect at least some show of loyalty from those who receive so much at the hands of the State ?

We now pass to the

Third Falck Law,

which is specially designed for the protection of the *under clergy*. Its general scope is as follows :—

"Ecclesiastical discipline over servants of the Church can be exercised only by German ecclesiastical authorities, and inflicted only after a hearing of the accused by an orderly process. Fines, suspension, restraint of liberty (with the consent of the delinquent and for not more than three months), but not corporal punishment, may be inflicted ; and every sen-

tence which involves a fine of more than 20 thalers must be notified to the Ober Präsident with the grounds of the sentence. Penitentiaries must be open to State inspection.

"An appeal to the State magistracy lies open when any of these regulations have been contravened, or when the sentence violates either the laws of the State or common fundamental rights, or when, after preliminary suspension from office, further proceedings are unreasonably delayed.

"It is understood, however, that the ordinary remedies have first been tried without effect. Pending the appeal, execution may be suspended by the Court, and the suspension enforced by a fine of 1000 thalers.

"Both parties are to be summoned, and allowed to state their case. The Judicial Court, in passing judgment, shall give grounds for the same, and has power to enforce its orders by fines of 1000 thalers, concerning which the ecclesiastical authorities have an ultimate court of appeal in the Royal Tribunal for Ecclesiastical Affairs.

"Church officers who so seriously violate the provisions of the State law that their continuing in office appears incompatible with the public order, may be dismissed at the instance of the State authorities. Every provision is made to carry out the trial in an orderly manner, but once the dismissal is decreed, Church servants who undertake official duties as before are liable to a fine of 100 thalers and afterwards to a fine of 1000 thalers.

"The Royal Tribunal for Ecclesiastical Affairs, which sits at Berlin, shall consist of *eleven* members, of whom the President and at least *five* others must be regularly appointed State judges. The decisions of this Court shall be final, and are to be executed by the customary modes of administration."

MANNING'S PLAINT.

The opening provision of this law has been condemned by Manning and others as "cutting off appeals to the Holy See by declaring that all causes must be determined by German Tribunals." But no great injustice is perpetrated by providing that the Pope's jurisdiction "must act through ordinary channels." It was absolutely necessary to protect the lower clergy from the capricious and harsh treatment to which they were subjected by their superiors; and the causes here spoken of are not of a kind with which the Pope is called to intermeddle, if his office is so eminently spiritual as some would have us believe.

OPEN THE MONASTERIES !

We in England might take a lesson from the clause which demands that church reformatories be placed under State

supervision. Who knows what barbarities may be perpetrated within our closed monasteries, and who knows what thralldom may be exercised over some of their inmates, who have, or ought to have, the rights of British subjects? Let the monastic establishments be thrown open to the light of day! If nothing evil goes on within, inspection need not be feared: if tyrannous villany is practised, inspection is surely required.

It is certain that in Germany there was great need for something being done to protect clergy as well as laity from the infringement of their civil and personal rights. The claim of the bishops was: "*It remains absolutely at the discretion of the bishop and his consistory of themselves to investigate and punish legal offences.*" Accordingly, the clergy became little better than slaves of the hierarchy, which did not scruple to make scandalous use of clerical penitentiaries and even of corporal punishments, to compel reluctant clergy to fulfil its evil purposes.

ROME'S PENAL CODE.

It may not generally be known that the Romish Church has an extensive penal code which it is not slow to apply. Besides ordinary *discipline*, called *pœnæ medicales*, and including excommunication, suspension, and interdict, there are graver punishments, called *pœnæ vindicatoriæ*, which used to be wielded over the laity also, but are now chiefly confined to the clergy. They include not only suspension from office, but loss of benefice, refusal of Christian burial, and the like; and, as their name suggests, they were *revengefully* executed on the unhappy offenders.

Before such sentences can be carried out, the accused has now a right of appeal to the civil courts. To this, even Scottish Free Churchmen, with all their horror of law courts, could hardly object, seeing it is a matter of personal property and personal immunity from suffering.

DR CHALMERS'S PLEA NOT RELEVANT HERE.

More objection might be taken to the clause, "that Church-officers, whose continuing in office appears incom-

patible with public order, may be dismissed at the instance of the State authorities." But it must be remembered that these men (priests or bishops) are Prussian Church functionaries, State officials in fact, paid by State money, and therefore expected to benefit the country and further the ends of civil government by inculcating the duty of "leading a quiet and peaceable life in all godliness and honesty." When, instead of doing this, the priest or bishop stirs up insurrection and takes a leading part in it, who will say that he should be maintained in the exercise of his public functions.

It may be argued—by all means let the State take away his benefice, but it cannot and ought not to depose him from office! This was Dr Chalmers's powerful plea in our own country; and we might urge the same in reference to the German problem. But the action of the Popish priests is very different from that of our Scotch ministers before 1843; and the State cannot stop, in the case of a seditious priest, with removing *his salary*, but must remove *him* from the district altogether, since it would be dangerous to public order to permit him to continue his noxious control over his former diocese.

Clearly a man who, in the performance of clerical duties, has shown himself a disloyal servant of the State, cannot be allowed to continue the exercise of official duties without bringing law and order into contempt. It is simply absurd to say that one who has committed a criminal offence should be permitted to retain a benefice, which is held subject to the laws of the country. The rights of the office are *ipso facto* forfeited when the holder of it defies law and tramples on State authority.

Besides, we must never forget that Prussia is very different from Scotland. There the mass of the people, and of the clergy too, are quite content to submit to a good deal of Erastian control so long as they are in receipt of liberal endowments from Government: and therefore we are not prepared, nor do we think it necessary, to hold that the present legislation is *entirely innocent* of Erastianism. Our defence of the laws bears chiefly on the Romish Established Church, because it alone denounces them as a grievance.

A POPISH ANOMALY.

The appeal to law is, however, quite defensible in the case

before us. It is nothing new : but is just the old "*appelatio tanquam ab abusu*," which has long existed in Austria and in France. It is surely passing strange that what is permissible in these countries should be impious and sacrilegious in Protestant Prussia ! At all events, what belongs to secular jurisdiction must not be wrested from the State ; and Prussia by her claim is just asserting (as we did analogously in the O'Keefe case) that Prussian Law is not to be superseded by Canon Law on Prussian territory.

THE FINAL COURT OF APPEAL.

The Royal Tribunal, which is made by the concluding clause *the ultimate Court of Appeal*, has many excellent features. The fact that the members are appointed for life is held to give a guarantee that the judgments delivered by the Tribunal will not be capricious and variable, as in the case of changeful administrations, but will be in accordance with fixed principles and well known precedents. Its procedure, moreover, is well defined. It is not a legislative, but simply a judicial body. It does not make new laws, but administers justice in accordance with those which already exist. It has nothing to do with church doctrine or ritual, or even with church discipline, except when that, as above, passes into the civil sphere. Its whole aim is to guard the proper rights and liberties of the clergy, whom it secures from the worst of all bondage, ecclesiastical tyranny. And if the State has a right to take cognizance of the civil grievances of all its subjects, much more has it a perfect right to preserve its own officials from the coercive authority of a hierarchy moved by a foreign hand, and wielding a penal jurisdiction.

This law, then, limiting the cases of appeal within such narrow compass, and applying, as it does, to the State churches alone, seems to us extremely wise and moderate in its demands, and we wish Prince Bismarck all success in his endeavour to guard, as far as he may, the lives, liberties, and consciences of German subjects, be they clerical or lay.

The prevailing opinion of Germany respecting this and the succeeding measure repudiates interference with the spiritual functions of the Church, and yet declares, as an eminent German lawyer puts it, that "assuredly the culture, the

settlement, and dismissal of pastors, and the exercise of church discipline are not merely affairs of the Church, but are also, in one respect, affairs of the State, because they relate to the *direct and authorized* action of the churches on the ordinary life of the people."

The Fourth and Last Falck Law

is, in some respects, the most important, as well as the most distasteful to Rome. *It concerns the preparatory training and induction of clergymen*, and makes the following provisions :—

"For a German to be invested with a clerical office, he must have passed the final examination of a German gymnasium, have completed a three years' theological course at a German State University, and have passed a State examination in science. This examination is public, and turns solely on the point whether the candidate has the necessary scientific training,—under which philosophy, history, and German literature are included. All church training institutions, like other seminaries, shall be open to State inspection, and their house regulations subject to revision. When these requirements are not complied with by any establishment, the State allowance may be withheld."

The rest of the law which pertains to the future institution of the clergy ordains as follows :—

"Ecclesiastical superiors must nominate to the Ober-Präsident every candidate whom they would appoint to an ecclesiastical office; and protest may be made against the appointment on three grounds: (1.) If the candidate be deficient in regard to the legal requirements; (2.) if he be condemned or on trial for a crime or delinquency which comes under the German penal code; (3.) if there be facts to show that he would work against the State laws or disturb the public peace. The decision of the Royal Tribunal is final. Further, every cure must be *permanently* filled within a year from the day of vacancy, under a penalty of 1000 Thalers, And fines are also applicable to all who make or receive appointments contrary to the foregoing regulations."

This is a most commendable as well as a highly necessary measure, when we consider the state of things it is intended to rectify.

POPIISH TEACHING—ITS MANNER, TONE, AND QUALITY.

Rome loves seclusion, and prefers to keep her votaries, and especially her young priests, in the darkness rather than the light. She is fully aware of the importance of bending the

young sapling to her will, that the grown tree may stand where and how she wishes it. Hence, she withdraws her clerical students from the outside world, and places them within the peaceful walls of some seminary, where she may carry out the behests of the Vatican Council, (1) "*by giving them an exclusive seminarial training,*" and (2) "*by tempering and rooting them in the spirit of the Church,*" before they are launched forth into the busy, sinful world.

We have seen what the *spirit of the Church* means, and what the doctrines are which are thus exclusively instilled into the minds of the young candidates for the priesthood.

Bismarck is well aware of what Romish teaching really is, and it does not escape him that these peaceful seminaries have increased enormously of late years. At Paderborn, Neuss, Münster, Hildesheim, and many other places, are Popish *pensions* to be found, where the minds of boys are imbued with anti-national feeling, even before they are old enough to study for the priesthood. Then the diocesan seminaries complete the work by alienating from Germany the minds of her young priests,—teaching them that all civil government belongs to the Pontiff, and that Bismarck and his friends are heretical usurpers, and emissaries of the evil one.

THE NECESSITY OF THIS MEASURE.

But apart from the political aspect of such teaching, the education given in these hierarchical institutions is of a very inferior quality, and is calculated to lower the intellectual status and calibre of the recipients. For the sake, then, not only of the youths themselves, who are immured in these retreats at such a tender and irresponsible age, but also for the sake of the Roman Catholic laity, over whom they are to preside in an official capacity, the Prussian Government felt it necessary to checkmate the designs of the hierarchy, by giving the young priests the advantage of a liberal education, and bringing them into contact with healthy, living, national influences, like other German boys.

Thus the State leaves the election of clergy in the hands of the Church, but very properly sees to it that those who are to hold important official positions in the Empire shall have first a certain amount of general culture, like the mem-

bers of all other recognised professions. It is an observation worthy of emphasis that "the laity have a right to an educated clergy, and the State a right to say that only such shall receive the endowments and other privileges belonging to the National Churches."

ITS WISDOM AND MODERATION.

By this legislation, Prussia protests against the idea that foreign control *over all matters pertaining to the Church* can be recognised ; and the plan adopted for remedying the educational disabilities of the clergy is certainly admirable, and of such a nature that it is difficult to see how Rome can reasonably object to it.

In the *first* place, most of the regulations of this law may be shown to be merely revivals of older statutes ; and they have the advantage of again putting the Roman Catholic and Evangelical Churches on the footing of equality which was disturbed in 1855. The State contributes largely for the education of the clergy, and cannot therefore be excluded from all knowledge of the *kind* of education which its money is procuring for them.

By insisting on a University education for priests as well as ministers, it removes, if not the hostile spirit, at least the deplorable deficiency and one-sidedness of Roman Catholic education. There are Roman Catholic faculties in several German Universities, the professors being paid and appointed by the State, with the approval of the Bishops. There is thus no outrage on conscience, inasmuch as the students may choose *any* State university, and any professor, throughout the whole of the German Empire. Further, it should be noted that their final examination is in *science*, not theology, though the latter has to be studied for a period of three years in a State University, after which it may be studied elsewhere, in any manner, and for any length of time the student or his counsellors may desire. With the examination for Holy Orders, the State does not interfere, as many critics of its action suppose.

ONE LAX CLAUSE.

The *second* part of the Law, which refers to the *appointment of Clergy*, seems somewhat Erastian, and is perhaps rather elastic in certain of its provisions,—especially that clause

which speaks of vetoing the appointment of those who "would work against the State Laws, or disturb the public peace." But after all, if there be "*facts to show*" that this would happen, the State may as well prevent the appointment of such men as turn them out of office after they have been installed in it. It gives too much latitude, however, for the decision as to when such facts really exist.

THE RIGHT OF VETO.

The ordinary appointment of Clergy should certainly not be in the hands of the Magistracy; but there can be no objection to the State vetoing the appointment of conspirators against itself. In a properly constituted State Church (such as the Evangelical Party in Scotland aimed at in 1843), there need be little interference on the part of the State with clerical appointments. But then the Roman Catholic Church can never be a "properly constituted State Church." Some cognizance must be taken of the kind of men put in office; and when the Church has the appointment of the Clergy, it is not too much to ask that the State which pays should have the right of vetoing dangerous appointments—just as the Scottish Kirk claimed the prerogative of vetoing unsatisfactory appointments when the right of nomination lay with the State.

Moreover, the Roman Church is hardly consistent (though quite as consistent as usual), when it denounces this veto claim as "impious and satanic." Much more is claimed in Bavaria, where the *placet*, or right of nomination, belongs to the State; and Prussia only now revives a state of things formerly approved by eminent Roman Catholic bishops, and sanctioned by the consent of the Curia for half a century! Besides, the same right of Government veto has long been practised in Würtemberg and elsewhere, without appearing to conflict with "the will of God and the Church."

AN ABUSE RECTIFIED.

The concluding provision of the law is framed on behalf of the under clergy—"that every cure be *permanently* filled within a year from the day of vacancy"—and strange to say, it enforces against the hierarchy one of the requirements of Canon Law! Though the incumbent has

a right to the permanent possession of his benefice, the Bishops have found it convenient of late years to evade this right, by appointing temporary "succursales," at a low salary, and securing the rest of the revenues for their own or Church purposes. At the incumbent's induction, they were wont to extract a promise from him that he would resign at once, whenever the Bishop might request him so to do. The Old Catholic Congress at Munich strongly protested against this "arbitrary removal of secular priests (*amovibilitas ad nutum*), a practice introduced through the French Code, and latterly imposed everywhere." They held that it defrauded the clergy of their just rights; contravened Canon Law; and did an injustice to the Roman Catholic laity by setting over them an inferior class of spiritual advisers;—and for the first and last of these reasons, the Prussian State deemed it right to protect its own subjects, which it was fortunately able to do, in this instance, by securing the observance of Rome's own Infallible Code!

Further Enactments—1874-5.

Such, then, are the *Falck Laws*, concerning which we end as we began, by saying that their fundamental principle and main design are unimpeachable, though their application in certain cases may have had at least the appearance of asperity.

But before making further general remarks on the legislation, let us glance at some of the subsequent and more recent branches of it.

AN IMPERIAL MEASURE FOR TROUBLESOME MARTYRS.

On May 13th, 1874, the German Reichstag passed this law:—

"That any religious functionary who, having been dismissed from office by the proper court of justice, performs any act by which it may be concluded that he lays claim to the continued possession of the forfeited office, may be ordered to leave, or take up his residence in certain districts and localities; or he may even be deprived of the rights of citizenship, and expelled the German Empire."

This Decree, passed by the *German Parliament*, shows the general sympathy of the Empire with Prussia in her present

difficulties. When the dignitaries of Posen and Mayence persisted in pursuing a contumacious course of conduct, they had to be dealt with in a summary manner, and the only *modus vivendi* that would suit them was apparently to be found within the walls of a fortress—whither accordingly they were in due time despatched.

COMPARE WITH AN ENGLISH ACT.

It has been pointed out that this measure bears a striking resemblance to the more strongly expressed *Act of Queen Elizabeth* (1593), “for restraining Popish recusants to some certain places of abode—rebellious and traitorous] subjects, hiding their most detestable and devilish purposes under the false pretext of religion and conscience.”

If such laws seem harsh, they have the plea of political necessity; and their severity lies at the door, not of the Government, but of its ecclesiastical assailants themselves.

CIVIL ALLEGIANCE REQUIRED OF BISHOPS.

About a week later, on 20th May 1874, a law was passed to provide for the administration of vacant bishoprics:—

“Those appointed must be ready to swear fealty to the king and obedience to the laws of the State. Any one exercising episcopal rights or functions, previous to taking the oath, incurs imprisonment from *six* months to *two* years; and penalties are attached to the performance of ecclesiastical functions by servants of the Church, under orders from any bishop not recognised by the State.

“A vicar is to be elected by the diocese to fill a vacancy; otherwise the Minister of Ecclesiastical Affairs shall appoint a Commissary to take interim charge of the property. Patrons entitled to nominate candidates must notify their names to the authorities, and in case of the patron declining to nominate a vicar, his right passes to the congregation.”

A supplementary law was passed next day, (21st May), anent the training and appointment of clergy, “and regulating the transfer of clerical offices, the administration of property during a vacancy, and the filling up of the office by the patron, or failing him by the assembled congregation.”

Here we have glimpses of popular election, the universal adoption of which would rid Germany of many of her troubles.

The Erastian control which these laws seem to imply, must be attributed to the exigencies of the time, and the necessary exercise of the *jus cavendi*, which properly belongs to the State. To similar causes must be assigned the perplexity in which chapters may find themselves involved—of being called on to elect a successor to a bishop, who, with the Curia at his back, refuses to allow that he has been deposed.

The Marriage Law—1875.

The defiant and obstructive attitude which the Church continues to hold has repeatedly called for further legislation on the part of the no less resolute Government; and the only other measure which we shall here treat of is certainly not the least important in the way of releasing Germans from clerical thralldom.

We mean the *Marriage Law*, passed about a year ago, in January 1875, by 207 votes against 72. It is of a most comprehensive description, and its whole tendency is to deliver society from priestly control—not only on the marriage day, but also at the time of entrance into, and exit from, this world. For, besides enacting that a civil contract is indispensable to legal marriage; that all men above twenty-four, and all women above twenty-three, years of age may marry without the consent of their parents; and that the marriage of priests and nuns is legal; it provides that *baptism* be left to the option of parents, and that the *graveyards* be thrown open to all for the performance of decent burial.

ROME'S DEMANDS AND PRUSSIA'S ANSWER.

Rome takes her stand at the head of every avenue to influence over mankind. With respect to *marriage* she says—“You must have the consent and sacraments of the Church first, or your marriage is no better than concubinage.” With respect to *baptism* she avers—“Baptism is necessary to salvation, and all baptised persons belong to the Pope *in some way or other*.” With respect to *burial* she declares—“None that are beyond the Church's pale have any right to a decent interment.”

Prussia, in this marriage law, confronts Rome on all her three findings, and demands the emancipation of society. Like Italy, she ordains civil marriage laws, making the civil contract obligatory and alone valid before Prussian law, but leaving the Church to follow it up with any religious ceremonial it may choose. She thus gives larger liberty to Roman Catholics; but an extension of freedom is somehow an infringement on liberty and conscience in the eyes of the true Church or its leaders! Similar laws exist, however, in France and in the Rhine Province: and what is permissible there is surely excusable in Prussia, considering the absolute dead-lock at which things had arrived through the backwardness of the priests to perform their proper duties.

KAISER WILHELM AND PIO NONO.

As to baptism, the Pope got a noble answer, to which allusion has already been made, from the old Emperor in August 1873, when, in trying to separate between the monarch and his Government, he claimed both king and people as "*in some way or other*"—*i.e.*, in soul and body—"belonging to himself." * King William's reply was truly royal, as well as Christian and Protestant in tone:—"That the laws and government measures required his consent as Sovereign, and that his evangelical creed did not permit him and his subjects to accept, in their relations to God, any other Mediator than our Lord Jesus Christ." . . . "While sorrowing that a portion of his Catholic subjects, with the approval and help of leading priests, had been disturbing the religious peace by intrigues hostile to the State, he recognised his duty in the sight of Heaven to protect internal peace, and preserve the authority of the laws in the States entrusted to him by God." Thus ended the Pope's insidious attempt to insinuate himself between "Diocletian and his minister Mark;" and thus was his overweening claim rejected by the King of Prussia on behalf both of himself and his baptized subjects.

* This Papal claim is by no means new. It is officially embodied in a Bull of Benedict XIV., which declares concerning even those baptized by heretics—" ab ecclesiæ unitate repelli, iisque bonis orbari omnibus, quibus fruuntur in ecclesia versantes, non tamen ab ejus auctoritate et legibus liberari."

ROME REPELLED FROM THE CRADLE AND THE GRAVE.

The law we are considering, by making baptism optional and civil marriage legal, cripples the power of Rome over the *cradle* of society ; and the clause which throws open the churchyards to all repels her from the *grave*, where she is wont to take her stand and forbid interment to all who are not in communion with herself. Thus it happened in Italy, where Government had likewise to interfere by enacting a law similar to the Prussian one. Austria, we believe, is at present under the Papal ban for permitting Protestants to be buried in Popish cemeteries, where no other decent place of burial is to be found. Civil marriage and the education of Jews and Protestants, in the same country, have also been severely condemned by his Holiness, who loves to keep the whole world as ignorant as his own devotees are,—and theirs is too often “a darkness that may be felt.”

THE POPE'S ENCYCLICAL.

Ever since the passing of the Prussian marriage law, the strife has increased in virulence. The Pope has done what he could to embitter it, by issuing an encyclical letter, condemning and declaring void the ecclesiastical laws, and excommunicating all the clergy who submit to them.

Government has repressed this letter ; and the editor of the Ultramontane journal *Germania*, which published the Encyclical, has been imprisoned for two months, at the instance of the public prosecutor, who had him convicted for an infringement of the press laws. The Papal missive appeared to Government to appeal to and encourage revolutionary passions, and only confirmed the necessity for a continuance of the past vigorous action on the part of the State. Even some of the Roman Catholic members of the German Parliament protested against the Encyclical, denying its authority and renouncing its principles. The Old Catholic leaders have also condemned it, calling on all loyal Churchmen to rally together in unequivocal opposition to the pretensions of the Curia, and on behalf of the principles of patriotism and German unity.

It is suggested that the true way to prevent the future

publication of such treasonous edicts would be to revive an old law abolished in 1841, by which the publication of Church documents required the preliminary approval of Government. That some such step will be taken is highly probable.

Over recent individual manifestations of the irreconcilable hostility of the two parties we have not time to linger. The Bishop and Chapter of Breslau wished to deprive a certain Baron Richtofer of his canonry, on the ground of his being an Old Catholic. But Government refused to agree to the deposition, because it cannot regard the Old Catholics as a separate sect. Church dignitaries are ever and anon coming into collision with the civil power. Some of them appear to court their fate ; others do not like the idea of being subjects of martyrdom, and rather take to foreign travel, like the Bishop of Münster, who was arrested not long ago and put in confinement for a fortnight.

OBSTACLES TO DISESTABLISHMENT.

It is often asked—"Why not *disestablish* in Prussia?" Well, this, which may appear a simple solution of the problem, has obvious difficulties. The people are not ready for it, but have a shrinking from the very thought ; and this is not wonderful, considering the past close relations between Church and State in Germany. We cannot judge of Prussian sentiment as of English or American, but must remember how different the circumstances are on the Continent of Europe. Even here the advocates of disestablishment have no easy task before them ; but in Germany they could find no foothold whatever.

Italy indeed has boldly declared the principle of a Free Church in a Free State, but besides getting into a "chronic state of excommunication," she appears likely to suffer still more from the corrosion of national atheism. The Germans, we believe, do not wish Church and State to be entirely dissociated, nor do the Churches desire such a consummation. The German Government sees the importance of publicly recognising religion, and though it might willingly disendow the Roman Catholic Church, it is not prepared to do the same for the Evangelical.

The obstacle here presents itself, that the two Churches are

so constituted in their relation to the State, that one of them cannot fall without endangering the interests of the other. It would be hard to make the Evangelical Church suffer for the arrogant claims and disloyal conduct of the Papacy ; but this could be avoided only by measures of the most radical description, amounting to the reconstruction *de haut en bas* of the whole ecclesiastical system of the country.

WHERE PRUSSIA'S ERROR LAY.

Prussia's fault was committed long ago, when she extended her protection and support to Anti-Christ. While granting full toleration of opinion to all, she would have acted wisely for herself (as the event has shown) and well for the cause of truth, had she refused to give a farthing of endowments to the pernicious system, which will stab at her heart while it is fed from her breast. The Prussian Government is in the strange position of "pampering what it fears and spurring what it bridles."

That the disendowment of Romanism will be the ultimate solution of the difficulty, there can be little doubt. There is evident truth in the remark that Prussia must choose a path for herself, since all hope of a *mutual* agreement with the Head of the Papacy has been effectually destroyed by the blasphemous exaltation of the Bishop of Rome to the place of the "Fourth Person in the Godhead."

DISENDOWMENT ALREADY BEGUN.

A step towards the disendowment of obstinate clerics has, in fact, been taken by the Prussian legislature. A bill of fifteen clauses, introduced on March 4th 1875, will have the effect of annulling the provisions of the Bull "*De salute animarum*." It suspends payment from the public treasury in the case of priests who refuse to obey the laws of the State ; and it determines the conditions on which the endowments may be restored—viz., *a written promise to observe the laws of the State*. This requirement is surely reasonable enough ; and it can hardly be called persecution for the State, whose duty it is to protect right and repress crime, to withhold con-

tributions from those "who strive to destroy civil order and overthrow the State."

This law will have force in all the disaffected districts, such as Prague, Olmutz, Freiburg, Mayence, Guesen, Posen, and Paderborn. It will, of course, leave constitutional Catholics untouched. All adherents of what Manning calls the "Old Catholic heresy," having no objection to swear fealty to the State, will retain their endowments as before.

It had been well for Prussia some time ago to have regarded the Old Catholics as having not only *equal* but *exclusive* claim to the privileges forfeited by the other section of the Popish Church in 1870. And such will be the practical effect of this measure, since no consistent dignitary of the Vatican Church can logically swear civil allegiance both to his Emperor and his Lord the Pope. We say *logically*, but no doubt many will find it convenient and possible to retain both their endowments and the Pontiff's blessing. It is vain to plead in this case that they must "obey God rather than man." This well-known text, as Bismarck lately said, certainly "does not mean that more obedience is to be shown to a Pope, misguided by Jesuits, than to a king."

It is pleasing to observe that Prussia is not left alone in this struggle. Other German States, like Hesse for instance, have passed laws almost identical with hers, and it was recently announced that "the Prussian Government, the Federal Council of the Empire, and the individual German States, are considering further legislative measures against the Ultramontanes."

GERMANY'S RESPONSIBILITY GREAT—HER DUTY PLAIN.

There is thus no prospect of an abatement of the strife. What the issue may be, who can tell? A dark cloud is hanging over Europe at this hour, and it may any day burst on our heads with terrific violence. But meanwhile, may the German people be enabled to go calmly on in the course on which they have been compelled to enter, assured that the right will certainly prevail, and resolved that, come what may, they will not, as they ought not, to have any compromise with Rome!

CHAPTER VI.

GENERAL RESUMÉ AND DEFENCE.

It remains, in this closing chapter, to gather up our conclusions and apply them to the vindication of Prince Bismarck's recent action. Nor should this be a difficult task, when we remember on the one hand the nature of Rome's pretensions and policy, and on the other the real character of the present German legislation.

SOME THINGS WE HAVE SEEN.

We have seen the necessary hostile attitude maintained by the Papacy, towards every civil Government not subjugated to itself. We have seen that the Pope of Rome is in theory, and as far as possible in effect, "King of kings and Lord of lords" that his claims have, since 1870, been more irreconcilable than ever with the just prerogatives of civil liberty and national independence; that the promulgation of these claims in Germany, and the Jesuitical intrigues which accompanied the same, could not be tolerated in the present critical condition of the young empire; and that vigorous measures have consequently been taken by the German State, for the repression of Ultramontane encroachment on the rights and liberties of the Fatherland.

WHAT BISMARCK KNOWS.

Were Rome merely a spiritual power, Bismarck would be the last man to interfere with it. But he knows that it is terribly real as a political system, however it may cloak its designs under spiritual pretexts. He knows that its discipline embodies civil elements, and claims to be enforced if necessary by the civil arm. He knows that Canon Law expressly declares, that the "*Emperor ought to obey, not to command the Pope.*" He knows that Rome's functionaries are civil rulers, as well as spiritual guardians of their flocks, that the Bishops are really lieutenants under their great Roman Captain.

WHAT ROME SEEKS.

While Popery then as a religion presents a mere travesty of Bible truth, her temporal power is indisputably great and cannot be ignored without consequences most disastrous to the peace and prosperity of nations. Rome claims not mere respect but abject obedience, and demands that royal edicts yield before the mandates of the Pontiff. Nothing but want of power justifies her in forbearing at any time to urge these claims. With her *Bulla Cænæ*, she demands immunity from civil jurisdiction for her servants, wherever they may be. In every land she seeks to establish not merely an *imperium in imperio*, but an *imperium super imperium*. And of all this she makes a boast! To quote from our late Premier, "It has been the peculiarity, the pride, and the misfortune of the Roman Church, to allow to itself, as far as its power would go, the use of earthly instruments for spiritual ends." And the converse, we may add, is no less true,—that she has allowed herself unbounded *use of spiritual instruments for earthly ends*.

EXPECTED AND UNEXPECTED RESULTS OF THE VATICAN DECREES.

And what of the recent Infallibility Dogma, which with its retroactive force, puts Pius IX. and his church under the anathema of a whole line of predecessors,—“decapitating them by the sword they themselves have unsheathed?” Was this dogma not intended to further the interests of Ultramontaniam, by bringing all Papists into more immediate subjection to the Bishop of Rome? Most undoubtedly. It was only the outcome of a deliberate policy of aggression on the part of the Roman Curia; and its effect on Papists is obviously great, since it requires them to accept as God’s truth, and on pain of eternal damnation, what before was left an opinion,—the personal Infallibility of the Pope. Politically viewed, it requires the Romanist, in the now historical words of Mr Gladstone, “to surrender his mental and moral freedom, and to place his loyalty and civil duty at the mercy of another.”

The promulgation of the Vatican Decrees was meant to be a great stroke on behalf of Rome; but it appears likely, in the

providence of God, to prove a great stroke against her. There is force in the suggestion that as Pagan Rome declined when she deified her emperors, so Papal Rome will decline now that, and because, she has deified her Pope. The blasphemy of Herod seems venial, when compared with the sustained and reiterated pretensions of the Pontiff, who dares to sit in the temple of God as God.

Certain it is that, to all appearance, Ultramontanism has over-reached itself, in attaining the fulfilment of its aspirations. So long as Infallibility was unincorporated, it was possible for governments to overlook it; but now, from its concentration in one powerful focus, it cannot escape observation. Rome's vaulting ambition has o'erleaped itself, and come into collision "both with political principles and sincere consciences."

CHURCH FAVOURITES.

But Ultramontanes are still in favour and in power. The Pope, in return for his own exaltation, is elevating those who exalted him. At home, we see the Cisalpine School neglected and unpopular. The opinions of Lingard and Doyle have few prominent representatives in Ireland now, save the unfortunate O'Keefe; and in England we see Manning, the bold champion of Ultramontanism, with his "blushing honours thick upon him," while the more cultured but less Papal Newman is left to the retirement of a mediæval mysticism, little loved and little applauded by the influential dignitaries of the Church. Abroad the same thing happens. It is always men like Ledochowski, who preach the doctrine of the Syllabus and of the Vatican, that we see raised to power. What changes the death of the present Pope may bring, it is difficult to conjecture. He appears to be taking every precaution to secure a like-minded successor; and if this does come to pass, in spite of the expostulations of Bismarck and Victor Emmanuel, it may issue in the complete nationalization of the German Roman Catholic Church.

THE DESIGN AND THE BARRIER.

All Papists, we have seen, are now directly governed from Rome; and what a power for evil this puts into the Pontiff's

hands ! Through the whole body of the Romish Church, his Jesuits move like recruiting sergeants, stirring up fanaticism, sowing the seeds of anarchy, and pandering to the basest desires of men, all in order to overthrow the powers that be, and set up their pontifical Lord in his kingdom once again ; that kingdom which, with its venal justice, its intellectual stupor, and its moral corruption, was supposed to be such a model for the nations of the earth ! But to the re-establishment of the Papal kingdom, the Protestant empire of Germany is an insuperable barrier, which must, in the interests of God's Vicar, be swept out of the way. To accomplish this, Rome has been moving heaven and earth, or rather compassing sea and land. By her Decrees and their zealous enforcement, she took the aggressive, the crime of Prussia being that she was Protestant, and had become great enough to refuse submission to the limitations of an Italian Priest.

BRITISH LAWS AND MONARCH CHARACTERISED BY PAPISTS.

It should be distinctly remembered, that Prussia's quarrel is not so much with the men as with the system they uphold. Popery is essentially a *form of Government*, which claims divine right, and tolerates no jurisdiction but its own. Protestant persecution has happily been a rare thing, and when it has occurred it was due, not to the system but to the mistaken zeal or ferocity of individuals. With Popery, however, the case is different. It is essentially a system of intolerance and persecution, and essentially so with respect to civil Government. We in Britain know something of the spirit which Romanism genders. We have been told, notwithstanding all our concessions, that "*our laws are not laws but lies* to be spit upon, not obeyed : " and that "*our Queen is the enemy of ten millions of her subjects.*" But though *our* long-suffering people submit to indignities of this kind, we can hardly expect or desire that every one else should follow the example.

AN ENGLISH PREJUDICE.

Our countrymen are apt to approach the German question with prejudiced minds, thinking that "we manage these things

much better in England." But the fact is that Germany is just passing through an experience now, which we had long ago. She is in a state of transition, and must meet the enemy wherever he is to be found. A very little reflection will show that legislative measures to be of any service at present in Germany must be expeditiously passed, vigilantly guarded, and vigorously executed. It would be obviously unfair to expect from the young and scarcely welded Empire the same "magnanimous laxity," as we can, or think we can, afford to exhibit in our favoured isle :—

"This land of settled government,
A land of just and old renown,
Where freedom broadens slowly down
From precedent to precedent."

This at least is certain, that, considering the wind Popery has sown, it would have been small matter of surprise had she reaped a far severer whirlwind both here and in Germany.

When Englishmen hear of the repressive measures taken by Bismarck, their sensibilities to individual religious freedom are prone to be disturbed. But, as we have shown, to coerce liberty of conscience is no part of the Hohenzollern policy ; and as to *ritual*, greater freedom is allowed in Germany than the British Parliament deems it advisable to grant to either of its established churches.

FACTS CULLED FROM BRITISH HISTORY.

In dealing with this question we must not forget that the kings of England, from the wise Alfred downwards, have had to make like vigorous efforts to maintain the supremacy of the crown. William the Conqueror and his Norman successors flatly denied the obligation of fealty to the Pope. In the ignoble reign of John, after the king had succumbed, his people refused to be pacified by the good offices of Nicholas, the "angel of peace" sent by Rome ; and, headed by the nobles, in defiance of Pontifical fulminations, they wrung from their despised monarch the great charter of English liberties. In Edward III.'s reign, John's submission to the Pope was declared null and void, "having been made without the concurrence of Parliament, and in violation of his coronation

oath." Then, in the reign of Richard II., the statute *Præmunire*, so obnoxious to Rome, was enacted. At length came the struggle in the time of Henry VIII., which issued in a thorough break with Rome. Into the details of that contest, or the course of action which followed it in the various succeeding reigns, it is beside our purpose to enter. Suffice it to say, that, with the exception of Queen Mary and James II., our English monarchs, from the dark ages, even to this enlightened nineteenth century of ours, have had to preserve with diligence their royal prerogative against Papal aggression. And this supremacy of the crown, which Manning calls "*the Reformation in concreto*," has happily not yet come to nought, or "perished by the law of mortality which consumes all earthly things."

COMPARE GERMAN AND ENGLISH OATHS OF ALLEGIANCE.

Moreover, the oath imposed on German Bishops is hardly more emphatic or "cynical" than that administered in this country to Roman Catholic Peers and Members of Parliament: "I do further declare that I do not believe that the Pope of Rome or any other foreign prince, prelate, person, state, or potentate, hath or ought to have any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm." (10 George IV., chap. 7). Is not the German Chancellor entitled to require something equally explicit? And when Rome is "furbishing anew" her old "rusty tools," is he not justified in securing that they shall not be used with success to undo the unity and nationality so hardly achieved for his country? The sympathies of all ingenuous Englishmen, who examine the true state of the case, must enlist themselves on the side of the Fatherland, which in its present legislation is urged by the instincts of self-preservation to repress efforts made to subvert the stability of the Empire.

Were the priests and bishops of Rome quietly pursuing their spiritual avocations, Bismarck, as we have said, would take little direct interest in them. But they compel his interest, and interference too, by their persistent intermeddling with political affairs, and their unbending hostility to German

unity, independence, and progress. He does what he can to "frustrate the knavish tricks" and "confound the politics" of Rome. This is never an easy or grateful duty; but now that the Papacy has assumed a position of haughty superiority, implacable enmity, and lofty defiance, the time for conciliation is plainly at an end. Bismarck has indeed "no wish to conclude a concordat with a power possessed of supernatural wisdom," and declares his readiness to maintain the legislative power of the State against all assailants. In his own words, the factitious *subjective conscience* of priests and democrats will not be allowed to rise above the *objective law* of the land. There is clearly an end of all order when Romish dignitaries are allowed to declare either for themselves or their people, that they are "*a papa legibus soluti*"—loosed from the laws by the Pope.

GERMANY AND PIEDMONT.

The question in Germany is just the same, *mutatis mutandis*, as was debated some years ago in Piedmont—Shall German Law be co-extensive with German territory? and Rome must again be told that foreign dictation will not be tolerated, and that the persons and property of ecclesiastics come under the authority of law. Government cannot allow itself to be defied on its own territory, or its subjects organized in revolt. The Sovereign must maintain his right of surveillance over "all his subjects and all his soil:" and Bismarck may be trusted to let no corner of the field escape him. He is resolved to have civil obedience from priests as well as laymen, and to maintain the great principle of nationality—"that each nation is entitled to make its own laws, rule its own subjects, and determine its own policy, subject only to the law of justice within, and to the comity of nations from without."

BISMARCK AND TOLERATION.

The German people has still to fight the battle which England waged and won so long ago, vindicating constitutional liberty for herself, and thereby gaining the power of subsequently extending toleration to those who at one time had to

be treated with the utmost rigour and resolution. Toleration, in the English sense, is impossible at present for Germany, which may, however, be able by and by, like ourselves, to adopt a more passive policy. Meanwhile, it would be worse than folly to "admit with a blind fond trust" the lies and machinations of Rome, which have always been fraught with consequences so direful to national harmony and political independence. Bismarck's motto with respect to his Popish subjects is substantially this:—

"Grant them the rights of men : and while they cease
To vex the peace of others, grant them peace :
But trusting bigots—whose false zeal has made
Treachery their duty—thou art self-betrayed !"

JOHN LOCKE ON TOLERATION.

As to tolerance, Locke spoke soundly when he said:—"These therefore and the like, who attribute unto the faithful, religious, and orthodox—that is, in plain English, unto themselves—any peculiar privilege or power about other mortals in civil concerns, or who, upon pretence of religion, do challenge any manner of authority over such as are not associated with them in their ecclesiastical communion—I say these have *no right to be tolerated by the magistracy ; as neither those who will not own and teach the duty of tolerating all men in matters of mere religion.*"

Bismarck, however, has been more lenient to adherents of the Papacy than Locke, to judge from this passage, would have counselled him to be ; for though he well knows the intolerant spirit of Romanism, he grants it the fullest liberty *in so far as it is a religion.*

PERSECUTION !

But Popery cannot without infatuation be regarded and treated as if it were merely a religion ; and this is the point that requires to be impressed by frequent iteration on Englishmen, who propose to pass sentence on the Falck Laws and the general action of the civil power in Germany. Romanism is of a hybrid nature, hence its tremendous and

insidious power. Were it either purely political or purely religious, it could easily be dealt with ; but, executing its political purposes under religious pretences and sometimes with spiritual weapons, it is able to mislead conscientious but ill-informed Protestants, by raising a cry of *persecution* !

AN EQUATION.

Manning, for instance, compares Bismarck's "cruelty" to that of Diocletian ; and his friend, Dr Ullathorne of Birmingham, declares that "German Catholics are suffering the most bitter persecution that has been endured since the days of Julian the Apostate !" Such statements would fire our indignation were they not so grossly and palpably false as to hide their enormity under their grotesqueness. We are quite contented to believe, as has been suggested, that "the great heart of the world is just" enough to judge between Dr Falck with his laws, on the one hand, and Simon de Montfort, Alva, Catherine de Medicis, and Bloody Mary, with their stakes, on the other.

MODERN MARTYRDOM.

Yet, though reference to Rome's own intolerance, for which she never utters a syllable of regret, might well close *her* mouth, it will not excuse persecution in Protestants. But persecution there is none, however pleasing it may be for refractory clerics to regard themselves as martyrs for Holy Mother Church. The way to martyrdom, in this intelligent age, is much smoother than it used to be ! It does not lead to the scaffold or to the burning pile, but only to a pecuniary mulct or a few months' comfortable imprisonment. We question, however, if the martyr's crown is so glorious or so much worth the having, as it was in days of yore, when aspirants to the possession of it were not comfortable Archbishops, aided and abetted by Rome's great hierarchy, but solitary, serious men like Huss, and Jerome, and Ridley, who rejoiced to have their bodies burned if thereby they might shed God's truth athwart a benighted world.

ROME'S PROPOSAL : BOHEMIA'S REPLY.

The mention of *Huss* reminds us of a recent condescension on the part of Rome, which proposed to re-admit the great Bohemian martyr as "a true Catholic" and a "martyr by mistake." The following is a reply from the *Narodni Listz*, a national Bohemian journal:—"A formerly victorious and heroic people you would make at once into humble servants of the Romish hierarchy! You desire the Bohemian nation, which for centuries was the only one in Europe that did not bend its neck beneath the sway of ambitious Rome, and which most steadfastly opposed her, all at once, in a time of enlightenment and universal emancipation from hierarchical rule, to surrender itself to the mercy of Ultramontaniam, to disown its past history, and to ask for absolution from the errors of its predecessors! We are to exchange our mighty past for the contempt of all enlightened people of the age in which we live!"

A CONTINENTAL REACTION.

This spirited protest is significant, as one of many indications of a Continental revulsion against the pride and pretensions of Romanism. The same current, deep and strong, may be traced in other countries. Intense and long was the strife in Switzerland, and her difficulties did not end with the war of the Sonderbund. Italy, too, if we are not greatly mistaken, shares in the general disgust at the unconscionable grasping of Ultramontaniam. Manning, however, would have us believe that "excepting a handful of *Petrucelli della Gattinas*, no people can look with less sympathy or more secret contempt upon the Prussian legislation than the Italians." The contempt must be secret indeed, and the Archbishop—we beg pardon, the Cardinal*—must have heard about it from the Pontiff himself, for surely none but infallible eyes could have detected it. It is unquestionably more obvious to ordinary mortals that Italy has passed certain

* The disposition sometimes shown in high quarters in this country to give the prominence of rank to these purely Popish distinctions cannot but be noxious in its influence.

laws pertaining to marriage, baptism, education, and the like, whose tenor was neither complimentary to Rome nor far removed from the principles since embodied in the ecclesiastical legislation of Germany, or even in the "tyrannous and pedantic absurdity of the Falck Laws."

AN IMPORTANT DISTINCTION.

Pedantic they may be, though we fail to see how; but so far from being tyrannous, the German Laws all tend to the protection of the individual. The Government allows greater liberty to Roman Catholics than the hierarchy itself will grant them. This was illustrated in even the opening conflict, concerning the Roman Catholic Professors whom the Bishop wished to depose for not believing the Infallibility dogma. Had Government compelled men to accept this new dogma, *that* might have been called intolerance; but it was surely not persecution to say that Government officials *are not to be deposed* for refusing to accept what to them is a novel and incredible doctrine.

CANONICAL CASUISTRY.

No doubt most of the questions under dispute are *mixed questions*, involving both spiritual and civil issues. And of this fact full advantage is taken by Popish apologists. With an amount of sophistry which could pass muster only at the Romish Academia, Manning argues:—"Here is a mixed question of stipend and orthodoxy. Surely orthodoxy is a higher element than stipend; faith is of a higher order than thalers, and to judge of orthodoxy and faith belongs not to the civil but the spiritual tribunal." The conclusion we are meant to draw from these premises is, that the tribunal which treats of the "higher element" has alone the right of judging in the matter. But Bismarck is little likely to be induced by such casuistry, to resign either German officials or German thalers to the sole management of Romish potentates. Rome's endeavour to break down the distinction between things civil and religious must be met with uncompromising opposition.

THE FALCK LAWS THEMSELVES AGGRESSIVE—WHAT THEN ?

But certain assailants of the Falck Laws, while professing to extol energetic resistance to Ultramontane aggression, as loudly condemn the legislation as being itself aggressive. They lavish much righteous indignation on what they call an "attempt to crush the faith and independence of religious belief by State persecution and intolerance."

As to *persecution*, we have already disposed of that, by showing that when it does come, Rome is likely to take an *active*, not a passive part in it. As to *intolerance of belief*, the charge is utterly false, inasmuch as the present Emperor has not departed from the policy of full toleration pursued by his ancestors. The charge of *aggression* is at least somewhat more relevant and tenable.

But is Prussia not justified in taking the aggressive ? She did not wait for France to come and ravage her territory, but carried the war at once into the enemy's country. Equally foolish would it have been to look indolently on, while Ultramontanism played havoc with the yet unconsolidated Empire !

To bring the matter home : Were a passenger inoffensively walking along the street, you would certainly not be justified in knocking him down ; but if he attacked you, or those you held dear, you would reasonably deem yourself entitled not only to defend yourself from his attacks, but to respond with the most striking and forcible *argumentum ad hominem* at your command ! Even if Rome did nothing but menace him on his own territory, Bismarck could hardly be blamed for disliking to sit with the sword of Damocles suspended over him. By all means let him strike it away if he can !

The *invader* has little reason to complain, if he is summarily extruded from the territory he has wantonly entered. The *poacher* elicits meagre sympathy if, when caught, he is somewhat roughly handled. They who sneak into quiet houses under covert of darkness need be little surprised if forcibly ejected by the "strong man armed." We leave the application to the emissaries of Rome.

The restriction put on the personal liberty of contumacious bishops certainly seems a somewhat harsh and un-English proceeding. But it has at least the plea of necessity : and

necessity proverbially "knows no law." Extraordinary means must be found to meet an extraordinary attack. Even in England the "Habeas Corpus" has had at times to be suspended, and martial law applied in cases of emergency. Miltiades, as has been well said, is not the only tyrant who has proved to be "freedom's best and bravest friend." It is better to put some of the mutinous crew in irons than to have the vessel, with all on board, go down.

THE ADDER AND THE COUNTRYMAN.

The contempt and evasion of law practised in this country cannot, from circumstances, be permitted with equal impunity in Germany; and it is certainly unreasonable that State-paid officials should think themselves justified in accepting and demanding their princely revenues, while at the same time they are plotting, secretly or overtly, for the overthrow of the Empire—making it a chief aim to disturb the public peace and retard the country's prosperity. An analogy for their conduct can only be found in the case of *Æsop's adder*, which the countryman pitied and fostered, till it showed its gratitude by turning upon its benefactor, and endeavouring with its poisoned fangs to destroy his life and that of his children. We have seen how indulgent Germany was to the Papacy, till the Ultramontanes rendered indulgence no longer safe or possible, by achieving the culmination of the "Church of the Vatican, whose God is the Pope, whose gospel is the Syllabus, whose apostles are the Jesuits, whose kingdom is of this world and would be the whole world if it could."

CONVENIENT ELASTICITY.

But this, they say, is a case of "obeying God rather than man." It is more than hinted, however, that at least two of those who make this declaration (namely, the Bishop of Breslau and the Archbishop of Olmütz), find certain laws which they call divine in Prussia, singularly human and elastic across the Austrian frontier, where their wealthy farms are known to lie.

A FINAL SUMMARY.

Here, then, is the conclusion of the whole matter. The present difficulties in Germany are but the legitimate issue of the promulgation of the Vatican decrees—which of necessity inaugurated a struggle, not about religion, but concerning civil supremacy.

Rome passes and enforces dogmas which conflict with the existing state of things in Germany so seriously as to tend to the subversion of the whole Empire. To resist the compulsory imposition of these new conditions on State servants and State subjects is called *persecution*. Thus Manning with his accustomed plausibility and smoothness of diction, declares that "Prince von Bismarck creates resistance by persecution, and then pleads that resistance to justify the persecution that has called up that resistance." This is a well-turned sentence, but purely assertive. It would be much nearer the truth to say—"The hierarchy, by resistance of lawful authority, creates what it calls persecution, and then pleads that 'persecution' to justify the resistance which has called it forth."

The recent legislation has been already so fully discussed that recapitulation here is neither desirable nor necessary. The following considerations, however, should be carefully borne in mind. The new laws were evoked by the Church and churchmen; they give definite form to the relations between Church and State in Germany; they are, in many cases, a return to former statutes; they are identical, in others, with laws existing elsewhere, under the consent of Rome; and where apparently severe, they are defensible on the ground of political necessity, and will doubtless be relaxed when occasion offers, and a due regard to safety admits of such a course.

We must always remember that Germany is not England—far less Utopia; and that it is by German sentiment, German antecedents, and in view of German circumstances, that the laws must be judged.

may!

GENEROUS IMPEACHMENT OF PRINCE BISMARCK'S MOTIVES.

Bismarck's motives have been impugned with the greatest

virulence by our Westminster Cardinal :—" He does not expect or desire obedience. . . . He wished for a pretext, and has made it. . . . These laws can be no otherwise understood than as a deliberate scheme to render it impossible for Catholics to obey, that they might then be accused and dealt with as resisting the authority of the Emperor." This vile accusation is altogether groundless. Though not so accustomed as the Cardinal to read men's motives, we are assured, —and we believe that every one who candidly examines the laws will agree with us,—that the sole end and aim for which the present legislation has been devised was to protect the civil liberty and the unity of the Empire. In the words of Lord Russell :—" The cause of the German Empire is the cause of liberty, and the cause of the Pope is the cause of slavery."

BEWARE !

These are troublous and critical times for Germany ; but not for Germany alone ! A general conspiracy is on foot, against modern society and civilisation. Rome is leaguering her millions in every country for a grand assault on the liberties of the world. The Pope must be restored ! His votaries regard the sharpening of animosities as " a most beautiful sign," and anticipate with grim satisfaction the terrible scourge of a Continental war, after which " the league of St Sebastian, wearing their old, grey, observable uniform, will, it may be, once more stand by the throne of Pius IX., under the day-break of that restoration."

" When Germany is disquieted, Europe cannot be at rest." The saying is true and memorable. But only one phase of the conflict is witnessed in the Fatherland. Rome seeks either the mastery or the destruction of *society* ; and her political confederation is not inactive in our own island home. If her enterprise is to succeed, however, she must trample on Scripture, Reason, and Humanity, and stamp out all the instincts of true Patriotism.

PREPARE !

When the conflict comes, as come it must, let us show that

we are not the "gregarious herd" we are called, and that loyalty with us is a nobler thing than our traducers define it to be,—“A traditional custom of inert conformity with law, maintaining a *passive compliance which passes for civil allegiance*.” It was not without a struggle that we secured the recognition of our monarch as the head of our civil jurisdiction; and we have now strenuously to keep what was resolutely wrested from the grasp of Rome.

GOD SPEED THE FATHERLAND !

But apart from ourselves and all selfish considerations, it is the duty and privilege of the true sons of national liberty and enlightened progress, to wish God-speed to the German Empire in the great and arduous but noble and patriotic contest in which it is engaged. All such will feel that the conflict is in a real sense their own; and the friends of truth must certainly be prepared to resist Rome to the uttermost, till a brighter era dawns, when all error and strife shall be swept away—

“Till the war drum throbs no longer, and the battle flags are furled,
In the parliament of man, the federation of the world.”

FINIS.