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By Whom, all things; for Whom, all things.

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# JANUARY.

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## SHALL THE KEYS OR THE SCEPTRE RULE IN GERMANY?

ALL eyes have lately been fixed on the Orient, watching with intense, absorbing interest the fresh developments of "the Eastern Question." While the most horrible of modern wars has been working out what we may hope will prove, under Providence, to be a permanent settlement of an urgent and long-vexed question, which involves many and various "interests," both moral and material, men have had little time or thought to bestow on the less obtrusive, though not less important, aspects of European affairs. France, indeed, diverted to herself for a time some share of public interest, during the portentous political crisis through which she recently passed. And Italy, with her milder crisis, followed as it was so soon by the unexpected loss of her gallant king, drew to herself for a brief space the eyes of all Christendom. But it was only a momentary glance, after all. Men's eyes were speedily riveted more firmly than ever on the fierce struggle so bloodily waged in the south-east of Europe between Cossack and Turk—the Cross and the Crescent.

Not for a long time, never certainly in the present decade, have the internal affairs of Germany attracted so little general interest as during the past year. This might be regarded as a good omen in ordinary circumstances; for it would betoken an amount of internal peace and happy harmony to which the empire, in its early years, has unfortunately been a stranger. But the truth is, that all the while a problem of yet greater complication, larger history, and farther-reaching issues than even the question of the "unspeakable Turk's" future standing in Eu-

rope, has been agitated in Germany. The conflict between church power and state power has been vigorously carried forward, without any sign of yielding on either side; and inasmuch as this is a subject of permanent and practical interest for almost every civilized country, we may confidently expect the attention of not only politicians and ecclesiastics, but of intelligent patriots everywhere, to revert to it, after the din of battle has subsided in the East.

Attention may be profitably directed to this question at a time when Death's visit to the Vatican, as well as to the Quirinal, has called our thoughts once more from their centre in Byzantium to her more ancient rival of the West. The decease of the venerable Pope, though an event long expected, has significance enough, even in a time when the scenes of the great world's drama are shifting with bewildering rapidity, to raise serious considerations in many minds. It is not merely John Mastai Ferretti, the devout enthusiast, who has gone the way of all the earth, and whose good the charitable are prone to praise, while they seek to bury the evil with his bones. But it is Pius IX., the Infallible, who has gone where problems which vexed him long have been finally solved for him by a higher tribunal than his own. It is Pio Nono, the long-lived but shortsighted occupant of St. Peter's chair. It is the Roman Pontiff, the amiably obstinate representative of certain ideas, which have a great living system based on them, and which bear directly on both the temporal and the spiritual well-being of millions of mankind.

Hence the newspapers may recount the slaughter of hecatombs on the shrine of horrid war, without suggesting to the mind one half the questions started by the quiet demise of this one old man. Of these one of the first is: Will the war of the Curia on modern society go with him to the grave? He would be a sanguine man who should answer, Yes! Pius IX. is gone; but Rome remains. She is "ever the same." And the hitherto dominant parties in the church are not likely to resile from a policy whose past they cannot cancel, but whose future they may hope successfully to control, merely because he who, during a long tenure of office, was quite as much their tool as their chief, has been at length beckoned by the death angel to make

room for a successor. Ultramontanism will remain, or again become, paramount, it is to be feared; and that means war, vigorous and unremitting, between Rome and every free-born commonwealth. It means a continuation, in a violent form, of the great church and state controversy, which Bismarck calls "the immemorial conflict of authority between kingdom and priesthood (Königthum und Priesterthum)." And even if, as some expect, the papal claims shall be temporarily held in a politic abeyance by the new pontiff, they will surely re-emerge in their fullest force at some future time; for Rome may bend, but she will not break, and she has often before shown how well she can "bide her time." Leo XIII. certainly begins his pontificate at too advanced an age to admit of its being a very protracted one.

It may be said that Americans, of all men, have least occasion to concern themselves with troublesome questions about church and state relations, since they have solved the Gordian knot by an entire severance of the two. But the United States have a considerable and an increasing Romanist population, and it is by no means impossible that Ultramontanism may yet force itself on public attention here in a very practical form. When we find so calm and catholic-minded a citizen as Dr. Philip Schaff writing (as he does in "Creeds of Christendom," vol. i., p. 134): "American Romanists must be disloyal either to the fundamental institutions of their country, or to those parts of the Syllabus which condemn these institutions;" and when it is remembered that the whole Syllabus of 1864 has received an irrevocable and soul-binding imprimatur in the Infallibility Decree of 1870, it is worth while for us to inquire what are the present civil aspects of the Romish question, and the conditions under which the war of the Curia on modern civilization is now being conducted. "Do you in the United States," Dr. Döllinger is reported to have said to an eminent American citizen,<sup>1</sup> "comprehend what that doctrine (Papal Infallibility) involves? It imposes upon those who accept it the solemn obligation to violate civil law, to set themselves in opposition to the ordinances of your government whenever the pope shall

<sup>1</sup> Döllinger's "Fables and Prophecies of the Middle Ages:" Introduction by Dr. H. B. Smith, p. 11.

pronounce his infallible judgment against any one of those ordinances, upon moral or religious grounds."

The logic of the Romish system led irresistibly up to the promulgation of the Vatican Decrees, and the logic of events has no less inevitably brought it about, that the deadlock thereby occasioned between Papalism and the civil power should be most prominently felt in Germany. To the land of Luther has fallen the responsibility—and may we not add, the honor?—of throwing down the gauntlet to papal incursion, and of saying to Jesuitical intrigue, "Thus far shalt thou come, but no farther!" Germany headed, in the sixteenth century, the great moral and spiritual revolt against Rome, which issued in the blessings of the Reformation. To Germany it has fallen, in the nineteenth, to take once more the van in the conflict for self-preservation, which Rome in her fatuity has forced on every state in Christendom. There are peculiar internal circumstances in the Teutonic empire which call for specially stringent measures there; but this battle, in the essence of it, is fought by Germany, not for herself alone, but for the world. She is the representative of every state that cherishes liberty and sets any value on self-respect, or its only proper basis in the efficient and conscientious discharge of its appointed functions to society.

The following advertisement will show that the Ultramontane conflict, though for the time overshadowed, has not been dead, or even slumbering. It appeared in several German newspapers in Cologne and elsewhere, November 14th, 1877, and was issued by order of the chief procurator: "Wanted, Paulus Melchers, Doctor of Theology, and formerly Archbishop of Cologne, condemned by decree of the Chamber of Correction, in Cologne, dated July 28th of this year, to a subsidiary punishment of thirty days' imprisonment, for unauthorized exercise of ecclesiastical functions." (Here follows a description of the personal appearance of the fugitive archbishop; and the paragraph continues): "I call on the police authorities to watch for said Melchers, to arrest him when found, and to produce him before me."

Now unquestionably this is an ugly announcement. It has not an English or an American look about it. And may we be long spared the necessity of adopting any thing similar! But

et us not rashly condemn the German Government without a hearing. Let us not listen to cries of "persecution," raised by interested parties, till we have examined the facts of the case. The above paragraph can only be appreciated in the light of plain facts of history. And we fully admit that strong facts are required for its justification. These, however, are not, we think, wanting. In passing judgment on single measures of this kind, we cannot justly ignore the theory and practice of Rome, her past and present civil policy, the recent important development of her sweeping claims, and her insidious enforcement of them. Nor should we forget the past antecedents and present position of Germany. In judging of her legislation, let us remember that, as a young empire, she does not enjoy so fair and fresh a start as the young American Republic. Germany is not America, still less Utopia; and we must try to read her new laws in the light of German history, German opinion, German institutions, and present German emergencies. Only thus can our criticism be at all "german to the matter." So read, the laws will lose more than half their harshness by losing all their capriciousness; and, instead of condemning the German Empire, we will sympathize and encourage the youthful giant, who, ere yet his thews had time to be knit or his system to be properly welded, has been compelled to fight for dear life against the hoary but most vigorous, crafty, and persistent assailant of social progress and civil liberty.

The Papacy is the result of a historical growth; so is the German Empire. But while the one is an illegitimate development, the other is perfectly legitimate. Now, if we find the culmination of the illegitimate system threatening the dissolution of that which is fair and right, we should be slow to pass a baseless judgment of condemnation on measures which the latter has been compelled to take, under the instincts of self-preservation. The laws promulgated by the German Government may not be an ideal code; but neither are the time and country, nor the circumstances and the interests at stake, ideal. And if the legislation seem coercive in some particulars, what of that? Must not every law imply restraint upon the evil-doers, while it is a praise and comfort to them that do well? Germany may well thank Heaven that she has in Prince Bismarck a statesman who fully perceives his country's danger, and does



not succumb before it—a Cromwellian leader, who, heedless of dangers to himself and conscious of perils to his country, is too resolute in his endeavors to avert the latter to be either threatened or cajoled from his purpose. If he binds, it is to save; if he restricts liberty, it is in the proper interest of freedom; like the tyrant of the Chersonese, he is “freedom’s best and bravest friend.”

We assert, then, that the German Empire in this struggle is acting on the defensive. Rome is the assailant. Her promulgation and application of the Vatican Decrees had to be counter-vailed by stringent legal enactments, if the empire was to have a chance to exist and consolidate. In support of this position let us interrogate history. We make appeal to facts; and, as the Scottish poet has said,

“Facts are chields that winna ding,  
And daurna be disputed.”

With respect to Rome, history tells that she has all down the ages been evolving, both in the spiritual and in the temporal sphere, the content of her fundamental dogma of the primacy of Peter and the divine vicarship of Christ’s successor, the pope. We cannot linger to trace at length what is so patent to every body who knows any thing of history. Rome has never dissociated the temporal from the spiritual in her claim to pontifical supremacy. The popes have long asserted a universal lordship, based on moral infallibility and omnipotence. But the Latin Church has had to pass through various stages of development. From a democracy it has changed to an oligarchy, and now finally to an autocratical theocracy, with an infallible and irresponsible head, who not only claims, like Innocent III., to be *jure divino* king of kings and lord of lords, but must be so recognized by all the faithful under pain of everlasting anathema. Papists may no longer follow their convictions in accrediting either the church, or the councils, or the pope with infallibility. By a process of exclusion all alternatives have been shut off.<sup>1</sup> They must now believe that infai-

<sup>1</sup> The text of the Decrees, and much information on this whole subject, will be found in Dr. Schaff’s “Creeds of Christendom.” The following is the most obnoxious part of the formula: “. . . Docemus et divinitus revelatum dogma esse definimus; Romanum Pontificem, cum ex cathedra loquitur, id est, cum omnium Christianorum pastoris et doctoris munere fungens pro

ibility is centred and concentered in one man, who in the temple of God speaks to them as God. And speaks of what? Not merely of spiritual doctrine and worship, but of all matters pertaining to "faith and morals." It is vain to argue limitation from the little phrase *ex cathedra*, for the infallible one has always interpreted very broadly his function as "pastor and teacher of all Christians;" and while "faith and morals" is an expression wide enough to embrace all actions and duties of the life as well as all beliefs of the heart, the sphere is further explicitly widened by the formal decree of anathema pronounced on all who deny that the Roman pontiff has "full and supreme power of jurisdiction over the universal church, *not only in things which belong to faith and morals, but also in those which relate to the discipline and government of the church spread throughout the world.*"

Thus at last the Papacy has culminated. The evolution of its germinal doctrine is now, at least in theory, equal to the involution. And if its practical application is not yet coextensive, we have to thank resolute men like Bismarck, and still more the counter-development of modern ideas, which they powerfully represent and which Rome cordially deplures.

What we are concerned with here is the fact that in the eyes of Papists all power is now vested in the Bishop of Rome. This consummation has not been reached without opposition, even within the church. But the Jesuits have long worked towards it, and their policy of centralization is at length triumphant. The episcopate has been reduced to a tool in the hands of whoever may occupy the chair of St. Peter. The pope can now openly declare, "I am the church; I am tradition." Thus have the views of the ablest and most conscientious of Rome's theologians been overridden by the ardent and visionary persistency of one whom Dr. Schaff aptly describes as "a theological ignoramus." The acute and strong Bellarmine,

suprema sua apostolica auctoritate doctrinam de fide vel moribus ab universa ecclesia tenendam definit, per assistentiam divinam ipsi in beato Petro promissam, ea infallibilitate pollere, qua divinus Redemptor ecclesiam suam in definienda doctrina de fide vel moribus instructam esse voluit; ideoque ejusmodi Romani Pontificis definitiones ex sese, non autem ex consensu ecclesie, irreformabiles esse."

the gentle and eloquent Bossuet, and the learned and candid Moehler had all to yield to Pio Nono.

Never had Ultramontaniam a more zealous exponent than the late pontiff. His demands brought him into collision, at one time or other, with almost every power in Europe. It is matter of history that the Papacy has broken the peace of Europe at least a score of times this century. The Emperor William was not the only monarch who had to rebut the impertinent claims of Pius IX., as he did in that memorable Protestant reply of August, 1873, in which he repudiated "any other mediator than our Lord Jesus Christ," and acknowledged his responsibility for the actions of his government to God alone, and not to any earthly pope or potentate. Even the third Napoleon, devoted son of the church, had a fierce quarrel with Pio Nono about the enforced introduction of the liturgy into France, and had to preserve the peace of his empire by quelling with the strong arm those Jesuitical machinations which threatened it, and which have recently made themselves so seriously felt in the Gallic Republic. As Doctor Hodge mentions: <sup>1</sup> "One of the encyclical letters of the present pope so openly denied the liberty of conscience, the liberty of the press, and the lawfulness of tolerating any other religion than that of Rome, that the late Emperor of the French forbade its publication in France; yet the Archbishop of New York read it in his cathedral to an immense and approving audience."

Not content with isolated acts of interference, secret and overt, Pius IX. secured enactments in his favor. On December 8th, 1854, amid great pomp and hierarchical circumstance, he declared the dogma of the Immaculate Conception. This formal deification of the Virgin was only a tentative measure; but it was a large step towards the coveted deification of himself. Exactly ten years later, December 8th, 1864, another step was taken when he issued his remarkable encyclical, along with the notorious Syllabus, which again, six years after, was made infallible and irrevocable by the Vatican Decrees.

<sup>1</sup> "Systematic Theology," vol. iii., p. 561.

The Syllabus, which is a condemnation of eighty prevalent errors of the age, miniatures the whole Romish system, in being a strange and hopeless mingling of truth and error. It condemns much that all evangelical Christians condemn, but also much that is dear to them as life itself. Its bearing on church and state relations is our immediate concern. When it denounces the assertions that "it appertains to the civil power to define what are the rights and limits within which the church may exercise authority" (Prop. 19), and that, "in the case of conflicting laws between the two powers, the civil law ought to prevail" (Prop. 42), we readily give a qualified Amen! to the condemnation. The church is undoubtedly, if not a "perfect," yet a "free society, enjoying peculiar and perpetual rights conferred on her by her Divine Founder" (Prop. 19)—the limits of which, however, she must be careful to define, according to the authority of Him who gave them. Americans can hardly be expected to concur very heartily in the anathema pronounced on those who affirm "that the church ought to be separated from the state and the state from the church" (Prop. 55), any more than in the ban pronounced on those who deny that "the church has the right to employ force" (Prop. 24). And all history both warrants and requires us to place ourselves under the sweep of the anathema hurled at those who have the temerity to assert that "Roman pontiffs and œcumenical councils have exceeded the limits of their power, have usurped the rights of princes, and have even erred in defining matters of faith and morals" (Prop. 23). The keynote of the whole Syllabus and of modern Roman policy is found in the concluding condemnation of those who assert that "the Roman pontiff can and ought to reconcile himself to, and agree with, progress, liberalism, and recent civilization" (Prop. 80).

The Papacy's boast is, *Semper idem*; and the pontiff's desire has been to keep mediævalism in stereotype. But when once the Middle Ages have fled, it is difficult to bring them back. The Vatican Decrees were a bold step in this direction. But they should have been proclaimed some centuries earlier. Governments cannot now afford to acknowledge a papal dictatorship, to subject all civil legislation to the Bishop of Rome's revision,

or submit to the establishment of an *imperium super imperium*, however spiritual be the guise of the Cæsarism that seeks to impose it. Men cannot afford, at this time of day, to surrender their rights as men and citizens, to regard liberty of conscience as *insanity*, or freedom of speech and press as the *liberty of perdition*, merely because an ecclesiastical usurpation has set the seal of its infallibility to the doctrines of the Syllabus.

Hence the ill-fated Council caused no small stir even among intelligent Romanists, who cannot avoid being more or less imbued with the Zeit-Geist. The preliminary announcement of the proposed Council (given June 29th, 1868) was greeted by a shower of hostile criticisms, many of which, in the form of pamphlets, emanated from within the church. And even in the Council, though it was packed with Ultramontanists and had all its proceedings dexterously manipulated towards the desired result, there was any thing but unanimity. The 276 Italians, including no fewer than 143 from the petty Papal States, were, of course, with their Spanish brethren, more than a match numerically for the 84 representatives from France and the 19 from Germany. But the vote of July 13th, 1870 (in the eighty-fifth secret session of the General Congregation), recorded 88 votes *non placet*, besides 62 *placet juxta modum*, while over 80 members refrained from voting altogether. And those 88 *non placet* votes represented not only almost all the scholarship of the episcopate, but about a half of the wealth and territorial domain of Roman Catholic Christendom. The Council was thus really as little unanimous as it was œcumenical. It was merely a packed assembly of Italians, convened for papal purposes. But it served the end in view. Had the pope listened to the ardent entreaties addressed to him during the next few days, or had the recalcitrant bishops remained true to their principles, their church might have been saved from its present direct and, it is to be feared, permanent collision with the civil power. Instead of this, the pope was deaf to entreaty, and the bishops equally blind to their duty. No fewer than 56 of them handed in a miserable protest to His Holiness, four days later, submitting, on grounds of "filial piety and reverence for the Holy Father," to a decree with which they could not concur, but on which they perceived his heart to be set. In other words, they were

ready to commit moral and official suicide in order to please the pope! Sixty others opportunely left the city; so that when the final open vote was taken, on July 18th, of 535 who were present, only two dared to vote *non placet*. And so the "old man of the Vatican," amid the ominous darkness and thunder of heaven, proclaimed himself a god, by the help of a candle-light which a servitor had to hold while he read the important decree.<sup>1</sup> Where were the learned Maret and Dupanloup and Hefele, the proud Ketteler, and the brave Strossmayer on that testing day? And what were two among so many! But let their names go down to posterity as of men who did not flinch in the day of battle, but, holding the courage of their convictions, bared their breasts to the whole hierarchy—Bishop Riccio, of Cajazzo, in Sicily, and Bishop Fitzgerald, of Little Rock, Arkansas.

Archbishop Darboy, of Paris, fell a victim to the fury of the Communists ere he had publicly expressed his acquiescence, in the Decrees; but all the other bishops submitted, "for the peace and unity of the church," and in the course of a few months forgot more, as has been pithily said, about the history of councils than the infallible pope ever knew. They and other Romanists, not members of the Council, might wish but could not succeed in "erasing all they had written on the subject," as Gratry on his deathbed professed to do. The treatise of Bishop Kenrick, of St. Louis, for instance ("Concio habenda at non habita"), remains as a convincing proof of the absurdity alike of pontifical claims and of his own subsequent position of servile acquiescence.

But others, outside of the episcopate were not so easily convinced. The decrees fell like a weight of calamity on the hearts of Rome's best children. The learned and amiable Newman, choicest of Rome's adopted sons, had the greatest difficulty in accepting them; and while Manning has been vigorously endeav-

<sup>1</sup> The scene is thus graphically described by Professor Ripley in the *New York Tribune* of August 11th, 1870: "The moment had arrived when he was to declare himself invested with the attributes of God—nay, a God upon earth. Looking from a distance into the hall, which was obscured by a tempest, nothing was visible but the golden mitre of the pope; and so thick was the darkness, that a servitor was compelled to bring a lighted candle and hold it by his side, to enable him to read the formula by which he deified himself."

oring to compass the subjugation of Great Britain to the Papal See, his devout and visionary brother-Englishman has been spending the last years of his instructive life in a melancholy, heart-broken retirement. Many other English Romanists, as appeared from the excited controversy raised by Mr. Gladstone's pamphlet, experienced similar perplexity.

It is on the continent of Europe, however, that the effect of the Decrees has chiefly appeared, both within and without the Romish Church. The late pope, in endeavoring to establish his claim to coerce the consciences of men and to indulge his propensity to civil interference by centralizing all power, sacred and secular, in himself, has brought about two disastrous results. He has divorced from the church men who for character and learning were its brightest ornaments, and for devotion its most loyal sons; and he has brought the Papacy into inevitable conflict with the powers that be, and which, no less than the church, "are ordained of God." In other words, he has occasioned the Old Catholic movement of Döllinger and Hyacinthe, and the anti-Ultramontane policy of Prince Bismarck and Minister Falck. And if his "vaulting ambition has o'erleaped itself," who but he and his Jesuitical instigators are to blame, should it "fall on the other side"?

The cheer that broke from Ultramontanes on the attainment of their triumph was short-lived. It might almost be said to have stuck in their throats. Their dreams of universal domination may have been excited by Napoleon's declaration of war next day; but they were speedily dashed by the monotonous train of defeats ushered in by Wörth, Speicher, and Gravelotte, and the consequent establishment of a Protestant German Empire. If the war, as Bismarck distinctly asserts, was the outcome of Romish intrigue, it brought an appropriate retribution. Subsequent plotting to overthrow the young empire, by playing on its weaknesses—stirring up religious animosities, traducing government, inciting particularism, and sowing treason broadcast among the young—has as yet fared little better. For one of its legitimate though unlooked-for fruits is seen in recent German legislation.

The Old Catholic movement in Germany is all in Bismarck's favor. It is the most noteworthy movement that has arisen

within the church since the days of Jansenism. It presents the strange spectacle of a comparative handful of men, and these among the most learned and pious in the whole communion, claiming, with reason and history on their side, to be the true representatives of the Catholic Church of Rome, and regarding the great body of their brethren as apostate from the faith. Döllinger and his friends have had little difficulty in exposing the unworthy devices by which Papalism has reached forward to its present bad pre-eminence. And they have had as little difficulty, by reference to present church opinion, to past œcumenical creeds and councils, and even to past official decisions of the popes of Rome, in showing that the Vatican dogmas will bear neither of the three tests imposed by the generally accepted formula: "Quod semper, quod ubique, quod ab omnibus."

The significance of this Old Catholic "schism" lies not in the number of its avowed adherents—for these, in 1873, did not number over fifty thousand, and have not increased very rapidly since—but in the force of its logical position, the ability, character, and learning of its leaders, and the widespread latent sympathy with it among those who dare not yet profess themselves. Dr. Döllinger, whom Schulte, another noted Old Catholic, fitly calls "the Nestor of German Catholic Theology," is probably too old and too conservative to carry the movement to its logical issues. But the mantle of future leadership will by and by fall on the younger shoulders of his able and energetic colleague, Professor Friedrich, who will either seek to compel reforms under the new pope, or to have the German Catholic Church so nationalized as to be severed from the jurisdiction of the Papal See altogether.

After the promulgation of Dr. Döllinger's famous "Erklärung," to the effect that neither "as a Christian, a theologian, a historian, nor a citizen," could he accept the novel and untrue doctrine of the pope's infallibility, a congress was held in Munich (September, 1871), followed by others in Cologne, Bonn, and Constance. When we remember how conservative a body the Old Catholics are in the main, their cordial greeting to the Evangelical Alliance in New York was no mean proof of their catholicity. Their principles have been distinctly formulated and declared in resolutions proposed at the various councils, by



such accomplished men as Reinkens, Reusch, and Schulte of Bonn, and Döllinger, Friedrich, and Huber of Munich (believed to have been the "Janus," three-headed in this case, who so ably opposed from the first the Vatican Council programme). They advocated many reforms within the church, in matters of doctrine and cultus; but we quote only the two following resolutions of the Munich Council, as specially bearing 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*." These excellent men were all, of course, excommunicated; but some of them retained their official functions, as professors paid by government.<sup>1</sup> And on the religious side they had encouragement from the "Old Episcopal Clergy of the Netherlands," who broke off from Rome last century, and are generally regarded as a branch of the Jansenists. When Dr. Reinkens had been chosen bishop by the Old Catholics, these good Dutchmen extended the hand of welcome, by sending Bishop Heycamp, of Deventer, to consecrate him. The episcopal status of Reinkens was further recognized by the emperor, to whom he took the oath of allegiance the same year; and the claims of Old Catholics to state protection, as members of the church established by law, were admitted and confirmed by the highest court in Prussia.

A few months later, the pope hurled an encyclical at the Italian, German, and Swiss governments, in which he took occasion to anathematize these "new heretics" as "unhappy sons of perdition," with their "pseudo bishop, a certain notorious

<sup>1</sup> Dr. Döllinger was Rector of Munich University during its jubilee year (1871). By the time I saw him, in June, 1875, he had ceased to lecture. I visited him in his sanctum. He is a thorough student, and lives in the most simple style, up a stair in bachelor's lodgings, with his books for his only companions. He is a venerable and spare man (born 1799), of an acute, thoughtful countenance, "sicklied o'er with the pale cast of thought," and shaded with a touch of melancholy. In reply to my remark, that I could not leave Munich without seeing the distinguished leader of the Old Catholics, he said, with a half-rueful smile, "Ah! you have come to visit me as one of the sights" (Sehenswürdigkeiten). I asked if he still acted as professor, and he said, "No, I am too old; and though I should lecture, the students would not be permitted to come and hear me."

apostate from the Catholic faith, Joseph Hubert Reinkens." In Switzerland, where the state refused to yield to hierarchical dictation, a church movement likewise arose, at whose head stands Père Hyacinthe, once the most eloquent Carmelite monk of France, now the husband of an American lady and pastor of an Old Catholic congregation in Geneva. The Swiss Old Catholics have had a hard battle to fight in some districts; and they received their share of infallible vituperation in the encyclical of May 23d, 1875, where the faithful are warned to hold them in horror "as strangers and thieves, who come only to steal, assassinate, and destroy."

Thus we see that the German Government, in its political struggle, has strong moral support from this religious movement within the church. It is not improbable that the Old Catholics will by and by find their Tridentine hardly more tenable than the Vatican platform. Return to Rome seems certainly cut off; and their tendency must therefore be in the direction of Protestantism. But even their present conservatism adds to the moral force of their testimony. It is indeed true that some of the Tridentine Decrees, when pushed to their legitimate conclusions, were not compatible with the free exercise of state rights. But they could be and were accepted by states, "with a reservation of royal prerogatives." The refusal, then, of these Old Catholics to accept the new Decrees shows how palpable must be their incompatibility with civil liberty. They leave no room for reservation on the part of those who acknowledge them. They admit of nothing short of total surrender.

Before the promulgation of the Decrees there was a place in the Romish Church for a Döllinger and a Hyacinthe, as well as for a Manning and a Senestry; but this is so no longer. No more dare Romish catechisms stigmatize Papal Infallibility as "a Protestant invention." No more can Irish priests, with any show of reason or honesty, solemnly swear that "papal authority is limited by councils, and does not extend to civil affairs." For now all councils have been virtually superseded; and at least two Irish priests, Shanaghan and Maden, have had the candor and courage to leave their church's pale, "because modern Romanism is but another name for universal kingship."

There is no evading the fact that the recent obligatory decrees have materially altered the defined attitude of Rome, both to the church and to the world.

We have sufficiently seen how Rome's last startling development was received by the church. Let us next consider how it was viewed, especially in Germany, in its relations to the state.

We remark at the outset, and could easily prove it did time and space permit, that Germany, including Prussia, has all along been extremely lenient and even favorable towards Roman Catholicism. Prussia has sometimes set an example of tolerance concerning Rome to Catholic Bavaria itself. The Hohenzollerns have always given the utmost freedom of conscience to individual citizens, while vigorously repellent of ecclesiastical encroachment on the civil sphere through church societies or otherwise. They have reasonably required such societies to teach, along with reverence to the Divine Being, "obedience to the laws and fidelity to the state." But it has happened before now that, as in 1837, the policy of favor and forbearance has had to be departed from, in the imprisonment of contumacious archbishops who insisted on slighting the government and ignoring the laws.

The German revolution of 1848 afforded Rome an opportunity which she did not fail to embrace. Taking advantage of the conflict of parties, she allied herself with that which seemed likely to prevail; and, in return for her support of "the solidarity of conservative interests," she secured at once the ratification of former concessions and the bestowal of fresh favors. A special Roman Catholic supervisor, only nominally subject to the Minister of Public Worship, was appointed, and the Papists were left to manage things very much in their own way—a liberty which they terribly abused. In the words of Bismarck, "there was peace, but it was purchased by the uninterrupted compliance of the state." This ignoble truce could not always last. It continued, however, till the first German Parliament, when the long-smouldering conflict broke out afresh. Scarce had the Franco-Prussian cannon ceased to reverberate, when the Ultramontanes sounded the war-note of this new struggle, by moving for the restoration of the pope. A negative was given by the vast majority of the imperial representa-

tives; and from that day to this the din of conflict has never ceased within the empire.

German unity unquestionably means the weakening of popery. But it is too dearly bought and sacred a thing to be lightly surrendered. Döllinger was right when he wrote of Papal Infallibility: "I cannot hide from myself the fact that if this doctrine, through which the old German Empire went to wreck, should become dominant among the Catholic portion of the German nation, it would forthwith plant the germ of an incurable disease in the new empire also, which has just been reared." But this is the very doctrine that Papists have been zealously inculcating, in the schools and through the confessional. It has not, moreover, been a mere question of abstract principles. Bismarck would no doubt have long continued to wink at these, and have allowed opinions to be counteracted by opinions; for he had plenty to occupy his energies, without unnecessarily challenging Rome. But when the latter began openly to condemn the principles on which the state is founded, and boldly to overawe civil judges and voters by an illegitimate application of her influence, actions demanded counter-actions, patriotism and common-sense demanded interference. A church favored and supported by the state could not be permitted to use that support and favor as an instrument against the hand that fed her. Indulgence was no longer safe or possible. The Papacy had to be curbed, if German unity was to be saved. The fault of Germany lies not in the severity of her present legislation, but in having ever extended a helping hand to Antichrist: like Æsop's countryman, she is now suffering from the venom of the adder she herself has nourished. An American naturally asks, Why not, then, disestablish and disendow at once? But things move more slowly in the Old World than in the New; and though this may be the ultimate solution, it will so materially affect the interests of the evangelical church, involving a radical reconstruction, *de haut en bas*, of the whole ecclesiastical system of the country, that Old-World conservatism naturally shrinks from it as a last resort.

Let us now examine briefly the recent ecclesiastical legislation of Germany, and specially the notorious Falck laws, so much maligned in certain quarters. The denunciations hurled

at these by angry Romanists may easily be explained, and the strictures passed on them by well-meaning Protestants often spring from a real ignorance of their scope and purpose. We may not be prepared to defend the laws in every particular, or desirous of seeing them applied at home, but we do assert that, in the main, they are based on sound principles, while any apparent infringement on real rights and liberties is to be attributed not to the design of the legislators, but to the exigencies of the situation.

The conditions of settlement under the Peace of Westphalia, whereby the two established churches received certain privileges on the understanding that the *jus cavendi et reformandi* inhered in the state, were all disturbed by Rome in 1870. And to meet the new state of things, Germany, and especially Prussia, had to accommodate her legislation.

One of the first acts of government, in opposition to the clerical party of the Centre, which now, under the name of the Party of Destruction, formed the rallying-point of all the disaffected members of the House, was the abolition of the special Catholic Department of Public Worship. Its suppression was felt to be necessary, since it had been turned into a very nest of sedition. Soon the strife grew hotter. The clergy hurled anathemas from the pulpits, defied government and law, and consigned recreant members of their flocks to "purgatory here and hell hereafter." The civil power now plainly saw that decided steps would have to be taken to check such treasonable and virulent temerity.

Before the meeting of the Council, Prince Hohenlohe, of Bavaria, had endeavored to enter a decisive protest against it; and it is an interesting fact, that when the legislative struggle began in earnest, it was this small but vigorous Popish kingdom that took the lead, by moving the law of December, 1871, which made it a penal offence for a clergyman to favor or incite riot or sedition. The clergy were to be regarded as privileged officials; but as government could not afford to establish and endow sedition by a law, it set a limit to their privileges to this extent, that "any of their number, who animadverted on affairs of state *in such a way as to endanger the public peace*, should be

liable to imprisonment in a jail or fortress for a period not exceeding two years' duration."

Another act of the German Empire followed, about six months after, when, on the 4th of 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 German territory." This law, imperatively demanded by a due regard to the well-being and even the life of the empire, was extremely moderate in its details. While requiring foreign Jesuits to leave the country within a reasonable time, it permitted natives to remain, conditionally, in a private capacity, and granted six months for the disbanding of their establishments.

The character and design of these arch plotters are too well known to require much comment in the way of excusing their expulsion. The Jesuits have all along been enemies to Germany; and as early as the sixteenth century they did her irreparable injury in the South, by throwing themselves forward to thwart the progress of the Reformation, through pulpit, press, school, and confessional. Their political influence in Europe has been immense; and so ill employed was it last century, that, in 1773, Pope Clement XIV. (Ganganelli) had to suppress the order, extirpating and abolishing, "forever and to all eternity," its offices, houses, and institutions. The Jesuits have been expelled no fewer than seventy times by different European governments, including those of bigoted Popish countries like Austria and Portugal. The "eternity" of their extirpation lasted only till 1814, when the Order was re-established; but Bismarck, with so many precedents, and specially that of a virtuous and infallible pope, can hardly be blamed for carrying out the views of the Old Catholics, and his own, by taking summary measures with political religionists whose marvellous assiduity, discipline, and adaptability rendered their propagandism dangerous in the last degree. He did no more than his duty when he cleared his own house of such noxious vermin; but Englishmen have little cause to thank him for the shoals of Jesuits who have landed on their shores, and with a rare presumption, in face of existing laws, have set up their lodges at the very gates of Windsor.

Prussia, meanwhile, had to make certain ecclesiastical en-

actments for herself. In May, 1870, she prepared the way, by rendering more explicit some articles of her constitution, only with the view of preventing the church from turning her liberty of appointment against the state. The most important additional clause was the supplement to Article 18: "And further, the law regulates the power 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." We need not go into the proof that nothing was here added to the spirit of the original enactment. This measure was merely a piece of defensive explicitness; and it seems undeniable, on *German principles*, and in view of past historic arrangements, that, as a penetrating writer on this subject remarks, "the state which gave the *legal* right of independence can also determine when that right is legally exercised."

On March 12th, 1872, Prussia took a further important step, this time towards emancipating her schools from Ultramontane inoculation and control. A law was passed, by which the teachers were secularized, and made direct servants of the state: "The supervision of all public and private educational institutions belongs exclusively to the state, and so does the appointment of local and county inspectors."

The educational system of Germany is, of course, on a very different footing from that of America; but surely, if government pays for its schools, it has the right of securing, if it can, that nothing be taught there contrary to the principles of sound loyalty and virtuous citizenship. The passing of this law stirred up the renowned Archbishop Ledochowski to that outrageous course of conduct which issued in his easy "martyrdom" at the hands of "the modern Diocletian and his bloodthirsty Minister." His example was followed by other church dignitaries, till, under pressure from Rome, nearly all the German bishops were on the alert, fomenting the social animosities of their subordinates, and excommunicating all who would not accept and teach the Infallibility dogma.

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 so much more is heard than is generally understood. On April 5th, 1873, the Minister

of Public Worship, Dr. Falck, who had long been known in Germany as a distinguished jurist, obtained for his name a historic celebrity, by bringing forward his great budget of ecclesiastical laws. These proceed on the principle that, while all churches have a right to full exercise of their spiritual and ecclesiastical functions until they become dangerous to the public weal, the state is not only entitled, but bound to defend the realm from the political machinations of an enemy, which is not the less dangerous that it wears a hood instead of a helmet, and wields the anathema in place of the needle-gun.

A preliminary measure, guaranteeing to every religious society the enjoyment of independent jurisdiction and vested privileges, "under the legally appointed supervision of the state," was followed by the *First Falck Law*, which applies only to the privileged churches, and, so far from being coercive, is all on the side of liberty. Its main provisions are:<sup>1</sup>

"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."

The aim of this law is to secure greater freedom of dissent, which before was a thing almost unknown in Prussia. Not only was the dissenter subject to church taxes imposed by government, but he was liable to local church levies of a harassing kind, merely because he happened to reside in a particular district.

*The Second Falck Law*, which limits ecclesiastical penalty and discipline (Straf- und Zucht-Mittel), is also designed to protect the liberty of the subject. Its provisions, which are as reasonable as they were necessary, run shortly thus:

"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

<sup>1</sup> The entire text, along with much information on the subject, will be found in a compilation entitled "Ultramontanism, or England's Sympathy with Germany." See also, for a full technical discussion of the laws, a series of articles in Macmillan's and other British Magazines of the past few years.



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."

This law secures liberty of conscience to the laity in the exercise of civil duties, and provides for that freedom of opinion which is the necessary air of a healthy state. It does not interfere with spiritual censures within the church, but protects the person, property, freedom, and good name of the citizen from civil wrongs inflicted under ecclesiastical prettexts. It does not allow the menace of eternal damnation to be flaunted over independent voters at the poll by their zealous priests; nor does it encourage the promulgation of the terrible *excommunicatio major* against state teachers who refuse to inculcate Papal Infallibility; nor does it permit those who have been joined by civil marriage to be publicly banned, and treated "as if they were lepers." For governments are responsible for the external welfare of their subjects, and may justly consider that Romanism has no more right to maim the political and social prerogatives of citizens, than Thuggism would have to step in and 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 any conscientious government.

*The Third Falck Law* extends a like protection to the under clergy, whose personal and social rights were scandalously trampled on by the hierarchy. 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 sentence 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.”

The opening clause secures the clergy from capricious foreign control; and the closing one, by furnishing appeal to the royal tribunal, gives a guarantee for the administration of a better justice than that which is regulated by the impulses of an ecclesiastical tyranny. The provision for opening the monasteries might well be copied in some other countries: for if nothing evil goes on within, inspection need not be feared; whereas, if villany is practised, inspection is surely required. Something had certainly to be done in Germany to relieve from civil thralldom the unhappy minions of the hierarchical maxim, that “it remains absolutely at the discretion of the bishop and the consistory of themselves to investigate and punish legal offences.” The *pænæ vindicatoriæ* of Rome’s extensive penal code were often, as the name suggests, revengefully executed on unhappy offenders. But before submitting to corporal punishment, loss of benefice, or prospective refusal of Christian burial, the accused has now the right of appeal to the civil magistrate. And surely to this even Scottish Free Churchmen, with all their horror of law courts, could hardly object, seeing it is a question of personal property and personal immunity from suffering.

More relevant objection might be taken to the clause, that “church officers whose continuing in office appears incompatible

with public order may be dismissed at the instance of the state authorities." Such a provision could not be tolerated in America, where the state has nothing to do with either the appointment or support or demission of clergymen. But when a state official, who happens to be a church functionary, instead of inculcating the duty of leading a quiet and peaceable life in all godliness and honesty, stirs up and leads civil insurrection—who will say that he should be maintained in the exercise of his public functions?

It may, however, 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 Scotland. But it is not quite pertinent in Germany, where the status as well as the conduct of Popish functionaries is very different from that of the Scottish ministers before 1843. It is one of Rome's well-known doctrines, that a priest can never be deposed. The grace of orders, once conferred, can never be demitted or lost. An anathema is pronounced by the Council of Trent (Sess. 23, Canon 4) on those who presume to think otherwise. "Si quis dixerit eum qui sacerdos semel fuit, laicum rursus fieri posse, anathema sit." Hence, in removing seditious priests from office, government had further to remove them from the district altogether, because, like a wound-up clock, they could not desist from acting.

Clearly the rights of an office held subject to the laws of a country are *ipso facto* forfeited when the holder of it commits the criminal offence of defying law and trampling on state authority. We must never forget, moreover, that in Prussia 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. That this law is tinged with Erastianism, we are not therefore prepared or required to deny; but so long as Rome clings to her endowments, originally accepted and still held on an Erastian basis, she cannot so gracefully urge that objection as if, like the Scottish Disruption fathers, she were to seek relief in relinquishing all her emoluments.

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 is a most commendable as well as highly necessary measure, when we consider the state of things it was meant to rectify. Its provisions are briefly these :

“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 law was designed to counteract the pernicious influence of the Popish *pensions* and diocesan seminaries scattered through the land, where the Roman Catholic youth were shut off from all healthy national influences, and where their mental and moral culture was first poisoned and then stunted. It seeks to provide that those who are to be the recipients of state bounty shall become as worthy incumbents of state offices as a sound liberal education can make them. By insisting on university instruction for priests, as well as ministers, this law tends to remove, if not the hostile spirit, at least the deplorable deficiency and one-sidedness of Popish education. There is no infringement of conscience in the case, since the students have the choice of any professor in any of the Roman Catholic faculties in the state universities; and it is to be noted, that the final state ex-

amination is concerned, not with the student's special fitness for holy orders, but merely with his proficiency in general culture.

The second part of the law has an Erastian appearance, and is rather elastic in certain of its provisions, notably in the clause which speaks of vetoing the appointment of one "concerning whom there are facts to show that he would work against the state laws, and disturb the public peace." But, after all, if there are *facts to show* that this would happen, the state, in anticipating the evil, is only acting on the approved principle, that "prevention is better than cure." The ordinary appointment of ministers should certainly not be in the hands of the magistracy, and need not be so even in the case of an established church. In the view of many Protestants, Dr. Schaff goes too far when he affirms unreservedly that "self-government is conditioned by self-support," and that "state support *implies* state control" ("Creeds of Christendom," i. 134). It is quite possible that 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;" and, especially under recent conditions in Germany, the state must take some cognizance of the kind of men that are put in office. When an endowed church has the right of appointment, it seems hardly less reasonable for the state which pays to reserve the right of vetoing really dangerous appointments, than for the Scottish Kirk, for instance, to have claimed, on her side, the prerogative of vetoing unsatisfactory appointments when the right of nomination resided in the state. Moreover, Rome's denunciation of this veto claim as "impious and satanic" in Prussia is hardly consistent, if, as is alleged, she not only gave it the former sanction of her consent in Prussia, but still admits a larger claim, even that of nomination, in Catholic Bavaria.

The concluding provision, that "every cure be permanently filled within a year from the date of vacancy," is meant to deliver the under clergy from the mean rapacity of their hierarchical superiors. The Old Catholics at München strongly protested against "the arbitrary removal of secular priests, a prac-

tice introduced through the French code, and latterly imposed everywhere," because "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" (in the shape of temporary incumbents, willing to accept the merest pittance of a salary, while the bishops appropriated the rest). For the first and last of these reasons, the Prussian state deemed it right to protect its own subjects, which in this instance it was fortunately able to do, by securing the observance of Rome's own infallible code.

Such, then, are the Falck Laws, whose general design and fundamental principle are unimpeachable, though the application of some of the details may have at least the appearance of asperity. Even the brief consideration we have been able to give them has elicited the fact that on the whole they are purely defensive measures. Their tendency is to freedom, rather than coercion. The first protects dissenters from unreasonable pecuniary claims; the second defends Roman Catholic laity from mutilation of their civil rights; the third delivers the under clergy from the capricious application of Rome's virulent penal code; and the fourth guards Roman Catholic youth from the noxious influence of a defective mediæval education, and frees them, when they become under clergy, from the injustice of rapacious hierarchs.

We shall not presume on the reader's indulgence by a detailed examination of the subsequent legislation, which has been similar in spirit and aim to the specimens already cited.

On May 13th, 1874, the Reichstag showed the general sympathy of the empire with Prussia by passing a law for the treatment of rebellious religious functionaries, who, disregarding the legal forfeiture of their office, persisted in acting as though they continued to enjoy their incumbencies. It provided that such might be "ordered to leave or take up residence in certain localities, or even be deprived of the rights of citizenship, and expelled the German Empire." A further law was passed, about a week later (May 20th), providing for the administration of vacant bishoprics. It required "that those appointed be ready to swear fealty to the monarch, and obedience to the laws of the state;" and attached the penalty of imprisonment,

not exceeding two years in duration, to the disregard of this proviso. In a supplementary law of the following day (May 21st), providing for the filling up of vacant offices, "by the patron, *or, failing him, by the assembled congregation,*" we find glimpses of popular election, the universal adoption of which might relieve Germany of some of her troubles.

These "May Laws," as they are usually called, have been the prominent occasion of recent agitation among the Romanists. Seeming, as they often do, to infringe on the personal rights of individual clerics, they afford an excellent text for those inflammatory popular harangues in which Windthorst, of Meppen, and other leading Ultramontanes are such consummate adepts. Great meetings, demanding their repeal, were held so recently as November, 1877, in the Rhine Province; and petitions, numerous signed by Romanists, and countersigned by eighteen members of Parliament, were addressed to the emperor, who, to the chagrin of the suppliants, handed them over to Minister Falck. In the subsequent Parliamentary debate, the Ultramontanes heaped accusations of injustice on that "cruel minister," whose removal they strongly desiderated. Dr. Falck calmly rebutted their charges of wrongous appointment, showing that the one non-Catholic teacher who had been inadvertently nominated had been afterwards removed, and that the qualifications of proposed teachers for Catholic schools had been studiously submitted to Catholic authorities, except in the western dioceses, where the want of bishops had created a difficulty. He ended by boldly retorting on the Ultramontanes the charge of enkindling fanaticism and maligning the government.

Dr. Petri, an Old Catholic member, addressed salutary truth to the agitators when he said: "Gentlemen, shall I remind you of the encyclicals and breves, in which our laws have been pronounced invalid and our constitution a delusion? Shall I quote the famous correspondence between the pope and the emperor? Shall I mention the declaration of one of your own leaders at Malines, who said outright that Ultramontanism knows no fatherland but Rome? Is it at the present juncture that you ask us to give full scope to such a system as this, when a great and intelligent nation is exposed by it to the most ter-

rible of all conflicts—a civil war? (Loud cheers and uproar.) Can you deny that May 16th, which has shaken France to her foundations, was the work of the Vatican?" (Continued uproar.)

These spirited words are, we think, a sufficient justification of the decision to retain the obnoxious laws in force under existing circumstances.

The only other measure we venture to specify is what is called the Prussian Marriage Law of January, 1875. It was carried by 207 votes against 72, and is of a most comprehensive character. Besides enacting that a civil contract is indispensable to a legal marriage, and affirming that the marriage of priests or nuns is valid in the eye of the law, 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. Thus a larger liberty is given to Popish citizens, by guarding for them the cradle and the grave.

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, or your marriage is no better than concubinage." With respect to *baptism* she avers: "Baptism is necessary to salvation; and all baptized 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, therefore, like Italy, confronts Rome in all her three findings, and demands the emancipation of society.

Ever since the passing of this measure, the strife has grown in bitterness. The late pope did what he could to intensify it, by issuing encyclicals condemning and declaring void the ecclesiastical laws of Germany, and excommunicating all the clergy who submit to them. This action, loudly applauded by the Ultramontanes, only confirmed the necessity for a continuance of the past vigorous action of the government.

And where is all this to end? Neither of the combatants is apparently disposed to yield a single hair-breadth. The new pope, it is hoped, may manifest more than the last a "sweet reasonableness," in not pushing his claims to their full rigor in a young empire which has much of its consolidation



yet to achieve. If not, the undoubted issue will be another and perhaps a general war, whenever France is strong enough and foolish enough to espouse by arms the cause of the Papal See. This she would probably undertake soon enough, could she succeed in divorcing Italy from her "unholy alliance" with Bismarck. But a united Italy sees it to be for her welfare to cultivate the friendship of a united Germany; and in his own country the Prince of Blood and Iron is still popular enough to carry things his own way, in spite of Polish and Hanoverian particularism, and the most strenuous efforts of balked Ultramontanists.

It must never be forgotten, however, that Rome's temporal *power* was probably not diminished, but rather extended, by the loss of the miserable Italian temporal *sovereignty*, which is often ignorantly confounded with it. She can now claim to be more "eminently spiritual" than ever. She is vigorously pushing her interests in every direction, sapping constitutions and fomenting the jealousies of states. She is aiming at a Royalist restoration in France, and dazzling the malcontents of Ireland by the prospect of thereby rescuing them from the jaws of "perfidious Albion." She is seeking, in insulting defiance of the Treaty of Union, to establish her hierarchy even in the country of John Knox, that she may there further her propagandism, and at least place Scotch Romanists under canon law—governing them as a community within a community, directly from Rome, in all matters pertaining to marriage, burial, vows, prison discipline, mortmain, and the like.

In view of all this, the greatest vigilance is required. Rome's crooked policy has always been a thorn in the side of states; and never has it been more dangerous than it is to-day. Popery, it must be distinctly remembered, is a political system, grafted on and now overshadowing the religion known as Roman Catholicism. That system culminated in the promulgation of the Vatican Decrees, which, in the now historic words of Mr. Gladstone, require the Romanist "to surrender his mental and moral freedom, and to place his loyalty and civil duty at the mercy of another." Nowhere have their applications been naturally so disastrously felt as in Germany, to the subversion of whose hardly achieved unity they have been basely

and persistently directed. When the government there, granting the utmost spiritual freedom in matters of belief and worship, takes repressive measures against this political encroachment by a great foreign system, it is adding insult to injury for the exponents of that system to raise the cry of "persecution." As well might the invader or the poacher ask for sympathy. The past indulgence shown by Germany may have been ill advised, but it aggravates the mean and ungrateful malice of present papal conduct.

This struggle is not about religion, but concerns civil supremacy. It is irrelevant to apply here the much-abused text, "Obey God rather than man," which, as Bismarck says, "certainly does not mean that more obedience is to be shown to a pope, misguided by Jesuits, than to a king." There is here no room for exercising the sacred right of insurrection. This might be so, were Ultramontane claims and those of the Free Kirk of Scotland, as Dr. Manning chooses to assert, substantially the same. But facts belie the pleasing paradox. The Scotch Church claimed before the Disruption only the right to *obey* the jurisdiction of Christ in matters spiritual; Popery aspires to *administer* his universal temporal sway.

In conclusion, note that Rome began the struggle; that the new German laws were evoked by herself, and in some cases have the sanction of her former consent; that they are, on the whole, defensive or preventive measures merely; and that, where they are apparently severe, they are defensible on the ground of patriotic administrative necessity, and will doubtless be relaxed, when a due regard for safety admits of such a course.

Meanwhile it is vain for the Westminster cardinal to argue, with his accustomed plausibility, that "Prince von Bismarck creates resistance by persecution, and then pleads that resistance to justify the persecution that 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 to lawful authority, creates what it calls "persecution," and then pleads that persecution to justify the resistance which has called it forth.

Toleration, in the American sense, is at present a simple

impossibility for Germany. She cannot allow the keys to usurp the place of the sceptre. Her motto, with respect to the Ultramontanes, must therefore continue, for a time at least, to be—

“ 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 !”

CHARLES A. SALMOND.