

essays on
freedom
and power

LORD ACTON

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essays on freedom and power

by LORD ACTON

In this volume, Gertrude Himmelfarb has made a carefully organized selection of those essays of Lord Acton, the editor of the Cambridge Modern History, which deal primarily with the relationship between church and state power and freedom of thought. Both as a liberal and a Catholic layman, Acton was acutely concerned with the problems this question raises in one's moral behaviour as well as in the study of history. Among the essays included in the present volume are: the *Inaugural Lecture on the Study of History*; the two sketches for the *History of Freedom* which was never completed; and the prophetic attack on the principle of nationalism. Miss Himmelfarb has prepared a special introduction for this Meridian edition.

"Acton, together with Tocqueville and Jacob Burckhardt, is one of the few nineteenth century historians who today deserve and attract wide attention. Of the three (Acton) has perhaps most to say to our generation."

HANS KOHN, *New York Times Book Review*

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~~SHORT LOAN~~

essays on
FREEDOM AND POWER

by John Emerich Edward Dalberg Acton

FIRST BARON ACTON

*Selected, and with a new introduction
by Gertrude Himmelfarb*

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A MERIDIAN BOOK *New York, 1955*

Lord Acton

John Emerich Edward Dalberg Acton, Eighth Baronet and First Baron, one of the outstanding scholars of his day, was born in Naples in 1834. As Regius Professor of Modern History at Cambridge, he planned the twelve-volume *Cambridge Modern History*. He never published a book and, when he died in 1902, left only his essays and some fragments of his projected works, collected since his death, to preserve his ideas on historical scholarship.

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INTRODUCTION

When Lord Acton died in 1902 his name was unfamiliar to the general public. The initiate might have known him as one of the most erudite men of his era, a professor of history at Cambridge University, and the editor of the massive *Cambridge Modern History*. Others might have recalled the rumors, many years earlier, of his possible excommunication from the Catholic Church, or, more happily, the reports of his visits to Mr. Gladstone at Hawarden or his attendance upon the Queen at Windsor Castle. It would have been a miscellaneous assortment of memories, likely to confirm Acton's own sense of the futility of his life.

The current fortune of his reputation would have been more agreeable to Acton. It would have gratified him to know that his maxim, "Power tends to corrupt and absolute power corrupts absolutely," has become commonplace enough to serve as the text for editorials in daily newspapers, and that he has been awarded the titles of prophet of liberalism and magistrate of history. If he could claim no particular distinction for his own life, he could claim to have given distinction to the two ideas he valued most, the ideas of liberty and morality.

Now that Acton has attained the status of a minor prophet, it is difficult to reconstruct his life in Victorian England. Not only do his ideas transcend the period in which they were conceived, but the details of his life and background often jar with the familiar picture of that period. Related to a variety of nationalities and aristocracies, he was as far removed as possible from the insularity

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and even provincialism that seemed to be settling over England by the middle of the nineteenth century.

John Emerich Edward Dalberg Acton was born in Naples in 1834. His paternal ancestors are recorded as having occupied the family estate of Aldenham in Shropshire as far back as the beginning of the fourteenth century. In the eighteenth century an adventurous junior branch of the family had transferred its allegiance to France and then to Italy. Acton's grandfather, Sir John Acton, having won the affection of the Queen of Naples, converted the role of adventurer into that of prime minister of Naples. With the extinction of the older branch of the family in 1791, Sir John succeeded to the baronetcy and estate. His grandson, born forty-three years later, disapproved of the unconventional life and career of his grandfather—which included a period as head of a reign of terror in Palermo and refused to accept money due him from the Italian fortune.

Acton's maternal ancestors were more respectable and more congenial to his temperament. The Dalbergs had been the first nobles under the emperor in the Holy Roman Empire, and claimed the further and less verifiable distinction of descent from a relative of Jesus Christ himself. Like the Actons, the Dalbergs were nationally uprooted and shared the uncertain fate of the Empire. It has been said that a treatise on the law of nationality and domicile could be based on the frequent migrations and changes of position of the dukes of Dalberg, who finally threw in their lot with France during the Restoration and were created peers. The family estate continued to be maintained at Herrnsheim on the Rhine.

Acton's father, Sir Richard, died prematurely, and in his stepfather the family circle acquired yet another illustrious name, that of Lord Leveson, later the second Earl Granville. The Leveson-Gowers had long been prominent in the Whig aristocracy and in English diplomacy and politics, and Acton's stepfather continued the tradition as foreign minister in the Liberal cabinets of Lord John Rus-

sell and William Gladstone. Acton's cosmopolitanism was more than a matter of principle or training; it was the substance of all his life. His early youth was passed at the family residences at Naples, Paris, Herrnsheim, Aldenham, and London. He soon spoke and wrote Italian, French, German, and English with almost equal fluency. Later in life the conversation at his dinner table was multilingual to accommodate all the members of the family: he chatted in English with his children, in German with his Bavarian-born wife (a daughter of Count Arco-Valley and a first cousin to Acton), in French with his sister-in-law, and in Italian with his mother-in-law.

The Dalbergs, like the great majority of the Bavarian aristocracy, had always been Catholic, and the Actons had been reconverted to Catholicism in the eighteenth century. One of the stipulations in the marriage agreement between Lady Acton and Lord Leveson was that her son should be brought up in her faith. At no time does his stepfather's Anglicanism seem to have affected the Catholic piety and orthodoxy of Acton's childhood, although it was important in giving him entrance into the great Protestant houses of England.

His education, in fact, highlights the main personalities and schools of Catholic thought in the last half of the century. He studied for a short time under Monsignor Felix Dupanloup in Paris; for a long period at the Catholic college, Oscott, in England, of which Bishop Nicholas Wiseman was president; and he completed his education at the university level under Professor Johann Ignaz von Döllinger in Munich. Dupanloup was involved for a while in one of the most interesting Catholic experiments in modern times, the attempt to restate the relations of church and state so as to satisfy the requirements of political liberalism. Wiseman was the guiding spirit of a new ecclesiastical offensive, Ultramontanism, directed against the liberal state and intended to revive some of the dormant authority of the church. Döllinger was a distinguished scholar and liberal who despised the principles Wiseman

stood for, and sacrificed his communion in the church by leading the opposition to the papal pretensions asserted by Pius IX.

Acton arrived in Munich in 1850, a decisive date, for the shadow of Döllinger was to hover behind him the rest of his life. It was Döllinger who inspired him with his respect for learning and scholarship, a respect that later involved both master and disciple in conflict with those in the church who arrogated to themselves the right to pass upon the findings of scholarship and to judge the propriety of making them known. The principle of the autonomy of science, the cardinal point of Döllinger's teaching, was the core of Acton's entire philosophy of political liberalism.

It was said of Acton that he knew everyone worth knowing and had read everything worth reading, and both distinctions date from this period. He read voluminously in history, philosophy, literature, and theology, started to collect the library which was to grow to such huge proportions, and travelled extensively—vacation trips with Döllinger on the continent, a visit to the United States in 1853 in the company of his relative, the Earl of Ellesmere, and a visit to Russia in 1856 as secretary to Lord Granville. He became personally acquainted with almost every important theologian, historian, and Catholic layman in England, on the continent, and even in the United States, and with many prominent statesmen and diplomats. Born into the social aristocracy, he early acquired a similar status in the intellectual, religious, and political elite.

In 1859, when he was twenty-five, he assumed the editorship of the English Catholic periodical, the *Rambler*, and proposed, with more enthusiasm than discretion, to instruct his countrymen in the ways of the true learning (in which only the Germans were initiated) and to enlighten them as to their real political interests. The ecclesiastical authorities had long been provoked by what they considered to be the irreverent manner of the *Rambler*, and, just before Acton became associated with the journal, John Henry Newman, England's most famous convert, had

served as editor in the futile hope of placating the hierarchy. Almost every issue under Acton's editorship found occasion to point the moral: faith and knowledge, religion and science, were necessarily in harmony and had nothing to fear from each other; the temporal interests of the church must not be confused with its ultimate purpose, and the authorities must resist the temptation to deny unsavory historical truths or to conceal discoveries that might be of comfort to unbelievers; scientific truth could not but vindicate the true religion.

With the journal's change from a bimonthly to a quarterly in 1862, it appeared under the title of *The Home and Foreign Review*. Its message, however, remained unchanged, and its very first issue brought down the censure of Wiseman. "Biblical criticism," Darwinism, frank appraisals of church history and contemporary Catholic governments—the review took them all in its stride. The English Ultramontanes, particularly Cardinal Wiseman, Bishop Manning, and W. G. Ward, naturally regarded it as a threat to their authority and teaching. Their task was, as Manning put it, to overcome "the anti-Roman and anti-papal spirit of the English Catholics." *The Home and Foreign Review* seemed bent upon aggravating the condition they wished to remedy. Acton himself chose to interpret the quarrels between the *Review* and the hierarchy as a struggle between Italy and Germany for the soul of England—Italy representing the ecclesiastical organization superstitiously confounding its own will with that of God, and Germany representing the pure spirit of scholarship and truth.

At a Catholic congress in Munich in 1863, Döllinger appealed to the church to bring to an end its hostility towards historical criticism. The Pope's response took the form of a brief to the Archbishop of Munich declaring the opinions of Catholic writers subject to Rome. *The Home and Foreign Review*, which had enthusiastically reported Döllinger's speech, could no longer disregard the strictures of the church. "Conflicts with Rome" appeared in the *Re-*

view in April, 1864, announcing Acton's decision to suspend publication. He could not change his views, but neither would he continue to flout the hierarchy. That same year Pius IX issued his famous Syllabus of Errors, a list of the heresies disseminated by liberalism; the final heresy reads like a declaration of Acton's principles: "The Roman Pontiff can and ought to reconcile himself to, and agree with, progress, liberalism and recent civilization."

During this time, Lord Granville had tried to introduce Acton into the conventional stream of Liberal Party politics. In 1859 he obtained for him the seat of an Irish borough, Carlow. Acton confined his public addresses in the House of Commons to three questions concerning Catholic affairs, and the electorate of Carlow, unimpressed by this record, did not renominate him. Instead, in 1865 he stood for an English borough, Bridgnorth, near Aldenham, and was elected, only to be unseated early the next year on a recount; three years later he again stood unsuccessfully for Bridgnorth. The next year, upon Gladstone's recommendation, he was created a baron and took his seat in the House of Lords.

Meanwhile the conflicts with Rome gained in weight and momentum. The plea for intellectual freedom, sponsored by the liberal Catholics, jostled first with the program of the English Ultramontanes and then with the will of the Pope. It had long been known that Pius considered himself the infallible instrument of God, and there had been indications that he would attempt to have the dogma of infallibility decreed by a general council of the church. In 1854 he had proclaimed the dogma of the Immaculate Conception of the Virgin Mary, and it was because he saw himself under the special providence of Mary that he felt called upon to proclaim his own infallibility. The move was also, perhaps, intended to compensate for the actual loss of authority then impending, as the new Italian national government prepared to deprive him of his temporal power in Italy.

In December, 1869, the first ecumenical council since

the Council of Trent, held more than three centuries earlier, assembled in Rome. In 1867, when the council was first announced, Acton, Döllinger, and liberal Catholics generally, hoped, without much conviction, that it would be a genuine council of reform. It was a magnificent opportunity, they felt, to erase the "stamp of an intolerant age," as Acton put it, which Trent had impressed upon Catholicism, and to reform the organization of the church by distributing among the episcopacy and laity many of the powers concentrated in Rome. However, the Roman court proved to be unrepentant; it was recalcitrant in matters of reform and belligerent in advancing claims even more extreme than those of Trent.

Acton made his position public in *The North British Review* of October, 1869, when he discussed a book, *The Pope and the Council*, recently published in Germany under the pseudonym of Janus, who was quickly and rightly identified as Döllinger. The argument of the book, and of Acton's article, was that the Christian fathers had held the pope to be fallible, and had decided that dogmatic questions could be settled only by a general council of the church. If the doctrine of infallibility, Acton continued, had gained such general adherence, it was because "the passage from the Catholicism of the Fathers to that of the modern Popes was accomplished by wilful falsehood; and the whole structure of traditions, laws, and doctrines that supports the theory of infallibility, and the practical despotism of the Popes, stands on a basis of fraud."

Acton was in Rome during all but the final six weeks of the council, which lasted until July 1870, to the discomfort of the Pope, who had anticipated a speedy decision by acclamation. Although Döllinger was popularly supposed to be the spearhead of the opposition, he remained in Germany all of the time, and Acton was credited with being the source of much of the information that found its way into the press and the organizer of the "Minority," as the bishops opposed to infallibility were soon dubbed. It was no secret that Acton had been in correspondence with

Gladstone, decrying the activity of the council, although it was not so well known that he had urged Gladstone to appeal to the states of Europe to issue a joint protest against the impending decrees. At the time, too, a series of letters, over the name of "Quirinus," appearing in the *Augsburger Allgemeine Zeitung*, revealed an intimate knowledge of the most private sessions of the council. It was suspected that Döllinger was the author and that one of his informants was Acton, a suspicion that today seems well founded.

The Quirinus letters are a fascinating study of the techniques used by Rome to impose her will. Because they were based on daily, personal observations, they are a valuable source of material for a sociological study of the institutions and forms of power that can be pressed into the service of a supposedly religious cause. The methods of absolutism, as Acton was fond of pointing out, are the same everywhere—an assertion amply confirmed by the letters. The Pope and his entourage, they charge, did not hesitate to apply the most subtle, as well as the most open, pressure upon the assembly: bishops were threatened with imprisonment and in some cases were deliberately subjected to physical discomfort; they were told that resistance to the dogma of papal infallibility was a blasphemy against the Holy Ghost; the whole stock of papal privileges—the bestowal of sees and titles, special rights, benedictions, and dispensations—was tossed into the battle, and fifteen empty cardinal's hats were dangled over many more vacillating heads. Nine-tenths of the prelates were silenced because they could not speak Latin readily, others by the choice of a hall in which the acoustics were notoriously bad but which provided a regal backdrop for the papal throne. The procedure and the entire order of business were decided upon by commissions appointed by the pope himself. Meetings composed of more than twenty bishops were forbidden and strict secrecy was enjoined, except in the case of Manning and three other infallibilists who enjoyed special papal dispensations to divulge appropriate in-

formation to selected confidants. The details of machinations and intrigues crowd upon each other in a dismal spectacle.

In July 1870, the decrees were formally promulgated: the pope cannot err when he alone defines, *ex cathedra* and in virtue of his apostolic authority, any doctrine of faith and morals. After much probing of consciences, most of the Minority bishops submitted to the decrees. Others, including Döllinger, who refused to submit, were excommunicated and founded the Old Catholic churches. Acton, as a layman, was not automatically called upon to subscribe to the decrees. In August he addressed an open letter to one of the Minority bishops who had yielded, accusing him of failing to keep faith with his principles. In October he wrote an article on the council for *The North British Review* in which he repeated his criticisms in their harshest form. As late as the spring of 1871 his article, "The Pope and the Council," appeared in his own translation in Germany. Yet when the Old Catholics were formed in September of that year, Acton did not join them.

Döllinger, Acton explained in one of his private notes, received the decree of excommunication "as a deliverance," because he "held very strongly that nobody should voluntarily sever himself from the Roman Communion." Acton, too, felt strongly on this point, and he criticized the French historian, Eugene Michaud, who "did not wait till his archbishop put the knife at his throat but took the initiative of that operation on himself." To leave the Church voluntarily at this time, he felt, was to exonerate implicitly the behavior of Rome in all the centuries before the new dogma, because such an act assumed that until the promulgation of infallibility, Rome had been untainted by heresy.

Two years later Acton had occasion to use this argument again, but in a different contest. Gladstone had published a pamphlet attacking the Vatican decrees as having altered the status of English Catholics, who, he argued, had received emancipation in 1826 on the assumption that they

were loyal citizens of the realm, and who were now obliged to transfer their primary allegiance to Rome. In a letter to *The Times* Acton replied that the decrees actually assigned to the papacy no greater temporal power than it had always claimed, and that the practical conditions that had previously made those claims ineffectual continued to exist—the “pre-July” church, in other words, had been no better than its “post-July” successor. An editorial statement in *The Times* described him as having treated the decrees as a nullity. Thereupon Archbishop Manning intervened, calling for Acton’s interpretation of the decrees and for his assurance that he had no heretical intent. Acton responded that he had no private interpretation, intended no heresy, and did not feel obliged or qualified to engage in theological discussion. This did not conciliate Manning, although Acton had already satisfied the bishop of his own diocese as to his orthodoxy. Manning was furious and threatened to take the matter to Rome, but nothing came of it. It has been suggested that Acton was too important a layman to be sacrificed by Rome, and that his excommunication would have played into the hands of the church’s critics.

The reluctance of the church to press the charges against Acton is understandable; what is not so easy to understand is Acton’s submission to the church. The central fact appears to be that Acton was a pious and practicing Catholic for whom separation from the church would have been extremely painful. And, in support of his religious instincts, he could call upon two doctrines that gave sanction to both his dissent and his compliance: the doctrine distinguishing between the mortal and fallible ecclesiastical organization and the eternal and true church; and the doctrine of development, adopted from Döllinger and Newman, which maintained that just as organization and dogma changed and developed in the course of time, so whatever was immoral and un-Christian would eventually be eliminated. He might also have taken comfort in the thought that the submission of a layman does not have

the same meaning as that of a priest. As a priest, Döllinger, for example, would have had to teach a doctrine that he considered false and immoral, and thus risk corrupting the souls of others; Acton was responsible for his own soul alone. He himself deserves the final word on a very delicate personal decision. One of his notes tersely explains: “I could not defend the Council or its action; but I always professed that the acceptance of either by the Church would supply its deficiency. The act was one of pure obedience, and was not grounded on the removal of my motives of opposition to the decrees.”

Although his opposition to what he termed ecclesiastical crimes continued, the climax had passed. He devoted himself to his books and research and planned the composition of his *chef d’oeuvre*, the *History of Liberty*—the greatest book, it has been suggested, that was never written. Two essays, “History of Liberty in Antiquity” and “History of Liberty in Christianity,” were delivered as lectures in 1877, and they may be considered a prologue to the monumental study that was to have followed. Hundreds of files of notes, a fine collection of manuscripts, and the thousands of annotated volumes in his library are evidence of the care, devotion, and imagination that he brought to the task. As early as 1880, however, he began to suspect that his life work might go unwritten. Mary Gladstone (later Mrs. Mary Drew) had called his attention to a story by Henry James, “The Madonna of the Future,” about an artist who had dedicated his life to the vision of a magnificent picture he was to paint; after his death, when his studio was entered, a blank canvas was discovered upon the easel. Acton thereupon baptized his *History of Liberty*, “the Madonna of the Future.”

Many have speculated on the reasons for Acton’s apparent unproductivity. One theory has it that the *History of Liberty* would certainly have provoked papal censure, and this knowledge persuaded him to abandon the project. Yet his published essays in no way truckled to ecclesiastical prejudices and well merited a place on the Index.

According to another theory, he felt that the truth about the French Revolution was not yet available, and the *History* could not be constructed without an evaluation of one of its central events. *The Lectures on the French Revolution*, however, reveal a reasonable amount of confidence and no great qualms about dealing with the subject. A more popular and satisfactory explanation refers to the grandiose nature of his ambitions. For, even if one person could assimilate the vast stock of ideas and facts that Acton considered relevant, it was improbable that he could manipulate them. "He knew too much to write," Acton once said of Döllinger, a judgment that might stand for his own epitaph. Nor was comprehensiveness the only difficulty. To take all history, philosophy, theology, law—in short, all of culture—for his province, and then to saddle himself further with the most exacting historical method, was inevitably to invite frustration. Another of Acton's comments on Döllinger—who did, as a matter of fact, produce a number of sustained works—is revealing: "He would not write with imperfect materials, and to him the materials were always imperfect."

Döllinger himself contributed, unintentionally but in no small measure, to Acton's reluctance to write. He had been Acton's patron and ally in all of the early disputes with Rome, had taken a firm stand regarding the Vatican council, and had been excommunicated as a result. Acton, whose behavior seems to have been not quite so uncompromising, nevertheless soon began to feel that Döllinger's moral principles were lax. He had become slack, Acton charged, in pressing the claims of morality: he offered explanations in extenuation of crimes, spoke of the understandable pressures of time and place, and failed to realize fully the urgency of the moral issues. The indictment is certainly excessive, both in tone and content, and is made even more singular by the circumstance of what was probably the first major incident in the estrangement of the two men—the contribution by Döllinger of a preface to a paper written upon the death of Dupanloup, a contribution made in a

spirit of generosity to the memory of an opponent. Dupanloup, like other French "Liberal Catholics," had shed most of his liberal principles early in his career, and had supported both the Syllabus of 1864 and the decree of infallibility (although he considered its declaration to have been inopportune). Acton considered him an Ultramontane, hence "a common rogue and imposter," and anyone tolerant of Ultramontanism, as he now thought Döllinger was, was implicated in its sins. In a pathetic letter, a draft of which is contained among his manuscripts, he described his sense of despair when he became aware of what he felt to be Döllinger's defection and when he realized the enormity of his own isolation. Döllinger, he said, had been in a better position than anyone else to appreciate his ethical ideals, and, if he could not accept them, surely no one else would:

I am absolutely alone in my essential ethical position, and therefore useless. . . . The probability of doing good by writings so isolated and repulsive, of obtaining influence for [my] views, etc., is so small that I have no right to sacrifice to it my own tranquillity and my duty of educating my children. My time can be better employed than in waging a hopeless war. And the more my life has been thrown away, the more necessary to turn now, and employ better what remains.

It may be difficult to see the scandal in Döllinger's attitude, but it is impossible to ignore the desperation in Acton's. The disagreement, while a matter of regret for Döllinger, was one of almost neurotic anxiety and disquiet for Acton. It was not a temper conducive to the writing of a *History of Liberty*.

After 1879 Acton spent most of his time in London, Bavaria, and on the Riviera, drawing upon his books at Aldenham as he needed them. He maintained a close association with Gladstone and a lively interest in Liberal Party politics. In 1873 he was seriously considered for the post of ambassador to Germany. Between 1878 and 1885,

although he published nothing, his reputation as a historian increased. An article on George Eliot appeared in the *Nineteenth Century* in 1885, and the following year he was one of a small group of men who helped found the *English Historical Review*. The conventional honors of the scholar also came his way: in 1873 he was awarded an honorary degree of Doctor of Philosophy by the University of Munich, and three years later he was elected a member of the Royal Academy of Munich; in 1888 he received an honorary degree of Doctor of Laws from Cambridge, and in 1889 the degree of Doctor of Civil Law from Oxford; in 1890 he was elected an honorary fellow of All Souls, Oxford, a distinction he shared only with Gladstone.

Among the many ironies of Acton's career was his appointment in 1892 as Lord-in-Waiting to Queen Victoria, a strange office for the historian. Actually his duties were neither cumbersome nor disagreeable; he was able to explore new libraries and collections of court documents and to mingle with the people he knew so well. Three years later, Lord Rosebery, then prime minister, recommended him to fill the vacancy of the Regius Professorship of History at Cambridge, assuring the Queen that the duties of the position would not interfere with the discharge of his functions in Her Majesty's household. This too had its minor ironies, for it was Rosebery, rather than Acton's lifelong friend Gladstone, who was responsible for the appointment, and it was at Cambridge, where he had been denied admission as a student, that he was now greeted as a professor. The appointment came as a surprise to the public and the university; Creighton referred to him as a "dark horse."

Acton realized, regretfully, that the position of Regius Professor was more a public platform than a chair of research. His inaugural lecture, "The Study of History," delivered in June, 1895, was in the dense, elliptical style of all his writings, weighted with unidentified names and references, terse in its exposition of ideas, generous in its subtleties and innuendoes. Some of his audience welcomed

it as the product of a mature and sophisticated mind. The *Saturday Review*, however, saw it only as a kind of "mental gymnastics," full of "pretensions and confused fancies" and the "Batavian splutterings" of an awkward pen. In the lectures that followed, a series on modern history and another on the French Revolution, delivered between 1895 and 1901, Acton mended his ways, at least in the opinion of such critics. Except for his sharp and colorful phrasing, occasional lapses into ellipticism, and a greater insistence upon ideas, the lectures were not very different from others intended for undergraduates. Even so he made more demands upon the intelligence of his audience than was customary, which perhaps flattered the throngs of women who, attracted by his reputation and social standing, attended faithfully.

To Arnold Toynbee, a historian who shares none of Acton's inhibitions against writing, Acton is a grotesque sacrifice to the spirit of the age. The sterilizing influence of industrialism, with its constant compulsion to exploit new materials and its faith in the division of labor, thwarted the historian of liberty and made of "one of the greatest minds among modern Western historians" an editor of a compilation unworthy of his talents. The *Cambridge Modern History*, planned and edited by Acton, at the request of the syndics of the University, from 1896 until his final illness, has been widely criticized. "Lord Acton's Encyclical" it was christened by those who resented the idea of issuing a universal history prepared by specialists with a final word to say on every subject. Others complained that the specialists were not specialized enough; there were errors in the history and defects of organization. Whether Acton undertook the editing of the project because he despaired of doing any further significant work by himself, or whether he undertook it as an obligation associated with the Regius Professorship, it is difficult to determine. In any event, he devoted an enormous amount of thought and time to it. But, for good or bad, he cannot be saddled with sole responsibility for the finished

work. He became ill in April, 1901, and resigned soon afterwards. At that time only part of the first volume was in type, and it did not appear until the autumn of 1902, four months after his death. He had intended to contribute the first chapter, "The Legacy of the Middle Ages," but the tasks of editing and teaching left little time for writing, and the chapter was absent from the published work. The titles and general subject matter of the twelve volumes were plotted by Acton, but the chapters do not always conform to the original plan and there were many changes in contributors.

When he died in June 1902, Acton left behind a body of essays, a magnificent library (now in the north wing of the Cambridge University Library), and a mass of notes, transcriptions, drafts of lectures, articles and letters, and personal reflections that he hoped might be useful to others in writing the history he had failed to write. John Morley, who respected him enormously, thought of him as a "standing riddle." Certainly a later generation, knowing him only by his written work and from casual remarks dropped by his contemporaries, must confess its bewilderment. He was not the scholar so overawed by a multiplicity of facts that he could not deliver judgment; he was, on the contrary, as ready in pronouncing judgment as he was in dispensing fact, and, if his essays are luxuriant in detail, they are also copious in superlatives. He could confidently refer to "the greatest man born of a Jewish mother since Titus" (the German statesman and philosopher, Stahl), and could declare without hesitation who had "the most prodigal imagination ever possessed by man" (the Renaissance poet, Ariosto). "When was London in the greatest danger?" someone casually wondered. "In 1803," came Acton's prompt reply, "when Fulton proposed to put the French army across the channel in steamboats, and Napoleon rejected the scheme." His imagination did not balk at the most excessive demands. If his talents went unfulfilled, it was possibly because his will was not as fearless as his imagination.

The riddle of Acton is the riddle of the paradox. His was the dilemma of the historian who would apply to universal history the tools more appropriate to the monograph; of the Liberal who was committed at the same time to the ends of liberalism and to the means of conservatism; and of the Catholic dedicated to the ideal of a dogmatic theology contained within a liberal church. Personally involved in some of the most important events of his time and intimately related to some of its dominant personalities, he could yet complain of a shattering sense of isolation and alienation. He once wrote to Mandell Creighton, then editor of the *English Historical Review*:

It is a real comfort to know that you suffer from my complaint of not getting people to agree with you. And one likes to be told that one has a philosophy of history. If I have one, there is no secret about it, and no compact with the Evil one. I find that people disagree with me either because they hold that Liberalism is not true, or that Catholicism is not true, or that both cannot be true together. If I could discover anyone who is not included in these categories, I fancy we should get on very well together.

What alienated him from his Victorian contemporaries, however, is what may endear him to the present generation, for whom salvation lies not in a choice between liberalism or conservatism, between religion or atheism, but in some reconciliation or transcendence of these irreconcilables. It was the genius, and the ultimate paradox, of Acton's mind to effect this reconciliation or transcendence by importing religious values into secular affairs and secular values into religious ones. Into politics he brought the moral fervor of the prophet, into religion the humanism of the liberal statesman; and to both he carried the message that power, whether religious or secular, was a degrading, demoralizing and corrupting force.

It is here that Acton speaks with particular urgency today. Having passed through a variety of experiments in war and tyranny, each more noxious than its predecessor,

the twentieth century can no longer be deluded by the Victorian faith in human progress and the potentialities of social reorganization. It must take warning, together with faith, as Acton did, from the confessional, which resounds eternally to the echoes of original sin. In religion, in politics, and in history, it must be prepared to accept as its final arbiter the judgments of morality.

GERTRUDE HIMMELFARB

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INAUGURAL LECTURE ON THE STUDY OF HISTORY*

Fellow Students—I look back to-day to a time before the middle of the century, when I was reading at Edinburgh and fervently wishing to come to this University. At three colleges I applied for admission, and, as things then were, I was refused by all. Here, from the first, I vainly fixed my hopes, and here, in a happier hour, after five-and-forty years, they are at last fulfilled.

I desire, first, to speak to you of that which I may reasonably call the Unity of Modern History, as an easy approach to questions necessary to be met on the threshold by anyone occupying this place, which my predecessor has made so formidable to me by the reflected lustre of his name.

You have often heard it said that modern history is a subject to which neither beginning nor end can be assigned. No beginning, because the dense web of the fortunes of man is woven without a void; because, in society as in nature, the structure is continuous, and we can trace things back uninterruptedly, until we dimly descry the Declaration of Independence in the forests of Germany. No end, because, on the same principle, history made and history making are scientifically inseparable and separately unmeaning.

“Politics,” said Sir John Seeley, “are vulgar when they are not liberalised by history, and history fades into mere literature when it loses sight of its relation to practical politics.” Everybody perceives the sense in which this is true. For the science of politics is the one science that is deposited by the stream of history, like grains of gold in the sand of a river; and the knowledge of the past, the record

us is still unquenched, and the causes that have carried us so far in the van of free nations have not spent their power; because the story of the future is written in the past, and that which hath been is the same thing that shall be.

THE PROTESTANT THEORY OF PERSECUTION*

The manner in which Religion influences State policy is more easily ascertained in the case of Protestantism than in that of the Catholic Church: for whilst the expression of Catholic doctrines is authoritative and unvarying, the great social problems did not all arise at once, and have at various times received different solutions. The reformers failed to construct a complete and harmonious code of doctrine; but they were compelled to supplement the new theology by a body of new rules for the guidance of their followers in those innumerable questions with regard to which the practice of the Church had grown out of the experience of ages. And although the dogmatic system of Protestantism was not completed in their time, yet the Protestant spirit animated them in greater purity and force than it did any later generation. Now, when a religion is applied to the social and political sphere, its general spirit must be considered, rather than its particular precepts. So that in studying the points of this application in the case of Protestantism, we may consult the writings of the reformers with greater confidence than we could do for an exposition of Protestant theology; and accept them as a greater authority, because they agree more entirely among themselves. We can be more sure that we have the true Protestant opinion in a political or social question on which all the reformers are agreed, than in a theological question on which they differ; for the concurrent opinion must be founded on an element common to all, and therefore essential. If it should further appear that this opinion was injurious to their actual interests, and maintained at a sacri-

fice to themselves, we should then have an additional security for its necessary connection with their fundamental views.

The most important example of this law is the Protestant theory of toleration. The views of the reformers on religious liberty are not fragmentary, accidental opinions, unconnected with their doctrines, or suggested by the circumstances amidst which they lived; but the product of their theological system, and of their ideas of political and ecclesiastical government. Civil and religious liberty are so commonly associated in people's mouths, and are so rare in fact, that their definition is evidently as little understood as the principle of their connection. The point at which they unite, the common root from which they derive their sustenance, is the right of self-government. The modern theory, which has swept away every authority except that of the State, and has made the sovereign power irresistible by multiplying those who share it, is the enemy of that common freedom in which religious freedom is included. It condemns, as a State within the State, every inner group and community, class or corporation, administering its own affairs; and, by proclaiming the abolition of privileges, it emancipates the subjects of every such authority in order to transfer them exclusively to its own. It recognises liberty only in the individual, because it is only in the individual that liberty can be separated from authority, and the right of conditional obedience deprived of the security of a limited command. Under its sway, therefore, every man may profess his own religion more or less freely; but his religion is not free to administer its own laws. In other words, religious profession is free, but Church government is controlled. And where ecclesiastical authority is restricted, religious liberty is virtually denied.

For religious liberty is not the negative right of being without any particular religion, just as self-government is not anarchy. It is the right of religious communities to the practice of their own duties, the enjoyment of their own constitution, and the protection of the law, which equally

secures to all the possession of their own independence. Far from implying a general toleration, it is best secured by a limited one. In an indifferent State, that is, in a State without any definite religious character (if such a thing is conceivable), no ecclesiastical authority could exist. A hierarchical organisation would not be tolerated by the sects that have none, or by the enemies of all definite religion; for it would be in contradiction to the prevailing theory of atomic freedom. Nor can a religion be free when it is alone, unless it makes the State subject to it. For governments restrict the liberty of the favoured Church, by way of remunerating themselves for their service in preserving her unity. The most violent and prolonged conflicts for religious freedom occurred in the Middle Ages between a Church which was not threatened by rivals and States which were most attentive to preserve her exclusive predominance. Frederic II, the most tyrannical oppressor of the Church among the German emperors, was the author of those sanguinary laws against heresy which prevailed so long in many parts of Europe. The Inquisition, which upheld the religious unity of the Spanish nation, imposed the severest restrictions on the Spanish Church; and in England conformity has been most rigorously exacted by those sovereigns who have most completely tyrannised over the Established Church. Religious liberty, therefore, is possible only where the coexistence of different religions is admitted, with an equal right to govern themselves according to their own several principles. Tolerance of error is requisite for freedom; but freedom will be most complete where there is no actual diversity to be resisted, and no theoretical unity to be maintained, but where unity exists as the triumph of truth, not of force, through the victory of the Church, not through the enactment of the State.

This freedom is attainable only in communities where rights are sacred, and where law is supreme. If the first duty is held to be obedience to authority and the preservation of order, as in the case of aristocracies and monarchies of the patriarchal type, there is no safety for the liberties

either of individuals or of religion. Where the highest consideration is the public good and the popular will, as in democracies, and in constitutional monarchies after the French pattern, majority takes the place of authority; an irresistible power is substituted for an idolatrous principle, and all private rights are equally insecure. The true theory of freedom excludes all absolute power and arbitrary action, and requires that a tyrannical or revolutionary government shall be coerced by the people; but it teaches that insurrection is criminal, except as a corrective of revolution and tyranny. In order to understand the views of the Protestant reformers on toleration, they must be considered with reference to these points.

While the Reformation was an act of individual resistance and not a system, and when the secular powers were engaged in supporting the authority of the Church, the authors of the movement were compelled to claim impunity for their opinions, and they held language regarding the right of governments to interfere with religious belief which resembles that of friends of toleration. Every religious party, however exclusive or servile its theory may be, if it is in contradiction with a system generally accepted and protected by law, must necessarily, at its first appearance, assume the protection of the idea that the conscience is free. Before a new authority can be set up in the place of one that exists, there is an interval when the right of dissent must be proclaimed. At the beginning of Luther's contest with the Holy See there was no rival authority for him to appeal to. No ecclesiastical organism existed, the civil power was not on his side, and not even a definite system had yet been evolved by controversy out of his original doctrine of justification. His first efforts were acts of hostility, his exhortations were entirely aggressive, and his appeal was to the masses. When the prohibition of his New Testament confirmed him in the belief that no favour was to be expected from the princes, he published his book on the civil power, which he judged superior to everything that had been written on government since the

days of the Apostles, and in which he asserts that authority is given to the State only against the wicked, and that it cannot coerce the godly. "Princes," he says, "are not to be obeyed when they command submission to superstitious errors, but their aid is not to be invoked in support of the Word of God." Heretics must be converted by the Scriptures, and not by fire, otherwise the hangman would be the greatest doctor. At the time when this was written Luther was expecting the bull of excommunication and the ban of the empire, and for several years it appeared doubtful whether he would escape the treatment he condemned. He lived in constant fear of assassination, and his friends amused themselves with his terrors. At one time he believed that a Jew had been hired by the Polish bishops to despatch him; that an invisible physician was on his way to Wittenberg to murder him; that the pulpit from which he preached was impregnated with a subtle poison. These alarms dictated his language during those early years. It was not the true expression of his views, which he was not yet strong enough openly to put forth.

The Zwinglian schism, the rise of the Anabaptists, and the Peasants' War altered the aspect of affairs. Luther recognised in them the fruits of his theory of the right of private judgment and of dissent, and the moment had arrived to secure his Church against the application of the same dissolving principles which had served him to break off from his allegiance to Rome. The excesses of the social war threatened to deprive the movement of the sympathy of the higher classes, especially of the governments; and with the defeat of the peasants the popular phase of the Reformation came to an end on the Continent. "The devil," Luther said, "having failed to put him down by the help of the Pope, was seeking his destruction through the preachers of treason and blood." He instantly turned from the people to the princes; impressed on his party that character of political dependence, and that habit of passive obedience to the State, which it has ever since retained, and gave it a stability it could never otherwise have ac-

quired. In thus taking refuge in the arms of the civil power, purchasing the safety of his doctrine by the sacrifice of its freedom, and conferring on the State, together with the right of control, the duty of imposing it at the point of the sword, Luther in reality reverted to his original teaching. The notion of liberty, whether civil or religious, was hateful to his despotic nature, and contrary to his interpretation of Scripture. As early as 1519 he had said that even the Turk was to be revered as an authority. The demoralising servitude and lawless oppression which the peasants endured, gave them, in his eyes, no right to relief; and when they rushed to arms, invoking his name as their deliverer he exhorted the nobles to take a merciless revenge. Their crime was, that they were animated by the sectarian spirit, which it was the most important interest of Luther to suppress.

The Protestant authorities throughout Southern Germany were perplexed by their victory over the Anabaptists. It was not easy to show that their political tenets were revolutionary, and the only subversive portion of their doctrine was that they held, with the Catholics, that the State is not responsible for religion. They were punished, therefore, because they taught that no man ought to suffer for his faith. At Nuremberg the magistrates did not know how to proceed against them. They seemed no worse than the Catholics, whom there was no question at that time of exterminating. The celebrated Osiander deemed these scruples inconsistent. The Papists, he said, ought also to be suppressed; and so long as this was not done, it was impossible to proceed to extremities against the Anabaptists, who were no worse than they. Luther also was consulted, and he decided that they ought not to be punished unless they refused to conform at the command of the Government. The Margrave of Brandenburg was also advised by the divines that a heretic who could not be converted out of Scripture might be condemned; but that in his sentence nothing should be said about heresy, but only about sedition and murderous intent, though he should be guiltless

of these. With the aid of this artifice great numbers were put to death.

Luther's proud and ardent spirit despised such pretences. He had cast off all reserve, and spoke his mind openly on the rights and duties of the State towards the Church and the people. His first step was to proclaim it the office of the civil power to prevent abominations. He provided no security that, in discharging this duty, the sovereign should be guided by the advice of orthodox divines; but he held the duty itself to be imperative. In obedience to the fundamental principle, that the Bible is the sole guide in all things, he defined the office and justified it by scriptural precedents. The Mosaic code, he argued, awarded to false prophets the punishment of death, and the majesty of God is not to be less deeply revered or less rigorously vindicated under the New Testament than under the Old; in a more perfect revelation the obligation is stronger. Those who will not hear the Church must be excluded from the communion; but the civil power is to intervene when the ecclesiastical excommunication has been pronounced, and men must be compelled to come in. For, according to the more accurate definition of the Church which is given in the Confession of Schmalkald, and in the Apology of the Confession of Augsburg, excommunication involves damnation. There is no salvation to be hoped for out of the Church, and the test of orthodoxy against the Pope, the devil, and all the world, is the dogma of justification by faith.

The defence of religion became, on this theory, not only the duty of the civil power, but the object of its institution. Its business was solely the coercion of those who were out of the Church. The faithful could not be the objects of its action; they did of their own accord more than any laws required. "A good tree," says Luther, "brings forth good fruit by nature, without compulsion; is it not madness to prescribe laws to an apple-tree that it shall bear apples and not thorns?"¹ This view naturally proceeded from the axiom of the certainty of the salvation of

all who believe in the Confession of Augsburg. It is the most important element in Luther's political system, because, while it made all Protestant governments despotic, it led to the rejection of the authority of Catholic governments. This is the point where Protestant and Catholic intolerance meet. If the State were instituted to promote the faith, no obedience could be due to a State of a different faith. Protestants could not conscientiously be faithful subjects of Catholic Powers, and they could not, therefore, be tolerated. Misbelievers would have no rights under an orthodox State, and a misbelieving prince would have no authority over orthodox subjects. The more, therefore, Luther expounded the guilt of resistance and the Divine sanction of authority, the more subversive his influence became in Catholic countries. His system was alike revolutionary, whether he defied the Catholic Powers or promoted a Protestant tyranny. He had no notion of political right. He found no authority for such a claim in the New Testament, and he held that righteousness does not need to exhibit itself in works.

It was the same helpless dependence on the letter of Scripture which led the reformers to consequences more subversive of Christian morality than their views on questions of polity. When Carlstadt cited the Mosaic law in defence of polygamy, Luther was indignant. If the Mosaic law is to govern everything, he said, we should be compelled to adopt circumcision. Nevertheless, as there is no prohibition of polygamy in the New Testament, the reformers were unable to condemn it. They did not forbid it as a matter of Divine law, and referred it entirely to the decision of the civil legislator. This, accordingly, was the view which guided Luther and Melancthon in treating the problem, the ultimate solution of which was the separation of England from the Church. When the Landgrave Philip afterwards appealed to this opinion, and to the earlier commentaries of Luther, the reformers were compelled to approve his having two wives. Melancthon was a witness at the wedding of the second, and the only

reservation was a request that the matter should not be allowed to get abroad. It was the same portion of Luther's theology, and the same opposition to the spirit of the Church in the treatment of Scripture, that induced him to believe in astrology and to ridicule the Copernican system.

His view of the authority of Scripture and his theory of justification both precluded him from appreciating freedom. "Christian freedom," he said, "consists in the belief that we require no works to attain piety and salvation." Thus he became the inventor of the theory of passive obedience, according to which no motives or provocation can justify a revolt; and the party against whom the revolt is directed, whatever its guilt may be, is to be preferred to the party revolting, however just its cause. In 1530 he therefore declared that the German princes had no right to resist the Emperor in defence of their religion. "It was the duty of a Christian," he said, "to suffer wrong, and no breach of oath or of duty could deprive the Emperor of his right to the unconditional obedience of his subjects."² Even the empire seemed to him a despotism, from his scriptural belief that it was a continuation of the last of the four monarchies. He preferred submission, in the hope of seeing a future Protestant Emperor, to a resistance which might have dismembered the empire if it had succeeded, and in which failure would have been fatal to the Protestants; and he was always afraid to draw the logical consequences of his theory of the duty of Protestants towards Catholic sovereigns. In consequence of this fact, Ranke affirms that the great reformer was also one of the greatest conservatives that ever lived; and his biographer, Jürgens, makes the more discriminating remark that history knows of no man who was at once so great an insurgent and so great an upholder of order as he. Neither of these writers understood that the same principle lies at the root both of revolution and of passive obedience, and that the difference is only in the temper of the person who applies it, and in the outward circumstances.

Luther's theory is apparently in opposition to Protestant interests, for it entitles Catholicism to the protection of Catholic Powers. He disguised from himself this inconsistency, and reconciled theory with expediency by the calculation that the immense advantages which his system offered to the princes would induce them all to adopt it. For, besides the consolatory doctrine of justification,—“a doctrine original, specious, persuasive, powerful against Rome, and wonderfully adapted, as if prophetically, to the genius of the times which were to follow,”³ he bribed the princes with the wealth of the Church, independence of ecclesiastical authority, facilities for polygamy, and absolute power. He told the peasants not to take arms against the Church unless they could persuade the Government to give the order; but thinking it probable, in 1522, that the Catholic clergy would, in spite of his advice, be exterminated by the fury of the people, he urged the Government to suppress them, because what was done by the constituted authority could not be wrong. Persuaded that the sovereign power would be on his side, he allowed no limits to its extent. It is absurd, he says, to imagine that, even with the best intentions, kings can avoid committing occasional injustice; they stand, therefore, particularly in need—not of safeguards against the abuse of power, but—of the forgiveness of sins. The power thus concentrated in the hands of the rulers for the guardianship of the faith, he wished to be used with the utmost severity against unregenerate men, in whom there was neither moral virtue nor civil rights, and from whom no good could come until they were converted. He therefore required that all crimes should be most cruelly punished and that the secular arm should be employed to convert where it did not destroy. The idea of mercy tempering justice he denounced as a Popish superstition.

The chief object of the severity thus recommended was, of course, efficaciously to promote the end for which Government itself was held to be instituted. The clergy had authority over the conscience, but it was thought necessary

that they should be supported by the State with the absolute penalties of outlawry, in order that error might be exterminated, although it was impossible to banish sin. No Government, it was maintained, could tolerate heresy without being responsible for the souls that were seduced by it; and as Ezechiel destroyed the brazen serpent to prevent idolatry, the mass must be suppressed, for the mass was the worst kind of idolatry. In 1530, when it was proposed to leave the matters in dispute to the decision of the future Council, Luther declared that the mass and monastic life could not be tolerated in the meantime, because it was unlawful to connive at error. “It will lie heavy on your conscience,” he writes to the Duke of Saxony, “if you tolerate the Catholic worship; for no secular prince can permit his subjects to be divided by the preaching of opposite doctrines. The Catholics have no right to complain, for they do not prove the truth of their doctrine from Scripture, and therefore do not conscientiously believe it.”⁴ He would tolerate them only if they acknowledged themselves, like the Jews, enemies of Christ and of the Emperor, and consented to exist as outcasts of society. “Heretics,” he said, “are not to be disputed with, but to be condemned unheard, and whilst they perish by fire, the faithful ought to pursue the evil to its source, and bathe their hands in the blood of the Catholic bishops, and of the Pope, who is a devil in disguise.”⁵

The persecuting principles which were involved in Luther's system, but which he cared neither to develop, to apply, nor to defend, were formed into a definite theory by the colder genius of Melanchthon. Destitute of Luther's confidence in his own strength, and in the infallible success of his doctrine, he clung more eagerly to the hope of achieving victory by the use of physical force. Like his master he too hesitated at first, and opposed the use of severe measures against the Zwickau prophets; but when he saw the development of that early germ of dissent, and the gradual dissolution of Lutheran unity, he repented of his ill-timed clemency. He was not deterred from asserting

the duty of persecution by the risk of putting arms into the hands of the enemies of the Reformation. He acknowledged the danger, but he denied the right. Catholic powers, he deemed, might justly persecute, but they could only persecute error. They must apply the same criterion which the Lutherans applied, and then they were justified in persecuting those whom the Lutherans also proscribed. For the civil power had no right to proscribe a religion in order to save itself from the dangers of a distracted and divided population. The judge of the fact and of the danger must be, not the magistrate, but the clergy. The crime lay, not in dissent, but in error. Here, therefore, Melanchthon repudiated the theory and practice of the Catholics, whose aid he invoked; for all the intolerance in the Catholic times was founded on the combination of two ideas—the criminality of apostasy, and the inability of the State to maintain its authority where the moral sense of a part of the community was in opposition to it. The reformers, therefore, approved the Catholic practice of intolerance, and even encouraged it, although their own principles of persecution were destitute not only of connection, but even of analogy, with it. By simply accepting the inheritance of the mediæval theory of the religious unity of the empire, they would have been its victims. By asserting that persecution was justifiable only against error, that is, only when purely religious, they set up a shield for themselves, and a sword against those sects for whose destruction they were more eager than the Catholics. Whether we refer the origin of Protestant intolerance to the doctrines or to the interests of the Reformation, it appears totally unconnected with the tradition of Catholic ages, or the atmosphere of Catholicism. All severities exercised by Catholics before that time had a practical motive; but Protestant persecution was based on a purely speculative foundation, and was due partly to the influence of Scripture examples, partly to the supposed interests of the Protestant party. It never admitted the exclusion of dissent to be a political right of the State, but

maintained the suppression of error to be its political duty. To say, therefore, that the Protestants learnt persecution from the Catholics, is as false as to say that they used it by way of revenge. For they founded it on very different and contradictory grounds, and they admitted the right of the Catholics to persecute even the Protestant sects.

Melanchthon taught that the sects ought to be put down by the sword, and that any individual who started new opinions ought to be punished with death. He carefully laid down that these severities were requisite, not in consideration of the danger to the State, nor of immoral teaching, nor even of such differences as would weaken the authority or arrest the action of the ecclesiastical organisation, but simply on account of a difference, however slight, in the theologumena of Protestantism. Thamer, who held the possibility of salvation among the heathen; Schwenkfeld, who taught that not the written Word, but the internal illumination of grace in the soul was the channel of God's influence on man; the Zwinglians, with their error on the Eucharist, all these met with no more favour than the fanatical Anabaptists. The State was held bound to vindicate the first table of the law with the same severity as those commandments on which civil society depends for its existence. The government of the Church being administered by the civil magistrates, it was their office also to enforce the ordinances of religion; and the same power whose voice proclaimed religious orthodoxy and law held in its hand the sword by which they were enforced. No religious authority existed except through the civil power. The Church was merged in the State; but the laws of the State, in return, were identified with the commandments of religion.

In accordance with these principles, the condemnation of Servetus by a civil tribunal, which had no authority over him, and no jurisdiction over his crime—the most aggressive and revolutionary act, therefore, that is conceivable in the casuistry of persecution—was highly approved by Melanchthon. He declared it a most useful example for

all future ages, and could not understand that there should be any who did not regard it in the same favourable light. It is true that Servetus, by denying the divinity of Christ, was open to the charge of blasphemy in a stricter sense than that in which the reformers generally applied it. But this was not the case with the Catholics. They did not represent, like the sects, an element of dissolution in Protestantism, and the bulk of their doctrine was admitted by the reformers. They were not in revolt against existing authority; they required no special innovations for their protection; they demanded only that the change of religion should not be compulsory. Yet Melancthon held that they too were to be proscribed, because their worship was idolatrous. In doing this he adopted the principle of aggressive intolerance, which was at that time new to the Christian world; and which the Popes and Councils of the Catholic Church had condemned when the zeal of laymen had gone beyond the lawful measure. In the Middle Ages there had been persecution far more sanguinary than any that has been inflicted by Protestants. Various motives had occasioned it and various arguments had been used in its defence. But the principle on which the Protestants oppressed the Catholics was new. The Catholics had never admitted the theory of absolute toleration, as it was defined at first by Luther, and afterwards by some of the sects. In principle, their tolerance differed from that of the Protestants as widely as their intolerance. They had exterminated sects which, like the Albigenses, threatened to overturn the fabric of Christian society. They had proscribed different religions where the State was founded on religious unity, and where this unity formed an integral part of its laws and administration. They had gone one step further, and punished those whom the Church condemned as apostates; thereby vindicating, not, as in the first case, the moral basis of society, nor, as in the second, the religious foundation of the State, but the authority of the Church and the purity of her doctrine, on which they relied as the pillar and bulwark of the social and political

order. Where a portion of the inhabitants of any country preferred a different creed, Jew, Mohammedan, heathen, or schismatic, they had been generally tolerated, with enjoyment of property and personal freedom, but not with that of political power or autonomy. But political freedom had been denied them because they did not admit the common ideas of duty which were its basis. This position, however, was not tenable, and was the source of great disorders. The Protestants, in like manner, could give reasons for several kinds of persecution. They could bring the Socinians under the category of blasphemers; and blasphemy, like the ridicule of sacred things, destroys reverence and awe, and tends to the destruction of society. The Anabaptists, they might argue, were revolutionary fanatics, whose doctrines were subversive of the civil order; and the dogmatic sects threatened the ruin of ecclesiastical unity within the Protestant community itself. But by placing the necessity of intolerance on the simple ground of religious error, and in directing it against the Church which they themselves had abandoned, they introduced a purely subjective test, and a purely revolutionary system. It is on this account that the *tu quoque*, or retaliatory argument, is inadmissible between Catholics and Protestants. Catholic intolerance is handed down from an age when unity subsisted, and when its preservation, being essential for that of society, became a necessity of State as well as a result of circumstances. Protestant intolerance, on the contrary was the peculiar fruit of a dogmatic system in contradiction with the facts and principles on which the intolerance actually existing among Catholics was founded. Spanish intolerance has been infinitely more sanguinary than Swedish; but in Spain, independently of the interests of religion, there were strong political and social reasons to justify persecution without seeking any theory to prop it up; whilst in Sweden all those practical considerations have either been wanting, or have been opposed to persecution, which has consequently had no justification except the theory of the Reformation. The only instance in which

the Protestant theory has been adopted by Catholics is the revocation of the Edict of Nantes.

Towards the end of his life, Melanchthon, having ceased to be a strict Lutheran, receded somewhat from his former uncompromising position, and was adverse to a strict scrutiny into minor theological differences. He drew a distinction between errors that required punishment and variations that were not of practical importance. The English Calvinists who took refuge in Germany in the reign of Mary Tudor were ungraciously received by those who were stricter Lutherans than Melanchthon. He was consulted concerning the course to be adopted towards the refugees, and he recommended toleration. But both at Wesel and at Frankfort his advice was, to his great disgust, overruled.

The severities of the Protestants were chiefly provoked by the Anabaptists, who denied the lawfulness of civil government, and strove to realise the kingdom of God on earth by absorbing the State in the Church. None protested more loudly than they against the Lutheran intolerance, or suffered from it more severely. But while denying the spiritual authority of the State, they claimed for their religious community a still more absolute right of punishing error by death. Though they sacrificed government to religion, the effect was the same as that of absorbing the Church in the State. In 1524 M \ddot{u} nzer published a sermon, in which he besought the Lutheran princes to extirpate Catholicism. "Have no remorse," he says; "for He to whom all power is given in heaven and on earth means to govern alone."⁶ He demanded the punishment of all heretics, the destruction of all who were not of his faith, and the institution of religious unity. "Do not pretend," he says, "that the power of God will accomplish it without the use of your sword, or it will grow rusty in the scabbard. The tree that bringeth not forth good fruit must be cut down and cast into the fire." And elsewhere, "the ungodly have no right to live, except so far as the elect choose to grant it them."⁷ When the Anabaptists were supreme at M \ddot{u} nster,

they exhibited the same intolerance. At seven in the morning of Friday, 27th February 1534, they ran through the streets crying, "Away with the ungodly!" Breaking into the houses of those who refused their baptism, they drove the men out of the town, and forcibly rebaptized the women who remained behind. Whilst, therefore, the Anabaptists were punished for questioning the authority of the Lutherans in religious matters, they practically justified their persecution by their own intolerant doctrines. In fact, they carried the Protestant principles of persecution to an extreme. For whereas the Lutherans regarded the defence of truth and punishment of error as being, in part, the object of the institution of civil government, they recognised it as an advantage by which the State was rewarded for its pains; but the Anabaptists repudiated the political element altogether, and held that error should be exterminated solely for the sake of truth, and at the expense of all existing States.

Bucer, whose position in the history of the Reformation is so peculiar, and who differed in important points from the Saxon leaders, agreed with them on the necessity of persecuting. He was so anxious for the success of Protestantism, that he was ready to sacrifice and renounce important doctrines, in order to save the appearance of unity; but those opinions in which he took so little dogmatic interest, he was resolved to defend by force. He was very much dissatisfied with the reluctance of the Senate of Strasburg to adopt severe measures against the Catholics. His colleague Capito was singularly tolerant; for the feeling of the inhabitants was not decidedly in favour of the change. But Bucer, his biographer tells us, was, in spite of his inclination to mediate, not friendly to this temporising system; partly because he had an organising intellect, which relied greatly on practical discipline to preserve what had been conquered, and on restriction of liberty to be the most certain security for its preservation; partly because he had a deep insight into the nature of various religious tendencies, and was justly alarmed at their consequences

for Church and State. This point in the character of Bucer provoked a powerful resistance to his system of ecclesiastical discipline, for it was feared that he would give to the clergy a tyrannical power. It is true that the demoralisation which ensued on the destruction of the old ecclesiastical authority rendered a strict attention on the part of the State to the affairs of religion highly necessary. The private and confidential communications of the German reformers give a more hideous picture of the moral condition of the generation which followed the Reformation than they draw in their published writings of that which preceded it. It is on this account that Bucer so strongly insisted on the necessity of the interference of the civil power in support of the discipline of the Church.

The Swiss reformers, between whom and the Saxons Bucer forms a connecting link, differ from them in one respect, which greatly influenced their notions of government. Luther lived under a monarchy which was almost absolute, and in which the common people, who were of Slavonic origin, were in the position of the most abject servitude; but the divines of Zürich and Bern were republicans. They did not therefore entertain his exalted views as to the irresistible might of the State; and instead of requiring as absolute a theory of the indefectibility of the civil power as he did, they were satisfied with obtaining a preponderating influence for themselves. Where the power was in hands less favourable to their cause, they had less inducement to exaggerate its rights.

Zwingli abolished both the distinction between Church and State and the notion of ecclesiastical authority. In his system the civil rulers possess the spiritual functions; and, as their foremost duty is the preservation and promotion of the true religion, it is their business to preach. As magistrates are too much occupied with other things, they must delegate the ministry of the word to preachers, for whose orthodoxy they have to provide. They are bound to establish uniformity of doctrine, and to defend it against Papists and heretics. This is not only their right, but their

duty; and not only their duty, but the condition on which they retain office. Rulers who do not act in accordance with it are to be dismissed. Thus Zwingli combined persecution and religion in the same doctrine. But he was not a fanatical persecutor, and his severity was directed less against the Catholics than against the Anabaptists, whose prohibition of all civil offices was more subversive of order in a republic than in a monarchy. Even, however, in the case of the Anabaptists the special provocation was—not the peril to the State, nor the scandal of their errors, but—the schism which weakened the Church. The punishment of heresy for the glory of God was almost inconsistent with the theory that there is no ecclesiastical power. It was not so much provoked in Zürich as elsewhere, because in a small republican community, where the governing body was supreme over both civil and religious affairs, religious unity was a matter of course. The practical necessity of maintaining unity put out of sight the speculative question of the guilt and penalty of error.

Soon after Zwingli's death, Leo Judæ called for severer measures against the Catholics, expressly stating, however, that they did not deserve death. "Excommunication," he said, "was too light a punishment to be inflicted by the State which wields the sword, and the faults in question were not great enough to involve the danger of death."⁸ Afterwards he fell into doubts as to the propriety of severe measures against dissenters, but his friends Bullinger and Capito succeeded in removing his scruples, and in obtaining his acquiescence in that intolerance, which was, says his biographer, a question of life and death for the Protestant Church. Bullinger took, like Zwingli, a more practical view of the question than was common in Germany. He thought it safer strictly to exclude religious differences than to put them down with fire and sword; "for in this case," he says, "the victims compare themselves to the early martyrs, and make their punishment a weapon of defence."⁹ He did not, however, forbid capital punishment in cases of heresy. In the year 1535 he drew up an opinion

on the treatment of religious error, which is written in a tone of great moderation. In this document he says "that all sects which introduce division into the Church must be put down, and not only such as, like the Anabaptists, threaten to subvert society, for the destruction of order and unity often begins in an apparently harmless or imperceptible way. The culprit should be examined with gentleness. If his disposition is good he will not refuse instruction; if not, still patience must be shown until there is no hope of converting him. Then he must be treated like other malefactors, and handed over to the torturer and the executioner."¹⁰ After this time there were no executions for religion in Zürich, and the number, even in the lifetime of Zwingli, was less considerable than in many other places. But it was still understood that confirmed heretics would be put to death. In 1546, in answer to the Pope's invitation to the Council of Trent, Bullinger indignantly repudiates the insinuation that the Protestant cantons were heretical, "for, by the grace of God, we have always punished the vices of heresy and sodomy with fire, and have looked upon them, and still look upon them, with horror."¹¹ This accusation of heresy inflamed the zeal of the reformers against heretics, in order to prove to the Catholics that they had no sympathy with them. On these grounds Bullinger recommended the execution of Servetus. "If the high Council inflicts on him the fate due to a worthless blasphemer, all the world will see that the people of Geneva hate blasphemers, and that they punish with the sword of justice heretics who are obstinate in their heresy. . . . Strict fidelity and vigilance are needed, because our churches are in ill repute abroad, as if we were heretics and friends of heresy. Now God's holy providence has furnished an opportunity of clearing ourselves of this evil suspicion."¹² After the event he advised Calvin to justify it, as there were some who were taken aback. "Everywhere," he says, "there are excellent men who are convinced that godless and blaspheming men ought not only to be rebuked and imprisoned, but also to be put to

death. . . . How Servetus could have been spared I cannot see."¹³

The position of Œcolampadius in reference to these questions was altogether singular and exceptional. He dreaded the absorption of the ecclesiastical functions by the State, and sought to avoid it by the introduction of a council of twelve elders, partly magistrates, partly clergy, to direct ecclesiastical affairs. "Many things," he said, "are punished by the secular power less severely than the dignity of the Church demands. On the other hand, it punishes the repentant, to whom the Church shows mercy. Either it blunts the edge of its sword by not punishing the guilty, or it brings some hatred on the Gospel by severity."¹⁴ But the people of Basel were deaf to the arguments of the reformer, and here, as elsewhere, the civil power usurped the office of the Church. In harmony with this jealousy of political interference, Œcolampadius was very merciful to the Anabaptists. "Severe penalties," he said, "were likely to aggravate the evil; forgiveness would hasten the cure."¹⁵ A few months later, however, he regretted this leniency. "We perceive," he writes to a friend, "that we have sometimes shown too much indulgence; but this is better than to proceed tyrannically, or to surrender the keys of the Church."¹⁶ Whilst, on the other hand, he rejoiced at the expulsion of the Catholics, he ingeniously justified the practice of the Catholic persecutors. "In the early ages of the Church, when the divinity of Christ manifested itself to the world by miracles, God incited the Apostles to treat the ungodly with severity. When the miracles ceased, and the faith was universally adopted, He gained the hearts of princes and rulers, so that they undertook to protect with the sword the gentleness and patience of the Church. They rigorously resisted, in fulfillment of the duties of their office, the contemners of the Church."¹⁷ "The clergy," he goes on to say, "became tyrannical because they usurped to themselves a power which they ought to have shared with others; and as the people dread the return of this tyranny of ecclesiastical authority,

it is wiser for the Protestant clergy to make no use of the similar power of excommunication which is intrusted to them."

Calvin, as the subject of an absolute monarch, and the ruling spirit in a republic, differed both from the German and the Swiss reformers in his idea of the State both in its object and in its duty towards the Church. An exile from his own country, he had lost the associations and habits of monarchy, and his views of discipline as well as doctrine were matured before he took up his abode in Switzerland. His system was not founded on existing facts; it had no roots in history, but was purely ideal, speculative, and therefore more consistent and inflexible than any other. Luther's political ideas were bounded by the horizon of the monarchical absolutism under which he lived. Zwingli's were influenced by the democratic forms of his native country, which gave to the whole community the right of appointing the governing body. Calvin, independent of all such considerations, studied only how his doctrine could best be realised, whether through the instrumentality of existing authorities, or at their expense. In his eyes its interests were paramount, their promotion the supreme duty, opposition to them an unpardonable crime. There was nothing in the institutions of men, no authority, no right, no liberty, that he cared to preserve, or towards which he entertained any feelings of reverence or obligation.

His theory made the support of religious truth the end and office of the State, which was bound therefore to protect, and consequently to obey, the Church, and had no control over it. In religion the first and highest thing was the dogma: the preservation of morals was one important office of government; but the maintenance of the purity of doctrine was the highest. The result of this theory is the institution of a pure theocracy. If the elect were alone upon the earth, Calvin taught, there would be no need of the political order, and the Anabaptists would be right in rejecting it; but the elect are in a minority; and there is

the mass of reprobates who must be coerced by the sword, in order that all the world may be made subject to the truth, by the conquerors imposing their faith upon the vanquished. He wished to extend religion by the sword, but to reserve death as the punishment of apostasy; and as this law would include the Catholics, who were in Calvin's eyes apostates from the truth, he narrowed it further to those who were apostates from the community. In this way, he said, there was no pretext given to the Catholics to retaliate. They, as well as the Jews and Mohammedans, must be allowed to live: death was only the penalty of Protestants who relapsed into error; but to them it applied equally whether they were converted to the Church or joined the sects and fell into unbelief. Only in cases where there was no danger of his words being used against the Protestants, and in letters not intended for publication, he required that Catholics should suffer the same penalties as those who were guilty of sedition, on the ground that the majesty of God must be as strictly avenged as the throne of the king.

If the defence of the truth was the purpose for which power was intrusted to princes, it was natural that it should be also the condition on which they held it. Long before the revolution of 1688, Calvin had decided that princes who deny the true faith, "abdicate" their crowns, and are no longer to be obeyed; and that no oaths are binding which are in contradiction to the interests of Protestantism. He painted the princes of his age in the blackest colours, and prayed to God for their destruction; though, at the same time he condemned all rebellion on the part of his friends, so long as there were great doubts of their success. His principles, however, were often stronger than his exhortations, and he had difficulty in preventing murders and seditious movements in France. When he was dead, nobody prevented them, and it became clear that his system, by subjecting the civil power to the service of religion, was more dangerous to toleration than Luther's plan of giving to the State supremacy over the Church.

Calvin was as positive as Luther in asserting the duty of obedience to rulers irrespective of their mode of government. He constantly declared that tyranny was not to be resisted on political grounds; that no civil rights could outweigh the divine sanction of government; except in cases where a special office was appointed for the purpose. Where there was no such office—where, for instance, the estates of the realm had lost their independence—there was no protection. This is one of the most important and essential characteristics of the politics of the reformers. By making the protection of their religion the principal business of government, they put out of sight its more immediate and universal duties, and made the political objects of the State disappear behind its religious end. A government was to be judged, in their eyes, only by its fidelity to the Protestant Church. If it fulfilled those requirements, no other complaints against it could be entertained. A tyrannical prince could not be resisted if he was orthodox; a just prince could be dethroned if he failed in the more essential condition of faith. In this way Protestantism became favourable at once to despotism and to revolution, and was ever ready to sacrifice good government to its own interests. It subverted monarchies, and, at the same time, denounced those who, for political causes, sought their subversion; but though the monarchies it subverted were sometimes tyrannical, and the seditions it prevented sometimes revolutionary the order it defended or sought to establish was never legitimate and free, for it was always invested with the function of religious proselytism, and with the obligation of removing every traditional, social, or political right or power which could oppose the discharge of that essential duty.

The part Calvin had taken in the death of Servetus obliged him to develop more fully his views on the punishment of heresy. He wrote a short account of the trial, and argued that governments are bound to suppress heresy, and that those who deny the justice of the punishment, themselves deserve it. The book was signed by all the

clergy of Geneva, as Calvin's compurgators. It was generally considered a failure; and a refutation appeared, which was so skilful as to produce a great sensation in the Protestant world. This famous tract, now of extreme rarity, did not, as has been said, "contain the pith of those arguments which have ultimately triumphed in almost every part of Europe"; nor did it preach an unconditional toleration.¹⁸ But it struck hard at Calvin by quoting a passage from the first edition of his *Institutes*, afterwards omitted, in which he spoke for toleration. "Some of those," says the author, "whom we quote have subsequently written in a different spirit. Nevertheless, we have cited the earlier opinion as the true one, as it was expressed under the pressure of persecution."¹⁹ The first edition, we are informed by Calvin himself, was written for the purpose of vindicating the Protestants who were put to death, and of putting a stop to the persecution. It was anonymous, and naturally dwelt on the principles of toleration.

Although this book did not denounce all intolerance, and although it was extremely moderate, Calvin and his friends were filled with horror. "What remains of Christianity," exclaimed Beza, "if we silently admit what this man has expectorated in his preface? . . . Since the beginning of Christianity no such blasphemy was ever heard."²⁰ Beza undertook to defend Calvin in an elaborate work,²¹ in which it was easy for him to cite the authority of all the leading reformers in favour of the practice of putting heretics to death, and in which he reproduced all the arguments of those who had written on the subjects before him. More systematic than Calvin, he first of all excludes those who are not Christians—the Jews, Turks, and heathen—whom his inquiry does not touch; "among Christians," he proceeds to say, "some are schismatics, who sin against the peace of the Church, or disbelievers, who reject her doctrine. Among these, some err in all simplicity; and if their error is not very grave, and if they do not seduce others, they need not be punished."²² "But obstinate heretics are far worse than parricides, and deserve death,

even if they repent." "It is the duty of the State to punish them, for the whole ecclesiastical order is upheld by the political."²³ In early ages this power was exercised by the temporal sovereigns; they convoked councils, punished heretics, promulgated dogmas. The Papacy afterwards arose, in evil times, and was a great calamity; but it was preferable a hundred times to the anarchy which was defended under the name of merciful toleration.

The circumstances of the condemnation of Servetus make it the most perfect and characteristic example of the abstract intolerance of the reformers. Servetus was guilty of no political crime; he was not an inhabitant of Geneva, and was on the point of leaving it, and nothing immoral could be attributed to him. He was not even an advocate of absolute toleration. The occasion of his apprehension was a dispute between a Catholic and a Protestant, as to which party was most zealous in suppressing egregious errors. Calvin, who had long before declared that if Servetus came to Geneva he should never leave it alive, did all he could to obtain his condemnation by the Inquisition at Vienna. At Geneva he was anxious that the sentence should be death, and in this he was encouraged by the Swiss churches, but especially by Beza, Farel, Bullinger, and Peter Martyr. All the Protestant authorities, therefore, agreed in the justice of putting a writer to death in whose case all the secondary motives of intolerance were wanting. Servetus was not a party leader. He had no followers who threatened to upset the peace and unity of the Church. His doctrine was speculative, without power or attraction for the masses, like Lutheranism; and without consequences subversive of morality, or affecting in any direct way the existence of society, like Anabaptism. He had nothing to do with Geneva, and his persecutors would have rejoiced if he had been put to death elsewhere. "Bayle," says Hallam,²⁴ "has an excellent remark on this controversy." Bayle's remark is as follows: "Whenever Protestants complain, they are answered by the right which Calvin and Beza recognised in magistrates; and to this

day there has been nobody who has not failed pitifully against this *argumentum ad hominem*."

No question of the merits of the Reformation or of persecution is involved in an inquiry as to the source and connection of the opinions on toleration held by the Protestant reformers. No man's sentiments on the rightfulness of religious persecution will be affected by the theories we have described, and they have no bearing whatever on doctrinal controversy. Those who—in agreement with the principle of the early Church, that men are free in matters of conscience—condemn all intolerance, will censure Catholics and Protestants alike. Those who pursue the same principle one step farther and practically invert it, by insisting on the right and duty not only of professing but of extending the truth, must, as it seems to us, approve the conduct both of Protestants and Catholics, unless they make the justice of the persecution depend on the truth of the doctrine defended, in which case they will divide on both sides. Such persons, again, as are more strongly impressed with the cruelty of actual executions than with the danger of false theories, may concentrate their indignation on the Catholics of Languedoc and Spain; while those who judge principles, not by the accidental details attending their practical realisation, but by the reasoning on which they are founded, will arrive at a verdict adverse to the Protestants. These comparative inquiries, however, have little serious interest. If we give our admiration to toleration, we must remember that the Spanish Moors and the Turks in Europe have been more tolerant than the Christians; and if we admit the principle of intolerance, and judge its application by particular conditions, we are bound to acknowledge that the Romans had better reason for persecution than any modern State, since their empire was involved in the decline of the old religion, with which it was bound up, whereas no Christian polity has been subverted by the mere presence of religious dissent. The comparison is, moreover, entirely unreasonable, for there is nothing in common between Catholic and Protestant

intolerance. The Church began with the principle of liberty, both as her claim and as her rule; and external circumstances forced intolerance upon her, after her spirit of unity had triumphed, in spite both of the freedom she proclaimed and of the persecutions she suffered. Protestantism set up intolerance as an imperative precept and as a part of its doctrine, and it was forced to admit toleration by the necessities of its position, after the rigorous penalties it imposed had failed to arrest the process of internal dissolution.

At the time when this involuntary change occurred the sects that caused it were the bitterest enemies of the toleration they demanded. In the same age the Puritans and the Catholics sought a refuge beyond the Atlantic from the persecution which they suffered together under the Stuarts. Flying for the same reason, and from the same oppression, they were enabled respectively to carry out their own views in the colonies which they founded in Massachusetts and Maryland, and the history of those two States exhibits faithfully the contrast between the two Churches. The Catholic emigrants established, for the first time in modern history, a government in which religion was free, and with it the germ of that religious liberty which now prevails in America. The Puritans, on the other hand, revived with greater severity the penal laws of the mother country. In process of time the liberty of conscience in the Catholic colony was forcibly abolished by the neighbouring Protestants of Virginia; while on the borders of Massachusetts the new State of Rhode Island was formed by a party of fugitives from the intolerance of their fellow-colonists.

Whenever great intellectual cultivation has been combined with that suffering which is inseparable from extensive changes in the condition of the people, men of speculative or imaginative genius have sought in the contemplation of an ideal society a remedy, or at least a consolation, for evils which they were practically unable to remove. Poetry has always preserved the idea, that at some distant time or place, in the Western islands or the Arcadian region, an innocent and contented people, free from the corruption and restraint of civilised life, have realised the legends of the golden age. The office of the poets is always nearly the same, and there is little variation in the features of their ideal world; but when philosophers attempt to admonish or reform mankind by devising an imaginary state, their motive is more definite and immediate, and their commonwealth is a satire as well as a model. Plato and Plotinus, More and Campanella, constructed their fanciful societies with those materials which were omitted from the fabric of the actual communities, by the defects of which they were inspired. The Republic, the Utopia, and the City of the Sun were protests against a state of things which the experience of their authors taught them to condemn, and from the faults of which they took refuge in the opposite extremes. They remained without influence, and have never passed from literary into political history, because something more than discontent and speculative ingenuity is needed in order to invest a political idea with power over the masses of mankind. The scheme of a philosopher can command the practical allegiance of

fanatics only, not of nations; and though oppression may give rise to violent and repeated outbreaks, like the convulsions of a man in pain, it cannot mature a settled purpose and plan of regeneration, unless a new notion of happiness is joined to the sense of present evil.

The history of religion furnishes a complete illustration. Between the later mediæval sects and Protestantism there is an essential difference, that outweighs the points of analogy found in those systems which are regarded as heralds of the Reformation, and is enough to explain the vitality of the last in comparison with the others. Whilst Wyclif and Hus contradicted certain particulars of the Catholic teaching, Luther rejected the authority of the Church, and gave to the individual conscience an independence which was sure to lead to an incessant resistance. There is a similar difference between the Revolt of the Netherlands, the Great Rebellion, the War of Independence, or the rising of Brabant, on the one hand, and the French Revolution on the other. Before 1789, insurrections were provoked by particular wrongs, and were justified by definite complaints and by an appeal to principles which all men acknowledged. New theories were sometimes advanced in the cause of controversy, but they were accidental, and the great argument against tyranny was fidelity to the ancient laws. Since the change produced by the French Revolution, those aspirations which are awakened by the evils and defects of the social state have come to act as permanent and energetic forces throughout the civilised world. They are spontaneous and aggressive, needing no prophet to proclaim, no champion to defend them, but popular, unreasoning, and almost irresistible. The Revolution effected this change, partly by its doctrines, partly by the indirect influence of events. It taught the people to regard their wishes and wants as the supreme criterion of right. The rapid vicissitudes of power, in which each party successively appealed to the favour of the masses as the arbiter of success, accustomed the masses to be arbitrary as well as insubordinate. The fall of many

governments, and the frequent redistribution of territory, deprived all settlements of the dignity of permanence. Tradition and prescription ceased to be guardians of authority; and the arrangements which proceeded from revolutions, from the triumphs of war, and from treaties of peace, were equally regardless of established rights. Duty cannot be dissociated from right, and nations refuse to be controlled by laws which are no protection.

In this condition of the world, theory and action follow close upon each other, and practical evils easily give birth to opposite systems. In the realms of free-will, the regularity of natural progress is preserved by the conflict of extremes. The impulse of the reaction carries men from one extremity towards another. The pursuit of a remote and ideal object, which captivates the imagination by its splendour and the reason by its simplicity, evokes an energy which would not be inspired by a rational, possible end, limited by many antagonistic claims, and confined to what is reasonable, practicable, and just. One excess or exaggeration is the corrective of the other, and error promotes truth, where the masses are concerned, by counterbalancing a contrary error. The few have not strength to achieve great changes unaided; the many have not wisdom to be moved by truth unmixed. Where the disease is various, no particular definite remedy can meet the wants of all. Only the attraction of an abstract idea, or of an ideal state, can unite in a common action multitudes who seek a universal cure for many special evils, and a common restorative applicable to many different conditions. And hence false principles, which correspond with the bad as well as with the just aspirations of mankind, are a normal and necessary element in the social life of nations.

Theories of this kind are just, inasmuch as they are provoked by definite ascertained evils, and undertake their removal. They are useful in opposition, as a warning or a threat, to modify existing things, and keep awake the consciousness of wrong. They cannot serve as a basis for the reconstruction of civil society, as medicine cannot serve

for food; but they may influence it with advantage, because they point out the direction, though not the measure, in which reform is needed. They oppose an order of things which is the result of a selfish and violent abuse of power by the ruling classes, and of artificial restriction on the natural progress of the world, destitute of an ideal element or a moral purpose. Practical extremes differ from the theoretical extremes they provoke, because the first are both arbitrary and violent, whilst the last, though also revolutionary, are at the same time remedial. In one case the wrong is voluntary, in the other it is inevitable. This is the general character of the contest between the existing order and the subversive theories that deny its legitimacy. There are three principal theories of this kind, impugning the present distribution of power, of property, and of territory, and attacking respectively the aristocracy, the middle class, and the sovereignty. They are the theories of equality, communism, and nationality. Though sprung from a common origin, opposing cognate evils, and connected by many links, they did not appear simultaneously. Rousseau proclaimed the first, Babœuf the second, Mazzini the third; and the third is the most recent in its appearance, the most attractive at the present time, and the richest in promise of future power.

In the old European system, the rights of nationalities were neither recognised by governments nor asserted by the people. The interest of the reigning families, not those of the nations, regulated the frontiers; and the administration was conducted generally without any reference to popular desires. Where all liberties were suppressed, the claims of national independence were necessarily ignored, and a princess, in the words of Fénelon, carried a monarchy in her wedding portion. The eighteenth century acquiesced in this oblivion of corporate rights on the Continent, for the absolutists cared only for the State, and the liberals only for the individual. The Church, the nobles, and the nation had no place in the popular theories of the age; and they devised none in their own defence, for they

were not openly attacked. The aristocracy retained its privileges, and the Church her property; and the dynastic interest, which overruled the natural inclination of the nations, and destroyed their independence, nevertheless maintained their integrity. The national sentiment was not wounded in its most sensitive part. To dispossess a sovereign of his hereditary crown, and to annex his dominions, would have been held to inflict an injury upon all monarchies, and to furnish their subjects with a dangerous example, by depriving royalty of its inviolable character. In time of war, as there was no national cause at stake, there was no attempt to rouse national feeling. The courtesy of the rulers towards each other was proportionate to the contempt for the lower orders. Compliments passed between the commanders of hostile armies; there was no bitterness, and no excitement; battles were fought with the pomp and pride of a parade. The art of war became a slow and learned game. The monarchies were united not only by a natural community of interests, but by family alliances. A marriage contract sometimes became the signal for an interminable war, whilst family connections often set a barrier to ambition. After the wars of religion came to an end in 1648, the only wars were those which were waged for an inheritance or a dependency, or against countries whose system of government exempted them from the common law of dynastic States, and made them not only unprotected but obnoxious. These countries were England and Holland, until Holland ceased to be a republic, and until, in England, the defeat of the Jacobites in the year forty-five terminated the struggle for the Crown. There was one country, however, which still continued to be an exception; one monarch whose place was not admitted in the comity of kings.

Poland did not possess those securities for stability which were supplied by dynastic connections and the theory of legitimacy, wherever a crown could be obtained by marriage or inheritance. A monarch without royal blood, a crown bestowed by the nation, were an anomaly and an

outrage in that age of dynastic absolutism. The country was excluded from the European system by the nature of its institutions. It excited a cupidity which could not be satisfied. It gave the reigning families of Europe no hope of permanently strengthening themselves by intermarriage with its rulers, or of obtaining it by request or by inheritance. The Hapsburgs had contested the possession of Spain and the Indies with the French Bourbons, of Italy with the Spanish Bourbons, of the empire with the house of Wittelsbach, of Silesia with the house of Hohenzollern. There had been wars between rival houses for half the territories of Italy and Germany. But none could hope to redeem their losses or increase their power in a country to which marriage and descent gave no claim. Where they could not permanently inherit they endeavoured, by intrigues, to prevail at each election, and after contending in support of candidates who were their partisans, the neighbours at last appointed an instrument for the final demolition of the Polish State. Till then no nation had been deprived of its political existence by the Christian Powers, and whatever disregard had been shown for national interests and sympathies, some care had been taken to conceal the wrong by a hypocritical perversion of law. But the partition of Poland was an act of wanton violence, committed in open defiance not only of popular feeling but of public law. For the first time in modern history a great State was suppressed, and a whole nation divided among its enemies.

This famous measure, the most revolutionary act of the old absolutism, awakened the theory of nationality in Europe, converting a dormant right into an aspiration, and a sentiment into a political claim. "No wise or honest man," wrote Edmund Burke, "can approve of that partition, or can contemplate it without prognosticating great mischief from it to all countries at some future time."¹ Thenceforward there was a nation demanding to be united in a State,—a soul, as it were, wandering in search of a body in which to begin life over again; and, for the first time,

a cry was heard that the arrangement of States was unjust—that their limits were unnatural, and that a whole people was deprived of its right to constitute an independent community. Before that claim could be efficiently asserted against the overwhelming power of its opponents,—before it gained energy, after the last partition, to overcome the influence of long habits of submission, and of the contempt which previous disorders had brought upon Poland,—the ancient European system was in ruins, and a new world was rising in its place.

The old despotic policy which made the Poles its prey had two adversaries,—the spirit of English liberty, and the doctrines of that revolution which destroyed the French monarchy with its own weapons; and these two contradicted in contrary ways the theory that nations have no collective rights. At the present day, the theory of nationality is not only the most powerful auxiliary of revolution, but its actual substance in the movements of the last three years. This, however, is a recent alliance, unknown to the first French Revolution. The modern theory of nationality arose partly as a legitimate consequence, partly as a reaction against it. As the system which overlooked national division was opposed by liberalism in two forms, the French and the English, so the system which insists upon them proceeds from two distinct sources, and exhibits the character either of 1688 or of 1789. When the French people abolished the authorities under which it lived, and became its own master, France was in danger of dissolution: for the common will is difficult to ascertain, and does not readily agree. "The laws," said Vergniaud, in the debate on the sentence of the king, "are obligatory only as the presumptive will of the people, which retains the right of approving or condemning them. The instant it manifests its wish the work of the national representation, the law, must disappear." This doctrine resolved society into its natural elements, and threatened to break up the country into as many republics as there were communes. For true republicanism is the principle of self-

government in the whole and in all the parts. In an extensive country, it can prevail only by the union of several independent communities in a single confederacy, as in Greece, in Switzerland, in the Netherlands, and in America; so that a large republic not founded on the federal principle must result in the government of a single city, like Rome and Paris, and, in a less degree, Athens, Berne, and Amsterdam; or, in other words, a great democracy must either sacrifice self-government to unity, or preserve it by federalism.

The France of history fell together with the French State, which was the growth of centuries. The old sovereignty was destroyed. The local authorities were looked upon with aversion and alarm. The new central authority needed to be established on a new principle of unity. The state of nature, which was the ideal of society, was made the basis of the nation; descent was put in the place of tradition, and the French people were regarded as a physical product: an ethnological, not historic, unit. It was assumed that a unity existed separate from the representation and the government, wholly independent of the past, and capable at any moment of expressing or of changing its mind. In the words of Siéyès, it was no longer France, but some unknown country to which the nation was transported. The central power possessed authority, inasmuch as it obeyed the whole, and no divergence was permitted from the universal sentiment. This power, endowed with volition, was personified in the Republic One and Indivisible. The title signified that a part could not speak or act for the whole,—that there was a power supreme over the State, distinct from, and independent of, its members; and it expressed, for the first time in history, the notion of an abstract nationality. In this manner the idea of the sovereignty of the people, uncontrolled by the past, gave birth to the idea of nationality independent of the political influence of history. It sprang from the rejection of the two authorities,—of the State and of the past. The kingdom of France was, geographically as well as politically, the product of a long

series of events, and the same influences which built up the State formed the territory. The Revolution repudiated alike the agencies to which France owed her boundaries and those to which she owed her government. Every effaceable trace and relic of national history was carefully wiped away,—the system of administration, the physical divisions of the country, the classes of society, the corporations, the weights and measures, the calendar. France was no longer bounded by the limits she had received from the condemned influence of her history; she could recognise only those which were set by nature. The definition of the nation was borrowed from the material world, and, in order to avoid a loss of territory, it became not only an abstraction but a fiction.

There was a principle of nationality in the ethnological character of the movement, which is the source of the common observation that revolution is more frequent in Catholic than in Protestant countries. It is, in fact, more frequent in the Latin than in the Teutonic world, because it depends partly on a national impulse, which is only awakened where there is an alien element, the vestige of a foreign dominion, to expel. Western Europe has undergone two conquests—one by the Romans and one by the Germans, and twice received laws from the invaders. Each time it rose again against the victorious race; and the two great reactions, while they differ according to the different characters of the two conquests, have the phenomenon of imperialism in common. The Roman republic laboured to crush the subjugated nations into a homogeneous and obedient mass; but the increase which the proconsular authority obtained in the process subverted the republican government, and the reaction of the provinces against Rome assisted in establishing the empire. The Cæsarean system gave an unprecedented freedom to the dependencies, and raised them to a civil equality which put an end to the dominion of race over race and of class over class. The monarchy was hailed as a refuge from the pride and cupidity of the Roman people; and the love of equality, the

hatred of nobility, and the tolerance of despotism implanted by Rome became, at least in Gaul, the chief feature of the national character. But among the nations whose vitality had been broken down by the stern republic, not one retained the materials necessary to enjoy independence, or to develop a new history. The political faculty which organises states and finds society in a moral order was exhausted, and the Christian doctors looked in vain over the waste of ruins for a people by whose aid the Church might survive the decay of Rome. A new element of national life was brought to that declining world by the enemies who destroyed it. The flood of barbarians settled over it for a season, and then subsided; and when the landmarks of civilisation appeared once more, it was found that the soil had been impregnated with a fertilising and regenerating influence, and that the inundation had laid the germs of future states and of a new society. The political sense and energy came with the new blood, and was exhibited in the power exercised by the younger race upon the old, and in the establishment of a graduated freedom. Instead of universal equal rights, the actual enjoyment of which is necessarily contingent on, and commensurate with, power, the rights of the people were made dependent on a variety of conditions, the first of which was the distribution of property. Civil society became a classified organism instead of a formless combination of atoms, and the feudal system gradually arose.

Roman Gaul had so thoroughly adopted the ideas of absolute authority and undistinguished equality during the five centuries between Caesar and Clovis, that the people could never be reconciled to the new system. Feudalism remained a foreign importation, and the feudal aristocracy an alien race, and the common people of France sought protection against both in the Roman jurisprudence and the power of the crown. The development of absolute monarchy by the help of democracy is the one constant character of French history. The royal power, feudal at first, and limited by the immunities and the great vassals,

became more popular as it grew more absolute; while the suppression of aristocracy, the removal of the intermediate authorities, was so particularly the object of the nation, that it was more energetically accomplished after the fall of the throne. The monarchy which had been engaged from the thirteenth century in curbing the nobles, was at last thrust aside by the democracy, because it was too dilatory in the work, and was unable to deny its own origin and effectually ruin the class from which it sprang. All those things which constitute the peculiar character of the French Revolution,—the demand for equality, the hatred of nobility and feudalism, and of the Church which was connected with them, the constant reference to pagan examples, the suppression of monarchy, the new code of law, the breach with tradition, and the substitution of an ideal system for everything that had proceeded from the mixture and mutual action of the races,—all these exhibit the common type of a reaction against the effects of the Frankish invasion. The hatred of royalty was less than the hatred of aristocracy; privileges were more detested than tyranny; and the king perished because of the origin of his authority rather than because of its abuse. Monarchy unconnected with aristocracy became popular in France, even when most uncontrolled; whilst the attempt to reconstitute the throne, and to limit and fence it with its peers, broke down, because the old Teutonic elements on which it relied—hereditary nobility, primogeniture, and privilege—were no longer tolerated. The substance of the ideas of 1789 is not the limitation of the sovereign power, but the abrogation of intermediate powers. These powers, and the classes which enjoyed them, come in Latin Europe from a barbarian origin; and the movement which calls itself liberal is essentially national. If liberty were its object, its means would be the establishment of great independent authorities not derived from the State, and its model would be England. But its object is equality; and it seeks, like France in 1789, to cast out the elements of inequality which were introduced by the Teutonic race. This is the object which

Italy and Spain have had in common with France, and herein consists the natural league of the Latin nations.

This national element in the movement was not understood by the revolutionary leaders. At first, their doctrine appeared entirely contrary to the idea of nationality. They taught that certain general principles of government were absolutely right in all States; and they asserted in theory the unrestricted freedom of the individual, and the supremacy of the will over every external necessity or obligation. This in apparent contradiction to the national theory, that certain natural forces ought to determine the character, the form, and the policy of the State, by which a kind of fate is put in the place of freedom. Accordingly the national sentiment was not developed directly out of the revolution in which it was involved, but was exhibited first in resistance to it, when the attempt to emancipate had been absorbed in the desire to subjugate, and the republic had been succeeded by the empire. Napoleon called a new power into existence by attacking nationality in Russia, by delivering it in Italy, by governing in defiance of it in Germany and Spain. The sovereigns of these countries were deposed or degraded; and a system of administration was introduced which was French in its origin, its spirit, and its instruments. The people resisted the change. The movement against it was popular and spontaneous, because the rulers were absent or helpless; and it was national, because it was directed against foreign institutions. In Tyrol, in Spain, and afterwards in Prussia, the people did not receive the impulse from the government, but undertook of their own accord to cast out the armies and the ideas of revolutionised France. Men were made conscious of the national element of the revolution by its conquests, not in its rise. The three things which the Empire most openly oppressed—religion, national independence, and political liberty—united in a short-lived league to animate the great uprising by which Napoleon fell. Under the influence of that memorable alliance a political spirit was called forth on the Continent, which clung to freedom and abhorred

revolution, and sought to restore, to develop, and to reform the decayed national institutions. The men who proclaimed these ideas, Stein and Görres, Humboldt, Müller, and De Maistre, were as hostile to Bonapartism as to the absolutism of the old governments, and insisted on the national rights, which had been invaded equally by both, and which they hoped to restore by the destruction of the French supremacy. With the cause that triumphed at Waterloo the friends of the Revolution had no sympathy, for they had learned to identify their doctrine with the cause of France. The Holland House Whigs in England, the Afrancesados in Spain, the Muratists in Italy, and the partisans of the Confederation of the Rhine, merging patriotism in their revolutionary affections, regretted the fall of the French power, and looked with alarm at those new and unknown forces which the War of Deliverance had evoked, and which were as menacing to French liberalism as to French supremacy.

But the new aspirations for national and popular rights were crushed at the restoration. The liberals of those days cared for freedom, not in the shape of national independence, but of French institutions; and they combined against the nations with the ambition of the governments. They were as ready to sacrifice nationality to their ideal as the Holy Alliance was to the interests of absolutism. Talleyrand indeed declared at Vienna that the Polish question ought to have precedence over all other questions, because the partition of Poland had been one of the first and greatest causes of the evils which Europe had suffered; but dynastic interests prevailed. All the sovereigns represented at Vienna recovered their dominions, except the King of Saxony, who was punished for his fidelity to Napoleon; but the States that were unrepresented in the reigning families—Poland, Venice, and Genoa—were not revived, and even the Pope had great difficulty in recovering the Legations from the grasp of Austria. Nationality, which the old *régime* had ignored, which had been outraged by the revolution and the empire, received, after its first open dem-

onstration, the hardest blow at the Congress of Vienna. The principle which the first partition had generated, to which the revolution had given a basis of theory, which had been lashed by the empire into a momentary convulsive effort, was matured by the long error of the restoration into a consistent doctrine, nourished and justified by the situation of Europe.

The governments of the Holy Alliance devoted themselves to suppress with equal care the revolutionary spirit by which they had been threatened, and the national spirit by which they had been restored. Austria, which owed nothing to the national movement, and had prevented its revival after 1809, naturally took the lead in repressing it. Every disturbance of the final settlements of 1815, every aspiration for changes or reforms, was condemned as sedition. This system repressed the good with the evil tendencies of the age; and the resistance which it provoked, during the generation that passed away from the restoration to the fall of Metternich, and again under the reaction which commenced with Schwarzenberg and ended with the administrations of Bach and Manteuffel, proceeded from various combinations of the opposite forms of liberalism. In the successive phases of that struggle, the idea that national claims are above all other rights gradually rose to the supremacy which it now possesses among the revolutionary agencies.

The first liberal movement, that of the Carbonari in the south of Europe, had no specific national character, but was supported by the Bonapartists both in Spain and Italy. In the following years the opposite ideas of 1813 came to the front, and a revolutionary movement, in many respects hostile to the principles of revolution, began in defence of liberty, religion, and nationality. All these causes were united in the Irish agitation, and in the Greek, Belgian, and Polish revolutionists. Those sentiments which had been insulted by Napoleon, and had risen against him, rose against the governments of the restoration. They had been oppressed by the sword, and then by the treaties. The

national principle added force, but not justice, to this movement, which, in every case but Poland, was successful. A period followed in which it degenerated into a purely national idea, as the agitation for repeal succeeded emancipation, and Pan Slavism and Panhellenism arose under the auspices of the Eastern Church. This was the third phase of the resistance to the settlement of Vienna, which was weak, because it failed to satisfy national or constitutional aspirations, either of which would have been a safeguard against the other, by a moral if not by a popular justification. At first, in 1813, the people rose against their conquerors, in defence of their legitimate rulers. They refused to be governed by usurpers. In the period between 1825 and 1831, they resolved that they would not be misgoverned by strangers. The French administration was often better than that which it displaced, but there were prior claimants for the authority exercised by the French, and at first the national contest was a contest for legitimacy. In the second period this element was wanting. No dispossessed princes led the Greeks, the Belgians, or the Poles. The Turks, the Dutch, and the Russians were attacked, not as usurpers, but as oppressors,—because they misgoverned, not because they were of a different race. Then began a time when the text simply was, that nations would not be governed by foreigners. Power legitimately obtained, and exercised with moderation, was declared invalid. National rights, like religion, had borne part in the previous combinations, and had been auxiliaries in the struggles for freedom, but now nationality became a paramount claim, which was to assert itself alone, which might put forward as pretexts the rights of rulers, the liberties of the people, the safety of religion, but which, if no such union could be formed, was to prevail at the expense of every other cause for which nations make sacrifices.

Metternich is, next to Napoleon, the chief promoter of this theory; for the anti-national character of the restoration was most distinct in Austria, and it is in opposition to the Austrian Government that nationality grew into a sys-

tem. Napoleon, who, trusting to his armies, despised moral forces in politics, was overthrown by their rising. Austria committed the same fault in the government of her Italian provinces. The kingdom of Italy had united all the northern part of the Peninsula in a single State; and the national feelings, which the French repressed elsewhere, were encouraged as a safeguard of their power in Italy and in Poland. When the tide of victory turned, Austria invoked against the French the aid of the new sentiment they had fostered. Nugent announced, in his proclamation to the Italians, that they should become an independent nation. The same spirit served different masters, and contributed first to the destruction of the old States, then to the expulsion of the French, and again, under Charles Albert, to a new revolution. It was appealed to in the name of the most contradictory principles of government, and served all parties in succession, because it was one in which all could unite. Beginning by a protest against the dominion of race over race, its mildest and least-developed form, it grew into a condemnation of every State that included different races, and finally became the complete and consistent theory, that the State and the nation must be co-extensive. "It is," says Mr. Mill, "in general a necessary condition of free institutions, that the boundaries of governments should coincide in the main with those of nationalities."²

The outward historical progress of this idea from an indefinite aspiration to be the keystone of a political system, may be traced in the life of the man who gave to it the element in which its strength resides,—Giuseppe Mazzini. He found Carbonarism impotent against the measures of the governments, and resolved to give new life to the liberal movement by transferring it to the ground of nationality. Exile is the nursery of nationality, as oppression is the school of liberalism; and Mazzini conceived the idea of Young Italy when he was a refugee at Marseilles. In the same way, the Polish exiles are the champions of every national movement; for to them all political rights are absorbed in the idea of independence, which, however they

may differ with each other, is the one aspiration common to them all. Towards the year 1830 literature also contributed to the national idea. "It was the time," says Mazzini, "of the great conflict between the romantic and the classical school, which might with equal truth be called a conflict between the partisans of freedom and of authority." The romantic school was infidel in Italy, and Catholic in Germany; but in both it had the common effect of encouraging national history and literature, and Dante was as great an authority with the Italian democrats as with the leaders of the mediæval revival at Vienna, Munich, and Berlin. But neither the influence of the exiles, nor that of the poets and critics of the new party, extended over the masses. It was a sect without popular sympathy or encouragement, a conspiracy founded not on a grievance, but on a doctrine; and when the attempt to rise was made in Savoy, in 1834, under a banner with the motto "Unity, Independence, God and Humanity," the people were puzzled at its object, and indifferent to its failure. But Mazzini continued his propaganda, developed his *Giovine Italia* into a *Giovine Europa*, and established in 1847 the international league of nations. "The people," he said, in his opening address, "is penetrated with only one idea, that of unity and nationality. . . . There is no international question as to forms of government, but only a national question."

The revolution of 1848, unsuccessful in its national purpose, prepared the subsequent victories of nationality in two ways. The first of these was the restoration of the Austrian power in Italy, with a new and more energetic centralisation, which gave no promise of freedom. Whilst that system prevailed, the right was on the side of the national aspirations, and they were revived in a more complete and cultivated form by Manin. The policy of the Austrian Government, which failed during the ten years of the reaction to convert the tenure by force into a tenure by right, and to establish with free institutions the condition of allegiance, gave a negative encouragement to the theory. It deprived Francis Joseph of all active support and

sympathy in 1859, for he was more clearly wrong in his conduct than his enemies in their doctrines. The real cause of the energy which the national theory has acquired is, however, the triumph of the democratic principle in France, and its recognition by the European Powers. The theory of nationality is involved in the democratic theory of the sovereignty of the general will. "One hardly knows what any division of the human race should be free to do, if not to determine with which of the various collective bodies of human beings they choose to associate themselves."³ It is by this act that a nation constitutes itself. To have a collective will, unity is necessary, and independence is requisite in order to assert it. Unity and nationality are still more essential to the notion of the sovereignty of the people than the cashiering of monarchs, or the revocation of laws. Arbitrary acts of this kind may be prevented by the happiness of the people or the popularity of the king, but a nation inspired by the democratic idea cannot with consistency allow a part of itself to belong to a foreign State, or the whole to be divided into several native States. The theory of nationality therefore proceeds from both the principles which divide the political world,—from legitimacy, which ignores its claims, and from the revolution, which assumes them; and for the same reason it is the chief weapon of the last against the first.

In pursuing the outward and visible growth of the national theory we are prepared for an examination of its political character and value. The absolutism which has created it denies equally that absolute right of national unity which is a product of democracy, and that claim of national liberty which belongs to the theory of freedom. These two views of nationality, corresponding to the French and to the English systems, are connected in name only, and are in reality the opposite extremes of political thought. In one case, nationality is founded on the perpetual supremacy of the collective will, of which the unity of the nation is the necessary condition, to which every other influence must defer, and against which no obligation en-

joys authority, and all resistance is tyrannical. The nation is here an ideal unit founded on the race, in defiance of the modifying action of external causes, of tradition, and of existing rights. It overrules the rights and wishes of the inhabitants, absorbing their divergent interests in a fictitious unity; sacrifices their several inclinations and duties to the higher claim of nationality, and crushes all natural rights and all established liberties for the purpose of vindicating itself. Whenever a single definite object is made the supreme end of the State, be it the advantage of a class, the safety or the power of the country, the greatest happiness of the greatest number, or the support of any speculative idea, the State becomes for the time inevitably absolute. Liberty alone demands for its realisation the limitation of the public authority, for liberty is the only object which benefits all alike, and provokes no sincere opposition. In supporting the claims of national unity, governments must be subverted in whose title there is no flaw, and whose policy is beneficent and equitable, and subjects must be compelled to transfer their allegiance to an authority for which they have no attachment, and which may be practically a foreign domination. Connected with this theory in nothing except in the common enmity of the absolute state, is the theory which represents nationality as an essential, but not a supreme element in determining the forms of the State. It is distinguished from the other, because it tends to diversity and not to uniformity, to harmony and not to unity; because it aims not at an arbitrary change, but at careful respect for the existing conditions of political life, and because it obeys the laws and results of history, not the aspirations of an ideal future. While the theory of unity makes the nation a source of despotism and revolution, the theory of liberty regards it as the bulwark of self-government, and the foremost limit to the excessive power of the State. Private rights, which are sacrificed to the unity, are preserved by the union of nations. No power can so efficiently resist the tendencies of centralisation, of corruption, and of absolutism, as that com-

munity which is the vastest that can be included in a State, which imposes on its members a consistent similarity of character, interest, and opinion, and which arrests the action of the sovereign by the influence of a divided patriotism. The presence of different nations under the same sovereignty is similar in its effect to the independence of the Church in the State. It provides against the servility which flourishes under the shadow of a single authority, by balancing interests, multiplying associations, and giving to the subject the restraint and support of a combined opinion. In the same way it promotes independence by forming definite groups of public opinion, and by affording a great source and centre of political sentiments, and of notions of duty not derived from the sovereign will. Liberty provokes diversity, and diversity preserves liberty by supplying the means of organisation. All those portions of law which govern the relations of men with each other, and regulate social life, are the varying result of national custom and the creation of private society. In these things, therefore, the several nations will differ from each other; for they themselves have produced them, and they do not owe them to the State which rules them all. This diversity in the same State is a firm barrier against the intrusion of the government beyond the political sphere which is common to all into the social department which escapes legislation and is ruled by spontaneous laws. This sort of interference is characteristic of an absolute government, and is sure to provoke a reaction, and finally a remedy. That intolerance of social freedom which is natural to absolutism is sure to find a corrective in the national diversities, which no other force could so efficiently provide. The co-existence of several nations under the same State is a test, as well as the best security of its freedom. It is also one of the chief instruments of civilisation; and, as such, it is in the natural and providential order, and indicates a state of greater advancement than the national unity which is the ideal of modern liberalism.

The combination of different nations in one State is as

necessary a condition of civilised life as the combination of men in society. Inferior races are raised by living in political union with races intellectually superior. Exhausted and decaying nations are revived by the contact of a younger vitality. Nations in which the elements of organisation and the capacity for government have been lost, either through the demoralising influence of despotism, or the disintegrating action of democracy, are restored and educated anew under the discipline of a stronger and less corrupted race. This fertilising and regenerating process can only be obtained by living under one government. It is in the cauldron of the State that the fusion takes place by which the vigour, the knowledge, and the capacity of one portion of mankind may be communicated to another. Where political and national boundaries coincide, society ceases to advance, and nations relapse into a condition corresponding to that of men who renounce intercourse with their fellow-men. The difference between the two unites mankind not only by the benefits it confers on those who live together, but because it connects society either by a political or a national bond, gives to every people an interest in its neighbours, either because they are under the same government or because they are of the same race, and thus promotes the interests of humanity, of civilisation, and of religion.

Christianity rejoices at the mixture of races, as paganism identifies itself with their differences, because truth is universal, and errors various and particular. In the ancient world idolatry and nationality went together, and the same term is applied in Scripture to both. It was the mission of the Church to overcome national differences. The period of her undisputed supremacy was that in which all Western Europe obeyed the same laws, all literature was contained in one language, and the political unit of Christendom was personified in a single potentate, while its intellectual unity was represented in one university. As the ancient Romans concluded their conquests by carrying away the gods of the conquered people, Charlemagne overcame the national resistance of the Saxons only by the forcible de-

struction of their pagan rites. Out of the mediæval period, and the combined action of the German race and the Church, came forth a new system of nations and a new conception of nationality. Nature was overcome in the nation as well as in the individual. In pagan and uncultivated times, nations were distinguished from each other by the widest diversity, not only in religion, but in customs, language, and character. Under the new law they had many things in common; the old barriers which separated them were removed, and the new principle of self-government, which Christianity imposed, enabled them to live together under the same authority, without necessarily losing their cherished habits, their customs, or their laws. The new idea of freedom made room for different races in one State. A nation was no longer what it had been to the ancient world,—the progeny of a common ancestor, or the aboriginal product of a particular region,—a result of merely physical and material causes,—but a moral and political being; not the creation of geographical or physiological unity, but developed in the course of history by the action of the State. It is derived from the State, not supreme over it. A State may in course of time produce a nationality; but that a nationality should constitute a State is contrary to the nature of modern civilisation. The nation derives its rights and its power from the memory of a former independence.

The Church has agreed in this respect with the tendency of political progress, and discouraged wherever she could the isolation of nations; admonishing them of their duties to each other, and regarding conquest and feudal investiture as the natural means of raising barbarous or sunken nations to a higher level. But though she has never attributed to national independence an immunity from the accidental consequences of feudal law, of hereditary claims, or of testamentary arrangements, she defends national liberty against uniformity and centralisation with an energy inspired by perfect community of interests. For the same enemy threatens both; and the State which is reluctant to

tolerate differences, and to do justice to the peculiar character of various races, must from the same cause interfere in the internal government of religion. The connection of religious liberty with the emancipation of Poland or Ireland is not merely the accidental result of local causes; and the failure of the Concordat to unite the subjects of Austria is the natural consequence of a policy which did not desire to protect the provinces in their diversity and autonomy, and sought to bribe the Church by favours instead of strengthening her by independence. From this influence of religion in modern history has proceeded a new definition of patriotism.

The difference between nationality and the State is exhibited in the nature of patriotic attachment. Our connection with the race is merely natural or physical, whilst our duties to the political nation are ethical. One is a community of affections and instincts infinitely important and powerful in savage life, but pertaining more to the animal than to the civilised man; the other is an authority governing by laws, imposing obligations, and giving a moral sanction and character to the natural relations of society. Patriotism is in political life what faith is in religion, and it stands to the domestic feelings and to homesickness as faith to fanaticism and to superstition. It has one aspect derived from private life and nature, for it is an extension of the family affections, as the tribe is an extension of the family. But in its real political character, patriotism consists in the development of the instinct of self-preservation into a moral duty which may involve self-sacrifice. Self-preservation is both an instinct and a duty, natural and involuntary in one respect, and at the same time a moral obligation. By the first it produces the family; by the last the State. If the nation could exist without the State, subject only to the instinct of self-preservation, it would be incapable of denying, controlling, or sacrificing itself; it would be an end and a rule to itself. But in the political order moral purposes are realised and public ends are pursued to which private interests and even existence must be sacrificed. The

great sign of true patriotism, the development of selfishness into sacrifice, is the product of political life. That sense of duty which is supplied by race is not entirely separated from its selfish and instinctive basis; and the love of country, like married love, stands at the same time on a material and a moral foundation. The patriot must distinguish between the two causes or objects of his devotion. The attachment which is given only to the country is like obedience given only to the State—a submission to physical influences. The man who prefers his country before every other duty shows the same spirit as the man who surrenders every right to the State. They both deny that right is superior to authority.

There is a moral and political country, in the language of Burke, distinct from the geographical, which may be possibly in collision with it. The Frenchmen who bore arms against the Convention were as patriotic as the Englishmen who bore arms against King Charles, for they recognised a higher duty than that of obedience to the actual sovereign. "In an address to France," said Burke, "in an attempt to treat with it, or in considering any scheme at all relative to it, it is impossible we should mean the geographical, we must always mean the moral and political, country. . . . The truth is, that France is out of itself—the moral France is separated from the geographical. The master of the house is expelled, and the robbers are in possession. If we look for the corporate people of France, existing as a corporate in the eye and intention of public law (that corporate people, I mean, who are free to deliberate and to decide, and who have a capacity to treat and conclude), they are in Flanders and Germany, in Switzerland, Spain, Italy, and England. There are all the princes of the blood, there are all the orders of the State, there are all the parliaments of the kingdom. . . . I am sure that if half that number of the same description were taken out of this country, it would leave hardly anything that I should call the people of England." * Rousseau draws nearly the same distinction between the country to which we happen to be-

long and that which fulfils towards us the political functions of the State. In the *Émile* he has a sentence of which it is not easy in a translation to convey the point: "Qui n'a pas une patrie a du moins un pays." And in his tract on Political Economy he writes: "How shall men love their country if it is nothing more for them than for strangers, and bestows on them only that which it can refuse to none?" It is in the same sense he says, further on, "La patrie ne peut subsister sans la liberté."⁵

The nationality formed by the State, then, is the only one to which we owe political duties, and it is, therefore, the only one which has political rights. The Swiss are ethnologically either French, Italian, or German; but no nationality has the slightest claim upon them, except the purely political nationality of Switzerland. The Tuscan or the Neapolitan State has formed a nationality, but the citizens of Florence and of Naples have no political community with each other. There are other States which have neither succeeded in absorbing distinct races in a political nationality, nor in separating a particular district from a larger nation. Austria and Mexico are instances on the one hand, Parma and Baden on the other. The progress of civilisation deals hardly with the last description of States. In order to maintain their integrity they must attach themselves by confederations, or family alliances, to greater Powers, and thus lose something of their independence. Their tendency is to isolate and shut off their inhabitants, to narrow the horizon of their views, and to dwarf in some degree the proportions of their ideas. Public opinion cannot maintain its liberty and purity in such small dimensions, and the currents that come from larger communities sweep over a contracted territory. In a small and homogeneous population there is hardly room for a natural classification of society, or for inner groups of interests that set bounds to sovereign power. The government and the subjects contend with borrowed weapons. The resources of the one and the aspirations of the other are derived from some external source, and the consequence is that the

country becomes the instrument and the scene of contests in which it is not interested. These States, like the minuter communities of the Middle Ages, serve a purpose, by constituting partitions and securities of self-government in the larger States; but they are impediments to the progress of society, which depends on the mixture of races under the same governments.

The vanity and peril of national claims founded on no political tradition, but on race alone, appear in Mexico. There the races are divided by blood, without being grouped together in different regions. It is, therefore, neither possible to unite them nor to convert them into the elements of an organised State. They are fluid, shapeless, and unconnected, and cannot be precipitated, or formed into the basis of political institutions. As they cannot be used by the State, they cannot be recognised by it; and their peculiar qualities, capabilities, passions, and attachments are of no service, and therefore obtain no regard. They are necessarily ignored, and are therefore perpetually outraged. From this difficulty of races with political pretensions, but without political position, the Eastern world escaped by the institution of castes. Where there are only two races there is the resource of slavery; but when different races inhabit the different territories of one Empire composed of several smaller States, it is of all possible combinations the most favourable to the establishment of a highly developed system of freedom. In Austria there are two circumstances which add to the difficulty of the problem, but also increase its importance. The several nationalities are at very unequal degrees of advancement, and there is no single nation which is so predominant as to overwhelm or absorb the others. These are the conditions necessary for the very highest degree of organisation which government is capable of receiving. They supply the greatest variety of intellectual resource; the perpetual incentive to progress which is afforded not merely by competition, but by the spectacle of a more advanced people; the most abundant elements of self-government, combined with the

impossibility for the State to rule all by its own will; and the fullest security for the preservation of local customs and ancient rights. In such a country as this, liberty would achieve its most glorious results, while centralisation and absolutism would be destruction.

The problem presented to the government of Austria is higher than that which is solved in England, because of the necessity of admitting the national claims. The parliamentary system fails to provide for them, as it presupposes the unity of the people. Hence in those countries in which different races dwell together, it has not satisfied their desires, and is regarded as an imperfect form of freedom. It brings out more clearly than before the differences it does not recognise, and thus continues the work of the old absolutism, and appears as a new phase of centralisation. In those countries, therefore, the power of the imperial parliament must be limited as jealously as the power of the crown, and many of its functions must be discharged by provincial diets, and a descending series of local authorities.

The great importance of nationality in the State consists in the fact that it is the basis of political capacity. The character of a nation determines in great measure the form and vitality of the State. Certain political habits and ideas belong to particular nations, and they vary with the course of the national history. A people just emerging from barbarism, a people effete from the excesses of a luxurious civilisation, cannot possess the means of governing itself; a people devoted to equality, or to absolute monarchy, is incapable of producing an aristocracy; a people averse to the institution of private property is without the first element of freedom. Each of these can be converted into efficient members of a free community only by the contact of a superior race, in whose power will lie the future prospects of the State. A system which ignores these things, and does not rely for its support on the character and aptitude of the people, does not intend that they should administer their own affairs, but that they should simply be obedient to the

supreme command. The denial of nationality, therefore, implies the denial of political liberty.

The greatest adversary of the rights of nationality is the modern theory of nationality. By making the State and the nation commensurate with each other in theory, it reduces practically to a subject condition all other nationalities that may be within the boundary. It cannot admit them to an equality with the ruling nation which constitutes the State, because the State would then cease to be national, which would be a contradiction of the principle of its existence. According, therefore, to the degree of humanity and civilisation in that dominant body which claims all the rights of the community, the inferior races are exterminated, or reduced to servitude, or outlawed, or put in a condition of dependence.

If we take the establishment of liberty for the realisation of moral duties to be the end of civil society, we must conclude that those states are substantially the most perfect which, like the British and Austrian Empires, include various distinct nationalities without oppressing them. Those in which no mixture of races has occurred are imperfect; and those in which its effects have disappeared are decrepit. A State which is incompetent to satisfy different races condemns itself; a State which labours to neutralise, to absorb, or to expel them, destroys its own vitality; a State which does not include them is destitute of the chief basis of self-government. The theory of nationality, therefore, is a retrograde step in history. It is the most advanced form of the revolution, and must retain its power to the end of the revolutionary period, of which it announces the approach. Its great historical importance depends on two chief causes.

First, it is a chimera. The settlement at which it aims is impossible. As it can never be satisfied and exhausted, and always continues to assert itself, it prevents the government from ever relapsing into the condition which provoked its rise. The danger is too threatening, and the power over men's minds too great, to allow any system to endure which justifies the resistance of nationality. It must

contribute, therefore, to obtain that which in theory it condemns,—the liberty of different nationalities as members of one sovereign community. This is a service which no other force could accomplish; for it is a corrective alike of absolute monarchy, of democracy, and of constitutionalism, as well as of the centralisation which is common to all three. Neither the monarchical nor the revolutionary, nor the parliamentary system can do this; and all the ideas which have excited enthusiasm in past times are impotent for the purpose except nationality alone.

And secondly, the national theory marks the end of the revolutionary doctrine and its logical exhaustion. In proclaiming the supremacy of the rights of nationality, the system of democratic equality goes beyond its own extreme boundary, and falls into contradiction with itself. Between the democratic and the national phase of the revolution, socialism had intervened, and had already carried the consequences of the principle to an absurdity. But that phase was passed. The revolution survived its offspring, and produced another further result. Nationality is more advanced than socialism, because it is a more arbitrary system. The social theory endeavours to provide for the existence of the individual beneath the terrible burdens which modern society heaps upon labour. It is not merely a development of the notion of equality, but a refuge from real misery and starvation. However false the solution, it was a reasonable demand that the poor should be saved from destruction; and if the freedom of the State was sacrificed to the safety of the individual, the more immediate object was, at least in theory, attained. But nationality does not aim either at liberty or prosperity, both of which it sacrifices to the imperative necessity of making the nation the mould and measure of the State. Its course will be marked with material as well as moral ruin, in order that a new invention may prevail over the works of God and the interests of mankind. There is no principle of change, no phase of political speculation conceivable, more comprehensive, more subversive, or more arbitrary than this. It is a confu-

tation of democracy, because it sets limits to the exercise of the popular will, and substitutes for it a higher principle. It prevents not only the division, but the extension of the State, and forbids to terminate war by conquest, and to obtain a security for peace. Thus, after surrendering the individual to the collective will, the revolutionary system makes the collective will subject to conditions which are independent of it, and rejects all law, only to be controlled by an accident.

Although, therefore, the theory of nationality is more absurd and more criminal than the theory of socialism, it has an important mission in the world, and marks the final conflict, and therefore the end, of two forces which are the worst enemies of civil freedom,—the absolute monarchy and the revolution.

POLITICAL CAUSES OF THE AMERICAN REVOLUTION*

At the time of the utmost degradation of the Athenian democracy, when the commanders at Arginusæ were condemned by an unconstitutional decree, and Socrates alone upheld the sanctity of the law, the people, says Xenophon, cried out that it was monstrous to prevent them from doing whatever they pleased. A few years later the archonship of Euclides witnessed the restoration of the old constitution, by which the liberty, though not the power, of Athens was revived and prolonged for ages; and the palladium of the new settlement was the provision that no decree of the council or of the people should be permitted to overrule any existing law.

The fate of every democracy, of every government based on the sovereignty of the people, depends on the choice it makes between these opposite principles, absolute power on the one hand, and on the other, the restraints of legality and the authority of tradition. It must stand or fall according to its choice, whether to give the supremacy to the law or to the will of the people; whether to constitute a moral association maintained by duty, or a physical one kept together by force. Republics offer, in this respect, a strict analogy with monarchies, which are also either absolute or organic, either governed by law, and therefore constitutional, or by a will which, being the source, cannot be the object of laws, and is therefore despotic. But in their mode of growth, in the direction in which they gravitate, they are directly contrary to each other. Democracy tends naturally to realise its principle, the sovereignty of the people, and to remove all limits and conditions of its exercise; whilst

monarchy tends to surround itself with such conditions. In one instance force yields to right; in the other might prevails over law. The resistance of the king is gradually overcome by those who resist and seek to share his power; in a democracy the power is already in the hands of those who seek to subvert and to abolish the law. The process of subversion is consequently irresistible, and far more rapid.

They differ, therefore, not only in the direction, but in the principle of their development. The organisation of a constitutional monarchy is the work of opposing powers, interests, and opinions, by which the monarch is deprived of his exclusive authority, and the throne is surrounded with and guarded by political institutions. In a purely popular government this antagonism of forces does not exist, for all power is united in the same sovereign; subject and citizen are one, and there is no external power that can enforce the surrender of a part of the supreme authority, or establish a security against its abuse. The elements of organisation are wanting. If not obtained at starting, they will not naturally spring up. They have no germs in the system. Hence monarchy grows more free, in obedience to the laws of its existence, whilst democracy becomes more arbitrary. The people is induced less easily than the king to abdicate the plenitude of its power, because it has not only the right of might on its side, but that which comes from possession, and the absence of a prior claimant. The only antagonism that can arise is that of contending parties and interests in the sovereign community, the condition of whose existence is that it should be homogeneous. These separate interests can protect themselves only by setting bounds to the power of the majority; and to this the majority cannot be compelled, or consistently persuaded, to consent. It would be a surrender of the direct authority of the people, and of the principle that in every political community authority must be commensurate with power.

"Infirma minoris

Vox cedit numeri, parvaque in parte quiescat."

"La pluralité," says Pascal, "est la meilleure voie, parcequ'elle est visible, et qu'elle a la force pour se faire obéir; cependant c'est l'avis des moins habiles." The minority can have no permanent security against the oppression of preponderating numbers, or against the government which these numbers control, and the moment will inevitably come when separation will be preferred to submission. When the classes which compose the majority and the minority are not defined with local distinctness, but are mingled together throughout the country, the remedy is found in emigration; and it was thus that many of the ancient Mediterranean states, and some of the chief American colonies, took their rise. But when the opposite interests are grouped together, so as to be separated not only politically but geographically, there will ensue a territorial disruption of the state, developed with a rapidity and certainty proportioned to the degree of local corporate organisation that exists in the community. It cannot, in the long run, be prevented by the majority, which is made up of many future, contingent minorities, all secretly sympathising with the seceders because they foresee a similar danger for themselves, and unwilling to compel them to remain, because they dread to perpetuate the tyranny of majorities. The strict principle of popular sovereignty must therefore lead to the destruction of the state that adopts it, unless it sacrifices itself by concession.

The greatest of all modern republics has given the most complete example of the truth of this law. The dispute between absolute and limited power, between centralisation and self-government, has been, like that between privilege and prerogative in England, the substance of the constitutional history of the United States. This is the argument which confers on the whole period that intervenes between the convention of 1787 and the election of Mr. Davis in 1861 an almost epic unity. It is this problem that has supplied the impulse to the political progress of the United States, that underlies all the great questions that have agitated the Union, and bestows on them all their

constitutional importance. It has recurred in many forms, but on each occasion the solution has failed, and the decision has been avoided. Hence the American government is justly termed a system of compromises, that is to say, an inconsistent system. It is not founded, like the old governments of Europe, on tradition, nor on principles, like those which have followed the French Revolution; but on a series of mutual concessions, and momentary suspensions of war between opposite principles, neither of which could prevail. Necessarily, as the country grew more populous, and the population more extended, as the various interests grew in importance, and the various parties in internal strength, as new regions, contrasting with each other in all things in which the influence of nature and the condition of society bear upon political life, were formed into states, the conflict grew into vaster proportions and greater intensity, each opinion became more stubborn and unyielding, compromise was more difficult, and the peril to the Union increased.

Viewed in the light of recent events, the history of the American Republic is intelligible and singularly instructive. For the dissolution of the Union is no accidental or hasty or violent proceeding, but the normal and inevitable result of a long course of events, which trace their origin to the rise of the constitution itself. There we find the germs of the disunion that have taken seventy years to ripen, the beginning of an antagonism which constantly asserted itself and could never be reconciled, until the differences widened into a breach.

The convention which sat at Philadelphia in 1787, for the purpose of substituting a permanent constitution in the place of the confederacy, which had been formed to resist the arms of England, but which had broken down in the first years of peace, was not a very numerous body, but it included the most eminent men of America. It is astounding to observe the political wisdom, and still more the political foresight, which their deliberations exhibit. Franklin, indeed, appears to have been the only very foolish man

among them, and his colleagues seem to have been aware of it. Washington presided, but he exercised very little influence upon the assembly, in which there were men who far exceeded him in intellectual power. Adams and Jefferson were in Europe, and the absence of the latter is conspicuous in the debates and in the remarkable work which issued from them. For it is a most striking thing that the views of pure democracy, which we are accustomed to associate with American politics, were almost entirely unrepresented in that convention. Far from being the product of a democratic revolution, and of an opposition to English institutions, the Constitution of the United States was the result of a powerful reaction against democracy, and in favour of the traditions of the mother country. On this point nearly all the leading statesmen were agreed, and no contradiction was given to such speeches as the following. Madison said: "In all cases where a majority are united by a common interest or passion, the rights of the minority are in danger. What motives are to restrain them? A prudent regard to the maxim, that honesty is the best policy, is found by experience to be as little regarded by bodies of men as by individuals. Respect for character is always diminished in proportion to the number among whom the blame or praise is to be divided. Conscience, the only remaining tie, is known to be inadequate in individuals; in large numbers little is to be expected from it."¹

Mr. Sherman opposed the election by the people, "insisting that it ought to be by the State legislatures. The people immediately should have as little to do as may be about the government."

Mr. Gerry said: "The evils we experience flow from the excess of democracy. The people do not want virtue, but are the dupes of pretended patriots. . . . He had been too republican heretofore; he was still, however, republican, but had been taught by experience the danger of the leveling spirit." Mr. Mason "admitted that we had been too democratic, but was afraid we should incautiously run into the opposite extreme." Mr. Randolph observed "that the

general object was to provide a cure for the evils under which the United States laboured; that, in tracing these evils to their origin, every man had found it in the turbulence and follies of democracy; that some check, therefore, was to be sought for against this tendency of our governments." 2

Mr. Wilson, speaking in 1787, as if with the experience of the seventy years that followed, said, "Despotism comes on mankind in different shapes; sometimes in an executive, sometimes in a military one. Is there no danger of a legislative despotism? Theory and practice both proclaim it. If the legislative authority be not restrained, there can be neither liberty nor stability." 3 "However the legislative power may be formed," said Gouverneur Morris, the most conservative man in the convention, "it will, if disposed, be able to ruin the country." 4

Still stronger was the language of Alexander Hamilton: "If government is in the hands of the few, they will tyrannise over the many; if in the hands of the many, they will tyrannise over the few. It ought to be in the hands of both, and they should be separated. This separation must be permanent. Representation alone will not do; demagogues will generally prevail; and, if separated, they will need a mutual check. This check is a monarch. . . . The monarch must have proportional strength. He ought to be hereditary, and to have so much power that it will not be his interest to risk much to acquire more. . . . Those who mean to form a solid republican government ought to proceed to the confines of another government. . . . But if we incline too much to democracy, we shall soon shoot into a monarchy." 5 "He acknowledged himself not to think favourably of republican government, but addressed his remarks to those who did think favourably of it, in order to prevail on them to tone their government as high as possible." 6 Soon after, in the New York convention, for the adoption of the constitution, he said, "It has been observed that a pure democracy, if it were practicable, would be the most perfect government. Experience has proved that no

position in politics is more false than this. The ancient democracies, in which the people themselves deliberated, never possessed one feature of good government. Their very character was tyranny." 7

Hamilton's opinions were in favour of monarchy, though he despaired of introducing it into America. He constantly held up the British constitution as the only guide and model; and Jefferson has recorded his conversations, which show how strong his convictions were. Adams had said that the English government might, if reformed, be made excellent; Hamilton paused and said: "Purge it of its corruption, and give to its popular branch equality of representation, and it would become an impracticable government; as it stands at present, with all its supposed defects, it is the most perfect government which ever existed." And on another occasion he declared to Jefferson, "I own it is my own opinion . . . that the present government is not that which will answer the ends of society, by giving stability and protection to its rights; and that it will probably be found expedient to go into the British form." 8

In his great speech on the constitution, he spoke with equal decision: "He had no scruple in declaring, supported as he was by the opinion of so many of the wise and good, that the British government was the best in the world, and that he doubted much whether anything short of it would do in America. . . . As to the executive, it seemed to be admitted that no good one could be established on republican principles. Was not this giving up the merits of the question? for can there be a good government without a good executive? The English model was the only good one on this subject. . . . We ought to go as far, in order to attain stability and permanency, as republican principles will admit." 9

Mr. Dickinson "wished the Senate to consist of the most distinguished characters,—distinguished for their rank in life and their weight of property, and bearing as strong a likeness to the British House of Lords as possible." 10

Mr. Pinckney, of South Carolina, said, "Much has been

said of the constitution of Great Britain. I will confess that I believe it to be the best constitution in existence; but, at the same time, I am confident it is one that will not or cannot be introduced into this country for many centuries." 11

The question on which the founders of the constitution really differed, and which has ever since divided, and at last dissolved the Union, was to determine how far the rights of the States were merged in the federal power, and how far they retained their independence. The problem arose chiefly upon the mode in which the central Congress was to be elected. If the people voted by numbers or by electoral districts, the less populous States must entirely disappear. If the States, and not the population, were represented, the necessary unity could never be obtained, and all the evils of the old confederation would be perpetuated. "The knot," wrote Madison in 1831, "felt as the Gordian one, was the question between the larger and the smaller States, on the rule of voting."

There was a general apprehension on the part of the smaller States that they would be reduced to subjection by the rest. Not that any great specific differences separated the different States; for though the questions of the regulation of commerce and of slavery afterwards renewed the dispute, yet interests were so different from what they have since become, and so differently distributed, that there is little analogy, excepting in principle, with later contests; what was then a dispute on a general principle, has since been envenomed by the great interests and great passions which have become involved in it. South Carolina, which at that time looked forward to a rapid increase by immigration, took part with the large States on behalf of the central power; and Charles Pinckney presented a plan of a constitution which nearly resembled that which was ultimately adopted. The chief subject of discussion was the Virginia plan, presented by Edmund Randolph, in opposition to which the small State of New Jersey introduced another plan founded on the centrifugal or State-rights

principle. The object of this party was to confirm the sovereignty of the several States, and to surrender as little as possible to the federal government. This feeling was expressed by Mr. Bedford: "Is there no difference of interests, no rivalry of commerce, of manufacture? Will not these large States crush the small ones, whenever they stand in the way of their ambitions or interested views?" 12

"The State legislatures," said Colonel Mason, "ought to have some means of defending themselves against encroachments of the national government. In every other department we have studiously endeavoured to provide for its self-defence. Shall we leave the States alone unprovided with means for this purpose?" 13

These speakers may have been good or bad politicians, they were certainly good prophets. They were nearly balanced in numbers, and surpassed in ability, by the centralising party. Madison, at that time under the powerful influence of Hamilton, and a federalist, but who afterwards was carried by Jefferson into the democratic camp, occupied an uncertain intermediate position. A note preserved in Washington's handwriting records: "Mr. Madison thinks an individual independence of the States utterly irreconcilable with their aggregate sovereignty, and that a consolidation of the whole into one simple republic would be as inexpedient as it is unattainable." 14

In convention he said: "Any government for the United States formed on the supposed practicability of using force against the unconstitutional proceedings of the States, would prove as visionary and fallacious as the government of Congress." 15

The consistent Federalists went farther: "Too much attachment," said Mr. Read, "is betrayed to the State governments. We must look beyond their continuance; a national government must soon, of necessity, swallow them all up." 16

Two years before the meeting of the convention, in 1785, Jay, the very type of a federalist, wrote: "It is my first wish to see the United States assume and merit the

character of one great nation, whose territory is divided into different States merely for more convenient government."

Alexander Hamilton went further than all his colleagues. He had taken no part in the early debates, when he brought forward an elaborate plan of his own; the most characteristic features of which are, that the State governments are to be altogether superseded; their governors to be appointed by the general government, with a veto on all State laws, and the president is to hold office on good behaviour. An executive, elected for life, but personally responsible, made the nearest possible approach to an elective monarchy; and it was with a view to this all but monarchical constitution that he designed to destroy the independence of the States. This scheme was not adopted as the basis of discussion. "He has been praised," said Mr. Johnson, "by all, but supported by none." Hamilton's speech is very imperfectly reported, but his own sketch, the notes from which he spoke, are preserved, and outweigh, in depth and in originality of thought, all that we have ever heard or read of American oratory. He left Philadelphia shortly after, and continued absent many weeks; but there can be no doubt that the spirit of his speech greatly influenced the subsequent deliberations. "He was convinced," he said, "that no amendment of the confederation, leaving the States in possession of their sovereignty, could answer the purpose. . . . The general power, whatever be its form, if it preserves itself, must swallow up the State powers. . . . They are not necessary for any of the great purposes of commerce, revenue, or agriculture. Subordinate authorities, he was aware, would be necessary. There must be distinct tribunals; corporations for local purposes. . . . By an abolition of the States, he meant that no boundary could be drawn between the national and State legislatures; that the former must therefore have indefinite authority. If it were limited at all, the rivalry of the States would gradually subvert it. . . . As States, he thought they

ought to be abolished. But he admitted the necessity of leaving in them subordinate jurisdictions." ¹⁷

This policy could be justified only on the presumption that when all State authorities should disappear before a great central power, the democratic principles, against which the founders of the Constitution were contending, would be entirely overcome. But in this Hamilton's hopes were not fulfilled. The democratic principles acquired new force, the spirit of the convention did not long survive, and then a strong federal authority became the greatest of all dangers to the opinions and institutions which he advocated. It became the instrument of the popular will instead of its barrier; the organ of arbitrary power instead of a security against it. There was a fundamental error and contradiction in Hamilton's system. The end at which he aimed was the best, but he sought it by means radically wrong, and necessarily ruinous to the cause they were meant to serve. In order to give to the Union the best government it could enjoy, it was necessary to destroy, or rather to ignore, the existing authorities. The people was compelled to return to a political state of nature, irrespective of the governments it already possessed, and to assume to itself powers of which there were constituted administrators. No adaptation of existing facts to the ideal was possible. They required to be entirely sacrificed to the new design. All political rights, authorities, and powers must be restored to the masses, before such a scheme could be carried into effect. For the most conservative and anti-democratic government the most revolutionary basis was sought. These objections were urged against all plans inconsistent with the independence of the several States by Luther Martin, Attorney General for Maryland.

"He conceived," he said, "that the people of the States, having already vested their powers in their respective legislatures, could not resume them without a dissolution of their governments. . . . To resort to the citizens at large for their sanction to a new government, will be throwing

them back into a state of nature; the dissolution of the State governments is involved in the nature of the process;—the people have no right to do this without the consent of those to whom they have delegated their power for State purposes.”¹⁸ And in his report to the convention of Maryland of the proceedings out of which the Constitution arose, he said: “If we, contrary to the purpose for which we were intrusted, considering ourselves as master-builders, too proud to amend our original government, should demolish it entirely, and erect a new system of our own, a short time might show the new system as defective as the old, perhaps more so. Should a convention be found necessary again, if the members thereof, acting upon the same principles, instead of amending and correcting its defects, should demolish that entirely, and bring forward a third system, that also might soon be found no better than either of the former; and thus we might always remain young in government, and always suffering the inconveniences of an incorrect imperfect system.”¹⁹

It is very remarkable that, while the Federalists, headed by Hamilton and Madison, advocated, for the soundest and wisest object, opinions which have since been fatal to the Union, by furnishing the democratic party with an irresistible instrument, and consequently an irresistible temptation, Martin supported a policy in reality far more conservative, although his opinions were more revolutionary, and although he quoted as political authorities writers such as Price and Priestley. The controversy, although identical in substance with that which has at last destroyed the Union, was so different in form, and consequently in its bearings, that the position of the contending parties became inverted as their interests or their principles predominated. The result of this great constitutional debate was, that the States were represented as units in the Senate, and the people according to numbers in the House. This was the first of the three great compromises. The others were the laws by which the regulation of commerce was made over to the central power, and the slave-trade was tolerated for

only twenty years. On these two questions, the regulation of commerce and the extension of slavery, the interests afterwards grew more divided, and it is by them that the preservation of the Union has been constantly called in question. This was not felt at first, when Jay wrote “that Providence has been pleased to give this one connected country to one united people; a people descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and customs.”²⁰ The weakening of all these bonds of union gradually brought on the calamities which are described by Madison in another number of the same publication: “A landed interest, a manufacturing interest, a mercantile interest, a moneyed interest, with many lesser interests, grow up of necessity in civilised nations, and divide them into different classes, actuated by different sentiments and views. The regulation of these various and interfering interests forms the principal task of modern legislation, and involves the spirit of party and faction in the necessary and ordinary operations of the government. . . . When a majority is included in a faction, the form of popular government enables it to sacrifice to its ruling passion or interest both the public good and the rights of other citizens. . . . It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. Different interests necessarily exist in different classes of citizens. If a majority be united by common interests, the rights of the minority will be insecure. There are but two methods of providing against this evil: the one by creating a will in the community independent of the majority, that is, of the society itself; the other, by comprehending in the society so many separate descriptions of citizens as will render one unjust combination of a majority of the whole very improbable, if not impracticable. . . . In a free government the security for civil rights must be the same as that for religious rights. It consists,

in the one case, in the multiplicity of interests, and in the other in the multiplicity of sects." ²¹ That Madison should have given so absurd a reason for security in the new Constitution, can be explained only by the fact that he was writing to recommend it as it was, and had to make the best of his case. It had been Hamilton's earnest endeavour to establish that security for right which Madison considers peculiar to monarchy, an authority which should not be the organ of the majority. "'Tis essential there should be a permanent will in a community. . . . The principle chiefly intended to be established is this, that there must be a permanent will. . . . There ought to be a principle in government capable of resisting the popular current." ²²

This is precisely what Judge Story means when he says: "I would say in a republican government the fundamental truth, that the minority have indisputable and inalienable rights; that the majority are not everything, and the minority nothing; that the people may not do what they please."

Webster thought the same, but he took a sanguine view of actual facts when he said: "It is another principle, equally true and certain, and, according to my judgment of things, equally important, that the people often limit themselves. They set bounds to their own power. They have chosen to secure the institutions which they establish against the sudden impulses of mere majorities." ²³

Channing was nearer the truth when he wrote: "The doctrine that the majority ought to govern passes with the multitude as an intuition, and they have never thought how far it is to be modified in practice, and how far the application of it ought to be controlled by other principles." ²⁴

In reality, the total absence of a provision of this kind, which should raise up a law above the arbitrary will of the people, and prevent it from being sovereign, led the greatest of the statesmen who sat in the convention to despair of the success and permanence of their work. Jefferson informs us that it was so with Washington: "Washington

had not a firm confidence in the durability of our government. Washington was influenced by the belief that we must at length end in something like a British constitution."

Hamilton, who by his writings contributed more than any other man to the adoption of the Constitution, declared in the convention that "no man's ideas were more remote from the plan than his own," and he explained what he thought of the kind of security that had been obtained: "Gentlemen say that we need to be rescued from the democracy. But what the means proposed? A democratic Assembly is to be checked by a democratic Senate, and both these by a democratic chief magistrate." ²⁵

"A large and well-organised republic," he said, "can scarcely lose its liberty from any other cause than that of anarchy, to which a contempt of the laws is the high-road. . . . A sacred respect for the constitutional law is the vital principle, the sustaining energy of a free government. . . . The instruments by which it must act are either the authority of the laws, or force. If the first be destroyed, the last must be substituted; and where this becomes the ordinary instrument of government, there is an end to liberty." ²⁶

His anticipations may be gathered from the following passages: "A good administration will conciliate the confidence and affection of the people, and perhaps enable the government to acquire more consistency than the proposed constitution seems to promise for so great a country. It may then triumph altogether over the State governments, and reduce them to an entire subordination, dividing the larger States into smaller districts. . . . If this should not be the case, in the course of a few years it is probable that the contests about the boundaries of power between the particular governments and the general government, and the momentum of the larger States in such contests, will produce a dissolution of the Union. This, after all, seems to be the most likely result. . . . The probable evil is, that the general government will be too

dependent on the State legislatures, too much governed by their prejudices, and too obsequious to their humours; that the States, with every power in their hands, will make encroachments on the national authority, till the Union is weakened and dissolved." 27

The result has justified the fears of Hamilton, and the course of events has been that which he predicted. Democratic opinions, which he had so earnestly combated, gained ground rapidly during the French revolutionary period. Jefferson, who, even at the time of the Declaration of Independence, which was his work, entertained views resembling those of Rousseau and Paine, and sought the source of freedom in the abstract rights of man, returned from France with his mind full of the doctrines of equality and popular sovereignty. By the defeat of Adams in the contest for the presidency, he carried these principles to power, and altered the nature of the American government. As the Federalists interpreted and administered the Constitution, under Washington and Adams, the executive was, what Hamilton intended it to be, supreme in great measure over the popular will. Against this predominance the State legislatures were the only counterpoise, and accordingly the democratic party, which was the creature of Jefferson, vehemently defended their rights as a means of giving power to the people. In apparent contradiction, but in real accordance with this, and upon the same theory of the direct sovereignty of the people, Jefferson, when he was elected president, denied the right of the States to control the action of the executive. Regarding the President as the representative and agent of a power wholly arbitrary, he admitted no limits to its exercise. He held himself bound to obey the popular will even against his own opinions, and to allow of no resistance to it. He acted as the helpless tool of the majority, and the absolute ruler of the minority, as endowed with despotic power, but without free-will.

It is of this principle of the revolution that Tocqueville says: "Les gouvernements qu'elle a fondés sont plus fra-

giles, il est vrai, mais cent fois plus puissants qu'aucun de ceux qu'elle a renversés; fragiles et puissants par les mêmes causes." 28

Hence Jefferson's determined aversion to every authority which could oppose or restrain the will of the sovereign people, especially to the State legislatures and to the judiciary. Speaking of an occasion in which the judges had acted with independence, Hildreth says: "Jefferson was not a little vexed at this proceeding, which served, indeed, to confirm his strong prejudices against judges and courts. To him, indeed, they were doubly objects of hatred, as instruments of tyranny in the hands of the Federalists, and as obstacles to himself in exercises of power." 29

His views of government are contained in a paper which is printed in Rayner's life of him, p. 378: "Governments are republican only in proportion as they embody the will of their people, and execute it. . . . Each generation is as independent of the one preceding as that was of all which had gone before. It has, then, like them, a right to choose for itself the form of government it believes most promotive of its own happiness . . . it is for the peace and good of mankind, that a solemn opportunity of doing this, every nineteen or twenty years, should be provided by the constitution. . . . The dead have no rights. . . . This corporeal globe and everything upon it belong to its present corporeal inhabitants during their generation. . . . That majority, then, has a right to depute representatives to a convention, and to make the constitution which they think will be best for themselves. . . . Independence can be trusted nowhere but with the people in mass." With these doctrines Jefferson subverted the republicanism of America, and consequently the Republic itself.

Hildreth describes as follows the contest between the two systems, at the time of the accession of Jefferson to power, in 1801: "From the first moment that party lines had been distinctly drawn, the opposition had possessed a numerical majority, against which nothing but the superior energy, intelligence, and practical skill of the Federalists,

backed by the great and venerable name and towering influence of Washington, had enabled them to maintain for eight years past an arduous and doubtful struggle. The Federal party, with Washington and Hamilton at its head, represented the experience, the prudence, the practical wisdom, the discipline, the conservative reason and instincts of the country. The opposition, headed by Jefferson, expressed its hopes, wishes, theories, many of them enthusiastic and impracticable, more especially its passions, its sympathies and antipathies, its impatience of restraint. The Federalists had their strength in those narrow districts where a concentrated population had produced and contributed to maintain that complexity of institutions, and that reverence for social order, which, in proportion as men are brought into contiguity, become more absolutely necessities of existence. The ultrademocratical ideas of the opposition prevailed in all that more extensive region in which the dispersion of population, and the despotic authority vested in individuals over families of slaves, kept society in a state of immaturity.”³⁰

Upon the principle that the majority have no duties, and the minority no rights, that it is lawful to do whatever it is possible to do, measures were to be expected which would oppress most tyrannically the rights and interests of portions of the Union, for whom there was no security and no redress. The apprehension was so great among the Federalists, that Hamilton wrote in 1804: “The ill opinion of Jefferson, and jealousy of the ambition of Virginia, is no inconsiderable prop of good principles in that country (New England). But these causes are leading to an opinion, that a dismemberment of the Union is expedient.”³¹

Jefferson had given the example of such threats, and owed his election to them during his contest for the presidency with Colonel Burr. He wrote to Monroe, 15 February, 1801: “If they could have been permitted to pass a law for putting the government into the hands of an officer, they would certainly have prevented an election. But we thought it best to declare openly and firmly, one and all, that the day such an act passed the middle States

would arm, and that no such usurpation, even for a single day, should be submitted to.”

Shortly afterwards, a conjuncture arose in which Jefferson put his principles into practice in such a way as greatly to increase the alarm of the North-Eastern States. In consequence of Napoleon's Berlin decree and of the British orders in council, he determined to lay an embargo on all American vessels. He sent a pressing message to Congress, and the Senate passed the measure after a four hours' debate with closed doors. In the House the debate was also secret, but it lasted several days, and was often prolonged far into the night, in the hope of obtaining a division. The Bill was passed December 22, 1807. The public had no voice in the matter; those whom the measure touched most nearly were taken by surprise, and a conspicuous example was given of secrecy and promptitude in a species of government which is not commonly remarkable for these qualities.

The embargo was a heavy blow to the ship-owning states of New England. The others were less affected by it. “The natural situation of this country,” says Hamilton, “seems to divide its interests into different classes. There are navigating and non-navigating States. The Northern are properly the navigating states; the Southern appear to possess neither the means nor the spirit of navigation. This difference in situation naturally produces a dissimilarity of interests and views respecting foreign commerce.”³²

Accordingly the law was received in those States with a storm of indignation. Quincy, of Massachusetts, declared in the House: “It would be as unreasonable to undertake to stop the rivers from running into the sea, as to keep the people of New England from the ocean. They did not believe in the constitutionality of any such law. He might be told that the courts had already settled that question. But it was one thing to decide a question before a court of law, and another to decide it before the people.”³³

Even in a juridical point of view the right to make such a law was very doubtful. Story, who first took part in pub-

lic affairs on this occasion, says: "I have ever considered the embargo a measure which went to the extreme limit of constructive power under the constitution. It stands upon the extreme verge of the constitution."³⁴

The doctrine of State-rights, or nullification, which afterwards became so prominent in the hands of the Southern party, was distinctly enunciated on behalf of the North on this occasion. Governor Trumbull, of Connecticut, summoned the legislature to meet, and in his opening address to them he took the ground that, on great emergencies, when the national legislature had been led to overstep its constitutional power, it became the right and duty of the State legislatures "to interpose their protecting shield between the rights and liberties of the people, and the assumed power of the general government."³⁵

They went further, and prepared to secede from the Union, and thus gave the example which has been followed, on exactly analogous grounds, by the opposite party. Randolph warned the administration that they were treading fast in the fatal footsteps of Lord North.³⁶

John Quincy Adams declared in Congress that there was a determination to secede. "He urged that a continuance of the embargo much longer would certainly be met by forcible resistance, supported by the legislature, and probably by the judiciary of the State. . . . Their object was, and had been for several years, a dissolution of the Union, and the establishment of a separate confederation." Twenty years later, when Adams was President, the truth of this statement was impugned. At that time the tables had been turned, and the South was denying the right of Congress to legislate for the exclusive benefit of the North-Eastern States, whilst these were vigorously and profitably supporting the federal authorities. It was important that they should not be convicted out of their own mouths, and that the doctrine they were opposing should not be shown to have been inaugurated by themselves. Adams therefore published a statement, October 21, 1828, reiterating his original declaration. "The people were con-

stantly instigated to forcible resistance against it, and juries after juries acquitted the violators of it, upon the ground that it was unconstitutional, assumed in the face of a solemn decision of the District Court of the United States. A separation of the Union was openly stimulated in the public prints, and a convention of delegates of the New England States, to meet at New Haven, was intended and proposed." That this was true is proved by the letters of Story, written at the time. "I was well satisfied," he says, "that such a course would not and could not be borne by New England, and would bring on a direct rebellion. . . . The stories here of rebellion in Massachusetts are continually circulating. My own impressions are, that the Junto would awaken it, if they dared; but it will not do. . . . A division of the States has been meditated, but I suspect that the public pulse was not sufficiently inflamed. . . . I am sorry to perceive the spirit of disaffection in Massachusetts increasing to so high a degree; and I fear that it is stimulated by a desire, in a very few ambitious men, to dissolve the Union. . . . I have my fears when I perceive that the public prints openly advocate a resort to arms to sweep away the present embarrassments of commerce."³⁷

It was chiefly due to the influence of Story that the embargo was at length removed, with great reluctance and disgust on the part of the President. "I ascribe all this," he says, "to one pseudo-republican, Story."³⁸ On which Story, who was justly proud of his achievement, remarks, "Pseudo-republican of course I must be, as everyone was, in Mr. Jefferson's opinion, who dared to venture upon a doubt of his infallibility."³⁹ In reality Jefferson meant that a man was not a republican who made the interests of the minority prevail against the wish of the majority. His enthusiastic admirer, Professor Tucker, describes very justly and openly his policy in this affair. "If his perseverance in the embargo policy so long, against the wishes and interests of New England, and the mercantile community generally, may seem to afford some contradiction to the self-denying merit here claimed, the answer is, that he therein fulfilled

the wishes of a large majority of the people. . . . A portion of the community here suffered an evil necessarily incident to the great merit of a republican government, that the will of the majority must prevail." 40

We have seen that in the case of the embargo, as soon as this democratic theory was acted upon, it called up a corresponding claim of the right of the minority to secede, and that the democratic principle was forced to yield. But secession was not a theory of the Constitution, but a remedy against a vicious theory of the Constitution. A sounder theory would have avoided the absolutism of the democrats and the necessity for secession. The next great controversy was fought upon this ground. It exhibits an attempt to set up a law against the arbitrary will of the government, and to escape the tyranny of the majority, and the remedy, which was worse than the disease. An ideal of this kind had already been sketched by Hamilton. "This balance between the national and state governments ought to be dwelt on with peculiar attention, as it is of the utmost importance. It forms a double security to the people. If one encroaches on their rights, they will find a powerful protection in the other. Indeed, they will both be prevented from overpassing their constitutional limits, by a certain rivalry which will ever subsist between them." 41 This was also what Mr. Dickinson looked forward to when he said in the Convention of 1787: "One source of stability is the double branch of the legislature. The division of the country into distinct States forms the other principal source of stability." 42

The war with England, and the long suspension of commerce which preceded it, laid the foundations of a manufacturing interest in the United States. Manufactories began to spring up in Pennsylvania, and more slowly in New England. In 1816 a tariff was introduced, bearing a slightly protective character, as it was necessary to accommodate the war prohibitions to peaceful times. It was rather intended to facilitate the period of transition than to protect the new industry; and that interest was still so

feeble, and so little affected by the tariff, that Webster, who was already a representative of Massachusetts in Congress, voted against it. It was carried by the coalition of Clay with the South Carolina statesmen, Lowndes and Calhoun, against whom this vote was afterwards a favourite weapon of attack. In the following years the increasing importance of the cultivation of cotton, and the growth of manufactures, placed the Northern and Southern interests in a new position of great divergency. Hamilton had said long before: "The difference of property is already great amongst us. Commerce and industry will still increase the disparity. Your government must meet this state of things, or combinations will, in process of time, undermine your system." 43

The New England manufacturers were awakened to the advantage of protection for their wares. In a memorial of the merchants of Salem, written by Story in 1820, he says: "Nothing can be more obvious than that many of the manufacturers and their friends are attempting, by fallacious statements, founded on an interested policy, or a misguided zeal, or very short-sighted views, to uproot some of the fundamental principles of our revenue policy. . . . If we are unwilling to receive foreign manufacturers, we cannot reasonably suppose that foreign nations will receive our raw materials. . . . We cannot force them to become buyers when they are not sellers, or to consume our cotton when they cannot pay the price in their own fabrics. We may compel them to use the cotton of the West Indies, or of the Brazils, or of the East Indies." About the same time, May 20, 1820, he writes to Lord Stowell on the same subject: "We are beginning also to become a manufacturing nation; but I am not much pleased, I am free to confess, with the efforts made to give an artificial stimulus to these establishments in our country. . . . The example of your great manufacturing cities, apparently the seats of great vices, and great political fermentations, affords no very agreeable contemplation to the statesman or the patriot, or the friend of liberty." 44 The manufacturers

obtained a new tariff in 1824, another was carried by great majorities in 1828, and another in 1832 by a majority of two to one. It is the measure of 1828, which raised the duties on an average to nearly fifty per cent on the value of the imports, that possesses the greatest importance in a constitutional point of view. "To it," says the biographer of Mr. Calhoun, "may be traced almost every important incident in our political history since that time, as far as our internal affairs are concerned."⁴⁵ At this time the interests of North and South were perfectly distinct. The South was teeming with agricultural produce, for which there was a great European demand; whilst the industry of the North, unable to compete with European manufacturers, tried to secure the monopoly of the home market. Unlike the course of the same controversy in England, the agriculturists (at least the cotton-growers) desired free trade, because they were exporters; the manufacturers protection because they could not meet competition. "The question," said Calhoun, "is in reality one between the exporting and non-exporting interests of the country." The exporting interest required the utmost freedom of imports, in order not to barter at a disadvantage. "He must be ignorant of the first principles of commerce, and the policy of Europe, particularly England, who does not see that it is impossible to carry on a trade of such vast extent on any other basis than barter; and that if it were not so carried on, it would not long be tolerated. . . . The last remains of our great and once flourishing agriculture must be annihilated in the conflict. In the first place, we will be thrown on the home market, which cannot consume a fourth of our products; and instead of supplying the world, as we would with a free trade, we would be compelled to abandon the cultivation of three-fourths of what we now raise, and receive for the residue whatever the manufacturers—who would then have their policy consummated by the entire possession of our market—might choose to give."⁴⁶ It seemed a fulfilment of the prophecy of Mr. Lowndes, who, in resisting the adoption

of the Constitution in South Carolina forty years before, declared, that "when this new constitution should be adopted, the sun of the Southern States would set, never to rise again. . . . The interest of the Northern States would so predominate as to divest us of any pretensions to the title of a republic."⁴⁷ Cobbett, who knew America better than any Englishman of that day, described, in his *Political Register* for 1833, the position of these hostile interests in a way which is very much to the point. "All these Southern and Western States are, commercially speaking, closely connected with Birmingham, Sheffield, Manchester and Leeds; . . . they have no such connection with the Northern States, and there is no tie whatsoever to bind them together, except that which is of a mere political nature. . . . Here is a natural division of interests, and of interests so powerful, too, as not to be counteracted by anything that man can do. The heavy duties imposed by the Congress upon British manufactured goods is neither more nor less than so many millions a year taken from the Southern and Western States, and given to the Northern States."⁴⁸

Whilst in England protection benefited one class of the population at the expense of another, in America it was for the advantage of one part of the country at the expense of another. "Government," said Calhoun, "is to descend from its high appointed duty, and become the agent of a portion of the community to extort, under the guise of protection, tribute from the rest of the community."⁴⁹

Where such a controversy is carried on between opposite classes in the same State, the violence of factions may endanger the government, but they cannot divide the State. But the violence is much greater, the wrong is more keenly felt, the means of resistance are more legitimate and constitutional, where the oppressed party is a sovereign State.

The South had every reason to resist to the utmost a measure which would be so injurious to them. It was opposed to their political as well as to their financial inter-

ests. For the tariff, while it impoverished them, enriched the government, and filled the treasury with superfluous gold. Now the Southern statesmen were always opposed to the predominance of the central authority, especially since it lent itself to a policy by which they suffered. They had practical and theoretical objections to it. The increase of the revenue beyond the ordinary wants of the government placed in its hands a tempting and dangerous instrument of influence. Means must be devised for the disposal of these sums, and the means adopted by the advocates of restriction was the execution of public works, by which the people of the different States were bribed to favour the central power. A protective tariff therefore, and internal improvement, were the chief points in the policy of the party, which, headed by Henry Clay, sought to strengthen the Union at the expense of the States, and which the South opposed, as both hostile to their interests and as unconstitutional. "It would be in vain to attempt to conceal," wrote Calhoun of the tariff in 1831, "that it has divided the country into two great geographical divisions, and arrayed them against each other, in opinion at least, if not interests also, on some of the most vital of political subjects—on its finance, its commerce, and its industry. . . . Nor has the effect of this dangerous conflict ended here. It has not only divided the two sections on the important point already stated, but on the deeper and more dangerous questions, the constitutionality of a protective tariff, and the general principles and theory of the constitution itself: the stronger, in order to maintain their superiority, giving a construction to the instrument which the other believes would convert the general government into a consolidated irresponsible government, with the total destruction of liberty."⁵⁰ "On the great and vital point—the industry of the country, which comprehends almost every interest—the interest of the two great sections is opposed. We want free trade, they restrictions; we want moderate taxes, frugality in the government, economy, accountability, and a rigid application of the

public money to the payment of the debt, and to the objects authorised by the constitution. In all these particulars, if we may judge by experience, their views of their interest are precisely the opposite."⁵¹ In 1828 he said of the protective system: "No system can be more efficient to rear up a moneyed aristocracy"; wherein he is again supported by Cobbett, in the well-known saying, uttered five years later, concerning the United States: "It is there the aristocracy of money, the most damned of all aristocracies." South Carolina took the lead in resisting the introduction of the protective system, and being defeated by many votes on the question itself, took its stand on the constitutional right of each sovereign State to arrest by its veto any general legislation of a kind which would be injurious to its particular interests. "The country," said Calhoun, "is now more divided than in 1824, and then more than in 1816. The majority may have increased, but the opposite sides are, beyond dispute, more determined and excited than at any preceding period. Formerly the system was resisted mainly as inexpedient, but now as unconstitutional, unequal, unjust, and oppressive. Then relief was sought exclusively from the general government; but now many, driven to despair, are raising their eyes to the reserved sovereignty of the States as the only refuge."⁵² Calhoun was at that time Vice-President of the United States, and without a seat in Congress. The defence of his theory of the Constitution devolved therefore upon the senator from South Carolina, General Hayne; and a debate ensued between Hayne and Webster, in January 1830, which is reckoned by Americans the most memorable in the parliamentary history of their country. Hayne declared that he did not contend for the mere right of revolution, but for the right of constitutional resistance; and in reply to Webster's defence of the supreme power, he said: "This I know is a popular notion, and it is founded on the idea that as all the States are represented here, nothing can prevail which is not in conformity with the will of the majority; and it is supposed to be a republican maxim,

'that the majority must govern.' . . . If the will of a majority of congress is to be the supreme law of the land, it is clear the Constitution is a dead letter, and has utterly failed of the very object for which it was designed—the protection of the rights of the minority. . . . The whole difference between us consists in this—the gentleman would make force the only arbiter in all cases of collision between the States and the federal government; I would resort to a peaceful remedy." 53

Two years later Mr. Calhoun succeeded Hayne as senator for South Carolina, and the contest was renewed. After the tariff of 1828 Virginia, Georgia, and North Carolina joined in the recognition of the principle of nullification. When the tariff of 1832 was carried, South Carolina announced that the levying of dues would be resisted in the State. Calhoun defended the nullifying ordinance in the Senate, and in speeches and writings, with arguments which are the very perfection of political truth, and which combine with the realities of modern democracy the theory and the securities of mediæval freedom. "The essence of liberty," he said, "comprehends the idea of responsible power,—that those who make and execute the laws should be controlled by those on whom they operate,—that the governed should govern. . . . No government based on the naked principle that the majority ought to govern, however true the maxim in its proper sense, and under proper restrictions, can preserve its liberty even for a single generation. The history of all has been the same,—violence, injustice, and anarchy, succeeded by the government of one, or a few, under which the people seek refuge from the more oppressive despotism of the many. . . . Stripped of all its covering, the naked question is, whether ours is a federal or a consolidated government; a constitutional or absolute one; a government resting ultimately on the solid basis of the sovereignty of the States, or on the unrestrained will of a majority; a form of government, as in all other unlimited ones, in which injustice and violence and force must finally prevail. Let it never be forgotten that,

where the majority rules without restriction, the minority is the subject. . . . Nor is the right of suffrage more indispensable to enforce the responsibility of the rulers to the ruled, than a federal organisation to compel the parts to respect the rights of each other. It requires the united action of both to prevent the abuse of power and oppression, and to constitute really and truly a constitutional government. To supersede either is to convert it in fact, whatever may be its theory, into an absolute government." 54

In his disquisition on government Calhoun has expounded his theory of a constitution in a manner so profound, and so extremely applicable to the politics of the present day, that we regret that we can only give a very feeble notion of the argument by the few extracts for which we can make room.

"The powers which it is necessary for government to possess, in order to repress violence and preserve order, cannot execute themselves. They must be administered by men in whom, like others, the individual are stronger than the social feelings. And hence the powers vested in them to prevent injustice and oppression on the part of others, will, if left unguarded, be by them converted into instruments to oppress the rest of the community. That by which this is prevented, by whatever name called, is what is meant by constitution, in its most comprehensive sense, when applied to government. Having its origin in the same principle of our nature, constitution stands to government as government stands to society; and, as the end for which society is ordained would be defeated without government, so that for which government is ordained would, in a great measure, be defeated without constitution. . . . Constitution is the contrivance of man, while government is of divine ordination. . . . Power can only be resisted by power, and tendency by tendency. . . . I call the right of suffrage the indispensable and primary principle; for it would be a great and dangerous mistake to suppose, as many do, that it is of itself sufficient to form

constitutional governments. To this erroneous opinion may be traced one of the causes why so few attempts to form constitutional governments have succeeded; and why, of the few which have, so small a number have had durable existence. . . . So far from being of itself sufficient,—however well-guarded it might be, and however enlightened the people,—it would, unaided by other provisions, leave the government as absolute as it would be in the hands of irresponsible rulers, and with a tendency at least as strong towards oppression and abuse of its powers. . . . The process may be slow, and much time may be required before a compact, organised majority can be formed; but formed it will be in time, even without preconcert or design, by the sure workings of that principle or constitution of our nature in which government itself originates. . . . The dominant majority, for the time, would have the same tendency to oppression and abuse of power which, without the right of suffrage, irresponsible rulers would have. No reason, indeed, can be assigned why the latter would abuse their power, which would not apply with equal force to the former. . . . The minority, for the time, will be as much the governed or subject portion as are the people in an aristocracy, or the subject in a monarchy. . . . The duration or uncertainty of the tenure by which power is held cannot of itself counteract the tendency inherent in government to oppression and abuse of power. On the contrary, the very uncertainty of the tenure, combined with the violent party warfare which must ever precede a change of parties under such governments, would rather tend to increase than diminish the tendency to oppression. . . . It is manifest that this provision must be of a character calculated to prevent any one interest, or combination of interests, from using the powers of government to aggrandise itself at the expense of the others. . . . This too can be accomplished only in one way, and that is, by such an organism of the government—and, if necessary for the purpose, of the community also—as will, by dividing and distributing the powers of government, give to

each division or interest, through its appropriate organ, either a concurrent voice in making and executing the laws, or a veto on their execution. . . . Such an organism as this, combined with the right of suffrage, constitutes, in fact, the elements of constitutional government. The one, by rendering those who make and execute the laws responsible to those on whom they operate, prevents the rulers from oppressing the ruled; and the other, by making it impossible for any one interest or combination of interests, or class, or order, or portion of the community, to obtain exclusive control, prevents any one of them from oppressing the other. . . . It is this negative power,—the power of preventing or arresting the action of the government,—be it called by what term it may, veto, interposition, nullification, check, or balance of power,—which in fact forms the constitution. . . . It is, indeed, the negative power which makes the constitution, and the positive which makes the government. . . . It follows necessarily that where the numerical majority has the sole control of the government, there can be no constitution; as constitution implies limitation or restriction; . . . and hence, the numerical, unmixed with the concurrent majority, necessarily forms in all cases absolute government. . . . Constitutional governments, of whatever form, are, indeed, much more similar to each other in their structure and character than they are, respectively, to the absolute governments even of their own class; . . . and hence the great and broad distinction between governments is,—not that of the one, the few, or the many,—but of the constitutional and the absolute. . . . Among the other advantages which governments of the concurrent have over those of the numerical majority,—and which strongly illustrates their more popular character,—is, that they admit, with safety, a much greater extension of the right of suffrage. It may be safely extended in such governments to universal suffrage, that is, to every male citizen of mature age, with few ordinary exceptions; but it cannot be so far extended in those of the numerical majority, without plac-

ing them ultimately under the control of the more ignorant and dependent portions of the community. For, as the community becomes populous, wealthy, refined, and highly civilised, the difference between the rich and the poor will become more strongly marked, and the number of the ignorant and dependent greater in proportion to the rest of the community. . . . The tendency of the concurrent government is to unite the community, let its interests be ever so diversified or opposed; while that of the numerical is to divide it into two conflicting portions, let its interest be naturally ever so united and identified. . . . The numerical majority, by regarding the community as a unit, and having as such the same interests throughout all its parts, must, by its necessary operation, divide it into two hostile parts, waging, under the forms of law, incessant hostilities against each other. . . . To make equality of condition essential to liberty, would be to destroy liberty and progress. The reason is both that inequality of condition, while it is a necessary consequence of liberty, is at the same time indispensable to progress. . . . It is, indeed, this inequality of condition between the front and rear ranks, in the march of progress, which gives so strong an impulse to the former to maintain their position, and to the latter to press forward into their files. This gives to progress its greatest impulse. . . . These great and dangerous errors have their origin in the prevalent opinion, that all men are born free and equal, than which nothing can be more unfounded and false. . . . In an absolute democracy party conflicts between the majority and minority . . . can hardly ever terminate in compromise. The object of the opposing minority is to expel the majority from power, and of the majority to maintain their hold upon it. It is on both sides a struggle for the whole; a struggle that must determine which shall be the governing and which the subject party. . . . Hence, among other reasons, aristocracies and monarchies more readily assume the constitutional form than absolute popular governments.”⁵⁵

This was written in the last years of Calhoun's life, and published after his death; but the ideas, though he matured them in the subsequent contest on slavery, guided him in the earlier stage of the dispute which developed nullification into secession, during the tariff controversy of the years 1828 to 1833. Many of those who differed from him most widely deemed that his resistance was justified by the selfish and unscrupulous policy of the North. Legaré, the most accomplished scholar among American statesmen, afterwards attorney-general, made a Fourth-of-July oration in South Carolina, during the height of the excitement of 1831, in which he said: “The authors of this policy are indirectly responsible for this deplorable state of things, and for all the consequences that may grow out of it. They have been guilty of an inexpiable offence against their country. They found us a united, they have made us a distracted people. They found the union of these States an object of fervent love and religious veneration; they have made even its utility a subject of controversy among very enlightened men. . . . I do not wonder at the indignation which the imposition of such a burden of taxation has excited in our people, in the present unprosperous state of their affairs. . . . Great nations cannot be held together under a united government by anything short of despotic power, if any one part of the country is to be arrayed against another in a perpetual scramble for privilege and protection, under any system of protection.”⁵⁶

Brownson, at that time the most influential journalist of America, and a strong partisan of Calhoun, advocated in 1844 his claims to the Presidency, and would, we believe, have held office in his cabinet if he had been elected. In one of the earliest numbers of his well-known *Review* he wrote: “Even Mr. Calhoun's theory, though unquestionably the true theory of the federal constitution, is yet insufficient. . . . It does not, as a matter of fact, arrest the unequal, unjust, and oppressive measures of the federal government. South Carolina in 1833 forced a compromise;

but in 1842 the obnoxious policy was revived, is pursued now successfully, and there is no State to attempt again the virtue of State interposition. . . . The State, if she judged proper, had the sovereign right to set aside this obnoxious tariff enactment in her own dominions, and prohibit her subjects or citizens from obeying it. . . . The parties to the compact being equal, and there being no common umpire, each, as a matter of course, is its own judge of the infraction of the compact, and of the mode and measure of redress." 57

The President, General Jackson, had a strong aversion for the theory and for the person of Calhoun. He swore that he would have him impeached for treason, and that he should hang on a gallows higher than Haman's. One of the nullifying declarations of his Vice-President reached him late at night; in a fit of exultation he had the law officers of the government called out of their beds, to say whether at last here was not hanging matter. He issued a manifesto condemning the doctrine of nullification and the acts of South Carolina, which was very ably drawn up by Livingston, the Secretary of State, famous in the history of legislation as the author of the Louisiana code. Webster, the first orator of the day, though not a supporter of the administration, undertook to answer Calhoun in the Senate, and he was fetched from his lodging, when the time came, in the President's carriage. His speech, considered the greatest he ever delivered, was regarded by the friends of the Union as conclusive against State-rights. Madison, who was approaching the term of his long career, wrote to congratulate the speaker in words which ought to have been a warning: "It crushes nullification, and must hasten an abandonment of secession. But this dodges the blow by confounding the claim to secede at will with the right of seceding from intolerable oppression."

Secession is but the alternative of interposition. The defeat of the latter doctrine on the ground of the Constitution, deprived the South of the only possible protection from the increasing tyranny of the majority, for the defeat

of nullification coincided in time with the final triumph of the pure democratic views; and at the same time that it was resolved that the rights of the minority had no security, it was established that the power of the majority had no bounds. Calhoun's elaborate theory was an earnest attempt to save the Union from the defects of its Constitution. It is useless to inquire whether it is legally right, according to the letter of the Constitution, for it is certain that it is in contradiction with its spirit as it has grown up since Jefferson. Webster may have been the truest interpreter of the law; Calhoun was the real defender of the Union. Even the Unionists made the dangerous admission, that there were cases in which, as there was no redress known to the law, secession was fully justified. Livingston gave the opinion, that "if the act be one of the few which, in its operation, cannot be submitted to the Supreme Court, and be one that will, in the opinion of the State, justify the risk of a withdrawal from the Union, this last extremity may at once be resorted to." 58

The intimate connection between nullification and secession is shown by the biographer of Clay, though he fails to see that one is not the consequence, but the surrogate, of the other: "The first idea of nullification was doubtless limited to the action of a State in making null and void a federal law or laws within the circle of its own jurisdiction, without contemplating the absolute independence of a secession. Seeing, however, that nullification, in its practical operation, could hardly stop short of secession, the propounders of the doctrine in its first and limited signification, afterwards came boldly up to the claim of the right of secession." 59

Practically, South Carolina triumphed, though her claims were repudiated. The tariff was withdrawn, and a measure of compromise was introduced by Clay, the leading protectionist, which was felt to be so great a concession that Calhoun accepted, whilst Webster opposed it, and it was carried. But the evil day, the final crisis, was only postponed. The spirit of the country had taken a course in

which it could not be permanently checked; and it was certain that new opportunities would be made to assert the omnipotence of the popular will, and to exhibit the total subservience of the executive to it. Already a new controversy had begun, which has since overshadowed that which shook the Union from 1828 to 1833. The commercial question was not settled; the economical antagonism, and the determination on the part of the North to extend its advantages, did not slumber from Clay's Compromise Act to the Morrill Tariff in 1861; and in his farewell address, in 1837, Jackson drew a gloomy and desponding picture of the period which is filled with his name. "Many powerful interests are continually at work to procure heavy duties on commerce, and to swell the revenue beyond the real necessities of the public service; and the country has already felt the injurious effects of their combined influence. They succeeded in obtaining a tariff of duties bearing most oppressively on the agricultural and labouring classes of society, and producing a revenue that could not be usefully employed within the range of the powers conferred upon Congress; and in order to fasten upon the people this unjust and unequal system of taxation, extravagant schemes of internal improvement were got up in various quarters to squander the money and to purchase support. . . . Rely upon it, the design to collect an extravagant revenue, and to burden you with taxes beyond the economical wants of the government, is not yet abandoned. The various interests which have combined together to impose a heavy tariff, and to produce an overflowing treasury, are too strong, and have too much at stake, to surrender the contest. The corporations and wealthy individuals who are engaged in large manufacturing establishments, desire a high tariff to increase their gains. Designing politicians will support it to conciliate their favour, and to obtain the means of profuse expenditure, for the purpose of purchasing influence in other quarters. . . . It is from within, among yourselves—from cupidity, from corruption, from disappointed ambition,

and inordinate thirst for power,—that factions will be formed and liberty endangered." ⁶⁰

Jackson was himself answerable for much of what was most deplorable in the political state of the country. The democratic tendency, which began under Jefferson, attained in Jackson's presidency its culminating point. The immense change in this respect may be shown in a single example. Pure democracy demands quick rotation of office, in order that, as all men have an equal claim to official power and profit, and must be supposed nearly equally qualified for it, and require no long experience (so that at Athens offices were distributed by lot), the greatest possible number of citizens should successively take part in the administration. It diminishes the distinction between the rulers and the ruled, between the State and the community, and increases the dependence of the first upon the last. At first such changes were not contemplated. Washington dismissed only nine officials in eight years, Adams removed only ten, Madison five, Monroe nine, John Quincy Adams only two, both on specific disqualifying grounds. Jefferson was naturally in favour of rotation in office, and caused a storm of anger when he displaced 39 official men in order to supply vacancies for supporters. Jackson, on succeeding the younger Adams, instantly made 176 alterations, and in the course of the first year 491 postmasters lost their places. Mr. Everett says very truly: "It may be stated as the general characteristic of the political tendencies of this period, that there was a decided weakening of respect for constitutional restraint. Vague ideas of executive discretion prevailed on the one hand in the interpretation of the constitution, and of popular sovereignty on the other, as represented by a President elevated to office by overwhelming majorities of the people." ⁶¹

This was the period of Tocqueville's visit to America, when he passed the following judgment: "When a man, or a party, suffers an injustice in the United States, to whom can he have recourse? To public opinion? It is that

which forms the majority. To the legislative body? It represents the majority, and obeys it blindly. To the executive power? It is appointed by the majority, and serves as its passive instrument. To public force? It is nothing but the majority under arms. To the jury? It is the majority invested with the right of finding verdicts. The judges themselves, in some States, are elected by the majority. However iniquitous, therefore, or unreasonable the measure from which you suffer, you must submit."⁶² Very eminent Americans quite agreed with him in his censure of the course things had taken, and which had been seen long beforehand. In 1818 Story writes: "A new race of men is springing up to govern the nation; they are the hunters after popularity; men ambitious, not of the honour so much as of the profits of office,—the demagogues whose principles hang laxly upon them, and who follow, not so much what is right as what leads to a temporary vulgar applause. There is great, very great danger that these men will usurp so much of popular favour that they will rule the nation; and if so, we may yet live to see many of our best institutions crumble in the dust."⁶³

The following passages are from the conclusion of his commentary on the Constitution: "The influence of the disturbing causes, which, more than once in the convention, were on the point of breaking up the Union, have since immeasurably increased in concentration and vigour. . . . If, under these circumstances, the Union should once be broken up, it is impossible that a new constitution should ever be formed, embracing the whole territory. We shall be divided into several nations or confederacies, rivals in power and interest, too proud to brook injury, and too close to make retaliation distant or ineffectual." On the 18th February, 1834, he writes of Jackson's administration: "I feel humiliated at the truth, which cannot be disguised, that though we live under the form of a republic, we are in fact under the absolute rule of a single man." And a few years later, 3d November, 1837, he tells Miss Martineau that she has judged too favourably of his coun-

try: "You have overlooked the terrible influence of a corrupting patronage, and the system of exclusiveness of official appointments, which have already wrought such extensive mischiefs among us, and threaten to destroy all the safeguards of our civil liberties. . . . You would have learned, I think, that there may be a despotism exercised in a republic, as irresistible and as ruinous as in any form of monarchy."

The foremost of the Southern statesmen thought exactly like the New England judge. "I care not," said Calhoun, "what the form of the government is; it is nothing, if the government be despotic, whether it be in the hands of one, or a few, or of many men, without limitation. . . . While these measures were destroying the equilibrium between the two sections, the action of the government as leading to a radical change in its character, by concentrating all the power of the system in itself. . . . What was once a constitutional federal republic is now converted, in reality, into one as absolute as that of the autocrat of Russia, and as despotic in its tendency as any absolute government that ever existed. . . . The increasing power of this government, and of the control of the Northern section over all its departments, furnished the cause. It was this which made an impression on the minds of many, that there was little or no restraint to prevent the government from doing whatever it might choose to do."⁶⁴ At the same period, though reverting to a much earlier date, Cobbett wrote: "I lived eight years under the republican government of Pennsylvania; and I declare that I believe that to have been the most corrupt and tyrannical government that the world ever knew. . . . I have seen enough of republican government to convince me that the mere name is not worth a straw."⁶⁵ Channing touches on a very important point, the influence of European liberalism on the republicanism of America: "Ever since our revolution we have had a number of men who have wanted faith in our free institutions, and have seen in our almost unlimited extension of the elective franchise the germ of convulsion and

ruin. When the demagogues succeed in inflaming the ignorant multitude, and get office and power, this anti-popular party increases; in better times it declines. It has been built up in a measure by the errors and crimes of the liberals of Europe. . . . I have endeavoured on all occasions to disprove the notion that the labouring classes are unfit depositaries of political power. I owe it, however, to truth to say that I believe that the elective franchise is extended too far in this country." ⁶⁶ In 1841 he described very accurately the perils which have since proved fatal: "The great danger to our institutions, which alarms our conservatives most, has not perhaps entered Mr. Smith's mind. It is the danger of a party organisation, so subtle and strong as to make the government the monopoly of a few leaders, and to insure the transmission of the executive power from hand to hand almost as regularly as in a monarchy. . . . That this danger is real cannot be doubted. So that we have to watch against despotism as well as, or more than, anarchy." ⁶⁷ On this topic it is impossible to speak more strongly, and nobody could speak with greater authority than Dr. Brownson: "Our own government, in its origin and constitutional form, is not a democracy, but, if we may use the expression, a limited elective aristocracy. . . . But practically the government framed by our fathers no longer exists, save in name. Its original character has disappeared, or is rapidly disappearing. The constitution is a dead letter, except so far as it serves to prescribe the modes of election, the rule of the majority, the distribution and tenure of offices, and the union and separation of the functions of government. Since 1828 it has been becoming in practice, and is now substantially, a pure democracy, with no effective constitution but the will of the majority for the time being. . . . The constitution is practically abolished, and our government is virtually, to all intents and purposes, as we have said, a pure democracy, with nothing to prevent it from obeying the interest or interests which for the time being can succeed in commanding it." ⁶⁸ Shortly before his conversion he wrote:

"Looking at what we were in the beginning, and what we now are, it may well be doubted whether another country in Christendom has so rapidly declined as we have, in the stern and rigid virtues, in the high-toned and manly principles of conduct essential to the stability and wise administration of popular government. . . . The established political order in this country is not the democratic; and every attempt to apply the democratic theory as the principle of its interpretation is an attempt at revolution, and to be resisted. By a democracy I understand a political order,—if that may be called order which is none,—in which the people, primarily and without reference to any authority constituting them a body politic, are held to be the source of all the legitimate power in the state." ⁶⁹

The partisans of democratic absolutism who opposed State-rights in the affair of the tariff, and led to the unhappy consequences and lamentations we have seen, were already supplied with another topic to test the power of their principle. The question of abolition, subordinate at first, though auxiliary to the question of protection, came into the front when the other had lost its interest, and had been suspended for a season by the Compromise Act. It served to enlist higher sympathies on the side of revolution than could be won by considerations of mere profit. It adorned cupidity with the appearance of philanthropy, but the two motives were not quite distinct, and one is something of a pretext, and serves to disguise the other. They were equally available as means of establishing the supremacy of the absolute democracy, only one was its own reward; the other was not so clearly a matter of pecuniary interest, but of not inferior political advantage. A power which is questioned, however real it may be, must assert and manifest itself if it is to last. When the right of the States to resist the Union was rejected, although the question which occasioned the dispute was amicably arranged, it was certain to be succeeded by another, in order that so doubtful a victory might be commemorated by a trophy.

The question of slavery first exhibited itself as a constitutional difficulty about 1820, in the dispute which was settled by the Missouri compromise. Even at this early period the whole gravity of its consequences was understood by discerning men. Jefferson wrote: "This momentous question, like a fire-bell in the night, awakened and filled me with terror. I considered it at once as the knell of the Union. It is hushed, indeed, for the moment. But this is a reprieve only, not a final sentence."

In 1828, when South Carolina was proclaiming the right of veto, and was followed by several of the Southern States, abolition was taken up in the North as a means of coercion against them, by way of reprisal, and as a very powerful instrument of party warfare. Channing writes to Webster, 14th May, 1828: "A little while ago, Mr. Lundy of Baltimore, the editor of a paper called *The Genius of Universal Emancipation*, visited this part of the country, to stir us up to the work of abolishing slavery at the South; and the intention is to organise societies for this purpose. . . . My fear in regard to our efforts against slavery is, that we shall make the case worse by rousing sectional pride and passion for its support, and that we shall only break the country into two great parties, which may shake the foundations of government."

In the heat of the great controversies of Jackson's administration, on the Bank question and the Veto question, slavery was not brought prominently forward; but when the democratic central power had triumphed, when the Bank question was settled, and there was no longer an immediate occasion for discussing State-rights, the party whose opinions had prevailed in the Constitution resolved to make use of their predominance for its extinction. Thenceforward, from about the year 1835, it became the leading question, and the form in which the antagonism between the principles of arbitrary power and of self-government displayed itself. At every acquisition of territory, at the formation of new States, the same question caused a crisis; then in the Fugitive-Slave Act, and finally

in the formation of the republican party, and its triumph in 1860. The first effect of making abolition a political party question, and embodying in it the great constitutional quarrel which had already threatened the existence of the Union in the question of taxation, was to verify the prophecy of Channing. Webster, who had been the foremost antagonist of nullification in the affair of the tariff, lived to acknowledge that even secession was being provoked by the insane aggression of the North. In one of his latest speeches, in that which is known as his speech for the Union, 7th March, 1850, he denounced the policy of the abolitionists: "I do not mean to impute gross motives even to the leaders of these societies, but I am not blind to the consequences of their proceedings. I cannot but see what mischiefs their interference with the South has produced. And is it not plain to every man? Let any gentleman who entertains doubts on this point recur to the debates in the Virginia House of Delegates in 1832, and he will see with what freedom a proposition made by Mr. J. Randolph for the gradual abolition of slavery was discussed in that body. . . . Public opinion, which in Virginia had begun to be exhibited against slavery, and was opening out for the discussion of the question, drew back and shut itself up in its castle. . . . We all know the fact, and we all know the cause; and everything that these agitating people have done has been, not to enlarge, but to restrain, not to set free, but to bind faster, the slave-population of the South." ⁷⁰

Howe, the Virginian historian, in principle though not in policy an abolitionist, says: "That a question so vitally important would have been renewed with more success at an early subsequent period, seems more than probable, if the current opinions of the day can be relied on; but there were obvious causes in operation which paralysed the friends of abolition, and have had the effect of silencing all agitation on the subject. The abolitionists in the Northern and Eastern States, gradually increasing their strength as a party, became louder in their denunciations

of slavery, and more and more reckless in the means adopted for assailing the constitutional rights of the South." 71

Story writes, 19th January, 1839: "The question of slavery is becoming more and more an absorbing one, and will, if it continues to extend its influence, lead to a dissolution of the Union. At least there are many of our soundest statesmen who look to this as a highly probable event." 72

At that time the abolitionist party was yet in its infancy, and had not succeeded in combining together in a single party all the interests that were hostile to the slave States. Lord Carlisle, describing a conversation he had in 1841 with the present Secretary of State, Mr. Seward, says, "I find that I noted at the time that he was the first person I had met who did not speak slightly of the abolitionists; he thought they were gradually gaining ground." 73

But in the following year the abolitionist policy rapidly grew up into a great danger to the Union, which the great rivals, Webster and Calhoun, united to resist at the close of their lives. Commercially speaking, it is not certain that the North would gain by the abolition of slavery. It would increase the Southern market by encouraging white emigration from the North; but the commerce of New England depends largely on the cotton crop, and the New England merchants are not for abolition. Calhoun did not attribute the movement to a desire of gain: "The crusade against our domestic institution does not originate in hostility of interests. . . . The rabid fanatics regard slavery as a sin, and thus regarding it deem it their highest duty to destroy it, even should it involve the destruction of the constitution and the Union." 74

In this view he is fully supported by Webster: "Under the cry of universal freedom, and that other cry that there is a rule for the government of public men and private men which is of superior obligation to the constitution of the country, several of the States have enacted laws to

hinder, obstruct, and defeat the enactments in this act of Congress to the utmost of their power. . . . I suspect all this to be the effect of that wandering and vagrant philanthropy which disturbs and annoys all that is present, in time or place, by heating the imagination on subjects distant, remote, and uncertain." 75

Webster justly considered that the real enemies of the Constitution were the abolitionists, not the slave-owners, who threatened to secede. To appeal from the Constitution to a higher law, to denounce as sinful and contrary to natural right an institution expressly recognized by it, is manifestly an assault upon the Union itself. The South have the letter and the spirit of the law in their favour. The consistent abolitionists must be ready to sacrifice the Union to their theory. If the objection to slavery is on moral grounds, paramount to all political rights and interests, abolition is a peremptory duty, to which the Union itself, whose law is opposed to compulsory abolition, must succumb. It was therefore perfectly just to remind Mr. Seward, that in attacking slavery, and denying that it could be tolerated, he was assailing the law to which he owed his seat in Congress. "No man," said Webster, "is at liberty to set up, or affect to set up, his own conscience as above the law, in a matter which respects the rights of others, and the obligations, civil, social, and political, due to others from him." 76

Dr. Brownson says, with great truth, as only a Catholic can, "No civil government can exist, none is conceivable even, where every individual is free to disobey its orders, whenever they do not happen to square with his private convictions of what is the law of God. . . . To appeal from the government to private judgment, is to place private judgment above public authority, the individual above the state." 77

Calhoun was entirely justified in saying that, in the presence of these tendencies, "the conservative power is in the slave-holding States. They are the conservative portion of the country." 78

His own political doctrines, as we have described them, fully bear out this view. But the conservative, anti-revolutionary character of the South depended on other causes than the influence of its master mind. Slavery is itself in contradiction with the equal rights of man, as they are laid down in the Declaration of Independence. Slave-owners are incapacitated from interpreting that instrument with literal consistency, for it would contradict both their interests and their daily experience. But as there are advanced democrats at the South as well as at the North, and as, indeed, they succeeded in resisting so long the Northern politicians, by using the jealousy of the Northern people against the wealthy capitalists, and the appearance of aristocracy, they find means of escaping from this dilemma. This is supplied by the theory of the original inferiority of the African race to the rest of mankind, for which the authority of the greatest naturalist in America is quoted: "The result of my researches," says Agassiz, "is, that Negroes are intellectually children; physically one of the lowest races; inclining with the other blacks, especially the South-Sea Negroes, most of all to the monkey type, though with a tendency, even in the extremes, towards the real human form. This opinion I have repeatedly expressed, without drawing from it any objectionable consequence, unless, perhaps, that no coloured race, least of all the Negroes, can have a common origin with ourselves." If this theory were not the property of the infidel science of Europe, one would suppose it must have been invented for the Americans, whom it suits so well.

Webster spoke with great power against the projects of the North: "There is kept up a general cry of one party against the other, that its rights are invaded, its honour insulted, its character assailed, and its just participation in political power denied. Sagacious men cannot but suspect from all this, that more is intended than is avowed; and that there lies at the bottom a purpose of the separa-

tion of the States, for reasons avowed or disavowed, or for grievances redressed or unredressed.

"In the South, the separation of the States is openly professed, discussed, and recommended, absolutely or conditionally, in legislative halls, and in conventions called together by the authority of the law.

"In the North, the State governments have not run into such excess, and the purpose of overturning the government shows itself more clearly in resolutions agreed to in voluntary assemblies of individuals, denouncing the laws of the land, and declaring a fixed intent to disobey them. . . . It is evident that, if this spirit be not checked, it will endanger the government; if it spread far and wide, it will overthrow the government." ⁷⁹

The language of Calhoun about the same period is almost identical with Webster's. "The danger is of a character—whether we regard our safety or the preservation of the Union—which cannot be safely tampered with. If not met promptly and decidedly, the two portions of the Union will become thoroughly alienated, when no alternative will be left to us, as the weaker of the two, but to sever all political ties, or sink down into abject submission." ⁸⁰

His last great speech, delivered March 4, 1850, a few days before his death, opened with the words, "I have believed from the first that the agitation of the subject of slavery would, if not prevented by some timely and effective measure, end in disunion." And he went on to say: "If something is not done to avert it, the South will be forced to choose between abolition and secession. Indeed, as events are now moving, it will not require the South to secede in order to dissolve the Union." ⁸¹

The calamity which these eminent men agreed in apprehending and in endeavouring to avert, was brought on after their death by the rise of the republican party—a party in its aims and principles quite revolutionary, and not only inconsistent with the existence of the Union, but

ready from the first to give it up. "I do not see," said the New England philosopher Emerson, "how a barbarous community and a civilised community can constitute one State." In order to estimate the extravagance of this party declaration, we will only quote two unexceptionable witnesses, who visited the South at an interval of about forty years from each other; one a Boston divine, the other an eager abolitionist. "How different from our Northern manners! There, avarice and ceremony, at the age of twenty, graft the coldness and unfeelingness of age on the disinterested ardour of youth. I blush for my own people when I compare the selfish prudence of the Yankee with the generous confidence of a Virginian. Here I find great vices, but greater virtues than I left behind me. There is one single trait which attaches me to the people I live with more than all the virtues of New England,—they love money less than we do." ⁸² Lord Carlisle says, in the lecture already referred to, "It would be uncandid to deny that the planter in the Southern States has much more in his manner and mode of intercourse that resembles the English country gentleman than any other class of his countrymen." ⁸³

Emerson's saying is a sign of the extent to which rapid abolitionists were ready to go. Declaring that the Federal Government was devoted to Southern interests, against Northern doctrines, they openly defied it. Disunion societies started up at the North for the purpose of bringing about separation. Several States passed laws against the South and against the Constitution, and there were loud demands for separation. This was the disposition of the North at the presidential election of a successor to Pierce. The North threatened to part company, and if it carried its candidate, it threatened the Southern institutions. The South proclaimed the intention of seceding if Fremont should be elected, and threatened to march upon Washington and burn the archives of the Union. Buchanan's election pacified the South; but it was evident, from the growing strength of the republican party, that it was their

last victory. They accordingly made use of their friends in office to take advantage of the time that remained to them to be in readiness when the next election came. Secession was resolved upon and prepared from the time when the strength of the republicans was exhibited in 1856. In spite of all the horrors of American slavery, it is impossible for us to have any sympathy with the party of which Mr. Seward is the chief. His politics are not only revolutionary, but aggressive; he is not only for absolutism but for annexation. In a speech on January 26, 1853, he spoke as follows: "The tendency of commercial and political events invites the United States to assume and exercise a paramount influence in the affairs of the nations situated in this hemisphere; that is, to become and remain a great Western continental power, balancing itself against the possible combinations of Europe. The advance of the country toward that position constitutes what, in the language of many, is called 'progress,' and the position itself is what, by the same class, is called 'manifest destiny.'" ⁸⁴

When Cass moved a resolution affirming the Monroe Doctrine with regard to Cuba, Seward supported it, together with another resolution perfectly consistent with it, of which he said: "It is not well expressed; but it implies the same policy in regard to Canada which the main resolutions assert concerning Cuba." ⁸⁵ Nor is this the limit of his ambition. "You are already," he says to his countrymen, "the great continental power of America. But does that content you? I trust it does not. You want the commerce of the world, which is the empire of the world." ⁸⁶

When Kossuth was received in the Senate, he was introduced by Mr. Seward, whose European policy is as definite and about as respectable as his American. Speaking of Hungary, he writes, in December, 1851: "I trust that some measure may be adopted by the government which, while it will not at all hazard the peace or prosperity of the country, may serve to promote a cause that

appeals so strongly to our interests and our sympathies, viz. the establishment of republicanism, in the countries prepared for it, in Europe." ⁸⁷ And again, two days later: "Every nation may, and every nation ought, to make its position distinctly known in every case of conflict between despots and States struggling for the inalienable and indefeasible rights of independence and self-government, that when despots combine, free States may lawfully unite."

It is as impossible to sympathise on religious grounds with the categorical prohibition of slavery as, on political grounds, with the opinions of the abolitionists. In this, as in all other things, they exhibit the same abstract, ideal absolutism, which is equally hostile with the Catholic and with the English spirit. Their democratic system poisons everything it touches. All constitutional questions are referred to the one fundamental principle of popular sovereignty, without consideration of policy or expediency. In the Massachusetts convention of 1853, it was argued by one of the most famous Americans, that the election of the judiciary could not be discussed on the grounds of its influence on the administration of justice, as it was clearly consonant with the constitutional theory. "What greater right," says the *North American Review* (LXXXVI, 477), "has government to deprive the people of their representation in the executive and judicial, than in the legislative department?" In claiming absolute freedom, they have created absolute powers, whilst we have inherited from the middle ages the notion that both liberty and authority must be subject to limits and conditions. The same intolerance of restraints and obligations, the same aversion to recognise the existence of popular duty, and of the divine right which is its correlative, disturb their notions of government and of freedom. The influence of these habits of abstract reasoning, to which we owe the revolution in Europe, is to make all things questions of principle and of abstract law. A principle is always appealed to in all cases, either of interest or necessity, and the consequence

is, that a false and arbitrary political system produces a false and arbitrary code of ethics, and the theory of abolition is as erroneous as the theory of freedom.

Very different is the mode in which the Church labours to reform mankind by assimilating realities with ideals, and accommodating herself to times and circumstances. Her system of Christian liberty is essentially incompatible with slavery; and the power of masters over their slaves was one of the bulwarks of corruption and vice which most seriously impeded her progress. Yet the Apostles never condemned slavery even within the Christian fold. The sort of civil liberty which came with Christianity into the world, and was one of her postulates, did not require the abolition of slavery. If men were free by virtue of their being formed after the image of God, the proportion in which they realised that image would be the measure of their freedom. Accordingly, St. Paul prescribed to the Christian slave to remain content with his condition.

We have gone at inordinate length into the causes and peculiarities of the revolution in the United States, because of the constant analogy they present to the theories and the events which are at the same time disturbing Europe. It is too late to touch upon more than one further point, which is extremely suggestive. The Secession movement was not provoked merely by the alarm of the slave-owners for their property, when the election of Lincoln sent down the price of slaves from twenty-five to fifty per cent, but by the political danger of Northern preponderance; and the mean whites of the Southern States are just as eager for separation as those who have property in slaves. For they fear lest the republicans, in carrying emancipation, should abolish the barriers which separate the Negroes from their own caste. At the same time, the slaves show no disposition to help the republicans, and be raised to the level of the whites. There is a just reason for this fear, which lies in the simple fact that the United States are a republic. The population of a republic must be homogeneous. Civil equality must be founded on so-

cial equality, and on national and physiological unity. This has been the strength of the American republic. Pure democracy is that form of government in which the community is sovereign, in which, therefore, the State is most nearly identified with society. But society exists for the protection of interests; the State for the realisation of right—*concilia cœtusque hominum jure sociati, quae civitates appelluntur*.⁸⁸ The State sets up a moral, objective law, and pursues a common object distinct from the ends and purposes of society. This is essentially repugnant to democracy, which recognises only the interests and rights of the community, and is therefore inconsistent with the consolidation of authority which is implied in the notion of the State. It resists the development of the social into the moral community. If, therefore, a democracy includes persons with separate interests or an inferior nature, it tyrannises over them. There is no mediator between the part and the whole; there is no room, therefore, for differences of class, of wealth, of race; equality is necessary to the liberty which is sought by a pure democracy.

Where society is constituted without equality of condition or unity of race, where there are different classes and national varieties, they require a protector in a form of government which shall be distinct from and superior to every class, and not the instrument of one of them, in an authority representing the State, not any portion of society. This can be supplied only by monarchy; and in this sense it is fair to say that constitutional government, that is, the authority of law as distinguished from interest, can exist only under a king. This is also the reason why even absolute monarchies have been better governors of dependencies than popular governments. In one case they are governed for the benefit of a ruling class; in the other, there is no ruling class, and they are governed in the name of the State. Rome under the Republic and under the Empire is the most striking instance of this contrast. But the tyranny of republics is greatest when differences of races are combined with distinctions of class.

Hence South America was a flourishing and prosperous country so long as the Spanish crown served as moderator between the various races, and is still prosperous where monarchy has been retained; whilst the establishment of republics in countries with classes divided by blood has led to hopeless misery and disorder, and constant recourse to dictatorships as a refuge from anarchy and tyranny. Democracy inevitably takes the tone of the lower portions of society, and, if there are great diversities, degrades the higher. Slavery is the only protection that has ever been known against this tendency, and it is so far true that slavery is essential to democracy. For where there are great incongruities in the constitution of society, if the Americans were to admit the Indians, the Chinese, the Negroes, to the rights to which they are justly jealous of admitting European emigrants, the country would be thrown into disorder, and if not, would be degraded to the level of the barbarous races. Accordingly, the Know-nothings rose up as the reaction of the democratic principle against the influx of an alien population. The Red Indian is gradually retreating before the pioneer, and will perish before many generations, or dwindle away in the desert. The Chinese in California inspire great alarm for the same reason, and plans have been proposed of shipping them all off again. This is a good argument too, in the interest of all parties, against the emancipation of the blacks.

The necessity for social equality and national unity has been felt in all democracies where the mass as a unit governs itself. Above all, it is felt as a necessity in France, since the downfall of the old society, and the recognition, under republic, charter, and despotism, of the sovereignty of the people. Those principles with which France revolutionises Europe are perfectly right in her own case. They are detestable in other countries where they cause revolutions, but they are a true and just consequence of the French Revolution. Men easily lose sight of the substance in the form, and suppose that because France is not a republic she is not a democracy, and that her prin-

ciples therefore will apply elsewhere. This is the reason of the power of the national principle in Europe. It is essential as a consequence of equality to the notion of the people as the source of power. Where there is an aristocracy it has generally more sympathy and connection with foreign aristocracies than with the rest of the nation. The bonds of class are stronger than those of nationality. A democracy, in abolishing classes, renders national unity imperative.

These are some of the political lessons we have learnt from the consideration of the vast process of which we are witnessing the consummation. We may consult the history of the American Union to understand the true theory of republicanism, and the danger of mistaking it. It is simply the spurious democracy of the French Revolution that has destroyed the Union, by disintegrating the remnants of English traditions and institutions. All the great controversies—on the embargo, restriction, internal improvement, the Bank-Charter Act, the formation of new States, the acquisition of new territory, abolition—are phases of this mighty change, steps in the passage from a constitution framed on an English model to a system imitating that of France. The secession of the Southern States—pregnant with infinite consequences to the African race by altering the condition of slavery, to America by awakening an intenser thirst for conquest, to Europe by its reaction on European democracy, to England, above all, by threatening for a moment one of the pillars of her social existence, but still more by the enormous augmentation of her power, on which the United States were always a most formidable restraint—is chiefly important in a political light as a protest and reaction against revolutionary doctrines, and as a move in the opposite direction to that which prevails in Europe.

THE BACKGROUND OF THE FRENCH REVOLUTION*

The revenue of France was near twenty millions when Louis XVI, finding it inadequate, called upon the nation for supply. In a single lifetime it rose to far more than one hundred millions, while the national income grew still more rapidly; and this increase was wrought by a class to whom the ancient monarchy denied its best rewards, and whom it deprived of power in the country they enriched. As their industry effected change in the distribution of property, and wealth ceased to be the prerogative of a few, the excluded majority perceived that their disabilities rested on no foundation of right and justice, and were unsupported by reasons of State. They proposed that the prizes in the Government, the Army, and the Church should be given to merit among the active and necessary portion of the people, and that no privilege injurious to them should be reserved for the unprofitable minority. Being nearly an hundred to one, they deemed that they were virtually the substance of the nation, and they claimed to govern themselves with a power proportioned to their numbers. They demanded that the State should be reformed, that the ruler should be their agent, not their master.

That is the French Revolution. To see that it is not a meteor from the unknown, but the product of historic influences which by their union were efficient to destroy, and by their division powerless to construct, we must follow for a moment the procession of ideas that went before, and bind it to the law of continuity and the operation of constant forces.

If France failed where other nations have succeeded, and if the passage from the feudal and aristocratic forms of society to the industrial and democratic was attended by convulsions, the cause was not in the men of that day, but in the ground on which they stood. As long as the despotic kings were victorious abroad, they were accepted at home. The first signals of revolutionary thinking lurk dimly among the oppressed minorities during intervals of disaster. The Jansenists were loyal and patient; but their famous jurist Domat was a philosopher, and is remembered as the writer who restored the supremacy of reason in the chaotic jurisprudence of the time. He had learnt from St. Thomas, a great name in the school he belonged to, that legislation ought to be for the people and by the people, that the cashiering of bad kings may be not only a right but a duty. He insisted that law shall proceed from common sense, not from custom, and shall draw its precepts from an eternal code. The principle of the higher law signified Revolution. No government founded on positive enactments only can stand before it, and it points the way to that system of primitive, universal and indefeasible rights which the lawyers of the Assembly, descending from Domat, prefixed to their constitution.

Under the edict of Nantes the Protestants were decided royalists; so that, even after the Revocation, Bayle, the apostle of Toleration, retained his loyalty in exile at Rotterdam. His enemy, Jurieu, though intolerant as a divine, was liberal in his politics, and contracted in the neighbourhood of William of Orange the temper of a continental Whig. He taught that sovereignty comes from the people and reverts to the people. The Crown forfeits powers it has made ill use of. The rights of the nation cannot be forfeited. The people alone possess an authority which is legitimate without conditions, and their acts are valid even when they are wrong. The most telling of Jurieu's seditious propositions, preserved in the transparent amber of Bossuet's reply, shared the immortality of a classic, and in

time contributed to the doctrine that the democracy is irresponsible and must have its way.

Maultrot, the best ecclesiastical lawyer of the day, published three volumes in 1790 on the power of the people over kings, in which, with accurate research among sources very familiar to him and to nobody else, he explained how the Canon Law approves the principles of 1688 and rejects the modern invention of divine right. His book explains still better the attitude of the clergy in the Revolution, and their brief season of popularity.

The true originator of the opposition in literature was Fénelon. He was neither an innovating reformer nor a discoverer of new truth; but as a singularly independent and most intelligent witness, he was the first who saw through the majestic hypocrisy of the court, and knew that France was on the road to ruin. The revolt of conscience began with him before the glory of the monarchy was clouded over. His views grew from an extraordinary perspicacity and refinement in the estimate of men. He learnt to refer the problem of government, like the conduct of private life, to the mere standard of morals, and extended further than anyone the plain but hazardous practice of deciding all things by the exclusive precepts of enlightened virtue. If he did not know all about policy and international science, he could always tell what would be expected of a hypothetically perfect man. Fénelon feels like a citizen of Christian Europe, but he pursues his thoughts apart from his country or his church, and his deepest utterances are in the mouth of pagans. He desired to be alike true to his own beliefs, and gracious towards those who dispute them. He approved neither the deposing power nor the punishment of error, and declared that the highest need of the Church was not victory but liberty. Through his friends, Fleury and Chevreuse, he favoured the recall of the Protestants, and he advised a general toleration. He would have the secular power kept aloof from ecclesiastical concerns, because protection leads to religious servitude and

persecution to religious hypocrisy. There were moments when his steps seemed to approach the border of the undiscovered land where Church and State are parted.

He has written that a historian ought to be neutral between other countries and his own, and he expected the same discipline in politicians, as patriotism cannot absolve a man from his duty to mankind. Therefore no war can be just, unless a war to which we are compelled in the sole cause of freedom. Fénelon wished that France should surrender the ill-gotten conquests of which she was so proud, and especially that she should withdraw from Spain. He declared that the Spaniards were degenerate and imbecile, but that nothing could make that right which was contrary to the balance of power and the security of nations. Holland seemed to him the hope of Europe, and he thought the allies justified in excluding the French dynasty from Spain for the same reason that no claim of law could have made it right that Philip II should occupy England. He hoped that his country would be thoroughly humbled, for he dreaded the effects of success on the temperament of the victorious French. He deemed it only fair that Louis should be compelled to dethrone his grandson with his own guilty hand.

In the judgment of Fénelon, power is poison; and as kings are nearly always bad, they ought not to govern, but only to execute the law. For it is the mark of barbarians to obey precedent and custom. Civilised society must be regulated by a solid code. Nothing but a constitution can avert arbitrary power. The despotism of Louis XIV renders him odious and contemptible, and is the cause of all the evils which the country suffers. If the governing power which rightfully belonged to the nation was restored, it would save itself by its own exertion; but absolute authority irreparably saps its foundations, and is bringing on a revolution by which it will not be moderated, but utterly destroyed. Although Fénelon has no wish to sacrifice either the monarchy or the aristocracy, he betrays sympathy with several tendencies of the movement which he fore-

saw with so much alarm. He admits the state of nature, and thinks civil society not the primitive condition of man, but a result of the passage from savage life to husbandry. He would transfer the duties of government to local and central assemblies; and he demands entire freedom of trade, and education provided by law, because children belong to the State first and to the family afterwards. He does not resign the hope of making men good by act of parliament, and his belief in public institutions as a means of moulding individual character brings him nearly into touch with a distant future.

He is the Platonic founder of revolutionary thinking. Whilst his real views were little known, he became a popular memory; but some complained that his force was centrifugal, and that a church can no more be preserved by suavity and distinction than a state by liberty and justice. Louis XVI, we are often told, perished in expiation of the sins of his forefathers. He perished, not because the power he inherited from them had been carried to excess, but because it had been discredited and undermined. One author of this discredit was Fénelon. Until he came, the ablest men, Bossuet and even Bayle, revered the monarchy. Fénelon struck it at the zenith, and treated Louis XIV in all his grandeur more severely than the disciples of Voltaire treated Louis XV in all his degradation. The season of scorn and shame begins with him. The best of his later contemporaries followed his example, and laid the basis of opposing criticism on motives of religion. They were the men whom Cardinal Dubois describes as dreamers of the same dreams as the chimerical archbishop of Cambray. Their influence fades away before the great change that came over France about the middle of the century.

From that time unbelief so far prevailed that even men who were not professed assailants, as Montesquieu, Condillac, Turgot, were estranged from Christianity. Politically, the consequence was this: men who did not attribute any deep significance to church questions never acquired definite notions on Church and State, never seriously exam-

ined under what conditions religion may be established or disestablished, endowed or disendowed, never even knew whether there exists any general solution, or any principle by which problems of that kind are decided. This defect of knowledge became a fact of importance at a turning point in the Revolution. The theory of the relations between states and churches is bound up with the theory of Toleration, and on that subject the eighteenth century scarcely rose above an intermittent, embarrassed, and unscientific view. For religious liberty is composed of the properties both of religion and liberty, and one of its factors never became an object of disinterested observation among actual leaders of opinion. They preferred the argument of doubt to the argument of certitude, and sought to defeat intolerance by casting out revelation as they had defeated the persecution of witches by casting out the devil. There remained a flaw in their liberalism, for liberty apart from belief is liberty with a good deal of the substance taken out of it. The problem is less complicated and the solution less radical and less profound. Already, then, there were writers who held somewhat superficially the conviction, which Tocqueville made a cornerstone, that nations that have not the self-governing force of religion within them are unprepared for freedom.

The early notions of reform moved on French lines, striving to utilise the existing form of society, to employ the parliamentary aristocracy, to revive the States-General and the provincial assemblies. But the scheme of standing on the ancient ways, and raising a new France on the substructure of the old, brought out the fact that whatever growth of institutions there once had been had been stunted and stood still. If the mediæval polity had been fitted to prosper, its fruit must be gathered from other countries, where the early notions had been pursued far ahead. The first thing to do was to cultivate the foreign example; and with that what we call the eighteenth century began. The English superiority, proclaimed first by Voltaire, was further demonstrated by Montesquieu. For

England had recently created a government which was stronger than the institutions that had stood on antiquity. Founded upon fraud and treason, it had yet established the security of law more firmly than it had ever existed under the system of legitimacy, of prolonged inheritance, and of religious sanction. It flourished on the unaccustomed belief that theological dissensions need not detract from the power of the State, while political dissensions are the very secret of its prosperity. The men of questionable character who accomplished the change and had governed for the better part of sixty years had successfully maintained public order, in spite of conspiracy and rebellion; they had built up an enormous system of national credit, and had been victorious in continental war. The Jacobite doctrine, which was the basis of European monarchy, had been backed by the arms of France, and had failed to shake the newly planted throne. A great experiment had been crowned by a great discovery. A novelty that defied the wisdom of centuries had made good its footing, and revolution had become a principle of stability more sure than tradition.

Montesquieu undertook to make the disturbing fact avail in political science. He valued it because it reconciled him with monarchy. He had started with the belief that kings are an evil, and not a necessary evil, and that their time was running short. His visit to Walpolean England taught him a plan by which they might be reprieved. He still confessed that a republic is the reign of virtue; and by virtue he meant love of equality and renunciation of self. But he had seen a monarchy that throve by corruption. He said that the distinctive principle of monarchy is not virtue but honour, which he once described as a contrivance to enable men of the world to commit almost every offence with impunity. The praise of England was made less injurious to French patriotism by the famous theory that explains institutions and character by the barometer and the latitude. Montesquieu looked about him, and abroad, but not far ahead. His admirable skill in supplying reason

for every positive fact sometimes confounds the cause that produces with the argument that defends. He knows so many pleas for privilege that he almost overlooks the class that has none; and having no friendship for the clergy, he approves their immunities. He thinks that aristocracy alone can preserve monarchies, and makes England more free than any commonwealth. He lays down the great conservative maxim, that success generally depends on knowing the time it will take; and the most purely Whig maxim in his works, that the duty of a citizen is a crime when it obscures the duty of man, is Fénelon's. His liberty is of a Gothic type, and not insatiable. But the motto of his work, *Prolem sine matre creatam*, was intended to signify that the one thing wanting was liberty; and he had views on taxation, equality, and the division of powers that gave him a momentary influence in 1789. His warning that a legislature may be more dangerous than the executive remained unheard. The *Esprit des lois* had lost ground in 1767, during the ascendancy of Rousseau. The mind of the author moved within the conditions of society familiar to him, and he did not heed the coming democracy. He assured Hume that there would be no revolution, because the nobles were without civic courage.

There was more divination in d'Argenson, who was Minister of Foreign Affairs in 1745, and knew politics from the inside. Less acquiescent than his brilliant contemporary, he was perpetually contriving schemes of fundamental change, and is the earliest writer from whom we can extract the system of 1789. Others before him had perceived the impending revolution; but d'Argenson foretold that it would open with the slaughter of priests in the streets of Paris. Thirty-eight years later these words came true at the gate of St. Germain's Abbey. As the supporter of the Pretender he was quite uninfluenced by admiration for England, and imputed, not to the English Deists and Whigs but to the Church and her divisions and intolerance, the unbelieving spirit that threatened both Church and State. It was conventionally understood on the Con-

tinent that 1688 had been an uprising of Nonconformists, and a Whig was assumed to be a Presbyterian down to the death of Anne. It was easy to infer that a more violent theological conflict would lead to a more violent convulsion. As early as 1743 his terrible foresight discerns that the State is going to pieces, and its doom was so certain that he began to think of a refuge under other masters. He would have deposed the noble, the priest, and the lawyer, and given their power to the masses. Although the science of politics was in its infancy, he relied on the dawning enlightenment to establish rational liberty, and the equality between classes and religions which is the perfection of politics. The world ought to be governed not by parchment and vested rights, but by plain reason, which proceeds from the complex to the simple, and will sweep away all that interposes between the State and the democracy, giving to each part of the nation the management of its own affairs. He is eager to change everything, except the monarchy which alone can change all else. A deliberative assembly does not rise above the level of its average members. It is neither very foolish nor very wise. All might be well if the king made himself the irresistible instrument of philosophy and justice, and wrought the reform. But his king was Louis XV. D'Argenson saw so little that was worthy to be preserved that he did not shrink from sweeping judgments and abstract propositions. By his rationalism, and his indifference to the prejudice of custom and the claim of possession; by his maxim that every man may be presumed to understand the things in which his own interest and responsibility are involved; by his zeal for democracy, equality, and simplicity, and his dislike of intermediate authorities, he belongs to a generation later than his own. He heralded events without preparing them, for the best of all he wrote only became known in our time.

Whilst Montesquieu, at the height of his fame as the foremost of living writers, was content to contemplate the past, there was a student in the Paris seminary who taught

men to fix hope and endeavour on the future, and led the world at twenty-three. Turgot, when he proclaimed that upward growth and progress is the law of human life, was studying to become a priest. To us, in any age of science, it has become difficult to imagine Christianity without the attribute of development and the faculty of improving society as well as souls. But the idea was acquired slowly. Under the burden of sin, men accustomed themselves to the consciousness of degeneracy; each generation confessed that they were unworthy children of their parents, and awaited with impatience the approaching end. From Lucretius and Seneca to Pascal and Leibniz we encounter a few dispersed and unsupported passages, suggesting advance towards perfection, and the flame that brightens as it moves from hand to hand; but they were without mastery or radiance. Turgot at once made the idea habitual and familiar, and it became a pervading force in thoughtful minds, whilst the new sciences arose to confirm it. He imparted a deeper significance to history, giving it unity of tendency and direction, constancy where there had been motion, and development instead of change. The progress he meant was moral as much as intellectual; and as he professed to think that the rogues of his day would have seemed sanctified models to an earlier century, he made his calculations without counting the wickedness of men. His analysis left unfathomed depths for future explorers, for Lessing and still more for Hegel; but he taught mankind to expect that the future would be unlike the past, that it would be better, and that the experience of ages may instruct and warn, but cannot guide or control. He is eminently a benefactor to historical study; but he forged a weapon charged with power to abolish the product of history and the existing order. By the hypothesis of progress, the new is always gaining on the old; history is the embodiment of imperfection, and escape from history became the watchword of the coming day. Condorcet, the master's pupil, thought that the world might be emancipated by burning its records.

Turgot was too discreet for such an excess, and he looked to history for the demonstration of his law. He had come upon it in his theological studies. He renounced them soon after, saying that he could not wear a mask. When Guizot called Lamennais a malefactor, because he threw off his cassock and became a freethinker, Scherer, whose course had been some way parallel, observed: "He little knows how much it costs." The abrupt transition seems to have been accomplished by Turgot without a struggle. The *Encyclopaedia*, which was the largest undertaking since the invention of printing, came out at that time, and Turgot wrote for it. But he broke off, refusing to be connected with a party professedly hostile to revealed religion; and he rejected the declamatory paradoxes of Diderot and Raynal. He found his home among the Physiocrats, of all the groups the one that possessed the most compact body of consistent views, and who already knew most of the accepted doctrines of political economy, although they ended by making way for Adam Smith. They are of supreme importance to us, because they founded political science on the economic science which was coming into existence. Harrington, a century before, had seen that the art of government can be reduced to system; but the French economists precede all men in this, that, holding a vast collection of combined and verified truths on matters contiguous to politics and belonging to their domain, they extended it to the whole, and governed the constitution by the same fixed principles that governed the purse. They said: A man's most sacred property is his labour. It is anterior even to the right of property, for it is the possession of those who own nothing else. Therefore he must be free to make the best use of it he can. The interference of one man with another, of society with its members, of the state with the subject, must be brought down to the lowest dimension. Power intervenes only to restrict intervention, to guard the individual from oppression, that is from regulation in an interest not his own. Free labour and its derivative free trade are the first conditions of legitimate

government. Let things fall into their natural order, let society govern itself, and the sovereign function of the State will be to protect nature in the execution of her own law. Government must not be arbitrary, but it must be powerful enough to repress arbitrary action in others. If the supreme power is needlessly limited, the secondary powers will run riot and oppress. Its supremacy will bear no check. The problem is to enlighten the ruler, not to restrain him; and one man is more easily enlightened than many. Government by opposition, by balance and control, is contrary to principle; whereas absolutism might be requisite to the attainment of their higher purpose. Nothing less than concentrated power could overcome the obstacles to such beneficent reforms as they meditated. Men who sought only the general good must wound every distinct and separate interest of class, and would be mad to break up the only force that they could count upon, and thus to throw away the means of preventing the evils that must follow if things were left to the working of opinion and the feeling of masses. They had no love for absolute power in itself, but they computed that, if they had the use of it for five years, France would be free. They distinguish an arbitrary monarch and the irresistible but impersonal state.

It was the era of repentant monarchy. Kings had become the first of public servants, executing, for the good of the people, what the people were unable to do for themselves; and there was a reforming movement on foot which led to many instances of prosperous and intelligent administration. To men who knew what unutterable suffering and wrong were inflicted by bad laws, and who lived in terror of the uneducated and inorganic masses, the idea of reform from above seemed preferable to parliamentary government managed by Newcastle and North, in the interest of the British landlord. The economists are outwardly and avowedly less liberal than Montesquieu, because they are incomparably more impressed by the evils of the time, and the need of immense and fundamental

changes. They prepared to undo the work of absolutism by the hand of absolutism. They were not its opponents, but its advisers, and hoped to convert it by their advice. The indispensable liberties are those which constitute the wealth of nations; the rest will follow. The disease had lasted too long for the sufferer to heal himself: the relief must come from the author of his sufferings. The power that had done the wrong was still efficient to undo the wrong. Transformation, infinitely more difficult in itself than preservation, was not more formidable to the economists because it consisted mainly in revoking the godless work of a darker age. They deemed it their mission not to devise new laws, for that is a task which God has not committed to man, but only to declare the inherent laws of the existence of society and enable them to prevail.

The defects of the social and political organisation were as distinctly pointed out by the economists as by the electors of the National Assembly, twenty years later, and in nearly all things they proposed the remedy. But they were persuaded that the only thing to regenerate France was a convulsion which the national character would make a dreadful one. They desired a large scheme of popular education, because commands take no root in soil that is not prepared. Political truths can be made so evident that the opinion of an instructed public will be invincible, and will banish the abuse of power. To resist oppression is to make a league with heaven, and all things are oppressive that resist the natural order of freedom. For society secures rights; it neither bestows nor restricts them. They are the direct consequence of duties. As truth can only convince by the exposure of errors and the defeat of objections, liberty is the essential guard of truth. Society is founded, not on the will of man, but on the nature of man and the will of God; and conformity to the divinely appointed order is followed by inevitable reward. Relief of those who suffer is the duty of all men, and the affair of all.

Such was the spirit of that remarkable group of men,

especially of Mercier de la Rivière, of whom Diderot said that he alone possessed the true and everlasting secret of the security and the happiness of empires. Turgot indeed had failed in office; but his reputation was not diminished, and the power of his name exceeded all others at the outbreak of the Revolution. His policy of employing the Crown to reform the State was at once rejected in favour of other counsels; but his influence may be traced in many acts of the Assembly, and on two very memorable occasions it was not auspicious. It was a central dogma of the party that land is the true source of wealth, or, as Asgill said, that man deals in nothing but earth. When a great part of France became national property, men were the more easily persuaded that land can serve as the basis of public credit and of unlimited *assignats*. According to a weighty opinion which we shall have to consider before long, the parting of the ways in the Revolution was on the day when, rejecting the example both of England and America, the French resolved to institute a single undivided legislature. It was the Pennsylvanian model; and Voltaire had pronounced Pennsylvania the best government in the world. Franklin gave the sanction of an oracle to the constitution of his state, and Turgot was its vehement protagonist in Europe.

A king ruling over a level democracy, and a democracy ruling itself through the agency of a king, were long contending notions in the first Assembly. One was monarchy according to Turgot, the other was monarchy adapted to Rousseau; and the latter, for a time, prevailed. Rousseau was the citizen of a small republic, consisting of a single town, and he professed to have applied its example to the government of the world. It was Geneva, not as he saw it, but as he extracted its essential principle, and as it has since become—Geneva illustrated by the Forest Cantons and the Landsgemeinde more than by its own charters. The idea was that the grown men met in the market place, like the peasants of Glarus under their trees, to manage their affairs, making and unmaking officials, con-

ferring and revoking powers. They were equal, because every man had exactly the same right to defend his interest by the guarantee of his vote. The welfare of all was safe in the hands of all, for they had not the separate interests that are bred by the egotism of wealth, nor the exclusive views that come from a distorted education. All being equal in power and similar in purpose, there can be no just cause why some should move apart and break into minorities. There is an implied contract that no part shall ever be preferred to the whole, and minorities shall always obey. Clever men are not wanted for the making of laws, because clever men and their laws are at the root of all mischief. Nature is a better guide than civilisation, because nature comes from God, and His works are good; culture from man, whose works are bad in proportion as he is remoter from natural innocence, as his desires increase upon him, as he seeks more refined pleasures, and stores up more superfluity. It promotes inequality, selfishness, and the ruin of public spirit.

By plausible and easy stages the social ideas latent in parts of Switzerland produced the theory that men come innocent from the hands of the Creator, that they are originally equal, that progress from equality to civilisation is the passage from virtue to vice and from freedom to tyranny, that the people are sovereign, and govern by powers given and taken away; that an individual or a class may be mistaken and may desert the common cause and the general interest, but the people, necessarily sincere, and true, and incorrupt, cannot go wrong; that there is a right of resistance to all governments that are fallible, because they are partial, but none against government of the people by the people, because it has no master and no judge, and decides in the last instance and alone; that insurrection is the law of all unpopular societies founded on a false principle and a broken contract, and submission that of the only legitimate societies, based on the popular will; that there is no privilege against the law of nature, and no right against the power of all. By this chain of rea-

soning, with little infusion of other ingredients, Rousseau applied the sequence of the ideas of pure democracy to the government of nations.

Now the most glaring and familiar fact in history shows that the direct self-government of a town cannot be extended over an empire. It is a plan that scarcely reaches beyond the next parish. Either one district will be governed by another, or both by somebody else chosen for the purpose. Either plan contradicts first principles. Subjection is the direct negation of democracy; representation is the indirect. So that an Englishman underwent bondage to parliament as much as Lausanne to Berne or as America to England if it had submitted to taxation, and by law recovered his liberty but once in seven years. Consequently Rousseau, still faithful to Swiss precedent as well as to the logic of his own theory, was a federalist. In Switzerland, when one half of a canton disagrees with the other, or the country with the town, it is deemed natural that they should break into two, that the general will may not oppress minorities. This multiplication of self-governing communities was admitted by Rousseau as a preservative of unanimity on one hand, and of liberty on the other. Helvétius came to his support with the idea that men are not only equal by nature but alike, and that society is the cause of variation; from which it would follow that everything may be done by laws and by education.

Rousseau is the author of the strongest political theory that had appeared amongst men. We cannot say that he reasons well, but he knew how to make his argument seem convincing, satisfying, inevitable, and he wrote with an eloquence and a fervour that had never been seen in prose, even in Bolingbroke or Milton. His books gave the first signal of a universal subversion, and were as fatal to the Republic as to the Monarchy. Although he lives by the social contract and the law of resistance, and owes his influence to what was extreme and systematic, his later writings are loaded with sound political wisdom. He owes nothing to the novelty or the originality of his thoughts.

Taken jointly or severally, they are old friends, and you will find them in the school of Wolf that just preceded, in the dogmatists of the Great Rebellion and the Jesuit casuists who were dear to Algernon Sidney, in their Protestant opponents, Duplessis Mornay, and the Scots who had heard the last of our schoolmen, Major of St. Andrews, renew the speculations of the time of schism, which decomposed and dissected the Church and rebuilt it on a model very propitious to political revolution, and even in the early interpreters of the Aristotelian Politics which appeared just at the era of the first parliament.

Rousseau's most advanced point was the doctrine that the people are infallible. Jurieu had taught that they can do no wrong; Rousseau added that they are positively in the right. The idea, like most others, was not new, and goes back to the Middle Ages. When the question arose what security there is for the preservation of traditional truth if the episcopate was divided and the papacy vacant, it was answered that the faith would be safely retained by the masses. The maxim that the voice of the people is the voice of God is as old as Alcuin; it was renewed by some of the greatest writers anterior to democracy, by Hooker and Bossuet, and it was employed in our day by Newman to prop his theory of development. Rousseau applied it to the State.

The sovereignty of public opinion was just then coming in through the rise of national debts and the increasing importance of the public creditor. It meant more than the noble savage and the blameless South Sea islander, and distinguished the instinct that guides large masses of men from the calculating wisdom of the few. It was destined to prove the most serious of all obstacles to representative government. Equality of power readily suggests equality of property; but the movement of Socialism began earlier, and was not assisted by Rousseau. There were solemn theorists, such as Mably and Morelly, who were sometimes quoted in the Revolution, but the change in the distribution of property was independent of them.

A more effective influence was imported from Italy; for the Italians, through Vico, Giannone, Genovesi, had an eighteenth century of their own. Sardinia preceded France in solving the problem of feudalism. Arthur Young affirms that the measures of the Grand Duke Leopold had, in ten years, doubled the produce of Tuscany; at Milan, Count Firmian was accounted one of the best administrators in Europe. It was a Milanese, Beccaria, who, by his reform of criminal law, became a leader of French opinion. Continental jurisprudence had long been overshadowed by two ideas: that torture is the surest method of discovering truth, and that punishment deters not by its justice, its celerity, or its certainty, but in proportion to its severity. Even in the eighteenth century the penal system of Maria Theresa and Joseph II was barbarous. Therefore, no attack was more surely aimed at the heart of established usage than that which dealt with courts of justice. It forced men to conclude that authority was odiously stupid and still more odiously ferocious, that existing governments were accursed, that the guardians and ministers of law, divine and human, were more guilty than their culprits. The past was branded as the reign of infernal powers, and charged with long arrears of unpunished wrong. As there was no sanctity left in law, there was no mercy for its merciless defenders; and if they fell into avenging hands, their doom would not exceed their desert. Men afterwards conspicuous by their violence, Brissot and Marat, were engaged in this campaign of humanity, which raised a demand for authorities that were not vitiated by the accumulation of infamy, for new laws, new powers, a new dynasty.

As religion was associated with cruelty, it is at this point that the movement of new ideas became a crusade against Christianity. A book by the Curé Meslier, partially known at that time, but first printed by Strauss in 1864, is the clarion of vindictive unbelief; and another abbé, Raynal, hoped that the clergy would be crushed beneath the ruins of their altars.

Thus the movement which began, in Fénelon's time,

with warnings and remonstrance and the zealous endeavour to preserve, which produced one great scheme of change by the Crown and another at the expense of the Crown, ended in the wild cry for vengeance and a passionate appeal to fire and sword. So many lines of thought converging on destruction explain the agreement that existed when the States-General began, and the explosion that followed the reforms of '89 and the ruins of '93. No conflict can be more irreconcilable than that between a constitution and an enlightened absolutism, between abrogation of old laws and multiplication of new, between representation and direct democracy, the people controlling, and the people governing, kings by contract and kings by mandate.

Yet all these fractions of opinion were called Liberal: Montesquieu, because he was an intelligent Tory; Voltaire, because he attacked the clergy; Turgot, as a reformer; Rousseau, as a democrat; Diderot, as a freethinker. The one thing common to them all is the disregard for liberty.

Among the causes which have brought dishonour on the Church in recent years, none have had a more fatal operation than those conflicts with science and literature which have led men to dispute the competence, or the justice, or the wisdom, of her authorities. Rare as such conflicts have been, they have awakened a special hostility which the defenders of Catholicism have not succeeded in allaying. They have induced a suspicion that the Church, in her zeal for the prevention of error, represses that intellectual freedom which is essential to the progress of truth; that she allows an administrative interference with convictions to which she cannot attach the stigma of falsehood; and that she claims a right to restrain the growth of knowledge, to justify an acquiescence in ignorance, to promote error, and even to alter at her arbitrary will the dogmas that are proposed to faith. There are few faults or errors imputed to Catholicism which individual Catholics have not committed or held, and the instances on which these particular accusations are founded have sometimes been supplied by the acts of authority itself. Dishonest controversy loves to confound the personal with the spiritual element in the Church—to ignore the distinction between the sinful agents and the divine institution. And this confusion makes it easy to deny, what otherwise would be too evident to question, that knowledge has a freedom in the Catholic Church which it can find in no other religion; though there, as elsewhere, freedom degenerates unless it has to struggle in its own defence.

Nothing can better illustrate this truth than the actual

course of events in the cases of Lamennais and Frohschammer. They are two of the most conspicuous instances in point; and they exemplify the opposite mistakes through which a haze of obscurity has gathered over the true notions of authority and freedom in the Church. The correspondence of Lamennais and the later writings of Frohschammer furnish a revelation which ought to warn all those who, through ignorance, or timidity, or weakness of faith, are tempted to despair of the reconciliation between science and religion, and to acquiesce either in the subordination of one to the other, or in their complete segregation and estrangement. Of these alternatives Lamennais chose the first, Frohschammer the second; and the exaggeration of the claims of authority by the one and the extreme assertion of independence by the other have led them, by contrary paths, to nearly the same end.

When Lamennais surveyed the fluctuations of science, the multitude of opinions, the confusion and conflict of theories, he was led to doubt the efficacy of all human tests of truth. Science seemed to him essentially tainted with hopeless uncertainty. In his ignorance of its methods he fancied them incapable of attaining to anything more than a greater or less degree of probability, and powerless to afford a strict demonstration, or to distinguish the deposit of real knowledge amidst the turbid current of opinion. He refused to admit that there is a sphere within which metaphysical philosophy speaks with absolute certainty, or that the landmarks set up by history and natural science may be such as neither authority nor prescription, neither the doctrine of the schools nor the interest of the Church, has the power to disturb or the right to evade. These sciences presented to his eyes a chaos incapable of falling into order and harmony by any internal self-development, and requiring the action of an external director to clear up its darkness and remove its uncertainty. He thought that no research, however rigorous, could make sure of any fragment of knowledge worthy the name. He admitted no certainty but that which relied on the gen-

eral tradition of mankind, recorded and sanctioned by the infallible judgment of the Holy See. He would have all power committed, and every question referred, to that supreme and universal authority. By its means he would supply all the gaps in the horizon of the human intellect, settle every controversy, solve the problems of science, and regulate the policy of states.

The extreme Ultramontanism which seeks the safeguard of faith in the absolutism of Rome he believed to be the keystone of the Catholic system. In his eyes all who rejected it, the Jesuits among them, were Gallicans; and Gallicanism was the corruption of the Christian idea.¹ "If my principles are rejected," he wrote on the 1st of November 1820, "I see no means of defending religion effectually, no decisive answer to the objections of the unbelievers of our time. How could these principles be favourable to them? They are simply the development of the great Catholic maxim, *quod semper, quod ubique, quod ab omnibus.*" Joubert said of him, with perfect justice, that when he destroyed all the bases of human certainty, in order to retain no foundation but authority, he destroyed authority itself. The confidence which led him to confound the human element with the divine in the Holy See was destined to be tried by the severest of all tests; and his exaggeration of the infallibility of the Pope proved fatal to his religious faith.

In 1831 the Roman Breviary was not to be bought in Paris. We may hence measure the amount of opposition with which Lamennais' endeavours to exalt Rome would be met by the majority of the French bishops and clergy, and by the school of St. Sulpice. For him, on the other hand, no terms were too strong to express his animosity against those who rejected his teaching and thwarted his designs. The bishops he railed at as idiotic devotees, incredibly blind, supernaturally foolish. "The Jesuits," he said, "were *grenadiers de la folie*, and united imbecility with the vilest passions."² He fancied that in many dioceses there was a conspiracy to destroy religion, that a

schism was at hand, and that the resistance of the clergy to his principles threatened to destroy Catholicism in France. Rome, he was sure, would help him in his struggle against her faithless assailants, on behalf of her authority, and in his endeavour to make the clergy refer their disputes to her, so as to receive from the Pope's mouth the infallible oracles of eternal truth. Whatever the Pope might decide would, he said, be right, for the Pope alone was infallible. Bishops might be sometimes resisted, but the Pope never. It was both absurd and blasphemous even to advise him. "I have read in the *Diario di Roma*," he said, "the advice of M. de Chateaubriand to the Holy Ghost. At any rate, the Holy Ghost is fully warned; and if he makes a mistake this time, it will not be the ambassador's fault."³

Three Popes passed away, and still nothing was done against the traitors he was for ever denouncing. This reserve astounded him. Was Rome herself tainted with Gallicanism, and in league with those who had conspired for her destruction? What but a schism could ensue from this inexplicable apathy? The silence was a grievous trial to his faith. "Let us shut our eyes," he said, "let us invoke the Holy Spirit, let us collect all the powers of our soul, that our faith may not be shaken."⁴ In his perplexity he began to make distinctions between the Pope and the Roman Court. The advisers of the Pope were traitors, dwellers in the outer darkness, blind and deaf; the Pope himself and he alone was infallible, and would never act so as to injure the faith, though meanwhile he was not aware of the real state of things, and was evidently deceived by false reports. A few months later came the necessity for a further distinction between the Pontiff and the Sovereign. If the doctrines of the *Avenir* had caused displeasure at Rome, it was only on political grounds. If the Pope was offended, he was offended not as Vicar of Christ, but as a temporal monarch implicated in the political system of Europe. In his capacity of spiritual head of the Church he could not condemn writers for sacrificing all human and

political considerations to the supreme interests of the Church, but must in reality agree with them. As the Polish Revolution brought the political questions into greater prominence, Lamennais became more and more convinced of the wickedness of those who surrounded Gregory XVI, and of the political incompetence of the Pope himself. He described him as weeping and praying, motionless, amidst the darkness which the ambitious, corrupt, and frantic idiots around him were ever striving to thicken. Still he felt secure. When the foundations of the Church were threatened, when an essential doctrine was at stake, though, for the first time in eighteen centuries, the supreme authority might refuse to speak, at least it could not speak out against the truth. In this belief he made his last journey to Rome. Then came his condemnation. The staff on which he leaned with all his weight broke in his hands; the authority he had so grossly exaggerated turned against him, and his faith was left without support. His system supplied no resource for such an emergency. He submitted, not because he was in error, but because Catholics had no right to defend the Church against the supreme will even of an erring Pontiff. He was persuaded that his silence would injure religion, yet he deemed it his duty to be silent and to abandon theology. He had ceased to believe that the Pope could not err, but he still believed that he could not lawfully be disobeyed. In the two years during which he still remained in the Church his faith in her system fell rapidly to pieces. Within two months after the publication of the Encyclical he wrote that the Pope, like the other princes, seemed careful not to omit any blunder that could secure his annihilation. Three weeks afterwards he denounced in the fiercest terms the corruption of Rome. He predicted that the ecclesiastical hierarchy was about to depart with the old monarchies; and, though the Church could not die, he would not undertake to say that she would revive in her old forms. The Pope, he said, had so zealously embraced the cause of antichristian despotism as to sacrifice to it the religion of which he

was the chief. He no longer felt it possible to distinguish what was immutable in the external organisation of the Church. He admitted the personal fallibility of the Pope, and declared that, though it was impossible, without Rome, to defend Catholicism successfully, yet nothing could be hoped for from her, and that she seemed to have condemned Catholicism to die. The Pope, he soon afterwards said, was in league with the kings in opposition to the eternal truths of religion, the hierarchy was out of court, and a transformation like that from which the Church and Papacy had sprung was about to bring them both to an end, after eighteen centuries, in Gregory XVI. Before the following year was over he had ceased to be in communion with the Catholic Church.

The fall of Lamennais, however impressive as a warning, is of no great historical importance; for he carried no one with him, and his favourite disciples became the ablest defenders of Catholicism in France. But it exemplifies one of the natural consequences of dissociating secular from religious truth, and denying that they hold in solution all the elements necessary for their reconciliation and union. In more recent times, the same error has led, by a contrary path, to still more lamentable results, and scepticism on the possibility of harmonising reason and faith has once more driven a philosopher into heresy. Between the fall of Lamennais and the conflict with Frohschammer many metaphysical writers among the Catholic clergy had incurred the censures of Rome. It is enough to cite Bautain in France, Rosmini in Italy, and Günther in Austria. But in these cases no scandal ensued, and the decrees were received with prompt and hearty submission. In the cases of Lamennais and Frohschammer no speculative question was originally at issue, but only the question of authority. A comparison between their theories will explain the similarity in the courses of the two men, and at the same time will account for the contrast between the isolation of Lamennais and the influence of Frohschammer, though the one was the most eloquent writer in France, and the head

of a great school, and the other, before the late controversy, was not a writer of much name. This contrast is the more remarkable since religion had not revived in France when the French philosopher wrote, while for the last quarter of a century Bavaria has been distinguished among Catholic nations for the faith of her people. Yet Lamennais was powerless to injure a generation of comparatively ill-constructed Catholics, while Frohschammer, with inferior gifts of persuasion, has won educated followers even in the home of Ultramontaniam.

The first obvious explanation of this difficulty is the narrowness of Lamennais' philosophy. At the time of his dispute with the Holy See he had somewhat lost sight of his traditionalist theory; and his attention, concentrated upon politics, was directed to the problem of reconciling religion with liberty—a question with which the best minds in France are still occupied. But how can a view of policy constitute a philosophy? He began by thinking that it was expedient for the Church to obtain the safeguards of freedom, and that she should renounce the losing cause of the old *régime*. But this was no more philosophy than the similar argument which had previously won her to the side of despotism when it was the stronger cause. As Bonald, however, had erected absolute monarchy into a dogma, so Lamennais proceeded to do with freedom. The Church, he said, was on the side of freedom, because it was the just side, not because it was the stronger. As De Maistre had seen the victory of Catholic principles in the Restoration, so Lamennais saw it in the revolution of 1830.

This was obviously too narrow and temporary a basis for a philosophy. The Church is interested, not in the triumph of a principle or cause which may be dated as that of 1789, or of 1815, or of 1830, but in the triumph of justice and the just cause, whether it be that of the people or of the Crown, of a Catholic party or of its opponents. She admits the tests of public law and political science. When these proclaim the existence of the conditions which

justify an insurrection or a war, she cannot condemn that insurrection or that war. She is guided in her judgment on these causes by criteria which are not her own, but are borrowed from departments over which she has no supreme control. This is as true of science as it is of law and politics. Other truths are as certain as those which natural or positive law embraces, and other obligations as imperative as those which regulate the relations of subjects and authorities. The principle which places right above expedience in the political action of the Church has an equal application in history or in astronomy. The Church can no more identify her cause with scientific error than with political wrong. Her interests may be impaired by some measure of political justice, or by the admission of some fact or document. But in neither case can she guard her interests at the cost of denying the truth.

This is the principle which has so much difficulty in obtaining recognition in an age when science is more or less irreligious, and when Catholics more or less neglect its study. Political and intellectual liberty have the same claims and the same conditions in the eyes of the Church. The Catholic judges the measures of governments and the discoveries of science in exactly the same manner. Public law may make it imperative to overthrow a Catholic monarch, like James II, or to uphold a Protestant monarch, like the King of Prussia. The demonstrations of science may oblige us to believe that the earth revolves round the sun, or that the *Donation of Constantine* is spurious. The apparent interests of religion have much to say against all this; but religion itself prevents those considerations from prevailing. This has not been seen by those writers who have done most in defence of the principle. They have usually considered it from the standing ground of their own practical aims, and have therefore failed to attain that general view which might have been suggested to them by the pursuit of truth as a whole. French writers have done much for political liberty, and Germans for intellectual liberty; but the defenders of the one cause have generally

had so little sympathy with the other, that they have neglected to defend their own on the grounds common to both. There is hardly a Catholic writer who has penetrated to the common source from which they spring. And this is the greatest defect in Catholic literature, even to the present day.

In the majority of those who have afforded the chief examples of this error, and particularly in Lamennais, the weakness of faith which it implies has been united with that looseness of thought which resolves all knowledge into opinion, and fails to appreciate methodical investigation or scientific evidence. But it is less easy to explain how a priest, fortified with the armour of German science, should have failed as completely in the same inquiry. In order to solve the difficulty, we must go back to the time when the theory of Frohschammer arose, and review some of the circumstances out of which it sprang.

For adjusting the relations between science and authority, the method of Rome had long been that of economy and accommodation. In dealing with literature, her paramount consideration was the fear of scandal. Books were forbidden, not merely because their statements were denied, but because they seemed injurious to morals, derogatory to authority, or dangerous to faith. To be so, it was not necessary that they should be untrue. For isolated truths separated from other known truths by an interval of conjecture, in which error might find room to construct its works, may offer perilous occasions to unprepared and unstable minds. The policy was therefore to allow such truths to be put forward only hypothetically, or altogether to suppress them. The latter alternative was especially appropriated to historical investigations, because they contained most elements of danger. In them the progress of knowledge has been for centuries constant, rapid, and sure; every generation has brought to light masses of information previously unknown, the successive publication of which furnished ever new incentives, and more and more ample means of inquiry into ecclesiastical history.

This inquiry has gradually laid bare the whole policy and process of ecclesiastical authority, and has removed from the past that veil of mystery wherewith, like all other authorities, it tries to surround the present. The human element in ecclesiastical administration endeavours to keep itself out of sight, and to deny its own existence, in order that it may secure the unquestioning submission which authority naturally desires, and may preserve that halo of infallibility which the twilight of opinion enables it to assume. Now the most severe exposure of the part played by this human element is found in histories which show the undeniable existence of sin, error, or fraud in the high places of the Church. Not, indeed, that any history furnishes, or can furnish, materials for undermining the authority which the dogmas of the Church proclaim to be necessary for her existence. But the true limits of legitimate authority are one thing, and the area which authority may find it expedient to attempt to occupy is another. The interests of the Church are not necessarily identical with those of the ecclesiastical government. A government does not desire its powers to be strictly defined, but the subjects require the line to be drawn with increasing precision. Authority may be protected by its subjects being kept in ignorance of its faults, and by their holding it in superstitious admiration. But religion has no communion with any manner of error: and the conscience can only be injured by such arts, which, in reality, give a far more formidable measure of the influence of the human element in ecclesiastical government than any collection of attached cases of scandal can do. For these arts are simply those of all human governments which possess legislative power, fear attack, deny responsibility, and therefore shrink from scrutiny.

One of the great instruments for preventing historical scrutiny had long been the Index of prohibited books, which was accordingly directed, not against falsehood only, but particularly against certain departments of truth. Through it an effort had been made to keep the knowl-

edge of ecclesiastical history from the faithful, and to give currency to a fabulous and fictitious picture of the progress and action of the Church. The means would have been found quite inadequate to the end, if it had not been for the fact that while society was absorbed by controversy, knowledge was only valued so far as it served a controversial purpose. Every party in those days virtually had its own prohibitive Index, to brand all inconvenient truths with the note of falsehood. No party cared for knowledge that could not be made available for argument. Neutral and ambiguous science had no attractions for men engaged in perpetual combat. Its spirit first won the naturalists, the mathematicians, and the philologists; then it vivified the otherwise aimless erudition of the Benedictines; and at last it was carried into history, to give new life to those sciences which deal with the tradition, the law, and the action of the Church.

The home of this transformation was in the universities of Germany, for there the Catholic teacher was placed in circumstances altogether novel. He had to address men who had every opportunity of becoming familiar with the arguments of the enemies of the Church, and with the discoveries and conclusions of those whose studies were without the bias of any religious object. Whilst he lectured in one room, the next might be occupied by a pantheist, a rationalist, or a Lutheran, descanting on the same topics. When he left the desk his place might be taken by some great original thinker or scholar, who would display all the results of his meditations without regard for their tendency, and without considering what effects they might have on the weak. He was obliged often to draw attention to books lacking the Catholic spirit, but indispensable to the deeper student. Here, therefore, the system of secrecy, economy, and accommodation was rendered impossible by the competition of knowledge, in which the most thorough exposition of the truth was sure of the victory, and the system itself became inapplicable as the scientific spirit penetrated ecclesiastical literature in Germany.

In Rome, however, where the influences of competition were not felt, the reasons of the change could not be understood, nor its benefits experienced; and it was thought absurd that the Germans of the nineteenth century should discard weapons which had been found efficacious with the Germans of the sixteenth. While in Rome it was still held that the truths of science need not be told, and ought not to be told, if, in the judgment of Roman theologians, they were of a nature to offend faith, in Germany Catholics vied with Protestants in publishing matter without being diverted by the consideration whether it might serve or injure their cause in controversy, or whether it was adverse or favourable to the views which it was the object of the Index to protect. But though this great antagonism existed, there was no collision. A moderation was exhibited which contrasted remarkably with the aggressive spirit prevailing in France and Italy. Publications were suffered to pass unnoted in Germany which would have been immediately censured if they had come forth beyond the Alps or the Rhine. In this way a certain laxity grew up side by side with an unmeasured distrust, and German theologians and historians escaped censure.

This toleration gains significance from its contrast to the severity with which Rome smote the German philosophers like Hermes and Günther when they erred. Here, indeed, the case was very different. If Rome had insisted upon suppressing documents, perverting facts, and resisting criticism, she would have been only opposing truth, and opposing it consciously, for fear of its inconveniences. But if she had refrained from denouncing a philosophy which denied creation or the personality of God, she would have failed to assert her own doctrines against her own children who contradicted them. The philosopher cannot claim the same exemption as the historian. God's handwriting exists in history independently of the Church, and no ecclesiastical exigence can alter a fact. The divine lesson has been read, and it is the historian's duty to copy it faithfully without bias and without ulterior views.

The Catholic may be sure that as the Church has lived in spite of the fact, she will also survive its publication. But philosophy has to deal with some facts which, although as absolute and objective in themselves, are not and cannot be known to us except through revelation, of which the Church is the organ. A philosophy which requires the alteration of these facts is in patent contradiction against the Church. Both cannot coexist. One must destroy the other.

Two circumstances very naturally arose to disturb this equilibrium. There were divines who wished to extend to Germany the old authority of the Index, and to censure or prohibit books which, though not heretical, contained matter injurious to the reputation of ecclesiastical authority, or contrary to the common opinions of Catholic theologians. On the other hand, there were philosophers of the schools of Hermes and Günther who would not retract the doctrines which the Church condemned. One movement tended to repress even the knowledge of demonstrable truth, and the other aimed at destroying the dogmatic authority of the Holy See. In this way a collision was prepared, which was eventually brought about by the writings of Dr. Frohschammer.

Ten years ago, when he was a very young lecturer on philosophy in the university of Munich, he published a work on the origin of the soul, in which he argued against the theory of pre-existence, and against the common opinion that each soul is created directly by Almighty God, defending the theory of Generationism by the authority of several Fathers, and quoting, among other modern divines, Klee, the author of the most esteemed treatise of dogmatic theology in the German language. It was decided at Rome that his book should be condemned, and he was informed of the intention, in order that he might announce his submission before the publication of the decree.

His position was a difficult one, and it appears to be admitted that his conduct at this stage was not prompted by those opinions on the authority of the Church in which he

afterwards took refuge, but must be explained by the known facts of the case. His doctrine had been lately taught in a book generally read and approved. He was convinced that he had at least refuted the opposite theories, and yet it was apparently in behalf of one of these that he was condemned. Whatever errors his book contained, he might fear that an act of submission would seem to imply his acceptance of an opinion he heartily believed to be wrong, and would therefore be an act of treason to truth. The decree conveyed no conviction to his mind. It is only the utterances of an infallible authority that men can believe without argument and explanation, and here was an authority not infallible, giving no reasons, and yet claiming a submission of the reason. Dr. Frohschammer found himself in a dilemma. To submit absolutely would either be a virtual acknowledgment of the infallibility of the authority, or a confession that an ecclesiastical decision necessarily bound the mind irrespective of its truth or justice. In either case he would have contradicted the law of religion and of the Church. To submit, while retaining his own opinion, to a disciplinary decree, in order to preserve peace and avoid scandal, and to make a general acknowledgment that his work contained various ill-considered and equivocal statements which might bear a bad construction,—such a conditional submission either would not have been that which the Roman Court desired and intended, or, if made without explicit statement of its meaning, would have been in some measure deceitful and hypocritical. In the first case it would not have been received, in the second case it could not have been made without loss of self-respect. Moreover, as the writer was a public professor, bound to instruct his hearers according to his best knowledge, he could not change his teaching while his opinion remained unchanged. These considerations, and not any desire to defy authority, or introduce new opinions by a process more or less revolutionary, appear to have guided his conduct. At this period it might have been possible to arrive at an understanding, or to ob-

tain satisfactory explanations, if the Roman Court would have told him what points were at issue, what passages in his book were impugned, and what were the grounds for suspecting them. If there was on both sides a peaceful and conciliatory spirit, and a desire to settle the problem, there was certainly a chance of effecting it by a candid interchange of explanations. It was a course which had proved efficacious on other occasions, and in the then recent discussion of Günther's system it had been pursued with great patience and decided success.

Before giving a definite reply, therefore, Dr. Frohschammer asked for information about the incriminated articles. This would have given him an opportunity of seeing his error, and making a submission *in foro interno*. But the request was refused. It was a favour, he was told, sometimes extended to men whose great services to the Church deserved such consideration, but not to one who was hardly known except by the very book which had incurred the censure. This answer instantly aroused a suspicion that the Roman Court was more anxious to assert its authority than to correct an alleged error, or to prevent a scandal. It was well known that the mistrust of German philosophy was very deep at Rome; and it seemed far from impossible that an intention existed to put it under all possible restraint.

This mistrust on the part of the Roman divines was fully equalled, and so far justified, by a corresponding literary contempt on the part of many German Catholic scholars. It is easy to understand the grounds of this feeling. The German writers were engaged in an arduous struggle, in which their antagonists were sustained by intellectual power, solid learning, and deep thought, such as the defenders of the Church in Catholic countries have never had to encounter. In this conflict the Italian divines could render no assistance. They had shown themselves altogether incompetent to cope with modern science. The Germans, therefore, unable to recognise them as auxiliaries, soon ceased to regard them as equals, or as scientific di-

vines at all. Without impeaching their orthodoxy, they learned to look on them as men incapable of understanding and mastering the ideas of a literature so very remote from their own, and to attach no more value to the unreasoned decrees of their organ than to the undefended *ipse dixit* of a theologian of secondary rank. This opinion sprang, not from national prejudice or from the self-appreciation of individuals comparing their own works with those of the Roman divines, but from a general view of the relation of these divines, among whom there are several distinguished Germans, to the literature of Germany. It was thus a corporate feeling, which might be shared even by one who was conscious of his own inferiority, or who had written nothing at all. Such a man, weighing the opinion of the theologians of the Gesù and the Minerva, not in the scale of his own performance, but in that of the great achievements of his age, might well be reluctant to accept their verdict upon them without some aid of argument and explanation.

On the other hand, it appeared that a blow which struck the Catholic scholars of Germany would assure to the victorious congregation of Roman divines an easy supremacy over the writers of all other countries. The case of Dr. Frohschammer might be made to test what degree of control it would be possible to exercise over his countrymen, the only body of writers at whom alarm was felt, and who insisted, more than others, on their freedom. But the suspicion of such a possibility was likely only to confirm him in the idea that he was chosen to be the experimental body on which an important principle was to be decided, and that it was his duty, till his dogmatic error was proved, to resist a questionable encroachment of authority upon the rights of freedom. He therefore refused to make the preliminary submission which was required of him, and allowed the decree to go forth against him in the usual way. Hereupon it was intimated to him—though not by Rome—that he had incurred excommunication. This was the measure which raised the momentous question of the lib-

erties of Catholic science, and gave the impulse to that new theory on the limits of authority with which his name has become associated.

In the civil affairs of mankind it is necessary to assume that the knowledge of the moral code and the traditions of law cannot perish in a Christian nation. Particular authorities may fall into error; decisions maybe appealed against; laws may be repealed, but the political conscience of the whole people cannot be irrecoverably lost. The Church possesses the same privilege, but in a much higher degree, for she exists expressly for the purpose of preserving a definite body of truths, the knowledge of which she can never lose. Whatever authority, therefore, expresses that knowledge of which she is the keeper must be obeyed. But there is no institution from which this knowledge can be obtained with immediate certainty. A council is not *à priori* œcumenical; the Holy See is not separately infallible. The one has to await a sanction, the other has repeatedly erred. Every decree, therefore, requires a preliminary examination.

A writer who is censured may, in the first place, yield an external submission, either for the sake of discipline, or because his conviction is too weak to support him against the weight of authority. But if the question at issue is more important than the preservation of peace, and if his conviction is strong, he inquires whether the authority which condemns him utters the voice of the Church. If he finds that it does, he yields to it, or ceases to profess the faith of Catholics. If he finds that it does not, but is only the voice of authority, he owes it to his conscience, and to the supreme claims of truth, to remain constant to that which he believes, in spite of opposition. No authority has power to impose error, and, if it resists the truth, the truth must be upheld until it is admitted. Now the adversaries of Dr. Fröhschammer had fallen into the monstrous error of attributing to the congregation of the Index a share in the infallibility of the Church. He was placed in the position of a persecuted man, and the

general sympathy was with him. In his defence he proceeded to state his theory of the rights of science, in order to vindicate the Church from the imputation of restricting its freedom. Hitherto his works had been written in defence of a Christian philosophy against materialism and infidelity. Their object had been thoroughly religious, and although he was not deeply read in ecclesiastical literature, and was often loose and incautious in the use of theological terms, his writings had not been wanting in catholicity of spirit; but after his condemnation by Rome he undertook to pull down the power which had dealt the blow, and to make himself safe for the future. In this spirit of personal antagonism he commenced a long series of writings in defence of freedom and in defiance of authority.

The following abstract marks, not so much the outline of his system, as the logical steps which carried him to the point where he passed beyond the limit of Catholicism. Religion, he taught, supplies materials but no criterion for philosophy; philosophy has nothing to rely on, in the last resort, but the unfailling veracity of our nature, which is not corrupt or weak, but normally healthy, and unable to deceive us. There is not greater diversion or uncertainty in matters of speculation than on questions of faith. If at any time error or doubt should arise, the science possesses in itself the means of correcting or removing it, and no other remedy is efficacious but that which it applies to itself. There can be no free philosophy if we must always remember dogma. Philosophy includes in its sphere all the dogmas of revelation, as well as those of natural religion. It examines by its own independent light the substance of every Christian doctrine, and determines in each case whether it be divine truth. The conclusions and judgments at which it thus arrives must be maintained even when they contradict articles of faith. As we accept the evidence of astronomy in opposition to the once settled opinion of divines, so we should not shrink from the evidence of chemistry if it should be adverse to transubstantiation. The Church, on the other hand, examines

these conclusions by her standard of faith, and decides whether they can be taught in theology. But she has no means of ascertaining the philosophical truth of an opinion, and cannot convict the philosopher of error. The two domains are as distinct as reason and faith; and we must not identify what we know with what we believe, but must separate the philosopher from his philosophy. The system may be utterly at variance with the whole teaching of Christianity, and yet the philosopher, while he holds it to be philosophically true and certain, may continue to believe all Catholic doctrine, and to perform all the spiritual duties of a layman or a priest. For discord cannot exist between the certain results of scientific investigation and the real doctrines of the Church. Both are true, and there is no conflict of truths. But while the teaching of science is distinct and definite, that of the Church is subject to alteration. Theology is at no time absolutely complete, but always liable to be modified, and cannot, therefore, be made a fixed test of truth. Consequently there is no reason against the union of the Churches. For the liberty of private judgment, which is the formal principle of Protestantism, belongs to Catholics; and there is no actual Catholic dogma which may not lose all that is objectionable to Protestants by the transforming process of development.

The errors of Dr. Frohschammer in these passages are not exclusively his own. He has only drawn certain conclusions from premises which are very commonly received. Nothing is more usual than to confound religious truth with the voice of ecclesiastical authority. Dr. Frohschammer, having fallen into this vulgar mistake, argues that because the authority is fallible the truth must be uncertain. Many Catholics attribute to theological opinions which have prevailed for centuries without reproach a sacredness nearly approaching that which belongs to articles of faith: Dr. Frohschammer extends to defined dogmas the liability to change which belongs to opinions that yet await a final and conclusive investigation. Thousands of zealous men are persuaded that a conflict may arise between defined

doctrines of the Church and conclusions which are certain according to all the tests of science: Dr. Frohschammer adopts this view, and argues that none of the decisions of the Church are final, and that consequently in such a case they must give way. Lastly, uninstructed men commonly impute to historical and natural science the uncertainty which is inseparable from pure speculation: Dr. Frohschammer accepts the equality, but claims for metaphysics the same certainty and independence which those sciences possess.

Having begun his course in company with many who have exactly opposite ends in view, Dr. Frohschammer, in a recent tract on the union of the Churches, entirely separates himself from the Catholic Church in his theory of development. He had received the impulse to his new system from the opposition of those whom he considered the advocates of an excessive uniformity and the enemies of progress, and their contradiction has driven him to a point where he entirely sacrifices unity to change. He now affirms that our Lord desired no unity or perfect conformity among His followers, except in morals and charity; that He gave no definite system of doctrine; and that the form which Christian faith may have assumed in a particular age has no validity for all future time, but is subject to continual modification. The definitions, he says, which the Church has made from time to time are not to be obstinately adhered to; and the advancement of religious knowledge is obtained by genius, not by learning, and is not regulated by traditions and fixed rules. He maintains that not only the form but the substance varies; that the belief of one age may be not only extended but abandoned in another; and that it is impossible to draw the line which separates immutable dogma from undecided opinions.

The causes which drove Dr. Frohschammer into heresy would scarcely have deserved great attention from the mere merit of the man, for he cannot be acquitted of having, in the first instance, exhibited very superficial notions

of theology. Their instructiveness consists in the conspicuous example they afford of the effect of certain errors which at the present day are commonly held and rarely contradicted. When he found himself censured unjustly, as he thought, by the Holy See, it should have been enough for him to believe in his conscience that he was in agreement with the true faith of the Church. He would not then have proceeded to consider the whole Church infected with the liability to err from which her rulers are not exempt, or to degrade the fundamental truths of Christianity to the level of mere school opinions. Authority appeared in his eyes to stand for the whole Church: and therefore, in endeavouring to shield himself from its influence, he abandoned the first principles of the ecclesiastical system. Far from having aided the cause of freedom, his errors have provoked a reaction against it, which must be looked upon with deep anxiety, and of which the first significant symptom remains to be described.

On the 21st of December 1863, the Pope addressed a Brief to the Archbishop of Munich, which was published on the 5th of March. This document explains that the Holy Father had originally been led to suspect the recent Congress at Munich of a tendency similar to that of Frohschammer, and had consequently viewed it with great distrust; but that these feelings were removed by the address which was adopted at the meeting, and by the report of the Archbishop. And he expresses the consolation he has derived from the principles which prevailed in the assembly, and applauds the design of those by whom it was convened. He asked for the opinion of the German prelates, in order to be able to determine whether, in the present circumstances of their Church, it is right that the Congress should be renewed.

Besides the censure of the doctrines of Frohschammer, and the approbation given to the acts of the Munich Congress, the Brief contains passages of deeper and more general import, not directly touching the action of the German divines, but having an important bearing on the

position of this *Review*. The substance of these passages is as follows: In the present condition of society the supreme authority in the Church is more than ever necessary, and must not surrender in the smallest degree the exclusive direction of ecclesiastical knowledge. An entire obedience to the decrees of the Holy See and the Roman congregations cannot be inconsistent with the freedom and progress of science. The disposition to find fault with the scholastic theology, and to dispute the conclusions and the method of its teachers, threatens the authority of the Church, because the Church has not only allowed theology to remain for centuries faithful to their system, but has urgently recommended it as the safest bulwark of the faith, and an efficient weapon against her enemies. Catholic writers are not bound only by those decisions of the infallible Church which regard articles of faith. They must also submit to the theological decisions of the Roman congregations, and to the opinions which are commonly received in the schools. And it is wrong, though not heretical, to reject those decisions or opinions.

In a word, therefore, the Brief affirms that the common opinions and explanations of Catholic divines ought not to yield to the progress of secular science, and that the course of theological knowledge ought to be controlled by the decrees of the Index.

There is no doubt that the letter of this document might be interpreted in a sense consistent with the habitual language of the *Home and Foreign Review*. On the one hand, the censure is evidently aimed at that exaggerated claim of independence which would deny to the Pope and the Episcopate any right of interfering in literature, and would transfer the whole weight heretofore belonging to the traditions of the schools of theology to the incomplete, and therefore uncertain, conclusions of modern science. On the other hand, the *Review* has always maintained, in common with all Catholics, that if the one Church has an organ it is through that organ that she must speak; that her authority is not limited to the precise

sphere of her infallibility; and that opinions which she has long tolerated or approved, and has for centuries found compatible with the secular as well as religious knowledge of the age, cannot be lightly supplanted by new hypotheses of scientific men, which have not yet had time to prove their consistency with dogmatic truth. But such a plausible accommodation, even if it were honest or dignified, would only disguise and obscure those ideas which it has been the chief object of the *Review* to proclaim. It is, therefore, not only more respectful to the Holy See, but more serviceable to the principles of the *Review* itself, and more in accordance with the spirit in which it has been conducted, to interpret the words of the Pope as they were really meant, than to elude their consequences by subtle distinctions, and to profess a formal adoption of maxims which no man who holds the principles of the *Review* can accept in their intended signification.

One of these maxims is that theological and other opinions long held and allowed in the Church gather truth from time, and an authority in some sort binding from the implied sanction of the Holy See, so that they cannot be rejected without rashness; and that the decrees of the congregation of the Index possess an authority quite independent of the acquirements of the men composing it. This is no new opinion; it is only expressed on the present occasion with unusual solemnity and distinctness. But one of the essential principles of this *Review* consists in a clear recognition, first, of the infinite gulf which in theology separates what is of faith from what is not of faith,—revealed dogmas from opinions unconnected with them by logical necessity, and therefore incapable of anything higher than a natural certainty—and next, of the practical difference which exists in ecclesiastical discipline between the acts of infallible authority and those which possess no higher sanction than that of canonical legality. That which is not decided with dogmatic infallibility is for the time susceptible only of a scientific determination, which advances with the progress of science, and becomes

absolute only where science has attained its final results. On the one hand, this scientific progress is beneficial, and even necessary, to the Church; on the other, it must inevitably be opposed by the guardians of traditional opinion, to whom, as such, no share in it belongs, and who, by their own acts and those of their predecessors, are committed to views which it menaces or destroys. The same principle which, in certain conjunctures, imposes the duty of surrendering received opinions imposes in equal extent, and under like conditions, the duty of disregarding the fallible authorities that uphold them.

It is the design of the Holy See not, of course, to deny the distinction between dogma and opinion, upon which this duty is founded, but to reduce the practical recognition of it among Catholics to the smallest possible limits. A grave question therefore arises as to the position of a *Review* founded in great part for the purpose of exemplifying this distinction. In considering the solution of this question two circumstances must be borne in mind: first, that the antagonism now so forcibly expressed has always been known and acknowledged; and secondly, that no part of the Brief applies directly to the *Review*. The *Review* was as distinctly opposed to the Roman sentiment before the Brief as since, and it is still as free from censure as before. It was at no time in virtual sympathy with authority on the points in question, and it is not now in formal conflict with authority.

But the definiteness with which the Holy See has pronounced its will, and the fact that it has taken the initiative, seem positively to invite adhesion, and to convey a special warning to all who have expressed opinions contrary to the maxims of the Brief. A periodical which not only has done so, but exists in a measure for the purpose of doing so, cannot with propriety refuse to survey the new position in which it is placed by this important act. For the conduct of a *Review* involves more delicate relations with the government of the Church than the authorship of an isolated book. When opinions which the author

defends are rejected at Rome, he either makes his submission, or, if his mind remains unaltered, silently leaves his book to take its chance, and to influence men according to its merits. But such passivity, however right and seemly in the author of a book, is inapplicable to the case of a *Review*. The periodical iteration rejected propositions would amount to insult and defiance, and would probably provoke more definite measures; and thus the result would be to commit authority yet more irrevocably to an opinion which otherwise might take no deep root, and might yield ultimately to the influence of time. For it is hard to surrender a cause on behalf of which a struggle has been sustained, and spiritual evils have been inflicted. In an isolated book, the author need discuss no more topics than he likes, and any want of agreement with ecclesiastical authority may receive so little prominence as to excite no attention. But a continuous *Review*, which adopted this kind of reserve, would give a negative prominence to the topics it persistently avoided, and by thus keeping before the world the position it occupied would hold out a perpetual invitation to its readers to judge between the Church and itself. Whatever it gained of approbation and assent would be so much lost to the authority and dignity of the Holy See. It could only hope to succeed by trading on the scandal it caused.

But in reality its success could no longer advance the cause of truth. For what is the Holy See in its relation to the masses of Catholics, and where does its strength lie? It is the organ, the mouth, the head of the Church. Its strength consists in its agreement with the general conviction of the faithful. When it expresses the common knowledge and sense of the age, or of a large majority of Catholics, its position is impregnable. The force it derives from this general support makes direct opposition hopeless, and therefore disedifying, tending only to division and promoting reaction rather than reform. The influence by which it is to be moved must be directed first on that which gives it strength, and must pervade the members in

order that it may reach the head. While the general sentiment of Catholics is unaltered, the course of the Holy See remains unaltered too. As soon as that sentiment is modified, Rome sympathises with the change. The ecclesiastical government, based upon the public opinion of the Church, and acting through it, cannot separate itself from the mass of the faithful, and keep pace with the progress of the instructed minority. It follows slowly and warily, and sometimes begins by resisting and denouncing what in the end it thoroughly adopts. Hence a direct controversy with Rome holds out the prospect of great evils, and at best a barren and unprofitable victory. The victory that is fruitful springs from that gradual change in the knowledge, the ideas, and the convictions of the Catholic body, which, in due time, overcomes the natural reluctance to forsake a beaten path, and by insensible degrees constrains the mouthpiece of tradition to conform itself to the new atmosphere with which it is surrounded. The slow, silent, indirect action of public opinion bears the Holy See along, without any demoralising conflict or dishonourable capitulation. This action belongs essentially to the graver scientific literature to direct: and the inquiry what form that literature should assume at any given moment involves no question which affects its substance, though it may often involve questions of moral fitness sufficiently decisive for a particular occasion.

It was never pretended that the *Home and Foreign Review* represented the opinions of the majority of Catholics. The Holy See has had their support in maintaining a view of the obligations of Catholic literature very different from the one which has been upheld in these pages; nor could it explicitly abandon that view without taking up a new position in the Church. All that could be hoped for on the other side was silence and forbearance, and for a time they have been conceded. But this is the case no longer. The toleration has now been pointedly withdrawn; and the adversaries of the Roman theory have been challenged with the summons to submit.

If the opinions for which submission is claimed were new, or if the opposition now signalised were one of which there had hitherto been any doubt, a question might have arisen as to the limits of the authority of the Holy See over the conscience, and the necessity or possibility of accepting the view which it propounds. But no problem of this kind has in fact presented itself for consideration. The differences which are now proclaimed have all along been acknowledged to exist; and the conductors of this *Review* are unable to yield their assent to the opinions put forward in the Brief.

In these circumstances there are two courses which it is impossible to take. It would be wrong to abandon principles which have been well considered and are sincerely held, and it would also be wrong to assail the authority which contradicts them. The principles have not ceased to be true, nor the authority to be legitimate, because the two are in contradiction. To submit the intellect and conscience without examining the reasonableness and justice of this decree, or to reject the authority on the ground of its having been abused, would equally be a sin, on one side against morals, on the other against faith. The conscience cannot be relieved by casting on the administrators of ecclesiastical discipline the whole responsibility of preserving religious truth; nor can it be emancipated by a virtual apostasy. For the Church is neither a despotism in which the convictions of the faithful possess no power of expressing themselves and no means of exercising legitimate control, nor is it an organised anarchy where the judicial and administrative powers are destitute of that authority which is conceded to them in civil society—the authority which commands submission even where it cannot impose a conviction of the righteousness of its acts.

No Catholic can contemplate without alarm the evil that would be caused by a Catholic journal persistently labouring to thwart the published will of the Holy See, and continuously defying its authority. The conductors of this *Review* refuse to take upon themselves the responsibility of

such a position. And if it were accepted, the *Review* would represent no section of Catholics. But the representative character is as essential to it as the opinions it professes, or the literary resources it commands. There is no lack of periodical publications representing science apart from religion, or religion apart from science. The distinctive feature of the *Home and Foreign Review* has been that it has attempted to exhibit the two in union; and the interest which has been attached to its views proceeded from the fact that they were put forward as essentially Catholic in proportion to their scientific truth, and as expressing more faithfully than even the voice of authority the genuine spirit of the Church in relation to intellect. Its object has been to elucidate the harmony which exists between religion and the established conclusions of secular knowledge, and to exhibit the real amity and sympathy between the methods of science and the methods employed by the Church. That amity and sympathy the enemies of the Church refuse to admit, and her friends have not learned to understand. Long disowned by a large part of our Episcopate, they are now rejected by the Holy See; and the issue is vital to a *Review* which, in ceasing to uphold them, would surrender the whole reason of its existence.

Warned, therefore, by the language of the Brief, I will not provoke ecclesiastical authority to a more explicit repudiation of doctrines which are necessary to secure its influence upon the advance of modern science. I will not challenge a conflict which would only deceive the world into a belief that religion cannot be harmonised with all that is right and true in the progress of the present age. But I will sacrifice the existence of the *Review* to the defence of its principles, in order that I may combine the obedience which is due to legitimate ecclesiastical authority, with an equally conscientious maintenance of the rightful and necessary liberty of thought. A conjuncture like the present does not perplex the conscience of a Catholic; for his obligation to refrain from wounding the

peace of the Church is neither more nor less real than that of professing nothing beside or against his convictions. If these duties have not been always understood, at least the *Home and Foreign Review* will not betray them; and the cause it has imperfectly expounded can be more efficiently served in future by means which will neither weaken the position of authority nor depend for their influence on its approval.

If, as I have heard, but now am scarcely anxious to believe, there are those, both in the communion of the Church and out of it, who have found comfort in the existence of this *Review*, and have watched its straight short course with hopeful interest, trusting it as a sign that the knowledge deposited in their minds by study, and transformed by conscience into inviolable convictions, was not only tolerated among Catholics, but might be reasonably held to be of the very essence of their system; who were willing to accept its principles as a possible solution of the difficulties they saw in Catholicism, and were even prepared to make its fate the touchstone of the real spirit of our hierarchy; or who deemed that while it lasted it promised them some immunity from the overwhelming pressure of uniformity, some safeguard against resistance to the growth of knowledge and of freedom, and some protection for themselves, since, however weak its influence as an auxiliary, it would, by its position, encounter the first shock, and so divert from others the censures which they apprehended; who have found a welcome encouragement in its confidence, a satisfaction in its sincerity when they shrank from revealing their own thoughts, or a salutary restraint when its moderation failed to satisfy their ardour; whom, not being Catholics, it has induced to think less hardly of the Church, or, being Catholics, has bound more strongly to her;—to all these I would say that the principles it has upheld will not die with it, but will find their destined advocates, and triumph in their appointed time. From the beginning of the Church it has been a law of her nature, that the truths which eventu-

ally proved themselves the legitimate products of her doctrine, have had to make their slow way upwards through a phalanx of hostile habits and traditions, and to be rescued, not only from open enemies, but also from friendly hands that were not worthy to defend them. It is right that in every arduous enterprise someone who stakes no influence on the issue should make the first essay, whilst the true champions, like the Triarii of the Roman legions, are behind, and wait, without wavering, until the crisis calls them forward.

And already it seems to have arrived. All that is being done for ecclesiastical learning by the priesthood of the Continent bears testimony to the truths which are now called in question; and every work of real science written by a Catholic adds to their force. The example of great writers aids their cause more powerfully than many theoretical discussions. Indeed, when the principles of the antagonism which divides Catholics have been brought clearly out, the part of theory is accomplished, and most of the work of a *Review* is done. It remains that the principles which have been made intelligible should be translated into practice, and should pass from the arena of discussion into the ethical code of literature. In that shape their efficacy will be acknowledged, and they will cease to be the object of alarm. Those who have been indignant at hearing that their methods are obsolete and their labours vain, will be taught by experience to recognise in the works of another school services to religion more momentous than those which they themselves have aspired to perform; practice will compel the assent which is denied to theory; and men will learn to value in the fruit what the germ did not reveal to them. Therefore it is to the prospect of that development of Catholic learning which is too powerful to be arrested or repressed that I would direct the thoughts of those who are tempted to yield either to a malignant joy or an unjust despondency at the language of the Holy See. If the spirit of the *Home and Foreign Review* really animates those whose sympathy it

enjoyed, neither their principles, nor their confidence, nor their hopes will be shaken by its extinction. It was but a partial and temporary embodiment of an imperishable idea—the faint reflection of a light which still lives and burns in the hearts of the silent thinkers of the Church.

THE VATICAN COUNCIL*

The intention of Pius IX to convene a General Council became known in the autumn of 1864, shortly before the appearance of the Syllabus. They were the two principal measures which were designed to restore the spiritual and temporal power of the Holy See. When the idea of the Council was first put forward it met with no favour. The French bishops discouraged it; and the French bishops holding the talisman of the occupying army, spoke with authority. Later on, when the position had been altered by the impulse which the Syllabus gave to the ultramontane opinions, they revived the scheme they had first opposed. Those who felt their influence injured by the change persuaded themselves that the Court of Rome was more prudent than some of its partisans, and that the Episcopate was less given to extremes than the priesthood and laity. They conceived the hope that an assembly of bishops would curb the intemperance of a zeal which was largely directed against their own order, and would authentically sanction such an exposition of Catholic ideas as would reconcile the animosity that feeds on things spoken in the heat of controversy, and on the errors of incompetent apologists. They had accepted the Syllabus; but they wished to obtain canonicity for their own interpretation of it. If those who had succeeded in assigning an acceptable meaning to its censures could appear in a body to plead their cause before the Pope, the pretensions which compromised the Church might be permanently repressed.

Once, during the struggle for the temporal power, the

question was pertinently asked, how it was that men so perspicacious and so enlightened as those who were its most conspicuous champions, could bring themselves to justify a system of government which their own principles condemned. The explanation then given was, that they were making a sacrifice which would be compensated hereafter, that those who succoured the Pope in his utmost need were establishing a claim which would make them irresistible in better times, when they should demand great acts of conciliation and reform. It appeared to these men that the time had come to reap the harvest they had arduously sown.

The Council did not originate in the desire to exalt beyond measure the cause of Rome. It was proposed in the interest of moderation; and the Bishop of Orleans was one of those who took the lead in promoting it. The Cardinals were consulted, and pronounced against it. The Pope overruled their resistance. Whatever embarrassments might be in store, and however difficult the enterprise, it was clear that it would evoke a force capable of accomplishing infinite good for religion. It was an instrument of unknown power that inspired little confidence, but awakened vague hopes of relief for the ills of society and the divisions of Christendom. The guardians of immovable traditions, and the leaders of progress in religious knowledge, were not to share in the work. The schism of the East was widened by the angry quarrel between Russia and the Pope; and the letter to the Protestants, whose orders are not recognised at Rome, could not be more than a ceremonious challenge. There was no promise of sympathy in these invitations or in the answers they provoked; but the belief spread to many schools of thought, and was held by Dr. Pusey and by Dean Stanley, by Professor Hase and by M. Guizot, that the auspicious issue of the Council was an object of vital care to all denominations of Christian men.

The Council of Trent impressed on the Church the stamp of an intolerant age, and perpetuated by its decrees

the spirit of an austere immorality. The ideas embodied in the Roman Inquisition became characteristic of a system which obeyed expediency by submitting to indefinite modification, but underwent no change of principle. Three centuries have so changed the world that the maxims with which the Church resisted the Reformation have become her weakness and her reproach, and that which arrested her decline now arrests her progress. To break effectually with that tradition and eradicate its influence, nothing less is required than an authority equal to that by which it was imposed. The Vatican Council was the first sufficient occasion which Catholicism had enjoyed to reform, remodel, and adapt the work of Trent. This idea was present among the motives which caused it to be summoned. It was apparent that two systems which cannot be reconciled were about to contend at the Council; but the extent and force of the reforming spirit were unknown.

Seventeen questions submitted by the Holy See to the bishops in 1867 concerned matters of discipline, the regulation of marriage and education, the policy of encouraging new monastic orders, and the means of making the parochial clergy more dependent on the bishops. They gave no indication of the deeper motives of the time. In the midst of many trivial proposals, the leading objects of reform grew more defined as the time approached, and men became conscious of distinct purposes based on a consistent notion of the Church. They received systematic expression from a Bohemian priest, whose work, *The Reform of the Church in its Head and Members*, is founded on practical experience, not only on literary theory, and is the most important manifesto of these ideas. The author exhorts the Council to restrict centralisation, to reduce the office of the Holy See to the ancient limits of its primacy, to restore to the Episcopate the prerogatives which have been confiscated by Rome, to abolish the temporal government, which is the prop of hierarchical despotism, to revise the matrimonial discipline, to suppress many religious orders and the solemn vows for all, to modify the absolute

rule of celibacy for the clergy, to admit the use of the vernacular in the Liturgy, to allow a larger share to the laity in the management of ecclesiastical affairs, to encourage the education of the clergy at universities, and to renounce the claims of mediæval theocracy, which are fruitful of suspicion between Church and State.

Many Catholics in many countries concurred in great part of this programme; but it was not the symbol of a connected party. Few agreed with the author in all parts of his ideal church, or did not think that he had omitted essential points. Among the inveterate abuses which the Council of Trent failed to extirpate was the very one which gave the first impulse to Lutheranism. The belief is still retained in the superficial Catholicism of Southern Europe that the Pope can release the dead from Purgatory; and money is obtained at Rome on the assurance that every mass said at a particular altar opens heaven to the soul for which it is offered up. On the other hand, the Index of prohibited books is an institution of Tridentine origin, which has become so unwieldy and opprobrious that even men of strong Roman sympathies, like the bishops of Würzburg and St. Pölten, recommended its reform. In France it was thought that the Government would surrender the organic articles, if the rights of the bishops and the clergy were made secure under the canon law, if national and diocesan synods were introduced, and if a proportionate share was given to Catholic countries in the Sacred College and the Roman congregations. The aspiration in which all the advocates of reform seemed to unite was that those customs should be changed which are connected with arbitrary power in the Church. And all the interests threatened by this movement combined in the endeavour to maintain intact the papal prerogative. To proclaim the Pope infallible was their compendious security against hostile States and Churches, against human liberty and authority, against disintegrating tolerance and rationalising science, against error and sin. It became

the common refuge of those who shunned what was called the liberal influence in Catholicism.

Pius IX constantly asserted that the desire of obtaining the recognition of papal infallibility was not originally his motive in convoking the Council. He did not require that a privilege which was practically undisputed should be further defined. The bishops, especially those of the minority, were never tired of saying that the Catholic world honoured and obeyed the Pope as it had never done before. Virtually he had exerted all the authority which the dogma could confer on him. In his first important utterance, the Encyclical of November 1846, he announced that he was infallible; and the claim raised no commotion. Later on he applied a more decisive test, and gained a more complete success, when the bishops summoned to Rome, not as a Council but as an audience, received from him an additional article of their faith. But apart from the dogma of infallibility he had a strong desire to establish certain cherished opinions of his own on a basis firm enough to outlast his time. They were collected in the Syllabus, which contained the essence of what he had written during many years, and was an abridgment of the lessons which his life had taught him. He was anxious that they should not be lost. They were part of a coherent system. The Syllabus was not rejected; but its edge was blunted and its point broken by the zeal which was spent in explaining it away; and the Pope feared that it would be contested if he repudiated the soothing interpretations. In private he said that he wished to have no interpreter but himself. While the Jesuit preachers proclaimed that the Syllabus bore the full sanction of infallibility, higher functionaries of the Court pointed out that it was an informal document, without definite official value. Probably the Pope would have been content that these his favourite ideas should be rescued from evasion by being incorporated in the canons of the Council. Papal infallibility was implied rather than included among them. Whilst the authority of his acts was

not resisted, he was not eager to disparage his right by exposing the need of a more exact definition. The opinions which Pius IX was anxiously promoting were not the mere fruit of his private meditations; they belonged to the doctrines of a great party, which was busily pursuing its own objects, and had not been always the party of the Pope. In the days of his trouble he had employed an advocate; and the advocate had absorbed the client. During his exile a Jesuit had asked his approbation for a Review, to be conducted by the best talents of the Order, and to be devoted to the papal cause; and he had warmly embraced the idea, less, it should seem, as a prince than as a divine. There were his sovereign rights to maintain; but there was also a doctrinaire interest, there were reminiscences of study as well as practical objects that recommended the project. In these personal views the Pope was not quite consistent. He had made himself the idol of Italian patriots, and of the liberal French Catholics; he had set Theiner to vindicate the suppresser of the Jesuits; and Rosmini, the most enlightened priest in Italy, had been his trusted friend. After his restoration he submitted to other influences; and the writers of the *Civiltà Cattolica*, which followed him to Rome and became his acknowledged organ, acquired power over his mind. These men were not identified with their Order. Their General, Rothman, had disliked the plan of the Review, foreseeing that the Society would be held responsible for writings which it did not approve, and would forfeit the flexibility in adapting itself to the moods of different countries, which is one of the secrets of its prosperity. The Pope arranged the matter by taking the writers under his own protection, and giving to them a sort of exemption and partial immunity under the rule of their Order. They are set apart from other Jesuits; they are assisted and supplied from the literary resources of the Order, and are animated more than any of its other writers by its genuine and characteristic spirit; but they act on their own judgment under

the guidance of the Pope, and are a bodyguard, told off from the army, for the personal protection of the Sovereign. It is their easy function to fuse into one system the interests and ideas of the Pope and those of their Society. The result has been, not to weaken by compromise and accommodation, but to intensify both. The prudence and sagacity which are sustained in the government of the Jesuits by their complicated checks on power, and their consideration for the interests of the Order under many various conditions, do not always restrain men who are partially emancipated from its rigorous discipline and subject to a more capricious rule. They were chosen in their capacity as Jesuits, for the sake of the peculiar spirit which their system develops. The Pope appointed them on account of that devotion to himself which is a quality of the Order, and relieved them from some of the restraints which it imposes. He wished for something more papal than other Jesuits; and he himself became more subject to the Jesuits than other pontiffs. He made them a channel of his influence, and became an instrument of their own.

The Jesuits had continued to gain ground in Rome ever since the Pope's return. They had suffered more than others in the revolution that dethroned him; and they had their reward in the restoration. They had long been held in check by the Dominicans; but the theology of the Dominicans had been discountenanced and their spirit broken in 1854, when a doctrine which they had contested for centuries was proclaimed a dogma of faith. In the strife for the Pope's temporal dominion the Jesuits were most zealous; and they were busy in the preparation and in the defence of the Syllabus. They were connected with every measure for which the Pope most cared; and their divines became the oracles of the Roman congregations. The papal infallibility had been always their favourite doctrine. Its adoption by the Council promised to give to their theology official warrant, and to their Order the

supremacy in the Church. They were now in power; and they snatched their opportunity when the Council was convoked.

Efforts to establish this doctrine had been going on for years. The dogmatic decree of 1854 involved it so distinctly that its formal recognition seemed to be only a question of time and zeal. People even said that it was the real object of that decree to create a precedent which should make it impossible afterwards to deny papal infallibility. The Catechisms were altered, or new ones were substituted, in which it was taught. After 1852 the doctrine began to show itself in the Acts of provincial synods, and it was afterwards supposed that the bishops of those provinces were committed to it. One of these synods was held at Cologne; and three surviving members were in the Council at Rome, of whom two were in the minority, and the third had continued in his writings to oppose the doctrine of infallibility, after it had found its way into the Cologne decree. The suspicion that the Acts had been tampered with is suggested by what passed at the synod of Baltimore in 1866. The Archbishop of St. Louis signed the Acts of that synod under protest, and after obtaining a pledge that his protest would be inserted by the apostolic delegate. The pledge was not kept. "I complain," writes the archbishop, "that the promise which had been given was broken. The Acts ought to have been published in their integrity, or not at all." This process was carried on so boldly that men understood what was to come. Protestants foretold that the Catholics would not rest until the Pope was formally declared infallible; and a prelate returning from the meeting of bishops at Rome in 1862 was startled at being asked by a clear-sighted friend whether infallibility had not been brought forward.

It was produced not then, but at the next great meeting, in 1867. The Council had been announced; and the bishops wished to present an address to the Pope. Haynald, Archbishop of Colocza, held the pen, assisted by Franchi, one of the clever Roman prelates and by some bishops,

among whom were the Archbishop of Westminster and the Bishop of Orleans. An attempt was made to get the papal infallibility acknowledged in the address. Several bishops declared that they could not show themselves in their dioceses if they came back without having done anything for that doctrine. They were resisted in a way which made them complain that its very name irritated the French. Haynald refused their demand, but agreed to insert the well-known words of the Council of Florence; and the bishops did not go away empty-handed.

A few days before this attempt was made, the *Civiltà Cattolica* had begun to agitate, by proposing that Catholics should bind themselves to die, if need be, for the truth of the doctrine; and the article was printed on a separate sheet, bearing the papal *imprimatur*, and distributed widely. The check administered by Haynald and his colleagues brought about a lull in the movement; but the French bishops had taken alarm, and Maret, the most learned of them, set about the preparation of his book.

During the winter of 1868-69 several commissions were created in Rome to make ready the materials for the Council. The dogmatic commission included the Jesuits Perrone, Schrader, and Franzelin. The question of infallibility was proposed to it by Cardoni, Archbishop of Edessa, in a dissertation which, having been revised, was afterwards published, and accepted by the leading Roman divines as an adequate exposition of their case. The dogma was approved unanimously, with the exception of one vote, Alzog of Freiberg being the only dissentient. When the other German divines who were in Rome learned the scheme that was on foot in the Dogmatic Commission, they resolved to protest, but were prevented by some of their colleagues. They gave the alarm in Germany. The intention to proclaim infallibility at the Council was no longer a secret. The first bishop who made the wish public was Fessler of St. Pölten. His language was guarded, and he only prepared his readers for a probable contingency; but he was soon followed by the Bishop of Nîmes, who thought the dis-

cussion of the dogma superfluous, and foreshadowed a vote by acclamation. The *Civiltà* on the 6th of February gave utterance to the hope that the Council would not hesitate to proclaim the dogma and confirm the Syllabus in less than a month. Five days later the Pope wrote to some Venetians who had taken a vow to uphold his infallibility, encouraging their noble resolution to defend his supreme authority and all his rights. Until the month of May Cardinal Antonelli's confidential language to diplomatists was that the dogma was to be proclaimed, and that it would encounter no difficulty.

Cardinal Reisach was to have been the President of the Council. As Archbishop of Munich he had allowed himself and his diocese to be governed by the ablest of all the ultramontane divines. During his long residence in Rome he rose to high estimation, because he was reputed to possess the secret, and to have discovered the vanity, of German science. He had amused himself with Christian antiquities; and his friendship for the great explorer De' Rossi brought him for a time under suspicion of liberality. But later he became unrelenting in his ardour for the objects of the *Civiltà*, and regained the confidence of the Pope. The German bishops complained that he betrayed their interests, and that their church had suffered mischief from his paramount influence. But in Rome his easy temper and affable manners made him friends; and the Court knew that there was no cardinal on whom it was so safe to rely.

Fessler, the first bishop who gave the signal of the intended definition, was appointed Secretary. He was esteemed a learned man in Austria, and he was wisely chosen to dispel the suspicion that the conduct of the Council was to be jealously retained in Roman hands, and to prove that there are qualities by which the confidence of the Court could be won by men of a less favoured nation. Besides the President and Secretary, the most conspicuous of the Pope's theological advisers was a German. At the time when Passaglia's reputation was great in

Rome, his companion Clement Schrader shared the fame of his solid erudition. When Passaglia fell into disgrace, his friend smote him with reproaches and intimated the belief that he would follow the footsteps of Luther and debauch a nun. Schrader is the most candid and consistent asserter of the papal claims. He does not shrink from the consequences of the persecuting theory; and he has given the most authentic and unvarnished exposition of the Syllabus. He was the first who spoke out openly what others were variously attempting to compromise or to conceal. While the Paris Jesuits got into trouble for extenuating the Roman doctrine, and had to be kept up to the mark by an abbé who reminded them that the Pope, as a physical person, and without co-operation of the Episcopate, is infallible, Schrader proclaimed that his will is supreme even against the joint and several opinions of the bishops.

When the proceedings of the dogmatic commission, the acts of the Pope, and the language of French and Austrian bishops, and of the press serving the interests of Rome, announced that the proclamation of infallibility had ceased to be merely the aspiration of a party and was the object of a design deliberately set on foot by those to whom the preparation and management of the Council pertained, men became aware that an extraordinary crisis was impending, and that they needed to make themselves familiar with an unforeseen problem. The sense of its gravity made slow progress. The persuasion was strong among divines that the Episcopate would not surrender to a party which was odious to many of them; and politicians were reluctant to believe that schemes were ripening such as Fessler described, schemes intended to alter the relations between Church and State. When the entire plan was made public by the *Allgemeine Zeitung* in March 1869, many refused to be convinced.

It happened that a statesman was in office who had occasion to know that the information was accurate. The Prime Minister of Bavaria, Prince Hohenlohe, was the brother of a cardinal; the University of Munich was rep-

resented on the Roman commissions by an illustrious scholar; and the news of the thing that was preparing came through trustworthy channels. On the 9th of April Prince Hohenlohe sent out a diplomatic circular on the subject to the Council. He pointed out that it was not called into existence by any purely theological emergency, and that the one dogma which was to be brought before it involved all those claims which cause collisions between Church and State, and threaten the liberty and the security of governments. Of the five Roman Commissions, one was appointed for the express purpose of dealing with the mixed topics common to religion and to politics. Besides infallibility and politics, the Council was to be occupied with the Syllabus, which is in part directed against maxims of State. The avowed purpose of the Council being so largely political, the governments could not remain indifferent to its action; lest they should be driven afterwards to adopt measures which would be hostile, it would be better at once to seek an understanding by friendly means and to obtain assurance that all irritating deliberations should be avoided, and no business touching the State transacted except in presence of its representatives. He proposed that the governments should hold a conference to arrange a plan for the protection of their common interest.

Important measures proposed by small States are subject to suspicion of being prompted by a greater Power. Prince Hohenlohe, as a friend of the Prussian alliance, was supposed to be acting in this matter in concert with Berlin. This good understanding was suspected at Vienna; for the Austrian Chancellor was more conspicuous as an enemy of Prussia than Hohenlohe as a friend. Count Beust traced the influence of Count Bismarck in the Bavarian circular. He replied, on behalf of the Catholic empire of Austria, that there were no grounds to impute political objects to the Council, and that repression and not prevention was the only policy compatible with free institutions. After the refusal of Austria, the idea of a conference was dismissed

by the other Powers; and the first of the storm clouds that darkened the horizon of infallibility passed without breaking.

Although united action was abandoned, the idea of sending ambassadors to the Council still offered the most inoffensive and amicable means of preventing the danger of subsequent conflict. Its policy or impolicy was a question to be decided by France. Several bishops, and Cardinal Bonnechose among the rest, urged the Government to resume its ancient privilege, and send a representative. But two powerful parties, united in nothing else, agreed in demanding absolute neutrality. The democracy wished that no impediment should be put in the way of an enterprise which promised to sever the connection of the State with the Church. M. Ollivier set forth this opinion in July 1858, in a speech which was to serve him in his candidature for office; and in the autumn of 1869 it was certain that he would soon be in power. The ministers could not insist on being admitted to the Council, where they were not invited, without making a violent demonstration in a direction they knew would not be followed. The ultramontanes were even more eager than their enemies to exclude an influence that might embarrass their policy. The Archbishop of Paris, by giving the same advice, settled the question. He probably reckoned on his own power of mediating between France and Rome. The French Court long imagined that the dogma would be set aside, and that the mass of the French bishops opposed it. At last they perceived that they were mistaken, and the Emperor said to Cardinal Bonnechose, "You are going to give your signature to decrees already made." He ascertained the names of the bishops who would resist; and it was known that he was anxious for their success. But he was resolved that it should be gained by them, and not by the pressure of his diplomacy at the cost of displeasing the Pope. The Minister of Foreign Affairs and his chief secretary were counted by the Court of Rome among its friends; and the ordinary ambassador started for his post with instructions to concil-

iate, and to run no risk of a quarrel. He arrived at Rome believing that there would be a speculative conflict between the extremes of Roman and German theology, which would admit of being reconciled by the safer and more sober wisdom of the French bishops, backed by an impartial embassy. His credulity was an encumbrance to the cause which it was his mission and his wish to serve.

In Germany the plan of penetrating the Council with lay influence took strange form. It was proposed that the German Catholics should be represented by King John of Saxony. As a Catholic and a scholar, who had shown, in his Commentary on Dante, that he had read St. Thomas, and as a prince personally esteemed by the Pope, it was conceived that his presence would be a salutary restraint. It was an impracticable idea; but letters which reached Rome during the winter raised an impression that the King regretted that he could not be there. The opinion of Germany would still have some weight if the North and South, which included more than thirteen millions of Catholics, worked together. It was the policy of Hohenlohe to use this united force, and the ultramontanes learned to regard him as a very formidable antagonist. When their first great triumph, in the election of the Commission on Doctrine, was accomplished, the commentary of a Roman prelate was, "Che colpo per il Principe Hohenlohe!" The Bavarian envoy in Rome did not share the views of his chief, and he was recalled in November. His successor had capacity to carry out the known policy of the prince; but early in the winter the ultramontanes drove Hohenlohe from office, and their victory, though it was exercised with moderation, and was not followed by a total change of policy, neutralised the influence of Bavaria in the Council.

The fall of Hohenlohe and the abstention of France hampered the Federal Government of Northern Germany. For its Catholic subjects, and ultimately in view of the rivalry with France, to retain the friendship of the papacy is a fixed maxim at Berlin. Count Bismarck laid down the rule that Prussia should display no definite purpose in a

cause which was not her own, but should studiously keep abreast of the North German bishops. Those bishops neither invoked, nor by their conduct invited, the co-operation of the State; and its influence would have been banished from the Council but for the minister who represented it in Rome. The vicissitudes of a General Council are so far removed from the normal experience of statesmen that they could not well be studied or acted upon from a distance. A government that strictly controlled and dictated the conduct of its envoy was sure to go wrong, and to frustrate action by theory. A government that trusted the advice of its minister present on the spot enjoyed a great advantage. Baron Arnim was favourably situated. A Catholic belonging to any but the ultramontane school would have been less willingly listened to in Rome than a Protestant who was a conservative in politics, and whose regard for the interests of religion was so undamaged by the sectarian taint that he was known to be sincere in the wish that Catholics should have cause to rejoice in the prosperity of their Church. The apathy of Austria and the vacillation of France contributed to his influence, for he enjoyed the confidence of bishops from both countries; and he was able to guide his own government in its course towards the Council.

The English Government was content to learn more and to speak less than the other Powers at Rome. The usual distrust of the Roman Court towards a Liberal ministry in England was increased at the moment by the measure which the Catholics had desired and applauded. It seemed improbable to men more solicitous for acquired rights than for general political principle, that Protestant statesmen who disestablished their own Church could feel a very sincere interest in the welfare of another. Ministers so utopian as to give up solid goods for an imaginary righteousness seemed, as practical advisers, open to grave suspicion. Mr. Gladstone was feared as the apostle of those doctrines to which Rome owes many losses. Public opinion in England was not prepared to look on papal infallibility

as a matter of national concern, more than other dogmas which make enemies to Catholicism. Even if the Government could have admitted the Prussian maxim of keeping in line with the bishops, it would have accomplished nothing. The English bishops were divided; but the Irish bishops, who are the natural foes of the Fenian plot, were by an immense majority on the ultramontane side. There was almost an ostentation of care on the part of the Government to avoid the appearance of wishing to influence the bishops or the Court of Rome. When at length England publicly concurred in the remonstrances of France, events had happened which showed that the Council was raising up dangers for both Catholic and liberal interests. It was a result so easy to foresee, that the Government had made it clear from the beginning that its extreme reserve was not due to indifference.

The lesser Catholic Powers were almost unrepresented in Rome. The government of the Regent of Spain possessed no moral authority over bishops appointed by the Queen; and the revolution had proved so hostile to the clergy that they were forced to depend on the Pope. Diplomatic relations being interrupted, there was nothing to restrain them from seeking favour by unqualified obedience.

Portugal had appointed the Count de Lavradio ambassador to the Council; but when he found that he was alone he retained only the character of envoy to the Holy See. He had weight with the small group of Portuguese bishops; but he died before he could be of use, and they drifted into submission.

Belgium was governed by M. Frère Orban, one of the most anxious and laborious enemies of the hierarchy, who had no inducement to interfere with an event which justified his enmity, and was, moreover, the unanimous wish of the Belgium Episcopate. When Protestant and Catholic Powers joined in exhorting Rome to moderation, Belgium was left out. Russia was the only Power that treated the Church with actual hostility during the Council, and cal-

culated the advantage to be derived from decrees which would intensify the schism.

Italy was more deeply interested in the events at Rome than any other nation. The hostility of the clergy was felt both in the political and financial difficulties of the kingdom; and the prospect of conciliation would suffer equally from decrees confirming the Roman claims, or from an invidious interposition of the State. Public opinion watched the preparations for the Council with frivolous disdain; but the course to be taken was carefully considered by the Menabrea Cabinet. The laws still subsisted which enabled the State to interfere in religious affairs; and the government was legally entitled to prohibit the attendance of the bishops at the Council, or to recall them from it. The confiscated church property was retained by the State, and the claims of the episcopate were not yet settled. More than one hundred votes on which Rome counted belonged to Italian subjects. The means of applying administrative pressure were therefore great, though diplomatic action was impossible. The Piedmontese wished that the resources of their ecclesiastical jurisprudence should be set in motion. But Minghetti, who had lately joined the Ministry, warmly advocated the opinion that the supreme principle of the liberty of the Church ought to override the remains of the older legislation, in a State consistently free; and, with the disposition of the Italians to confound Catholicism with the hierarchy, the policy of abstention was a triumph of liberality. The idea of Prince Hohenlohe, that religion ought to be maintained in its integrity and not only in its independence, that society is interested in protecting the Church even against herself, and that the enemies of her liberty are ecclesiastical as well as political, could find no favour in Italy. During the session of 1869, Menabrea gave no pledge to Parliament as to the Council; and the bishops who inquired whether they would be allowed to attend it were left unanswered until October. Menabrea then explained in a circular that the right of the bishops to go to the Council proceeded from the liberty of

conscience, and was not conceded under the old privileges of the crown, or as a favour that could imply responsibility for what was to be done. If the Church was molested in her freedom, excuse would be given for resisting the incorporation of Rome. If the Council came to decisions injurious to the safety of States, it would be attributed to the unnatural conditions created by the French occupation, and might be left to the enlightened judgment of Catholics.

It was proposed that the fund realised by the sale of the real property of the religious corporations should be administered for religious purposes by local boards of trustees representing the Catholic population, and that the State should abdicate in their favour its ecclesiastical patronage, and proceed to discharge the unsettled claims of the clergy. So great a change in the plans by which Sella and Rattazzi had impoverished the Church in 1866 and 1867 would, if frankly carried into execution, have encouraged an independent spirit among the Italian bishops; and the reports of the prefects represented about thirty of them as being favourable to conciliation. But the Ministry fell in November, and was succeeded by an administration whose leading members, Lanza and Sella, were enemies of religion. The Court of Rome was relieved from a serious peril.

The only European country whose influence was felt in the attitude of its bishops was one whose government sent out no diplomatists. While the Austrian Chancellor regarded the issue of the Council with a profane and supercilious eye, and so much indifference prevailed at Vienna that it was said that the ambassador at Rome did not read the decrees, and that Count Beust did not read his despatches, the Catholic statesmen in Hungary were intent on effecting a revolution in the Church. The system which was about to culminate in the proclamation of infallibility, and which tended to absorb all power from the circumference into the centre, and to substitute authority for autonomy, had begun at the lower extremities of the hier-

archical scale. The laity, which once had its share in the administration of Church property and in the deliberations of the clergy, had been gradually compelled to give up its rights to the priesthood, the priests to the bishops, and the bishops to the Pope. Hungary undertook to redress the process, and to correct centralised absolutism by self-government. In a memorandum drawn up in April 1848, the bishops imputed the decay of religion to the exclusion of the people from the management of all Church affairs, and proposed that whatever is not purely spiritual should be conducted by mixed boards, including lay representatives elected by the congregations. The war of the revolution and the reaction checked this design; and the Concordat threw things more than ever into clerical hands. The triumph of the liberal party after the peace of Prague revived the movements; and Eötvös called on the bishops to devise means of giving to the laity a share and an interest in religious concerns. The bishops agreed unanimously to the proposal of Deák, that the laity should have the majority in the boards of administration; and the new constitution of the Hungarian Church was adopted by the Catholic Congress on the 17th of October 1869, and approved by the King on the 25th. The ruling idea of this great measure was to make the laity supreme in all that is not liturgy and dogma, in patronage, property, and education; to break down clerical exclusiveness and government control; to deliver the people from the usurpations of the hierarchy, and the Church from the usurpations of the State. It was an attempt to reform the Church by constitutional principles, and to crush ultramontaniam by crushing Gallicanism. The Government, which had originated the scheme, was ready to surrender its privileges to the newly-constituted authorities; and the bishops acted in harmony with the ministers and with public opinion. Whilst this good understanding lasted, and while the bishops were engaged in applying the impartial principles of self-government at home, there was a strong security that they would not accept decrees that would undo their work.

Infallibility would not only condemn their system, but destroy their position. As the winter advanced the influence of these things became apparent. The ascendancy which the Hungarian bishops acquired from the beginning was due to other causes.

The political auspices under which the Council opened were very favourable to the papal cause. The promoters of infallibility were able to coin resources of the enmity which was shown to the Church. The danger which came to them from within was averted. The policy of Hohenlohe, which was afterwards revived by Daru, had been, for a time, completely abandoned by Europe. The battle between the papal and the episcopal principle could come off undisturbed, in closed lists. Political opposition there was none; but the Council had to be governed under the glare of inevitable publicity, with a free press in Europe, and hostile views prevalent in Catholic theology. The causes which made religious science utterly powerless in the strife, and kept it from grappling with the forces arrayed against it, are of deeper import than the issue of the contest itself.

While the voice of the bishops grew louder in praise of the Roman designs, the Bavarian Government consulted the universities, and elicited from the majority of the Munich faculty an opinion that the dogma of infallibility would be attended with serious danger to society. The author of the Bohemian pamphlet affirmed that it had not the conditions which would enable it ever to become the object of a valid definition. Janus compared the primacy, as it was known to the Fathers of the Church, with the ultramontane ideal, and traced the process of transformation through a long series of forgeries. Maret published his book some weeks after Janus and the Reform. It had been revised by several French bishops and divines, and was to serve as a vindication of the Sorbonne and the Gallicans, and as the manifesto of men who were to be present at the Council. It had not the merit of novelty or the fault of innovation, but renewed with as little offence as possi-

ble the language of the old French school. While Janus treated infallibility as the critical symptom of an ancient disease, Maret restricted his argument to what was directly involved in the defence of the Gallican position. Janus held that the doctrine was so firmly rooted and so widely supported in the existing constitution of the Church, that much must be modified before a genuine Œcumenical Council could be celebrated. Maret clung to the belief that the real voice of the Church would make itself heard at the Vatican. In direct contradiction with Janus, he kept before him the one practical object, to gain assent by making his views acceptable even to the unlearned.

At the last moment a tract appeared which has been universally attributed to Döllinger, which examined the evidences relied on by the infallibilists, and stated briefly the case against them. It pointed to the inference that their theory is not merely founded on an illogical and uncritical habit, but on unremitting dishonesty in the use of texts. This was coming near the secret of the whole controversy, and the point that made the interference of the Powers appear the only availing resource. For the sentiment on which infallibility is founded could not be reached by argument, the weapon of human reason, but resided in conclusions transcending evidence, and was the inaccessible postulate rather than demonstrable consequence of a system of religious faith. The two doctrines opposed, but never met each other. It was as much an instinct of the ultramontane theory to elude the tests of science as to resist the control of States. Its opponents, baffled and perplexed by the serene vitality of a view which was impervious to proof, saw want of principle where there was really a consistent principle, and blamed the ultramontane divines for that which was of the essence of ultramontane divinity. How it came that no appeal to revelation or tradition, to reason or conscience, appeared to have any bearing whatever on the issue is a mystery which Janus and Maret and Döllinger's reflections left unexplained.

The resources of mediæval learning were too slender to

preserve an authentic record of the growth and settlement of Catholic doctrine. Many writings of the Fathers were interpolated; others were unknown, and spurious matter was accepted in their place. Books bearing venerable names—Clement, Dionysius, Isidore—were forged for the purpose of supplying authorities for opinions that lacked the sanction of antiquity. When detection came, and it was found that fraud had been employed in sustaining doctrines bound up with the peculiar interests of Rome and of the religious Orders, there was an inducement to depreciate the evidences of antiquity, and to silence a voice that bore obnoxious testimony. The notion of tradition underwent a change; it was required to produce what it had not preserved. The Fathers had spoken of the unwritten teaching of the apostles, which was to be sought in the churches they had founded, of esoteric doctrines, and views which must be of apostolic origin because they are universal, of the inspiration of general Councils, and a revelation continued beyond the New Testament. But the Council of Trent resisted the conclusions which this language seemed to countenance, and they were left to be pursued by private speculation. One divine deprecated the vain pretence of arguing from Scripture, by which Luther could not be confuted, and the Catholics were losing ground; and at Trent a speaker averred that Christian doctrine had been so completely determined by the Schoolmen that there was no further need to recur to Scripture. This idea is not extinct, and Perrone uses it to explain the inferiority of Catholics as Biblical critics. If the Bible is inspired, says Peresius, still more must its interpretation be inspired. It must be interpreted variously, says the Cardinal of Cusa, according to necessity; a change in the opinion of the Church implies a change in the will of God. One of the greatest Tridentine divines declares that a doctrine must be true if the Church believes it, without any warrant from Scripture. According to Petavius, the general belief of Catholics at a given time is the work of God, and of higher authority than all antiquity and all the

Fathers. Scripture may be silent, and tradition contradictory, but the Church is independent of both. Any doctrine which Catholic divines commonly assert, without proof, to be revealed, must be taken as revealed. The testimony of Rome, as the only remaining apostolic Church, is equivalent to an unbroken chain of tradition. In this way, after Scripture had been subjugated, tradition itself was deposed; and the constant belief of the past yielded to the general conviction of the present. And, as antiquity had given way to universality, universality made way for authority. The Word of God and the authority of the Church came to be declared the two sources of religious knowledge. Divines of this school, after preferring the Church to the Bible, preferred the modern Church to the ancient, and ended by sacrificing both to the Pope. "We have not the authority of Scripture," wrote Prierias in his defence of Indulgences, "but we have the higher authority of the Roman pontiffs." A bishop who had been present at Trent confesses that in matters of faith he would believe a single Pope rather than a thousand Fathers, saints, and doctors. The divine training develops an orthodox instinct in the Church, which shows itself in the lives of devout but ignorant men more than in the researches of the learned, and teaches authority not to need the help of science, and not to heed its opposition. All the arguments by which theology supports a doctrine may prove to be false, without diminishing the certainty of its truth. The Church has not obtained, and is not bound to sustain it, by proof. She is supreme over fact as over doctrine, as Fénelon argues, because she is the supreme expounder of tradition, which is a chain of facts. Accordingly, the organ of one ultramontane bishop lately declared that infallibility could be defined without arguments; and the Bishop of Nîmes thought that the decision need not be preceded by long and careful discussion. The Dogmatic Commission of the Council proclaims that the existence of tradition has nothing to do with evidence, and that objections taken from history are not valid when contradicted

by ecclesiastical decrees. Authority must conquer history.

This inclination to get rid of evidence was specially associated with the doctrine of papal infallibility, because it is necessary that the Popes themselves should not testify against their own claim. They may be declared superior to all other authorities, but not to that of their own see. Their history is not irrelevant to the question of their rights. It could not be disregarded; and the provocation to alter or to deny its testimony was so urgent that men of piety and learning became a prey to the temptation of deceit. When it was discovered in the manuscript of the *Liber Diurnus* that the Popes had for centuries condemned Honorius in their profession of faith, Cardinal Bona, the most eminent man in Rome, advised that the book should be suppressed if the difficulty could not be got over; and it was suppressed accordingly. Men guilty of this kind of fraud would justify it by saying that their religion transcends the wisdom of philosophers, and cannot submit to the criticism of historians. If any fact manifestly contradicts a dogma, that is a warning to science to revise the evidence. There must be some defect in the materials or in the method. Pending its discovery, the true believer is constrained humbly but confidently to deny the fact.

The protest of conscience against this fraudulent piety grew loud and strong as the art of criticism became more certain. The use made of it by Catholics in the literature of the present age, and their acceptance of the conditions of scientific controversy, seemed to ecclesiastical authorities a sacrifice of principle. A jealousy arose that ripened into antipathy. Almost every writer who really served Catholicism fell sooner or later under the disgrace or the suspicion of Rome. But its censures had lost efficacy; and it was found that the progress of literature could only be brought under control by an increase of authority. This could be obtained if a general council declared the decisions of the Roman congregations absolute, and the Pope infallible.

The division between the Roman and the Catholic ele-

ments in the Church made it hopeless to mediate between them; and it is strange that men who must have regarded each other as insincere Christians or as insincere Catholics, should not have perceived that the meeting in Council was an imposture. It may be that a portion, though only a small portion, of those who failed to attend, stayed away from that motive. But the view proscribed at Rome was not largely represented in the episcopate; and it was doubtful whether it would be manifested at all. The opposition did not spring from it, but maintained itself by reducing to the utmost the distance that separated it from the strictly Roman opinions, and striving to prevent the open conflict of principles. It was composed of ultramontanes in the mask of liberals, and of liberals in the mask of ultramontanes. Therefore the victory or defeat of the minority was not the supreme issue of the Council. Besides and above the definition of infallibility arose the question how far the experience of the actual encounter would open the eyes and search the hearts of the reluctant bishops, and how far their language and their attitude would contribute to the impulse of future reform. There was a point of view from which the failure of all attempts to avert the result by false issues and foreign intrusion, and the success of the measures which repelled conciliation and brought on an open struggle and an overwhelming triumph, were means to another and a more importunate end.

Two events occurred in the autumn which portended trouble for the winter. On the 6th of September nineteen German bishops, assembled at Fulda, published a pastoral letter in which they affirmed that the whole episcopate was perfectly unanimous, that the Council would neither introduce new dogmas nor invade the civil province, and that the Pope intended its deliberations to be free. The patent and direct meaning of this declaration was that the bishops repudiated the design announced by the *Civiltà* and the *Allgemeine Zeitung*, and it was received at Rome with indignation. But it soon appeared that it was worded

with studied ambiguity, to be signed by men of opposite opinions, and to conceal the truth. The Bishop of Mentz read a paper, written by a professor of Würzburg, against the wisdom of raising the question, but expressed his own belief in the dogma of papal infallibility; and when another bishop stated his disbelief in it, the Bishop of Paderborn assured him that Rome would soon strip him of his heretical skin. The majority wished to prevent the definition, if possible, without disputing the doctrine; and they wrote a private letter to the Pope warning him of the danger, and entreating him to desist. Several bishops who had signed the pastoral refused their signatures to the private letter. It caused so much dismay at Rome that its nature was carefully concealed; and a diplomatist was able to report, on the authority of Cardinal Antonelli, that it did not exist.

In the middle of November, the Bishop of Orleans took leave of his diocese in a letter which touched lightly on the learned questions connected with papal infallibility, but described the objections to the definition as of such a kind that they could not be removed. Coming from a prelate who was so conspicuous as a champion of the papacy, who had saved the temporal power and justified the Syllabus, this declaration unexpectedly altered the situation at Rome. It was clear that the definition would be opposed, and that the opposition would have the support of illustrious names.

The bishops who began to arrive early in November were received with the assurance that the alarm which had been raised was founded on phantoms. It appeared that nobody had dreamed of defining infallibility, or that, if the idea had been entertained at all, it had been abandoned. Cardinals Antonelli, Berardi, and De Luca, and the Secretary Fessler disavowed the *Civiltà*. The ardent indiscretion that was displayed beyond the Alps contrasted strangely with the moderation, the friendly candour, the majestic and impartial wisdom, which were found to reign in the higher sphere of the hierarchy. A bishop,

afterwards noted among the opponents of the dogma, wrote home that the idea that infallibility was to be defined was entirely unfounded. It was represented as a mere fancy, got up in Bavarian newspapers, with evil intent; and the Bishop of Sura had been its dupe. The insidious report would have deserved contempt if it had caused a revival of obsolete opinions. It was a challenge to the Council to herald it with such demonstrations, and it unfortunately became difficult to leave it unnoticed. The decision must be left to the bishops. The Holy See could not restrain their legitimate ardour, if they chose to express it; but it would take no initiative. Whatever was done would require to be done with so much moderation as to satisfy everybody, and to avoid the offence of a party triumph. Some suggested that there should be no anathema for those who questioned the doctrine; and one prelate imagined that a formula could be contrived which even Janus could not dispute, and which yet would be found in reality to signify that the Pope is infallible. There was a general assumption that no materials existed for contention among the bishops, and that they stood united against the world.

Cardinal Antonelli openly refrained from connecting himself with the preparation of the Council, and surrounded himself with divines who were not of the ruling party. He had never learned to doubt the dogma itself; but he was keenly alive to the troubles it would bring upon him, and thought that the Pope was preparing a repetition of the difficulties which followed the beginning of his pontificate. He was not trusted as a divine, or consulted on questions of theology; but he was expected to ward off unflinching skill.

The Pope exhorted the diplomatic corps to aid him in allaying the alarm of the infatuated Germans. He assured one diplomatist that the *Civiltà* did not speak in his name. He told another that he would sanction no proposition that could sow dissension among the bishops. He said to a third, "You come to be present at a scene of

pacification." He described his object in summoning the Council to be to obtain a remedy for old abuses and for recent errors. More than once, addressing a group of bishops, he said that he would do nothing to raise disputes among them, and would be content with a declaration in favour of intolerance. He wished of course that Catholicism should have the benefit of toleration in England and Russia, but the principle must be repudiated by a Church holding the doctrine of exclusive salvation. The meaning of this intimation, that persecution would do as a substitute for infallibility, was that the most glaring obstacle to the definition would be removed if the Inquisition was recognised as consistent with Catholicism. Indeed it seemed that infallibility was a means to an end which could be obtained in other ways, and that he would have been satisfied with a decree confirming the twenty-third article of the Syllabus, and declaring that no Pope has ever exceeded the just bounds of his authority in faith, in politics, or in morals.

Most of the bishops had allowed themselves to be reassured, when the Bull *Multiplices inter*, regulating the procedure at the Council, was put into circulation in the first days of December. The Pope assumed to himself the sole initiative in proposing topics, and the exclusive nomination of the officers of the Council. He invited the bishops to bring forward their own proposals, but required that they should submit them first of all to a Commission which was appointed by himself, and consisted half of Italians. If any proposal was allowed to pass by this Commission, it had still to obtain the sanction of the Pope, who could therefore exclude at will any topic, even if the whole Council wished to discuss it. Four elective Commissions were to mediate between the Council and the Pope. When a decree had been discussed and opposed, it was to be referred, together with the amendments, to one of these Commissions, where it was to be reconsidered, with the aid of divines. When it came back from the Commission with corrections and remarks, it was to be put

to the vote without further debate. What the Council discussed was to be the work of unknown divines: what it voted was to be the work of a majority in a Commission of twenty-four. It was in the election of these Commissions that the episcopate obtained the chance of influencing the formation of its decrees. But the papal theologians retained their predominance, for they might be summoned to defend or alter their work in the Commission, from which the bishops who had spoken or proposed amendments were excluded. Practically, the right of initiative was the deciding point. Even if the first regulation had remained in force, the bishops could never have recovered the surprises, and the difficulty of preparing for unforeseen debates. The regulation ultimately broke down under the mistake of allowing the decree to be debated only once, and that in its crude state, as it came from the hands of the divines. The authors of the measure had not contemplated any real discussion. It was so unlike the way in which business was conducted at Trent, where the right of the episcopate was formally asserted, where the envoys were consulted, and the bishops discussed the questions in several groups before the general congregations, that the printed text of the Tridentine Regulation was rigidly suppressed. It was further provided that the reports of the speeches should not be communicated to the bishops; and the strictest secrecy was enjoined on all concerning the business of the Council. The bishops, being under no obligation to observe this rule, were afterwards informed that it bound them under grievous sin.

This important precept did not succeed in excluding the action of public opinion. It could be applied only to the debates; and many bishops spoke with greater energy and freedom before an assembly of their own order than they would have done if their words had been taken down by Protestants, to be quoted against them at home. But printed documents, distributed in seven hundred copies, could not be kept secret. The rule was subject to exceptions which destroyed its efficacy; and the Roman cause

was discredited by systematic concealment, and advocacy that abounded in explanation and colour, but abstained from the substance of fact. Documents couched in the usual official language, being dragged into the forbidden light of day, were supposed to reveal dark mysteries. The secrecy of the debates had a bad effect in exaggerating reports and giving wide scope to fancy. Rome was not vividly interested in the discussions; but its cosmopolitan society was thronged with the several adherents of leading bishops, whose partiality compromised their dignity and envenomed their disputes. Everything that was said was repeated, inflated, and distorted. Whoever had a sharp word for an adversary, which could not be spoken in Council, knew of an audience that would enjoy and carry the matter. The battles of the Aula were fought over again, with anecdote, epigram, and fiction. A distinguished courtesy and nobleness of tone prevailed at the beginning. When the Archbishop of Halifax went down to his place on the 28th of December, after delivering the speech which taught the reality of the opposition, the Presidents bowed to him as he passed them. The denunciations of the Roman system by Strossmayer and Darboy were listened to in January without a murmur. Adversaries paid exorbitant compliments to each other, like men whose disagreements were insignificant, and who were one at heart. As the plot thickened, fatigue, excitement, friends who fetched and carried, made the tone more bitter. In February the Bishop of Laval described Dupanloup publicly as the centre of a conspiracy too shameful to be expressed in words, and professed that he would rather die than be associated with such iniquity. One of the minority described his opponents as having disported themselves on a certain occasion like a herd of cattle. By that time the whole temper of the Council had been changed; the Pope himself had gone into the arena; and violence of language and gesture had become an artifice adopted to hasten the end.

When the Council opened, many bishops were bewil-

dered and dispirited by the Bull *Multiplices*. They feared that a struggle could not be averted, as, even if no dogmatic question was raised, their rights were cancelled in a way that would make the Pope absolute in dogma. One of the Cardinals caused him to be informed that the Regulation would be resisted. But Pius IX knew that in all that procession of 750 bishops one idea prevailed. Men whose word is powerful in the centres of civilisation, men who three months before were confronting martyrdom among barbarians, preachers at Notre Dame, professors from Germany, Republicans from Western America, men with every sort of training and every sort of experience, had come together as confident and as eager as the prelates of Rome itself, to hail the Pope infallible. Resistance was improbable, for it was hopeless. It was improbable that bishops who had refused no token of submission for twenty years would now combine to inflict dishonour on the Pope. In their address of 1867 they had confessed that he is the father and teacher of all Christians; that all the things he has spoken were spoken by St. Peter through him; that they would believe and teach all that he believed and taught. In 1854 they had allowed him to proclaim a dogma, which some of them dreaded and some opposed, but to which all submitted when he had decreed without the intervention of a Council. The recent display of opposition did not justify serious alarm. The Fulda bishops feared the consequences in Germany; but they affirmed that all were united, and that there would be no new dogma. They were perfectly informed of all that was being got ready in Rome. The words of their pastoral meant nothing if they did not mean that infallibility was no new dogma, and that all the bishops believed in it. Even the Bishop of Orleans avoided a direct attack on the doctrine, proclaimed his own devotion to the Pope, and promised that the Council would be a scene of concord. It was certain that any real attempt that might be made to prevent the definition could be overwhelmed by the preponderance of those bishops whom the modern

constitution of the Church places in dependence on Rome.

The only bishops whose position made them capable of resisting were the Germans and the French; and all that Rome would have to contend with was the modern liberalism and decrepit Gallicanism of France, and the science of Germany. The Gallican school was nearly extinct; it had no footing in other countries, and it was essentially odious to the liberals. The most serious minds of the liberal party were conscious that Rome was as dangerous to ecclesiastical liberty as Paris. But, since the Syllabus made it impossible to pursue the liberal doctrines consistently without collision with Rome, they had ceased to be professed with a robust and earnest confidence, and the party was disorganised. They set up the pretence that the real adversary of their opinions was not the Pope, but a French newspaper; and they fought the King's troops in the King's name. When the Bishop of Orleans made his declaration, they fell back, and left him to mount the breach alone. Montalembert, the most vigorous spirit among them, became isolated from his former friends, and accused them, with increasing vehemence, of being traitors to their principles. During the last disheartening year of his life he turned away from the clergy of his country, which was sunk in Romanism, and felt that the real abode of his opinions was on the Rhine. It was only lately that the ideas of the Coblenz address, which had so deeply touched the sympathies of Montalembert, had spread widely in Germany. They had their seat in the universities; and their transit from the interior of lecture rooms to the outer world was laborious and slow. The invasion of Roman doctrines had given vigour and popularity to those which opposed them, but the growing influence of the universities brought them into direct antagonism with the episcopate. The Austrian bishops were generally beyond its reach, and the German bishops were generally at war with it. In December, one of the most illustrious of them said: "We bishops are absorbed in our work, and are not scholars. We sadly need the help of

those that are. It is to be hoped that the Council will raise only such questions as can be dealt with competently by practical experience and common sense." The force that Germany wields in theology was only partially represented in its episcopate.

At the opening of the Council the known opposition consisted of four men. Cardinal Schwarzenberg had not published his opinion, but he made it known as soon as he came to Rome. He brought with him a printed paper, entitled *Desideria patribus Concilii oecumenici proponenda*, in which he adopted the ideas of the divines and canonists who are the teachers of his Bohemian clergy. He entreated the Council not to multiply unnecessary articles of faith, and in particular to abstain from defining papal infallibility, which was beset with difficulties, and would make the foundations of faith to tremble even in the devoutest souls. He pointed out that the Index could not continue on its present footing, and urged that the Church should seek her strength in the cultivation of liberty and learning, not in privilege and coercion; that she should rely on popular institutions, and obtain popular support. He warmly advocated the system of autonomy that was springing up in Hungary. Unlike Schwarzenberg, Dupanloup, and Maret, the Archbishop of Paris had taken no hostile step in reference to the Council, but he was feared the most of all the men expected at Rome. The Pope had refused to make him a cardinal, and had written to him a letter of reproof such as has seldom been received by a bishop. It was felt that he was hostile, not episodically, to a single measure, but to the peculiar spirit of this pontificate. He had none of the conventional prejudices and assumed antipathies which are congenial to the hierarchical mind. He was without passion or pathos or affectation; and he had good sense, a perfect temper, and an intolerable wit. It was characteristic of him that he made the Syllabus an occasion to impress moderation on the Pope: "Your blame has power, O Vicar of Jesus Christ; but your blessing is more potent

still. God has raised you to the apostolic See between the two halves of this century, that you may absolve the one and inaugurate the other. Be it yours to reconcile reason with faith, liberty with authority, politics with the Church. From the height of that triple majesty with which religion, age, and misfortune adorn you, all that you do and all that you say reaches far, to disconcert or to encourage the nations. Give them from your large priestly heart one word to amnesty the past, to reassure the present, and to open the horizons of the future."

The security into which many unsuspecting bishops had been lulled quickly disappeared; and they understood that they were in presence of a conspiracy which would succeed at once if they did not provide against acclamation, and must succeed at last if they allowed themselves to be caught in the toils of the Bull *Multiplices*. It was necessary to make sure that no decree should be passed without reasonable discussion, and to make a stand against the regulation. The first congregation, held on the 10th of December, was a scene of confusion; but it appeared that a bishop from the Turkish frontier had risen against the order of proceeding, and that the President had stopped him, saying that this was a matter decided by the Pope, and not submitted to the Council. The bishops perceived that they were in a snare. Some began to think of going home. Others argued that questions of Divine right were affected by the regulation, and that they were bound to stake the existence of the Council upon them. Many were more eager on this point of law than on the point of dogma, and were brought under the influence of the more clear-sighted men, with whom they would not have come in contact through any sympathy on the question of infallibility. The desire of protesting against the violation of privileges was an imperfect bond. The bishops had not yet learned to know each other; and they had so strongly impressed upon their flocks at home the idea that Rome ought to be trusted, that they were going to manifest the unity of the Church and to confound the insinu-

ations of her enemies, that they were not quick to admit all the significance of the facts they found. Nothing vigorous was possible in a body of so loose a texture. The softer materials had to be eliminated, the stronger welded together by severe and constant pressure, before an opposition could be made capable of effective action. They signed protests that were of no effect. They petitioned; they did not resist.

It was seen how much Rome had gained by excluding the ambassadors; for this question of forms and regulations would have admitted the action of diplomacy. The idea of being represented at the Council was revived in France; and a weary negotiation began, which lasted several months, and accomplished nothing but delay. It was not till the policy of intervention had ignominiously failed, and till its failure had left the Roman court to cope with the bishops alone, that the real question was brought on for discussion. And as long as the chance remained that political considerations might keep infallibility out of the Council, the opposition abstained from declaring its real sentiments. Its union was precarious and delusive, but it lasted in this state long enough to enable secondary influences to do much towards supplying the place of principles.

While the protesting bishops were not committed against infallibility, it would have been possible to prevent resistance to the bull from becoming resistance to the dogma. The Bishop of Grenoble, who was reputed a good divine among his countrymen, was sounded in order to discover how far he would go; and it was ascertained that he admitted the doctrine substantially. At the same time, the friends of the Bishop of Orleans were insisting that he had questioned not the dogma but the definition; and Maret, in the defence of his book, declared that he attributed no infallibility to the episcopate apart from the Pope. If the bishops had been consulted separately, without the terror of a decree, it is probable that the number of those who absolutely rejected the doctrine would have

been extremely small. There were many who had never thought seriously about it, or imagined that it was true in a pious sense, though not capable of proof in controversy. The possibility of an understanding seemed so near that the Archbishop of Westminster, who held the Pope infallible apart from the episcopate, required that the words should be translated into French in the sense of independence, and not of exclusion. An ambiguous formula embodying the view common to both parties, or founded on mutual concession, would have done more for the liberty than the unity of opinion, and would not have strengthened the authority of the Pope. It was resolved to proceed with caution, putting in motion the strong machinery of Rome, and exhausting the advantages of organisation and foreknowledge.

The first act of the Council was to elect the Commission on Dogma. A proposal was made on very high authority that the list should be drawn up so as to represent the different opinions fairly, and to include some of the chief opponents. They would have been subjected to other influences than those which sustain party leaders; they would have been separated from their friends and brought into frequent contact with adversaries; they would have felt the strain of official responsibility; and the opposition would have been decapitated. If these sagacious counsels had been followed, the harvest of July might have been gathered in January, and the reaction that was excited in the long struggle that ensued might have been prevented. Cardinal de Angelis, who ostensibly managed the elections, and was advised by Archbishop Manning, preferred the opposite and more prudent course. He caused a lithographed list to be sent to all the bishops open to influence, from which every name was excluded that was not on the side of infallibility.

Meantime the bishops of several nations selected those among their countrymen whom they recommended as candidates. The Germans and Hungarians, above forty in number, assembled for this purpose under the presidency

of Cardinal Schwarzenberg; and their meetings were continued, and became more and more important, as those who did not sympathise with the opposition dropped away. The French were divided into two groups, and met partly at Cardinal Mathieu's, partly at Cardinal Bonnechose's. A fusion was proposed, but was resisted, in the Roman interest, by Bonnechose. He consulted Cardinal Antonelli, and reported that the Pope disliked large meetings of bishops. Moreover, if all the French had met in one place, the opposition would have had the majority, and would have determined the choice of the candidates. They voted separately; and the Bonnechose list was represented to foreign bishops as the united choice of the French episcopate. The Mathieu group believed that this had been done fraudulently, and resolved to make their complaint to the Pope; but Cardinal Mathieu, seeing that a storm was rising, and that he would be called on to be the spokesman of his friends, hurried away to spend Christmas at Besançon. All the votes of his group were thrown away. Even the Bishop of Grenoble, who had obtained twenty-nine votes at one meeting, and thirteen at the other, was excluded from the Commission. It was constituted as the managers of the election desired, and the first trial of strength appeared to have annihilated the opposition. The force under entire control of the court could be estimated from the number of votes cast blindly for candidates not put forward by their own countrymen, and unknown to others, who had therefore no recommendation but that of the official list. According to this test Rome could dispose of 550 votes.

The moment of this triumph was chosen for the production of an act already two months old, by which many ancient censures were revoked, and many were renewed. The legislation of the Middle Ages and of the sixteenth century appointed nearly two hundred cases by which excommunication was incurred *ipso facto*, without inquiry or sentence. They had generally fallen into oblivion, or were remembered as instances of former extravagance; but

they had not been abrogated, and, as they were in part defensible, they were a trouble to timorous consciences. There was reason to expect that this question, which had often occupied the attention of the bishops, would be brought before the Council; and the demand for a reform could not have been withstood. The difficulty was anticipated by sweeping away as many censures as it was thought safe to abandon, and deciding, independently of the bishops, what must be retained. The Pope reserved to himself alone the faculty of absolving from the sin of harbouring or defending the members of any sect, of causing priests to be tried by secular courts, of violating asylum or alienating the real property of the Church. The prohibition of anonymous writing was restricted to works on theology, and the excommunication hitherto incurred by reading books which are on the Index was confined to readers of heretical books. This Constitution had no other immediate effect than to indicate the prevailing spirit, and to increase the difficulties of the partisans of Rome. The organ of the Archbishop of Cologne justified the last provision by saying, that it does not forbid the works of Jews, for Jews are not heretics; nor the heretical tracts and newspapers, for they are not books; nor listening to heretical books read aloud, for hearing is not reading.

At the same time, the serious work of the Council was begun. A long dogmatic decree was distributed, in which the special theological, biblical, and philosophical opinions of the school now dominant in Rome were proposed for ratification. It was so weak a composition that it was as severely criticised by the Romans as by the foreigners; and there were Germans whose attention was first called to its defects by an Italian cardinal. The disgust with which the text of the first decree was received had not been foreseen. No real discussion had been expected. The Council hall, admirable for occasions of ceremony, was extremely ill adapted for speaking, and nothing would induce the Pope to give it up. A public session was fixed for the 6th of January, and the election of Commis-

sions was to last till Christmas. It was evident that nothing would be ready for the session, unless the decree was accepted without debate, or infallibility adopted by acclamation.

Before the Council had been assembled a fortnight, a store of discontent had accumulated which it would have been easy to avoid. Every act of the Pope, the Bull *Multiplices*, the declaration of censures, the text of the proposed decree, even the announcement that the Council should be dissolved in case of his death, had seemed an injury or an insult to the episcopate. These measures undid the favourable effect of the caution with which the bishops had been received. They did what the dislike of infallibility alone would not have done. They broke the spell of veneration for Pius IX which fascinated the Catholic Episcopate. The jealousy with which he guarded his prerogative in the appointment of officers, and of the great Commission, the pressure during the elections, the prohibition of national meetings, the refusal to hold debates in a hall where they could be heard, irritated and alarmed many bishops. They suspected that they had been summoned for the very purpose they had indignantly denied, to make the papacy more absolute by abdicating in favour of the official prelature of Rome. Confidence gave way to a great despondency, and a state of feeling was aroused which prepared the way for actual opposition when the time should come.

Before Christmas the Germans and the French were grouped nearly as they remained to the end. After the flight of Cardinal Mathieu, and the refusal of Cardinal Bonnechose to coalesce, the friends of the latter gravitated towards the Roman centre, and the friends of the former held their meetings at the house of the Archbishop of Paris. They became, with the Austro-German meeting under Cardinal Schwarzenberg, the strength and substance of the party that opposed the new dogma; but there was little intercourse between the two, and their exclusive nationality made them useless as a nucleus for the few

scattered American, English, and Italian bishops whose sympathies were with them. To meet this object, and to centralise the deliberations, about a dozen of the leading men constituted an international meeting, which included the best talents, but also the most discordant views. They were too little united to act with vigour, and too few to exercise control. Some months later they increased their numbers. They were the brain but not the will of the opposition. Cardinal Rauscher presided. Rome honoured him as the author of the Austrian Concordat; but he feared that infallibility would bring destruction on his work, and he was the most constant, the most copious, and the most emphatic of its opponents.

When the debate opened, on the 28th of December, the idea of proclaiming the dogma by acclamation had not been abandoned. The Archbishop of Paris exacted a promise that it should not be attempted. But he was warned that the promise held good for the first day only, and that there was no engagement for the future. Then he made it known that one hundred bishops were ready, if a surprise was attempted to depart from Rome, and to carry away the Council, as he said, in the soles of their shoes. The plan of carrying the measure by a sudden resolution was given up, and it was determined to introduce it with a demonstration of overwhelming effect. The debate on the dogmatic decree was begun by Cardinal Rauscher. The Archbishop of St. Louis spoke on the same day so briefly as not to reveal the force and the fire within him. The Archbishop of Halifax concluded a long speech by saying that the proposal laid before the Council was only fit to be put decorously underground. Much praise was lavished on the bishops who had courage, knowledge, and Latin enough to address the assembled Fathers; and the Council rose instantly in dignity and in esteem when it was seen that there was to be real discussion. On the 30th, Rome was excited by the success of two speakers. One was the Bishop of Grenoble, the other was Strossmayer, the bishop from the Turkish frontier, who had again assailed the reg-

ulation, and had again been stopped by the presiding Cardinal. The fame of his spirit and eloquence began to spread over the city and over the world. The ideas that animated these men in their attack on the proposed measure were most clearly shown a few days later in the speech of a Swiss prelate. "What boots it," he exclaimed, "to condemn errors that have been long condemned, and tempt no Catholic? The false beliefs of mankind are beyond the reach of your decrees. The best defence of Catholicism is religious science. Give to the pursuit of sound learning every encouragement and the widest field; and prove by deeds as well as words that the progress of nations in liberty and light is the mission of the Church."

The tempest of criticism was weakly met; and the opponents established at once a superiority in debate. At the end of the first month nothing had been done; and the Session imprudently fixed for the 6th of January had to be filled up with tedious ceremonies. Everybody saw that there had been a great miscalculation. The Council was slipping out of the grasp of the Court, and the regulation was a manifest hindrance to the despatch of business. New resources were required.

A new president was appointed. Cardinal Reisach had died at the end of December without having been able to take his seat, and Cardinal De Luca had presided in his stead. De Angelis was now put into the place made vacant by the death of Reisach. He had suffered imprisonment at Turin, and the glory of his confessorship was enhanced by his services in the election of the Commissions. He was not suited otherwise to be the moderator of a great assembly; and the effect of his elevation was to dethrone the accomplished and astute De Luca, who had been found deficient in thoroughness, and to throw the management of the Council into the hands of the Junior Presidents, Capalti and Bilio. Bilio was a Barnabite monk, innocent of court intrigues, a friend of the most enlightened scholars in Rome, and a favourite of the Pope. Cardinal Capalti had been distinguished as a canonist.

Like Cardinal Bilio, he was not reckoned among men of extreme party; and they were not always in harmony with their colleagues, De Angelis and Bizarri. But they did not waver when the policy they had to execute was not their own.

The first decree was withdrawn, and referred to the Commission on Doctrine. Another, on the duties of the episcopate, was substituted; and that again was followed by others, of which the most important was on the Catechism. While they were being discussed, a petition was prepared, demanding that the infallibility of the Pope should be made the object of a decree. The majority undertook to put a strain on the prudence or the reluctance of the Vatican. Their zeal in the cause was warmer than that of the official advisers. Among those who had the responsibility of conducting the spiritual and temporal government of the Pope, the belief was strong that his infallibility did not need defining, and that the definition could not be obtained without needless obstruction to other papal interests. Several Cardinals were inopportunists at first, and afterwards promoted intermediate and conciliatory proposals. But the business of the Council was not left to the ordinary advisers of the Pope, and they were visibly compelled and driven by those who represented the majority. At times this pressure was no doubt convenient. But there were also times when there was no collusion, and the majority really led the authorities. The initiative was not taken by the great mass whose zeal was stimulated by personal allegiance to the Pope. They added to the momentum, but the impulse came from men who were as independent as the chiefs of the opposition. The great Petition, supported by others pointing to the same end, was kept back for several weeks, and was presented at the end of January.

At that time the opposition had attained its full strength, and presented a counter-petition, praying that the question might not be introduced. It was written by Cardinal Rauscher, and was signed, with variations, by

137 bishops. To obtain that number the address avoided the doctrine itself, and spoke only of the difficulty and danger in defining it; so that this, their most imposing act, was a confession of inherent weakness, and a signal to the majority that they might force on the dogmatic discussion. The bishops stood on the negative. They showed no sense of their mission to renovate Catholicism; and it seemed that they would compound for the concession they wanted, by yielding in all other matters, even those which would be a practical substitute for infallibility. That this was not to be, that the forces needed for a great revival were really present, was made manifest by the speech of Strossmayer on the 24th of January, when he demanded the reformation of the Court of Rome, decentralisation in the government of the Church, and decennial Councils. That earnest spirit did not animate the bulk of the party. They were content to leave things as they were, to gain nothing if they lost nothing, to renounce all premature striving for reform if they could succeed in avoiding a doctrine which they were as unwilling to discuss as to define. The words of Ginoulhiac to Strossmayer, "You terrify me with your pitiless logic," expressed the inmost feelings of many who gloried in the grace and the splendour of his eloquence. No words were too strong for them if they prevented the necessity of action, and spared the bishops the distressing prospect of being brought to bay, and having to resist openly the wishes and the claims of Rome.

Infallibility never ceased to overshadow every step of the Council, but it had already given birth to a deeper question. The Church had less to fear from the violence of the majority than from the inertness of their opponents. No proclamation of false doctrines could be so great a disaster as the weakness of faith which would prove that the power of recovery, the vital force of Catholicism, was extinct in the episcopate. It was better to be overcome after openly attesting their belief than to strangle both discussion and definition, and to disperse without having

uttered a single word that could reinstate the authorities of the Church in the respect of men. The future depended less on the outward struggle between two parties than on the process by which the stronger spirit within the minority leavened the mass. The opposition was as averse to the actual dogmatic discussion among themselves as in the Council. They feared an inquiry which would divide them. At first the bishops who understood and resolutely contemplated their real mission in the Council were exceedingly few. Their influence was strengthened by the force of events, by the incessant pressure of the majority, and by the action of literary opinion.

Early in December the Archbishop of Mechlin brought out a reply to the letter of the Bishop of Orleans, who immediately prepared a rejoinder, but could not obtain permission to print it in Rome. It appeared two months later at Naples. Whilst the minority were under the shock of this prohibition, Gratry published at Paris the first of four letters to the Archbishop of Mechlin, in which the case of Honorius was discussed with so much perspicuity and effect that the profane public was interested, and the pamphlets were read with avidity in Rome. They contained no new research, but they went deep into the causes which divided Catholics. Gratry showed that the Roman theory is still propped by fables which were innocent once, but have become deliberate untruths since the excuse of mediæval ignorance was dispelled; and he declared that this school of lies was the cause of the weakness of the Church, and called on Catholics to look the scandal in the face, and cast out the religious forgers. His letters did much to clear the ground and to correct the confusion of ideas among the French. The Bishop of St. Briec wrote that the exposure was an excellent service to religion, for the evil had gone so far that silence would be complicity. Gratry was no sooner approved by one bishop than he was condemned by a great number of others. He had brought home to his countrymen the ques-

tion whether they could be accomplices of a dishonest system, or would fairly attempt to root it out.

While Gratry's letters were disturbing the French, Döllinger published some observations on the petition for infallibility, directing his attack clearly against the doctrine itself. During the excitement that ensued, he answered demonstrations of sympathy by saying that he had only defended the faith which was professed, substantially, by the majority of the episcopate in Germany. These words dropped like an acid on the German bishops. They were writhing to escape the dire necessity of a conflict with the Pope; and it was very painful to them to be called as compurgators by a man who was esteemed the foremost opponent of the Roman system, whose hand was suspected in everything that had been done against it, and who had written many things on the sovereign obligations of truth and faith which seemed an unmerciful satire on the tactics to which they clung. The notion that the bishops were opposing the dogma itself was founded on their address against the regulation; but the petition against the definition of infallibility was so worded as to avoid that inference, and had accordingly obtained nearly twice as many German and Hungarian signatures as the other. The Bishop of Mentz vehemently repudiated the supposition for himself, and invited his colleagues to do the same. Some followed his example, others refused; and it became apparent that the German opposition was divided, and included men who accepted the doctrines of Rome. The precarious alliance between incompatible elements was prevented from breaking up by the next act of the Papal Government.

The defects in the mode of carrying on the business of the Council were admitted on both sides. Two months had been lost; and the demand for a radical change was publicly made in behalf of the minority by a letter communicated to the *Moniteur*. On the 22nd of February a new regulation was introduced, with the avowed pur-

pose of quickening progress. It gave the Presidents power to cut short any speech, and provided that debate might be cut short at any moment when the majority pleased. It also declared that the decrees should be carried by majority—*id decerneretur quod majori Patrum numero placuerit*. The policy of leaving the decisive power in the hands of the Council itself had this advantage, that its exercise would not raise the question of liberty and coercion in the same way as the interference of authority. By the Bull *Multipllices*, no bishop could introduce any matter not approved by the Pope. By the new regulation he could not speak on any question before the Council, if the majority chose to close the discussion, or if the Presidents chose to abridge his speech. He could print nothing in Rome, and what was printed elsewhere was liable to be treated as contraband. His written observations on any measure were submitted to the Commission, without any security that they would be made known to the other bishops in their integrity. There was no longer an obstacle to the immediate definition of papal infallibility. The majority was omnipotent.

The minority could not accept this regulation without admitting that the Pope is infallible. Their thesis was, that his decrees are not free from the risk of error unless they express the universal belief of the episcopate. The idea that particular virtue attaches to a certain number of bishops, or that infallibility depends on a few votes more or less, was defended by nobody. If the act of a majority of bishops in the Council, possibly not representing a majority in the Church, is infallible, it derives its infallibility from the Pope. Nobody held that the Pope was bound to proclaim a dogma carried by a majority. The minority contested the principle of the new Regulation, and declared that a dogmatic decree required virtual unanimity. The chief protest was drawn up by a French bishop. Some of the Hungarians added a paragraph asserting that the authority and œcumenicity of the Council depended on the settlement of this question; and they proposed to add

that they could not continue to act as though it were legitimate unless this point was given up. The author of the address declined this passage, urging that the time for actual menace was not yet come. From that day the minority agreed in rejecting as invalid any doctrine which should not be passed by unanimous consent. On this point the difference between the thorough and the simulated opposition was effaced, for Ginoulhiac and Ketteler were as positive as Kenrick or Hefele. But it was a point which Rome could not surrender without giving up its whole position. To wait for unanimity was to wait forever, and to admit that a minority could prevent or nullify the dogmatic action of the papacy was to renounce infallibility. No alternative remained to the opposing bishops but to break up the Council. The most eminent among them accepted this conclusion, and stated it in a paper declaring that the absolute and indisputable law of the Church had been violated by the Regulation allowing articles of faith to be decreed on which the episcopate was not morally unanimous; and that the Council, no longer possessing in the eyes of the bishops and of the world the indispensable condition of liberty and legality, would be inevitably rejected. To avert a public scandal, and to save the honour of the Holy See, it was proposed that some unopposed decrees should be proclaimed in solemn session, and the Council immediately prorogued.

At the end of March a breach seemed unavoidable. The first part of the dogmatic decree had come back from the Commission so profoundly altered that it was generally accepted by the bishops, but with a crudely expressed sentence in the preamble, which was intended to rebuke the notion of the reunion of Protestant Churches. Several bishops looked upon this passage as an uncalled-for insult to Protestants, and wished it changed; but there was danger that if they then joined in voting the decree they would commit themselves to the lawfulness of the Regulation against which they had protested. On the 22nd of March Strossmayer raised both questions. He said that it

was neither just nor charitable to impute the progress of religious error to the Protestants. The germ of modern unbelief existed among the Catholics before the Reformation, and afterwards bore its worst fruits in Catholic countries. Many of the ablest defenders of Christian truth were Protestants, and the day of reconciliation would have come already but for the violence and uncharitableness of the Catholics. These words were greeted with execrations, and the remainder of the speech was delivered in the midst of a furious tumult. At length, when Strossmayer declared that the Council had forfeited its authority by the rule which abolished the necessity of unanimity, the Presidents and the multitude refused to let him go on. On the following day he drew up a protest, declaring that he could not acknowledge the validity of the Council if dogmas were to be decided by a majority, and sent it to the Presidents after it had been approved at the meeting of the Germans, and by bishops of other nations. The preamble was withdrawn, and another was inserted in its place, which had been written in great haste by the German Jesuit Kleutgen, and was received with general applause. Several of the Jesuits obtained credit for the ability and moderation with which the decree was drawn up. It was no less than a victory over extreme counsels. A unanimous vote was insured for the public session of 24th April; and harmony was restored. But the text proposed originally in the Pope's name had undergone so many changes as to make it appear that his intentions had been thwarted. There was a supplement to the decree, which the bishops had understood would be withdrawn, in order that the festive concord and good feeling might not be disturbed. They were informed at the last moment that it would be put to the vote, as its withdrawal would be a confession of defeat for Rome. The supplement was an admonition that the constitutions and decrees of the Holy See must be observed even when they proscribe opinions not actually heretical. Extraordinary efforts were made in public and in private to prevent any open expression of dissent from

this paragraph. The Bishop of Brixen assured his brethren, in the name of the Commission, that it did not refer to questions of doctrine, and they could not dispute the general principle that obedience is due to lawful authority. The converse proposition, that the papal acts have no claim to be obeyed, was obviously untenable. The decree was adopted unanimously. There were some who gave their vote with a heavy heart, conscious of the snare. Strossmayer alone stayed away.

The opposition was at an end. Archbishop Manning afterwards reminded them that by this vote they had implicitly accepted infallibility. They had done even more. They might conceivably contrive to bind and limit dogmatic infallibility with conditions so stringent as to evade many of the objections taken from the examples of history; but, in requiring submission to papal decrees on matters not articles of faith, they were approving that of which they knew the character, they were confirming without let or question a power they saw in daily exercise, they were investing with new authority the existing Bulls, and giving unqualified sanction to the Inquisition and the Index, to the murder of heretics and the deposing of kings. They approved what they were called on to reform, and solemnly blessed with their lips what their hearts knew to be accursed. The Court of Rome became thenceforth reckless in its scorn of the opposition, and proceeded in the belief that there was no protest they would not forget, no principle they would not betray, rather than defy the Pope in his wrath. It was at once determined to bring on the discussion of the dogma of infallibility. At first, when the minority knew that their prayers and their sacrifices had been vain, and that they must rely on their own resources, they took courage in extremity. Rauscher, Schwarzenberg, Hefele, Ketteler, Kenrick, wrote pamphlets, or caused them to be written, against the dogma, and circulated them in the Council. Several English bishops protested that the denial of infallibility by the Catholic episcopate had been an essential

condition of emancipation, and that they could not revoke that assurance after it had served their purpose, without being dishonoured in the eyes of their countrymen. The Archbishop of St. Louis, admitting the force of the argument, derived from the fact that a dogma was promulgated in 1854 which had long been disputed and denied, confessed that he could not prove the Immaculate Conception to be really an article of faith.

An incident occurred in June which showed that the experience of the Council was working a change in the fundamental convictions of the bishops. Döllinger had written in March that an article of faith required not only to be approved and accepted unanimously by the Council, but that the bishops united with the Pope are not infallible, and that the œcumenicity of their acts must be acknowledged and ratified by the whole Church. Father Hötzl, a Franciscan friar, having published a pamphlet in defence of this proposition, was summoned to Rome, and required to sign a paper declaring that the confirmation of a Council by the Pope alone makes it œcumenical. He put his case into the hands of German bishops who were eminent in the opposition, asking first their opinion on the proposed declaration, and, secondly, their advice on his own conduct. The bishops whom he consulted replied that they believed the declaration to be erroneous; but they added that they had only lately arrived at the conviction, and had been shocked at first by Döllinger's doctrine. They could not require him to suffer the consequences of being condemned at Rome as a rebellious friar and obstinate heretic for a view which they themselves had doubted only three months before. He followed the advice, but he perceived that his advisers had considerably betrayed him.

When the observations on infallibility which the bishops had sent in to the Commission appeared in print it seemed that the minority had burnt their ships. They affirmed that the dogma would put an end to the conversion of Protestants, that it would drive devout men out of

the Church and make Catholicism indefensible in controversy, that it would give governments apparent reason to doubt the fidelity of Catholics, and would give new authority to the theory of persecution and of the deposing power. They testified that it was unknown in many parts of the Church, and was denied by the Fathers, so that neither perpetuity nor universality could be pleaded in its favour; and they declared it an absurd contradiction, founded on ignoble deceit, and incapable of being made an article of faith by Pope or Council. One bishop protested that he would die rather than proclaim it. Another thought it would be an act of suicide for the Church.

What was said, during the two months' debate, by men perpetually liable to be interrupted by a majority acting less from conviction than by command, could be of no practical account, and served for protest, not for persuasion. Apart from the immediate purpose of the discussion, two speeches were memorable—that of Archbishop Conolly of Halifax, for the uncompromising clearness with which he appealed to Scripture and repudiated all dogmas extracted from the speculations of divines, and not distinctly founded on the recorded Word of God, and that of Archbishop Darboy, who foretold that a decree which increased authority without increasing power, and claimed for one man, whose infallibility was only now defined, the obedience which the world refused to the whole Episcopate, whose right had been unquestioned in the Church for 1800 years, would raise up new hatred and new suspicion, weaken the influence of religion over society, and wreak swift ruin on the temporal power.

The general debate had lasted three weeks, and forty-nine bishops were still to speak, when it was brought to a close by an abrupt division on the 3rd of June. For twenty-four hours the indignation of the minority was strong. It was the last decisive opportunity for them to reject the legitimacy of the Council. There were some who had despaired of it from the beginning, and held that the Bull *Multiplices* deprived it of legal validity. But it had not

been possible to make a stand at a time when no man knew whether he could trust his neighbour, and when there was fair ground to hope that the worst rules would be relaxed. When the second regulation, interpreted according to the interruptors of Strossmayer, claimed the right of proclaiming dogmas which part of the Episcopate did not believe, it became doubtful whether the bishops could continue to sit without implicit submission. They restricted themselves to a protest, thinking that it was sufficient to meet words with words, and that it would be time to act when the new principle was actually applied. By the vote of the 3rd of June the obnoxious regulation was enforced in a way evidently injurious to the minority and their cause. The chiefs of the opposition were now convinced of the invalidity of the Council, and advised that they should all abstain from speaking, and attend at St. Peter's only to negative by their vote the decree which they disapproved. In this way they thought that the claim to œcumenicity would be abolished without breach or violence. The greater number were averse to so vigorous a demonstration; and Hefele threw the great weight of his authority into their scale. He contended that they would be worse than their word if they proceeded to extremities on this occasion. They had announced that they would do it only to prevent the promulgation of a dogma which was opposed. If that were done the Council would be revolutionary and tyrannical; and they ought to keep their strongest measure in reserve for that last contingency. The principle of unanimity was fundamental. It admitted no ambiguity, and was so clear, simple, and decisive, that there was no risk in fixing on it. The Archbishops of Paris, Milan, Halifax, the Bishops of Djakovar, Orleans, Marseilles, and most of the Hungarians, yielded to these arguments, and accepted the policy of less strenuous colleagues, while retaining the opinion that the Council was of no authority. But there were some who deemed it unworthy and inconsistent to attend an assembly which they had ceased to respect.

The debate on the several paragraphs lasted till the beginning of July, and the decree passed at length with eighty-eight dissentient votes. It was made known that the infallibility of the Pope would be promulgated in solemn session of the 18th, and that all who were present would be required to sign an act of submission. Some bishops of the minority thereupon proposed that they should all attend, repeat their vote, and refuse their signature. They exhorted their brethren to set a conspicuous example of courage and fidelity, as the Catholic world would not remain true to the faith if the bishops were believed to have faltered. But it was certain that there were men amongst them who would renounce their belief rather than incur the penalty of excommunication, who preferred authority to proof, and accepted the Pope's declaration, "La tradizione son' io." It was resolved by a small majority that the opposition should renew its negative vote in writing, and should leave Rome in a body before the session. Some of the most conscientious and resolute adversaries of the dogma advised this course. Looking to the immediate future, they were persuaded that an irresistible reaction was at hand, and that the decrees of the Vatican Council would fade away and be dissolved by a power mightier than the Episcopate and a process less perilous than schism. Their disbelief in the validity of its work was so profound that they were convinced that it would perish without violence, and they resolved to spare the Pope and themselves the indignity of a rupture. Their last manifesto, *La dernière Heure*, is an appeal for patience, an exhortation to rely on the guiding, healing hand of God. They deemed that they had assigned the course which was to save the Church, by teaching the Catholics to reject a Council which was neither legitimate in constitution, free in action, nor unanimous in doctrine, but to observe moderation in contesting an authority over which great catastrophes impend. They conceived that it would thus be possible to save the peace and unity of the Church without sacrifice of faith and reason.

ACTON-CREIGHTON CORRESPONDENCE

Mandell Creighton, later a Bishop in the Church of England, was the author of the five-volume *History of the Papacy during the Reformation*. The first two volumes appeared in 1882, and Creighton suggested to the editor of the *Academy* that Acton review the book, "as I wanted to be told my shortcomings by the one Englishman whom I considered capable of doing so." Acton's review was not at all diffident; the main shortcoming of which he complained was the familiar one of excessive moral leniency. Creighton thanked him, frankly admiring his probity and earnestness. Five years later, as editor of the newly founded *English Historical Review*, he offered the next two volumes to Acton for review. This time Acton more than lived up to his reputation as a severe critic. The first draft of his review was so harsh it lacked even the conventional courtesies of academic polemics. Creighton, prepared to publish it, wrote to R. L. Poole, professor at Oxford and an associate on the journal, of this "ill-natured, passionate and almost incoherent" piece of writing, and of the absurd situation of an editor "inviting and publishing a savage onslaught on himself." Finally, after the exchange of a series of letters between Acton and Creighton, the most important of which is printed below, Acton volunteered to recast the review. In the final version, as it appeared in the *English Historical Review* of 1887 (and as it was reprinted in the *Historical Essays and Studies*), his criticism, although not essentially modified, is couched in more amiable terms.

The originals of the two letters printed here are among

the manuscripts in the Cambridge University Library (Add. MSS, 6871). About a fourth of Acton's letter, plus the postscript, has been carelessly edited in the appendix to the *Historical Essays and Studies*. ("Gams" appears as "Gauss," "Penn" as "Perrin," etc.) Brief—and more accurate—excerpts have also appeared, together with Creighton's reply, in *Life and Letters of Mandell Creighton* (London, 1904). The juxtaposition of the complete letters (only one irrelevant passage in Creighton's letter has been omitted) provides an interesting contrast of temperament and philosophy. Acton's is particularly revealing because it is distinctly sharper in tone and thought than most of his formal essays; it is also a good example of the elliptical style of writing with which his correspondents were favored.—G.H.

Cannes, April 5, 1887

Dear Mr. Creighton,

I thank you very sincerely for your letter, which, though dated April 1, is as frank as my review was artful and reserved. The postponement gives me time to correct several errors besides those you point out, if you will let me have my manuscript out here. The other will also be the better for leisurely revision. Forgive me if I answer you with a diffuseness degenerating into garrulity.

The criticism of those who complained that I attacked the Germans without suggesting a better method seems to me undeserved. I was trying to indicate the progress and—partial—improvement of their historical writing; and when I disagreed I seldom said so, but rather tried to make out a possible case in favour of views I don't share. Nobody can be more remote than I am from the Berlin and the Tübingen schools; but I tried to mark my disagreement by the lightest touch. From the Heidelberg school I think there is nothing to learn, and I said so. Perhaps I have been ambiguous sometimes, for you say that appreciation such as yours for the essentials of the Roman system is no recommendation in my eyes. If that conclusion is drawn from my

own words I am much in fault. But that has nothing of importance to do with a critique in the H. R. [*English Historical Review*].

And when you say that I am desirous to show how the disruption might have been avoided, I only half recognize myself. The disruption took place over one particular, well-defined point of controversy; and when they went asunder upon that, the logic of things followed. But they needed not to part company on that particular. It was a new view that Luther attacked. Theological authority in its favour there was very little. It was not approved by Hadrian VI, or by many Tridentine divines, or by many later divines, even among the Jesuits. Supposing, therefore, there had been men of influence at Rome such as certain fathers of Constance formerly, or such as Erasmus or Gropper, it might well have been that they would have preferred the opinion of Luther to the opinion of Tetzels, and would have effected straightway the desired reform of the indulgences for the Dead.

But that is what set the stone rolling, and the consequences were derived from that one special doctrine or practice. *Cessante causa cessat effectus*. Introduce, in 1517, the reforms desired six years later, by the next Pope, demanded by many later divines, adopt, a century and a half before it was written, the Exposition de la Foi, and then the particular series of events which ensued would have been cut off.

For the Reformation is not like the Renaissance or the Revolution, a spontaneous movement springing up in many places, produced by similar though not identical causes. It all derives, more or less directly, from Luther, from the consequences he gradually drew from the resistance of Rome on that one disputed point.

I must, therefore, cast the responsibility on those who refused to say, in 1517, what everybody had said two centuries before, and many said a century later. And the motive of these people was not a religious idea, one system of salvation set up against another; but an ecclesiastical

one. They said, Prierias says quite distinctly, that the whole fabric of authority would crumble if a thing permitted, indirectly or implicitly sanctioned by the supreme authority responsible for souls should be given up.

(The English disruption proceeded along other lines, but nearly parallel. Nearly the same argument applies to it, and it is not just now the question.)

Of course, an adversary, a philosophical historian, a *Dogmengeschichtslehrer*, may say that, even admitting that things arose and went on as I say, yet there was so much gunpowder about that any spark would have produced much the same explosion. I cannot disprove it. I do not wish to disprove it. But I know nothing about it. We must take things as they really occurred. What occurred is that Luther raised a just objection, that the authority of tradition and the spiritual interest of man were on his side, and that the Catholic divines refused to yield to him for a reason not founded on tradition or on charity.

Therefore I lay the burden of separation on the shoulders of two sets of men—those who, during the Vice-chancellorship and the pontificate of Borgia, promoted the theory of the Privileged Altars (and indirectly the theory of the Dispensing Power); and those who, from 1517 to 1520, sacrificed the tradition of the Church to the credit of the Papacy.

Whether the many reforming rills, partly springing in different regions—Wyclif, the Bohemians before Hus, Hus, the Bohemians after him, the *Fratres Communis Vitae*, the divines described by Ullmann, and more than twenty other symptoms of somewhat like kind, would have gathered into one vast torrent, even if Luther had been silenced by knife or pen, is a speculative question not to be confounded with the one here discussed. Perhaps America would have gone, without the help of Grenville or North.

My object is not to show how disruption might have been avoided, but how it was brought on. It was brought on, *secundo me*, by the higher view of the papal monarchy in spirituals that grew with the papal monarchy in tempo-

rals (and with much other monarchy). The root, I think, is there, while the Italian prince is the branch. To the growth of those ideas after the fall of the Councils I attribute what followed, and into that workshop or nursery I want to pry. If Rovere or Borgia had never sought or won territorial sovereignty, the breach must have come just the same, with the Saxons if not with the English.

I was disappointed at not learning from you what I never could find out, how that peculiar discipline established itself at Rome between the days of Kempis and of Erasmus. It would not have appeared mysterious or esoteric to your readers if I had said a little more about it. Nor is this a point of serious difference. When you come to talk of the crisis I do not doubt you will say how it came about. Probably you will not give quite the same reasons that occur to me, because you are more sure than I am that the breach was inevitable. But I did think myself justified in saying that these two volumes do not contain an account of some of the principal things pertaining to the Papacy during the Reformation, and in indicating the sort of explanation I desiderate in Vol. V.

What is not at all a question of opportunity or degree is our difference about the Inquisition. Here again I do not admit that there is anything esoteric in my objection. The point is not whether you like the Inquisition—I mean that is a point which the H.R. may mark, but ought not to discuss—but whether you can, without reproach to historical accuracy, speak of the later mediæval Papacy as having been tolerant and enlightened. What you say on that point struck me exactly as it would strike me to read that the French Terrorists were tolerant and enlightened, and avoided the guilt of blood. Bear with me whilst I try to make my meaning quite clear.

We are not speaking of the Papacy towards the end of the fifteenth or early sixteenth century, when, for a couple of generations, and down to 1542, there was a decided lull in the persecuting spirit. Nor are we speaking of the Spanish Inquisition, which is as distinct from the Roman as the

Portuguese, the Maltese, or the Venetian. I mean the Popes of the thirteenth and fourteenth centuries, from Innocent III down to the time of Hus. These men instituted a system of Persecution, with a special tribunal, special functionaries, special laws. They carefully elaborated, and developed, and applied it. They protected it with every sanction, spiritual and temporal. They inflicted, as far as they could, the penalties of death and damnation on everybody who resisted it. They constructed quite a new system of procedure, with unheard-of cruelties, for its maintenance. They devoted to it a whole code of legislation, pursued for several generations, and not to be found in [?].

But although not to be found there it is to be found in books just as common; it is perfectly familiar to every Roman Catholic student initiated in canon law and papal affairs; it has been worn threadbare in a thousand controversies; it has been constantly attacked, constantly defended, and never disputed or denied, by any Catholic authority. There are some dozens of books, some of them official, containing the particulars.

Indeed it is the most conspicuous fact in the history of the mediæval papacy, just as the later Inquisition, with what followed, is the most conspicuous and characteristic fact in the history and record of the modern papacy. A man is hanged not because he can or cannot prove his claim to virtues, but because it can be proved that he has committed a particular crime. That one action overshadows the rest of his career. It is useless to argue that he is a good husband or a good poet. The one crime swells out of proportion to the rest. We all agree that Calvin was one of the greatest writers, many think him the best religious teacher, in the world. But that one affair of Servetus outweighs the nine folios, and settles, by itself, the reputation he deserves. So with the mediæval Inquisition and the Popes that founded it and worked it. That is the breaking point, the article of their system by which they stand or fall.

Therefore it is better known than any other part of their

government, and not only determines the judgment but fills the imagination, and rouses the passions of mankind. I do not complain that it does not influence your judgment. Indeed I see clearly how a mild and conciliatory view of Persecution will enable you to speak pleasantly and inoffensively of almost all the performers in your list, except More and Socinius; whilst a man with a good word for More and Socinius would have to treat the other actors in the drama of the Reformation as we treat the successive figures on the inclined plane of the French Revolution, from Dumouriez to Barras. But what amazes and disables me is that you speak of the Papacy not as exercising a just severity, but as not exercising any severity. You do not say, these misbelievers deserved to fall into the hands of these torturers and Fire-the-faggots; but you ignore, you even deny, at least implicitly, the existence of the torture-chamber and the stake.

I cannot imagine a more inexplicable error, and I thought I had contrived the gentlest formula of disagreement in coupling you with Cardinal Newman.

The same thing is the case with Sixtus IV and the Spanish Inquisition. What you say has been said by Hefeles and Gams and others. They, at least, were in a sort, avowed defenders of the Spanish Inquisition. Hefeles speaks of Ximenes as one might speak of Andrewes or Taylor or Leighton. But in what sense is the Pope not responsible for the constitution by which he established the new tribunal? If we passed a law giving Dufferin powers of that sort, when asked for, we should surely be responsible. No doubt, the responsibility in such a case is shared by those who ask for a thing. But if the thing is criminal, if, for instance, it is a license to commit adultery, the person who authorises the act shares the guilt of the person who commits it. Now the Liberals think Persecution a crime of a worse order than adultery, and the acts done by Ximenes considerably worse than the entertainment of Roman courtesans by Alexander VI. The responsibility exists whether the thing permitted be good or bad. If the thing be criminal, then the author-

ity permitting it bears the guilt. Whether Sixtus is infamous or not depends on our view of persecution and absolutism. Whether he is responsible or not depends simply on the ordinary evidence of history.

Here, again, what I said is not in any way mysterious or esoteric. It appeals to no hidden code. It aims at no secret moral. It supposes nothing and implies nothing but what is universally current and familiar. It is the common, even the vulgar, code I appeal to.

Upon these two points we differ widely; still more widely with regard to the principle by which you undertake to judge men. You say that people in authority are not [to] be snubbed or sneezed at from our pinnacle of conscious rectitude. I really don't know whether you exempt them because of their rank, or of their success and power, or of their date. The chronological plea may have some little value in a limited sphere of instances. It does not allow of our saying that such a man did not know right from wrong, unless we are able to say that he lived before Columbus, before Copernicus, and could not know right from wrong. It can scarcely apply to the centre of Christendom, 1500 years after the birth of our Lord. That would imply that Christianity is a mere system of metaphysics, which borrowed some ethics from elsewhere. It is rather a system of ethics which borrowed its metaphysics elsewhere. Progress in ethics means a constant turning of white into black and burning what one has adored. There is little of that between St. John and the Victorian era.

But if we might discuss this point until we found that we nearly agreed, and if we do argue thoroughly about the impropriety of Carlylese denunciations, and Pharisaism in history, I cannot accept your canon that we are to judge Pope and King unlike other men, with a favourable presumption that they did no wrong. If there is any presumption it is the other way against holders of power, increasing as the power increases. Historic responsibility has to make up for the want of legal responsibility. Power tends to corrupt and absolute power corrupts absolutely. Great

men are almost always bad men, even when they exercise influence and not authority: still more when you superadd the tendency or the certainty of corruption by authority. There is no worse heresy than that the office sanctifies the holder of it. That is the point at which the negation of Catholicism and the negation of Liberalism meet and keep high festival, and the end learns to justify the means. You would hang a man of no position, like Ravaillac; but if what one hears is true, then Elizabeth asked the gaoler to murder Mary, and William III ordered his Scots minister to extirpate a clan. Here are the greater names coupled with the greater crimes. You would spare these criminals, for some mysterious reason. I would hang them, higher than Haman, for reasons of quite obvious justice; still more, still higher, for the sake of historical science.

The standard having been lowered in consideration of date, is to be still further lowered out of deference to station. Whilst the heroes of history become examples of morality, the historians who praise them, Froude, Macaulay, Carlyle, become teachers of morality and honest men. Quite frankly, I think there is no greater error. The inflexible integrity of the moral code is, to me, the secret of the authority, the dignity, the utility of history. If we may debase the currency for the sake of genius, or success, or rank, or reputation, we may debase it for the sake of a man's influence, of his religion, of his party, of the good cause which prospers by his credit and suffers by his disgrace. Then history ceases to be a science, an arbiter of controversy, a guide of the wanderer, the upholder of that moral standard which the powers of earth, and religion itself, tend constantly to depress. It serves where it ought to reign; and it serves the worst cause better than the purest.

Let me propose a crux whereby to part apologetic history from what I should like to call conscientious history:—an Italian government was induced by the Pope to set a good round price on the heads of certain of its subjects, presumably Protestants, who had got away. Nobody came to

claim the reward. A papal minister wrote to the government in question to say that the Holy Father was getting impatient, and hoped to hear soon of some brave deed of authentic and remunerated homicide. The writer of that letter lies in the most splendid mausoleum that exists on earth; he has been canonized by the lawful, the grateful, the congenial authority of Rome; his statue, in the attitude of blessing, looks down from the Alps upon the plain of Lombardy; his likeness is in our churches; his name is upon our altars; his works are in our schools. His editor specially commends the letter I have quoted; and Newman celebrates him as a glorious Saint.

Here is all you want, and more. He lived many a year ago; he occupied the highest stations, with success and honour; he is held in high, in enthusiastic reverence by the most intelligent Catholics, by converts, by men who, in their time, have drunk in the convictions, haply the prejudices, of Protestant England; the Church that holds him up as a mirror of sanctity stands and falls with his good name; thousands of devout men and women would be wounded and pained if you call him an infamous assassin.

What shall we call him? *In foro conscientiae*, what do you think of the man or of his admirers? What should you think of Charlotte Corday if, instead of Marat, she had stabbed Borromeo? At what stage of Dante's pilgrimage should you expect to meet him?

And whereas you say that it is no recommendation in my eyes to have sympathy with the Roman system in its essentials, though you did not choose those terms quite seriously, one might wonder what these essentials are. Is it essential—for salvation within the communion of Rome—that we should accept what the canonization of such a saint implies, or that we should reject it? Does Newman or Manning, when he invokes St. Charles [Borromeo], act in the essential spirit of the Roman system, or in direct contradiction with it? To put it in a nutshell: could a man be saved who allowed himself to be persuaded by such a chain of argument, by such a cloud of witnesses, by such a

concourse of authorities, to live up to the example of St. Charles?

Of course I know that you do sometimes censure great men severely. But the doctrine I am contesting appears in your preface, and in such places as where you can hardly think that a pope can be a poisoner. This is a far larger question of method in history than what you mean when you say that I think you are afraid to be impartial; as if you were writing with purposes of conciliation and in opposition to somebody who thinks that the old man of the Seven Mountains is worse than the old man of one. I do not mean that, because your language about the Inquisition really baffles and bewilders me. Moreover, you are far more severe on Sixtus about the Pazzi than others; more, for instance, than Capponi or Reumont. And my dogma is not the special wickedness of my own spiritual superiors, but the general wickedness of men in authority—of Luther and Zwingli and Calvin and Cranmer and Knox, of Mary Stuart and Henry VIII, of Philip II and Elizabeth, of Cromwell and Louis XIV, James and Charles and William, Bossuet and Ken. Before this, it is a mere detail that imperfect sincerity is a greater reproach in divines than in laymen, and that, in our Church, priests are generally sacrilegious; and sacrilege is a serious thing. Let me add one word to explain my objection to your use of materials. Here is Pastor, boasting that he knows much that you do not. He does not stand on a very high level, and even his religion seems to be chiefly ecclesiastical. But I do apprehend that his massive information will give him an advantage over you when he gets farther. In that light I regret whatever does not tend to increase the authority of a work written on such *Culturstufe* as yours. I did not mean to overlook what may be urged *per contra*. When you began there was no rival more jealous than Gregorovius. That is not the case now. I should have wished your fortification to be strengthened against a new danger.

I am sure you will take this long and contentious letter

more as a testimony of heart confidence and respect than of hostility—although as far as I grasp your method I don't agree with it. Mine seems to me plainer and safer; but it has never been enough to make me try to write a history, from mere want of knowledge. I will put it into canons, leaving their explanation and development to you.

I remain, yours most sincerely

Acton

Advice to persons about to write History:—Don't. Visit the Monte Purgatorio, as Austin called the Magnesian rock that yields Epsom Salts; or: Get rid of Hole and Corner Buffery.

In the Moral Sciences Prejudice is Dishonesty.

A Historian has to fight against temptations special to his mode of life, temptations from Country, Class, Church, College, Party, authority of talents, solicitation of friends.

The most respectable of these influences are the most dangerous.

The historian who neglects to root them out is exactly like a juror who votes according to his personal likes or dislikes.

In judging men and things, Ethics go before Dogma, Politics or Nationality.

The Ethics of History cannot be denominational.

Judge not according to the orthodox standard of a system, religious, philosophical, political, but according as things promote or fail to promote the delicacy, integrity and authority of Conscience.

Put Conscience above both System and Success.

History provides neither compensation for suffering nor penalties for wrong.

The moral code, in its main lines, is not new; it has long been known; it is not universally accepted in Europe, even now. The difference in moral insight between past and present is not very large.

But the notion and analysis of Conscience is scarcely

lder than 1700; and the notion and analysis of veracity; scarcely older than our time—barring Sacred Writings of East and West.

In Christendom, time and place do not excuse—if the apostle's Code sufficed for Salvation.

Strong minds think things out, complete the circle of their thinking, and must not be interpreted by types.

Good men and great men are *ex vi termini*, aloof from the action of surroundings.

But goodness generally appeared in unison with authority, sustained by environment, and rarely manifested the force and sufficiency of the isolated will and conscience.

The Reign of Sin is more universal, the influence of unconscious error is less, than historians tell us. Good and evil lie close together. Seek no artistic unity in character.

History teaches a Psychology which is not that of private experience and domestic biography.

The principles of public morality are as definite as those of the morality of private life; but they are not identical.

A good cause proves less in a man's favour than a bad cause against him.

The final judgment depends on the worst action.

Character is tested by true sentiments more than by conduct. A man is seldom better than his word.

History is better written from letters than from histories: let a man criminate himself.

No public character has ever stood the revelation of private utterance and correspondence.

Be prepared to find that the best repute gives way under closer scrutiny.

In public life, the domain of History, vice is less than virtue.

Active, transitive sins count for more than others.

The greatest crime is Homicide.

The accomplice is no better than the assassin; the theorist is worse.

Of killing from private motives or from public, from political or from religious, *eadem est ratio*. Morally, the

worst is the last. The source of crime is *pars melior nostri*. What ought to save, destroys. The sinner is hardened and proof against Repentance.

Faith must be sincere. When defended by sin it is not sincere; theologically, it is not Faith. God's grace does not operate by sin.

Transpose the nominative and the accusative and see how things look then.

History deals with Life; Religion with Death. Much of its work and spirit escapes our ken.

The systems of Barrow, Baxter, Bossuet higher, spiritually, constructively, scientifically, than Penn's. In our scales his high morality outweighs them.

Crimes by constituted authorities worse than crimes by Madame Tussaud's private malefactors. Murder may be done by legal means, by plausible and profitable war, by calumny, as well as by dose or dagger.

The College,
Worcester

[April 9, 1887]

My dear Lord Acton,

Your letter is an act of true friendliness, and I am very grateful to you for it, more grateful than I can say. It is a rare encouragement to have such a standard set up as you have put before me. Judged by it I have nothing to say except to submit: *efficaci do manus scientiae*. Before such an ideal I can only confess that I am shallow and frivolous, limited alike in my views and in my knowledge. You conceive of History as an Architectonic, for the writing of which a man needs the severest and largest training. And it is impossible not to agree with you: so it ought to be.

I can only admit that I fall far short of the equipment necessary for the task that I have undertaken. I was engaged in reading quietly for the purpose, and the beginning of writing lay in the remote distance in my mind, when I received a letter asking me to look through the papers of an old gentleman whom I slightly knew, who on

his deathbed had made me his literary executor. I came across him at Oxford in the Bodleian, where he came to read for a history of the rise of Universities. He died at the age of seventy-four, possessor of a vast number of notes, out of which all that I could piece together was an article on Wyclif's Oxford life. This filled me with a horror of notebooks and urged me to begin definitely to write. I thought that I had best frankly do what I could; anything would serve as a step for my successors. So I wrote.

I entirely agree with your principles of historical judgments: but apparently I admit casuistry to a larger extent than you approve. I remember that in 1880 I met John Bright at dinner: he was very cross, apparently a cabinet meeting had disagreed with him. Amongst other things he said: "If the people knew what sort of men statesmen were, they would rise and hang the whole lot of them." Next day I met a young man who had been talking to Gladstone, who urged him to parliamentary life, saying: "Statesmanship is the noblest way to serve mankind."

I am sufficient of a Hegelian to be able to combine both judgments; but the results of my combination cannot be expressed in the terms of the logic of Aristotle. In studying history the question of the salvability of an archdeacon becomes indefinitely extended to all officials, kings and popes included. What I meant in my offending sentence in my preface was that anyone engaged in great affairs occupied a representative position, which required special consideration. Selfishness, even wrongdoing, for an idea, an institution, the maintenance of an accepted view of the basis of society, does not cease to be wrongdoing: but it is not quite the same as personal wrongdoing. It is more difficult to prove, and it does not equally shock the moral sense of others or disturb the moral sense of the doer. The acts of men in power are determined by the effective force behind them of which they are the exponents: their morality is almost always lower than the morality of the mass of men: but there is generally a point fixed below which they cannot sink with impunity. Homicide is always homicide:

but there is a difference between that of a murderer for his own gain, and that of a careless doctor called in to see a patient who would probably have died anyhow; and the carelessness of the doctor is a difficult thing to prove.

What is tolerance nowadays? Is it a moral virtue in the possessor, or is it a recognition of a necessity arising from an equilibrium of parties? It often seems to me that we speak as if it was the first, when actually it is the second. My liberalism admits to everyone the right to his own opinion and imposes on me the duty of teaching him what is best; but I am by no means sure that that is the genuine conviction of all my liberal friends. French liberalism does not convince me that it is universal. I am not quite sure how Frederick Harrison or Cotter Morrison would deal with me if they were in a majority. The possession of a clear and definite ideal of society seems to me dangerous to its possessors. The Mediæval Church had such an ideal: the result was the Inquisition, which was generally approved by the common consciousness. In the period of the end of the fifteenth century the Papacy seemed to me to have wearied of the Inquisition which was not much supported. The Popes were comparatively tolerant to Jews, Marrani, Turks; they did not attack the humanists; they did not furbish up the old weapons and apply them to new cases—except in the recognition of the Spanish Inquisition by Sixtus IV, about whom I have probably expressed myself loosely, but I have not my volumes here and I do not exactly [recall] what I said. What I meant was that to Sixtus IV this recognition was a matter of official routine. To have refused it he would have had to enunciate a new principle and make a new departure in ecclesiastical jurisdiction. I should have honoured him if he had done so; but I do not think him exceptionally persecuting because he did not do so. He accepted what he found. My purpose was not to justify him, but to put him in rank with the rest. I think, however, that I was wrong, and that you are right: his responsibility was graver than I have admitted. I think he knew better.

You judge the whole question of persecution more rigorously than I do. Society is an organism and its laws are an expression of the conditions which it considers necessary for its own preservation. When men were hanged in England for sheep stealing it was because people thought that sheep stealing was a crime and ought to be severely put down. We still think it a crime, but we think it can be checked more effectively by less stringent punishments. Nowadays people are not agreed about what heresy is; they do not think it a menace to society; hence they do not ask for its punishment. But the men who conscientiously thought heresy a crime may be accused of an intellectual mistake, not necessarily of a moral crime. The immediate results of the Reformation were not to favour free thought, and the error of Calvin, who knew that ecclesiastical unity was abolished, was a far greater one than that of Innocent III who struggled to maintain it. I am hopelessly tempted to admit degrees of criminality, otherwise history becomes a dreary record of wickedness.

I go so far with you that it supplies me with few heroes, and records few good actions; but the actors were men like myself, sorely tempted by the possession of power, trammelled by holding a representative position (none were more trammelled than popes), and in the sixteenth century especially looking at things in a very abstract way. I suppose statesmen rarely regard questions in the concrete. I cannot follow the actions of contemporary statesmen with much moral satisfaction. In the past I find myself regarding them with pity—who am I that I should condemn them? Surely they knew not what they did.

There is no reason for not saying what they did; but what they did was not always what they tried to do or thought that they were doing.

Moral progress has indeed been slow; it still is powerless to affect international relations. If Bright's remedy were adopted and every statesman in Europe were hanged, would that mend matters?

In return for your wisdom I have written enough to

show my foolishness. Your letter will give me much food for meditation, and may in time lead to an amendment of my ways. That you should have written shows that you think me capable of doing better. I will only promise that if I can I will; but the labours of practical life multiply, and I have less time for work at my subject now than I had in the country. For a period coming on I ought to spend years in Archives: which is impossible. . . .

My jottings bear traces of the incoherence of one who has preached five sermons this week, and has two more to preach tomorrow. I have not had time to think over your letter: but I wanted to thank you. Perhaps the effort to rid myself of prejudice has left me cold and abstract in my mode of expression and thinking. If so it is an error to be amended and corrected.

Will you not someday write an article in the *Historical Review* on the Ethics of History? I have no objection to find my place among the shocking examples. Believe me that I am genuinely grateful to you.

Yours most sincerely

M. Creighton

INAUGURAL LECTURE ON THE STUDY OF HISTORY

* This lecture was delivered at Cambridge, June 11, 1895 (London, 1895): reprinted in *Lectures on Modern History* (London: Macmillan Co., 1906), pp. 1-30 and 319-342.

THE HISTORY OF FREEDOM IN ANTIQUITY

* This address was delivered to the members of the Bridgnorth Institution at the Agricultural Hall, February 26, 1877 (Bridgnorth, 1877): reprinted in *The History of Freedom and Other Essays* (London: Macmillan Co., 1907), pp. 1-29.

THE HISTORY OF FREEDOM IN CHRISTIANITY

* This address was delivered to the members of the Bridgnorth Institution at the Agricultural Hall, May 28, 1877 (Bridgnorth, 1877): reprinted in *The History of Freedom and Other Essays* (London, Macmillan Co., 1907), pp. 30-60.

¹ Poynt, in his *Treatise on Political Power*.

THE PROTESTANT THEORY OF PERSECUTION

* This essay first appeared in *The Rambler, New Series*, I (July, 1862), 1-25; reprinted in *The History of Freedom and Other Essays* (London, Macmillan Co., 1907), pp. 150-87.

There has been some controversy about the authorship of this article. In a footnote to a letter written by Acton to Simpson, the editor of *The Rambler*, Gasquet, interprets the words, "your article," as referring to "Protestant Theory of Persecution," thus attributing the article to Simpson. The editors of *History of Freedom*, Figgis and Laurence, declare in their preface that this was an error and they include the article in

their edition of Acton's writings. The late G. G. Coulton revived the dispute in the *English Historical Review* of July, 1931. According to Coulton, Laurence and Figgis admitted the essay on the testimony of Wetherell, who had been associated with the journal but whose memory was not entirely trustworthy. Because the article does not impress him as "Actonian" (in style and content), Coulton agreed with Gasquet and assigned it to Simpson. The author of the introduction to the present volume maintains that the article, both in style and content, is entirely typical of the young Acton, and that many of its ideas, in embryonic form, may be found in his early journals and notebooks. Even if it could be shown, however, that the article was not actually composed by Acton, it is certain that Acton agreed with its sentiments, particularly if it is assumed that the author was Simpson. Acton and Simpson worked in close collaboration, so that it is sometimes difficult to assign exact responsibility for each contribution. (For example, the theme, development of the argument, and most of the illustrations for "Philosopher's Stone" [*Rambler*, July 1860], originated with Acton, although the article in its final form was composed by Simpson.)

¹ Kaltborn, *Vorläufer des Grotius*, 208.

² De Wette, III, 560.

³ Newman, *Lectures on Justification*, p. 386.

⁴ De Wette, III, 90.

⁵ Riffel, *Kirchengeschichte*, II, 9; *Table-Talk*, III, 175.

⁶ Seidemann, *Thomas Münzer*, p. 35.

⁷ Heinrich Grosbeck's *Bericht*, ed. Cornelius, 19.

⁸ Pestalozzi, *Heinrich Bullinger*, p. 95.

⁹ Pestalozzi, *Heinrich Bullinger*, p. 146.

¹⁰ *Ibid.*, p. 149.

¹¹ *Ibid.*, p. 270.

¹² Pestalozzi, *Heinrich Bullinger*, p. 426.

¹³ *Ibid.*, p. 428.

¹⁴ Herzog, *Leben Oekolampads*, II, 197.

¹⁵ *Ibid.*, p. 189.

¹⁶ *Ibid.*, p. 206.

¹⁷ Herzog, *Leben Oekolampads*, II, 195.

¹⁸ Hallam, *Literature of Europe*, II, 81; Schlosser, *Leben des Beza*, p. 55.

¹⁹ *Praefatio in Psalmos*. See "Historia Litteraria de Calvini Institutione," in *Scrinium Antiquarium*, II, 452.

²⁰ Baum, I, 206.

²¹ *De Haereticis a civili Magistratu puniendis*, 1554.

²² *Tractatus Theologici*, I, 95.

²³ *Ibid.*, 143.

²⁴ *Literature of Europe*, II, 82.

NATIONALITY

¹ This essay first appeared in *The Home and Foreign Review*, I (July, 1862), 146-74; reprinted in *The History of Freedom and Other Essays* (London, Macmillan Co., 1907), pp. 270-300.

"Observations on the Conduct of the Minority," *Works*, V, 112. Mill's *Considerations on Representative Government*, p. 298. Mill's *Considerations*, p. 296.

Burke's "Remarks on the Policy of the Allies," *Works*, V, 26, 29, 30.

Œuvres, I, 593, 595; 11, 717.

POLITICAL CAUSES OF THE AMERICAN
REVOLUTION

¹ This essay first appeared in *The Rambler, New Series*, V, Part XIII (May, 1861) 17-61: it is reprinted here for the first time since its original publication.

Madison's *Reports*, 162.

Ibid., 135, 138.

Ibid., 196.

Ibid., 433.

Hamilton's *Works*, II, 413-417.

Madison's *Reports*, 244.

Hamilton's *Works*, II, 440.

Rayner's *Life of Jefferson*, 268, 169.

Madison's *Reports*, 202.

Ibid., 166.

Ibid., 234.

Ibid., 173.

Ibid., 170.

Williams's *Statesman's Manual*, 268.

Reports, 171.

Ibid., 163.

Ibid., 201, 212.

Ibid., 218, 248.

Elliot's *Debates*, I, 350.

Federalist, 2.

Ibid., 10, 51.

Works, II, 414, 415.

Works, VI, 225.

Memoir, 417.

Works, II, 415.

Ibid., VII, 164.

Ibid., II, 421, 450.

²⁸ *L'Ancien Régime et La Révolution*, p. 13.

²⁹ *History of the United States*, VI, 70.

³⁰ *Ibid.*, V, 414.

³¹ *Works*, VII, 852.

³² *Ibid.*, II, 433.

³³ Hildreth, VI, 100.

³⁴ *Life*, I, 185.

³⁵ Hildreth, VI, 120.

³⁶ *Ibid.*, VI, 117.

³⁷ *Life*, I, 182, 187, 191, 243.

³⁸ *Correspondence*, IV, 148.

³⁹ *Life*, I, 185.

⁴⁰ *Life*, II, 322.

⁴¹ *Works*, II, 444.

⁴² Madison's *Debates*, 148.

⁴³ Elliot's *Debates*, I, 450.

⁴⁴ *Life*, I, 385.

⁴⁵ *Life of Calhoun*, p. 34.

⁴⁶ Exposition of South Carolina Committee on the Tariff, 1828, in Calhoun's *Works*, VI, 12.

⁴⁷ Elliot's *Debates*, IV, 272.

⁴⁸ *Political Works*, VI, 662.

⁴⁹ *Works*, IV, 181.

⁵⁰ *Works*, VI, 77, 78.

⁵¹ *Ibid.*, VI, 31.

⁵² *Ibid.*, VI, 80.

⁵³ Elliot's *Debates*, IV, 498.

⁵⁴ *Works*, VI, 32, 33, 75.

⁵⁵ *Ibid.*, I, 7-83.

⁵⁶ *Writings of Legaré*, I, 272.

⁵⁷ *Quarterly Review*, II, 522, I, 124.

⁵⁸ Elliot's *Debates*, IV, 519.

⁵⁹ Colton's *Life and Speeches of Clay*, V, 392.

⁶⁰ *Statesman's Manual*, 953-960.

⁶¹ *Memoir of Webster*, p. 101.

⁶² Vol. II, cap. 7.

⁶³ *Life*, I, 311.

⁶⁴ *Works*, IV, 351, 550, 553.

⁶⁵ *Political Register*, November 1833; *Works*, VI, 683.

⁶⁶ *Memoir of Channing*, 418, 419.

⁶⁷ *Ibid.*, 421.

⁶⁸ Brownson's *Quarterly Review*, 1844, II, 515, 523.

⁶⁹ *Ibid.*, I, 84, 19.

⁷⁰ *Works*, V, 357.

⁷¹ *Historical Collections of Virginia*, p. 128.

⁷² *Life*, II, 307.

⁷³ *Lecture on America*, p. 27.

⁷⁴ *Works*, IV, 386.

⁷⁵ *Ibid.*, VI, 556, 561.

⁷⁶ *Ibid.*, VI, 578.

⁷⁷ *Essays and Reviews*, pp. 357, 359.

⁷⁸ *Works*, IV, 360.

⁷⁹ *Speech of 17th June, 1850; Works*, VI, 567, 582.

⁸⁰ *Works*, IV, 395.

⁸¹ *Ibid.*, 542, 556.

⁸² *Memoir of Channing*, p. 43.

⁸³ P. 35.

⁸⁴ *Works*, III, 606.

⁸⁵ *Ibid.*, 609.

⁸⁶ *Ibid.*, 618.

⁸⁷ *Ibid.*, 505.

⁸⁸ Cicero, *Somnium Scipionis*, 3.

THE BACKGROUND OF THE FRENCH REVOLUTION

* This lecture first appeared in *Lectures on the French Revolution* as delivered by Lord Acton at Cambridge in the academical years 1895-96, 1896-97, 1897-98, 1898-99 in view of the history tripos of those years (London, Macmillan Co., 1910), pp. 1-19, under the title, "The Heralds of the Revolution."

CONFLICTS WITH ROME

* This essay first appeared in *The Rambler, New Series*, IV (January, 1864), 209-44: reprinted in *The History of Freedom and Other Essays* (London, Macmillan Co., 1907), pp. 461-91.

¹ Lamennais, *Correspondence*, Nouvelle édition (Paris: Didier).

² *Ibid.*, April 12 and June 25, 1830.

³ *Ibid.*, March 30, 1831.

⁴ *Ibid.*, May 8 and June 15, 1829.

THE VATICAN COUNCIL

* This essay first appeared in *The North British Review*, LIII, No. 105 (October, 1870), 183-229: reprinted in *The History of Freedom and Other Essays* (London: Macmillan Co., 1907), pp. 492-550.

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