

THE POPE
AND
THE COUNCIL

BY

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(IGNAZ VON DOLLINGER 1799-1890

AND

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CHAPTER I.

MAKING THE SYLLABUS DOGMATIC

The articles of the Syllabus—such, we are told, is one of the urgent wishes of true Catholics—are to be defined by the Council in the form of positive dogmas. The Church will thus be enriched with a considerable number of new articles of faith, hitherto unheard of or abundantly contradicted; but when once Papal Infallibility has become matter of faith, this will be only the first fruits of a far richer harvest in the future. The extent of the Catholic Church will thereby be gradually narrowed, perhaps till it presents the spectacle once offered to the world by a Pope, Peter de Luna, Benedict XIII., who from his castle of Peniscola condemned the whole of Christendom which refused to acknowledge him; and finally, when the Council of Constance had solemnly deposed him (1417), and the number of his adherents was reduced to a few individuals, declared “The whole Church is assembled in Peniscola, not in Constance, as once the whole human race was collected in Noah’s ark.” But this will give them little concern; nay, the more the educated classes are forced out of the Church, the easier will it be for Loyola’s steersmen to guide the ship, and reduce the true flock that still remains in it to more complete subjection. Catholicism, hitherto regarded as a universal religion, would, by a notable irony of its fate, be transformed into the precise opposite of what its name and notion imports. As the assembled Bishops are to exercise their power of formulating dogmas on the contents of the Syllabus, they have only to set their conciliar seal on a work already prepared to their hand by the Vienna Jesuit, Schrader.¹ He has already turned the negative statements of the Syllabus into affirmatives, and so we can, without trouble, anticipate the decisions of the Council on this matter. And, as it is to last only three weeks, from and after

29th December, 1869, the Roman Catholic world will be enriched by the following truths, and will have to accept, on peril of salvation, the following principles:

(1.) The Church has the right of employing external coercion; she has direct and indirect temporal power, *potestatem temporalem* as distinguished from *spiritualem*, or, in ecclesiastical language, power of civil and corporal punishment.² Schrader himself intimates that this is meant when he says, "It is not only minds that are under the power of the Church."³ His fellow Jesuit, Schneemann, speaks out clearly and roundly enough on this point: "As the Church has an external jurisdiction she can impose temporal punishments, and not only deprive the guilty of spiritual privileges. . . . The love of earthly things, which injures the Church's order, obviously cannot be effectively put down by merely spiritual punishments. It is little affected by them. If that order is to be avenged on what has injured it, if that is to suffer which has enjoyed the sin, temporal and sensible punishments must be employed." Among these Schneemann reckons fines, imprisonment, scourging, and banishment, and he is but endorsing an article in the *Civiltà, Del potere coattivo della Chiesa*, which maintains the necessity of the Church visiting her opponents with fines, fasts, imprisonment, and scourging, because without this external power the Church could not last to the end of the world. She herself is to fix the limits of this power, and he is a rebel against God who denies it. Schneemann does not conceal his grief that the present world is so far gone from the apprehension and application of these wholesome truths: "We see that the State does not always fulfill its duties towards the Church according to the divine idea, and, let us add, cannot always fulfill them, through the wickedness of men. And thus the Church's rights in inflicting temporal punishment and the use of physical force are reduced to a minimum."⁴

It was from the spirit here manifested that Pius IX. in 1851 censured the teaching of the canonist Nuytz in Turin, because he allowed only the power of spiritual punishment to the Church.⁵ And in the Concordat made in 1863 with the Republics of South America, it is laid down in Article 8 that the

civil authorities are absolutely bound to execute every penalty decreed by the spiritual courts. In a statement addressed by Pius IX. to Count Duval de Beaulieu, published in the *Allgemeine Zeitung* of November 13, 1864, the power of the Church over the government of civil society, and its direct jurisdiction in temporal matters, is expressly guarded.

It follows that they are greatly mistaken who suppose that the Biblical and old Christian spirit has prevailed in the Church over the medieval notion of her being an institution with coercive power to imprison, hang, and burn. On the contrary, these doctrines are to receive fresh sanction from a General Council, and that pet theory of the Popes—that they could force kings and magistrates, by excommunication and its consequences, to carry out their sentences of confiscation, imprisonment, and death—is now to become an infallible dogma. It follows that not only is the old institution of the Inquisition justified, but it is recommended as an urgent necessity in view of the unbelief of the present age. The *Civiltà* has long since described it as “a sublime spectacle of social perfection;”⁶ and the two recent canonizations and beatifications of inquisitors, following in rapid succession, gain in this connection a new and remarkable significance.

(2.) According to Schrader’s affirmative statement of the twenty-third proposition of the Syllabus, the Popes have never exceeded the bounds of their power or usurped the rights of princes.⁷ All Catholics must for the future acknowledge, and all teachers of civil law and theology must maintain, that the Popes can still depose kings at their will, and give away whole kingdoms and nations at their good pleasure.

When, for instance, Martin IV. placed King Pedro of Aragon under excommunication and interdict for making good his hereditary claim to Sicily after the rising of the Sicilians against the tyranny of Charles I. (in 1282), and then promised indulgences for all their sins to those who fought with him and Charles against Pedro, and finally declared his kingdom forfeit, and made it over for a yearly tribute to Charles of Valois—a step which cost the two kings of France and Aragon their

life, and the French the loss of an army,⁸—this was not, as the world in its false enlightenment has hitherto supposed, a violent usurpation, but the application of a divine right which every Pope still possesses in full, though prudence may require that for the moment, and perhaps for some time to come, they should let it lie dormant, and adopt meantime a waiting attitude.

Pope Clement IV., in 1265, after selling millions of South Italians to Charles of Anjou for a yearly tribute of eight hundred ounces of gold, declared that he would be excommunicated if the first payment was deferred beyond the appointed term, and that for the second neglect the whole nation would incur interdict, *i.e.*, be deprived of sacraments and divine worship.⁹

Nevertheless, the Bishops of the future Council are to make it an article of faith that the Pope did not thereby exceed the limits of his power; in other words, that he could at his mere caprice, and for purely political or pecuniary ends, deprive millions of innocent men of what, according to the teaching of the Church, are the necessary means of salvation.

(3.) If the Council executes the program of the *Civilta*, it will also undertake a correction of the hitherto prevalent estimate of history. We now read in all historical books and systems of Church law that the immunities of the clergy (*e.g.* the *privilegium fori*, the unrestricted right of acquiring property, and exemption from civil functions) were gradually conceded to the Church by the Roman emperors and later kings, and have therefore a civil origin. This will be characterized as heresy.¹⁰

Those also will become guilty of heresy who write or teach that the extravagant pretensions of the Popes contributed to the separation of the Eastern and Western Churches, though this may be discovered in official documents from the twelfth to the sixteenth century, and the avowals of a number of contemporary authorities.¹¹

In prospect of such decrees all Catholic writers on Law or History should be urgently advised to publish their works before 30th December, 1869; for, from thence forward, “*magnus ab integro sæculorum nascitur ordo,*” and only Jesuits

or their pupils will be called or qualified, without savor of heresy, to write on secular or Church history, civil law, politics, canon law, etc. There will at least be required for literary and academical work a flexibility and elastic versatility of spirit and pen hitherto confined to journalism.

(4.) Still more dangerous will be the questions of freedom of conscience, and persecution, when once the propositions of the Syllabus are made articles of faith, according to the will of the Jesuits and the Bishops acting under their guidance.

The Syllabus condemns the whole existing view of the rights of conscience and religious faith and profession: It is a wicked error to admit Protestants to equal political rights with Catholics, or to allow Protestant immigrants the free use of their worship;¹² on the contrary, to coerce and suppress them is a sacred duty, when it has become possible, as the Jesuit Fathers and their adherents teach. Till then, Schneemann¹³ says, the Church will, of course, act with the greatest prudence in the use of her temporal and physical power, according to altered circumstances, and will not therefore at present adopt her entire medieval policy.

The inevitable result of this is to propagate, from generation to generation, lies, hypocrisy, and deceit by wholesale; but that is the lesser evil. For freedom of opinion and worship produces, according to the Syllabus, profligacy and the pest of indifferentism. That, too is to become an article of faith, and the future commentators on the decrees of the Council will have to confirm its truth by reference to the actual condition of the nations which have these liberties. They will point to the Germans, the English, the French, and the Belgians as the most profligate of men, while the Neapolitans, Spaniards, and inhabitants of the Roman States, with whom the exclusive system nourishes, or did till quite lately, are a brilliant model of virtue among all nations of the earth. To speak seriously, the contest inaugurated by the Encyclical of 1864 will have to be carried out with the free use of every available Church weapon—a contest against the common sentiment and moral sense of every civilized people, and all the institutions that have grown out of them.

It is but a few years since Ketteler, Bishop of Mayence, in a widespread work praised by all the Catholic journals of the day, undertook to show the moderation, tolerance, and self-restraint of the Catholic Church in its relations with the State and the separate Churches. He insists that the Church so thoroughly respects freedom of conscience as to repudiate all outward coercion of those beyond her pale as immoral and utterly unlawful; that nothing is further from her mind than to employ any physical force against those who, as being baptized, are her members; that she must leave it entirely for their own freest determination whether they will accept her faith; and that it is absurd for Protestants to suppose they have any need to fear a forcible conversion, etc. etc.¹⁴ How far these statements can be verified by history is indeed very doubtful.

Meanwhile the Bishop is instructed by the Syllabus and its commentator, Schrader, that he has fallen into that forbidden liberalism which is, according to the Roman view, one of the grossest errors of the day, and that it was by special indulgence of Rome that his book was not put on the Index. What a light this throws on the condition of the Church, and what an unworthy mental slavery the Roman Jesuit party threatens foreign Catholics with, is thus made clear enough! An illustrious bishop speaks, amid universal applause, without a syllable of dissent from his fellow bishops, on those grave questions, upon the right answer to which the legal position and beneficial action of the Church in our days in large measure depends. And now, a few years afterwards, the Pope, without indeed naming him, condemns his doctrine, and the very people who applauded the bishop's book applaud the Encyclical with yet profounder homage, and are convinced that what they took for white is black. Ketteler, who knows well enough that the main object of the Syllabus is to exalt principles at first only applied to the condition and circumstances of a particular country into universal articles of faith, tried to save himself by the pitiful evasion that these articles of the Syllabus do not contain a general principle, but only one applicable to certain countries, especially Spain.¹⁵ It appears, then, that

our bishops, our theologians and preachers, and our people, did not know what the true doctrine of the Catholic Church is but only those monks and *monsignori*, especially the Jesuits, who compose the Roman Congregations, and who have now for the first time since the Encyclical of Gregory XVI. opened the hitherto jealously closed fountains of knowledge. And thus the singular fact has come to light that the Catholic nations have for a long time been thoroughly heterodox, and that their appointed teachers have helped on the error, and sworn to Constitutions molded in utterly vicious principles and laid under ban of Rome.

(5.) The Syllabus closes with the notorious assertion that “they are in damnable error who regard the reconciliation of the Pope with modern civilization as possible or desirable.”¹⁶

Every existing Constitution in Europe, with the sole exception of Russia and the Roman States, is an outgrowth of this modern civilization. Freedom of religious profession, worship, and teaching, freedom of political rights and duties before the law—these, with the people’s right of taxing themselves, and taking a part in legislation and municipal self-government, are the dominant principles and ideas which interpenetrate all existing Constitutions, and they are so closely connected, and so sustain each other, that where some of them are conceded, the rest inevitably follow. But an opposite course has been steadily pursued in the Church for centuries, especially since the pseudo-Isidorian decretals; the hierarchical system has become more and more built up into an unlimited oligarchical absolutism, and a constantly growing and encroaching bureaucratic centralization has killed out all the old Church-life in its harmonious disposition and synodal self-government, or turned it into a mere empty form.

Thus Church and State are like two parallel streams, one flowing north, the other south. The modern civil Constitutions, and the efforts for self-government and the limitation of arbitrary royal power, are in the strongest contradiction to Ultramontanism, the very kernel and ruling principle of which is the consolidation of absolutism in the Church. But State

and Church are intimately connected; they act and react on one another, and it is inevitable that the political views and tendencies of a nation should sooner or later influence it in Church matters also.

Hence the profound hatred, at the bottom of the soul of every genuine ultramontane, of free institutions and the whole constitutional system. The *Civiltà* not long since gave pointed utterance to it: "Christian States have ceased to exist; human society is again become heathen, and is like an earthly body with no breath from heaven. But with God nothing is impossible; he can quicken the dry bones, as in Ezekiel's vision. The political power, parliaments, voting urns, civil marriages, are dry bones. The universities are not only dry, but stinking bones, so great is the stench that rises from their deadly and pestilential teaching. But these bones can be recalled to life if they hear God's word and receive His law, which is proclaimed to them by the supreme and infallible doctor, the Pope."¹⁷

Let us remember that the noble mother of European Constitutions, the English Magna Charta, was visited with the severest anger of Pope Innocent III., who understood its importance well enough. He saw therein a contempt for the Apostolic See, a curtailing of royal prerogatives, and a disgrace to the English nation; he therefore pronounced it null and void, and excommunicated the English barons who obtained it.¹⁸

We may readily do Pius IX. and his Jesuit counselors, who are notoriously the authors of the Encyclical and Syllabus, the justice of admitting that they have done in 1864 what Innocent in 1215 was prophet enough to consider for the interests of the Church. What was then a weak and tender sapling has grown, in spite of the curse of the most powerful of all the Popes, into a mighty tree, overshadowing half the world, and is blest with blooming children and children's children. And so, too, its latest offspring, the Austrian Constitution—which a far feebler successor of Innocent has stigmatized as an "unspeakable abomination" (*infanda sane*)—may rest in peace, and appeal confidently to the world's verdict on the world's history. And

the more so, since this very successor was not ashamed, a year or two ago, to have the question asked in London, whether he too might not find a residence in the motherland of those “demoralizing” laws of freedom.

Rome has shown herself no less hostile to the French than to the English Constitution. In 1824, Leo XII. addressed a letter to Louis XVIII., pointing out the badness of the French Constitution, and urgently pressing him to expunge from the charter those articles which savored of liberalism.¹⁹ When Charles X. tried to change the Constitution by the ordinances of July 1830, every one gave the blame to his episcopal advisers, and especially his confessor, Cardinal Latil. The fall of the Bourbons was the result. Soon after the establishment of the new Belgian Constitution in 1832, Gregory XVI. issued his famous Encyclical, recently used and confirmed by Pius IX., which pronounces freedom of conscience an insane folly, and freedom of the press a pestiferous error, which cannot be sufficiently detested. The immediate consequence was the rise of a liberal party in Belgium, at internecine feud with the Catholic party. The contest still goes on, after nearly forty years; the schism has grown ever wider and deeper, and the hatred fiercer between them, and, as Ultramontanism makes every understanding or compromise between them impossible, the political controversy has merged in a systematic attacking and undermining of all positive religion. The Belgian Catholics have never been able to meet the reproach of being necessarily enemies to a Constitution condemned as wicked by the Pope, and that all their assurances of loyalty and conscientious respect for the fundamental law of the country are mere hypocrisy. And thus, with all the religiousness of the people, the liberal and anti-religious party is constantly gaining ground, while the Catholic party, divided against itself by the split between ultramontanes and liberals (*i.e.*, Catholics true to the Constitution), is no longer competent to form any available Cabinet. The attempt of the Congress of Malines in 1863 was wrecked; the Syllabus has pronounced sentence of death on its program, so eloquently set forth by Montalembert, for reconciling the Church with civil freedom.

In the United States, Catholics cannot form a political party. There, too, as an American bishop has assured us, their situation is most unfavorable as regards political influence and admission to office, because it is always cast in their teeth by Protestants that they find their principles in Papal pronouncements, and cannot therefore honestly accept the common liberties and obligations of a free State, but always cherish an *arrière pensée* that if ever they become strong enough they will upset the Constitution.

In Italy the Papal Government has used every effort to deter Austria and the other Italian sovereigns from granting parliamentary and free municipal institutions. The documents proving this are to be seen in print. The Roman Court declared that it could not suffer even the very mildest forms of parliamentary government in its neighborhood, on account of the bad example.²⁰ The mild and just Grand-Duke Leopold of Tuscany was compelled against his will, under pressure from Rome, to abolish that article of the Constitution which asserted the equality of all citizens before the law, without distinction of religion, because the Pope declared that it could not be promulgated "*tutâ conscientiâ*"²¹ Under the same influence the Jewish physicians in Tuscany were first in 1852 forbidden to practice, as they had long been allowed to do. Who can wonder, after this, at the hatred of the Italians towards the Papacy as it now is, or think any permanent peace possible between Italy and such a hierarchy as this?

That the Bavarian Constitution, with its equality of religious confessions, and of all citizens before the law, is looked on with an evil eye at Rome, is sufficiently shown by the constant reproaches of the *Curia* since 1818.²² And finally, the Austrian Constitution has drawn on itself the curse of the Vatican. In the Allocution of the 22^d June, 1868, we read:

"By our apostolic authority we reject and condemn the above-mentioned (new Austrian) laws in general, and in particular all that has been ordered, done, or enacted in these and in other things against the rights of the Church by the Austrian Government or its subordinates; by the same authority we declare these laws and their consequences to have been, and

to be for the future, null and void (*nulliusque roboris fuisse ac fore*). We exhort and adjure their authors, especially those who call themselves Catholics, and all who have dared to propose, to accept, to approve, and to execute them, to remember the censures and spiritual penalties incurred *ipso facto*, according to the apostolical constitutions and decrees of the Ecumenical Councils, by those who violate the rights of the Church.”

By this sentence the whole legislature and executive of Austria is placed under ban, with the Emperor Francis Joseph at its head, and the Austrians may be thankful that the whole territories of the empire are not placed under interdict, according to the earlier precedent put in practice the last time against Venice (1606).

Pius IX. condemns the Austrian Constitution for making Catholics bury the bodies of heretics in their cemeteries where they have none of their own, and he considers it “abominable” (*abominabilis*), because it allows Protestants and Jews to erect educational institutions. He seems to have quite forgotten that similar laws have long prevailed elsewhere without opposition from Rome.

If the will of the *Civiltà* is accomplished, the Bishops will solemnly condemn, by implication, next December, the Constitutions of the countries they live in, and the laws which they, or many of them, have sworn to observe, and will bind themselves to use all their efforts for the abolition of those laws and the overthrow of the Constitutions. This will not, of course, be so openly stated; the *Civiltà* and its allies will say, what has often been said since 1864, that the Church must observe for a time a prudent economy, and must so far take account of circumstances and accomplished facts, as without any modification of her real principles, to pay a certain external deference to them. The Bishops do well to endure the lesser evil, as long as open resistance would lead to worse consequences, and prejudice the interests of the Church. But this submission, or rather silence and endurance, is only provisional, and simply means that the lesser evil must be chosen in preference to a contest with no present prospect of success.

As soon as the situation changes, and there is a hope of contending successfully against free laws, the attitude of the bishops and clergy changes too. Then, as the Court of Rome and the Jesuits teach, every oath taken to a Constitution in general or to particular laws loses its force. The oft-quoted saying of the apostle, that we must obey God rather than man, means, in the Jesuit gloss, that we must obey the Pope, as God's representative on earth, and the infallible interpreter of His will, rather than any civil authority or laws. Therefore Innocent X., in his Bull of 20th November, 1648, "*Zelus domûs Dei*" which condemns the Peace of Westphalia as "null and void, and of no effect or authority for past, present, or future," expressly adds, that no one, though he had sworn to observe the Peace, is bound to keep his oath.²³ It was chiefly those conditions of the Westphalian Peace which secured to Protestants the free exercise of their religion, and admission to civil offices, that filled the Pope, as he said, with profound grief (*cum intimo doloris sensu*). And this sentence was adhered to, for in 1789 Pius VI. declared that the Church had never admitted the Westphalian Peace, "*Pacem Westphalicam Ecclesia nunquam probavit.*" Thus again in 1805, Pius VII., in writing to his nuncio at Venice, upholds the punishments imposed by Innocent III. for heresy, viz., confiscation of property for private persons, and the relaxation of all obligations of tribute and subjection to heretical princes; and he only regrets that we are fallen on such evil days, and the Bride of Christ is so humbled, that it is neither possible to carry out, nor even of any avail to recall, these holy maxims, and she cannot exercise a righteous severity against the enemies of the faith.²⁴

These "holy maxims," then, are allowed for a while to lie dormant, though, according to the Jesuit plan of the campaign, they are to be raised at the approaching Council to the dignity of irreversible dogmas through the assertion of Papal Infallibility. Better times must be waited for, when the Church (that is, the Court of Rome) shall be raised once more from the dust, and seated on the throne of her universal, world-wide, spiritual sovereignty.

But here "the true Catholics" are divided into two parties. The one party, which is sufficiently educated to understand something of the spirit and tendencies of the age, cherishes

no illusions as to the possibility, or at least the near approach, of a thousand years' reign of absolute Papal dominion, and therefore despairs of humanity, which in its scornful blindness has rejected its last anchor of hope. The age we live in is the dark age of Antichristian dominion, the age of wailing and woe which is to precede the appearance of the bodily Antichrist for two years and a half, after which comes the end of all things and the general judgment. This party was represented in Bavaria by a learned and influential ecclesiastic, now dead, who gave it expression in a pastoral of the present Cardinal Reisach.²⁵ It simply means: As history does not go our way, there shall be no more history, or, in other words, the world must come to an end, because our system is not carried out. As their wisdom is at fault, they presume the wisdom of Providence is exhausted also! Men of this school think a Council so near the end of the world superfluous, or at best only last warning, given to men rather in wrath than in mercy.

The other party, and the Jesuits at their head, see in the Council the last star of hope, and expect that, when Papal Infallibility and the articles of the Syllabus have been proclaimed, mankind will bow down its proud neck, like the royal Sicambrian, Clovis, and will burn what it adored before, and adore what it burnt.

A holy bishop, Francis de Sales, often expressed his dislike of writings which deal with political questions, such as the indirect power of the Pope over princes, and thought with good reason that, in an age when the Church has so many open enemies, such questions should not be mooted.²⁶ But St. Francis de Sales is no authority for the Jesuits.