

GS236

# APPEAL OF A PROTESTANT TO THE POPE

TO RESTORE THE

## LAW OF NATIONS.

REPLY TO SIX QUESTIONS

ON THE

BUSINESS FOR THE ANNOUNCED

SIXTH LATERAN COUNCIL.

BY

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"When the true notion of Justice becomes obscured, material force takes the place of Right."—Prus IX.

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THIS exposition arose out of an application to the writer to put down concisely the substance of several conversations.

The heads were given as follows:

“ 1st. The former universal observance of International Law.

“ 2nd. Its present total disuse.

“ 3rd. The absolute necessity, if Society is to be saved, of a general reacknowledgment of International Law.

“ 4th. The Catholic Church, with the POPE at its head, the only power capable of enforcing this.

“ 5th. The approaching General Council the occasion for doing so.

“ 6th. The means to the end being (in part) the formation of a Diplomatic College at Rome.”

## THE ŒCUMENIC COUNCIL, &c.

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The Priory, January 18, 1868.

If it were possible to be concise it would be superfluous to write. What I have to say every one formerly knew. They do not know to-day, because of the fallacious terms and erring propositions, which form the sum of every man's intellectual being.

The removal of these—the unteaching—is the work. It can only be done by conversation. If made in writing, the attempt must consist in more than statement or indication. The case itself would be all contained in these words: “Do what is right, “you who have no interest in doing what is wrong.”

### 1ST AND 2ND.

#### PASSAGE FROM LAW TO LAWLESSNESS.

The two first questions resolve themselves into one. It cannot be said that the Law of Nations was formerly universally observed; nor that at the present time it has fallen into total disuse. Both questions are directed to obtaining a definition as to that portion of the public Law which has been disregarded, and to fixing the limit of time at which such change has taken place. It is in this manner, therefore, that I shall give my answer.

The Law of Nations is a Code which regulates the intercourse of communities, as if they were individuals. The difference between an individual and a Nation consists only in number, leaving rights, duties, and obligations precisely the same. In

the one and the other case, all Law is founded on the Ten Commandments, and specially on the four :

Thou SHALT NOT kill.

Thou SHALT NOT steal.

Thou SHALT NOT bear false witness.

Thou SHALT NOT covet.

All which Commandments are broken collectively when a Nation makes war upon another, without necessity, without just cause, and without due form. That is to say, when it makes war with a deliberate purpose of doing wrong, that wrong consisting in an invasion or attack, which cannot be made without killing innocent individuals, without robbing and destroying their property. Then these acts must of necessity be accompanied by alleging falsely against the innocent guilty acts, and coveting that which belongs to them.

The purpose to commit those things must exist somewhere when they are committed. That purpose need not co-exist numerically with the community; it may be confined to a few, or even to a single individual; it will be found in the brain of the community, wherever that brain happens to be. Nevertheless, the guilt is common to all, because it is the result of their acts, whether perpetrated by their hands, or accomplished through the taxes they contribute, and the assent which they give. And as this co-operation and assent, in so far as it is blind, can result only from the resignation of judgment in regard to matters affecting religious conscience and political duties, the guilt becomes twofold. Such a people is at once a felon and a slave.

No war is made except in so far as one of the parties to it has been reduced to this condition. When such an event has occurred, some one people has been thus guilty: whilst some other people, resisting the crime, has become the protector of public and private innocence and liberty throughout the World.

That the Law shall cease to be appealed to by the State that is attacked, is the lowest condition to which humanity can be reduced; it is the destruction of all human Society. It is our present condition.

No nation can proceed honestly against another, save for *acts*. It must suffer from these acts. Otherwise it cannot come into court. It cannot proceed to pass sentence on such acts, and to carry that sentence into execution by levying war, until it has exhausted every means for obtaining redress or security, and has thus put beyond the possibility of doubt or even cavil, the existence on the earth of a Power resolved and prepared to disturb the repose of the human race. Such must be the course, without any enactment, of an honourable or a wise nation. This

also is what the law prescribes. This is the law and rule which each people has to enforce the observance of, on its own Government. In this consists and is shown its domestic liberty. In this resides the means, and the only means, of preventing wars and preserving peace; that is to say, of preserving it when not broken by a real necessity, such as the incursion of barbarous tribes or the outburst of some military genius at the head of a great martial people, itself alone superior to all its neighbours. These are the rare but sole contingencies on which the knowledge of the law by the various communities, and the enforcement of it on their sovereigns and his servants, would not suffice for the preservation of peace. All the recent wars of Europe have arisen solely from the cessation of this restraint; in other words, from the absence of integrity in the men composing these communities.

It may be useful to quote an instance :

A country (Hanover) can be invaded in full peace without declaration of war, without ground or pretext of any kind on which to found such declaration, there having been *no act whatever done* by it. It can be, thereupon, conquered (through a succession of military treacheries) and incorporated with another, while the rest of Europe remain unmoved witnesses of the crime. The victim **MAKES NO APPEAL TO THE LAW!** This can only be because the law is dead. The other nations have not remained silent; they have applauded. They are led, having lost the standing ground of integrity, by mercenary writers of daily comments. This can be done, because the assault of one body on another, having ceased to be judged of on its own grounds, is judged of on other grounds which have no connexion with the case itself. These grounds consist in the emotions of each man's mind, and may be resolved into and classed as speculations on ethnography, on philology, on geography, on forms of government, on dogmas of religion, out of which he draws conclusions and says, "This people shall be united to or "dissevered from that people; this king shall reign in that "country! such country shall expel its king, and have a re- "public; that country shall abrogate its republic, and have "a monarchy. This being my desire, whoever achieves it is "an estimable person, and whatever means he adopts are good "means." Thus it is that at any and every moment the occasion is open for the employment of the last resort of man—bloodshed. For bloodshed no reason whatever need now be offered; no wrong need have been done, attempted, or so much as dreamt of.

Here is the test by which to separate the base from the upright. Every man who, being himself upright would stop

evil and reclaim his fellow-man, must discipline himself so as to be able to convince and convict, by showing each man with whom he converses that, in so far as he pursues a speculation and indulges in desires in reference to the affairs of other people with whom he has no business, he lives without law and without faith in the world; and lends his aid, so far as it can go, to that universal trouble, out of which will, in due course, be brought the domination over all of one grinding political and religious despotism. So true is it that the Law is the foundation of States and the only security for peace and goodwill among men, that when it becomes obliterated, as it is to-day, nothing can be held permanent or secure, not even their own opinions. This deplorable condition springs from the perversion of language through the use of false and ambiguous terms; thence the unbridled passion for destruction. Whatever is not ourselves is hateful to us, from overweening vanity and presumption in regard to what we imagine ourselves to be.

It is not only that the truth is hateful to them; it is contemptible. They despise it quite conscientiously, when by the rarest of chances, any of them hears it. Thus you say to a man, "Bloodshed without cause is murder, no less on the battle-field than in a dark alley." He answers, "Oh, you must be a Quaker, and will have peace at any price." You answer him, "I did not speak of peace, which is a consequence; but of crime, which is the cause, and of justice, which is the remedy." He replies, "Oh! all wars are unjust." He does not see that he is confounding the commission and the punishment of crime, and substituting felon for judge, and judge for felon. If, by management, you at last succeed in showing him his error, instead of being rejoiced at being emancipated from it, instead of earnestly and hopefully entering on the new field thus opened to him, he is only angry because proved to have been wrong, and has no thought save that of afterwards misrepresenting to himself that which has passed, and of reviling to others the person from whom he has heard it. Thus it is that the truth cannot be known. Unless shame and repentance come with sight, blindness is not removed. This period of compunction and of shame has passed for our age, save for very powerful minds, very young persons, or exceptional cases of remarkable conscientiousness, which suffice to conquer the universal passion of self-love.

Those who are the depositaries of this truth have, therefore, to undergo a life of trial; suffering in the sight of the unconsciousness around them, pain in every attempt to remove it, self-reproach in every possible occasion unemployed, persecution as soon as the nature of their thoughts and character is apprehended.

Physical truth (discovery) is gratifying to the investigator, and is accepted with gratitude by the rest. Moral truth is the discovery of error in all, and is hateful to those to whom it is presented.

What the desire of food is for animal nature so is for the intellectual being the desire of being right. That is, it is the main spring on which all depends. Each virtue has its corresponding vice: this, which is not a virtue, but the source of all virtue, must, therefore, have in its counterpart the source of all evil. That counterpart is the fear of being found out to be wrong; in other words, the desire to *appear* to be right. This condition is expressed by the word self-love. To say, then, that this is the character of an age, is to express the very worst condition to which a people can be reduced. The sign of it is offence at being told that they are wrong. It is conscience, the stay of integrity, perverted so as to become its enemy. This is the evil of our times, and it must be boldly looked in the face and known to be the real enemy we have to combat, concealed behind all the disguises it puts on of political opinion, philosophical maxim, and religious pretence.

When an individual murder is committed, the heart of every man is moved; human indignation is at work to trace, detect, and punish. The extensive organisations of police, criminal and legal functionaries, pursue the guilty as a business and a trade. The conscience of the guilty is itself at work, paralysing his proceedings, betraying his steps, pursuing him during his defence, and finally overtaking him on the scaffold or the death-bed. What prevents these safeguards from exerting their power in the case of multiple murder? It is only that it is not seen to be so. It is not so seen from the progressive servility of decaying nations before power; whilst neither secular nor religious instruction has applied itself to inform them in childhood as to the nature of crime and sin in this respect, and so brought them up as just, virtuous, or even conscious men.

That association in India known by the name of Thugs present a striking and instructive analogy. Amongst these persons the same sense existed as to individual murder that in modern Christendom exists as to aggregate murder. A Thug, reverting to the sense of crime in such acts and endeavouring to convict his fellows of guilt, would have stood in reference to that community in exactly the same position as an inhabitant of modern Europe in making the same attempt in reference to his contemporaries. Such a person will in vain appeal to the common religion of the land, any more than to the common instincts of humanity.

The picture is, however, entirely reversed if such words are spoken by the highest religious authority, recognised already by

millions as the vice-regent of GOD upon earth. The offence ceases for them, at least, and all will exclaim, as at the Council of Clermont "DIEU LE VEUT!" It is the will of GOD that there be peace on earth and goodwill among men, which can be only through justice. St. PAUL preached the kingdom to come, but he first preached of "judgment and justice."

The first step backwards and out of this labyrinth of darkness consists in regaining a clear and distinct perception of the various acts which we include to-day under the general term WAR, and of those other acts to which the term no ways applies, but which we equally include under it.

Wars have to be classed under three heads. First, necessary; second, just; and third, lawful.

An unnecessary war may be one to which the character of just also applies—that is, when the Declaration has been had recourse to, without the other preliminary steps which might have forced the adverse party to do justice, or when the requisite business-like capacity has not been employed, to bring the negotiation to a fortunate issue. Thus, when Mr. DISRAELI called the Russian war of 1854, "This most just and most unnecessary war," the idea was presented of a war that might have been just had the means been adopted which should have rendered it unnecessary; implying, that though just by occasion being given for it by guilty acts on the other side, it was so no longer, when on our side the available means had not been taken, either to prevent the acts of which we complained, or to force the satisfaction which we demanded.

An unjust war is one in which that is demanded which we have no right to claim, and the adverse party is under no obligation to concede. Such, for instance, as the war against France in 1806, which was made after the adjustment of all matters respectively affecting England and France; and when, thereafter, England made further demands, unjust in themselves, and put forward by a third Power (Russia). The recourse in such a case is to the constituted authorities of the State against the Ministers; but the formalities being observed, such as the statement of the case (*Rerum Repetitio*), the announcement of the Penalty (ultimatum), the Record in Chancery, the Proclamation to the Subjects, the Denunciation to the Enemy, and the Commission to "kill, burn, and destroy,"—the military oath of the soldier is saved, and weapons can be drawn and used lawfully.

The third case is that which, being unnecessary and unjust, has further been made without the due and above-stated forms; and where, therefore, there is no warrant for the use of weapons. Any man so using them exposes himself to the last of penalties,



not only as regards the State assailed, but also as regards the criminal and martial laws of his own country.\* As regards the world, this is piracy; as regards the country, it is the levying of private war. When any case arises under it in our courts of law, it will be disallowed, as carrying no legal consequences, as was shown in the first Chinese war.†

Unlawful Wars have happened in the history of mankind; but they have been of the rarest occurrence. Consisting chiefly of the outbreak of hordes who have devastated extensive portions of the Earth, they may be considered rather as convulsions of nature than as operations of man. These cases have been indeed considered by jurists, but only to dispose of them in a phrase to the effect that they do not constitute *war*, but consist simply in robbery and piracy.

Every man engaged in such enterprises is liable to be dealt with, and ought to be dealt with, as a pirate; that is to say, hung without trial if taken with arms in his hands. Thus it was that, when Geneva, in 1602, was attacked without Declaration of War by the Duke of SAVOY, the inhabitants of that town hung upon its walls every Savoyard they had captured. Stress is laid upon the act by the Jurists, specially by VATTTEL, as a precedent of authority. It is particularly noted that no attempt at reprisals was made by the Duke of SAVOY, and that a general assent on the part of all Nations followed this display of vigour and of justice, by which has been preserved the independence of that small State.

Unlawful Wars, when they did occur otherwise than as the migrations of hordes were treated exactly as piracy on the high seas, or the enterprises of Bandits in a forest; or as murders and robberies in Town or Country.

It is to the latter category that belong the operations of fleets and armies in this age. It may, therefore, be designated as that of lawlessness. Those who receive and execute the commission to murder and to rob are not aware that they are doing aught

\* "At the table of the Commander-in-Chief, not many years since, a young officer entered into a dispute with Lieutenant-Colonel — upon the point to which military obedience ought to be carried. 'If the Commander-in-Chief,' said the young officer like a second Scid, 'should command me to do a thing which I knew to be civilly illegal, I should not scruple to obey him, and consider myself as relieved from all responsibility by the commands of my military superior.' 'So would not I,' returned the gallant and intelligent officer, who maintained the opposite side of the question. 'I should rather prefer the risk of being shot for disobedience by my commanding officer than hanged for transgressing the laws and violating the liberties of my country.' 'You have answered like yourself,' said His Royal Highness, whose attention had been attracted by the vivacity of the debate; 'and the officer would deserve both to be shot and hanged that should act otherwise. I trust all British officers would be as unwilling to execute an illegal command as I trust the Commander-in-Chief would be incapable of issuing one.'"—*Sir Walter Scott's Memoir of the Duke of York.*

† See case of *Evans v. Hutton.*

amiss, and those who suffer are not aware that they can protect themselves by inflicting on the criminals their due punishment. It is by the abstaining of the sufferers, through the loss of the sense of law in their own breasts, from hanging the pirates who assail them; and, on the contrary, treating them when captured as innocent and honourable men, that is, as prisoners of war, that that judicial blindness has fallen on the eyes of all. As violence is not summed up in its particular performance, but assumes to establish a despotic authority over the human race, so is innocence when assailed invested with supreme attributes, if it duly performs its duty of *protest, resistance, and punishment*. It is in this sense that the maxim of Roman law — Justice is in the keeping of the injured — receives its counter-application in the present day.

Each of these crimes does not spring from the active presence of so many millions of individual passions hurrying them on. It springs solely from two causes: 1. Blind obedience to the Executive; 2. Absence of penalty from the injured.

Having thus circumscribed the field, a very encouraging consideration presents itself. It is that of its simplicity. To apprehend it, neither legal, constitutional, diplomatic, nor historical studies are requisite. The simple instincts of the most illiterate of men suffice to embrace it and apply it. It only requires to be stated to be accepted by all. There may arise difficulties in reference to the means of rectification; but there can be none as to the consequences to the human race, unless the remedy be found.

As to the period of this momentous change, it cannot be fixed to a year and by an event; it being in the course of nature that change should be progressive. Unnecessary and unjust Wars had long to be made and often repeated, before the new course of ferocity became easy or possible. It may be needful severally to trace these steps: and the more so, as the people of this country is entirely ignorant of the acts done by itself.

As regards England, the first great disturbance took place under the influence of polemical hatreds, and in connexion with a Revolution, a change in the Succession of the Crown, and the establishment on the throne of a Foreign Prince. This was the war of the Spanish Succession. It arose out of a treaty in which, for the first time, the legal and constitutional element in an International proceeding, though not openly set aside, was virtually extinguished. The signature of the Lord Chancellor was appended to the blank parchment, which so transmitted to WILLIAM III., then in Holland, was filled in at his arbitrary pleasure. To have protected this Empire, and with it Europe, from the consequences of this crime, it would have been

requisite to have put Lord SOMERS on his trial for his life. This course not having been adopted, this first step was followed by others in the same direction. All legal and all constitutional checks were successively withdrawn, whether as to the making of wars, whether as to the negotiating and signing of compacts with foreign States, out of which war arises. Simultaneously the Royal functions were withdrawn from the supervision of the body through which alone "they could be exercised" and remitted to the disposal of an illegal body, to which the designation of "King's Cabinet" was affixed. It is now most falsely and most fatally held that the signing of treaties and the making of war belong to the Royal Prerogative; whilst such Royal Prerogative is held to be duly exercised, not by the King in Privy Council, but by the accidental body brought into power by a parliamentary majority, and which is called the "Cabinet."

The wars, from that of the Spanish Succession, have been, like it, unnecessary and unjust without exception, whilst, in carrying them on, the real power of England, in her naval means, has been restrained rather than employed, by the successive holders of office. But down to the close of the great wars of the French revolution, a remnant of respect and of decency had so far prevailed, that such forms as were of absolute necessity to guard the consciences of soldiers and sailors were observed. The warrant for destruction accompanied hostilities, and the orders to kill, burn, and destroy were duly issued.

It is, then, since the European wars ceased, that commences the era of uncloaked brigandage. The first incident (Navarino) took place in 1827, which, though originating in a lawless treaty, was not followed up by other operations (at least by England), and was explained as the result of a mistake.

We have to come down eleven years nearer our own day for the first positive and complete case of a buccaneering expedition, undertaken and carried through by a constituted Government. This was the invasion of Afghanistan. The year 1838 may therefore be fixed upon as the period when war ceased, and when the mere killing of men by the orders of Governments commenced.

The Afghan war was made on the allegation that a certain ruler was "unfriendly" to England. This allegation, in itself no ground for war, was supported by various sets of documents presented to Parliament. These documents, being received by the Envoy employed, they were declared by him to be a "tissue of falsehoods." He consequently sent home for publication true copies of his despatches. After many years and repeated motions in Parliament, the original despatches were produced. The truth

of the statement of Sir A. BURNES was then established; and it was proved that the allegation against DOST MAHOMED, and on which the war to upset him had been explained and accepted, had been made out, through an elaborate falsification of the official despatches of the British Envoy.

The war therefore was unnecessary; it was unjust, for it was not just to attack or upset a foreign Prince; and being neither necessary or just, it could not be, by any "formality" rendered legal, nor was there so much as the attempt to do so. The document which appeared, though entitled a "Declaration," declared no war, but was restricted to observations in reference to "the service of troops across (beyond) the Indus."

No ground was taken in Parliament on the law for resistance to, or punishment of, this crime. After the whole of the expedition had perished, a motion for mere inquiry was defeated, and a second invasion was planned for the purpose of naked vengeance.

But before this positive and hot-handed revolt against all laws of God and man, preparations had been made for screening those guilty in this respect from punishment. The English Government negotiated with Spain a treaty (ELLIOT convention), according to which they should no longer shoot the foreigners taking part in the Civil contest then raging, and who were, and could only be treated as pirates. The matter was managed with art. There is no mention made of these foreigners. The English Minister is only moved by the interests of humanity. It was in the name of that great Moloch that both parties were called upon not to shoot men after the battle was over.\*

In the Affghan war commencing the new era for mankind, is found combined every order of guilt together with loss and injury. It was to be expected that the licence thus obtained should soon produce corresponding effects, and so it has proved. Thirty years have now elapsed. During that time no Conqueror has arisen: there has existed no necessity for war; yet wars, or the operations to which the name has been affixed, have followed uninterruptedly from that hour to the present; first in Asia, then in Europe, after that in America, and now at last in Africa; all resulting either from the direct act of England, her indirect encouragement, or through the operation of the general lawlessness which her practice has introduced or her authority established.

This proceeding on the part of England awakened no attention on the Continent of Europe. The sense of law was already so far obliterated that the character of the new crime was not

\* In the collection of Treaties published by the English Government this Convention is wanting.

perceived ; the people against whom the blow was levelled was remote ; they were looked upon as "infidels" and "uncivilised," and in respect to whom no Laws had to be observed. They did not perceive that the reaction would afterwards fall upon Europe herself. Indeed, France had herself a few years before commenced the same lawless course in Africa, and had afterwards continued it in Mexico and South America.

The invasion of Affghanistan was immediately followed by the first Chinese War ; a war, so far as the Chinese were concerned, but piracy only on the part of Great Britain, as was formally established by the English Courts. Then came the destruction of the British army in Affghanistan, and the second invasion for the sake of vengeance. This was followed by the second and third Chinese wars with their revolting incidents of atrocity and barbarity. Then came the two Persian Wars, the two attacks on Japan, the Bombardment of Jeddah, and now the Invasion of Abyssinia. All these wars are of the same character, that is to say, unnecessary, unjust, profitless, and unaccompanied by the forms requisite to make a just and necessary War a lawful one.

It has to be remarked that whilst there was no gain to be obtained by these operations, so was there no passion of an internal kind to be gratified. The British Nation was on every occasion surprised into them. Falsification of documents to the extent of forgery, and every kind of misrepresentation were employed to bring them about. These artifices were directed not only against the public and the Parliament, but also against the Colleagues of the Minister, and the Sovereign. And the impunity, success, and pre-eminence of the sole Minister who managed them, was secured by the idea that the honour of England was compromised and had to be maintained. Whilst, in the universal sense of mental weakness and public insecurity, confidence was given to the one man, in whom the rest recognised resolution and capacity.

Amongst the incidents of this order of which Asia has been the field, we have to enumerate the Sepoy Rebellion of 1857, it having been produced by the transmission from England to India, in defiance of the standing orders of the department, of cartridges prepared in a manner which inflicted pollution on our Eastern subjects. The design in this case was the same as in all the others ; and it was practicable and successful like the others, only through the extinction of all the restraints hitherto imposed on evil doers.

Thus from the year 1838 down to the year 1868 there has been a scarcely uninterrupted series of piratical expeditions on the vastest scale, the effects of which have been to shake the

power of England in the East, to sap the basis of society and the means of Government throughout these vast Regions, by imposing heavy pecuniary obligations, and breaking down Constitutional restraints. Whilst, not there only, but throughout the World, has the sense of law been obliterated from the minds of men.

We have now to review the occurrences in our own quarter of the globe.

The settlement of 1815 was one which, not restoring the conditions that had been disturbed and the rights that had been infringed, prepared the way for what was to follow. It was almost immediately followed by the Treaty called the Holy Alliance, which, pretending to establish a common right of Governments to lend mutual aid to each other against their subjects, had for effect that which was the object of its original proposer—to generalise Revolution. All Governments were to lend their troops against all subjects; all subjects were consequently to combine against any Government. The distinction of alien and subject was effaced, everybody could interfere with everybody and everywhere, and the right was established for every man to fly at every other man's throat. This heinous and sacriligious Treaty—for it pretended to act in the name of CHRIST—introduced the unlawful system of Congresses. These generated unlawful Wars; thus from it came the invasion of Naples by Austria, and of Spain by France, and that general confusion of opinions and affairs which has prevailed unto the present day.

Concurrently with these operations there was the intervention in the East for the so-called "Pacification of the Levant," but which was directed to the overthrow of the Ottoman Empire. The Greeks had been insurrectionised by Russia. England, whom it was found impossible to draw into the Holy Alliance, on the withdrawal of the Russian Minister, made herself the organ of Russia at Constantinople. The Turks resisting, a Treaty was signed between England, France, and Russia, to constrain the Turks. It stipulated that the means of action should be left at the disposal of their representatives. This treaty was, therefore, not a beneficent compact, but an outrage and an infamy. It was, moreover, the surrender by each of the three Governments of all control over their own actions, and placed their respective forces at the conjoint disposal of their agents; that is, of the one of these agents who happened to be more dexterous than the others. Out of this came the butchery of Navarino, and the destruction of the naval power of Turkey, followed immediately by the Russian invasion of Turkey, and the withdrawal of the representatives of England and France; so that it was a common war of the three Powers against an Empire which

two of them had entered into the negotiation with the avowed purpose of protecting!

Meanwhile the Ruler of Egypt, secretly invited to revolt, first by England and afterwards by France, twice rebelled, imperiling all Europe. After ten years of confusion, the result of these negotiations and acts, a rupture was effected between England and France in reference to Egypt. A treaty sent from St. Petersburg, and signed by England, Austria, and Prussia, behind the back of France, all but produced a general European war, and left everything in utter confusion, with an immense increase of the warlike charges of France, and the fortifications around Paris.

Not one of these steps could have been taken had there existed in the Minister of any State "respect for the laws or fears for his person."\* They could not have taken place had the Executives not usurped the power of making war without the assent of the Estates of the Realm. They could not have taken place had the Privy Council not been displaced from within the Executive. They could not have taken place had the habit not arisen of permanent Embassies, by which the internal condition was invariably subjected to external considerations and influence. Finally, they could not have taken place had the churches of Christendom taught that murder in the aggregate was not less, but the same sin, as murder in the individual. For then war would no longer have been possible on the mere motion of the Minister; letters and despatches would have remained without effect to produce convulsion; and that maleficent power designated "moral influence" would have been lifted off the human race.

The pressure of taxation, the disturbance of every basis of judgment; the absence of all authoritative exposition of what is right in maxim, or profitable in practice; the periodical convulsions arising from a fictitious monetary system; and the expenditure of large sums of money and endless activity on the part of one Government to organise secret and revolutionary societies, had now prepared Europe for the repetition on a larger scale, in 1848, of the convulsion of 1830.

This event, to which our present state more immediately belongs, was led and managed for Russia by England. It began in Switzerland by double-dealing with the parties in the Civil War. This was followed by the celebrated despatch of October, 1847, announcing designs of Austria on Italy, and threatening her on the part of England. Then came the mission of Lord MINTO to all the Governments of Italy openly to impose on them in-

\* Words used in the House of Commons, February, 1848; as applied to the English Minister.

ternal measures, and openly to invite the various populations to revolt. No point of Europe was neglected. The ground was everywhere mined by Russian revolutionary agents, whilst England openly invoked rebellion. Thus, on a given day, in the beginning of 1848, from Copenhagen and Bucharest, to the Mediterranean and the Atlantic, every people was convulsed and every throne upset.

When after a time the re-establishment came, there was, in all respects, a difference. The Governments were more subservient, the people more discontented. The military organisations were augmented, the debt and taxes were increased.

Hitherto the north of Europe had been spared; one people in Europe was tranquil, had no factions, and was attached alike to its institutions and to its Prince. It was now to be drawn into the European vortex, and whilst made the victim of its order and loyalty, was to be converted into a more terrible lever of convulsion than any other of the fragments of the confederacy of European States, which had severally been used as dupes and instruments. This people were the inhabitants of the Duchies of the Eyder. The King of DENMARK had been induced, on perfidious councils from Paris, to infringe the rights of the Duchies on the plea of including them in a general representative constitution, which would make the "United Danish Monarchy" a barrier against Russia. Being thus prepared to be acted on by the convulsion of 1848, a civil war with Denmark broke out, which, by the management of England, was kept on for three years. She interfered each Autumn by mediation, and prolonged the situation till the warlike operations could be resumed in the Spring, which were then allowed to take their course. Prussia lent her aid to the same work by pushing on the Duchies, getting the command of the conjoint forces, and then betraying them in the field. After four years of this bloodshed and perfidy, matters were brought to a head, and an arrangement took place at Warsaw between the Russian CZAR, as head of the House of Oldenburg, and the King of DENMARK, by which the succession of the crown was altered, so that almost the whole of the intervening and numerous heirs were cut off; a successor named to the Royal line, at the option of the Emperor of RUSSIA, and his own title as heir-general established, both to the Kingdom and the Duchies.

Such a compact, unlawful as all the rest, was also offensive in the last degree to Denmark, and alarming to all Europe. It was impossible for the Danish Government to present to the Diet of Copenhagen a law to carry it into effect. The Compact or Protocol had been kept secret. To impose it on Denmark, and to impose it on Europe, it was taken up by England. A Treaty,



embodying the Warsaw Protocol, was signed in London, May 8th, 1852, rehearsing that the arrangement had already *been made*, and that the Treaty was only to give to it a "European sanction." On this it was proposed to the Danish Diet, as a "European necessity." After repeated dissolutions, the constitution was changed, and so the Treaty became law for Denmark.

These points are given, as out of this transaction—certainly the most monstrous and insane, that the world has ever witnessed—has come directly the phase of convulsion around us.

Whilst the Danish incident had been running its internal course of five years, from the letters patent of 1846 to the Warsaw Protocol of 1851, and its European course of fifteen years, from that Protocol to the battle of Sadowa in 1866—in the Italian Peninsula the harvest from the seed sown by the despatch of 1847 and the mission of Lord MINTO was being gathered in. Whatever the attractions for Russia of the Peninsula itself, whatever the necessity of stopping a productiveness which interfered with several, and endangered one of her own staple products—whatever the occasion which it presented now, as in all time, by the extended and exposed structure\* of the land and the debased character of the people for exciting the rivalries of neighbouring powers and bringing the fall of Dynasties—*Italy, for Russia, meant the POPE*. He was in Italy the only real thing. He from Italy could restore law, order, and peace in Christendom. He was head of the Western Church, which the CZAR works to destroy and pretends to incorporate. The East was involved in Italy, no less than the West, and Poland and Russia herself, no less than Europe and the East. To revolutionize Italy was the means to reach the POPE. By that process he could reach the sovereignty of the Bishop of ROME, and so upset his spiritual power; that is, that spiritual power not exerted at present, but, as she well knew, capable of exercise in a judicial fashion, and for which the first condition was that he should be subject neither to a foreign Prince nor be protected by foreign bayonets. That these must have been her desires and her objects it is facile to perceive, and it is in evidence that towards them, events have marched. But what is not so easy to perceive, and might have appeared impossible to accomplish, is what really did take place, and of which we possess the evidence. It is that in bringing about this convulsion (1848) she concealed from the Papal Government her part therein—concealed from its eyes alike her secret connexion with revolution and with the English Government, and made it believe that she was doing her best to protect the POPE against both. She made the largest

\* "Divided by the Apennines; surrounded by the sea."

offers in money and troops, and accepted the grateful acknowledgments of the POPE for having, by her influence, obtained for his protection the presence of French troops at Rome.\*

It was not that the POPE had forgotten Poland, or the substitution by the CZAR of himself for Patriarch, or his pressure in the East on his spiritual subjects; but all were then powerless to comprehend that Russia made use of revolution. They all believed her to be its opponent. However, the anomaly of the goodwill thus shown by the Russian Cabinet had to be explained. The explanation offered and accepted was that St. Petersburg and Rome were on "the same line," that being the "line of order." It is curious that the Revolutionists at the very same moment were attributing the pecuniary support they received from her to the same cause, that of being "on the same line with her." They understood that line to be "disorder."

The historian of the Revolutions of Europe remarks that, from the commencement of the eighteenth century, history had become difficult to write, in consequence of the non-observance of public law. Now that the very idea of law has disappeared, or, which is even worse, its name only used to misapply it and to affix it to some monstrous deed, the affairs of mankind have become one mass of incalculable confusion. They now pretend to substitute for the law they have abrogated, what they call an "International Law," which is to consist of Treaties. Strange as it may appear, it is not the less true that there has not been a single treaty signed during this period, that of Vienna inclusive, that has not been violated, till at last treaties are looked upon as some miasma pervading the air.† The idea of any value as resulting from a positive compact having disappeared, they now propose to substitute them for the Law of God and of Nations.‡

\* "So early as the month of February, 1848, the Cabinet of St. Petersburg thus addressed itself to the Court of Rome:—

"It is beyond doubt that the Holy Father will find in His Majesty the Emperor a loyal supporter in effecting the *restitution to him of temporal and spiritual power*, and that the Russian Government will apply itself to all the measures that may contribute to this end, seeing that it nourishes in respect to the Court of Rome no sentiment of rivalry and no religious animosity."—*Farina Stato Romano*, vol. iii. p. 215.—From "*The East and the West*," by the Hon. H. Stanley.

† "The Treaty of Gastein was now losing its vitality."—M. Rouher.

‡ "The most manifest and repulsive indication of that aspiration for Omnipotence which popular sovereignty affects is the contempt of that *elementary right* which the public honour and good sense have called the *faith of treaties*."—M. A. De Broglie, in the "*Revue des Deux Mondes*." Thus the perception of the evil is powerless in this age to lead to the perception of the cure. The first proposal of substituting Treaties for Law and calling them Law was made by Russia, in 1806, as one of the conditions on which she would have accepted the peace then on the point of settlement between England and France. As a step towards this result, at the Treaty of Vienna no anterior Treaty was restored, so that the peace became a generality.

In former periods of anarchy and violence a remedy was possible. The idea of it spontaneously arose. It was that of LAW. At that time—that is to say, in all previous times, crimes only were committed. The hearts of men were corrupted, but their understandings were left to them; and speech, the instrument of reason, was under each man's hand to use if prompted thereto. To-day the disturbance does not come from hordes lusting for territory, or conquerors for battle-fields. Those who commit the crimes suffer from them. It is the understanding that is perverted; it is speech that is falsified; and therefore is the restoration at once most easy and most difficult—most easy, because all would be on the side of right, did it find an interpreter; most difficult, for where is the interpreter to be found in an age which has fallen into this chaos by reason of false speech in use, and true speech forgotten?

When such terms as "Public Opinion," "Civilisation," "Progress," can be uttered, who can speak of *Law*, of *Justice*? and how, therefore, can there be peace on earth and goodwill among men?

All these terms have been already condemned by the POPE; but in condemning them he has not analysed them to show their vacuity. Let us take an instance. To say that the word "progress" should not be used, is of the greatest service to any human being who will obey the injunction; because it will save him from a large amount of distracting volubility, evil habits of mind, and erroneous conclusions. But only abstaining from it because it is forbidden, and not knowing it to be unmeaning, he will not be freed from its effects when it falls from the lips of others; nor will he be able to show to others why it is objectionable. Being incapable of giving a reason for his objection to its use he will sink in the estimation of his interlocutor, and in his own. The benefit of discipline is not secured to him. Instead of the regenerating effect of discarding a false term, his obedience only justifies the contempt of the "man of the age," who holds religion to be superstition, and its professors to be weak-minded. Let us suppose this Catholic to be instructed by his priest, himself instructed by the Head of the Church, and so enabled to deal logically, and not religiously or authoritatively, with a logical perversion. How differently would he stand! He would then proceed to call his opponent to account, even as CHRIST did in the time of the Pharisees, or as SOCRATES did in the time of the Sophists. He would question him as to his meaning; he would ask him to explain the relation between a substantive of motion and a method of reasoning. He would call for a definition of the geographic field over which motion is predicated, and for the contents of the entity represented as

marching over it. He would persist in drawing forth the forms of the unknown future towards which the progress is to be made. He would force him to declare whether his "progress" was towards or away from knowledge of cases, the correct definition of laws, the due regulation of constitutional checks, the restraints on the exercise of political power, the control over the public expenditure, the supervision of transactions between States, and the inhibition of public acts not beneficial, not just, not lawful. He would have always in reserve to show, and by questions to bring out the avowal, that on all these heads, since the word in question came into use, there had been a progressive deterioration of the human species. Thus would he confound and confute his antagonist, and show that to employ amphibologies is not the perfection but the extinction of the human faculties.

Men can go on, with the pen in their hand, making phrases—the weakest as well as the strongest. They are at once pulled up by a question, and will equally be baffled by it—the strongest as well as the weakest.

It is impossible to separate man and speech. There may be base men using language correctly, but there can be no people upright whose speech is debased. No branch of human science can be followed, or even so much as exist, if the terms be not defined. No legal act is binding into which terms not legal are introduced. An article of faith consists entirely in the definition of the terms.

What is here in evidence before us in the introduction of new terms into all the languages of Europe, and that all these have a double meaning: concurrently therewith, there has been a disturbance of all settled convictions.

The connexion is therefore established by two distinct processes. Ambiguous terms must bring, we say, malversation in affairs and infidelity in belief. They have been introduced, and have been accompanied by these results.

It follows, therefore, that the rectification must commence by the exclusion of such terms; and the POPE has put his hand to this work, condemning as unchristian and uncatholic those very terms which had already, on philological grounds, been shown to be unmeaning and deceptive.

For doing this Catholics have a great advantage in the Sacred Writings, having to study them, in the first instance, in the natural sense. This is a preparation for confounding fallacy by throwing men back on themselves, and for calling men to *Repentance* without reference to dogma. These are among the latent intellectual powers of the Catholic Church, which it knows not itself, and which will be known either to itself or others only when exerted.

Concurrently with the obliteration of the common instincts of man as regards the taking of life, there has arisen in Europe a parallel change in the conduct of affairs, by which one subordinate branch of government has been rendered supreme in each. The department of Foreign Affairs dealing extra-nationally, has got this mastery, and out of it has come an enthralling secrecy. This revolution has been worked out of the "Intervention in the East." That operation has converted international business into a labyrinth. The very existence of which is unknown save to those who had been connected therewith, before the Greek episode commenced. Each Foreign Department uncontrolled, unquestioned, can bring about wars, can, consequently, exert "moral influence" on other states; and so can disturb internal affairs, overthrow internal liberty, augment military establishments, increase charges, impose taxes, augment debt, produce, indirectly, disloyalty and unbelief; and whilst directly fomenting revolution in particularly selected countries, prepares for it in all; tending in a direction, which at some point must render all government impossible: and so preparing for the general domination throughout Europe of some power or people whose understanding and speech has not been similarly vitiated.

Before closing this branch it is desirable to revert to the act of Geneva in 1602. It is not only a great lesson, but also a prominent landmark. It is such a limit between two orders of existence, such as that traced by Tacitus in summing up the history of Rome, where he says, *Hic finis æqui Juris*. It explains how small states have been in later times absorbed, and how they remained up to these times, to be absorbed. When a crime against which human nature revolts does not receive its due penalty, of course it spreads, and, spreading, changes its character. So it has happened. Bandits being normally sent forth by established governments, come at last to constitute themselves on their own account, and to combine to assail this country or that. The penalties having ceased to be applied to the first, are then no longer applied to the second, so that a trade in piracy is established, and the inducement of impunity, which would apply to a band of false coiners, applies to the enterprises carried on against the SULTAN or the POPE. The Sovereigns so attacked, not exercising the functions of sovereignty in this respect, become themselves in reality accomplices in this breaking down of all things. They have, moreover, no passions to mislead them, and no real or supposed advantage to gain. It is therefore the result of weakness only—the greatest of all sins in the holder of delegated authority. Firmness in some would at any moment of past time have stopped the course of evil. Firmness would stop it even to-day.

It is not, however, correct to designate these adventurers as Bandits or Pirates. The latter have a positive object of gain in view. They may be driven to guilty deeds by necessity. They have the excuse of degrading associations. They incur positive danger; and, lastly, they are conscious of their own acts. Far different is the man who imbrues his hands in the blood of his fellow-creatures without such inducements, such risks, or such consciousness, and who is moved by the passions of the understanding—the most ferocious and most hopeless that can take possession of the human heart—the more hopeless and base, the loftier and the holier the pretensions which he puts forward to himself or others. The passions of the heart are the passions of the animal or the wild beast which lie down when satisfied. The passions of the understanding are those of the human being perverted from the image of God to the purposes of the Devil. It is before this outburst that the executioner gives way!

Had the hired assassins of the King of SARDINIA met the fate of those of the Duke of SAVOY—had there been in 1862 a township in Sicily with hearts of the men who lived in 1602, Italy would have been spared, the “making” she has had, and the unmaking she will presently have to undergo.

### 3RD.

#### SOCIETY TO BE SAVED ONLY BY THE LAW.

THE third question is already answered. It is more than answered, for the method to be adopted has also been shown. It consists in the extrication of the mind from a few fallacies, all which disappear of themselves, from the moment that a man sees that to kill, to rob, to covet, to bear false witness, is no less a crime when committed by many against many, than when committed by one against one, or a few against a few. Not to know this is to be under judicial blindness. Whilst that blindness endures, the case, as regards the conduct, conscience, business, and existence of a people is exactly such as, in regard to material objects, it would be, if natural and artificial light were suspended, and the human race were left to grope their way in the dark. Efforts, if made, would avail nothing, resources unbounded within his reach would satisfy neither hunger nor thirst, and he would perish miserably in the midst of the stench of his already putrifying fellow-creatures, despite all that Providence might have otherwise supplied for his comfort, and fortune assorted for his pre-eminence.

The expression "International Law" has, however, to be put aside. The epithet alone reveals this hopeless and abject condition. It reveals the intellectual debasement out of which that condition has sprung; it reveals the loss of respect for the rule of right, without which neither would the understanding have been debased, nor circumstances disordered. The Law is supreme, the Law rules, the Law is from on high. It is above all. Thus the Law of Nations is a holy law; but the sacred character vanishes before the preposition "between." In English you could not say it. If you did, you would know that it was nonsensical and feel that it was vile—"the between-Nations-Law."

The Law of Nations is otherwise termed the "Law of Nature," and, again, the "Law of GOD"—of Nature and of GOD because of its essence; of Nations, because ruling all and accepted by all. It is the Ten Commandments as applicable to communities. By observing these a people preserves its faith, its honour, its liberty, its power, and, if capable in other respects, will live for ever. When a people causelessly assails another, it has lost innocence, honour, liberty, and faith. It contains no longer one citizen, one Christian, or one gentleman, save amongst the protestors, if there be any.

Finally, it is peculiarly the Law of Nations because it, and it alone, deals with and adjudicates on their aggregate acts. It is the civil and criminal municipal law applied to the whole community. An eminent English judge has thus defined it:—

"The Law of Nations," says Lord MANSFIELD—"that universal Law, which will be carried as far in England as anywhere—which is here adopted in its full extent by the Common Law, and is held to be a part of the Law of England; *which Acts of Parliament cannot alter*: which is to be collected, together, together with the rules of decision concerning it, not from Acts of Parliament, but from the practice of different nations and the authority of writers; of which from time to time Acts of Parliament have been made to enforce, or decisions to facilitate, the execution, and are, therefore, considered not as introductory of any new law, but merely as declaratory of the old fundamental constitutions of the kingdom; and finally, without which the kingdom must cease to be a part of the civilised world."

This Law is, moreover, emphatically that of *Nations*, because the Nations have themselves to enforce it. **IT IS AGAINST THEIR GOVERNMENTS THAT THEY HAVE TO ENFORCE IT.** It is by taking care that their rulers "shall do that only which is lawful," that peace can be possessed or preserved on earth. The contrary must happen if that Law of Nations is remitted to the

agents, that is the Governments, to apply, to interpret, and to change at their pleasure. It is thus that a people falls into the last condition of "taking for law that which their rulers do." To recover them from it, some must arise different from the rest, to reprove and to teach them.

There remains behind a still graver consideration for the future. If the Law of Nations is not observed, it will necessarily come to be perverted, and its name, forms, and authority will remain as a blight on the world. The Law transformed into a mask and cloak for the designing will thus become the most fruitful of all sources of war and discord.

A small chink lets in light. It is not willingly that nations err, sin, slay, and suffer. Therefore is it that those who among such a generation do see, are filled with zeal, are incessant in toil, and endued with power. Few and insignificant, as in themselves they may be, their work may bear fruits.

Operations depending on thought are independent of numbers. This present condition of the human race has been brought about by a *single man*.

It is not bloodshed alone that we suffer from, and that has to be put a stop to, but lawless acts of all kinds; whether these consist in commission or in omission: of wrongs perpetrated or wrongs endured. Had there been a body of upright men in England, there would have been no waiver of the means of coercing her enemy in 1854, no giving away of her maritime power in 1856, no fitting out of Piratical vessels in 1863, no refusal of reparation for their depredations in 1864-7, no endurance of the transfer by sale of territorial possessions amongst our neighbours, or any foreign Powers, no submission to Blockades where war of no kind had been made, no interference in the internal jurisdiction of Eastern States by our Consuls, no proposals to shake the very bases of all society in destroying the indefeasible allegiance of the subject;—none, in fact, of these novelties, which come upon us to-day in overwhelming and inextricable shoals, and which were unknown in the world among all its previous generations. All these and all that are to follow are the necessary effects of dispensing ourselves from the observance of any rule of conduct. Surely a remedy so simple and so comprehensive ought to have attractions, if only from its novelty. We do run after new things and strange things; one more new or more strange is not to be found than Justice.



## 4TH.

## DUTY OF THE POPE TO RESTORE THE LAW.

Whether the Catholic Church is capable of this restoration must depend on the qualities of the men it possesses at this hour. It is placed under the necessity of making the attempt, both because of the new characters which crime has recently put on, and because of the assumption of authority over the consciences of its flock.

The words spoken by the POPE, while containing a promise, also suggest a fear. By them the Church steps out of its political disability, asserting its appellate jurisdiction. Four years have elapsed since the pretension was advanced, but it has remained unexercised. No preparatory steps have been taken for its exercise. The question therefore arises as to the sense attached to the words themselves. In any case the position of affairs is no longer the same after they have been spoken; for from that hour the sanction of the Church must be assumed to have been given in all cases where it has not rebuked and condemned.

It did not, however, require the assertion of this claim in this authoritative manner to convey a religious sanction to political crimes. It may be put in this very self-evident and simple fashion: Granted that the Church of England or of Prussia is not called upon to determine the lawfulness of a war made by the respective Governments of these countries, it does not thereupon follow that the Church of Rome can dispense itself from this duty, seeing that its pretension is to be universal, and that its flock will be engaged on both sides; so that there is for it no possibility of not sanctioning crime, as there is an impossibility of both sides being innocent.

The case has been stated by a distinguished Prelate (the Bishop of MAYENCE) in the following terms:—

“In the last centuries, after abandoning the commandments of GOD, an inert form has been substituted for them, derived from the scales in which merchandise is weighed. . . . This separation of the Rights of Nations and the Law of GOD—this fiction that the end and means of Policy stand in a horizon superior to those of vulgar morals and justice, brings an immense peril for the peace of the world. This is war in permanency, or a simple armistice—the prelude of a war of all against all.

“It is thus that we have to deplore bitterly that Religion has been rendered the accomplice of this policy. They have been very ill inspired who in these latter times, have suggested to Religion and its ministers, to give a sort of religious consecration

“to all these violences. For how many victories have *Te Deums* “been chanted that have no ways been for the glory of GOD, “but which were cursed by GOD from heaven !”

It is thus that the Bishop of MAYENCE—without having perceived the distinction between wars that are unjust and those that are unlawful, and taking the first ground alone, and supposing that to be the guilt and danger of our times—still with grief and indignation, and also with horror, points to the desecration of religion, in the blessing by it of opposing arms.

Here speaks a disturbed conscience and a grieving heart ; but how unavailing those emotions, even when combined with high intellectual powers, to find and apply the remedy, when the requisite knowledge of circumstances is wanting, is singularly illustrated in the very work from which the above extract is taken. It is entitled “Germany after the War of 1866,” and necessarily deals with the causes which brought about that war. The author sees none of them. He makes statements as to Denmark which are not correct. He then speculates thereon. Finally, he reverts to that terrible and sacrilegious compact, the Holy Alliance, through which Europe has been convulsed, as a great, and good, and beneficial operation, attributing to its non-fulfilment the present condition of things !

Although, therefore, the instances of GREGORY THE GREAT, GREGORY VII., and INNOCENT III. must necessarily present themselves to any hopeful mind, whatever its religious profession, and whether or not it admits of any faith or belief at all, yet Popes are required nowadays for far graver purposes than to interdict uncanonical marriages, to excommunicate Royal assassins, to restrain unlawful taxes, or even to condemn *unjust* wars.

At the present time it is no active interference that is called for in the State ; it is simply *adjudication on criminal matters* that is required. The power so to be exercised will be apprehended only after it has been exerted ; and it can be exerted only by the possession of those eminent qualities, that perfect knowledge, and that unbounded self-sacrifice and devotion which, in the person of GREGORY, created that wonderful system which we designate the Church of Rome ; and which, in the person of the present POPE, if it please PROVIDENCE to grant him time and aids in men, may restore that Church, and with it retrieve and preserve human society—that society which, in his own words, is “crumbling to pieces.”

A French philosopher (unbeliever) says :—

“Do not tell me that GREGORY, LEO, URBAN, INNOCENT, “and so many others were Saints a thousand years ago. I want

“you to-day to be one yourself, in order that all the moral world may, without dispute, fall down at your feet.”\*

A Protestant clergyman and the actual Dean of St. Paul's, in writing of the past, shows what is practicable in the present:—

“In the person of GREGORY, the Bishop of ROME first became, in act and influence, if not in avowed authority, a temporal Sovereign. Nor were his acts the ambitious encroachments of ecclesiastical usurpation on the civil power. They were forced upon him by the purest motives, if not by actual necessity. The virtual Sovereignty fell to him as abdicated by the neglect or powerlessness of its rightful owners; he must assume it or leave the people and the city to anarchy. His authority rested on the universal feeling of its beneficence.”†

But the Pope is also a crowned head. He is one of the community of Sovereigns; yet he has not taken part in those proceedings which have reduced Europe to a chaos of mind and affairs. He has never recognised the Treaty of Vienna which is the fountain of these evils; he has unceasingly protested against it. He has also specially and vehemently protested against some of the crimes (in Poland and Italy) perpetrated under the conjoint influence of the extra-national management to which Europe is now subject.

It is, therefore, no less the duty of the POPE, as a king, to protest against crimes in which he has no part, and of which he is the victim, than for the POPE, as head of the Roman Catholic church, to teach every adult as every child belonging to his flock, that bloodshed without cause is murder; and to refuse the offices of religion (as he does to the conspirators in England known as Fenians) to any man directly engaged therein, by planning or executing them, or indirectly by approving of them, and contributing money towards them in the shape of taxes. His kingdom is indeed small, but in the eye of the Law, as of human reason, all sovereignties are equal. So also in our circumstances, the smallest State in Europe can equal the greatest. The affairs of all nations are interwoven. They are all conducted in secret. The entire European community is thus at the mercy of the most dexterous; and being all destitute of the requisite qualifications by which to detect what is being done with them, the web is gradually woven round their eyes, as the snares are prepared for their feet. There is no extrication for them save integrity and capacity in some one government, and such a Government however minute its territories, could render them this service.

\* “Christianity,” by Quinet, p. 59.

† Milman's “Latin Christianity,” vol. ii., p. 130.

But with these qualifications the Court of Rome becomes, at a bound, the most powerful on earth; and it has already taken its stand against that Government which manages all the others, and is leading them on to their mutual destruction.

The acquisition of these intellectual means is, therefore, the question. For this, individual powers, the most rare in the history of mankind, are requisite. An eminent ecclesiastic has put it in a form which cannot be improved upon. "For this," he said, "giants are required; and there are no giants "to be found either within the Church or without it."

Has the attempt, therefore, to be abandoned in despair? By no means. The first and greatest step is made when some have recognised its difficulty.

#### 5TH.

#### THE ŒCUMENIC COUNCIL.

No Council is required for this work. There is nothing new to be discovered or enacted, no new tribunal to be instituted. In the Council there is danger only, and it is thus that it may be counted gain.

These propositions are of the highest quality by their nature, and of the vastest bearing in their application, now and in all future time. If to any design the word great can be applied, it applies to this one. Therefore can it be worked out only by individual minds. A public assembly, however constituted, is unfitted for the task.

The bases, metaphysical and legal, have been already laid down by the POPE. The superstructure is wanting.

As respects *terms*, he has condemned them as erring; they have to be shown to be *unmeaning*, to give intellectual life to his flock, and enable them to make war on the fallacies in which all error is enveloped and contained.

Among the vast resources available for this purpose is that portion of education which in England is termed "classical," and in France "profane." The literature so studied is that of States (Greece and Rome) which, in their corruption and decay, are to us at once warnings and models—warnings by their fall, models by their thoughts. HOMER is a code of the Law of Nations. In DEMOSTHENES we possess a remonstrance against our actual habits, on which the seal of value has been impressed by the fall of Athens, as a result of its neglect. SOCRATES has been held by Fathers of the Church to have been the harbinger of Christianity. His teaching consisted in unravelling the errors contained in false terms. During the flourishing, and therefore

corrupt, period of Rome, we have the two dangers constantly presented, which threaten the communities of Europe to-day—false terms and injustice—and the two are linked together. It is not only moralists, but statesmen, favourites, and popular poets who thus speak. I cite some of them, for these are the words which meet our need.

CATO told his fellow-countrymen that they had lost true speech by adopting false speech (“*nos vera rerum vocabula amisimus*”). SENECA tells them that they no longer had law, since they took for law “whatever their rulers did.” CICERO, in the sublime description of what a community ought to be, which he places in the mouth of AFRICANUS, has these words: “The State (*res publica*) is not only synonymous with justice, “but exists only by and in the highest justice.” VIRGIL makes the shades of Hades echo with the great voice of THESEUS:—

“*Discite justitiam moniti et non temnere Divos.*”

The lyric of the Augustan age presents Virtue unteaching men their false terms, and thus securing a safe condition of life:—

“. . . *Virtus populumque falsis  
dedocet uti  
Vocibus.*”

How is it that such things are known to the school-boys, and are forgotten by the men of Europe? How is it that there are none to be found to take advantage of such teachings in the past, to turn them to profit for the present, and so bring up the Youth, knowing what is wrong, and loving what is right? But what did the fallacious terms of the Greeks or Romans amount to? For the first, it was but meshes woven out of their own tongue. For the second, it was but a very slight importation of Greek terms. With us, it is a vast influx of both Greek and Latin terms, and these jumbled up together and used in senses that would be utterly unintelligible to Greeks or Romans; while always displacing the simple and appropriate words of our own tongue. The mass of these will astound when it is considered that every word ending in *ty*, in *ence*, in *ion*, in *ite*, *ism*, and *ze* belong to this category, when used in the second intention. The effect on the human being placed in the hopeless condition of having to learn these, and to believe that they mean something, may be apprehended, when it is stated that every such term is unmeaning in itself, illogical in its construction, and perverting in its use. These terms may be used—have to be used—for others. The danger lies in being used by them; that is, thinking in them and through them, and imagining that there is meaning in them.

It was the duty of the teacher to prevent the use by the child

of vague or unmeaning terms; so would he have put a stop to erroneous ideas which came in as the explanation of these terms. The teacher has not done so. It is now for the Church to render this service to the adult.

The task may be difficult, but the obligation is imperious. If difficult, it is not impossible. If it were so, there could be no safety and no hope. If men arrive at false totals because they are working with false figures, you may hope to put them right; and strive to do so. But if you accept the figures as correct, then there remains nothing to do. If the evil that is done arose from a purpose in their hearts, again the task would be hopeless, and words would be without power. It is only because they are deceived by their terms, and thereby cheated into doing what they do not desire, that human speech can avail for human good.

But for this there must be the perfect and absolute conviction of the nothingness of all that is held to be, in this age, intellectual power and philosophical culture. Any one can arrive at this certainty for himself, who will take any sentence of any modern writer, whoever he may be, and strike out of it the Greek and Latin terms, and then read it over. He will then see that these terms were all superfluous; that the sense, if sense there was, comes out free, or that the fallacy remains naked and exposed.

It has to be made apparent that those speculations in which modern society is engaged are not only politically futile, and religiously and morally heinous, but also that intellectually, they are contemptible.

This branch, then, the metaphysical, is the first which has to be undertaken for the Council.

As regards *crimes*, the basis was equally laid when the POPE asserted his "power over the consciences," not of individuals only, but also "of communities, nations, and their Sovereigns." This power he has never exerted, nor can he till he specifies the Law. That has to be done not only in reference to wars, but also in reference to Congresses, Treaties, and Protocols. For besides the modern practice of making wars without form, has come that of holding Conferences without cause; of making compacts (Treaties) vicious in matter of form, and lawless in substance; of substituting Protocols for Treaties; of violating Treaties when made; and of superimposing on all this a new invention, which they term "DECLARATION," and by means of which the internal condition of each State can be reached and upset. There has, therefore, a rule to be laid down according to which, in all these respects, Catholics may be able to distinguish what is lawful from what is criminal. Then, and then

only, can and will the POPE exercise "power"—judicial power "over communities, nations, and their sovereigns."

It can only be attributed to the indistinctness that prevails in regard to these matters being common to all, that the POPE, being recently called upon to act magisterially by a most heinous attempt of *foreign* bandits on his State, his subjects, and himself; did not in his own courts vindicate the Law, and use "the power of the magistrate" for the repression of evil doers and the protection of the innocent. Had he done so, he would by his own act have commenced the restoration of human society, and would have gained for the promulgator of this new order (himself) the respect and confidence of mankind.

Crime leaves no option. It must be either pursued or accepted. To condone crime, is to be criminal. It is so in the private man, how much more so in the magistrate? How strange that these things have to be said; how much more so to know that, speaking them, they are not understood.

This Code of "Christian Legislation" having been enacted, then no grander spectacle could be witnessed, and no holier work conceived, than the assembling of the body of the Church to *accept* it, and to take counsel together for its application.

The danger consists in the work being left to be done by a Council composed of men who are ecclesiastics only, and neither lawyers, metaphysicians, nor diplomatists; at a time when the Church has ceased to be what it was in the middle ages, the fountain of Law; in an age when the common talk is fallacy, and when the affairs of nations are enveloped in a secret and mysterious web of deception.

The superior minds who have somewhat approached the subject have felt this danger. One of the most eminent has used the words "The Council will kill or cure." In this—in the perception of this danger—lies that hope which has been above expressed, namely, that some will thereby be induced to make the effort necessary to have the work for the Council done, and well done, beforehand.

It has to be considered that the whole field of public morals has been left untouched by modern speculation. It remains to be trodden by the Church. Among all the subjects submitted to investigation, the stopping of wars has been omitted. In all our speculations for the improvement of the human race, no plan has been suggested for arresting the progress of public expenditure. In all our associations for protecting the injured and the weak, not one has appeared for the protection of public honour, morals, and interests. In all our projects of reform, there has not been one for the restraining of the Executive, and

preventing it from disposing at its arbitrary pleasure of the money and blood of the subject.

As this Council is not for the settlement of dogma or discipline, at least as primary objects, but to devise means for arresting general disorder, it is not for Catholics only, but for mankind. If the results obtained are for the good of any, they must be also for the good of all. Those who are thus concerned should be admitted. At the Council of Trent, the Protestant States were invited to attend by their representatives. Such an invitation, it is true, would be accepted, if accepted by the European Governments, only with the view of preventing any just solution, and to produce confusion. But the domain of Law belongs not to Executives, nor even to so-called Legislative Assemblies, but to legists. An appeal, therefore, to men whose studies have been so directed would naturally fall into, as it would be a necessary part of, such a design. The Law of Nations, which overrules all Municipal Law, and which, as regards England, is still part and parcel of the law of the land, has never been enacted by parliamentary statute, nor promulgated by royal authority. Its expounders have been, in modern times, private individuals. The chief of these have been Protestants (GROTIUS and VATTEL). Their compilations include the laws and practice of pagan times and people; and especially of Ancient Rome, where the *jus gentium* was the common law, but which had for its external application a special judicatory. Processes with foreign States were referred exclusively to that judicatory, and withdrawn from the civil power. Neither King nor Consul, neither Senate nor People, could so much as interfere in such matters, or could declare war or make peace. The "Government," in such cases, was considered as a "party" merely in the dispute, and its acts were inquired into. It was the FÉCIAL COLLEGE, a body having no political character or functions, and which was invested with a legal and religious character, into whose hands the case was remitted so soon as a difference arose between the Roman Executive and that of any other people.

It is therefore on the example of this great people that those few private individuals whose minds have been turned to this branch of human science, have chiefly relied in expounding those principles which have obtained for them pre-eminent authority in the courts of all modern kingdoms, and which have, in so far as they have been maintained, secured order and peace in the world. If private men, endowed with public-mindedness, have become the lawgivers and benefactors of their species, what might not be effected by the Church of Rome, if it entered on the task in a similar spirit, having no



longer laboriously to work out, but simply to employ and apply the materials ready to its hand?

But Europe is not entirely Christian. A great Mahomedan Power dwells on its soil, and holds possession of the point not only of greatest geographical and political importance in Europe, but in the world. This system, so far from being opposed to the great design of the POPE, is associated therewith, and is the only Government not directly and essentially opposed to it. It is so not only as being, in common with the POPE, exposed to the direct assault of bandits or to the insidious combinations of the other Powers, but it is so also as having preserved in its constitution the same laws and practices that prevailed in Pagan Rome. The effects of this original constitution are still evidenced in this, that it has alone abstained from forming designs against its neighbours, or combining to subvert their independence by interfering in their affairs. The SULTAN and Divan of Turkey can, no more than could the Consuls and Senate of Rome, decree or levy war. The Ulema in the one country, as the Fecials in the other, have first to render their sentence (Fetva). Were a Sultan without such warrant to declare war, he would find no one to obey him.\* The common Mussulman soldier would make no distinction between the individual murder of a fellow-citizen and the aggregate murder of a foreign regiment. Without the Fetva of the Sheik ul Islam, he would hold himself no more bound to obey his officer in firing on such regiment, than an English soldier would do, in firing on a mob without the reading of the Riot Act.

It will be, of course, supposed by Europeans, judging by their own habits, that Turkey is not herself aggressive or intriguing, like the other Governments, solely because she is the object of attack on the part of others; but it is not so. Had it not been from her own maxims and character, she would have been the most dangerous Power in Europe, if, possessed, as she is, of the positions the most important, she had yielded to the combined inducements of unjust profits to make, and legitimate animosities to gratify. Take as instance the year 1812, when, after suffering from the several violences of England and France, an offensive alliance was proposed to her by Russia, under which their naval and land forces were to be combined, their joint fleets to issue into the Mediterranean, and their armies to invade Lombardy. The dream of MAHMOUD II. was paraded before her eyes, and not Italy only, but the Southern Provinces of France, offered

\* In the only case of such usurpation presented by the annals of Turkey, the Sultan (Mahmoud IV.) was put to death. He had recommenced war with Austria before the expiration of a truce. Even under the new order commenced in this generation, the most eloquent and popular preacher at Constantinople denounced the surrender of Belgrade as an act of infidelity, as well as usurpation, no *fetva* having been obtained for it.

to her ambition. The good sense of certain men might, indeed, have sufficed to overrule the suggestions of the tempter; but even if there had been found in the Divan a KAUNITZ, a BEUST, or a BISMARCK, still the craft and corruption of such men must have failed in face of institutions which required the plans of a Minister, before execution, to be submitted to a public Divan and approved of by a legal Fetva. The Grand Vizier at the Treaty of Belgrade said to the Ministers of Austria and France, "You do not understand our Government. One or two men cannot decide at Constantinople, as they do at Paris and Vienna."

This rule of the Roman State was that of all human society in the origin (the Romans only copied those who were before them, and specially the Etruscans). It is also that which we still hold to in common practice. The "Government," and even the "Crown," comes into the British courts exactly as a private individual, when it has a civil case to urge. So also it is itself brought into court by private individuals when they are plaintiffs, and the judge deals with it simply as a party in a suit, examining its acts, and pronouncing sentence for it or against it, according to the merits of the case and the law which determines it. So, in like manner, in regard to external operations of the nature, now improperly termed, of war, when they affect the subjects, not of Great Britain only, but of foreign States, and are of a nature to be brought into court.

In the first Chinese war a case arose between shippers and insurers in consequence of losses incurred through the operations then being carried on. It came for trial, on the plea that the loss was incurred through the effects of war. The judges unanimously decided that *there was no war*.

Lord MANSFIELD, in trying a case in which Danish subjects had been injured by acts of the British Government, when the orders of that Government were quoted, said (case of the *Diana*), "The word 'Government' is not one that can be used in this place, being nonsensical (without meaning). If the orders were lawful, the law gave them their value; if unlawful, they could not be rendered lawful, by the source from which they emanated."

In like manner, had a charge of murder of a Chinaman been brought before the Central Criminal Court against any soldier, private or officer, or sailor employed in China, that court must have passed sentence of death on such soldier or officer. The law is still there, only there are no men to enforce it.

It is true that in modern Turkey, these restraints on human passions, these safeguards of the innocence and life of communities, preserved there from ancient times for our instruc-

tion, are fading away before the pressure of European diplomacy and the contamination of European ideas; but, nevertheless, such ideas are not there, as in Europe, strange; are not incomprehensible nor offensive. The Government, after all, is itself still composed of Mussulmans; it may and does appreciate the injury resulting from its own unwilling usurpations; it does feel the danger resulting from the pressure upon it of the lawlessness of European Governments. It is therefore unquestionable that the Sublime Porte would hail with joy the proposition of the POPE, would aid it to the best of its ability (and that ability, in such a case, would not be small), and might thereby be led to a wholesome return to the past, and a respectful consideration of the profound and beneficent maxims, lying neglected and obscured in the foundations of its own institutions.\*

In the time of CHRIST Christians lived under the dispositions of MOSES. The "Church," then in its most perfect form, obeyed rules for the conduct of men in all essential matters of life, viz. low taxation, cleanliness, charity, and politeness. Islam, in common with all primitive religions, followed the same rule, and prescribed how wars can be lawfully made; what taxes can be lawfully levied; how and when the body is to be washed; what proportion of a man's income shall be given in alms; and how a man is to salute his fellow-creatures. By rules on these points society can alone be considered as duly constituted, or capable of durability. The absence of these may make up, indeed, a condition of "civilisation," but, clearly, a community destitute of such restraints is not one that can be either religious, virtuous, cleanly, charitable, happy, or durable.

These restraints being imposed by Religion, Religion became sanctified to man by its benefits; and, consequently, that disbelief which we now see spreading over Europe was unknown. In the origin Religion was everything to man. It was Government as well as Faith. Secular Government arose from its decay. Finally, Government having at last come "to consist "of those practices which it was instituted to put down,"† repudiate Religion, as a guide for its acts, while it makes use of its authority to sanction its crimes. Thus it is that Revolution and Atheism prevail and spread. They have not yet however made way among those nations that still hold to Law as a part of Religion, and who have not drawn the distinction now established in Christendom between the Law as applied to the acts of the individual and to those of the community.

To judge of the view which the European Governments will

\* "Not in the Mahomedan only, but in all the Asiatic systems, Law has always been held a part of religion."—*Thomson's Akklak-i-Nasiri*, p. 121.

† Lord Lyttleton.

take of the matter, we must consider what the consequences will be to them of his success—consequences which they will perceive at a glance.

The POPE will be successful when nations commence to question acts in reference to their lawfulness. This will present a new obstacle to despotic power. It will endanger that “prerogative of peace and war” which has been usurped by Executives from both Sovereigns and Representative bodies, or, as in France, by the Sovereign from the Representative body.\* Executives, no longer able to plunge their country in foreign wars, will have to surrender ambitious schemes of conquest and annexation.

Executives no longer able to kill men at pleasure on the battle-field, words of menace will no longer be capable of disturbing the world, whether spoken on a New Year’s Day presentation, or written in despatches, or secret instructions, or “private” letters. Diplomacy will disappear. Danger and alarm ceasing, military establishments will be reduced.

For the same reason taxes will be cut down.

Permanent embassies will be looked on with suspicion and alarm.

On all points the tendency will be the reverse of that at present pursued; it will be to escape from despotic executives, extra-national combinations, ruinous military establishments, and an unbearable accumulation of taxes—all which constitute the power of office and its attractions.

But the appreciation of these effects will not be confined to diplomatic men, but extend also to the active and managing spirits among the class of infidels and revolutionists. They, in like manner, will perceive that it is a blow struck at their importance, and at their occupation. The food and fuel of infidelity and revolution are public crime and national suffering—in other words, Wars and Taxes. Governments and clubs, the ambitious Minister, the aspiring demagogue, the spirit of restlessness, on whatever side it breaks out, the powerful interests of the press, which lives by news—that is, crimes and agitations—are all smitten by this proposal of the POPE.

Indistinct and problematical as the benefits may appear to the vast mass of well-disposed and indifferent men who are to reap the profit, to the moving, acting, and ruling—though in numbers most insignificant—portion of the community, the loss is very distinct and very positive. They clearly understand that to attempt to restore the supremacy of the Law is to attempt to supersede their calling.

\* The Revolution of 1848 had withdrawn this power from the President (except in case of defence); it was regained by the Coup d’Etat.

The consequence of this judicial blindness has been, in another sense, fatal to the peace and well-being of communities, and to the judgment and integrity of the individuals comprising them. This consists in the putting away the idea of punishment in regard to persons filling ministerial offices. The arm of the soldier is placed at the mercy of the political adviser. He is expected to slay when ordered to do so by the Minister, and the law is not to reach him when, acting on the oath to obey "lawful orders," he obeys unlawful ones. Then it was to be expected that the acts of the political agent should be looked into with peculiar severity, so as to bring the full responsibility of the measures themselves on those who had acquired the facility of causing their subordinates to overleap the law. But this is not the case. The reverse has happened. First, these advisers are suffered to give such orders without prior sanction or even knowledge of so much as their intention on the part (in England) of the body constituted to advise the Crown in its exercise of the prerogative of Peace and War.

In the second place, they are not held responsible for their acts after the event, however blamable or however disastrous; so that at once every check has been removed from human frailty, purpose or passion, whilst every possible encouragement is heaped upon those persons to yield to such tendencies, in the vastness of the uncontrolled power placed in their hands, in the enormous sums of money afforded by modern taxation, and its concession into military materials and troops.

It is not merely that the idea has vanished of punishing Ministers for any act, but that the neglecting to do so has become a maxim, and a maxim which the present generation pronounces with much self-satisfaction, as honourably distinguishing them from, and placing them above all former times and people. That maxim is, "*The days of Impeachment are gone by.*" To say that there should be a class of men who shall not be punished when they do amiss—they not acting for or by themselves, but by the power confided to them—is what could not enter into the imagination of men, where such had not become the practice: so is it impossible to cause the contrary idea to enter into the imagination of men, where such has become the practice.

Nor is it that this class is held to be by nature free from human imperfection. They are by no means considered sinless and wise: while their acts are taken for law, their word is not taken for truth. They are periodically expelled from office because they are condemned or despised; and any one of them who should put his own hand in the pocket of another, or knock off his hat, would be taken up by the police. Nevertheless, un-

questioned and unopposed, one of them can send hundreds of thousands of his fellow-creatures to death, and cause myriads of arms to be plunged in the pockets of hundreds of millions of men, subjects of the Crown he serves, or aliens.\*

There have, during the last thirty years, been found some individuals throughout Europe who have perceived, if but for a moment, that unlawful battle was assassination, but no one whatever has perceived that the present normal bloodshed and convulsions are results of the maxim—that Ministers shall never be exposed to punishment. But if the real nature of this practice were understood, and human indignation were thereby evoked, and directed itself to suppressing it, then would men naturally turn upon those who, quietly and unendangered, in their closets, ordered such crimes; and the cry would be, “The days of impeachment are *not* gone by.” All this the men of this class feel and know, and instinctively connect with the general proposition of applying the law to the conduct of States. Those who propose to move in this matter have anxiously to ponder and clearly to comprehend, what is the depth and intensity of the opposition they will meet, and the vastness and variety of the disturbing and corrupting influences that will be brought to bear against them, in order to stop or frustrate their proceedings.

No such dangers would assail, or pitfalls surround, the attempt, were it made by any other Church save that of Rome, as on the other hand, no corresponding benefits would accrue. Had it been the Church of England which proposed to restore the law, that restoration would only be, *quoad* its own members. The purpose settled in its own mind, it would only have to deal with its own Government. If so minded, there could be no struggle and no difficulty; the English Government *could not* make lawless wars in face of a hostile Bench of Bishops, to say nothing of lay Peers, of Members of the House of Commons, and the whole Anglican community, resolved that wars should not be unlawfully and unjustly made. Neither France, nor Austria, nor Prussia, nor Italy, nor any, nor all Foreign Powers, could in the slightest degree, or for a moment, disturb or influence the decision of such Church, nor would they, save indirectly, be affected thereby.

The Anglican Church, like the Fecial College of Pagan Rome, would have in view one side only: namely, its own government. In a proposed war with Austria, it would be com-

\* Since these operations commenced, dating them from the introduction of Lord Palmerston into the Foreign Office and the sacrifice of Poland, the charges of Europe for military purposes have increased threefold.

promised only in regard to the English Crown ; it is free, if our side is just. Not so the Church of Rome. It would have to bear on its conscience crime equally on both sides. It is not free, if one side is just. Both must be in the right for it to be blameless ; and this is impossible. There is no possible escape for it save by adjudication. 1st. It has to judge in reference to the war ; 2ndly. It has to excommunicate the side that is in the wrong. No Community, great or small, can be called just that does not exclude from its breast dishonourable men—that is, excommunicate them. To fear to use the weapon of excommunication is, above all things, to mistake the age in which we live ; which, more than any that has preceded it, affords a field, and has in readiness a crown, for capable daring.

Excommunication is a power which every individual possesses, by which and which alone he retains, or can retain, his integrity. We know a gentleman by this, that he will not know a dishonourable person. This power is the safeguard of public as of private morals. The real restraint over Ministers is this, that public crime being also private guilt, honourable men will not associate with them.

With Rome it is widely different. That Church is co-existent with no State. Its decision has no reference to its own particular State—not making itself unjust wars, or any wars ; having never used its power for the extension of its limits, when even that power was the greatest in Europe ; and not having engaged in any of those diplomatic operations which are to-day directed against the independence, not of the small States only, but of the greatest also.

Its action, therefore, is without, and not within ; and without, it reaches them all and all equally. This action would in effect be greatest on the States not publicly united to its faith ; for the aggressive States which endanger the world are, with one exception, not Catholic ; and that one, Catholic in name, is in essentials the reverse of Catholic, whether we term it Gallican in its religion, or heathen in its Government. It is therefore more logical to say that none of the dangerous Powers are Catholic. These are four : England, Russia, Prussia, and France. Of these, the three which are nominally not Catholic, are those on which the action of the Court of Rome, under our hypothesis, would be the greatest. The case can be only stated here, not elaborated. Enough, perhaps, has been said to show that the body of Catholics in England, or rather a minute fraction of them, would suffice to stop nefarious and injurious proceeding in the Government. Take from Russia the active co-operation of England, and not only her power

expires, but the process commences of restoring the power of England herself. But, in like manner, Rome has spiritual subjects in Russia and in Prussia. The method of proceeding is one for all. Rome has also a few subjects left in France.

All the political influence of these Governments will be brought to bear on Rome, directly on the POPE and his Government, indirectly through the Prelates and Ecclesiastics connected with each State; and here Austria, too, comes in, and will prove of all the most dangerous. Finally, the common talk of diplomatic and political circles will be directed to the crushing out of whatever idea may arise that is just, wise, and beneficial. The Church of Rome knowing what it is about, the fallacies of argument and the shafts of ridicule would fall harmless. But the bare threat of such an intention will cause measures to be hastened for crushing the Roman State. During the interval it will be agitated with troubles and tortured with alarms. In the Council the POPE has raised up a stone; a great, a desperate, and a saving effort is required to prevent it from falling back, and to cause it to fall on and crush the reprovèd of mankind.

“When religion is banished from civil society, and Divine Revelation rejected, the true notion even of justice becomes obscured and is lost, material force takes the place of justice and right, and certain men dare to proclaim that the will of the people, manifested by what they call public opinion, constitutes the supreme law, independent of all right, human or divine; and that, in politics, acts consummated, and by the fact that they have become consummated, have the force of right. (*Facta consummata, eo ipso, quod consummata sunt, vim juris habere.*)”

Such is, perhaps, the leading idea of the Allocution of 1864. This is the flag which is raised. It has to be observed to those who would object, because not adhering to the Church of Rome, or because adhering to no church whatever, that this proposition is not a religious dogma, but an assertion which every man can examine, and of which he must recognise the truth. For no one can deny that what they call “Public Opinion” exists only in substituting something else in the place of right, and that the people of Europe do accept whatever is done on no other grounds than that it has been done. It is, therefore, for all who see that this is so, and that it is wrong, and must bring evil consequences, to apply themselves to find the means of effecting a change.

It has further to be remarked that for them (the non-Catholics and unbelievers) this is simply the assertion of a man. It is a man, like each of us, who calls on his fellow-men to warn them,



and who, moreover, invokes their aid to stop nefarious proceedings, distracting and endangering, not one only, but all the nations, first of Christendom, and then, by their example and their acts, of the entire world.

The POPE speaks, in the first instance, to his own flock; they differ in no respect in conduct and idea from those who are not Catholics. That they do possess a religion no ways changes their position from that of those who have none. They neither protest against public crimes, nor denounce "Public Opinion," nor refuse to accept "consummated acts." In fact, the separation of religion and politics has had for effect that there is no difference in practice and perception between the believer and the infidel; and that condition of slavish submission, arrived at by the latter through the throwing off of all religious conviction or restraint, has been arrived at equally by the former, notwithstanding his observance of the ceremonial, and his profession of the symbol, of a belief.

What is here proposed is no more than what it is the duty of each individual to do for himself; for it consists of the means to be taken, so that in thought, word, and act he may not err. Whilst each nation lived by and in itself, when the incidents of conflict occurred at the interval of generations only, no such duty was imposed on ordinary men. Not so when all these conditions are reversed, and when there is an incessant forming and expressing of opinions. These opinions must be false, unless they are true; and there is no possibility of their being true save by taking the necessary steps to discard error, and that is by ascertaining the law by which on each occasion we have to be guided, and the history of the events to which it applies.

To commence this study a man must be possessed of the conviction that it is his duty to be right, and consequently of the knowledge that the idea prevalent among his compatriots that it is impossible to be right, and that it is human to err, is the mere result of their not having taken the trouble to understand the matters of which they speak. In this respect the doctrine of infallibility of the Catholic Church comes greatly in aid. To it, at least, we can boldly say, "You recognise the duty of being right, since you profess yourselves to be incapable of error."

There is, however, an objection which has been raised, viz. that this is "extraneous work" and must interfere with the regular work to come before the Council. The answer is, *There is no work before the Council.*

The minds of men are, indeed, filled with vague and tumultuous notions as to a vast number of things that ought to be done, and which they fancy the Council will in some way be

able to reach. All these vanish on close inspection. It is first of all expected that some dogmatic sanction will be obtained for the "Temporal Power." When you ask how and in what terms such an article is to be framed, you will get no answer; and when you go on to say, "The Temporal Power is simply a state of possession, which can be disturbed only by an act of violence; security against such is only to be found in the Ten Commandments:" you will have put the case in a form to convince any one, not only that an article of faith cannot be framed so as to meet the case, but also that it is superfluous, and that the desired end can be reached only by a return to the Law itself. The various propositions may be classed under the following heads:—

1. Temporal Power;
2. Secular Intervention in nomination of Bishops;
3. Religious Education;
4. The Eastern Catholics;
5. Relation of the Church to Governments ("entre l'Eglise et la Politique").

As to the interference of Kings in the nomination of Bishops, all that can be done by a Council has been done already by the 1st Article of the Council of Trent.

As to Education, it is a matter which regards the internal legislation of each country. That legislation, as it exists, does not, at least, prevent the priest from teaching the child what sin is, and what the particular sin from which we suffer; which the priest does not teach the child at present, because he himself does not know, and which to teach is to stop.

In regard to the settlement looked to in the East (meaning Turkey), there is nothing to do. The Porte leaves the Catholic body perfect freedom on all the points on which Rome has been at variance with the Christian Governments of Europe. It does not persecute, it does not constrain conversion, it does not confiscate property, it does not interfere in education, in the election of Bishops, in the appropriation of testamentary bequests, or in the public ceremonies. As to the discipline of that Church, the POPE himself, and *proprio motu*, has made a change the most momentous—that of assuming the direct nomination of the Bishops. He has done so without consulting either the communities of the East, or the Consistory, or the Academia Sacra at Rome. If he has determined the major point by reversing immemorial practice, he can determine the minor ones, if so minded, without the aid or intervention of a Council.

On the 5th and last point, "the relation of the Church to Politics," it is difficult to imagine what it can mean. This is certain, that when the question is put nothing definite can be

extracted. The conclusion therefore is, that there exists at present no work for the Council to undertake in the view of realising its avowed purpose of "preventing human society from crumbling to dust."

At the time of the announcement, the phrase was current at Rome: "The POPE looks to the Council; the Cardinals to the "Temporal Power," meaning that the POPE had objects in view which were not those of the Cardinals. Doubtless those views are to be found in germ in the Allocution and the Syllabus. But these are not all. There must lie at the bottom apprehension of a new danger impending over the Church."

Those who have considered the dangers that threaten Europe from the disturbance of hereditary succession and from the matrimonial alliances of royal and princely houses, especially since the new dynastic arrangements in Denmark and Greece, have had one ground of consolation—namely, that the POPE was neither an hereditary monarch, nor capable of contracting matrimonial alliances.

If the election of a POPE depended exclusively on a Conclave of Cardinals, there might be grounds for such confidence. But it is far from being so determined. Conflicting influences operating from without prevail, and it is possible to suppose a case when these influences, hitherto balancing each other, might be combined. In such case, that elective source of the Papal sovereignty, instead of affording any guarantee, would, on the contrary, present the greatest of perils.

When a French Sovereign conferred temporal possession on the Bishop of ROME, it was in reason that precautions should have been taken to prevent the election from falling on a person inimical to France, or in alliance or confederacy with those other Governments with which France was in conflict, and for whose rivalry and competition, Italy and the Papacy afforded the chief field. In succession of time and events, other Governments extorted and secured a similar guarantee. This consisted in the right to veto the election of *one candidate*. Three nations have up to this time acquired this veto. These are France, Austria, and Spain.

The first of these countries is in the hands of the man who sent French troops to the Crimea. The second is in the hands of a Minister who owes his position to Russia, and who has declared himself openly against the POPE. Of the third, it may at least be said that there is in it no capacity to take a line of its own, and that a Russian Ambassador has ruled as absolutely in Madrid as formerly at Warsaw.

To veto three candidates is to decide the election. Three candidates amount to the number of eligible persons. By com-

bing the vetoes, the negative faculty of three, as hitherto possessed, is converted into the active faculty of one. To the holder or suspected holder of this influence, all candidates and all electors would look.

That the POPE sees this danger is unquestionable. It does not follow that he connects it with Russia; at all events, he must connect it with the Ruler of France. LOUIS NAPOLEON has sought consecration at the hands of the POPE. *The POPE has refused it.* Threats and offers (money included) have been unavailing to move him from his purpose. The POPE must, therefore, foresee that every means will be used to obtain a more pliant successor.

If a Council convened on the occasion can interpose so as to bar the foreign vetoes, then some light may be thrown on the motives to which the POPE has yielded, and some explanation afforded, for a difference in this respect between himself and the Consistory. It would also explain how there should be mystery in the matter. At all events, it is clear that the fate of the Catholic Church may turn on the election of the next POPE, and that with that election this Council is immediately connected. It more immediately explains the vagueness of the terms of the instruction to the Sub-Commission as to determining the relations of the Church to Politics.

Nor is this all that would be explained. The vehemence with which Russia has denounced the Council, the monstrosity of the pretensions she has put forward in respect to it, could hardly be accounted for by any dread as to the effect it would have in withdrawing Europe from her control, and the more so as the language so used has given to the act of the POPE an importance in the eyes of Catholics which it by no means had before. But if she sees in it the indication of a design to frustrate the action of foreign diplomacy in reference to the next election, the vehemence of her words and their apparent indiscretion will be alike explained.

But the power of applying these vetoes to candidates likely to maintain the independence of the Roman See, is only a subsidiary one. Doubtless the candidate has been long ago fixed upon. The election will be made to turn in the Consistory, not on French or Austrian influence, not on Cis or Transalpine doctrines, not on liberal or anti-liberal tendencies, but on the maintenance of the "*Temporal Power.*" LOUIS NAPOLEON is placed on the Temporal line; the Consistory is on the Temporal line. His candidate will be their candidate. That candidate will be the Russian candidate. It matters not that Russia has not now, and may not have even then, a representative at Rome. It may be advantageous not to have one there, so as to

awaken no attention. It may be, that for this very reason the rupture of intercourse was managed. Besides she has already declared herself (1848) for "the *restoration* of both the Spiritual and the Temporal authority of the POPE."

If there be a member of the Consistory who desires to know, or rather who does not shrink from knowing, the truth, let him render to himself an account of the operations of LOUIS NAPOLEON since his accession, both externally and internally. Let him inquire into the circumstances and agency which placed him on the Imperial Throne. Is it France that has benefited by his enterprises abroad? Is it any *Government* which can profit by what he is doing within?

The "Temporal power of the POPE" is a word that has been got up, just as the "Integrity of the Danish Monarchy" and the "Pacification of the Levant." It will be used for a similar purpose. This is the particular danger that threatens the world at this moment, and that in conjunction with all the others; for all are interwoven. There is no escape but in unravelling the threads of the web of fallacy out of which it has sprung, and in clearing away the false conclusions and the passions resulting from the long series of measures by which Italy has been worked up to her present state—measures which commenced in 1795, in which the hand of Russia can be traced from the beginning, and in which France, England, Austria, "Italy," and "Revolution" have all been made successively, severally, and conjointly to play their blind, servile, and suicidal parts.

Russia's operations are secular. Her antagonists, who are but dupes, revolve in the narrow limits of months and days. She acts; they speculate. The horizon of their universe is made up of the emotions of their own minds, for which she has furnished the pasture out of the anterior acts which she has made them perform; and which acts they themselves, nevertheless, have forgotten, never having known what it is they have done, because having no law in themselves, their eyes are without sight. It is the "Commandments of the Lord" which "enlighten the eyes." Escape from this present terrible and hopeless danger can only be by restoring the Law of GOD and man. Thus only can the Consistory or the World be made to understand that to speak of "the Temporal power of the POPE" is to utter words base and shameful, and is to weave a snare for their own feet.

Why are the words "Temporal power" substituted for Sovereignty in the case of the POPE alone? No one speaks of the Temporal power of the Emperor of the FRENCH or of the Queen of SPAIN. Yet there is no difference in regard to these Potentates as to the nature and quality of the supreme functions which they exercise as rulers. It is true that the POPE superadds to

the prerogative of Justices of Peace and War another quality or Prerogative which is spiritual. But so does the Emperor of RUSSIA and the SULTAN of Turkey, and yet no one speaks of the "Temporal Power" of either. So does the King of PRUSSIA and the Queen of ENGLAND, who dispose of the "Temporalities" of their respective churches.

If, then, the "Sovereignty" of the POPE has received a special designation which is not applied to other sovereignties, it is that there lurks beneath an insidious intention. That intention is to deprive him of that Sovereignty by making men believe it to be something different from other Sovereignties. Thus a discussion can be raised respecting it on grounds which exclude all received notions of right. It will so come about that men who would not admit for a moment a proposition to take the crown off the head of the Queen of ENGLAND or of SPAIN, and to give it to VICTOR EMMANUEL because it is a "Temporal Power," would accept, and urge on that ground, the same proposition as regards the POPE.

They will then go a step further, and say, "We propose to give—we who have no business therewith—the lands, cities, and fortresses belonging to the POPE to the descendants of the Dukes of SAVOY (for that is the end in view), in order that we may confer a great benefit on the Roman Catholic Church. We wish to improve and purify it. We wish to wash it clean from all secular taints we desire to see it entirely spiritual, and in all this we are actuated by the spirit of justice and the love of Religion."

Thus will this class of simple and perhaps devout persons find themselves engaged in a common cause with those who seek to "abrogate all laws," to revolutionise every Government, and to upset every belief—men who not only work for "disorder," but who avow to themselves that they do so.

To these, others join themselves with another motive—that of Proselytism. They will see in this operation the breaking down of the Catholic Church, and in the hopes of gaining converts to Protestantism, will join in the same clamour for the "unity of Italy." Thus it is that the whole of England has not only in effect aided and wildly applauded the atrocious proceedings of which Italy has been the theatre, but bowed itself down before the man who has been the instrument employed for that end, although as a man he combines every disqualification capable of excluding him from intercourse with respectable persons.

This combination established, those on the other side will "accept the language of their enemies."\* Instead of unravel-

\* Words of the Bishop of Orleans at Malines

ling the fallacy of their terms, instead of exposing the immorality of their proceeding, instead of unmasking the perfidy of their design, and the fatal consequences it must bring, they will simply accept the term—which is accepting all—and their rallying point will be to *maintain* the “Temporal Power.” Thus it is that a candidate coming forward as in favour of the “Temporal power” may be accepted by a future Consistory on that word alone, and yet be the very agent selected for the undoing of that very knot which links together this great and wonderful system, which, unless it did possess a sovereignty in the sense of territorial possession, could only be the dependency of some one the Governments of Europe.

It is in this sense that the case has been judged up to these times by the Protestant Governments. They have always held that the independence of the POPE was a vital point for them on this ground: that the loss of his independence—which they saw equally in external influence exerted at elections or in revolutionary movements affecting his authority—would be to the benefit of some Catholic power and against themselves. It was thus that England exerted herself, and at great expense, to secure a free Consistory at Venice in 1799—Venice, which has now vanished from the list of free states, and of which act she reaped so signally the benefit a few years later, in being, by the aid of the POPE, enabled to meet the effects of the Berlin and Milan Decrees. It was thus that she provided, at the settlement of 1814-5, for the full restoration of the State and Possessions of the Roman See.

Again, when the convulsions of Italy were beginning, and the Revolutionists, expecting to be favourably looked on by the Protestant Governments, applied to the Representative of Prussia, they were told (by Mr. BUNSEN) that they were “greatly mistaken if they thought that the Protestant Powers would favour them because of religious differences with the Catholics.” The above-stated reason was then put in precise terms; the Prussian Secretary of Legation explained why his Government could not abet proceedings which, whatever the views and intentions of those immediately engaged, could have no other result save that of reducing the Pope to a condition of subserviency to some one of the Catholic Governments, which then would turn his spiritual supremacy over his flock, to its own advantage, against other Powers.

The POPE has never sanctioned, or admitted, or employed, the terms “Temporal power” as applied to his possessions. In speaking of his sovereignty over the States of the Church, it is always designated by him as the *Civile Imperium*, or the *Principatus Civilis*. (Syllabus, § ix. *Errores de civile Romani Pontificis*

principati, Prop. lxxvi. et seq.) The word "Temporal Power," in Papal documents, refers to temporal judgments, and to the effects attaching to excommunication. (Syllabus, § v. De Ecclesia ejusque Juribus Prop. xxiv. xxv. et al.) In fact it applies to other Governments.

Those who desire to understand have got within their reach the case of Denmark. There they may study Russia's mode of procedure in such matters. There "the Powers" combined to impose a candidate. The internal laws were upset to let him in. He was Russia's nominee, yet she held aloof. She is now mistress of Denmark, with all the advantages of not appearing to be so. On that occasion the deceptive amphibology prepared for men's lips was "The Integrity of Denmark."

Who dreamt that there was anything in contemplation against the Crown of Denmark, even on that morning (11th May, 1852) when the Treaty was announced in the *Times* newspaper, although that profound and extensive conspiracy had been in existence for eighty-five years? Who has now comprehended it, with the results before them? If it be unquestionable that those who do not anticipate events cannot counteract them, so is it equally true that those who do not foresee them before they happen, cannot understand them when they have taken place. This is no reason for despair; it is, on the contrary, an inducement to strive, and in the first instance to study.

No doubt the POPE in the words he has spoken and in the measures he proposes, offends the Catholic *body*.\* This is his misfortune, not his fault. It is also his duty. He has the greatest of examples to guide him, an example which is also a command. That example is that of CHRIST. Our SAVIOUR to the then "Church" preached repentance. In the New Testament the words "convert" and "repentance" are synonymous, so also "salvation." "Saving the people from their sins," is the expression used to designate the object of the preaching of ST. JOHN, yet the sins of that "Church" of Judea did not go to the extent of daily and wholesale assassinations. ST. PAUL says of the "Christian" after the crucifixion and ascension and the coming of the Holy Ghost, "He that does not provide for his own household has

\* The following words from the *Monde* show the schism introduced by the Syllabus, "Les divisions viennent de ceux qui refusent de comprendre les paroles de Pie IX. dans le Syllabus: il y a injustice à mettre sur la même ligne avec eux les Catholiques qui ne se sont pas départis des principes posés dans les Encycliques. Si la voix du pasteur est écoutée, le camp des Catholiques se fortifiera, et leur action peut devenir prépondérante. C'est à l'Union de l'Ouest et à la Gazette de France à en prendre leur parti. Elles se bercent d'illusions si elles s'imaginent guider les Catholiques, en restant dans leurs doctrines équivoques.

"Elles croient servir la liberté; mais jusqu'ici elles n'ont servi que la liberté de leurs adversaires. Ce métier de dupes ne vous va pas, quoique nous ne nous dissimulions pas que les Catholiques ne sont pas encore en mesure de faire prévaloir leur volonté. L'inanité des doctrines modernes ramènera, après une longue expérience, et s'il plaît à Dieu, les populations à une politique chrétienne."



“denied the faith, and is worse than an infidel.” Yet he spoke of *neglect* only, and neglect in reference to things which had they been done would only have proved *useful*. With what feelings would the apostles to-day behold, and in what terms denounce, that community calling itself Christian? A true successor of those apostles will feel and speak in like manner.

PRUS IX. combines qualifications at once so dissimilar and so eminent, that he appears to have been Providentially raised for the need of the World, being at once an Ecclesiastic who has applied his mind to analytical inquiries, and a Sovereign who is so not in name only, as the other Sovereigns of Europe, but in power also.

But there is in him not only capacity and qualifications. He has put his hand to the work; and that work is rendered by his own words better than by any Commentary. He has said, “The World is lost in darkness; I have published the Syllabus to be “to it a light, and to lead it back to the road of Truth.” And again:—“When the POPE speaks in a solemn act, it is that his “words shall be taken in their literal sense; and that which he “has said, he has intended to say.”

Were the Catholic World of the same mind as the POPE, the work would be done, or rather, it would not require to be done. But unfortunately it is not so; his difficulties are with his own flock, alike incapable of following the thought, and of comprehending and admiring the courage, displayed on so many occasions by the greatest Pontiff that has ever sat on the throne of St. PETER.

## 6TH.

## DIPLOMATIC COLLEGE.

The really important point, and on which all hinges, is the knowledge of what is doing in the world.

The subject is so vast, that to travel over it volumes would be required. But, fortunately, it is also so simple that it can be taken in at a glance. It has been thus enunciated by a Prelate:—“It must be laid down as the very first point that the “Church is ignorant, and that that ignorance must cease.”

There is an immediate and a practical point pressing for instant solution, and bearing specially on the Church of Rome, as a Church.

Russia, assuming to be the Eastern Church, aims at the destruction of the Western Church. It is now at last known that she has employed revolution as her instrument. It is

now by her openly acknowledged that to this end of subverting the *spiritual* authority of the POPE, she has thrown Italy into the hands of the KING of SARDINIA.\* This (as all the other troubles and convulsions of Europe and the world) has not been brought about by the power of Russia acting on circumstances, but by her capacity acting on opinion. That capacity consists in her drawing from without able men wherever they were to be found, and causing her own men to pass through an elaborate and laborious, discipline, such as the nations of Europe themselves do employ to obtain legists, surgeons, or engineers. If, then, the Papal Government would defend itself against the Russian, or even know whether defence be possible and easy, or difficult and impossible, it must employ the process which Russia employs, that is, educate men.

Twenty-four years ago this plan was under contemplation by GREGORY XVI., but time was not granted him for its execution. Yet then the belief of universal peace prevailed. They thought "that there were to be no more wars."† Confidence in general wisdom prevailed. The year 1848 was still at a distance.

Nothing is done in the world, but because at some previous moment—day, month, or year—two or three Russian diplomatsists have sate down to devise it, and also because there have been none to sit down to consider how it could be prevented.

Some private individuals, engaged on the other side, have prevented much that was in progress. They have prevented great wars. These things may come out hereafter, in posthumous memoirs; but they may also be known now to any who will study. They have delayed, at least, the march of events, so far as to afford time for the Church of Rome, at last to act.

The Council may take years; and what years are before us! It suffices for one man of authority in the Roman State to be informed, for prevention and counteraction to commence. This is easy beyond expression, for whoever knows what is doing, and at the same time has access to the saloons of Ministers. It is out of false measures in each State that Russia works her way. These come either from delusions that are spread, perfidious counsels that are offered, falsified news that is presented, or traitors that are employed. A Papal Nuncio duly informed, or say a Prelate or a Priest, or a simple Layman, in a position to be listened to, can rectify such false conclusions, or unmask

\* The *Moscow Gazette* says:—"To Russia it is necessary that Italy should be united; but united she cannot be except at Rome, her natural capital. Is not the fall of the Temporal Powers the triumph of orthodoxy (the Greek Church) in Rome itself? Yes, it is in a *higher capacity than that of mere spectators* that we watch this culminating point of Italian history."

† Mr. Stewart Mill.

such secret agent. Russia has only the vices of men to use to the undoing of each particular State. We have the virtues of men for our allies, and we work for the honour and interest of each Sovereign and each people, and for the common good of all.

The repugnance of the Governments of Europe to the formation of Diplomatic men for themselves, has to be well considered, and perfectly understood, to perceive, how the proposed measure would affect the world.

No public man, in England, France, Germany, or Italy, will refuse to admit, if pressed in conversation, the following propositions :—

1. That Russia is more dexterous than any other State.
2. That it is dangerous to allow her to proceed unwatched, seeing that the affairs of all countries are mixed up together, and are conducted in secret.
3. That she cannot be watched, unless by persons cognisant of her purposes and methods.
4. That it would be very desirable to have a body of men, chosen and trained, as she chooses and trains her Diplomats.

If, on these admissions, it be proposed to him to introduce a measure for the carrying out of such a design, he will decline, and start back in fear or aversion. The cause of this repugnance is, that each would consider the mere proposal an offence and an insult to himself individually, for it implies not only that he had been wrong, but also that he is ignorant, and unfit for the station he holds, has held, or aspires to hold. Also that "public opinion" has been wrong, and is ignorant. Dread, aversion, and disgust must therefore be excited by the proposition, proceeding from a *Sovereign* who exercises a practical and *social* influence over a large number of the subjects of every other State, many of whom sit in the representative assemblies, in the Senates of those States, and who approach the Sovereign and share his councils.

These Governments would stand towards such a body exactly in the position of a society of criminals, or at least of persons not hitherto under the restraint of police or fear of the law, towards a newly introduced court of justice.

The Law of Nations is not the only law violated by a public crime, but the municipal law also. In the preceding pages this branch has not been referred to, but it must be noticed to complete the subject.

The Law of Nations requires that war shall be declared only by the sovereign authority. The municipal law defines the conditions under which such functions shall be exercised. In this country the Prerogative of Peace and War, as all other Prerogatives, can be "exercised only through the Privy Coun-

cil." It is, indeed, through the evading of this law, and by the surreptitious substitution of another body, to which also the title of council has been given (Cabinet Council), that the disorder has crept in, and that causeless and lawless wars have been made.

It may therefore so happen that 'a war may be lawful and just and necessary as regards the enemy, and nevertheless criminal as regards the subjects and the servants of the Crown.

The POPE, in his endeavour to bring back public business to a normal state, must take this matter into consideration, and lay down the obligation in nations possessing such institutions, though neglected now, to restore them.

In doing so he will, as regards England, point to a far more practical means of prevention than any other, whilst it comes as supplementary to the rest.

Further, in urging on the nations the adoption of legal and constitutional means of controlling the executives, and thereby putting an end to the violences which have called for his intervention, he will, whilst pointing out the most feasible means of obtaining the desired end, prevent much of the hesitation, opposition, or abuse which may be provoked by his act. He will show that it is not power that he covets, but crime that he abhors.

Rome has a Diplomacy and a Diplomatic College already. Objections and fears are therefore out of place. It is true that it is not connected with treaties and ordinary transactions, but with concordats, and confined to the religious aspect. The basis, however, exists, and is capable of extension. The system dates from the period which preceded permanent embassies, and when, therefore, the intercourse of nations took place only when there was something to do, not when a subsisting intercourse was converted into the means of giving them something to do.

Diplomacy derives its origin from the Byzantines. The word signifies "duplicate," and the office was equivalent to what we now term *archivist*. It was a record of contracts; it was not the having of agents reciprocally located in the various courts to interfere day by day in all affairs.

It is by no means the object of this proposal that the Court of Rome should involve itself in this odious and maleficent system; but, on the contrary, that, being cognisant of it, it should frustrate the deceptions it produces, and counteract the false maxims which it propagates, and by which it is suffered to exist.\*

\* Prince Adam Czatoryski, formerly Russian Minister of Foreign Affairs, says, in his work, "La Diplomatie:"—"It passes belief that nations should allow themselves to be disposed of by a body of men having another conscience and another God, and also that they should look thereon, not only without abhorrence and fear, but consider it just and proper." This was written in 1826!

The "Academia Ecclesiastica" has a branch entitled "Diplomacia Sacra," of the nature of the Byzantine College. It is devoted to the record and study of concordats, and the jurisprudence thereto belonging. Through it the Nuncios pass, to prepare them for their functions. A natural subdivision of this body would be a college of *Secular Diplomacy*, the fundamental and primordial studies of which would necessarily consist of Jurisprudence and the Law of Nations. This would be the most simple and natural course, but it is not the only one. These studies are not special. It is requisite that *every man* born into the world—far more every teacher of other men—should be possessed of them. Duties have reference to circumstances. Before the epoch of lawless wars, such studies were not needed, being superfluous; but they become of the last necessity to every single conscience in an age, when no one knows what constitutes a lawful war, and when, consequently, unlawful ones can be made without hindrance or comment.

There is the whole Priesthood to be instructed. There are the numerous regular Communities, with power, devotion, libraries, and leisure, to be employed. The resources of the Church of Rome are overwhelming from the moment that it is perceived that it is by the culture of the intellectual arm that the war is to be carried on against religious infidelity, social disorganisation, or the plots of those who employ these means and spread this corruption.

#### CONCLUSION.

DANGER has come near. It has been seen under its most revolting and alarming features. The Papal Court must now see in the destroyer of Poland, the patron of Revolution, and the mover and the director of all the Governments, of Europe. But that Cabinet has now itself thrown off the mask and proclaims its identification with Italian "unity," not as directed to subvert (as heretofore put forward) the "temporal," but also the "spiritual" authority of the POPE. It pretends, at the same time, to enter the Œcumenic Council; not to enter only, but to displace from it alike the POPE and the Western Church, offering its faith and its power for the restoration of religion, harmony, and political rest in Christendom. Warning cannot further go, nor provocation.

In respect to courage, that great quality is not wanting. The POPE has already defied Russia, denounced her, and dismissed her representative. The time must have come for him to

think of devising means to restrain and counteract her. These have but to be sought to be found. This great power can come into being only on the condition of perfect knowledge and of perfect integrity. These may appear beyond the reach, not of this, but of every age. Still, no more is required than that which Russia possesses in every one of her Diplomats, and all would be achieved with such a man as England recently possessed in Lord STOWELL. Nothing more is wanted than what could be obtained from a British Court of Justice to-day, were a case framed so as to be brought before it.

The affairs of States which appear under the present condition of secret mismanagement and malversation on the part of rulers, and of confusion as produced by parliamentary discussion and ephemeral comments in the Press, are in themselves of the utmost simplicity, and present neither difficulty nor ambiguity when approached with the knowledge of the law and with sincerity.

Unless a stop be put to our present course, Christendom, after passing through long agonies of internecine strife, must pass under the Muscovite sceptre, and thus reap a just and merited retribution.

Such are the convictions which inspire with fervour and industry those who do see; and in all times of peril, the fate of armies, or of nations, or of ages will and must depend on single men: nor is their station and capacity much to be taken into account; it suffices that they see where the others do not.

Slaughter on the battle-field, without just cause and due warrant, is individual murder. This no man can deny when the case is put to him. The question with which the Church has now to deal is thus reduced to very narrow limits. It is—  
TO DECLARE MURDER TO BE SIN.

On this simple issue depend all the afore-stated sequences. On the one side, the acceptance of all causes of social degradation; on the other, the reversal of the present course of immorality, financial dilapidation, political despotism, agitation for change, rebellion, and apostacy.

If Rome is to restore the law, it is in this fashion that it has to be done—that is by making individuals upright; in other words, by making them citizens and gentlemen. Ten “just” men might have saved Sodom and Gomorrah. Ten just men can save England, by preventing successively each of the acts, by which she is perishing.

The great compiler of the “Law of Nations” concludes in these words:—

“May GOD (who alone can do it) inscribe these things on the hearts of those who have the affairs of Christendom in their

“hands, and grant them a mind intelligent of divine and human  
 “RIGHT, remembering that it is appointed by HIM to govern  
 “man, a creature most dear to Himself.”\*

GROTIUS was not a member of the Church of Rome. If his life was expended on the study of that Public Law then obscured, and overthrown by religious wars and animosities, so likewise was his heart given to the composing of religious strife, and the reconciling of the rival Churches which equally acknowledge CHRIST as their head. The Protestant GROTIUS, dedicated his work to the Catholic King of France, LOUIS XIII. In doing so he appeals to him, in the name of Justice, that he may “revive her buried Laws, that he may oppose himself to  
 “a declining age, so that it may submit to the judgment of that  
 “former age which all Christians acknowledge to have been  
 “truly and sincerely Christian; and thus restore peace amongst  
 “men. The task,” he says, “is difficult, but nothing is worthy  
 “of such excellent Princes (LOUIS XIII. and CHARLES I.)  
 “but that which is in itself difficult, and which is even *despaired*  
 “*of by all others.*”†

\* St. Chrysostom. Serm. de Eleemosyna.

† Difficile negotiatium, propter studia partium, glesentibus in dies odii inflammata : sed tantis regebus nihil dignum, nisi quod difficile, nisi quod ab aliis omnibus desperatum.

## NOTE ON GROTIUS.

THE Bishop of ORLEANS has recommended the study of GROTIUS as an essential part of education. He has added, as an inducement, that GROTIUS was about to adhere to the Church of Rome at the time of his death. This does not appear from his common biographers. Were it so, the case would not be altered, as his work was composed whilst he was a Protestant, and the authority of his writings depend, not on his religious belief, but on the soundness of his propositions. He has, moreover, drawn largely, not only from the Sacred Writings, but also from the early Fathers, whose words are reproduced in almost every page.

It might have been supposed that the Protestant character of this writer would have been seized upon by the Bishop of ORLEANS, and made use of, to urge his co-religionaries by very shame to apply themselves to this, the highest and most essential branch of human knowledge, the foundation of all society, and the handmaid of all religion. It is true that at the time that the Bishop of ORLEANS wrote his treatise on Education the Syllabus of the POPE had not appeared, and no General Council had been announced; so that nothing was then in contemplation by the Church of Rome, as a Church, for the rectification of the human understanding, or the arrestation of the decay of human affairs.

THE END.

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