

THE NEW SCHISM

DR. DOLLINGER'S DECLARATION.

The Pope Not Infallible.

The Bishop of Munich's Reply.

The following is the letter addressed by Dr. Dollinger, Dean of the Chapter of Vienna, to the Archbishop of Munich and Freising, in explanation of his position with respect to the decree of Papal infallibility.

Your Excellency has asked me in two letters to explain my position with respect to the Roman decree of July 18, 1870, which have been published by you.

It has transpired in the circle of your Cathedral Chapter that it is your intention to proceed against me with such penal measures as are used only against such priests as have been guilty of gross moral crimes, and even but seldom against these. This is to occur if I do not, within a certain period, submit myself to the two new articles of faith, as to the universal (Aligevall) power and infallibility of the Pope.

I learn at the same time that a council meeting of the German bishops is to take place shortly at Fulda.

In the year 1854, when a meeting of all the German bishops was held at Würzburg, the honor of an invitation was extended to myself, and I took part in the proceedings. Your Excellency might perhaps arrange that I might be allowed in the meeting which is about to take place, not this time to take part in the proceedings, but to have an audience for a few hours.

For I am prepared to prove before this meeting the following theses, which are of decisive importance for the present situation of the German Church, as well as for my personal position.

First. The new Articles of Faith are based upon the texts in the Holy Scriptures, St. Matthew xvi, 18, and St. John xxi, 17, and as far as infallibility is concerned, upon the text St. Luke xiii, 32, with which the same, biblically considered, must stand or fall. But we are bound by a solemn oath, which I myself have twice sworn, to accept and to explain the Holy Scriptures not otherwise than according to the unanimous consent of the fathers. The fathers of the Church have all, without exception, explained the texts in question as bearing a totally different meaning to the new decree, and especially in the text St. Luke xiii, 32, have found anything but an infallibility given to the Pope. Therefore, were I to accept with the decrees this explanation, without which every biblical basis to the same is wanting, I should count a perjury. And, as I have said, I am prepared to prove this to the bishops in council.

Second. In several episcopal pastorals and notices which have lately appeared, the assertion has been made, or the historical proof sought, that the new doctrine now proceeding from Rome as to the universal power of the Pope over every single Christian, and as to the Papal infallibility in decisions in the Church on matters of faith, has been binding, through all time and forever, has been generally, or at least nearly generally, believed and taught. I am ready to prove that this assertion is based upon an entire misconception of the traditions of the Church for the first thousand years, and upon an entire distortion of her history. It is in direct contradiction to the plainest facts and testimonies.

Third. I am ready to prove that the bishops of the Latin countries, Spain, Italy, South America, France, who formed the immense majority at Rome, were, with their clergy, already led astray by the class-books from which they took their ideas during their seminary education; since the proofs given in these books are for the most part false, invented, or distorted. I shall prove this, first, with the two principal and favorite works of modern theological schools and seminaries, "The Moral Philosophy of S. Alphonsus Liguori" (and especially as regards the treatise contained therein concerning the Pope), and with "The Theology of the Jesuit Peroni;" further, with the writings of the Archbishop of Cardoni and of Bishop Ghilardi, which were distributed in Rome during the Council; and, finally, with "The Theology of the Viennese Theologian Schwegl."

Fourth. I appeal to the fact, which I am ready to prove in public, that two General Councils and several Popes have already decided in the fifteenth century, by solemn decrees, issued by the Councils, repeatedly confirmed by the Popes, the question as to the extent of the Pope's power, and as to his infallibility, and that the decrees of the 18th of July, 1870, are in the most glaring contradiction to these resolutions, and, therefore, cannot possibly be considered as binding.

Fifth. I believe that I shall be able to prove that the new decrees are simply incompatible with the constitutions of the States of Europe, and especially with that of Bavaria; and that I find it impossible for me, who am bound by oath to this constitution, which I have lately sworn on my admission to the Chamber of the Councillors of State, to accept the new decrees, and, as their necessary consequence, the Bulls "Unam et Sanctam" and "Cm ec Apostolicus Officio," the Syllabus of Pius IX, with so many other Papal declarations and laws, which are now to be accepted as infallible decisions and are irrevocable anathemas to the laws of the country. I appeal on this subject to the opinion given by the legal faculty in Munich, and am ready to abide by the arbitration of any German legal faculty which your Excellency may be pleased to name.

I only ask two conditions for the conference which I have proposed, or rather prayed for—the first, that my assertions, together with any counter assertions, shall be recorded, with a view to their subsequent publication; the second, that a man of scientific culture, to be chosen by me, shall be allowed to be present at the conference.

Should this be unattainable before the German bishops in Fulda, I venture most respectfully to proffer another request, that it may please your Excellency to form out of the members of your Cathedral Chapter a committee, before which I may plead my cause in the way above mentioned. Several of these venerable gentlemen are doctors, and were formerly professors of theology and at the same time my former scholars. I may hope that it would be more agreeable to them to treat with me in quiet argument, to confute me, if possible, with reasons and facts, than to draw up, upon the seat of judgment, criminal sentences against me, and to submit the same to your Excellency to be formulated, as the saying is. If your Excellency will consent to preside at this conference, and

will condescend to correct any errors into which I may have fallen in the citation and explanation of testimonies and facts, I shall count it as a great honor, and the cause of truth can only profit thereby. And when you place before me the prospect of the exercise of your pastoral power, I may still hope that you will prefer to employ in the first place towards me the finest, most noble, most benevolent, and most Christian attribute in this power—namely, the teacher's office. Should I be convinced by testimonies and facts, I engage myself to revoke publicly all that I have written in this matter and to confute myself. In any case the results must be advantageous to the Church and the person of episcopus. For it is not myself alone who am concerned; the interests of the clergy, hundreds of thousands of the laity think as I do, and find it impossible to accept the new articles of faith.

Up to this day not a single one, even of those who have signed a declaration of submission, has said to me that he is really convinced of the truth of these theses. All my friends and acquaintances confirm me in this experience: "not a single person believes in it," is what I hear day by day from all lips. A conference such as I have proposed, and the publication of the proceedings, will in any case afford that deeper insight which so many long for.

Finally, your Excellency will refer me to the Pastoral written recently by yourself, as a source from which I can draw sufficient instruction and correction of my opinions; but I must confess that it has had exactly the opposite effect upon me, and I am ready to prove that there is there a long list of misunderstandings, distorted, mutilated, and invented testimonies, which, taken together with the suppression of the most important facts and counterproofs, form a most unreal picture of the true tradition. It is certain that the person to whom your Excellency intrusted this task did not invent these falsifications, but has borrowed them in good faith from others (Cardoni, for instance), but were it his desire to defend his work at the proposed conference, he would find me ready to prove my assertion in a few hours, or, should I not succeed in doing so, to make public apology to him. I would only ask for one condition in consideration of the importance of the matter, viz., that the Government be requested to allow a statesman, learned in historical and ecclesiastical matters, to attend the conference. As the case is one of the highest importance for all governments, it may be assumed that this request would not be refused.

There is no want of precedents in the past history of the Church which show that any proposal is in accordance with the principles as well as with the practice of the Church. In the year 411, a conference of 286 Catholic and 279 Donatist bishops held three sessions under the presidency of the imperial officer of State, Marcellinus, and the disputed doctrine was discussed, upon which the latter decided in favor of the Catholic bishops. In the year 1438, Bohemian Calixtines appeared at the Council of Basel, and a decree which had been issued eighteen years before by the Synod of Constance, as to the Communion in one kind, was now submitted to new discussion and examination, the result being that compromise (also acknowledged by the Pope's chair) which was then most important and fundamental concession to the Bohemians, and one differing widely from the older decree. A still greater similarity with the transaction proposed by myself is to be found in the conference, so celebrated in French history, between the Bishop of Orléans, of Evreux, and the Protestant statesman and *savant*, Du Plessis-Mornay, which took place in the year 1600, at Fontainebleau, under the auspices of King Henry IV. Here it was a question as to the proof that Mornay had falsified or incorrectly quoted a considerable number of authorities in his book upon the Eucharist. Henry himself presided, and the most eminent men of both Churches were present as witnesses. The conference was interrupted after a few days, and after a number of Mornay's quotations had been examined, by the illness of the latter, but ceased, nevertheless, a remarkably favorable effect for the Catholic cause in the excited minds of that period.

Most venerable Archbishop, I leave entirely to your own judgment what form you will give to a conference so much desired by myself, and certainly so welcome to multitudes of German Catholics, and what persons you will invite to attend or oppose to me; in your diocese there is certainly no want of professional theologians who will be glad to accept your invitation. The practice of the Church proves that a question of faith is just as much an affair of the laity as of the clergy, and that the former may take part in the scientific examination and establishment of the tradition—a fact which both Popes and theologians have acknowledged. And in this case, which is a matter for historical proof, I am gladly ready to submit to the verdict of the most eminent historians of the German nation and of the Catholic faith. Such men as Eicker, Kemont, Meßer, Vreth, Karampolke, Grieselin, Lorenz, Wegeler, Aschbach, may judge whether my proofs be critically and historically right or not.

Your Excellency was pleased formerly to honor my book on the "First Ages of the Church Apostolical" with your approval, and it was generally considered among German Catholics to be a true picture of the time of foundation. Even the Jesuit-Ultramontans party let it pass without censure. But if the new decrees contain the truth, then I have laid myself open to the reproach of having entirely misrepresented the history of the Apostles. That entire section of my book which concerns the constitution of the earlier Church, my description of the relation in which Paul and the other Apostles stood to Peter—all is fundamentally wrong, and I ought to condemn my own book, and confess that I have neither understood Luke's acts of the Apostles nor their own Epistles.

The new doctrine of the Vatican invests the Pope with entire plenary power (*potentia plenitudinem potestatis*) over the whole Church, as well as over every single layman, priest, or bishop; a power which is to represent at the same time the truly episcopal, and again the specifically Papal power—which is to include in itself everything concerning faith, morals, duty, discipline, which shall reach every one from the monarch to the day-laborer and can punish, command, and forbid him. The wording is so carefully arranged that no other position and authority remains for the bishops than that of Papal commissaries or delegates. And in this manner, as every one acquainted with Church history and with the Fathers will confess, the episcopacy of the early Church is essentially dissolved and an apostolical institution to which, according to the judgment of the fathers, the highest importance and authority in the Church is due, is substituted to a bodiless shadow.

For no one will think it possible that these should exist two bishops in the same diocese, one of whom is at the same time Pope, the other being simply a bishop—and a Papal vicar or diocesan commissary is not a bishop, is no successor of the apostles; he may, through the powers conceded to him from Rome, be very mighty so long as his principal aim is to rule, just in the same way as a Jesuit or mendicant friar to whom the Pope has granted abundance of privileges also possesses great power; and I will know that such an extension of their powers has been held out in respect to the bishops in Rome; that they have been told, "The more irresistible the Pope the stronger shall ye be, for the rays of the abundance of his power shall fall also on you." The bishops of the minority have penetrated the delusion of these promises; they understood clearly, as this "Analytical Synopsis" shows, that as soon as the universal episcopacy of the Pope should be established they might indeed continue to be dignitaries of the Church, but no longer true bishops. You yourself, venerable sir, took part in the deputation which made such urgent counter representations to the Pope on the 15th of July, 1870—representations which Bishop von Ketteler (Mayence) sought to emphasize by prostration! We know that these representations were fruitless. The sole consolation given to the bishops mourning the loss of their ecclesiastical dignity was confined to the declaration in the decree that the Episcopal power was an "ordinary one" (*i. e.*, a *potestas ordinaria subdelegata*), as the Roman canonists are accustomed to express it, and that the Pope considers it to be his duty to support them, this being vouched by a mutilated saying of Gregory the Great, by a passage which, if it, with others, had been quoted in its entirety, would indeed have proved to the world that this Pope of the seventh century put away from himself with the deepest horror such a universal Episcopacy as has now been established, considering it a blasphemous usurpation.

Nor has there been any lack of prayers, representations, and warnings before and during the Council. You yourself, venerable sir, took part in the same by your signature. The bishops of the minority have declared in an address to the Pope, on the 12th of January, signed by yourself, that "the declarations and acts of the Fathers of the Church, the true documents of history, the Catholic educational system itself, presented the most serious difficulties in opposition to the proclamation of the doctrine of infallibility." They were, as they themselves said, afraid even to discuss these difficulties, and prayed the Pope to relieve them from the necessity of such a discussion—*i. e.*, to relinquish his infallibility. But when the Pope insisted that the Council should occupy itself therewith, the German bishops demanded on the 11th of March, exhaustive conferences on the question of infallibility, to be conducted by deputations chosen from both sides. These were not granted, and they had to content themselves with speeches in the Aula, where any regular discussion was an impossibility.

As to the indispensability and urgent need of such conferences I would only quote here one instance. A considerable number of Italian bishops demanded in a since-printed address that Papal infallibility should be raised to a dogma of faith, because two men, both Italians and both the pride of their nation—Thomas Aquinas and Alphonsus Liguori, those shining lights of the Church—had taught. Now inasmuch as these have been proved by me, as well as by Gratry, that Thomas had been deceived by a long series of invented testimonies, as, indeed, he bases his teaching in this instance almost exclusively upon such falsifications and never upon genuine passages of the Fathers or Councils.

And here I beg your Excellency to consider that the doctrine which we are now to adopt forms by its own nature, and by the declaration of the Pope himself, by the confession of all infallibilists, a fundamental article of faith, and is a question of the *regimen fidei*, in the sense which is used in the Council, for there, as Cardoni's principal treatise proves, even falsifications were not shunned, and an entirely unreal picture of tradition has been given and a suppression of the most striking facts and counter testimonies. And it is precisely this which I am ready to prove.

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CITY ORDINANCES.
RESOLUTION
Approved this twenty-fifth day of April, Anno Domini one thousand eight hundred and seventy-one (A. D. 1871).

ORDINANCE
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RESOLUTION
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LEGAL NOTICES
IN THE ORPHANS' COURT FOR THE CITY AND COUNTY OF PHILADELPHIA.

IN THE COURT OF COMMON PLEAS FOR THE CITY AND COUNTY OF PHILADELPHIA.

CROCERIES, ETC.
LONDON BROWN STOUT AND SCOTCH ALE.
In glass and stone, by the cask or dozen.