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An Irish Dimension to a British Kulturkampf*?*

by COLIN BARR

In the second half of the nineteenth century, most European nations experienced a period of state-sponsored anti-Catholic legislation that has come to be known by the German term Kulturkampf. *The question that this article seeks to address is whether or not the United Kingdom, and specifically Ireland, can be said to have experienced such a phenomenon. By examining the case of Robert O'Keeffe, a Roman Catholic parish priest who sued the cardinal archbishop of Dublin in the civil courts, it is possible to determine both whether Britain experienced a* Kulturkampf, *and to offer some suggestions as to why the United Kingdom appears to have been different in this regard from its European neighbours.*

It is hardly new to observe that much, indeed most, of Europe was convulsed by conflicts between the state and the Roman Catholic Church in the nineteenth century. In the latter half of the century, that conflict has come to be associated with the term *Kulturkampf*. Although specific to Germany, *Kulturkampf* is none the less something that can be said to have existed across Europe. It clearly implies more than a simple clash, or struggle, between Catholic and secular cultures (for example English contempt for the mind and morals of Irish Catholics or concerns over the Church's role in education). To stand comparison with the German situation – and to use the German term – such a clash must surely involve state action, or the serious prospect of state action, that sought to regulate, control or suppress the activities of either the institutional Roman Catholic Church or individual Roman Catholics as Catholics.

Given such a definition, it is possible to speak of *Kulturkampf* as a phenomenon experienced by almost all European countries, in varying degrees, in the second half of the nineteenth century.[1] The question this article seeks to address is whether or not the United Kingdom substantially differed from its European neighbours in the treatment of the Roman Catholic Church or whether the United Kingdom, too, experienced some sort of *Kulturkampf*, no matter how mild.

[1] Largely Catholic-free Scandinavia is an obvious exception, as are the Netherlands.

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It is, on the face of it, reasonable to assume that if there were a British *Kulturkampf*, it would find its clearest manifestation in Ireland or as a result of Irish events. After all, of the constituent parts of the United Kingdom, only Ireland had a Catholic majority. Indeed England, Scotland and Wales did not even have substantial Catholic minorities. It is on Ireland, and on the British response to Irish events, that this article will focus.

In 1979 Hilary Jenkins published an article in this JOURNAL which discussed what the author called an 'Irish dimension' to the 'British *Kulturkampf*'.[2] In his article, Jenkins spoke of both a '*Kulturkampf* in Ireland'[3] and a 'British *Kulturkampf*' that was 'the same as that waged in Germany or in France'.[4] Jenkins's main point was that events in Ireland both drove and informed a British *Kulturkampf* – which might or might not have been 'abortive'[5] – on the European model and that without an understanding of the Irish dimension such later manifestations of the British *Kulturkampf* – pre-eminently Gladstone's pamphlets on Vaticanism and civil allegiance – become unintelligible. Jenkins's argument has not been widely pursued by scholars, but his article does raise an interesting point. It is possible to make a case that the United Kingdom was not fundamentally different from her neighbours, that it did not somehow avoid the sort of state-sponsored anti-Catholicism that can usefully be described as *Kulturkampf*.

Jenkins offered two examples of an Irish dimension of the British *Kulturkampf*. These were not selected from a variety of possible options. They were, in fact, not only the two most obvious (putative) cases of *Kulturkampf*, but in fact the only two in the period to which the term might be plausibly assigned. Any British *Kulturkampf* must, therefore, stand or fall on the strength of these two examples. This article will consider both in turn, and one in depth, to see whether Ireland and Irish events impacted on the United Kingdom in the way Jenkins suggests, and in the way that they certainly would have, had they happened in almost any other European country. It will first be necessary, however, briefly to review the relationship between Catholicism and the British state in the nineteenth century.

Although without question the place of Catholics in the political nation remained contentious well into the nineteenth century, from 1829 the relationship of the state to its Roman Catholic subjects was, with a single exception, one of relaxing tension and political concession. Particularly in Ireland, the government pursued what it believed to be a policy of improved relations with Catholics and their Church. To take only some of the most obvious examples: in 1831 the national system of education was established in Ireland to meet the needs of Irish Catholics who were dissatisfied with the

[2] Hilary Jenkins, 'The Irish dimension of the British *Kulturkampf*: Vaticanism and civil allegiance, 1870–1875', this JOURNAL xxx (1979), 354–77.
[3] Ibid. 361. [4] Ibid. 354. [5] Ibid. 356.

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proselytism of the government-funded, but Protestant-run, schools;[6] in 1845 the government created three 'Queen's Colleges' to provide an alternative to the monopoly on university education enjoyed by the Established Church's Trinity College;[7] by 1854 Catholics were allowed to enter (Oxford) or take their degrees (Cambridge) at the ancient universities; in 1866 parliament removed, on the second attempt, the special oath that Catholic MPs were required to swear before taking their seats; in 1867 Cardinal Paul Cullen, the Roman Catholic archbishop of Dublin, was granted protocol precedence at the inaugural of the lord mayor of Dublin by virtue of his status as apostolic delegate and prince of the Roman Church; in 1869 the British government, partially in response to Catholic demands, disestablished the Anglican Church of Ireland; 1872 saw the Ecclesiastical Titles Act repealed and in 1878 the Scottish hierarchy was re-established with a minimum of controversy.

Of course, the Emancipation Act and the various concessions of the 1830s, 1840s, 1850s and beyond did not eliminate anything like the full range of anti-Catholic legislation from the statute book. As late as the 1840s, for example, it still remained technically illegal for Catholic churches to have a spire; for Catholics to travel more than three miles from their homes, or enter London; for Jesuits to enter the country; priests were not to wear clerical garb, and were to be addressed as 'Mr'; public religious processions were banned; nuns were required to register with the government.[8] If these measures had been enforced, then we could indeed speak of a British *Kulturkampf*. In fact, with occasional exceptions (mostly as regards to processions), none of these restrictions were ever enforced, or at the most only highly erratically. For the most part, successive British governments simply ignored the more outlandish remnants of anti-Catholic legislation and steadily sought – often in the face of public opinion (a prime example being the controversy over the extension of the grant to Maynooth College in 1844–5) – to alleviate what they perceived to be legitimate Catholic grievances. That Roman Catholics and the government often disagreed about what was a legitimate Catholic grievance is largely irrelevant; excepting the Ecclesiastical Titles Act, no British government was prepared seriously to consider new anti-Catholic legislation.

[6] See D. H. Akenson, *The Irish education experiment: the national system of education in the nineteenth century*, London 1970.

[7] For the controversy over the Queen's Colleges see Donal Kerr, *Peel, priests and politics: Sir Robert Peel's administration and the Roman Catholic Church in Ireland, 1841–1846*, Oxford 1982, ch. vii, and Colin Barr, *Paul Cullen, John Henry Newman and the Catholic University of Ireland, 1845–1865*, Notre Dame 2003, ch. ii. Trinity College had admitted Roman Catholic undergraduates from the 1790s, but Catholics were excluded from scholarships and fellowships until 1873.

[8] These examples are drawn from D. G. Paz, *Popular anti-Catholicism in mid-Victorian England*, Stanford 1992, ch.vi, and Robert J. Klaus, *The pope, the Protestants, and the Irish: papal aggression and anti-Catholicism in mid-nineteenth century England*, New York 1987, 3–4.

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The Ecclesiastical Titles Act of 1851 was the last piece of explicitly anti-Catholic legislation to pass through parliament, or indeed that stood any chance of doing so. It was provoked by a combination of the re-establishment of the English hierarchy, the intemperate announcement of that event, popular reaction to this 'papal aggression' and anxiety on the part of at least some politicians, such as Lord John Russell, over the growth of Tractarianism in the Church of England. The act's fate, however, goes some way towards demonstrating how dead the idea of state-sponsored anti-Catholic legislation was in Britain. This is not the place for a detailed summary of the act and the debate surrounding it.[9] Suffice it to say that it sought to make illegal the assumption of territorial titles by the newly appointed English Catholic bishops or the retention of Irish episcopal titles previously accepted, at least tacitly, by successive governments. A fine would be imposed on any prelate who claimed such a title and any document in which they styled themselves by a territorial title would be invalid. Without question, the act can be said to meet our definition of a *Kulturkampf*, albeit twenty years before the term became current. The Ecclesiastical Titles Act, however, was never enforced, and no prosecution was ever brought under it; Catholic bishops in the United Kingdom continued to use their territorial titles with impunity.

Whatever the passions raised by the 'papal aggression', there were few lasting consequences of the sudden explosion of English anti-Catholicism. Although a popular desire for Italian unity (at the expense of the pope's temporal power), the educated elite's disgust at the Syllabus of Errors, the rabble-rousing of a Murphy, a series of high-profile, often aristocratic, conversions, and the definition of papal infallibility at the Vatican Council all kept English anti-Catholicism in good working order, there were no manifestations of legal control or repression of either the Roman Catholic Church or individual Roman Catholics after 1850–2. Anti-Catholicism and even anticlericalism there was in abundance; of *Kulturkampf*, at least in England, there was no sign.

Even those periodic instances where anti-Catholic prejudice entered the legal or legislative arena, instances which might be adduced as evidence of an English dimension to a British *Kulturkampf*, on examination fall short of such a definition: the Saurin convent trial (1869) dismissed lurid charges of imprisonment and abuse and resulted in a small fine;[10] William Murphy's anti-Catholic 'lectures' were suppressed as a threat to public order. The surprise passage (1870) of the Warwickshire MP Charles Newdegate's perennial convent inspection bill was quickly turned from a commission of

[9] See Donal Kerr, *A nation of beggars? Priests, people, and politics in famine Ireland, 1846–1852*, Oxford 1994, 241–81.

[10] See Walter L. Arnstein, *Protestant versus Catholic in mid-Victorian England: Mr. Newdegate and the nuns*, Columbia 1982, 119–20.

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inquiry into Catholic convents into a means of advocating the regularisation of their legal status so as to simplify the ownership of property, in other words into a means of meeting Catholic grievances; and even Newdegate drew the distinction between what he had achieved and real-world legal implications: 'an inquiry is not legislation'.[11]

In England – and in Scotland and Wales – there was neither the appetite nor the demand from the political classes for the kind of anti-Catholic legislation that was a commonplace on the continent. The English, Welsh and Scottish Catholic communities were simply not perceived as a threat, however much distaste and contempt was directed their way; no political party stood to gain from overt anti-Catholicism, and, as Hilary Jenkins noted,[12] only in Ireland could a case be made that the supposed dual allegiance of Catholics threatened the United Kingdom. It is to Ireland, and the two examples offered by Jenkins, that we must turn our attention. The first of these – the Galway by-election controversy – is relatively quickly dealt with, and seems little able to bear the weight of being an example of an Irish *Kulturkampf*.

In 1872 one of county Galway's parliamentary seats became vacant on the appointment of the incumbent as governor of Ceylon. The Conservative candidate in the resulting by-election was a younger son of the notably anti-Catholic earl of Clancarty. As such, the prospect of his victory was viewed with alarm in Catholic and nationalist circles. After some difficulties the three Catholic bishops with authority in county Galway settled on a candidate, John Nolan, who duly won an overwhelming victory. At least some of the bishops had from the start been concerned about the likelihood of an appeal by the defeated candidate on the grounds of clerical intimidation, and such a petition duly appeared.[13] The trial took place in Galway city in the court of common pleas. Unluckily for Nolan, the judge was one William Keogh (himself a 'dis-engaged' Catholic), who had previously distinguished himself by betraying his promise to sit as an independent Irish member when he joined the Aberdeen government as solicitor-general for Ireland in 1852. As Emmet Larkin has noted, 'Perhaps nobody in Ireland had a more unenviable reputation than William Keogh at the time of the Galway petition case.'[14]

Whatever Keogh's biases, and they were strong, there seems to have been genuine misconduct on the part of at least some clergy during the election. The bishop of Galway himself admitted as much in private correspondence, and thoroughly expected Nolan to be unseated. What was not expected was the extraordinary ferocity of Keogh's judgement. Emmet Larkin is surely right to call it 'less a judicial decision than a denunciation that alternated

[11] Quoted ibid. 151.
[12] Jenkins, 'British *Kulturkampf*', 372.
[13] Emmet Larkin, *The Irish Catholic Church and the Home Rule movement in Ireland, 1870–1874*, Chapel Hill 1990, 110–13.
[14] Ibid. 127.

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between a diatribe and a harangue'.[15] Keogh even managed to work in some praise of Oliver Cromwell, about as red a flag as can be imagined in Irish terms. Keogh recommended that prosecutions for intimidation and illegal interference be mounted against some or all of thirty-four named individuals: Nolan and another member of his family, the three relevant Catholic bishops (John MacHale, John McEvilly, Patrick Duggan) and twenty-nine diocesan priests, some of whom were almost certainly guilty as charged.[16] Faced with such legal advice, the government – with little enthusiasm – chose to let the matter be decided in court.

It was eventually determined that the inoffensive and not very political bishop of Clonfert, Patrick Duggan, and some twenty priests from Keogh's list should be prosecuted. The first trial, of a diocesan priest, was held in early February 1873 in the Court of Queen's Bench, with the lord chief justice, James Whiteside, presiding (Whiteside's background will be discussed below). The jury was unable to reach a verdict, and the defendant was discharged. A second trial of another curate had the same result. The trial of Bishop Duggan, this time without Whiteside's involvement, followed hard on the first two cases. It lasted four days and the bishop was the beneficiary of an excellent defence conducted by Isaac Butt, the Protestant leader of the nascent Home Rule movement. Duggan was acquitted by a jury that needed only twenty minutes to decide its verdict. The *Freeman's Journal* noted that the judge's summing up was markedly fair, and celebrated the verdict 'arrived at by a mixed jury, and approved of by the unanimous voice of the Irish Bar and the Irish public'.[17] Claims of unanimity were of course overstated, but the evidence against Duggan was so poor and the charge so manifestly ludicrous (at least in his case) that it is hardly surprising that the result was broadly welcomed. In the face of the acquittal and the two earlier mistrials, the attorney-general announced that no further cases would be pursued.[18]

Keogh's judgement (although not Nolan's removal) can in a sense be seen as a manifestation of a British *Kulturkampf*. So too the subsequent trials. A closer look, however, shows this to be a slender reed on which to hang such a term. Keogh's judgement was so extraordinarily wild that it was an embarrassment even to those who broadly agreed with him. It was also the product of a man who had been, since 1852, a hate figure for nationalist and Catholic Ireland and was naturally embittered by the experience; it could, perhaps, be seen as a sign of the stress that would, in 1878, lead to his

[15] Ibid. 128.

[16] The complete list is reproduced in Thomas Brett, *Life of the Most Rev. Dr. Patrick Duggan, bishop of Clonfert*, Dublin[?] 1921, 94. This rare, privately printed book is useful, despite its highly partisan nature, in that it both reproduces many documents relevant to the Galway case and gives perspective on the career of the otherwise obscure Duggan.

[17] *Freeman's Journal*, 20 Feb. 1873, quoted ibid. 100.

[18] Larkin, *Irish Catholic Church and the Home Rule movement*, 178–9.

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probable suicide in the wake of an assault on his manservant.[19] However, once a judicial recommendation for prosecutions had been made, it was difficult for the government to refuse. It is also important to note that the prosecutions were based on conduct that was illegal for anybody – not just Catholic clerics – to engage in. Nor were petitions to unseat successful candidates on various grounds either rare or necessarily unsuccessful. The quick disposal of the cases and the refusal of the government to pursue the matter further demonstrates how little appetite there was either for a legal attempt to regulate the political influence of the Catholic clergy or to punish 'excessive' influence.

Jenkins's other example is substantially more interesting and potentially much better able to bear his interpretation of it as an Irish dimension of a British *Kulturkampf*. The O'Keeffe affair is also useful for our purposes in that a nearly analogous case occurred in Germany at roughly the same time but with very different results. To see if the case was indeed part of a British *Kulturkampf*, or perhaps even the cause or excuse for one to start, it will be necessary to examine the circumstances surrounding, leading up to and following on from the attempt by a previously obscure parish priest to sue the cardinal archbishop of Dublin for libel in a civil court.

Father Robert O'Keeffe was appointed parish priest of the town of Callan in county Kilkenny in early 1863. He had been educated at Maynooth (where he had been a top student) and was ordained for the diocese of Ossory in 1840. He was appointed professor of classics and science in St Kieran's College in Kilkenny immediately thereafter and rose to be pro-president in 1847. In 1849, as a result of a disagreement with his bishop, in the course of which he was removed from his position as chaplain to a convent, he was sent to the 'relative obscurity' of an 'isolated curacy' in the Queen's county, where he remained until 1860. In that year he was appointed parish priest of Rathdowney. In late 1862 Callan, his native town, became vacant, and he was translated in January 1863.[20]

O'Keeffe was quickly embroiled in controversy in Callan over such matters as his excessive involvement in the family business and an apparently unfounded charge of sexual immorality. The immediate cause of his breach with the elderly Bishop Edward Walsh was O'Keeffe's plan in 1869 to bring a group of sisters of the Sacred Heart from Béziers in the south of France to establish a convent in Callan. O'Keeffe obtained a building for the nuns and received funds from them for its refurbishment. The nuns' French bishop, however, required a formal invitation from Walsh assuring him of his support for the plan and agreeing to take the nuns into his diocese. The elderly and

[19] I am indebted to Dr Georgina Laragy of the National University of Ireland, Maynooth, for drawing my attention to Keogh's fate.

[20] The information for this paragraph is drawn from Patrick Hogan, 'Fr Robert O'Keeffe', in William Nolan and Kevin Whelan (eds), *Kilkenny: history and society*, Dublin 1990, 508–9.

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apparently somewhat infirm Walsh was not prepared to give such an assurance, and ignored O'Keeffe's letters to him on the subject. Provoked by Walsh's refusal, and his silence, O'Keeffe wrote to the bishop to tell him that he would 'communicate your refusal or silence, as the case may be, to the Cardinal Prefect of Propaganda,[21] and take his instructions there on'.[22] A few days later an outraged Walsh told O'Keeffe – in front of his curates and others – that he was 'not fit to have care of nuns', referred to his earlier removal from a convent's chaplaincy and brought up again the charges against O'Keeffe's character.[23]

O'Keeffe response was to issue a writ for slander, the first of many lawsuits that were to take up nearly seven years. More amenable to compromise than he would later prove, O'Keeffe settled with his bishop before the matter came to trial, and even alleged that his intent had merely been to force Walsh into a compromise before trial, and not, in fact, to bring him before the courts.[24] On the face of it, the compromise was satisfactory to all concerned. Bishop Walsh paid O'Keeffe the £500 (advanced by the Béziers nuns) already expended on the nuns' building and assumed responsibility for it. He also paid £50 towards O'Keeffe's legal costs. For his part, O'Keeffe, at the urging of Cardinal Cullen, whom he himself had involved as mediator, made a full written submission to the bishop and agreed to go on a retreat with the Jesuits in Dublin.

Thus began a series of lawsuits that would climax, but not conclude, with the parish priest of Callan suing the cardinal archbishop of Dublin for libel before the lord chief justice of Ireland. It is not necessary for our purposes to enter in to the details of each of O'Keeffe's many lawsuits. A brief summary of them will, however, prove useful in setting the context for his action against Cullen and his campaign for support in British elite circles.

In December 1869 O'Keeffe renewed his suit against Bishop Walsh on the grounds that Walsh had, O'Keeffe believed, authorised the two curates in Callan to contradict statements in which he alleged episcopal approval for his policy towards the local national school and use of parish funds to repair the priest's house. O'Keeffe himself had made these statements from the altar earlier in the year. The case came to trial in July 1870, in front of a justice O'Brien, and O'Keeffe was non-suited. He then issued a writ for slander against his own curate for the same remarks from the altar that he had

[21] The Sacred Congregation for the Propagation of the Faith had responsibility for Ireland as a mission territory.

[22] Robert O'Keeffe to Edward Walsh, 29 Apr. 1869, quoted in 'Court of Queen's Bench/ The Reverend Robert O'Keeffe, plaintiff; Cardinal Cullen, defendant/brief on behalf of the defendant – Arthur O'Hagan' (hereinafter cited as 'trial transcript'). This document is not paginated. It can be consulted in the Cullen papers, Dublin diocesan archives, 48/1 IV #2.

[23] This is quoted in Hogan, 'Fr Robert O'Keeffe', 512.

[24] 'The case of Mr. O'Keeffe', *Dublin Review* (1873), 211–38, repr. from *Freeman's Journal*, 13–18 May 1873.

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previously believed his own bishop to have authorised. This time he won a £100 judgement. Significantly, the case was heard before Lord Chief Justice James Whiteside, whom we will meet again shortly.

O'Keeffe's return to the courts after the apparently satisfactory compromise of 1869 can probably best be explained by the supposition that he had hoped, after making his peace with Walsh, to gain his object, possibly with Cullen's support, of installing the Béziers nuns in Callan. He certainly never returned the £500, recovered from Walsh, to the sisters. For his part Cullen simply and consistently advised O'Keeffe to obey his bishop and showed no interest in O'Keeffe's nuns. Blocked from achieving his ends through compromise, O'Keeffe appears to have believed that he would do better by returning to the courts.[25]

As a consequence of his suit against Walsh, O'Keeffe was suspended from his duties as parish priest of Callan. O'Keeffe denied – on various and shifting grounds – the validity of his suspension. In a letter to Edward McDonald, the vicar-general of the diocese who had communicated his suspension and was dealing with O'Keeffe on Walsh's behalf, he also came very close to attempting blackmail. He told McDonald that he, O'Keeffe, had previously informed both Cullen and the bishop of Kildare of 'the infamous life of traffic in sacraments and dispensations which Dr. Walsh has led for the last forty years' and threatened, if he himself were publicly attacked, to publish the correspondence in which he had made these allegations.[26] He also launched a new flurry of lawsuits against his curates and McDonald. Cullen, who was in Rome for the Vatican Council, was consulted on the matter by the Propaganda and was eventually asked by them to investigate the affair and rule on O'Keeffe's status. (It is instructive to note both how quickly ecclesiastical differences were referred to Rome and how quickly Rome referred them back to the only Irish ecclesiastic it fully trusted: Cullen. Local conflicts could not stay local for long.)

In an exchange of letters – and two personal meetings[27] – in the autumn of 1871, Cullen sought to gain O'Keeffe's submission to episcopal authority for a second time. Once that had been achieved, Cullen was ready to discuss any other grievances. Cullen's personal authority over the situation increased when, in that same year, it was decided that Bishop Walsh, increasingly infirm both mentally and physically, required a coadjutor with the right of succession. Cullen was delegated to convene the clergy of Ossory at Walsh's

[25] This interpretation is advanced ibid. 217, and seems to me to fit best the known facts.

[26] O'Keeffe to Edward McDonald, 15 Oct. 1870, quoted ibid. 215. Remarkably, considering the tone of the letter, O'Keeffe published it in full in his pamphlet 'Cardinal Cullen and the P. P. Callan', 5. This contained the entire range of correspondence from and to O'Keeffe regarding the case. It was sent free to anyone who requested a copy from O'Keeffe and enclosed eight half-penny stamps.

[27] These meetings took place on 27, 28 Oct. 1871.

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own request – although his refusal to allow O'Keeffe to vote as a suspended priest enraged the latter even further. Conveniently enough for Cullen, the cleric who tied for the most votes turned out to be his own secretary, half-nephew and *protégé* Patrick Francis Moran. Although Moran had no special links with Ossory, he was well qualified to be a bishop and eventually became cardinal archbishop of Sydney.[28]

Meanwhile, Cullen was growing increasingly concerned at the rapidly deteriorating situation in Callan. In July 1871 he had told O'Keeffe that, in his view, the problems and violence there were a direct result of 'resistance to episcopal authority'.[29] Needless to say, O'Keeffe did not accept this analysis, claiming rather that the problems resulted from resistance to 'parochial authority'.[30] There were now two distinct factions in Callan. One, supporting O'Keeffe and based on the parish church (which O'Keeffe retained), seems largely to have been made up of 'the poorer sections, the labourers, artisans, tradesman, cottiers, small farmers and his own extended family connections'.[31] As Patrick Hogan delicately put it, some of O'Keeffe's supporters were of 'dubious moral character', a fact which resulted in the body of them being christened 'reds' (from red lights).[32] They were probably in a majority of those who took an interest in the case on either side. The local bishop (now effectively Moran) was represented by O'Keeffe's two curates and the town's Augustinian friary. According to Hogan, their supporters were made up of 'the shopkeepers and the nationalists or Fenian[33] elements and their employees'.[34] Outside Callan, O'Keeffe had little support.

In Callan itself, things were becoming violent. In August 1872 O'Keeffe reported to the Ossory vicar-general that his own estranged curate's life had only been saved from a lynch-mob when O'Keeffe's clerk had barred the church gates against the curate's attempt to 'tear the vestments off my shoulders'. According to O'Keeffe, the curate (the same Fr Neary against whom O'Keeffe had won a libel judgement) then 'paraded the streets very late at night, escorted by a gang of the very worst characters of the town abusing me everywhere in the most violent manner'.[35] By early September O'Keeffe informed McDonald that at the previous day's sessions there had been more than eighty cases relating to violence between the two camps in Callan.[36]

[28] For Moran's appointment see Larkin, *Irish Catholic Church and the Home Rule movement*, 65–7.

[29] Paul Cullen to O'Keeffe, 20 July 1871, 'Cardinal Cullen and the P. P. Callan'.

[30] O'Keeffe to Cullen, 21 July. 1871, ibid. 12–13.

[31] Hogan, 'Fr Robert O'Keeffe', 518.

[32] Ibid.

[33] Ironically, O'Keeffe had been an active supporter (as had his bishop) of Cullen's campaign against the Fenians in the 1860s.

[34] Hogan, 'Fr Robert O'Keeffe', 518.

[35] O'Keeffe to McDonald, 8 Aug. 1871, 'Cardinal Cullen and the P. P. Callan', 18.

[36] O'Keeffe to McDonald, 8 Sept. 1871, ibid. 19–20.

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The extent of the violence – and its persistence – can be seen in two letters written over a year and a half apart. The first, from the commander of the local Royal Irish Constabulary force to his chief inspector, was written in May 1871 (a copy of this report found its way into Cullen's personal papers). The subinspector – who is not named – informed his superior that the problems in Callan were 'assuming the aspect of a regular faction dispute', that violence had already occurred and that matters were likely to get worse.[37] Over a year later – in October 1872 – Moran reported to his uncle the results of his own visit to Callan. According to Moran, the 'row in Callan' the previous Sunday had been 'fearful'. O'Keeffe, who, according to Moran, was disturbed by the growing support for his opponents, had sought to 'make a final effort to deter the people from coming to the [Vincentian] mission'. To do so, he 'wrote [*sic*] about everywhere gathering a violent mob'. O'Keeffe announced at his morning mass that he would 'lead the people down to the Friary' that evening to 'eject the Missioners'. O'Keeffe's supporters – who had been drinking – tried to force their way in to the friary where the congregation was saying the Rosary. Moran's account makes chilling reading:

> The mob was quite infuriated, and seized on the railings to pull them down. The shaking of the rails and the demoniacal shouting the mob [*sic*] produced a momentary panic in the congregation.
> Fr O'Keeffe as far as he could shouted outside calling the missioners "liars and slanderers" & exciting his mob.

Luckily for the congregation inside the friary, the 'old Friars if they did not build beautifully built at least in real strong style', and the mob was unable to break through. A number of men inside the friary sought to go out to fight but were prevented from doing so by the friars and Moran. Thwarted in their plans to break into the friary, the mob left, breaking as they went the windows of 'some of our friends about the town'.[38] More than fifty police had been brought in specially from Kilkenny and posted in the friary grounds, but to Moran's fury (he later took the matter up with the lord chancellor) they had failed to stop the trouble. Although the intensity of the protests might have been increased by Moran's presence, the events of that Sunday were little different from any other Sunday in the preceding year and a half. Moran had attended the Callan mission the previous Sunday as well, telling his uncle on that occasion that there was no violence, but there were 100 policemen 'with guns loaded in an adjoining lane'.[39] As late as 1875 a

[37] Copy of a letter from an RIC subinspector to chief inspector J. H. Brackey, 27 May 1871, Cullen papers, 48/1/IV #3. The copy is on RIC writing paper and appears to have been made by Brackey.

[38] Patrick Francis Moran to Cullen, 9 Oct. 1872, ibid. 48/2/I #26.

[39] Moran to Cullen, 29 Sept. 1872, ibid. 48/1/I #18.

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journalist sympathetic to O'Keeffe reported that only the police stood between O'Keeffe and a 'mob of roughs' intent on violently expelling him from the parochial house.[40]

On the face of it, the events in Callan lend some weight to the idea of a British (or at least Irish) *Kulturkampf*. After all, there was unquestionably a great deal of violence in the town over religious matters. Certainly O'Keeffe himself, in his later legal actions and the publicity surrounding them, sought to portray events in this light. As we shall see, he attempted to represent himself – both in public and in court – as a loyal Catholic (in both senses) being persecuted by ultramontane bishops seeking to impose a new papal aggression on Britain. As he told William Gladstone, O'Keeffe believed his case raised a 'question of utmost importance to the nation'.[41] However, and whatever it later suited O'Keeffe to claim, the violence in Callan cannot possibly be considered as a conflict over ultramontanism, or church authority, or a new papal aggression. It was an inter-Catholic faction fight. As the *Freeman's Journal* noted at the time, it was in essence a 'parish squabble' that had got badly out of hand.[42] We must now consider why it came to be seen as much more than that.

On 13 November 1871 Paul Cullen, acting on authority granted to him by the Propaganda and the pope, formally suspended O'Keeffe as parish priest of Callan. Three days later he issued an interdiction against both O'Keeffe and the Callan parish church. Cullen's actions confirmed an earlier suspension of O'Keeffe by the vicar-general of Ossory, Edward McDonald, acting on the ailing bishop's instructions.[43] O'Keeffe alleged that Cullen had in fact libelled him by publicly announcing that he was a suspended priest. His case was that he was not suspended, and could not, in fact, be suspended by Cullen or, indeed, Rome. That being the case, publishing the suspension and interdict put into the public domain something that purported to be true but was not and, in doing so, harmed O'Keeffe's reputation.

In his action O'Keeffe was able to point to the material harm that Cullen's 'libel' had done him. By virtue of his office as parish priest of Callan, O'Keeffe held a number of official or semi-official positions around the town. Amongst other things, he was chaplain to the local workhouse and *ex-officio* governor of the local national schools. On 25 April 1872 O'Keeffe was informed by the commissioners of national education that he had been removed as manager of the various schools in the Callan area over which he had had charge. This action was taken as a result of the commissioners being formally informed by Moran, in his capacity as coadjutor bishop of Ossory,

[40] 'Ultramontanism versus education in Ireland: the case of Father O'Keeffe, P. P. shortly stated, by "Scutator"', London 1875.

[41] O'Keeffe to William Gladstone, 26 Feb. 1872, Gladstone papers, BL, MS Add. 44433, fo. 250.

[42] 'The case of Mr. O'Keeffe', 211.

[43] That suspension was finalised on 11 Jan. 1871.

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that O'Keeffe had 'been suspended from the exercise of all spiritual authority in the Catholic Church' and 'suspended from the office of Parish Priest of Callan'.[44] The schools were turned over to a Fr Martin, designated by Moran as O'Keeffe's replacement as parish priest. As Moran privately remarked to his uncle, 'I daresay we will have some row on the head of it.'[45]

Some months earlier O'Keeffe had been similarly removed by the poor law commissioners from his position as chaplain to the Callan workhouse. The commissioners had been 'officially directed to the fact that you have been suspended from the performance of certain clerical duties by the Cardinal Archbishop' and as a result O'Keeffe was no longer 'qualified to perform the ordinary duties of a Chaplain in the Workhouse of Callan Union'.[46] Ecclesiastical sanctions clearly had temporal consequences, and O'Keeffe used this fact in his libel action against Cullen (an action he had initiated in November 1871, long before his suspension as schools manager or chaplain to the workhouse).

The case of O'Keeffe *v.* Cullen was heard at the Court of Queen's Bench in Dublin. Under Irish law, the defendant, in this case Cardinal Cullen, first offered a defence on questions of law, when there was disagreement as to the state of the law governing an individual case, before a trial was held on questions of fact. The plaintiff – O'Keeffe – then had the opportunity to respond with his own theory of the state of the law. The demurrer – the technical legal term – was heard in front of the entire Court of Queen's Bench. On the first point at issue, three of the four judges – Lord Chief Justice Whiteside alone dissenting – held that the rule of the Catholic Church that one cleric should not pursue legal action against another was valid on the grounds that the Church was in essence a voluntary society capable of setting its own rules of membership. Two further judgements turned on the use of the word 'legal' in Cullen's description of his suspension of O'Keeffe. Three of the four judges held that that part of Cullen's plea of justification that relied on the term 'legal suspension' was in fact invalid, as on Cullen's theory O'Keeffe's suspension was the act of a voluntary organisation and had no legal standing. The rest of Cullen's plea of justification – the details of which we will turn to in a moment – was held by the court, Whiteside again dissenting, to be sound. In the court's view, there was no reason in principle why a Catholic priest could not be suspended by a Catholic bishop. In short, the issues of law and the attendant constitutional implications – the crucial aspect of the case from the perspective of determining the existence of a *Kulturkampf* – were decided in favour of Cullen and the Catholic Church.

With the legal issues seemingly decided by the entire Court of Queen's Bench, there remained the issue, to be decided at trial, as to whether

[44] Kelly and Newell to O'Keeffe, 25 Apr. 1872, 'Cardinal Cullen and the P. P. Callan', 51.
[45] Moran to Cullen, 23 Mar. 1872, Cullen papers, 48/2/I #25.
[46] B. Banks to O'Keeffe, 17 Jan. 1872, 'Cardinal Cullen and the P. P. Callan', 41.

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Cardinal Cullen had in fact legitimately suspended O'Keeffe according to the known and accepted procedures of the Roman Catholic Church. If he did not possess the authority to do so or did but had acted improperly, then a libel could still exist. The trial was held in front of the lord chief justice, sitting with a special jury.

Cullen had long distrusted Lord Chief Justice James Whiteside, singling him out in private correspondence as especially hostile to Catholics as early as 1859,[47] and his behaviour in the Galway by-election controversy could only have confirmed him in his view. Cullen made his expectations for the trial clear in a letter to Bishop James Wood of Philadelphia, with whom he engaged in a long correspondence about the case. 'Of course the result is almost certain', he told Wood. 'They [the judge and jury] will not look on the justice of the case, but they will rejoice to be able to gratify the prejudices of their own party.' Moreover, Cullen knew Whiteside himself to be a 'notorious partisan'.[48] In no way could Whiteside be considered an impartial judge, any more than Keogh could have been.

Cullen placed no more faith in the jury than he did in the judge: 'a Protestant judge and twelve Protestant jurors will undertake to decide a question of Catholic discipline with which they are totally unacquainted'. An earlier attempt at a trial (in June 1872), although deferred, had progressed far enough for a jury pool to be selected. As Cullen told Bishop Wood, forty-five of the forty-eight potential jurors were Protestants, and O'Keeffe's challenges could ensure that the three Catholics were excluded.[49] As we shall see, Cullen misjudged the eventual jury, but his fears were by no means unreasonable.

At the trial, Cullen made no attempt to deny that he had, in fact, published the suspension of O'Keeffe and that it did, necessarily, damage O'Keeffe's reputation. His defence was one of justification and privilege: justification in that O'Keeffe was, in fact, canonically suspended as a Catholic priest, privileged in that it was a matter of the internal discipline of the Roman Catholic Church. The essence of Cullen's case can be summed up in a remark the cardinal himself made under examination: 'If he [O'Keeffe] wishes to be a Catholic priest, he must abide by the law of the Catholic Church.'[50] His chief counsel, John O'Hagan, made the point in more detail in his summing up: 'the canon law of the Church is recognized by the law of the land – not recognized as having in itself the least binding force, but recognized as that rule of internal discipline by which the members of the Roman Catholic Church are, by an implied contract, bound as amongst themselves'.[51]

[47] Cullen to The O'Donoghue, 17 Sep. 1859 (copy), Cullen papers, letterbook 3, 121/3.

[48] Cullen to James Wood, 16 Aug. 1872, Wood papers, Philadelphia Archdiocesan Historical Research Center, 41.427 DiD.

[49] Ibid.

[50] Testimony of Cardinal Cullen, trial transcript, F23.

[51] *Queen's Bench/The Rev. Robert O'Keeffe v. His Eminence Cardinal Cullen/speech of John O'Hagan, Esq., Q.C.,/summing up for the defendant*, Dublin 1874, 14.

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For his part, O'Keeffe contended that Cullen, as archbishop of Dublin, had no authority to suspend him from anything. Nor, O'Keeffe argued, did his own bishop (although he never made his grounds for asserting this astonishing claim quite clear). Normally, O'Keeffe would be correct – in canon law – in claiming that Cullen had no authority over him; Cullen was the archbishop of Dublin, not the bishop of Ossory. Cullen, however, could point to the fact that he had been formally charged with adjudicating O'Keeffe's case by Pope Pius IX on 31 May 1871. This, he contended, gave him all the power over O'Keeffe that he needed. O'Keeffe replied by making an extraordinary argument for a Catholic priest: that the pope had no authority to grant such powers, as papal documents could not be legally 'received' in the United Kingdom under a statute dating back to the time of Elizabeth, a law long thought 'dead and buried' that O'Keeffe had 'disentombed' for the purposes of the trial.[52] Therefore, so the argument went, Cullen had no right in canon or civil law to suspend O'Keeffe. The suspension was thus invalid, and Cullen had libelled O'Keeffe by publishing a suspension (causing the plaintiff material harm) that was, in fact, false. This was a very clever tactic for O'Keeffe. It allowed him to return to his strongest issue – papal 'aggression' – in the knowledge that Whiteside was convinced of the danger of papal intervention in British affairs and would grasp any opportunity to meet that danger. The ruling of the Court of Queen's Bench on the demurrer had, however, seemed to close the door on questioning the validity of papal authority in Ireland. If, though, no papal document could be received in Ireland, civilly or canonically (which would render Cullen's suspension invalid), then O'Keeffe could still present his case, whatever the legal niceties, as a new papal aggression against himself and, more importantly, British justice and the British state.

In his testimony, Cullen tried to finesse the necessarily touchy issue of papal authority by claiming that, whatever the validity of papal documents under Irish law (and he maintained they had full validity within the Church), he was none the less able to act on his own authority as apostolic delegate. In other words, even if the pope's writ did not run in Ireland or in the Irish Church, which Cullen maintained that it did, he himself still had sufficient power to suspend O'Keeffe even though he was not the latter's bishop. But, of course, Cullen was only apostolic delegate as the result of a papal appointment. By the end of the trial neither side was in any doubt as to the issues at stake. In his summation O'Hagan spelled matters out. If the Elizabethan law cited by O'Keeffe was still in force, he told the court, 'and if it can be used by the Rev. Mr. O'Keeffe, not merely as a shield to guard himself against the lawful censures of his Church, but as a sword at the throat of the cardinal archbishop, to extort from him, at your hands, damages in

[52] Ibid. 17–18.

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money, then the Catholic religion is not tolerated in Ireland'.[53] The legal and indeed constitutional consequences of a judgement in O'Keeffe's favour on such grounds were profound. If the pope's authority had no legal standing then 'there can be no such thing, according to the law of this land, as the valid appointment of a bishop to any Roman Catholic See in Ireland', as each bishop was appointed by authority of the pope. Following on from that, the action of each and every bishop was invalid because he himself was not legally a bishop.[54] 'To deny the Catholic Church free and full communication with its Sovereign Pastor', said O'Hagan, 'is to deny it vital air and vital sustenance.'[55] What was at stake was no less than the legal standing, and indeed the continued legal existence, of the Roman Catholic Church in Ireland.

The implications were not lost on the lord chief justice. In his summation, Whiteside noted that, while the courts would not normally interfere with the rules of a private society (thus giving a nod to his judicial colleagues), they could interfere where those rules violated the law. That being the case, a 'regulation giving jurisdiction to a foreign power, it does not matter who, to be exercised within this kingdom cannot be enforced, because it is illegal and void'.[56] Drawing the jury's attention to Cullen's evidence that the pope could legislate on matters of faith and morals for all Catholics in whatever jurisdiction, Whiteside remarked that he had been forced to conclude 'that there was now no safety for the Government or people of this country against the most mischievous Bull that could be invented and read out at Rome, save by the statute of Elizabeth'.[57] The judge was particularly exercised by the fact that O'Keeffe had been dismissed from his positions at the Callan schools and the workhouse simply because Cullen (or Moran) had informed the relevant commissioners that O'Keeffe had been suspended as a priest. In an almost unprecedented move, and after the jury had professed itself to be deadlocked upon initial deliberations, he directed the jurors to return a verdict of guilty, which they duly did. However, O'Keeffe's demand for £10,000 was dismissed and instead an award of one farthing was made by the jury. In theory, things could have been worse. If Whiteside had followed the terms of the Elizabethan statute fully, Cullen reported to Bishop Wood, he, Cullen, should have been drawn and quartered.[58]

O'Keeffe was not allowed to enjoy his rather pyrrhic victory for long. Cullen's lawyers immediately appealed, and they were granted a conditional order by the Court of Queen's Bench – Whiteside again the only dissenter – setting aside the verdict on 4 June 1873 – hardly surprising given the earlier judgement on the demurrer. The grounds for this ruling were 'misdirection by the learned Lord Chief Justice, and also … that said verdict

[53] Ibid. 18. [54] Ibid. 20. [55] Ibid. 21. [56] Trial transcript, 198. [57] Ibid. 209.
[58] Cullen to Wood, 9 Aug. 1873, Wood papers, 51.429 DiD.

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was not satisfactory, and also on the ground of rejection of legal evidence'. The order, which Cullen called a 'complete moral victory',[59] was made absolute on 15 February 1875 and both sides were ordered to pay their own costs. O'Keeffe's appeal to the Court of Exchequer Chamber was dropped shortly before it came before the court later in 1875.[60] Cullen was convinced that O'Keeffe only dropped the case when he realised that he would lose.[61] O'Keeffe's suit against Edward McDonald (the Ossory vicar-general who had originally suspended him), which went to trial at the Wicklow assizes in 1875, was no more successful. A case for libel against Moran at the Court of Queen's Bench, also in 1875, failed when the jury was unable to reach a verdict on libel, despite Whiteside's stated belief that a libel did exist.[62] Broken by his legal costs, O'Keeffe had to drop his other cases. Nearly bankrupt, and with no success in the courts and diminishing support in Callan, O'Keeffe was forced, in 1879, to beg for forgiveness. He signed an apology and was granted a small pension. He died in 1881. In all his many actions before the Irish judiciary – not an entity known for its sympathy to the institutional Roman Catholic Church – O'Keeffe 'won' only two cases: the slander action against his own curate, and his short-lived success against Cullen for libel. In both cases James Whiteside was the presiding judge. In every other court and before every other judge O'Keeffe failed and the rights of the Catholic Church were upheld.

In tandem with his legal battles, O'Keeffe fought a similar one for public opinion, especially English opinion. With great accuracy, he pitched his arguments to appeal to the traditional anti-Catholic prejudices of the Irish and English elites. He published a flyer, designed to encourage people to acquire his pamphlet reproducing various letters concerning his multitudinous lawsuits, which promised 'strange revelations' to all who wished to know about the case of 'The Rev. Robert O'Keeffe *v.* Cardinal Cullen: A REAL PAPAL AGGRESSION'.[63] Even the title of the book he published in 1875 – *Ultramontanism versus civil and religious liberty* [64] – was designed to appeal to those worried by what they perceived to be the growing strength of ultramontane Catholicism in the wake of the Vatican council. Nor was O'Keeffe content to limit his appeal to fears of ultramontane and papal 'aggressions'. He also played on English fear of Irish home rule and concern for Irish property rights, which many feared would be at risk under any

[59] Ibid.

[60] Court of Exchequer Chamber, 'The Rev. Robert O'Keeffe, *v.* His Eminence Paul Card. Cullen. Case by way of appeal from Court of Queen's Bench'. The conditional order of the Court of Queen's Bench setting aside the trial verdict can be found in appendix b to this document.

[61] Cullen to Wood, 1 July 1876, Wood papers, 51.35 AG.

[62] *Freeman's Journal*, 12 Feb. 1875.

[63] There are multiple copies of this flyer in the Dublin Diocesan Archives.

[64] Robert O'Keeffe, *Ultramontanism versus civil and religious liberty*, Dublin 1875.

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Dublin-based parliament (an early example of the argument that home rule meant Rome rule, ironically advanced by a Catholic priest).[65] 'It is amazing', wrote O'Keeffe,

> that men like the Commissioners of education should think they had the right or even the power to transfer the possession of property from one man to another without any process of law; and it is equally amazing that men like the Commissioners of Poor Law should be guilty of the outrageous injustice of depriving a clergyman of his office on the mere allegation of crime.[66]

According to O'Keeffe, the two boards had 'sinned with their eyes open to gain the favour of the representative of a potentate that should not be allowed to claim temporal rule over the subjects of this realm'.[67]

O'Keeffe consciously attempted to gain the support of the British government. He wrote to each member of parliament, warning them that 'Cardinal Cullen is endeavouring to substitute in Ireland *Roman* for *British* legislation in temporal affairs', and that he was being aided in this effort by the commissioners of poor law and national education.[68] O'Keeffe also bombarded the newspapers with letters stating his case.[69] He established an 'O'Keeffe defence fund' which secured donations from one duke (Manchester), one marquis (Exeter), ten earls – notably Earl Russell, a three time Whig/Liberal prime minister and the author of the Ecclesiastical Titles Act – one countess, a viscountess, three other peers and at least six MPs. A number of Church of England clergymen contributed, including Dean Stanley, as did a number of senior military officers. Anonymous donations were relatively plentiful, with 'justice and freedom' giving £5 and £1 each from 'Old Catholic *v.* Ultramontane', 'A Lover of Freedom' and 'Anti-Ultramontane'. The defence fund secured nearly £800 in London and a further £750 in Ireland.[70] His supporters raised the case in parliament,[71] and

[65] This point was picked up by at least some of O'Keeffe's Protestant supporters. In 1875 a pamphlet, written by 'Scrutator', appeared which explicitly linked ultramontanism with Home Rule and sought to use the O'Keeffe case as an example of the aggressiveness of the former: *The Home Rule and ultramontane alliance*, London 1875. Cambridge University Library identifies O'Keeffe himself as the author of this pamphlet, and another by 'Scrutator' cited above. It is clear, however, that the author was an Irish or Irish-based Protestant who had taken an interest in the Callan case and was intent on using it as a stick with which to beat the Irish Catholic Church.

[66] O'Keeffe, *Ultramontanism*, 151.

[67] Ibid. 152.

[68] O'Keeffe to the members of the British parliament, 25 Apr. 1872, 'Cardinal Cullen *v.* the P. P. Callan', 52. Emphasis in original.

[69] In his pamphlet, 'Cardinal Cullen *v.* the P. P. Callan', O'Keeffe reproduced letters from himself to the *Kilkenny Moderator* (p. 53), the *Morning Mail* (pp. 53–4), *Daily Express* (pp. 56, 64), *Dublin Evening Post* (pp. 58–60) and the *Pall Mall Gazette* (pp. 60–1). He also wrote long letters to *The Times* at least three times, twice in October 1872 and once in July 1873.

[70] The list of contributors can be found at the back of O'Keeffe, *Ultramontanism*.

[71] Charles Newdegate, for example, explicitly made the connection between the O'Keeffe case and what was happening in Germany: Arnstein, *Mr Newdegate and the nuns*, 191.

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O'Keeffe himself travelled to London to drum up support. He carried on a largely one-sided correspondence with Gladstone – O'Keeffe wrote to him no fewer than twenty times, and the volume of correspondence reached such a point that Gladstone had to instruct his secretary not to forward to him any more letters from O'Keeffe unless they contained something especially important.[72] Despite this, O'Keeffe was able to meet Gladstone at least once in 1872.[73] Clearly, the O'Keeffe case had generated far more interest than a mere faction fight in an obscure Irish provincial town would otherwise warrant, had there not been other issues at stake. O'Keeffe had been very clever in framing his dispute with Cullen in such a way that it would be bound to attract attention in the wake of the Vatican Council and in light of the continuing British distrust of papal claims.

However, despite the prominence the case achieved, and the apparently impressive level of support O'Keeffe secured from the establishment, in reality the affair neatly revealed the lack of any appetite on the part of the government – or the opposition – for anything approaching a European-style *Kulturkampf*. Despite the creation of a parliamentary committee to investigate the case,[74] very few MPs – and none of note – publicly supported O'Keeffe; only some six contributed to his fund. Gladstone wanted no part of the affair, despite his private belief that O'Keeffe had been 'poorly used'[75] and there were no serious calls for any sort of legislation to deal either with the O'Keeffe case in particular or with the Roman Catholic Church in general save Newdegate's by now habitual call for convent inspections. There was no public agitation in England in favour of O'Keeffe. For the most part, the British public showed little interest, and the British establishment, bar the remaining ultras and the elderly Earl Russell, were content to let the courts deal with O'Keeffe's claims. As Gladstone told his friend Ignaz von Döllinger 'the *Government* itself has as yet taken no part, and will take none, until they see the issue of the action now in progress',[76] a view which was confirmed by the advice of the Irish attorney-general, Richard Dowse.[77] And

[72] This fact is drawn from an exchange of marginal notes between Gladstone and his secretary on a letter of O'Keeffe's dating to Oct. 1872: Gladstone papers, MS Add. 44435, fo. 262.

[73] On 3 Sept. 1872: *The Gladstone diaries, with cabinet minutes and prime ministerial correspondence*, ed. H. C. G. Matthew, Oxford 1982, vii. 205.

[74] See House of Commons select committee on circumstances of dismissal of Revd R. O'Keeffe from office of manager of Callan schools by Commissioners of National Education in Ireland, sessional papers, ix, 1873.

[75] Gladstone to Richard Dowse (Irish attorney-general), 3 Sept. 1872, *Gladstone diaries*, vii. 205–6.

[76] Gladstone to Ignaz von Döllinger, 6 Sept. 1872, ibid. vii. 207–8 (emphasis in original).

[77] 'I have thought about the matter a good deal and my opinion is that the government cannot interfere in any way in his case pending the trial': Dowse to Gladstone, 20 Sept. 1872, Gladstone papers, MS Add. 44435, fo. 211 (emphasis in original).

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we have seen how O'Keeffe fared in the Irish courts. O'Keeffe was reduced, as early as August 1872, to lamenting in a public letter to Gladstone that 'Other tyrants I can fight and conquer, but if a Prime Minister of England will use might against right, I succumb.'[78]

The O'Keeffe affair helps to demonstrate that there was no *Kulturkampf*, with or without an Irish dimension, in the United Kingdom, although it should be noted that Jenkins is almost certainly right to assert that the O'Keeffe affair was on Gladstone's mind when he came to produce his 'Vaticanism' pamphlets some years later. If there had been one, or if there had been the potential for one, surely this case would have at the very least represented a major skirmish, or possibly the necessary spark to start the struggle itself. It was neither. O'Keeffe succeeded in making his situation known to the media and to the British political classes. As we have seen, he used language calculated to evoke what on the continent would have been a *Kulturkampf* response. Although O'Keeffe did convince one trial judge of the validity of his claims and the legal threat of ultramontanism as revealed by his suspension by the undeniably ultramontane Cullen, he was unable to build on this single success. He had no real support in parliament; his only big-name supporter, Earl Russell, was a spent force in British politics; and he was unable to achieve a legal victory in any courtroom in which James Whiteside did not preside, and in 1875 not even there. Outside Callan he was unable to generate any popular support for his cause. He was never reinstated to either the Callan schools or the Callan workhouse. O'Keeffe tried to provoke a *Kulturkampf*, and failed. The provocation must be judged sufficient. What was lacking was the will to respond to such a provocation.

This was not necessarily inevitable. In Germany, for example, a similar situation had resulted in a very different outcome. In the autumn of 1870 Paul Wollmann, a young priest teaching in a secondary school at Braunsberg, East Prussia, publicly refused to accept the newly promulgated doctrine of papal infallibility. As a result his ecclesiastical superiors demanded that he be removed from the staff of the school. He was excommunicated in 1871. As Ronald Ross has noted, the excommunication 'ostracized Wollmann from the society of his former coreligionists and injured his social status, his civil reputation, and his ability to earn a living'[79] – almost exactly what O'Keeffe claimed Cullen's suspension had done to him. In contrast to what happened in Ireland, the Prussian authorities intervened on Wollmann's behalf, and the

[78] O'Keeffe to Gladstone, 8 Aug. 1872, in 'The Callan Case'. This is a two-page broadsheet-sized flyer printed in Dublin and apparently distributed by O'Keeffe. Although undated, it was most likely produced in late 1872 or early 1873. The only copy of which I am aware is in the British Library. O'Keeffe only received a non-committal and politely disdainful reply from Gladstone's secretary: W. B. Gurdon to O'Keeffe, 10 Aug. 1872, ibid.

[79] Ronald J. Ross, *The failure of Bismarck's* Kulturkampf*: Catholicism and state power in imperial Germany, 1871–1887*, Washington 1998, 21.

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whole affair 'did much to contribute to the anti-Catholic climate of opinion throughout the kingdom'.[80] The fact that Wollmann seems to have been, from one point of view at least, a genuine 'victim' of ultramontanism where O'Keeffe was nothing of the sort is beside the point. Both men presented themselves or were presented as the innocent victims of a newly resurgent papacy intent on asserting its authority throughout the world. In Prussia this was seen as needing a legal response, a response that came to be known under the name of *Kulturkampf*. In the United Kingdom, it was not.

The reasons for this lack of response are relatively clear. Unlike Italy, Spain, Austria, Hungary, Belgium or France, the United Kingdom was not a Catholic country and there was no battle between the Catholic Church and its political allies and liberal secularists (or nationalists, as in Italy) and their allies. There were simply too few Catholics – some 5 per cent of the English population – and almost uniquely in Europe, the British Liberal party was dominated by deeply religious men. The British Liberal party was, moreover, deeply influenced (albeit not yet dominated) by American-derived ideas about the separation of Church and State, and had little appetite for interfering in the internal affairs of any Church, especially a non-Established one. In Britain, it was not the case that the Conservatives were largely Catholic (or Protestant, or whatever) and the Liberals largely secular. In fact, the Conservatives were by and large associated with the Church of England, the Liberals with the various shades of Nonconformity (although Gladstone was a High Church Anglican). As Hugh McLeod has noted, 'the advance of Liberalism [in Britain] was likely to be associated with an intensification of religious life'.[81] British Protestants were divided and subdivided to the point where no one political party could ever speak for 'Protestantism'. And unlike Germany, the Netherlands or Switzerland, there was not even a substantial Catholic population which to a greater or lesser degree wished to assert itself politically and was represented by a discrete political party. Moreover, the British state had had long experience of dealing with Catholic populations in the empire; relatively peaceful accommodations had long since been reached with the Catholic Church in such places as Malta and Quebec.

As Owen Chadwick has noted, anticlerical movements in the nineteenth century seemed only to exist in 'modern democracies or incipient democracies: where the peasant population was Catholic or partially Catholic; where universal suffrage was introduced, or about to be introduced; therefore where a religiously based political party was powerful at the poll'.[82] Britain was, arguably, an 'incipient democracy' by the latter half of the nineteenth century, although it certainly did not enjoy anything

[80] Ibid. 21–2.

[81] Hugh McLeod, *Secularisation in western Europe, 1848–1914*, London 2000, 194.

[82] Owen Chadwick, *The secularization of the European mind in the 19th century*, Cambridge 1990, 116.

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approaching universal suffrage nor would it for some years to come. And outside Ireland and parts of Lancashire, the peasant (or industrial) population – with or without the vote – was not Catholic. In England and Scotland, both the native and Irish immigrant Catholics tended to vote Liberal – although the Conservatives, and Disraeli in particular, were not above courting their support.[83] By and large the Catholic episcopate in England played little direct role in politics. For example, the biographer of William Bernard Ullathorne, the long-serving bishop of Birmingham, was unable to find a single instance in which his subject had so much as appeared on a public platform in that city.[84] Put simply, British governments had little reason to fear Catholics at home and no reason to fear the pope abroad.

To the British political establishment, the idea that the pope was somehow a threat to the state had long since receded. The manifest weakness of the papacy and the papal states in the years after 1849 had seen to that. Even in 1850–2 British political leaders – including Lord John Russell – had been more offended by papal pretension or worried by the growth of Tractarianism than they had been afraid of papal power. By the 1860s the unofficial British envoy to Rome – John Russell's nephew Odo Russell – was regularly referring in his despatches to the pope as a kindly, weak, somewhat stupid old man. At one point during the early 1860s Pius IX was even offered the haven of British Malta in the event of his being expelled from Rome. Russell's portrait was the one that came to be accepted in government circles: the pope was unquestionably misguided, illiberal, badly advised and willing to make mischief if possible, but he was in no way a threat to a British state the support of which he at least potentially needed for his own survival.[85] Moreover, by 1870, the desire for Italian unity, and the consequent animus against the pope who stood in its way, which had consumed the British political classes since at least 1848, had melted away with the final unification of Italy and the retreat of Pius IX into the Vatican.[86]

In Ireland, nothing like a Catholic party developed during our period. From Paul Cullen's appointment as archbishop of Armagh in 1850 (he was translated to Dublin in 1852), he had discouraged anything that might smack of an independent, Irish, Catholic party for fear it might develop into a national movement along Italian lines.[87] He had tended to back the Liberals,

[83] See Dermot Quinn, *Patronage and piety: the politics of English Roman Catholicism, 1850–1900*, Stanford 1993, chs ii, iii, v.

[84] Cuthbert Butler, *The life and times of Bishop Ullathorne*, London 1926, ii. 193.

[85] See Noel Blakiston (ed.), *The Roman question: extracts from the despatches of Odo Russell from Rome, 1858–1870*, London 1932. Russell's portrait of Pius is cumulative and consistent.

[86] English sympathy for Italian unity, and the influence of that sympathy on British politics, is well attested. Although an older work, Derek Beales's *England and Italy, 1859–1860*, London 1961, is still the best account of the phenomenon at its height.

[87] For Cullen's attitude towards Irish nationalism see Barr, *Cullen, Newman and the Catholic University*, 136–8.

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and was enthusiastic in his support between 1868 and 1872. Nor would British governments of either party quickly forget that it was the Irish Church with Cullen at its head that had been the primary native force opposing the violence of Fenianism in the 1860s. Even the Irish Home Rule party, when it began to evolve after 1870, could not be considered a Catholic party on the model of the German *Centrum* or the Belgian Catholic Party, or at least not until after Cullen's death in 1878. For one thing, its greatest leaders – Isaac Butt and Charles Stewart Parnell – were both Protestants. Certainly Cullen and most of the Irish bishops never saw the party as Catholic – although the links between the party and the Church were always real and became much more so after Cullen's death. Successive British governments, when confronted by Ireland and Irish discontent, were frequently prepared to impose coercion legislation on the Irish as Irish, but not against the Irish as Roman Catholics.

By way of contrast with the situation in, say, Germany, it is worth noting that in the same year that saw the repeal of the Ecclesiastical Titles Act, the Jesuits were expelled from the *Reich* and religious orders were prohibited from teaching in public schools. The May laws of 1873 had no British equivalent and could not have one. And, in 1875, when the religious orders were abolished in Germany, an English Jesuit living on the Welsh border could with total security write a poem commemorating four German nuns fleeing their homeland who died in the wreck of the *Deutschland*. As far as state-sanctioned, legally enforced anticlericalism – *Kulturkampf* – went Britain does truly seem to have been fundamentally different from her European neighbours.

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