

A collection of essays as diverse and complex as these would have benefited from a conclusion. Nonetheless, taken as a whole, they make resoundingly clear that the positive contributions of the revolutionary decade 1789-1799 to the development of modern French legal theory and practice have been greatly underestimated and underexplored. Having rescued revolutionary legal history from the narrow lens of the Terror and restored to it much of its complexity and richness, a key interpretive problem remains: how can the legal Terror be reintegrated into this new, more positive assessment of revolutionary law? Interesting directions for such a project are suggested by Nicole Castan's study of criminal procedure along with Schnapper's work on the jury system, Martineau's work on the Terror, and Halperin's essay on appellate law and jurisprudence. Though far from conclusive, this collection is a major achievement and a welcome provocation to further research.

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Adam Bunnell — *Before Infallibility: Liberal Catholicism in Biedermeier Vienna*. Rutherford, Madison and Teaneck: Fairleigh Dickinson University Press; London and Toronto: Associated University Presses, 1989. Pp. 239.

The title of this study does not do full justice to the coverage that it provides of the ideas and aims of the Viennese Liberal Catholics in the early and mid-nineteenth century. The Biedermeier era extended from about 1820 to the Vienna revolution of March 1848, but the author also treats the Liberal Catholics' activities during the abortive constitutional experiment which followed it. He then summarizes the later careers of their leading personalities after the monarchy reconquered Vienna in October of the revolutionary year.

Still, one can understand why Bunnell chose his title. The Liberal Catholics had come to maturity in the Biedermeier period. This was a time of ultra-conservative government, bureaucratic regimentation and police snooping. The monarchy insisted on retaining most of the controls that Emperor Joseph II (1780-1790) had imposed on the Catholic church: they included the right to select the bishops, to regulate their relations with Rome, to close religious houses and to dictate the clergy's livery, inclusive of their footwear. The lower clergy, especially those of its members affected by the post-1815 Catholic revival in Vienna, were often offended and frustrated by the Josephist state-church system, feelings which the popes and Roman Curia shared with them. But the bishops, governmental appointees yet apparently men of correct lives, appeared to believe that the advantages which accrued to the church from the existing arrangements outweighed the disadvantages to it. Consequently, some activist priests were eager, in the spring and summer of 1848, to bring about liberal reforms in the church itself as well as its liberation from the bureaucratic monarchical state.

For the most part, the author focuses his attention on two close friends, Anton Gunther (1783-1863) and Johann Emmanuel Veith (1787-1876). Gunther was undoubtedly the most gifted theologian and Veith the most impressive preacher in the Austrian Catholic church of the nineteenth century. Each was a disciple of Clement Hofbauer (1751-1820), the noted Redemptorist homilist, who had done much to

revive the interest of the Viennese upper classes in Catholicism. A priest of strong personality and sometimes cutting frankness, he had been an outstanding opponent of the Josephist system in church government and, logically enough, an early Ultramontanist. He, Gunther and Veith thought that the Catholic church could only carry out its spiritual mission in Austria if it were free from the state.

Gunther, unlike Hofbauer and Veith, was a closet scholar and intellectual, though he, according to Bunnell, had a rich sense of humor and was free of any kind of confessional intolerance. The author claims, however, that the Liberal Catholic activists of 1848 looked upon themselves as Guntherians.

In this reviewer's judgment, their high regard for Gunther probably reflected their belief that their church owed a large debt to him. Secular philosophers, above all Kant and even more Hegel, had had a profound influence on the academic communities and educated middle classes of central Europe, and theologians, Protestant and Catholic, before and after 1815, had been put on the defensive in trying to maintain the intellectual prestige of their discipline. In addition, Hegel had eulogized the contemporary monarchical bureaucratic state based on law and expertise as "embodied reason". Gunther, like Georg Hermes, German Catholic theologian (d. 1813), had attempted to effect a synthesis of philosophy and theology, of reason and revelation; he had many Catholic admirers, influential bishops among them, who thought that he had successfully done so. He also claimed that the church and the state had their independent spheres of action, with the church representing the higher principle.

Johann Emmanuel Veith was essentially a priest, a confessor and a preacher, not a man eager to play a political role in Viennese affairs. He was a person of remarkable versatility. A Jew by birth, he had before his conversion and ordination taken doctors' degrees in human and veterinary medicine. He was reputed to be a physician of outstanding skill, but he eventually became best known for his remarkable prowess in the pulpit. He delivered the sermon at the funeral mass for the Emperor Francis I, in 1835, a sure sign that he then enjoyed the favor of the archdiocesan authorities.

Veith, though he refrained from taking any office himself, was the prime founder, in the late spring of 1848, of the Catholic Union. Within a few months, the new organization had about two thousand members and links with similar groups throughout Austria. Its leaders, working under a Liberal monarchical government, formally adopted constitutional principles, expecting that the Catholic church would soon become completely free. Veith and his friends received a rude shock when the monarchy, soon after its army reconquered Vienna in late October, dissolved the Catholic Union. The ministerial advocates of absolute government would soon be completely in the saddle again.

It is useful to know that the Viennese Liberal Catholics were a part of a much wider German Catholic political movement in 1848. The outcome of that extensive undertaking would show that the support of two Catholic elites was indispensable for its success in still divided Germany: the episcopate and the educated middle class, especially its lawyers, journalists and academicians. Several German bishops actually sat in the Frankfurt national parliament and the Prussian constitutional assembly in 1848-1849, wishing to show by their presence that the Catholic church approved of a constitutional order which would bring it freedom. The Frankfurt parliament collapsed, of course, but the Prussian monarchy, eager to separate the rightwing Liberals and the Catholics, actually moderate Conservatives, from the radical Liberals, finally decreed the establishment of a constitutional order for its own people.

The Viennese Liberal Catholics had to engage in the political struggle of 1848 without the collaboration of their bishops and prominent members of the Catholic educated middle class. The church hierarchy apparently tolerated the foundation and expansion of the Catholic Union, a stand it may have had no choice but to take since the monarchy itself initially accepted the constitutional system. But Archbishop Midle of Vienna (d. 1853) showed disdain for the Union and the other bishops seemed to remain mute and passive in political matters. What also impresses the reader of the Bunnell chapter on 1848 was the facelessness of the lay participants in the Vienna Catholic Union. The author makes reference to only one layman with some apparent status, I.G. Schwartz, the Union's chairman, and he, though an Austrian by birth, was an American citizen. Most likely, some educated middle-class Catholics held aloof from the new political organization because of the bishops' failure to identify themselves with it in any way, while some others holding civil service positions took the same stand because they feared to offend their monarchical superiors.

The Liberal Catholic movement in Vienna and wider Austria appeared, then, to be a total failure, but that might be an erroneous conclusion. In my judgment, it had apparently managed to organize a respectable number of the lower clergy in a relatively short period of time, an achievement that the intelligent advisers of the new and young emperor, Francis Joseph I (1848-1916), undoubtedly recognized. They knew that monarchy could no longer try to treat the priesthood as a spiritual gendarmerie and after the Imperial army finally restored order in the Empire, they sought to put relations between the state and the church on a new basis. After prolonged negotiations, they negotiated a concordat with the Holy See in 1855.

The last years of Anton Gunther and Johann Veith were to be darkened by the Roman Congregation of the Index's condemnation of Gunther's works in 1857. Bunnell indicates that that high church department had long been suspicious of Gunther's orthodoxy, but had not acted against him, possibly because he had influential episcopal protectors in Austria and Germany. But soon after his consecration as archbishop of Vienna in 1853, Joseph Rauscher (1797-1875) pressed the Roman Curia to reopen the Gunther process. Bunnell claims that Rauscher believed that the Guntherians wanted to impose a constitutional system upon the church and had actually made such a charge against them. In fact, Sebastian Brunner, an energetic and voluble priest editor, had called on the Austrian hierarchy in the summer of 1848 to convoke diocesan synods, permit priests and laymen to participate in the selection of bishops and let the lower clergy exercise their rights as citizens. But it should be noted that the Congregation of the Index had condemned the theological writings of Georg Hermes in 1855 and might eventually have taken the same measures against those of Gunther even if Archbishop Rauscher had not urged it to do so. Gunther had made use of Descartes epistemology in his own work and Descartes has always been out of favor at the Papal Curia.

This is a thoughtful, well-written and interesting book, though readers who lack training in theology and philosophy may have some trouble in getting through the parts on Gunther's thought.

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