

CHURCH AND STATE.

I.

SOCIETY as we now find it, and as far back as history reveals it to us, lives and moves, and has hitherto lived and moved, under the influence of the two-fold principle of Church and State. It is not simply the State, nor is it simply the Church, but it is made up of a union of both Church and State.¹ Association for the pursuit of temporal happiness gives rise to the State; association in a community of spiritual goods for the pursuit of eternal happiness gives rise to the Church.² Just as a man is not all body nor all soul, but the intimate union of body and soul, even so is society composed of the intimate and inseparable union of a temporal organization and a spiritual informing principle. For what the soul is to the body, religion is to the State. "No State," says Walter, "can subsist without religion, which fills and interpenetrates every sphere of life with the sense of the obligation of duty. Religion, which respects and maintains every right of high and low, of strong and weak, is the conservative element of society. . . . By the strength of character which she forms, she preserves the youth of nations, and when they fall away and decay, keeps them from the withering up of mind and heart. Religion is the groundwork of family life, and of the purity and piety nurtured therein. . . . She brings rich and poor nearer together, urging upon the rich sympathy and active help to the poor, and instilling into the poor gratitude and consolation. Thus she softens every condition of life, and teaches man that he can be elevated and ennobled by submission. Religion, then, is the true bond which holds the State together, makes it strong, and saves it from degeneracy."³ Now, religion without a Church is a mere abstraction. "The Church is the external manifestation, the realization and the expression of the Christian religion in an independent organism."⁴ The early Fathers recognized this intimate union of Church and State. St. Isidor of Pelusium, wrote from his hermitage in Egypt: "The government of the world rests on kingdom and on priesthood; although the two differ widely—for one is as the body, the other as the soul—they are nevertheless destined to one end, the

¹ Brownson's Works, vol. xiii., p. 265.

² Cardinal Mazzella, *De Religione et Ecclesia*, p. 449.

³ *Naturrecht und Politik*, p. 237, Bonn, 1871.

⁴ Schema concerning the Church prepared by the Fathers of the Vatican Council, apud Hergenröther, *Church and State*, vol. i., p. 52.

well-being of their subjects.”¹ And St. John Chrysostom boldly carries out the metaphor of soul and body to its limits: “The Church,” he says, “is above the State, in the same way the soul is above the body.”²

II.

Going back to pagan days we find that philosophers never dreamed of separating religion from the State. Plato strives to impress the citizens of his ideal republic with the necessity of keeping the Divine law if they would preserve the State: “God, as the old tradition declares, holding in His hand the beginning, middle and end of all that is, moves, according to His nature, in a straight line towards the accomplishment of His end. Justice always follows Him, and is the punisher of those who fall short of the Divine law. To that law he who would be happy holds fast, and follows it in all humility and order. . . . Wherefore, seeing human things are thus ordered, . . . every man ought to make up his mind that he will be one of the followers of God. Henceforth all citizens must be profoundly convinced that the gods are lords and rulers of all that exists, that all events depend upon their word and will, and that mankind is largely indebted to them.”³ Aristotle, with less unction, though not with less conviction, pronounces worship to be the first of the six leading administrations without which the State cannot subsist, assigns the first rank to the priesthood, would have special edifices dedicated to worship, and the fourth part of the soil and land devoted to purposes of religion.⁴

The relations of Church and State vary with times and occasions. In the gentile world the Church was absorbed by the State. It was the tool and instrument of the State. The number and nature of the household gods were regulated by the State. The ceremonies connected with the worship of them were enjoined by the State. The titular deities of the State were carefully served; they were to be placated in times of calamity, appealed to for aid in times of war; their ire was to be appeased in the hour of defeat, or they were to receive public thanksgiving in the hour of victory. Every ceremony was legislated for by the State. The ruler was also the Pontifex Maximus. He united in himself the plenitude of civil and priestly power. In all else was the State equally paramount. The family was absorbed in the State. The individual lived for the State, continued to breathe by favor of the State, and died when the State so decreed. The State was the source whence all things drew the breath of life, and the seat of all wisdom and authority.

¹ *Isid. Pelus.*, l., iii, ep. 249.

² *Hom.* 15, in 2 Cor., n. 5; *Migne* xi., 509.

³ *De Legg.*, iv., p. 288.

⁴ *Politics*, viii., 8-12.

Such was the condition of things when Christianity first dawned upon the world's horizon, and revealed another order of things. It revealed to man a kingdom other than the kingdoms of this world, to which he had a flawless title. It taught him the value of his immortal soul, redeemed by the blood of Christ. It taught him how to pray and how to overcome his passions. How much there was in this teaching we will let Döllinger explain: "When," he says, "the attention of a thinking heathen was directed to the new religion spreading in the Roman Empire, the first thing to strike him as extraordinary would be, that a religion of prayer was superseding the religion of ceremonies and invocations of gods; that it encouraged all, even the humblest and most uneducated to pray, or, in other words, to meditate and exercise the mind in self-scrutiny and contemplation of God. . . . This region of Christian metaphysics was open even to the mind of one who had no intellectual culture before conversion. In this school of prayer he learned what philosophy had declared to be as necessary as it was difficult, and only attainable by few—to know himself as God knew him. And from that self-knowledge prayer carried him on to self-mastery. If the heathen called upon his gods to gratify his passions, for the Christian tranquility of soul, moderation, and purifying of the affections were at once the preparation and the fruit of prayer. And thus, prayer became a motive-power of moral renewal and inward civilization, to which nothing else could be compared for efficacy."¹ Justin Martyr called attention to this benign influence of Christianity in his day: "We Christians contribute most to the tranquillity of the State, since we teach that God governs all; that the evil-doer, the avaricious, the assassin, as well as the virtuous man are known to Him; that each one who passes out of this life will receive an eternal reward or an eternal punishment according to his deserts. Now, if all believed these truths, assuredly none would continue a moment longer in sin, but all would restrain themselves, and strive to do right, in order finally to obtain the promised reward and to escape punishment. For those who do evil know that they can escape from your laws; but if they had learnt, and were fully convinced, that nothing, not an action, nor even a thought can remain hidden from God, they would, at least from fear of punishment, strive to do right."² In this manner did Christianity become a new civilizing element. Now, society is perfect in proportion as the individuals composing society are perfect. But the perfection of the individual consists in submission to the Divine law. "When we

¹ *The First Age of the Church*, vol. ii., pp. 216, 217.

² *Apol. I., pro Christ xii.*

revere and honor God," says the Angelical Doctor, "our mind is subject to Him, and in this our perfection consists. For everything is perfected by its subjection to that which is above it, as the body when it is vivified by the soul."¹

III.

Let us now endeavor to make clear to ourselves the meaning both of Church and of State. We will begin with the Church. The Church is an organism. It is a visible embodiment of Divine influences addressing itself with authority to the souls of men in the name of God and for an eternal and supernatural end. It is the visible custodian of the natural law and the revealed or positive law. It has not created or invented or discovered these laws. They are eternal. The Church could not change them if it would. But every church, be it true or false, speaks to man in the name of Divine authority, and every true member of that Church recognizes the Divine sanction. A church without such sanction and such authority is meaningless. A church on a human basis, promulgating a purely human doctrine, looking no higher than human reason, bears upon it the impress of its own fallible, short-lived nature. It is branded with the seal of imposition. Not the combined genius of a Comte, a Littré and a Frederick Harrison can make the church of positivism other than a religious by-play. Gautama and Mohammed established their doctrines and built up their churches only in the name of God and as His ministers. Had they presented themselves upon a purely human basis they would have passed away unheeded. But they were in earnest; they believed themselves sent of God; therefore, they were accepted for what they represented themselves to be, and accordingly they succeeded. The Protestant synod of Alain, in 1620, excommunicated by virtue of the Divine authority which it conceived to be vested in it: "We, ministers of the gospel of Jesus Christ, whom God hath furnished with spiritual arms . . . to whom the eternal Son of God hath given the power to bind and to loose upon earth, declare that what we shall bind upon earth shall be bound in heaven."² The Puritan fathers would not and dare not make laws opposed to the teachings of their church. They recognized its supremacy. Believing that they alone were right and the favored ones of God's providence, they stood out against the whole world and persecuted and outlawed all who presumed to hold religious opinions different from the tenets which they believed to be God's

¹ *Summa Theologiae*, II., ii., qu. xxxi., art. 7.

² *Actes eccles. et civiles de tous les Synodes nationaux de l'Eglise reformée de France*, ii, 181, 182.

own teaching. They stood upon an elevated but a very narrow spiritual plane of religious opinion.

Of course, not everybody speaking as the mouthpiece of the Divinity is inspired. Brigham Young made thousands believe that he had a divinely-inspired mission; few believe in the Divinity of that mission to-day. But we are not here concerned with determining the notes by which true inspiration is to be distinguished from pure illusion and imposition. We are simply calling attention to the fact that every church has meaning only by reason of its Divine origin and the Divine authority in whose name it teaches. We will define the Christian Church as it appears to us in its oldest and most authentic form.

Christ organized the Church. The Apostles were the first bishops. From the beginning was a hierarchy established. Peter was made head of the Church and was recognized as such by his colleagues; priests and deacons, and the other clerical orders were established. The Church as thus organized is endowed with a three-fold power; namely, the power to administer the sacraments, the power of jurisdiction and the power of teaching. Of the seven sacraments recognized by the Church as the seven channels instituted by Christ, by which His grace is conveyed to the soul and man is raised up into the sphere of the supernatural, five can be administered by none other than a bishop or priest. Therefore it has been with the most scrupulous care that succession in the orders of bishops and priests has been preserved in the Church from the days of the Apostles. And so the faithful of every period in this visible organism, the Church, have had these seven sacraments and a duly ordained and properly authorized priesthood to administer them.

The Church has a power of jurisdiction, that is to say, she has the right to exercise authority over Christians in those things which belong to religion. This power flows directly from the authority of the Divine Founder. It alone makes licit the sacramental power of the clergy. Indeed, no pastoral act may be performed within the Church without participation in ecclesiastical authority. That authority may be delegated or it may belong to the office for which one has been ordained. But the main point to hold in view is this: That no jot or tittle of ecclesiastical jurisdiction is derived from the laity within the Church or from the State or from any source other than the Divine authority on which the Church is founded. Therefore, wherever there is lay or State interference in the matter of the sacraments, or of doctrine or of religious jurisdiction, there is an element foreign to the Divine institution established by Christ. A Church, for instance, that would be organized and legislated for by Congress could

scarcely command the respect and submission of men. It might, indeed, be a very wise human institution, but no one would dare call its Congressional enactments the inspiration of the Holy Ghost. Equally human and equally fallible would be a Church created by act of Parliament.

The jurisdiction of the Church is, then, the jurisdiction of a visible independent organism, and is judicial, legislative and executive. She has the right to make laws within her own spiritual sphere of action, and to execute those laws. She has the right to impose upon her members the obligation of accepting without reserve her declarations concerning faith and morals under ecclesiastical penalties. As the custodian of the natural law and of the revealed law, she is entitled to interpret and administer them in religious matters. She has, moreover, the power to make and to enforce laws of her own. These laws, be it remembered, contain within themselves so much of a purely human element that they may be changed, or dispensed with, or abrogated. Thus it is that in certain countries certain holidays of obligation have been abrogated. Thus it is that the Church daily grants dispensation regarding marriage within certain degrees of kindred. In like manner does she dispense persons from vows or commute their vows under certain circumstances and with sufficient reason. All this she could not do with regard to the Divine law, whether it be natural or positive. She could not, for instance, permit or tolerate an act of injustice as between man and man, nor could she allow her highest dignitaries, any more than her humblest laymen, to injure their neighbor's reputation by any act, overt or covert, direct or indirect; nor in such supposition could she dispense them from making such reparation as is within their power. She cannot change the eternal principle of right and wrong.¹ All these are primary truths.

IV.

Next, consider the teaching power of the Church. Her Divine Founder gave her the mission to go forth and teach all nations in His name. *He that heareth you heareth me.* This mission extends to all subjects bearing upon religion. It includes both the natural and the positive law of God, as well as the revealed truths and mysteries of faith. The teaching power resides in its plenitude in the Roman pontiff as it did in his predecessor, the Apostle Peter. He is unerring in defining matters pertaining to faith and

¹ "But all theologians and laymen know that the Pope can do nothing against the Divine law; that he cannot dispense from the observance of the Fourth Commandment; that all Papal laws, even if they must be regarded as irreformable, still do not cease to be human."—CARDINAL HERGENROETHER, *Anti-Janus*, p. 42.

morals. His infallibility does not extend beyond this domain. In all matters of political action or of private opinion the Pope is as liable to err as any layman equally instructed. An ecumenical council is also unerring when defining matters of faith and morals; but it is only the papal approval that renders the council ecumenical and stamps its decrees with the seal of authority. The teaching power is communicated to bishops and priests, but not in its plenitude. They may err in their teachings, even as they may be culpable in their conduct. Their words have authority only in proportion to the accuracy with which they transmit the doctrines of the Church. Personally, the weight of their utterance depends on the learning and the soundness of judgment they bring to bear upon their subject-matter.

And here, we would dwell upon a grave misconception entertained of our mental attitude as Catholics by those not of the body. We give the misconception as stated by an American writer who would not voluntarily do us an injustice. Speaking of the Church in America this writer says: "There is almost as much dissent, agnosticism, free thought—call it what you will—among educated Catholics as among other people in America. This is at once the source of peculiar strength and of unique weakness to the Catholic Church."¹ We do not see how this can be a source of anything real, since it is a condition of things that does not exist outside of the writer's mind. We Catholics—the ignorant layman no less than the learned theologian—all profess the same creed and hold by the same truths of faith, upon the same ground of belief, namely, upon the veracity of God revealing them to us through the Holy Roman Catholic Church. This and nothing more. The learned theologian may attempt to account for the faith that is in him; he may seek to reconcile it with his reason; he may answer objections raised against certain articles of his faith; but he cannot pare away or minimize that faith; he cannot drop a single jot or tittle of that faith without ceasing to be a Catholic. He accepts it all—neither more nor less—with the same sincerity with which his unlettered brother accepts it. The mental attitude of Catholics towards their faith is simply one of absolute certitude. In matters of opinion, or of credence, or of speculation, or of mere probability, we exercise our own judgments like the rest of men on those same matters, and come to our own conclusions according to personal bias and the tone of our intellectual training. Even in matters of faith our explanations of the various articles of our creed may vary and some may even be erroneous. There are men, for instance, who find the presence of design in the material

¹ *The Westminster Review*, June, 1888.

world a strong argument for the existence of God; others refuse to be convinced by that argument, but find their strongest demonstration in a recognition of the moral sense. But it is clearly an abuse of terms to call our honest divergence of opinion concerning all matters upon which we are free to diverge, free thinking or agnosticism in the accepted meaning of these words. You cannot conceive a Catholic agnostic. As well might you think a positive negation. One term is as meaningless as the other. You might conceive a minister of the Church, whether priest or bishop, continuing to exercise the functions of his ministry long after he has ceased to believe in their efficacy, but sooner or later he shirks the discipline of his position, and the world takes at his worth the man who sails under false colors or who dares not assume the responsibility of his convictions. Now, it would be a vile slander upon the Catholic priesthood in America—and the writer from whom we have quoted would be the last to put it upon them intentionally—to say that any number of them were praying to a God in whose existence they did not believe, or administering sacraments in whose efficacy they had no faith.

Our Catholic writers are of all shades of opinion upon the issues of the day, and they may be so without incurring ecclesiastical censure. Take, for instance, the burning questions of modern science and modern thought. Some there are who think that as children of the age it is their duty to face the problems of the age and effect their solution as best they may. Others, again, are alarmed at the hostile attitude of certain leaders of modern thought towards the Church, and, identifying the person with the cause, condemn the whole without a fair hearing. They seek refuge in extreme rigidity of doctrine. In their opinion the Decalogue is incomplete, the sermon on the mount too mild, and Rome too lenient. The non-Catholic world is only too prone to identify this class of writers with the Church. Their extreme views bring odium upon religion. They seem incapable of learning from the blunders of the past. They speak and write as though the Inquisition had never made Galileo say that the earth did not move round the sun, or the Sorbonne had not dictated to Buffon what he should write concerning this world's formation. Every educated Catholic knows that neither the Inquisition nor the Sorbonne is the Church, and though both were formidable bodies, they had no claim to infallibility. Why should these over-hasty writers attempt to force a repetition of such blunders? They are misleading, and are not to be considered in any respect representative. You will find other Catholic writers holding views as broad as theirs are narrow. The children of the Church have great liberty of action and opinion. It is the liberty of children in a well-regulated

household. They know the limit beyond which they must not pass.

The doctrinal life of the Church consists in this, that she at all times and under all circumstances preserves unity of doctrine in the midst of multiplicity of opinion. The doctrine she teaches to-day she has always and everywhere and to all men taught from the beginning. This is the secret of her strength and her endurance as a teaching body. Permit me to quote for you an impartial witness to the fact. Speaking of the characteristic of absolute infallibility Mr. Mallock says: "Any supernatural religion that renounces its claim to this, it is clear can profess to be a semi-revelation only. It is a hybrid thing, partly natural and partly supernatural, and it thus practically has all the qualities of a religion that is wholly natural. In so far as it professes to be revealed, it of course professes to be infallible; but if the revealed part be in the first place hard to distinguish, and in the second place hard to understand—if it may mean many things, and many of those things contradictory—it might just as well have been never made at all. To make it in any sense an infallible revelation, or in other words, a revelation at all, *to us*, we need a power to interpret the testament that shall have equal authority with that testament itself. Simple as this truth seems, mankind have been a long time learning it. Indeed, it is only in the present day that its practical meaning has come generally to be recognized. But now, at this moment, upon all sides of us, history is teaching it to us by an example so clearly that we can no longer mistake it. That example is Protestant Christianity, and the condition to which, after three centuries, it is now visibly bringing itself. It is at last beginning to exhibit to us the true results of the denial of infallibility to a religion that professes to be supernatural. We are at last beginning to see in it neither the purifier of a corrupted revelation, nor the corrupter of a pure revelation, but the practical denier of all revelation whatsoever. It is fast evaporating into a mere natural theism, and is thus showing us what, as a governing power, natural theism is. Let us look at England, Europe and America and consider the condition of the entire Protestant world. Religion, it is true, we shall find in it; but it is religion from which not only the supernatural element is disappearing, but in which the natural element is fast becoming nebulous. It is, indeed, growing, as Mr. Leslie Stephen says it is, into a religion of dreams. All its doctrines are growing vague as dreams, and like dreams their outlines are forever changing. . . . There is hardly any conceivable aberration of moral license that has not in some quarter or other embodied itself into a rule of life and claimed to be the proper outcome of Protestant

Christianity.”¹ So far Mr. Mallock. His remarks make it clear to us that a church regarding itself as Divine in its origin and inspiration and at the same time not unerring as a guide would be a self contradiction.

But there are limitations to the teaching mission of the Church. The fulfilment of Christ's promise to be with His Church and to guide and direct her in her mission extends only to those things for which she has been commissioned. She has no mission to teach purely secular science. She may utilize the science she finds her children possessed of, and speak to them in the language of that science, but she never descends to take issue upon every new scientific theory. Should science trespass upon her domain and assert anything opposed to her fixed and immutable principles she cautions her children against such teachings. Individual members of the Church may dispute over certain issues, but the Church bides her own time with the patient tranquility of one who has outlived many disputes and seen many brilliant and aggressive theories dashed to spray at her feet. And when science shall have winnowed the chaff from the grain and human reason shall have become possessed of an additional fact or an additional law of nature, the Church shall be found precisely where she stood before the discovery. She is not the one who has been obliged to shift her lines. It is in this attitude of the Church that we have the clue to her whole bearing towards science in the course of its development and its variations.

Here it may be asked: Since the teaching mission of the Church is thus circumscribed, why does she make such persistent efforts to control education in all its roots and branches? To this we would say: The Church cannot recognize any system of training for the child from which religion is excluded. With her religion is an essential factor in education. Among Christian peoples the child has always combined Christian doctrine and Christian practices with purely secular teaching in the school-room. The child of Christian parents is entitled to this Christian education. To impose upon him any system of education calculated to weaken his hold upon the Christian heritage into which he was born, were an act of gross injustice. Our Catholic clergy, as the pastors of souls, answerable to God for those confided to their care, are in duty bound to see that the children of their parish are instructed in the doctrines and practices of that Church which they believe to be the pillar and the ground of Truth. This can be properly and efficiently done only by means of a system of education especially provided for the purpose. Given a clergy believing in the Divine

¹ *Is Life Worth Living?* pp. 274, 275.

origin of their religion, believing that religion to be so great a boon that they would gladly die for it, believing that unless the child is at an early age taught religious doctrine and religious practices he runs the risk of growing up wholly indifferent to the priceless value of his Christian heritage, and you cannot conceive that clergy holding any other attitude towards a purely secular education for their Catholic children than one of hostility. It were a betrayal of their trust, an abandonment of the birthright of those confided to them, to acquiesce in a school system from which Catholic doctrine, Catholic prayer, and Catholic practices of devotion had been banished. Therefore it is that the Church binds the consciences of pastors and of people to keep their Catholic children aloof from such schools, and to establish parochial schools whenever and wherever it is possible.

Her mission to teach gives the Church the right to safeguard the child against any influence that would be injurious to faith and morals. Hers is the right to see that the books made use of, the men and women imparting instruction, and the character of the instruction given, be such as aid in the work of spiritualizing and elevating the child, and making his soul worthy of its future heavenly abode. Hers is the duty to forbid to her children the use of books in which there is doctrine contrary to that which she teaches, in which is to be found any system or principle of mental philosophy that she has condemned, or in which history is compiled with a view to misrepresenting Catholicity or undermining Catholic influences. Children, or even young men and young women, are not in position to take in both sides of religious, philosophical or historical questions; they lack maturity of judgment and the information essential to determine truth from error. It were folly to leave their weak, half-trained, ill-informed minds to grapple alone with issues that exercise the most ripened scholars to comparatively little purpose. And so it happens that while the Church has no mission as regards the imparting of purely secular education, it belongs to her function to exercise due vigilance over every branch of science and letters that would be likely, directly or indirectly, to affect religious belief.

V.

We now come to the State. The State is also a social organism. It grows out of the very nature of society. The family, and not the individual, is the unit of the State. "The human family," says Cardinal Manning, "contains the first principles and laws of authority, obedience, and order. These three conditions of society are of Divine origin; and they are the constructive laws of all civil

or political society."¹ Therefore, the State is of Divine origin. It is organized for the protection of society and the common weal. It has rights and duties and responsibilities. Its rights are embodied in the natural law, and come not from society, nor from its own intrinsic nature, but from God who is the source and sanction of all authority, obedience and order. The State is organized directly for the happiness and well-being of man in this life. It protects his person and property; it guarantees him liberty of action in the fulfilment of his duties; it frames such laws as promote his welfare and the welfare of the nation. The form of government established in the State is determined by the people. There is no Divine ordinance as to what that form may be. Nor has the Church a preference. If our theologians speak of the king and the kingly form of government, it is because that is the form with which when writing they were most familiar. But the present Pope, Leo XIII., has clearly defined the position of the Church as regards form of government: "While being the guardian of her rights," he says, "and most careful against encroachment, *the Church has no care what form of government exists in a State, or by what custom the civil order of Christian nations is directed; of the various kinds of government there is none of which she disapproves, so long as religion and moral discipline live untouched.*"² But while the form is determined by external circumstances, the authority and the sanction come from God. No man, for instance, has the power of life and death over another; and yet in the interests of society, the State condemns the criminal to be hanged. Whence derives it this dread power? Not from society, for the command *Thou shall not kill* is as applicable to a body of individuals as to a single person. Not in the State itself, for the State is only the society composing it, and society cannot give what it does not possess. The power and the sanction of that power come to the State from God alone. And since the State is of God as well as the Church, complete harmony should exist in all their relations. But the history of modern civilization is the history of unintermitting struggle between Church and State. Whence arises this struggle? The sphere of action of each is distinct. "Both Church and State have each an individual domain; wherefore in fulfilling their separate duties neither is subject to the other within the limits fixed by their boundary lines."¹ So speaks the reigning pontiff. To understand the struggle we must go back to the origin of Christianity. Christianity found itself face to face with Pagan Rome. Its Divine Founder counselled His disciples to

¹ *The Vatican Decrees in Their Bearing on Civil Allegiance*, p. 46. Am. ed.

² Encyclical, January 10, 1890.

³ *Ibid.*

render unto Cæsar the things that were Cæsar's and to God the things that were God's. And St. Paul threw the whole force of his energetic soul into insistence on obedience to the State. "Let every soul be subject to higher powers; for there is no power but from God; and those that are ordained of God. Therefore he that resisteth the power resisteth the ordinance of God and they that resist purchase to themselves damnation. . . . Render therefore to all men their dues. Tribute to whom tribute is due; custom to whom custom; fear to whom fear; honor to whom honor."¹ But there were clearly defined limitations beyond which the Christian could not submit. He could not worship the false gods of the pagan world. He could not share in the national rites and ceremonies that cloaked the most disgusting orgies and crimes. The Christian had learned the holy nature of the living God, the heinousness of sin and the necessity of keeping his soul spotless before the all-penetrating Presence. He had learned that many pagan practices, sanctioned by religion, were sinful, and he preferred death to sin. This gave rise to a bitter struggle between the State and the early Christian Church. There was no compromise. Under all circumstances God is to be obeyed rather than men. And so the Roman empire reeked with the blood of martyrs. It was a death-struggle. On the one side was the all-powerful, all-absorbing empire of the world, and on the other were a few scattered Christians, weak in numbers, weak in rank and position, weak in every respect but in the moral courage to live up to their convictions. But moral courage, animated by a burning idea, is an irresistible force. The vast material resources of the Roman Empire could not withstand its progress. Rome under Constantine proclaimed herself Christian. Her very law became regenerated.

St. Augustine had said—and his words bore with them great weight throughout the Middle Ages—that true justice has no existence save in that republic whose founder and ruler is Christ.² In the light of Christian truth and in the practice of Christian justice, always tempered by Christian mercy, the absolute law of pagan Rome came to be regarded as supreme injustice. Public opinion was gradually educated up to a higher conception of right and equity. Men became impressed with the sanctity of human life. From the beginning the Church had set her face against abortion and infanticide. In the course of time the State imbibed the same horror for these crimes and enacted laws against them. Gladiatorial games, in which lives were cast away to pander to a depraved taste, were abolished. A sense of universal brotherhood

¹ Romans xiii., 1-7.

² De Civ. Dei., ii., 4.

grew apace. The dignity of labor became recognized. Charity extended a helping hand in many directions to the relief of want and the assuaging of misery and suffering. Immediately after the days of Constantine it is no longer the emperor who is remembered in men's last will and testament; it is the Church as the dispenser of charities. Here is already a great revolution of ideas. But the greatest of all revolutions in Roman jurisprudence is the recognition of the woman's rights in the marriage law as standing upon an equal footing with those of the man. This change renders the Justinian Code an immortal landmark in the history of human progress. The world has ceased to be Roman; the Galilean has conquered.

In like manner did the Church educate the barbarian up to the same sense of the sanctity of human life, the same respect for others' rights and others' goods, and the same idea of a universal brotherhood. In legislating for sin she was legislating for crime. The early Christian kings frequently made the Penitentials the basis of their criminal code. Her bishops and clergy in their councils enacted laws as beneficial to the State as they were helpful to souls. And so almost imperceptibly did modern jurisprudence receive a Christian tone till in its whole substance and meaning it has become solely and peculiarly Christian.¹ Well might Lecky write of the influence of the Church: "She exercised for many centuries an almost absolute empire over the thoughts and actions of mankind and created a civilization which was permeated in every part with ecclesiastical influence."² Let us not close our eyes to the nature of that influence. It was an influence achieved only after a long and patient struggle. The Church begins by teaching the barbarian his letters. By means of literature and ritual and ceremonial and plain chant she speaks to his imagination, and he understands and appreciates her language and his nature grows refined beneath the refining influence. By means of prayer and the grace of the sacraments she moulds his character and forms his soul to virtue. Her mission was one of civilization. It was the effort of mind to predominate over matter, the taming of lawless natures, the lifting up into a higher plane of thought, exertion and aspiration, a humanity that had otherwise been content to live within the most circumscribed sphere of earthly existence. An Ambrose stays the footsteps of Theodosius at the Church-door because his hands were stained with wanton bloodshed. This sublime act embodies the spirit and the mission of the Church towards the State. "The resistance,"

¹ See Bluntschli, *Allgemeines Statsrecht*, p. 6.

² *History of European Morals*, ii. p. 15.

says Bryce, "and final triumph of Athanasius proved that the new society could put forth a power of opinion such as had never been known before; the abasement of Theodosius the emperor before Ambrose the bishop admitted the supremacy of spiritual authority."¹ And so we find the Church at all times and under all circumstances, without respect of persons, regulating conduct and preserving purity of faith and morals.

VI.

In the midst of this civilizing process there loom up two powers, each the embodiment of a distinct idea, each claiming supremacy. In the struggle between these two powers we have the clue to all mediæval and modern history. One is the Papacy; the other is the Holy Roman Empire. From the days of Constantine, according as the people became Christian, bishops exercised more and more influence in temporal affairs. They performed the functions of magistrates and judges, and so even-handed were they in administering the law the very pagans brought suit before them in preference to the civil courts. They were the counsellors and ministers of rulers. It was the bishops of France who made of France a nation. Her kings in consequence recognized their jurisdiction. Charles the Bald (A.D. 859) said that "by them he had been crowned, and to their paternal corrections and chastisements he was willing to submit."² What bishops were in their respective dioceses, the Pope came to be regarded by all Christendom. How else keep international relations upon a footing of equity? A weaker nation was helpless to right the wrongs inflicted by one more powerful. Countries far apart would find difficulty in coming to a mutual understanding. But, under the authority and through the mediation of the Supreme Head of Christendom, whom all looked upon as the father of the whole Christian family, the representative of justice and the avenger of evil-doing, wrongs might be righted and reconciliations effected under difficulties which might otherwise lead to disastrous results. And so the Pope became, by virtue of public law and by the consent of the Christian people—not by Divine right—the arbiter between sovereigns and the peacemaker among nations. His power as then recognized scarcely knew a limit. He could for sufficient reason depose kings, absolve people from allegiance to their rulers, place whole nations under interdict, quell wars, decide upon the justice of a cause, and more than once have we seen rulers place their kingdoms in fiefdom at his feet, as their only protection against a too-powerful enemy. Thus in 1214, we find Innocent III. for-

¹ *Holy Roman Empire*, 3d ed., p. 120.

² Hefele, iv., p. 197.

bidding any bishop or cleric, without a special mandate from the Holy See, to censure King John of England, as he had become a vassal of the Pope.¹

Side by side with the Papacy, stood the Holy Roman Empire. The Emperor was the champion of the Church, pledged to her defence against all secular enemies. According to Frederick I., "Divine Providence had especially appointed the Roman Empire to prevent the continuance of schism in the Church."² The Empire was the creation of the Pope; it was not hereditary. The first Emperor was Charlemagne, crowned such at the Christmas of the year 800, by Leo III. It was Leo's own work, done for the peace and protection of the Church. The office was, like that of the Papacy itself, non-hereditary. "Each of these lofty offices," says Freeman, "is open to every baptized man; each alike is purely elective; each may be the reward of merit in any rank of life or in any corner of Christendom. While smaller offices were closely confined by local or aristocratic restrictions, the Throne of Augustus and the Chair of Peter were, in theory at least, open to the ambition of every man of orthodox belief. Even in the darkest times of aristocratic exclusiveness, no one dared to lay down as a principle that the Roman Emperor, any more than the Roman Bishop, need be of princely or Roman ancestry. Freedom of birth—Roman citizenship, in short, to clothe mediæval ideas in classical words—was all that was needed."³ And so the Holy Roman Empire, now a shadow, now a power, continued to exist by the grace of the Holy See, sometimes to aid, more frequently to hinder, the Church in the exercise of her functions and prerogatives. With the hereditary title came an hereditary tendency of reversion to the absolutism of the Cæsars. Ecclesiastical privileges at first granted the emperors by the Popes, their successors in the Holy Roman Empire sought to convert into rights beyond the jurisdiction of the Papacy. The quarrel may read to us like a story of petty spites and personal squabbles; but its meaning is deeper. The very existence of the Church was involved. When bishoprics were put up for sale to the highest bidder, or were kept vacant for years that their revenues might flow into the royal or imperial coffers, it becomes evident that religion, and spiritual life, and morality must suffer, and the whole mission of the Church be frustrated. Upon more than one Pope must we accept the verdict of Neander concerning the indomitable Hildebrand: "Gregory VII. was animated by something higher than by self-seeking and selfish ambition; it was an idea which swayed him and to which he sac-

¹ Migne, ccxvii., p. 226. Supplem. ep. 185.

² Letter to the Prelates of Germany.

³ *Historical Essays*, vi., p. 136.

rificed all other interests. It was the idea of the independence of the Church, and of a tribunal to exercise judgment over all other human relations; the idea of a religious and ethical sovereignty over the world to be exercised by the Papacy."¹ Those were stormy times, and it took a strong hand to curb the headlong career of the powerful when they would ride roughshod over the most sacred rights. When Philip Augustus, of France, violated the sanctity and indissolubility of the marriage-bond, it was the Popes who brought him to a sense of his duty, and compelled him to undo the great wrong he had done his injured wife, the beautiful and virtuous Ingeburge. Instances might be multiplied, in which the Popes shall be found struggling against might and prestige in the cause of the honor and dignity of womanhood. "Go through the long annals of Church history," says Cardinal Newman, "century after century, and say, was there ever a time when her bishops, and notably the Bishop of Rome, were slow to give their testimony in behalf of the moral and revealed law and to suffer for their obedience to it, or forgot that they had a message to deliver to the world? Not the task merely of administering spiritual consolation, or of making the sick-bed easy, or of training up good members of society, and of 'serving tables' (though all this was included in their range of duty); but specially and directly to deliver a message to the world, a definite message to high and low, from the world's Maker, whether men would hear or whether they would forbear. The history, surely, of the Church, in all past times, ancient as well as mediæval, is the very embodiment of that tradition of Apostolical independence and freedom of speech, which in the eyes of man is her great offence now."²

Great is the debt the nations owe the Church for having preserved throughout the ages this independence of action and of speech. Despotism and tyranny would have had little respect for any or every element that enters into our modern civilization, if there were no authority to call a halt and say in tones that were unmistakeable and that commanded respect: "Thus far shalt thou go and no farther!" This was the temporal mission of the Papacy. How staunchly and how efficiently she fulfilled her mission has been recognized by all competent historians. Few there are who are not willing to subscribe to the verdict of Ancillon: "In the Middle Ages, when there was no social order, the Papacy, and perhaps the Papacy alone, saved Europe from a state of absolute barbarism. It created relations amongst nations far removed from each other, was a common centre for all, a point of union for States otherwise iso-

¹ *Church History*, ii., p. 375. Third edition.

² Letter to the Duke of Norfolk, p. 24.

lated. It was a supreme court of justice raised in the midst of universal anarchy. Its judgments were from time to time received with the respect they merited. It fenced in and restrained the despotism of emperors. It compensated for the want of a due balance of power and lessened the injurious effects of feudal governments."¹ Let us add that the Papacy was more than a merely compensating principle. Based upon the supremacy of the spiritual over the material, recognized and acted upon by Christian nations possessing the same faith, it was a most secure, a most economic and a most impartial tribunal of arbitration. Has modern political science been able to furnish a better substitute?

When kings ceased to look to the Papacy for recognition and sanction, and no longer feared interdict or excommunication, they sought shelter in the Divine right of royalty to do all things. They refused to hold themselves amenable to any tribunal. "It is notorious," says the late Henry Sumner Maine, "that as soon as the decay of the Feudal System had thrown the mediæval constitutions out of working order, and when the Reformation had discredited the authority of the Pope, the doctrine of the Divine right of kings rose immediately into an importance which had never before attended it."² We all know how that doctrine brought a Charles I. to the block. Where else is despotism likely to lead? The kings of France complained of Papal interference; they found theologians to exaggerate the Papal pretensions; they sighed for the freedom of the Caliph. Well, they reduced that interference to a minimum; they endeavored to make every bishop a pope in his own diocese; they placed their tools in the diocesan seats. The theory of a national Church became popular; Gallicanism reigned; Rome received but scant respect, and what was the result? The people, exasperated against the oppressions of a century, rose in defence of rights and liberties which they were denied, and in the reeking horrors of the Revolution, became intoxicated with the blood of king and priest. Were there no Gallican Church identified with a long record of tyrannies and oppressions—had Rome been uniformly free to select its own bishops—its clergy would have been wholly identified with the people; their power and influence would have guided the storm, and instead of the guillotine and the orgies with which every student of history is familiar, a peaceful adjustment of the difficulties between king and people might have been made. This is all the more evident when we remember that the principle of the Revolution is the great underlying idea of modern times. All modern thought, all great political movements, all great social reforms are based upon the

¹ *Tableau des Révolutions du Système Politique de l'Europe*, ti., introd. p. 133.

² *Ancient Law*, p. 334.

sublime principle of Liberty, Equality and Fraternity rightly understood. Now, this principle has in it nothing to alarm. All the nations of the earth are marching towards its realization. In some, the awakening is earlier than in others. This was the underlying idea of the old Republic of Florence, "which would have no king because its king was Jesus Christ;"¹ it was the underlying idea that led to the Constitution of 1688, in England; it nerved the cantons of Switzerland to struggle against Austrian domination till they were free as the chamois ranging their beloved Alps; it gave birth to our own republic. Its spirit is in the air and will not down. Statesmen and governments may slight or ignore or even resist it; but such a course is one of folly. They who will not recognize it and give it direction and prepare men for its coming, will be borne down by its fierce impetus.

Again, since the treaty of Westphalia, Europe has been adjusted by what is known as balance of power. According to this principle, no one nation will be allowed to assume control beyond a certain limit. She may absorb a certain number of districts or provinces belonging to a weaker power, but, in order to preserve an equilibrium, she must not destroy that power. Or, a weaker power is a source of trouble to more powerful nations in her neighborhood. As a solution to the difficulty, why may they not—even as happened to Poland—carve the weaker nation up and distribute a share to each, still preserving, the equilibrium? These are events that could not have occurred under the arbitration of the Popes. A merely mechanical principle, with no other basis than expedience, no other motive than policy, such as is this principle of balance of power, must needs be immoral in its very nature and lead to acts of gross injustice. It is bearing its fruits to-day in Europe. Look at the attitude of all the great powers on the Continent! Each is in arms, grimly awaiting war. The strong and the young are idly consuming the products of the soil, and the nations are becoming impoverished. All human ingenuity and all triumphs of physical science are concentrated upon the discovery of the most rapid and most effectual methods of destroying human life. This state of affairs is radically wrong. Who would not rejoice to see every nation of Europe disarm, go back to the arts of peace, and leave the arbitration of all international difficulties to the Pope?

The Holy Roman Empire has passed into shadow-land. The doctrine of the absolute right of kings to perpetrate all acts in God's name, and under the Divine sanction, is no more. Even where crowned heads still exist in Europe, not they, but their peoples—Russia being excepted—rule. The world's future is altogether in the hands of the people. The relations of Church

¹ Cardinal Capecelatro: *Life of St. Philip Neri*, vol. i., p. 34.

and State in the new order of things may easily prove far more satisfactory than in the old order. In our own American Republic these relations are almost ideal. We know that purely ideal relations between Church and State obtain only where religion is one in society. Then might the secular power be subject to the spiritual power, as the body is subject to the soul; then might the State co-operate with the Church, aiding her when necessary in her work of establishing the kingdom of God in souls, knowing that all else, bearing upon temporal happiness, will surely follow. Here, where the forms of Christian belief are many, this order of things is impossible. But the order of things, guaranteed us by our Constitution and our laws, is admirable.

The noble patriots who framed our Constitution and laid so firmly the foundations of our republic, built upon the rights and liberties inherent in man. Now these rights and liberties with their accompanying duties and responsibilities, as between man and man, are not of the State. They are above and beyond the State. They are the vital principle that gives being to the State. They are the natural law, which is a participation in the eternal law of God. The State is simply the mouth-piece to proclaim this law, and the instrument to enforce it. The principles of right and wrong existed before they were made to enter into statutory decrees, just as the Decalogue was engraved on the hearts of men before Moses inscribed it on tablets of stone. Those principles are eternal, and it is our pride and our glory and the secret of our prosperity as a people that the great charter of our liberties is based upon them. In consequence the State admits the right of every man to worship God according to the dictates of his conscience. Every man has his rights of conscience not as privileges conceded by the State, but as rights existing among his other natural rights, recognized and acknowledged by the State as held under a higher law than its own. Church and State do not here exist upon a system of mutual concessions or privileges. There is here no absorption of one into the other. They are distinct, but they are not separated. On the contrary, their union is most intimate and most harmonious. "There is nothing," says Brownson, "which Gregory VII., Innocent III., Boniface VIII. and other great popes struggled for against the German emperors, the kings of France, Aragon and England, and the Italian republics that is not recognized here by our republic to be the right of the spiritual order. Here the old antagonism between Church and State does not exist. There is here a certain antagonism, no doubt, between the Church and the sects, but none between the Church and the State or civil society. Here the Church has, so far as civil society is concerned, all that she has ever claimed, all that she has ever struggled for. Here

she is perfectly free. She summons her prelates to meet in council when she pleases, and promulgates her decrees for the spiritual government of her children without leave asked or obtained. The *placet* of the civil power is not needed, is neither solicited nor accepted. She erects and fills sees as she judges proper, founds and conducts schools, colleges, and seminaries in her own way, without let or hindrance; she manages her own temporalities, not by virtue of a grant or concession of the State, but as her acknowledged right, held as the right of conscience, independently of the State."¹

Where society is split up into a diversity of creeds, there is supreme wisdom in the attitude of the State towards all, granting freedom of conscience so long as conscience dictates nothing contrary to the principles of natural right, or calculated to outrage the moral sense of society. We ask no closer relations of Church and State. So far as our religion is concerned, our sole cry is: "Hands off!" The State is incompetent to pronounce upon religious matters; it has no mission to determine the validity of a religious creed. To discriminate in favor of any one to the exclusion of all the others, were an act of injustice to every citizen not holding the favored creed. It were un-American because it were unconstitutional. It is a primary duty of the State to aid and protect its citizens in the fulfilment of their respective duties, to secure to them their inalienable rights, to see that justice is done between man and man; above all is it a duty of the State to safe-guard the weak minorities in their rights and immunities against the more powerful majorities.

In every man and woman there is an inseparable union of Church and State. Each holds certain religious tenets; many belong to some visible form of Christianity; but in proportion as all live up to their religious convictions, in that proportion are they good citizens, faithful in the performance of their civic duties—honest and honorable and just in all relations of life. Christian virtue in Christian society has never dimmed the civic virtues. Tell us, would the New England Puritans—the revered ancestors of many whom we now address—have left so lasting an impression upon this republic if they had been less intensely religious? The fierceness and asperity and intolerance that entered into their religious convictions and dictated the Colonial Blue Laws, also shaped the rigid honesty and integrity of character that would die rather than deviate a hair's breadth from the path of rectitude. When that noble son of Connecticut, Nathan Hale, was about to be hanged as a spy, his sole regret was that he had not other lives to give

¹ *Works*, vol. xiii., p. 142.

for his country. Think you he was any the less sturdy a patriot because he had been strictly and religiously brought up in the stern tenets of his Puritan father? Can you imagine Charles Carroll of Carrollton, throwing his broad acres and his spotless name into the country's cause, any the less a patriot because he had been carefully trained by the Jesuits? Did he find any difficulty in reconciling his allegiance to Rome with his allegiance to the new-born republic? Was his cousin John Carroll, the first Catholic Archbishop of Baltimore, less a patriot, when he accompanied the commission who sought the alliance of Canada in the cause of independence, than John Jay, when by his fanatical address to the people of Great Britain, he rendered that alliance an impossibility?¹ This is a subject over which men have needlessly waxed wroth. Let us raise ourselves above prejudice and look facts full in the face, and we will find, each in his own person, complete reconciliation between Church and State. Is not every full and perfect life an harmonious blending of these two orders of duties?" In this fact is the solution to the whole problem of Church and State. The name of God may not be in our Constitution, but His hand is discernible in every line of it. With far-seeing wisdom was that first amendment inserted: *Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.*

¹ See a valuable article by John Gilmary Shea, in the *U. S. Catholic Historical Magazine*, vol. iii., No. x., "Why Canada is not a Part of the United States."