

LOYALTY TO ROME AND COUNTRY.

AMERICAN literature has been enriched of late with various publications going to prove that Catholics cannot be loyal citizens of the republic. It is not a new thesis. It has done service ever since Celsus and Porphyry used it against the nascent Church and their readers shouted "*Christiani ad leones!*" Nor is there usually anything very original or striking in these new presentations of the subject. Most of the arguments have been in stock since controversy began. True, they have been refuted hundreds of times; but they serve their purpose just as well. One is not apt to be very scrupulous about his verifications when assailing a cause against which the prejudices of the bulk of his hearers are already enlisted.

Among these attacks upon Catholic loyalty, perhaps the most respectable for show of erudition and fair-play is the article of Mr. Henry Charles Lea, "Key-Notes from Rome," in the *Forum* of last February. In the belief that a reply to these charges is due to the American public, the above-named article is here selected for review, as the best of its class.

Mr. Lea opens with a quotation from the speech of Mr. Daniel Dougherty at our recent Catholic Congress, in which he protests against the prejudice which has, from time immemorial, "denied to Catholics the highest honors of the republic, sought to deprive us of our constitutional rights, and branded us as tools of a foreign potentate, unworthy to enjoy the name of Americans." On this he comments thus:

"Perhaps the eloquent orator may obtain an inkling of the cause of this apparent injustice, if he will weigh the words of a speaker who followed him, Father Nugent, of Liverpool, who stated that the idea of the Congress had originated with the Cardinal Archbishop of Westminster and the Archbishop of St. Paul. Herein lies the trouble. The Catholic Church is not American or independent; it looks abroad and not at home for its guidance."

This is a most singular use of facts. Archbishop Ireland, of St. Paul, Minnesota, whom every one knows to be one of the most thorough-going of Americans, conferred with Cardinal Manning about the organizing of a congress of all English-speaking Catholics. There was for some time question of its being held in London. But the English were slow, and our American centenary got ahead of them, and so we held the congress by ourselves. These are the facts stated by Father Nugent. And in

these Mr. Lea finds "an inkling of the cause" of the injustice done to Catholics, by the charge that "the Catholic Church looks abroad and not at home for its guidance." The logic of this opening argument is not over-happy.

As further proofs that the Church is "not American or independent," he goes on to state that the Pope authorizes the holding of our councils and sanctions their decrees, that he appoints our Bishops, and that "even so trivial a matter as the introduction of electric lighting in the churches, we are told, has to be referred to the decision of the Propaganda." This last bit of newspaper gossip is so silly and groundless that we may dismiss it at once. On his other arguments we comment as follows:

Assuredly the Catholic Church in this country is not "American and independent," in the sense of its being a separate national Church. It is a member of the world-wide, universal Church, closely associated with all its other members in all other parts of the world, and equally with them acknowledging the jurisdiction over the entire flock which Christ gave to St. Peter. The Church in America is in the same situation as the Church in France, in England, in Belgium, in Spain, in Germany or at the ends of the earth. Everywhere the bishops receive their mission from the chief pastor; everywhere councils are held under his supreme direction, everywhere, through the influence of that divinely appointed centre of unity, the whole Church grows together, as its divine author said it should, like one vine, acts together like one body.

But, because the Church in America is thus an integral member of the Church universal, does it thence follow that it is not American, that Catholics do not deserve the name of Americans? The question answers itself to every mind not blinded by prejudice. The Church in America, while living with the life of the Church universal, lives also its own life, has its own character, is composed of American citizens and those who aim at becoming such, and has for its mission the spiritual welfare of the American people. History declares the part that Catholics have everywhere taken in advancing the prosperity and glory of their various nations. Gibbon acknowledges that the bishops made France; it has been said that the monks made England: and whoever studies the causes of the prosperity of the United States will hardly fail to recognize the share of credit due to Catholics and their clergy.

Nor can it be justly said that the Church in America is governed with a view to interests which are not American, or that in regard to our great social problems her authorities are guided by principles which are not American. The fact which especially distinguishes and ennobles America among the other nations of the earth is that

her spirit and her principles are not narrow and exclusive, but cosmopolitan, international, universal. One of the greatest obstacles to the advancement of civilization throughout the world has been the diversities, the alienations, the antagonisms, of races and tongues and countries. The spirit of Christ and of the Church, which is essentially cosmopolitan and universal, while respecting all national rights, aims at uniting all nations in fraternity. Is not this evidently for the welfare of mankind? Is not this eminently in sympathy with the spirit and the principles of America? Of old, Tertullian said: "*Unam omnium rempublicam agnoscimus, mundum.* (Apol. 39.) St. Augustine, still more clearly: "*Ecclēsia cives civibus, gentes gentibus, et omnes prorsus homines, primorum parentum recordatione, non societate tantum sed quadam fraternitate conjungit.*" (*De mor. Eccl., Cath., c. 30, n. 65.*) This is the spirit and aim of the Catholic Church. Who will say that it is contrary to the spirit of our country?

It is precisely in view of this cosmopolitan spirit and aim of the Church that Divine Providence placed its chief pastor in an international and cosmopolitan position, by guaranteeing his territorial independence. American Catholics very naturally desire that this cosmopolitan character of the Holy See should be maintained, that its spirit and influence should not be narrowed by being nationalized. Just as the rest of the world would not wish that the chief pastor of the universal Church should be distinctively an American bishop, so we do not wish that he should be distinctively a French or an Italian bishop, or a bishop of any other special nationality whatsoever. He must be the world bishop, and therefore he must be independent of nationalities. As such, he can nowhere be called "a foreign potentate." The Pope is no more a foreigner to the Catholics of any nation in the world than our President is a foreigner to any of the States composing the Union. Mr. Lea's assertion: "If they (Catholics) are 'branded as tools of a foreign potentate,' the brand is self-inflicted," is a mere impertinence.

"And if," he continues, "they are denied the highest honors of the republic, it is not through an unreasoning prejudice, but through the instinctive popular perception that they own obedience to a higher law than that which binds their fellow-citizens."

Now here we must be allowed to protest against a manner of speech which Mr. Lea, in common with others of his school, uses throughout. They seem to assume that Catholics do not form a part of the nation. They oppose to the Catholic Church "the instinctive popular perceptions," the "popular jealousy," of Americans, as if Catholics were not an integral part of the American people, as if her ten millions and more of Catholics did not form a very considerable proportion of the American people. He should say, rather,

“the instinctive perceptions,” and “the jealousy” of a certain fraction of the American people, more or less imbued with sectarian prejudices against their fellow-citizens. We have always admired the art with which certain parties magnify themselves into the nation, the people, and arrogate to themselves the right of speaking in its name, just as certain writers identify themselves with progress, with science, with humanity. A little modesty is never out of place.

Mr. Lea is right if, in the above lines, he means to state that Catholics “own obedience to a higher law” than civil laws by whomsoever made. But surely he forgets himself if he wishes to intimate that in this they differ from their fellow-citizens. Every Christian, every religious man, nay, every honest man, regards the law of conscience as above all human laws. How identical this is with the duty of Catholics in regard to the law of the Church will be shown a little further on.

Our critic continues :

“In this no question of religious intolerance is involved. Not the least of the great political innovations reduced to practice by the fathers of the republic, was the severance of state and church. Prior to their time it had been an accepted maxim of statecraft that religion and politics were so inextricably intermingled that the state must recognize some form of faith, must render it dominant, and must enter into alliance with it to control the souls as well as the bodies and purses of its subjects. The framers of the Constitution wisely disregarded all precedent. They assumed that the state had nothing to do with the faith of the citizen. Abstaining from all formulas, they reverted to the natural law which guarantees to every human being the enjoyment of his creed, whether Buddhist or Confucian, Islamite or Jewish, Catholic or Protestant, Spiritualist or Agnostic. Even this did not satisfy the scruples of the people, and, to prevent all future misunderstanding, by the First Amendment the power was expressly denied to Congress to establish or prohibit any religion.”

Mr. Lea affirms that the question of the political rights of American Catholics is not a question of tolerance or intolerance. Before examining his reasons for so affirming, we must first remark that this rather *naïve* paradox is a souvenir of Rousseau. The author of the *Contrat Social* would have a state religion; whoever would not accept the state religion should, he says, be banished, not for impiety, indeed, but for “unsociableness,” for being out of harmony with the social system, for being incapable of sincerely loving the law of the land and of heartily laying down his life for it. “Happy distinction!” exclaims M. Saint-Marc Gerardin, “which puts the conscience of Rousseau at ease! In the convert to any other religion than that of the State, he does not punish the apostate, but the rebel; he respects the proselyte, he smites the bad citizen. The author of the *Contrat*, in fact, pushes his distinction to *naïveté* when he boldly condemns what he calls ‘theological intolerance.’”

The distinction between Church and State, between temporal and spiritual authority, between divine and human things, is not an innovation dating from the birth of the American republic. It is a principle essentially Christian, proclaimed by our Lord Jesus Christ: "Render to Cæsar the things that are Cæsar's, and to God the things that are God's," and inflexibly applied by the Apostles: "We must obey God rather than men." (Acts v., 29.) It is also a principle essentially Catholic, which the Catholic Church, and she alone, has always maintained. The Church and the Popes maintained it against the efforts to confound the two orders made by the successors of Constantine, by the emperors of Byzantium, by the German emperors in the Middle Ages, by the kings of France and others. "To the emperor," exclaims St. Ambrose, "belong the palaces; to the priesthood the churches. To thee is entrusted the charge of civil affairs, not of things sacred." (Ep. xx., n. 19.) Pope St. Gelasius I. writes to the Emperor Anastasius: "If in matters of public order even the prelates of the Church obey thy laws, how fitting is it that, in what concerns religion, thou shouldst obey those to whom the dispensation of the sacred mysteries has been entrusted." And Pope St. Gregory II. thus addresses the Emperor Leo the Isaurian: "The affairs of the Church are administered by prelates who refrain from the business of the State; let the emperors in like manner refrain from ecclesiastical matters, and attend to the things committed to them." The same principle is admirably developed by Hugh of St. Victor in the Middle Ages. (De Sacr., lib. II., p. 2, c. 4.) And Leo XIII. thus propounds it in his encyclical, "Immortale Dei": "God has divided the government of the human race between two powers, the ecclesiastical and the civil; the former being placed over things divine, the latter over things human. Each is supreme in its own sphere. Each has limits by which it is bounded, limits marked by the special nature and end of each, each having its own orbit, in which it moves and acts by its own right."

Not only do we affirm that the Catholic Church has always maintained this principle; we add that she alone has done so. The world knows how it has fared with the separated Christians of Russia and the East; they have fallen into subjection to the State even in all things spiritual. It is well known that, among the followers of the "Reformation," the civil power gradually took control of religious matters, that Henry VIII. forced from his subjects an oath acknowledging the royal supremacy in things spiritual, and that the Protestant princes of Germany held to the axiom: "*cujus est regio, illius est religio.*" Such was likewise the doctrine of the self-styled philosophers of the last century. Rousseau, in the last chapter of his "Contrat Social," develops his theory of lay

religion. He regards as the source of all social evils the establishment by our Lord of a spiritual kingdom on earth. According to him, the separation of the theological system from the political system broke up the unity of the State, and caused the intestine divisions ever since agitating Christian nations. "Among all writers," says he, "the philosopher Hobbes is the only one who has clearly seen the evil and its remedy, who has made bold to propose that the two heads of the eagle should be reunited and all things brought into political unity, without which no State and no government can be solidly established." (L. iv., c. 8.) It is, therefore, manifest that to assert the distinction of Church and State, and to assign to each its rightful place and powers, is to recognize a principle essentially and even exclusively Catholic.

But though Church and State are essentially distinct, though their qualities and ends and modes of action are different, it by no means follows that they are to be strangers to each other. Quite the contrary, and that for a very evident reason. Both reason and revelation declare that man lives a two-fold life, a life temporal and earthly, and a life spiritual and looking to eternity. He seeks the goods of time and the goods that are everlasting. To acquire temporal goods and advantages he has the assistance of the State, of civil society; to gain spiritual goods and perfection he has the aid of the Church, of the religious society. The Church and the State are, therefore, composed of the same members. Hence, as in his individual life, man may not seek after temporal goods to the neglect of his spiritual duty, but must keep harmony between the two sets of duties, so likewise in the social life, man while associated with his fellow-beings for the acquisition of earthly advantages, cannot forget that he is also associated with them for the attainment of spiritual goods. Therefore, to attempt to make the Church and the State strangers to each other is to attempt to divide up man himself. If, indeed, the Church were composed of men who did not belong to the State, and the State of men who did not belong to the Church, then there might well be but little question of the relations between the two. But such is not the case. Our Lord sends the message and the invitation of His Church to all nations and to every creature, and all are at the same time citizens of some State. Where all the citizens of a State are of the same religious communion, then the blending of Church and State naturally approaches the completeness of the blending of temporal and spiritual duties in the life of a good man. But where the citizens of a State differ in faith and, therefore, belong to different religious communions, there the blending of Church and State becomes impossible; their relations are necessarily limited; all must work together for what is for the common tem-

poral weal, but all must "agree to disagree" in what concerns spiritual duties and religious association.

Such is the condition of things in the United States; hence the system of almost total separation of Church and State, which is the natural and necessary consequence of the condition of the people, is in no way opposed to the principles of Catholic theology. Here again, therefore, the Constitution of the United States has innovated nothing, differs in nothing from the principles ever held by the Catholic Church.

Is it, then, true to say, as Mr. Lea does, that before the establishment of our Constitution it was a governmental maxim universally received, "that the State must recognize some form of faith, must render it dominant, and must enter into alliance with it to control the souls as well as the bodies and purses of its subjects?" We have but to recall the teachings of St. Ambrose, St. Gelasius, St. Gregory, and Leo XIII., quoted above, to see that the Catholic Church has never admitted such a relationship between Church and State as the one here pictured. But how near it comes to truly representing the principles and the practice of States that have separated from her may be concluded also from the historical facts already cited, which could easily be multiplied and even brought home to our own country. According to Catholic principles, it is the duty of the State, as a moral person, to render to God the homage due Him, as our country does, for example, on our annual Thanksgiving Day. It is the duty of the State to protect religion and the Church, as far as it may be needful and practicable. It is the right and the duty of the State to repress practices contrary to the natural law, even though exercised in the name of religion; the early Christian emperors used this power in regard to heathenism, the English for the suppression of monstrous practices in India, the French and others in Africa, and the United States government has done the same in the case of the Mormons. Again, the State seems to have the right to require certain religious acts considered necessary to civil life, such as the oath; and the United States, like all other countries, uses this power. But the State has no right to impose upon any one a form of religion. Faith is essentially a free act. The State has no right "to control the souls of its subjects."

But does it thence follow that "the natural law guarantees to every human being the enjoyment of his creed, whether Buddhist or Confucian, Islamite or Jewish, Catholic or Protestant, Spiritualist or Agnostic?" Here we must again make the distinction indicated above. It would be absurd to suppose that man has the natural right to form a creed for himself, according to his good pleasure. On the contrary, he is under a natural obligation to fol-

low only the truth. But this is an obligation between his conscience and God. It is unquestionably true that man has a natural right not to be forced by any human power to accept a creed; and the Church has always proclaimed this right in the words of St. Augustine: "*Nemo credit nisi volens.*" But, on the other hand, has man a natural right to regulate his life, and especially his exterior acts, according to the creed which he has freely embraced? Yes, if it be true; no, if it be false. In the latter case, if the individual be in good faith, he is excusable before God and his conscience; but even then, no matter how perfect his good faith, the civil authority has the right, as seen above, to hinder him from practices contrary to the natural law and to public good order. One may be in perfect good faith in practicing polygamy or human sacrifices; nevertheless, the law forbids them, and rightly. This principle is admitted in the United States, as elsewhere. It is manifest, therefore, that the right to enjoy one's creed is not as broad as some writers seem to suppose.

In fact, Mr. Lea immediately proceeds to dwell upon this class of facts as proving his very reasonable assertion that "no church can claim exemption from the law of self-preservation, which is supreme in all social and political organizations." This, he says, is the principle justifying all the "popular jealousy" against the Catholic Church, of which Mr. Dougherty complained. He details the action of the Government in regard to the Mormons as "a case in point," and alludes, in the same connection, to "the stern and sanguinary measures requisite in India for the suppression of the Thuggee, whose victims were immolated in honor of the awful goddess Kali."

Now it can hardly be supposed that even Mr. Lea's "jealousy" of the Catholic Church can go so far as to make him believe that these comparisons are just. And if they are unjust, as well as deeply hurtful to the proper susceptibilities of those against whom he is arguing, ought not the rules of decency in controversy to have restrained him from employing them?

He asserts that the Catholic Church resembles Mormonism in being "a theocracy" and "an *imperium in imperio.*" Let us see.

Theocracy is a word of vague and confused meaning in most minds, which many writers use as a bugbear. Once they hurl this awful word, the case is decided; reasons are unnecessary. Mr. Lea ought not to have used the term without defining it. Since he has failed to do this, we will do it for him. Etymologically, theocracy is the government of a state by God, as democracy is the government of a state by the people and aristocracy the government of a state by the nobles. It is evidently not a question of the general government of the universe by Divine Providence, but of

the special government of a given nation. Again, that the government of a nation may be said to be theocratic, it is not enough that the authority of the government should come from God, for that is true of the authority of all legitimate governments, and thus every legitimate government would be a theocracy. Nor does it suffice that the laws governing a society should have been given by God; Christ gave the laws of His Church, but He did not make it a theocracy, for it is not a state, but a world-wide spiritual society. Still less does it suffice that the state recognizes a form of religion and that its ministers take part in the government—as in England the bishops form part of the House of Lords; as in France, under her old constitution, the order of the clergy sat in the Parliament with the orders of the nobility and of the *tiers-état*. A government is theocratic when the nation is governed directly by God himself, who himself chooses his vicegerents, gives the laws and provides their sanction by a special providence. In all history there has been but one example of a true theocracy, that of the Hebrew people. The Catholic Church is not a theocracy because it is not a nation, because it is not a society organized for temporal ends, because, though it has received its authority and constitution directly from God, its government is not administered by Him, because it does not pretend to regulate the temporal affairs and political life of any nation in the world.

Is it then “an *imperium in imperio*?” There is an *imperium in imperio*—a state within the state—where there exists in the midst of a nation a political organization independent of the government. Thus in France, under Henry IV. and Louis XIII., the Huguenots, holding their own cities and fortresses, were said to form a state within the state. Thus the Jews, who are everywhere ethnographically and religiously distinct from the Christians, were they to form themselves into a political organization, would be an *imperium in imperio*. But the Catholic Church is not a state within the state, because, although it is a perfect society, yet it is not a society with temporal ends, but with spiritual and supernatural ends, to be attained by spiritual and supernatural means. A political society, a state within the state, it is not, and never can be.

“But,” it is objected, “does not the Church meddle with political matters, and do you not in such cases hold that you are to obey the Pope first and the government in the second place?”

Catholics, we repeat, are the first to assert that religion and politics are quite distinct, that their authorized representatives have no right to transcend their respective limits and encroach upon the other domain. But the following points are to be carefully noted: It may well happen—it has happened a thousand times in history—that political measures may encroach on the domain of religion,

may attempt to regulate sacred things, may go counter to the religious convictions of the people. Ought religion and the Church then to keep silence? Will any reasonable man assert that a citizen ought to promise, or may in conscience promise, absolute obedience to any laws that his country may make, whatsoever in the light of conscience they may be? For that it would be necessary to hold that whatever the state may command is just; that the state is the source of all rights and its decrees the supreme rule of duty and of morals. But these are enormities not asserted, we are sure, by any one for whose judgment the country has any respect. If, then, in such cases, we hold that God and religion should be obeyed rather than political powers, and if, in fact, we hold that in all cases, whether of private or of public life, duty to conscience and to God must be the supreme rule of judgment and of action, we have no fear that in this we differ from our non-Catholic fellow-citizens. And beyond this the teaching of the Catholic Church does not and cannot go.

"But," insists Mr. Lea, "these instances (Mormons, Thuggee, etc.) illustrate the difficulty of drawing a hard and fast line of demarcation between secular and spiritual affairs. There is a vast field of human activity which may be classed with either group, according to custom or faith. We in the United States have reached a tolerably clear perception of what shall be held to be on either side of the line, and we manage, without much friction, to preserve the distinction between matters concerning earth and those concerning heaven. Yet our definition is very different from that of Rome."

Mr. Lea does not tell us according to what principle "we in the United States" have made this important distinction. He affirms, however, that it is different from that of Rome. So learned a writer ought, at least, to have stated clearly what is the American principle, and what the Roman. Then we could have seen whether there exists the alleged disparity between them. This much is surely called for by the serious discussion of matters of supreme importance. Since he has failed to do it, we will try to supply his deficiency, at least as far as the principles of Rome are concerned.

He who has the best right to speak in the name of the Catholic Church, Leo XIII., has clearly enunciated her principles in his encyclical, *Immortale Dei*. In the first place, as to spiritual affairs: "Whatsoever in human things is in any manner sacred, whatsoever belongs to the salvation of souls and the worship of God, is under the authority and rule of the Church." Let us analyze this principle, and we find that sacred things are limited to these five categories: (1) The foundation of the spiritual life is *faith*; it belongs therefore to the spiritual authority, and not to the state, to regulate what concerns the preaching and teaching of the Christian faith. (2). The sources of the supernatural life are the *sacraments*;

it belongs, therefore, to the Church, and not to the state, to regulate what concerns the administration and reception of baptism, the eucharist, etc. (3). The religious life manifests itself by the practice of good works, by acts of virtue, by the worship of God; it belongs, therefore, to the Church, and not to the state, to direct Christian charity, public devotions, the sacred liturgy, religious festivals, etc. (4). Preaching, administering the sacraments, public worship, require a sacred ministry; it belongs to the Church, and not to the state, to regulate the choice, the preparation, and the discipline of the clergy. (5). Finally, public worship needs church edifices and church funds; it belongs to the Church, and not to the state, to superintend their administration, this, of course, being done in conformity with the general laws of the country. These, then, are the matters considered spiritual and religious by the Catholic Church; who will say that they are not considered such by the American people?

Leo XIII. continues: "But all things else, being included within the civil and political order, are rightly subject to the civil authority." Let us, in like manner, analyze this principle, and see what the Church understands by temporal goods: (1). First, there are the goods of wealth; and it belongs to the state to regulate what concerns the acquisition and transmission of property, the management of commerce, industries, etc. (2). There are the goods of bodily health; the civil authority has the right to regulate the public hygiene, to erect and manage hospitals, etc. (3). There are the temporal goods of virtue, of public morality; and the civil authority has the right to take necessary measures for the preservation of morals, and for the suppression of crimes, not only those which attack persons, but also those which, like obscenity and blasphemy, shock decency, corrupt virtue, or assail religion. (4). There are, also, the temporal goods of intelligence; and the civil authority has the right to establish and direct schools,¹ to

¹ In Cap. XV., of the *Schema Constitutionis Dogmaticæ de Ecclesia Christi*, prepared for the Vatican Council, protest is made against the attempt to entirely secularize education, and exclude from it the influence of religion. The official annotation on this point of the *Schema* is as follows:

"Igitur tum in expositione errorum tum in affirmatione veritatis: 1. Non negatur jus potestatis laicæ providendi institutioni in litteris ac scientiis ad suum legitimum finem, et ad bonum sociale; ac proinde etiam non negatur eidem potestati laicæ jus ad directionem scholarum, quantum legitimus ille finis postulat. 2. Non asseritur potestati ecclesiasticæ velut ex divina constitutione consequens auctoritas ad positivam directionem scholarum, quatenus in iis litteræ et scientiæ naturales traduntur. Sed 3. Vindicatur Ecclesiæ auctoritas ad directionem scholarum, quantum ipse finis Ecclesiæ postulat, adeoque asseritur jus et officium prospiciendi fidei et christianis moribus juventutis catholice, hocque ipso cavendi, ne pretiosa hæc bona per ipsam institutionem in scholis corrumpantur. 4. Hoc jus Ecclesiæ in se spectatum non minus ad superiores quam ad inferiores scholas extenditur; unde hic,

promote the cultivation of the arts and sciences. (5). Besides all this, every nation has the right, within the limits of justice, to choose its form of government, to adopt the system of revenue which it thinks best, to recruit its army as it deems necessary, to conclude the treaties of alliance which it considers useful and proper. Again, this is the Roman view of the matter; is there anything in it that does not satisfy the most exacting American?

In these various classes of temporal and of spiritual interests, the points at which the two authorities touch most closely and are most apt to come in conflict are, obviously, matrimony and education. The divorce laws of the land are not in accord with the teachings and practice of the Church. But serious-minded lovers of the country are everywhere bewailing the laxity of the marriage tie, which, they say, imperils the very foundations of domestic and social life. The desire, therefore, that our laws concerning marriage were more in accord with those of the Church is not only loyalty to Rome, but loyalty also to our country's best interests. Our present system of school laws is also at variance with what the Church teaches concerning the system of education which ought to prevail in a Christian country. Not that the Church is opposed, as her adversaries constantly allege, to a State system of public schools. In this persistently repeated charge there is not a particle of truth. The quotation given above from the official documents of the Vatican Council proves the contrary. But the Church holds that the educational system of a Christian State ought to be Christian, ought to have Christianity in it as a pervading element. Not that she would ignore the rights or override the prejudices of Jews or of unbelievers. These are a very small minority, who could be dealt with in all fairness by exceptional

ubi de generali principio agitur, non videbatur distinctione opus esse inter diversas scholas. Ceterum per se clarum est, exercitium huius juris in applicatione ad diversos terminos necessario debere esse diversum."

(*Translation of same.*)

"Whether, therefore, in the statement of the errors or in the affirmation of the truth: 1. There is not denied to the civil authority the right of providing for instruction in letters and science, as required by its own legitimate end and the welfare of society; and accordingly there is not denied to the civil authority the right of directing schools, as far as its legitimate end demands. 2. There is not claimed for the ecclesiastical authority, as of divine institution, a right to the *positive* direction of schools, as far as letters and natural sciences are taught in them. 3. But, there is claimed for the Church the right of directing schools as far as the very end of the Church demands; hence, the right and duty is asserted of watching over the faith and morals of Catholic youth, and therefore of seeing that these precious qualities be not corrupted in them by the very sort of teaching used. 4. This right of the Church, considered *in se*, extends no less to superior than to elementary schools; hence, as to the general principle, no distinction had to be made as to different sorts of schools. But it is self-evident that the exercise of this right must necessarily differ according to the different limits within which it is applied."

provisions, but whose presence in the country ought not to debar it from being considered as a Christian country. Everywhere throughout the land, reflective minds who are able to catch a glimpse of the true state of the case through the mists of prejudice and the dust of political scramble, acknowledge that the only hope for America's future is in a deeper, more widespread, more practical influence of the Christian religion on the life of the American people, and that the only efficient way to attain to this is more Christianity in education, that is, in the schools. Just how to put this in shape, with a population divided like ours in Christian belief, is a problem of no little difficulty; but since the good sense of Canada, of England, of Belgium, of Prussia, has found the solution both advisable and practicable, there can be but little reason to fear that American good sense will find it impracticable. Meantime, Catholics are compelled by their conscientious convictions to support separate schools—not that they desire to hold aloof from the State schools, but because they feel bound in conscience to give their children a Christian education, which the present system renders it impossible for them to have in the public schools. Here again, therefore, the desire to make popular education Christian is not only loyalty to Rome but also loyalty to our country's best interests. In all these things we do not think and speak and write the less as Americans, because we think and speak and write as Catholics.

Mr. Lea next gives his views as to the origin and nature of the power of the papacy. His statements may be summarized as follows:

“It grew up in rude and uncivilized times; it then unquestionably rendered great service to civilization; it claimed and obtained universal control of human life, and overrode all merely human laws; the Pope was sole judge of his own authority; the bull *Unam Sanctam* defined it to be an article of faith that every human being is subjected to the Roman pontiff; thus all distinction was virtually lost between the secular and the spiritual spheres; the papacy had grown into a theocracy equally absolute over both; the exercise of this vast and undefined power was further complicated by the position of the Popes as Italian princes.”

It would seem incredible that a man of Mr. Lea's pretensions as a scholar could be capable of putting this forth as serious history, had we not grown familiar with the warping power of prejudice. It is needless to tell intelligent readers that the power of the papacy over faith and morals and human life—the power given it by Christ, and which is alone essential to it, and to which all other prerogatives were but accidental and unessential additions—was fully recognized and fully exercised when the Roman empire still shone with the lustre of the Augustan age, long before the incursions of the barbarians brought rude and uncivilized times upon Europe. When those troublous times came, and the Church had

to be the civilizer of Europe, and peoples and princes everywhere gladly looked to her, and especially to her chief pastor, as the arbiter of their disputes and their guide in the paths of peace, neither the Pope nor the people ever lost sight of the distinction between the essential spiritual authority of the papacy and this temporal direction which circumstances accidentally demanded of it and imposed upon it. When the Popes did their duty to their times and to Christendom by asserting against tyrannical princes this directive authority with which Christendom had invested them for the public good, they never thought of obliterating the distinction between the secular and the spiritual spheres and of turning the papacy into a theocracy. The learned Cardinal Hergenröther says, in his "Catholic Church and Christian State" (Essay I., part II.): "The Church has never declared it to be an article of faith that temporal princes, as such, are in temporal matters subject to the Pope. . . . Great efforts, indeed, have been made to discover such a decision, and the Bull *unam sanctam* of Boniface VIII. has been brought forward as such. But in this bull it is only defined that all must give the due religious obedience to the Pope, not obedience in purely temporal matters." Again, if the sovereign spiritual authority is sole judge of its own limits, is not the same true of every sovereign authority? But it by no means follows that the Pope has any power to exaggerate his authority at will or to add to it even one iota. The limits of his authority are defined by the limits of sacred things, and further it has no power to go as by divine institution.

Nor is our critic any happier in what he says about the Popes as Italian princes. Their little temporal principality was meant by Providence simply as a guarantee of their spiritual independence, of the cosmopolitan freedom and impartiality of their spiritual jurisdiction; it had nothing to do with their spiritual authority in itself; and the struggles in which, for its maintenance, they too often had to engage with the restless petty princes around them had absolutely nothing to do with the great world-wide question now under consideration.

Having drawn his mistaken conclusions from his incorrect premises, Mr. Lea goes on to argue that they hold good now as in times past, and must continue to hold good for all time. His two reasons are the old, familiar, threadbare ones that the infallible Church can of course confess no errors and give up no claims, and that the syllabus of Pius IX. has put the Church hopelessly in conflict with modern civilization.

Can it be that a man of Mr. Lea's intellectual respectability should be so utterly ignorant of the Church's clear pronouncements on the nature and limits of infallibility? If he has not acquainted

himself with the subject, why should he write of it? and if he has acquainted himself with it, why does he so misrepresent it? The Church is infallible only in her official, definitive, *ex cathedra* teaching; she is infallible, that is to say, when she formally defines that such or such a theoretical or practical truth belongs to Divine Revelation. She is not infallible, that is to say, not impeccable, in her government. Hence, what the Church defines to be her right is infallibly such, and in this she has no errors to confess. But what this or that Pope may have asserted about his temporal rights is not infallible. Such assertions unquestionably have a strong presumption in their favor, but error in them is not impossible. Surely it is high time for writers to know the difference between infallibility and impeccability, and what the object of infallibility is.

Proposition 23 (not 22) of the syllabus is as follows: "The Roman Pontiffs and the General Councils have transgressed the limits of their authority, have usurped the rights of princes and have erred even in defining matters of faith and morals." From the condemnation of a complex and general proposition like this, what man at all acquainted with the laws of reasoning will infer the assertion that no Pope has in any case exceeded the limits of his authority or in any case infringed on the rights of civil rulers?

As a matter of course, Mr. Lea does not fail to mention proposition 80 of the syllabus, and he assails Cardinal Gibbons for having given echo to the Papal utterance on the subject. The words of the proposition are: "The Roman Pontiff can and ought to reconcile himself with progress, liberalism and recent (*recenti*) civilization." Now what is the meaning of the condemnation of this proposition? Does it mean that all that constitutes modern civilization is condemned by the Pope? God forbid? As Leo XIII. himself, while still Archbishop of Perugia, so well wrote, we must remark the expression "*reconcile himself.*" Under that vaguely indefinite term, "recent or modern civilization," there are included very many things—good, bad and indifferent. With what is good or indifferent in modern civilization the Pope has no need to reconcile himself; to say so would be an impertinence and an affront, just as it would be to say to an upright man, reconcile yourself with justice. With what is bad in modern civilization the Pope neither can nor ought to reconcile himself; so to assert would be a monstrosity. This is the very simple meaning of the condemnation of proposition 80. What reason is there for astonishment or complaint if our Cardinal, so devoted to his faith and so friendly to everything good in his age and his country, has given it echo?

Mr. Lea, quite unconscious of the sorry figure presented by his premises and conclusions, sums them up in the emphatic assertion that—

"The papacy of to-day is not simply a spiritual power, but possesses, according to the received doctrines of the Church, an indefinite jurisdiction over temporal affairs throughout Christendom, which can be enforced at pleasure. It is a political force. . . . All citizens owe to him obedience in whatever he may command."

He goes on to include under this mythical despotism all baptized persons, whether Catholics or not, since St. Alphonsus teaches that they are all bound by the laws of the Church. Assuredly it is the teaching of the Church that all baptized persons are members of the body of Christ, which is His Church. Our Protestant brethren would have reason to think very unkindly of us if we taught otherwise. Naturally enough, we hold that every member of the Church is bound by the laws of the Church; though we also hold that ignorance and good faith in those who are separated from us as to external communion excuse them in the sight of God. And, in fine, we again utterly repudiate, whether for Catholics or for non-Catholics, the caricature of the Church's doctrines and laws presented by our good critic.

In support of his arraignment of the papacy, Mr. Lea takes us back to the days of Elizabeth and James, and finds a convincing proof of his case in the question of the "oath of allegiance" then agitated. He is a bold man, surely, to venture on such ground! For if ever in human history there has been an outrageous ignoring of the distinction between the temporal and the spiritual, a tyrannical trampling on rights of conscience, it was then and there. The oath of allegiance in no way set aside the oath of the royal supremacy in things spiritual, for the refusal of which Fisher and More and multitudes of others were put to death. Nor was the new oath meant as a test of Catholic loyalty. That had been proved not only by Howard of Effingham, but by the uniform conduct of the millions of English Catholics, and could not be seriously called in question. Its purpose was indicated by its title, "*Ad detegendos papistas*—for the detection of papists." Again, consider its phraseology and meaning. The Middle Ages were just drawing to a close. During all those centuries of turbulence, when usurpation and tyranny seemed to be almost everywhere the instinct of rulers, and when, as Mr. Lea acknowledges, the power of the Church was the chief source and conservator of civilization, it was universally considered that the deposing power, recognized by public law, was the main bulwark of popular rights against despotism. That it was, as a rule, used as such no impartial historian can deny. Now Catholics were called upon to denounce it, under the sacred sanction of an oath, as "impious, heretical and damnable." But that it was such, not only no Catholic, but no lover of the truth of history could swear. Mr. Lea is certainly unfortunate in the selection of his evidence, and more than unfor-

tunate in adducing this state of things as a parallel to what is or may be in our country or in our times. Again, let us hear the great historian, Cardinal Hergenrœther, on this point: "Pius IX. declared in plain and precise words, on the 21st of July, 1871, that of the various misrepresentations of the doctrine of papal infallibility the most malicious was the assertion that in the doctrine was included the right of deposing sovereigns and releasing nations from the duty of obedience. This right, his Holiness went on to say, had at times been exercised by the Popes in extreme cases, but had nothing to do with Papal Infallibility. Its source was not in the infallibility belonging to the teaching office, but in the judicial authority of the Popes. This latter, according to the public law then in force, and by the agreement of the Christian nations, who revered in the Pope the supreme judge of Christendom, extended to passing judgment, even *civiliter*, on princes and on individual States. Altogether different is the present condition of affairs, and only malice can confound things and times so different." (CSS. I., p. III., n. 5.) Why cannot our good critics take note of such authoritative Catholic teachings, and thus spare themselves and their readers the trouble of wrestling with historical bugbears?

The next testimonies brought forward by Mr. Lea are those of the *exequatur* or *placet regium* and the *appel comme d'abus*. These are limitations put upon papal action by the civil powers; and since, in any disagreement between the two, the papal authority is beforehand presumed by Mr. Lea to be the guilty party, he naturally presents these acts of the civil power as measures of necessary precaution against papal aggression. The facts of the case are these:

The *exequatur* and *placet regium* had for their object to hinder the publication of papal documents and the execution of papal decrees till they had been examined and approved by the government. They had reference not only to measures which might have some semblance of encroachment on the civil domain, but also and even especially to matters purely ecclesiastical and spiritual, having only indirectly, if at all, a bearing on civil life, such as appointments to bishoprics, to parishes and other ecclesiastical benefices or offices, the publication of indulgences, ecclesiastical censures, disciplinary regulations, sometimes even dogmatic definitions.

For this interference with ecclesiastical administration various pretexts were alleged; but the real cause was, that tendency to absolutism, to Cæsarism, which characterized civil rulers more or less during the Middle Ages, but which especially asserted itself in the latter part of the fifteenth century, and throughout the sixteenth and part of the seventeenth. Let any one study the character and acts of a Henry VIII., an Elizabeth, a James I., a Louis

XIV., not to mention others, and the nature of this absolutism will be easily understood. They claimed that their regal authority came directly from God, without any mediation or participation or control. All representation of the nation in the government, towards which there had been a steady tendency under the influence of the Church, was gradually set aside, till there remained only the king and his council, and the monarch could say *l'état c'est moi!* They protested bitterly against the Catholic theologians who, like Bellarmine and Suarez, taught after St. Thomas, that civil power, coming from God, resided in the nation, and thence passed to the sovereign; and that, as it went from the nation to the sovereign, so, in case of tyranny, it could be taken from him. To these absolutists, the Church's teaching and the Church's spiritual authority were equally distasteful, and the tendency was everywhere manifested by them to take all ecclesiastical jurisdiction into their own hands. Even when they did not go so far as to decree themselves "Head of the Church by law established," they strove to make the action of the Church and her chief pastor entirely subject to the civil power. This is the true cause and explanation of the whole wretched business, no matter what the hypocritical pretences alleged by the despots. All this can easily be verified by any student of history, broad and fair-minded enough not to pin his judgment to the assertions of the prejudiced and unreliable Friedberg.

To-day, this odious invention of absolutism has been abandoned in most countries as both unnecessary and unjust. Belgium, Holland, Prussia and Austria abolished it. Italy abolished it in part. France kept it through the dishonest "organic articles" of Napoleon, but it is virtually a dead letter. Spain and Bavaria alone keep it in vigor. The government of the United States alone has never been disgraced by this meddling with ecclesiastical affairs, this confounding of the spiritual with the temporal order. Is it not, then, pitiful, that to-day, and in our country, an American should write the apology of this encroachment upon liberty of worship and rights of conscience, when its very authors show themselves ashamed of it?

He again warns us that "all this is not merely a matter of historical interest." And the reason, forsooth, why we need stand in fear of the same is the Bull *Apostolicæ Sedis*, in which Pius IX. inflicts excommunication on all who shall impede, directly or indirectly, ecclesiastical jurisdiction in either the *forum internum*, or the *forum externum*, or shall procure an appeal to the secular courts, or in any way aid or abet in such an attempt!

We may well ask, in wonder, what it can be that Mr. Lea finds to his purpose in the above-mentioned papal document. It contains only spiritual penalties, meant only for the protection of strictly

ecclesiastical functions, in the *forum internum*, that is in the sacrament of penance, and in the *forum externum*, that is in the ordinary government of a parish by its pastor, of a diocese by its bishop, etc. The prohibition of appeal to the civil tribunals has reference solely to matters entirely ecclesiastical and spiritual. The only visible reason for Mr. Lea's reference to such testimony as this, is that he must have been misled by the term *forum externum*, which he probably misunderstood to mean the realm of civil affairs, as distinguished from ecclesiastical to which alone it pertains.

He finds his next reason for dread of the intentions of the papacy in the old-time claim of immunity of the clergy from certain civil requirements, and especially from trial before civil tribunals. From the earliest days of Christendom it was universally recognized as proper and obligatory that clerics should be exempted from military service, and from any other civil requirements that would necessarily interfere with their sacred calling. It was considered eminently proper that, through respect for the sacred ministry, if a priest were guilty of any misdemeanor, this should not, to the dishonor of religion, be dragged before the public tribunals, but should receive equal justice before tribunals of a more private character, recognized by both Church and State. In proportion as Church and State have drifted apart, this privilege granted to the sacred ministry has been more and more set aside. That the army should have its own courts is most fitting, doubtless, in Mr. Lea's eyes; but that anything of the sort should be thought of for the honor of religion has for him but one meaning—disloyalty to the State. His assertion: "In Catholic eyes . . . the ecclesiastic is a privileged being, under no obligation to obey the laws of the land (!!) and not amenable to them," is so utterly false and so utterly unwarranted, that it can only astonish and disgust.

He goes on to tell of several countries whose laws have been declared by the Holy See to be unjust, and in so far not binding. To him, of course, there is but one side to these cases, and the Pope is uniformly the aggressor. He does not mention that it was only certain special laws that were thus condemned, first because of their being, in their letter and especially in their animus, direct attacks upon the Christian religion, and, secondly, because they were violations of *concordats*, that is to say, of positive contracts, thus contemptuously set aside. All this might have had some importance and weight with an impartial critic. With Mr. Lea it is all null.

He warns the American people that Catholic priests must not be allowed to interfere with elections. Is the minister of God, then, less a citizen of the state because of his position in the

Church? Or, is it allowable for all our gatherings of the various Protestant denominations to interfere, as they constantly do, with civil matters and political questions which they think in any way connected with morality and religion, but altogether wrong for Catholic divines to do the same? The fact, that in questions of morality and religion the Church throughout the world acknowledges a chief central teacher belonging equally to every tribe and tongue that God's providence brings into the one fold, has been sufficiently treated above. To connect the Pope with our American elections is worthy of a backwards Puritan, but ought not to be expected in intelligent and serious men.

His misunderstanding also of the reason why the nations of the earth have had diplomatic relations with the Vatican, and his entire misconception of the meaning of a nuncio's office, cannot but fill one with astonishment. We are convinced that the bulk of the American people will not agree with him that the religious interests of the millions of Catholics in this country, or in any other country, are of so small account that the aims which the representatives of the Pope have in view must be political.

As to Mr. Lea's closing sentiment, we can confidently assure him that if "Old Catholicism," that is, the principle of *nationalism*, failed so dismally in Germany, where nationalism has ever had its stronghold, assuredly it has no chance of succeeding in our country, whose blessed privilege it is to wipe out all narrowness of nationalism, and to blend all nationalities in a national unity, like to the world wide unity of the true Church of Christ.
