

The Irish movement is not slow; it is rapid enough. The glacier is moving. Henceforth, its most precious element will be the guiding one. The main body of the nation has progressed with marvellous judgment and temperance, considering its opportunities and exasperations. The highest proof of intelligence is to win with a minority; and so far Ireland has carried every position on which she bent the national will. During the last five years she has taught the world a splendid lesson in moral agitation for reform.

THE ORIGIN OF CIVIL AUTHORITY.

[PART SECOND.—CONCLUSION.]

European Civilization, by Rev. J. Balmes. Baltimore, 1874.

Die Grundsätze der Sittlichkeit und des Rechtes, beleuchtet von Th. Meyer, S. J., Freiburg, Herder. 1868.

IF Catholic philosophers trace back authority to God as to its true source, they neither enter upon a new attempt, nor teach us a truth foreign from mankind. With the idea of governments endowed with a superhuman character even the heathen world was conversant. All the states of antiquity, the empires of the Egyptians, Babylonians, Assyrians, the early kingdoms of the Greeks, and the Romans were governed by rulers whose authority was thought to have descended from the Deity; nay, no less common was this view of power among the nations than the belief in a Supreme Being. Nor do we meet here with mere heathen superstition. The universality of that conviction must needs rest on some truth, though darkened and distorted. Moreover, the ancient commonwealths were flourishing as long as the sacredness of law and authority was respected; but no sooner were governments looked on as quite earthly institutions than they began to give way to the violence of human passions. History proves this fact with regard to all states. Now, would it not be a very strange phenomenon, if human society should prosper when based on mere falsehood, and decline when its fundamental principles are sifted from error? Hence it is easily understood that the conviction concerning the divine origin of civil power, coeval with mankind, is older than Christianity, and not based on revelation alone. It

is also a natural truth striking with evidence human reason, and shining with full lustre on all that do not shut their eyes to the light.

Authority, indeed, manifests its true origin whenever its functions and characteristic properties are attentively reflected on. Thus its divine descent is at once clear and set beyond all doubt. This way we are now to follow in developing and demonstrating the Christian theory of civil power, after having, in a previous article, demonstrated the absurdity of the systems which derive government from man himself.

Authority, destined to govern civil society, must first be a power strong enough to overcome all egotistic resistance of the individuals, to withstand all onsets of lower passions, to defy all plots of the unruly. It must be steady and immovable in spite of all motions of our free will, aroused by the various propensities of human nature, and stand like a rock amidst all the waves tossed to and fro in the course of ages. Indestructible and unconquerable in itself, it must give firmness, permanence and unity to the state, notwithstanding our natural changefulness.

Authority must, secondly, be above each individual man and all mankind in general. For he who is invested with governmental power binds our wills and lays on them the necessity to follow a certain rule, in order thus to reduce us to unity and harmony in our actions. But what restricts our will is not only distinct from, but also superior to us. Distinct from us it must be, because, if left to ourselves and put under no restraint from outside, we are not bound, but enjoy our full freedom. Our own resolutions are no tie for us, since we may at any moment change them with as much right as we have formed them. Superior to us the power that binds us must be, because, if that which is to subject us to a certain order is not of a higher rank, we may resist it and undo its work. Neither can one man, therefore, of his own authority, bind another, since, so far as nature is concerned, we are all equal and free, nor can all mankind restrain our will, since the power of laying such a necessity on us cannot be constituted by adding the powerlessness of individuals.

Hence, it follows that, thirdly, authority lies originally in the Author of nature. For, as man is naturally free and enabled to pursue whatever conduces to his happiness, nobody can rightfully limit the sphere of our action and our liberty but He who has shaped human nature. Since He, by the title of authorship, holds exclusive dominion over us and is the absolute master of all our faculties, no other power may take from us what He has given us or modify what he constituted in us. Our very nature is, therefore, for us a charter of freedom, of exemption from any other rule than His.

The manner being considered in which our free wills can be bound, authority, fourthly, implies command over our ultimate end and destiny. What is it to bind our wills? It is not to annul our intrinsic freedom or power of choice, for this is innate to rational nature. But how is it possible to lay a necessity on man, and yet let him remain intrinsically free, restrict his freedom, and yet not hinder his self-determination? This question is, indeed, not the easiest in moral philosophy. To solve it, we must bear in mind the nature of free will. Man's will is the tendency to happiness, and his freedom is the capacity to embrace or not to embrace what is conducive, but not necessary, to happiness. Such capacity rests on no intricate principle. He who is able to will an end can also will the means to it, and he who can aspire to the fulness of all good, can pursue also any particular good. But, on the other hand, the will cannot be intrinsically necessitated to things which are not either its ultimate and adequate end aimed at by its very nature, or means for the actual attainment of this end evidently necessary. Hence, we are in possession of our entire freedom when something is proposed to us which, though all good in itself and necessary, still does not at present confer on us full happiness, or which, though it threatens us with some evil in one respect, promises us in another a high gratification. We, on this account, remain free with regard to objects, which, however odious and repugnant to our lower appetites, are, nevertheless, known to be the source of, or necessary means to, our future happiness; or which, however agreeing with our senses, are inconsistent with the perfection of our spiritual nature. In such instances, however, notwithstanding our freedom, a restraint is laid on our will. For if it chooses a pleasure opposed to the future embrace of the supreme good, or if it recoils from the difficulties to be overcome in the attainment of the same, it forfeits its true happiness. It is, then, put in the alternative, either now to admit what is hard or disagreeable, or to renounce for later consummate felicity; it has the choice between a present evil connected with future beatitude and a present gratification followed by the greatest future loss. Is the will, in this juncture, not really under a kind of necessity? For can it choose that by which it foregoes future happiness without acting in contravention to its own nature, or reject that which is necessary for the possession of the supreme good without giving up its most necessary object? Not improperly is, therefore, the alternative spoken of termed moral necessity or obligation, because it presses, but does not overwhelm, confines, but does not force, our will. Thus we see necessity rendered consistent with freedom in all that is necessarily connected with the *future* attainment of our last end and supreme good. But it is likewise evident that no other man-

ner of reconciling two things so opposite can be conceived, because in any other way either no real necessity at all, or a compelling necessity excluding freedom, will be imposed on us.

Authority, then, to produce unity and harmony in society, must imply the power of connecting the performance or forbearance of certain actions in the social order with the attainment of happiness; since it must inseparably and permanently tie us together, not being able to act with binding necessity on our free will. It must, consequently, have command over our ultimate end and destiny. For who can lay down the conditions or determine the means necessary for the possession of our supreme good, but he who marks out the object to which we naturally tend, and grants or denies us its embrace.

Can we now doubt whence authority must flow? The will of God alone is by its infinite holiness unchangeable in maintaining the right order, and by its infinite power strong enough to restrain all motions of human passions. Any created will is of itself subject to instability. God alone is essentially the mover unmoved also in the moral order. He is the power superior to each individual and to all mankind. He is the maker of human nature. He has produced man and constituted the human essence after His own image. He has created every one's rational soul and implanted in it free will. He, therefore, is the author as well as the Supreme Lord of our freedom; He may, according to His wisdom and holiness, regulate it by His law; but besides Him, there is in no being the right interest to limit or restrain it by command. Any attempt of that kind on the part of our fellow-creatures would be a wrong, both against our Creator and against ourselves. It is likewise God alone that can put a necessary connection between certain actions and our ultimate destiny. For as He appoints our last end, so it belongs to Him to prescribe the way in which we may reach it; and as He is the supreme good in which we find eternal rest, so He determines under what conditions we may be happy in His embrace.

For many reasons, then, is authority competent to God alone. Its stability, its superiority, its sway over nature, its command over our end and destiny give it such a character as shows it to be a part of divine sovereignty. If, therefore, it is found with the leaders also of social bodies, it has not grown from a human ground, but must have come down from above as an emanation of divine power, and the persons clothed with it are to be obeyed, not as men, but as ministers of God. And this is quite consistent with the other relations in which the universe stands to its Creator. In this way the Deity is as the principle of all existence in the physical, and the foundation of all essences in the metaphysical, so the source also

of all unity and order in the moral and social sphere ; as the cause of the beauty and harmony of the material world, so the support of all strength and concord in human society. Again, as by their dependence on God all beings receive their highest perfection from the infinite ocean of all good, and men in particular partake of the light of the supreme intellect and the nobleness of the supreme will ; so when all authority springs from the divine sovereignty, society is built on a firm and unshaken basis, and in every regard wonderfully raised and perfected. From its rulers is derived an issue of divine power as the animating form of the whole body politic ; its members are endowed with such eminent freedom and dignity as to owe subjection to nobody but to God and to those on whom His majesty is reflected.

But how shall we further explain that God has in reality intrusted His authority to men, in order to govern society ? Is there some way in which we may unmistakably know His will in this regard ? Has He written a charter to which governments may appeal as to the fountain of their rights ?

Yes, He has done so in the very creation of human nature. Society, first domestic and then civil, is, as we have shown, a consequence of our inborn tendencies, a natural necessity. God Himself has, therefore, instituted society when He created man. Of course we do not say that the foundation of each individual state is directly the work of the Creator. Nature does not necessitate us to live in a certain republic or monarchy, in a state on this or that side of the ocean, just as it does not bind a man to marry such a particular person. As to all this, society depends on peculiar circumstances and, to a great extent, on our free will. Yet nature irresistibly inclines us to social life in some state no matter how constituted, to civil society in general, abstract from particular modes. Thus far no freedom is given us. But if God in the act of creation intended society to exist, He wills all its constituents also. This we infer with full certainty. Now, authority is an essential element of society, its form and life-giving principle. The Creator Himself has, consequently, established authority in the state as well as in the family, such authority as is sufficient to unite the wills of men by laying them under strict obligation, and is hence a participation of His divine power. Nature itself is thus the credential letter by which governments are appointed to rule in place of God.

If we now endeavor to enter more deeply into the mind of the Creator, disclosed in some way by nature, we shall win a still clearer idea of authority and a fuller knowledge of its character ; for science is always greatly perfected, when, after having risen

from the effect to the cause by the analytical way, we descend again from the cause to the effect by the synthetical way.

God has created this universe and all that is in it for His outward glory, to be brought about by every creature in accordance with its natural powers; by the irrational beings through manifesting His perfections, by the rational through paying Him the tribute of love, praise, and adoration. This is, with absolute necessity, required by His infinite wisdom and sanctity. By the former He cannot but pursue perfect order in all His works, and hence always subjects the inferior to the superior; by the latter he must entirely subordinate all rational wills to Himself as to the supreme good. For this end man also, the chief of this visible world, is necessarily bound. Certain actions, therefore, which by their very nature promote His glory, and without which the rational creature would not be at all rightly subjected to Him, God not only considers as intrinsically good, but also commands as absolutely necessary. Other actions, on the contrary, which imply opposition to Him, He cannot but detest as evil and forbid under heavy penalties. He, moreover, provides us also with all that renders possible and facilitates our free tendency to Him; for He who wills the end wills, no doubt, the means also necessary for it. This is why the irrational creature is subservient to us, thus conducting through man to the divine glory. It is for the same reason that God intends the existence and preservation of the social order; for our nature, as created by Him, is in need of domestic and civil society as sources of many means without which we could not exist and act in keeping with our dignity and final destination. The whole universe lies thus before God as the object both of His intellect and of His will, put in marvellous harmony and fully fitted to procure His glory; all its constituent parts perfect in themselves, but one subordinate to the other, the lower to the higher, the irrational beings to men; men again united and associated to aid one another in the pursuit of objects not attainable through single efforts; and all of them, richly furnished as they are in this manner with the necessities of subsistence and proper activity, destined and enabled to tend to the Divinity as their last end and object of complete happiness.

This wonderful order which the Divine mind conceives, and the divine will purposes in the rational creation, the queen of the irrational, is the eternal law; for God draws it up, not in time but in eternity, from the relations implied proximately in the essences of all things, and ultimately in His own infinite essence; and is determined upon it, not with freedom, but of necessity in consequence of His bounty and holiness. Yet though eternal, this law is not concealed within His own mind, but expressed in the rational

creation, where it is to be obeyed. It is not difficult to find its traces indelibly imprinted on our nature. The human is a participation of the Divine reason, and hence it also perceives the necessary relations of the right order in the universe, if not like the Divine intellect with full knowledge from the source of all being itself, at least imperfectly by abstraction and inference from the nature of the created things brought to our cognizance. Indeed, as our cognition proceeds by abstraction, by forming universal notions from the objects offered through the senses to the understanding, and by forming universal judgments from our universal notions, we, at first, know the right order only in the light of general principles, but subsequently deduce from them particular conclusions. Just for the universality of our supreme principles, the knowledge which we thus gather by reasoning puts order in our whole activity; not only in our private life and our worship of the Deity, but also in our social relations. We see at once that we must live in civil and domestic society, because, if not associated, we are unfit for the end to which our nature aspires, and are full well aware that society cannot fulfil its task without a government universally obeyed. And these principles, with their immediate deductions, are not objective truths alone, but also a law, not one that we have made ourselves, but one that we have discovered in the objective order of things; for it flashes on us as a necessity outside of us, absolutely to be complied with and based on an unchangeable, everlasting foundation. Of what kind that law is we may easily find out. As to the way in which it is made known to us, it is natural, because rational nature itself enables us to perceive it and forces it on us even against our will; but as to its ultimate author it is divine; because the unchanging foundation of its necessity cannot lie but in the Divinity. It is the participation of God's eternal law by our own nature, the reflection of the same in rational creation by the fact that ours is a participation of divine reason.¹

How much are our views enlarged by this consideration? We see society, and in it authority, with all its characteristic properties established by the supreme law, conceived by the Divine mind, and expressed in nature. But we become cognizant also of the position which the family and the state have in the well-concerted system of the universe. Society, with authority as its centre, thus appears to us but as a division of the great plan which God follows in the government of all creation, as a subordinate sphere in the order set up by Him in the world. It unites men and reduces them to one whole, but it is not our last end, nor is it in its actions absolute and independent. God is the ultimate end of all rational

¹ S. Thom., S. Theol., I., II., qu. 93, art. 1 and 2.

beings, to be reached directly and to be embraced immediately by each individual with perfect knowledge and love. Society in general affords us only some means to attain this high destination; civil society in particular furnishes us for that same purpose only with temporal goods. It is not self-existent and independent. It is, on the contrary, founded by the Creator, and so dependent on Him, that without a principle of unity derived from Him it can neither act nor subsist. Since, moreover, the great universal scheme of the rational creation, conceived by the Divine mind, is the moral order, that is, the subjection of all created beings unto God as their last end and supreme good, society and authority are not emancipated from morality, but are under its sway, and strictly bound to keep within its limits.

These remarks on the eternal law may have seemed long and tiresome; but we could not dispense with them, because they will serve us as a basis of our further discussion. From the divine origin of civil power, as thus far proved, we have now to draw several conclusions respecting its activity; for who sees not that its force must be quite different as the source whence it flows is considered to be divine or human? The action of authority consists in harmoniously leading the members of society to the attainment of the object which they are to pursue with united efforts. Whatever is necessary to this effect, it is empowered and even bound to do; whatever is not to this purpose, lies beyond the sphere of its power. God Himself, when He drew up the eternal law, had no other view of authority, and appointed it for no other end.

We have already said that the chief function of civil power in fulfilling its task is the establishment of law and right. What strength and properties may they derive from their superhuman principles? Let us first speak of law. Its binding power must be divine. Were it not such, it could not lay our wills under moral necessity or obligation, and hence it would not be sufficient to energize and unite the members of the state to wholesome public action. This sacred character of law was known even to the heathens. Witness is borne to it, not only in their myths, but also in the writings of their philosophers. "We should understand," say Cicero, "that the commandments and prohibitions of the nations have not sufficient power to lead us on to virtuous actions, and to call us away from vicious ones. This power is not only far more ancient than the existence of states and peoples, but is coeval with God Himself, who beholds and governs both heaven and earth."

¹ "Sed vero intelligi sic oportet et hæc et alia jussa ac vetita populorum vim non habere ad recte facta vocandi et a peccatis avocandi: quæ vis non modo senior est quam acta populorum et civitatum, sed æqualis illius coelum atque terras tuentis et regentis Dei." *De Legibus*, lib. ii., cp. 4.

Such a higher force law, indeed, has, if, as we have shown, it emanates from authority intrusted by God to man; then, in fact, we find in it a divine element; then we may speak of its majesty and all-commanding sway.

But if the formal constituent of law, its obligatory power, is divine, its contents must needs have certain qualities to be worthy of being informed, as it were, by that divine soul. Any human enactment must, on this account, first be conformable to the eternal and natural law. Many reasons require this. To the order established by the Divine wisdom and holiness, no doubt, the several parts must perfectly agree with one another, and cannot possibly be at variance. Yet, the universal order of rational creation, willed by God in consequence of His infinite holiness, coincides with the eternal law, and is but a subordinate portion of this authority appointed for the government of society. How, then, by the latter particular could laws contrary to the eternal and universal law be rightfully enacted? Nay, the law drawn up by the Divine mind from all eternity contains the fundamental constitution of the state, founds the same, defines its end, creates in it authority with a marked-out object and corresponding power. Now, where may a government validly issue decrees in contravention to the constitution of the society over which it is set?

Where may authority proclaim laws not conformable to the purpose for which it was established or repugnant to the object to be pursued by the social body? Hence all enactments of civil power must, in a special manner, agree with that part of the eternal law which bears upon society. Moreover, all proper and suitable order, in whatever sphere, and hence in society also, must agree with the nature of things, and be founded on their essential principles and relations. Statutes not based on that foundation will, of necessity, always result in disorder and destruction, since they are bound to effect discord and hostile opposition. But as the essential relations of the rational creation are expressed in the eternal law, so what agrees with them is known to us from the principles of reason, the constituent parts of the natural law. This, therefore, is the standard and the source of all rules to be given to man.

On this account St. Thomas says¹ that all human enactments are particular rules drawn from the dictates of reason as undemonstrable principles. Adding that the human law has force only inasmuch as it is derived from the natural, he explains in what way the one is deduced from the other. From the natural law, says he,² something may be derived, either as a conclusion or as

¹ S. Theol., i., ii., qu. 91, art. iii.

² S. Theol., i., ii., qu. 95, art. ii.

a determination ; as a conclusion, if the universal laws of practical reason are taken up as premises to draw from them particular consequences ; as a determination, if a yet indeterminate practical principle is fully determined and shaped into a well-defined rule of action. In the first manner we deduce from the natural precept that we should wrong nobody, that murder is unlawful ; in the second we determine it to be an ordinance of nature that the evil-doer is to be punished by assigning for him a certain and definite punishment.

Besides agreeing with the Divine, the human law must be endowed with three other qualities, which, however, will be easily gathered from what we have said. It must, above all, not exceed the power of its author. With authority it is as with our natural faculties. These latter are, by their constitution, fitted for certain operations, but beyond that fitness they cannot produce the least effect. So authority works only within certain limits. It is, to speak of societies instituted by nature, conferred on rulers by the eternal law for determinate ends and purposes, and hence reaches just as far as they extend ; yet beyond them it is a nonentity, because not granted by the Supreme Sovereign. Hence, where the law-giver oversteps his power his law is not effective, but is devoid of any binding force. Next, law must be conducive to the welfare of the whole society ; for it is for this alone that authority, which makes laws, is instituted by God. The common weal of any society consists in the straight tendency to and the actual attainment of its end. To promote this a government is necessary, and was established for the state by the eternal law, but there is no other reason which requires it or proves its legitimacy. Whenever, therefore, magistrates, in issuing ordinances, attend to the private interests either of themselves or of some particular individuals, and not to the well-being of the whole state, they act in contravention to the purpose for which God has intrusted them with power, and pass the bounds both of their authority and of the eternal order. When, on the contrary, all their actions aim at the real well-being of all, they but put into actuality that order which ought to exist through their ministration. The public welfare has, for this reason, always been considered as the supreme law, imposed on the lawgivers themselves.

Another necessary attribute of human law is its conformity with the moral order. Nothing is plainer than this truth, now so often denied by modern theorists. Is not the moral order identical with the eternal law ? Must not, therefore, what agrees with the one be in harmony also with the other ? But as to the law enacted by man, it is essential that it be conformable to eternal law proclaimed by God, since the latter both establishes authority from which commands issue and contains the principles from which all whole-

some regulations are derived. Besides, the binding power of law is divine. Can we now conceive that God, either by Himself or through His ministers clothed with His power, has set down immoral acts as means to His ends, or obliges us to do anything adverse to His wisdom and holiness, or to the right order willed by Him with absolute necessity? Nothing, therefore, that is not moral can bind us as a law or bear in itself any force of obligation. To say the contrary would be derogatory to God's perfection and the majesty of the law.

Lastly, law must be just and equitable. Men being all equal as to nature, and all embracing society with the same object in view, all must contribute also to the attainment of the common end, and all are entitled to a share in the fruits gained by the united efforts in proportion to their labors and sacrifices. Whence, where all alike enjoy the benefits of society, there, likewise, all have to bear the common burden alike; and where some derive greater profit from the social operation, there they ought to take upon themselves a greater part of the social charges and expenses, whilst to those who work and suffer more for the common well-being, richer rewards are justly granted. By no means can authority, in distributing by laws the public burdens and benefits, swerve from this equity, which is founded in the nature of men. For the order that results from the very essence of created beings is with necessity willed by God and comprised in His eternal law. Were, therefore, the decrees of human authority contrary to equity and justice, they would be repugnant to the eternal principles of right and order, and could not fall within the power that God has conferred on governments.

It is self-evident that all these qualities are absolutely necessary to the human law; so that, lacking any one of them, they have no binding power at all, because they do not originate in authority divinely established, but in violence, and do not effect order, but are themselves a startling disorder. Herein we have but strictly followed the doctrine of St. Thomas: "Laws," says he, "if they

¹ S. Theol., i., ii., qu. 96, art. iv.: "Respondeo dicendum quod leges positæ humanis vel sunt justæ vel injustæ. Siquidem justæ sint, habent vim obligandi in foro conscientie a lege æterna, a qua derivantur, secundum illud (Proverbs viii., 15): 'Per me reges regnant, et legum conditores justa decernunt.' Dicuntur autem leges justæ et ex fine, quando scilicet ordinantur ad bonum commune; et ex auctore, quando scilicet lex lata non excedit potestatem ferentis; et ex forma, quando scilicet secundum æqualitatem proportionis imponuntur subditis onera in ordine ad bonum commune. . . Injustæ autem sunt leges dupliciter: uno modo per contrarietatem ad bonum humanum e contrario predictis; vel ex fine, sicut cum aliquis præsidens leges imponit onerosas subditis non pertinentes ad utilitatem communem, sed magis ad propriam cupiditatem vel gloriam; vel etiam ex auctore, sicut cum aliquis legem fert ultra sibi commissam potestatem; vel etiam ex forma, puta cum inequaliter onera multitudini dispensantur, etiamsi ordinentur ad bonum commune. Et hujusmodi magis sunt violentiæ quam

are just, have their force to bind us in conscience from the eternal law, from which they are derived, as the Proverbs (viii., 15) say: "By me kings reign and lawgivers decree just things." But laws are just from their end, if they aim at the common weal; from their author, if they do not exceed his power; from their form, if by them burdens are imposed on the subjects, in behalf of the common welfare, according to equity. Laws, on the contrary, are unjust for a twofold reason; first, because they are opposed to the well-being of man, either from their end, as is the case if a government lays onerous obligations on its subjects, not for the good of the common weal, but for the sake of self-interest or ambition; or from their author, as when any one makes a law without being invested with proper faculties; or from their form, as when the taxes are unequally divided among the multitude, although in other respects tending to the public good. Enactments of this kind are rather outrages than laws, since, as St. Augustine remarks (*De Lib. Arbitr.*, lib. i., qs. 5): "An unjust law does not appear to be a law." Such laws, therefore, are not binding in conscience, unless, perhaps, for the avoiding of scandal and trouble, a motive which ought to induce man to give up his right, as we read in St. Matthew (v., 41): "And whosoever shall force thee to go one mile, go with him other two; and if any one will go to law with thee and take away thy coat, let him have thy cloak also." Laws may, secondly, be unjust on account of their opposition to God; of which kind are the ordinances of tyrants enforcing idolatry or anything else contrary to Divine law. With respect to such laws, it is not allowable, under any circumstances, to obey them; for, as it is said in the Acts of the Apostles (v., 29): "We must obey God rather than man."

St. Thomas, then, says in plain terms that human laws have binding power only if they are just; and by justice he understands their conformity with the dictates of reason, that is, the natural and eternal law (see *S. Theol.*, i., ii., qu. 95, art. 2). But justice taken in this sense requires that laws be not repugnant either to the will of God, from whom their force ultimately comes, or to the well-being of man, on whom they are imposed, but that rather they fully agree with the right order by tending to our common welfare, by ema-

leges; quia, sicut S. Augustinus dicit (*De Lib. Arbitr.*, lib. i., qs. 5), sed esse non videtur, quæ justa non fuerit. Unde tales leges non obligant in foro conscientie, nisi forte propter vitandum scandalum vel turbationem; propter quod homo etiam juri suo debet cedere secundum illud (*Matth.* v., 41): 'Qui angariaverit te mille passus, vade cum eo alia duo; et qui abstulerit tibi tunicam, da ei et pallium.' Alio modo leges possunt esse injustæ per contrarietatem ad bonum divinum, sicut leges tyrannorum inducantes ad idolatriam, vel ad quodcunque aliud, quod sit contra legem divinam; et tales leges nullo modo licet observare, quia, sicut dicitur (*Acts* v.), obedire oportet Deo magis quam hominibus."

nating from real and not unduly extended authority, by keeping within the limits of equity.

To sum up, in one word, the qualities of a civil law—it must, being in accordance with the eternal law, be moral, equitable, conducive to the common weal, and keep within the power of him who enacted it; qualities, indeed, which heighten its dignity, majesty, and wholesomeness.

The questions concerning law being thus discussed, we may now treat of the other function of civil authority, the establishment of rights. Yet here, before entering upon a closer inquiry, we have first to clear up the notion and the origin of right, so sadly darkened by modern philosophy. Right may be taken as conformity to the supreme rule of our actions, to reason and truth. But we do not so consider it here. Thus understood, it evidently coincides with the whole moral order. We now speak of right as conformity to the rule of strict justice. Taken in this sense, it is commonly defined in law as a claim, or an irresistible faculty to hold, do, or exact something; for it is from the relations of strict justice that such claims result, as shall be seen from what we have to say below. Of what kind, then, is that faculty? Whence is it that it ought not to be resisted, and demands absolutely a certain effect to be produced? From the time of Kant we have often heard that right consisted in actual compulsion. It indeed implies the power of enforcing a claim; as to that all jurists and moralists agree. But that power is neither physical, nor must it necessarily be put into action, as no doubt would be the case were it identical with actual compulsion. For nobody is devoid of rights because he has no physical means at hand to enforce his claims, or because he does not make use of them when his life or property is attacked. Else the waylayer would violate no right when he robs travellers weaker than himself; or it would be no injustice to put to death decrepit men or helpless children. Who could subscribe to such a doctrine? Were it so, the greatest wrong would be at once full right, and the grossest injustice would become bright justice when committed with overwhelming strength. Right, therefore, is not a physical power, and exists before and independently of compulsion. It primarily binds our neighbor, without material force, so as to render his refusal to yield to us criminal, and, secondarily, that is, when not regarded, entitles us to compel him to compliance against his will, for the reason that if it could not be enforced, our life, our property, our reputation, and whatever is most necessary for a convenient existence and the practice of virtue, would be at any moment at the mercy of the wicked and unprincipled. But, if right is not a physical, it is a moral power; if without compulsion it is to be complied with and cannot be dis-

regarded without a crime, its irresistibleness consists in a moral necessity laid on our fellow-creatures. Hence the axiom, that to every right in one answers a duty in another.

Such being the nature of right, it is evident that its force is divine, and must ultimately be derived from the Deity. God has, in fact, established it already by the eternal law. More than one reason may convince us of this truth. By the order which God has, from eternity, put in rational creation, He has not only obliged us to tend by all our actions to Him as to our supreme good and last end, but has endowed us also with the means necessary for such a tendency; nor can He permit that this disposition of His, of quite indispensable necessity, should be frustrated by human wickedness. This being so, man will have it in his power to perform certain actions, to hold and make use of certain things of which he is in need, without being impeded or disturbed by others; yea, if obstacles should be raised, to put them down by coercion. But is this not right, as defined above? Again, by His eternal law, God has established the order required by the nature of created things. Now, men being all equal as to nature, equally destined to happiness, equally bound to defend themselves and to tend to God as their last end, does not the just proportion which ought to exist between them absolutely demand that each one's liberty is fully warranted, that each one's means of subsistence and activity are set beyond the reach of others' interference; that each one's loss or cession in behalf of his fellow-creatures is regarded as a title to an equivalent compensation? Hence inviolable claims arise for the unimpeded performance of certain actions, the exclusive possession and enjoyment of our own, to a recompense for what we have yielded for the sake of others. And not only was right established by the eternal, but manifested also by the natural law. For our mind conceives certain practical principles as universal and absolutely necessary laws, by which, on the ground of our equal nature, our mutual relations are settled according to strict justice. Not a mere dry knowledge is this; it, on the contrary, constitutes in us a keen sense of right, which is deeply hurt by any outrage or disturbance committed among men.

For that reason, however, the eternal law does not prevent civil authority from establishing rights, but rather empowers it to do so. For the principles of reason are, as we said above, universal, and hence, to regulate our whole life they must be applied to our particular circumstances by inferences, and ultimately determined by modifications added. As to our social relations, the individual will never arrive at all the necessary conclusions and determinations with surety, evidence, and uniformity; and, therefore, authority must, for the sake of order, mark out by its decisions and decrees

the way in which justice is to be maintained in society. Besides, right not only lays an obligation on our fellow-creatures, but if not heeded allows us also compulsion, yea, urgently demands that its general overthrow be precluded by all means. But again, as to obtain this effect single efforts are not sufficient, and as the use of force at every one's pleasure could not but produce universal disorder, it belongs to society under the guidance of authority to lend a protective arm to right, and to avenge and assist it when trampled on. It is thus clear that civil power is instituted by God to enact rights, and that those enacted by it are endowed with a superhuman character, a divine force.

Yet, just on account of its divine origin and superior nature, human right must have certain qualities to be valid and genuine. From what we have said so far, it will not be difficult to determine them with precision. First, it must be conformable to the principles laid down in the eternal law. For, as it is instituted to derive them from that source, yet it cannot prove itself to be empowered to draw them from some other source or to form them after another model. Besides, right is the order of strict justice. But the relations of justice arise from the equality of men as to nature. Human nature, therefore, must be the standard and the foundation of all enactments concerning right. Now, as nature is represented in our general notions, so its relations are first adumbrated in our universal principles, and then, through reasoning from the latter, fully expressed and, by determinations added, completely defined. All right, then, must be derived from the principles of reason, which, as we have said above, constitute the natural and re-echo the eternal law.

Right must, secondly, lie within the boundaries of morality. The eternal law is, as was repeatedly said, the law of the moral order. But right must be conformable to the eternal law and descend from it; it must, consequently, be conformable to the moral order also and be implied in it. Again, right is the order of justice. Yet is justice not a virtue worthy of praise and reward, is it not within morality, and is its opposite not a crime, a hideous vice? Lastly, can ever an obligation to what is evil and disorderly exist? But right imposes on our neighbors a strict duty, and it is in this obligatory power that its force consists. Never, therefore, can the action or the thing to which we are entitled by right be immoral; it may be abused by human wickedness, but in itself it cannot be repugnant to morality. This inference follows with full evidence from the notion we have of right. Still the separation of right and morals is nowadays very frequent. Not Kant alone with his followers adopted it and considered it as a great advance in political science. The historical school of the jurists, headed in Ger-

many by Stahl, lets our inward life be regulated by morality, our outward or social by right. Inasmuch as socialness and the sense of justice are implanted in our heart by nature, they grant that right has its last origin in God; yet as it is the order actually developed and existing in society, they maintain it to have no reality prior to the enactment and execution of laws, and to have no other immediate source, from which it flows as such and in its proper nature, than the authority of states' governments. A consequence is, that as the interior and exterior life of man are different, right and morality are separate and sometimes even clashing; in which opposition, however, the former, being absolute and independent, is by no means bound to yield to the latter. The fault of this theory lies evidently in the false notion of right; this is taken for outward compulsion or actual force nearly as in Kant's system; its primary constituent, its moral power binding as in conscience, is altogether overlooked. The last result of such tenets would be an unlimited tyranny of the state over all individuals and in all social relations, because whatever should thus be done or called into existence would be absolutely valid right.

The third quality of right is that it ought not to exceed the power of him who establishes it. Yet on this we have not to enlarge, its necessity being too evident to need proof.

Thus law and right have the same necessary qualities, since they descend from the same divine source, regard the same end, and are allied to one another in their working.

One conclusion thoroughly opposed to modern theories we have to draw from these simple and undeniable positions. The state's authority is, as we have seen, a source of law and right; but it is not the highest nor is it universal. It is not the highest, for it is itself established by the higher, eternal law, and has to derive from this whatever it ordains. That it is not universal is not less plain. The eternal law and its manifestation, the natural, have a much wider sphere than civil authority. This latter maintains harmony and justice only in our pursuit of temporal prosperity. But the entire order of the rational creation comprises a great many other respects, as man's submission unto God as his last end, either natural or supernatural, man's thoughts and actions in his interior and private life, man's relations to others as far as he is not associated with them, man's existence and condition in his family. All that is outside the compass of the state and taken care of by the Creator through other agents. Our submission to God is conducted by religion, particularly that which is supernaturally instituted; our private and family life by the dictates of reason and the tendencies of nature, now aided by revelation. Nay, these spheres are antecedent to the state, and must be adjusted previously to its exist-

ence. For, belief in God not having fixed roots in the heart, authority, the formal constituent of society, can have no hold on us. Likewise is the individual and the family prior to the material constituents of the commonwealth. For individual nature is not given to the citizens by the state, nor does it terminate in the state as in its last end; it springs into existence and has its native freedom primarily from God, and tends to God as its ultimate object. With existence each one has the inherent right of self-defence, the right to evolve his faculties and to display his activity, in order to pursue his end, and the right to gather for himself the means conducive to its attainment. And as all these rights, termed natural or primordial, are implied in our very being, and hence warranted by the Creator, so they are unmistakably made known to every one by the light of his own reason. The state is not even the natural means of which God makes use in giving us existence and bringing us to our most necessary development. For that task domestic society alone is fitted; hence nature inclines man first to the formation of the family, and organizes this by its own laws; to the formation of the state it impels us last, and only as far as our individual faculties and our family union are not sufficient to procure that degree of temporal prosperity which is proportionate to our destination. Civil authority, therefore, is not the source of law and right for the individuals as such, for domestic and religious society, nor is it allowed to interfere with their internal relations or to subject them to its control. It is but the natural duty of the state to protect the integrity, freedom and order which God as the author of nature or of supernatural institutions intends them to have, as far as for that purpose a public temporal support may be needed or is desirable.

But have we not lessened the majesty of the state's authority by thus limiting its power and divesting it of absoluteness? By no means; we have but confined it to the sphere which nature has allotted to it, and just when it keeps within these bounds, it appears before us in its highest grandeur and dignity. It is then a cause of universal prosperity, the defender of freedom, the support of peace and harmony; its actions are guided by reason, prudence, and justice, its decrees flow from the eternal principles founded on the nature of things, and its legislation extends and realizes the wonderful order which God with infinite wisdom has drawn up for the happiness of mankind. What a difference between laws enacted according to this idea and the absolute will of the sovereign monarch or people not subject to the rule of God, not actuated by the desire of the welfare of all, but by tumultuous or wily passions and narrow self-interest?

We have now by many and long researches traced back au-

thority to its superhuman origin, to the divine sovereignty itself, and have hence deduced the superior character and force of all its functions. Still we have not yet solved our problem. We have thus far spoken of authority merely as it is the power of reducing to unity by strict obligations the free will of the multitude. But we have made abstraction from the subject in which it is vested. It is time now to turn our attention to this side of the question. If we did not take it into consideration, we would not fully explain either the source from which power springs into existence or the causes and conditions which concur in giving it proper activity. A most important point is thus yet left for our discussion.

To arrive in this inquiry at a satisfactory result with due method and order, we have first to make some remarks on the qualifications of those to be invested with authority. They must have the capacity to make that use of power which answers its end and nature, just as the body to be informed by the soul must be fit to subserve the functions of the latter, and is not quickened before it is endowed accordingly. The lodging of authority in persons unfit for its exercise would be, indeed, a great absurdity. How, then, ought the proper subject of the principle of social life and unity to be qualified? Its intellect must be gifted with such wisdom as enables it to know the real end of society and to find out the appropriate means to attain that end under the given circumstances by the maintenance of justice, order, and harmony. Its will must be free from self-interest and partiality, noble enough to be bent only on the common welfare, and sufficiently energetic to succumb to no adversity or hostile opposition. In addition to this, it must have at its disposal, exterior power, to make itself respected, and, if necessary, to enforce subjection. At last, it must be one, if not physically, at least morally, that is, it must, if it is composed of many persons, be so organized as to result in one will and action, for as social unity proceeds from authority, this cannot be itself divided and torn asunder in those in whom it comes into existence. We have thus given the qualities of the subject of supreme power, not as it commonly exists, but as it ought to be. As man seldom reaches ideals, so rulers will not easily attain their highest standard. Such excellence is, as a rule, far above frail human nature. Still those who are to be set over others should as much as possible have these endowments, and if in essential points they fall short of them, so far as not to be able at all to have the care of the public welfare, they ought to be judged unfit for such a trust.

Next, in order to consider him who can vest authority, we have to ascend to its source; for is it not plain that he who creates power has also to intrust it? Were authority, then, as modern

thinkers tell us, a product of the will of men, whether taken collectively or individually, it would, no doubt, primarily rest in the people and be conferred on particular persons only by popular delegation. Hobbes excepted, all modern theorists in fact agree in proclaiming the sovereignty of the people, and in denouncing those who attribute this prerogative to the monarch or the government. But we cannot adopt this view. Civil power, we know, is an emanation of God's sovereignty, a communication of His authority; and He can therefore intrust it to whom, and in what manner, He likes. Besides Him nobody can claim an inherent right to have a part in this act of appointing rulers; for who may pretend to confer what does not belong to him, but originates entirely in the supreme Divine majesty?

Two ways may be conceived in which God can communicate authority. He may vest it either immediately by Himself, or mediately through the co-operation of man and the course of human events. He has, in reality, in the natural as well as supernatural order, sometimes directly pointed out the persons who were to govern. Thus in the Old Testament He instituted monarchy among His chosen people, and bestowed royalty on Saul, and David and his descendants, making known His will through the prophets. In the New Testament Christ also has immediately established the ecclesiastical government by conferring His mission and His power forever on the body of the Apostles, headed by St. Peter, though as to the designation of their successors men have to concur by their free co-operation. In the natural order God Himself has appointed the head of the conjugal and domestic society, as He qualified the man, and not the woman, for governing. But as to the state, He has not determined who should exercise sway over it. He has made civil society a natural want of ours, and has by creation implanted in us an inclination to form it. Yet that is all that He has done directly. What is hence to be inferred? Indeed, that there must be civil power, since without it society cannot exist; but who is to wield it, we cannot in the least gather from nature itself. From its consideration we cannot know whether power ought to be in the hands of one or many, of these or of those individuals, for all forms of government, the monarchical, the aristocratical, and democratical, may be conducive to the public welfare, and numerous are those who are fit for its exercise. Nor can it be maintained that in society founded by creation rulers will be appointed by supernatural intervention, for natural societies will be preserved and provided for by the course of nature.

In this regard James I. of England put forth an unheard-of error. He thought kings were placed on their thrones by God without any co-operation on the part of men, as once Saul and

David had been called to reign. His intention was thus to raise the civil over the ecclesiastical power. But Bellarmine and Suarez entered the lists against the royal theologian, and proved the contrary to be the truth ever held in Christendom. Their teaching was applauded by all Catholics, and James's opinion was soon rejected as extravagant, even by Protestants.

Now, if neither nature nor divine intervention has marked out the holders of power, must not human events appoint them? What other way is still left? However, as to the manner in which this effect may be obtained, some further explanations are needed. First, it is not necessary that it result from popular elections. Sometimes the course of events itself, without any consent or contract on the side of the citizens, sets up a leader of the state, giving him such evident claims to the government that nobody can reasonably question their validity. Does this not happen nearly as often as the members of the state, before or at its formation, are already, on some other account, dependent on a person of weight and influence, because they hold either land from him in tenure, or are under his patriarchal authority, or owe him their safety, or other signal advantages? In such cases all are bound by gratitude and reverence to acknowledge him as their political head; nor could, besides him, anybody have the exterior power necessary for a ruler. History bears witness to many a fact of that kind. Still, we grant that, in many other instances, the course of human events has not established a government. If this be the case, it is evident that God has committed its appointment to the choice of men. Then they may set up for it, as they deem it good, one or several persons; they may moreover bind those who obtain power by a fundamental contract, and may, as they like, settle the succession, and require for certain laws, or the levy of taxes, the consent of the people or some classes. So, during the Middle Ages, frequently monarchs were enthroned and republican constitutions drawn up. All such transactions have to be regarded as good and valid, since therein men were left free by the Creator, and are under no other obligation than that of adopting such a government, and of choosing such magistrates as will be most fit to promote the common weal.

What is, however, the precise effect which men produce by their co-operation in the appointment of governments? This question presented itself already to former ages, and in solving it there is a slight difference even between Catholic writers. Some think that the first and immediate subject in which authority is vested is the multitude, yet that this, being unfit for its proper exercise, is bound by natural law to transfer it permanently to certain persons appointed for government. The co-operation of

men would, consequently, in this opinion, consist in the transfer of power to chosen holders. Others, on the contrary, say that civil society is but allowed to point out the subject which is to be intrusted with governmental power. Accordingly the co-operation of the people would consist in the designation of proper persons, whilst the conferring of authority would be exclusively the work of God. The difference between the two views has very nicely been stated by Balmes. "In the opinion of some," he writes, "God says: 'Society, for thy preservation and well-being, thou requirest a government; choose, therefore, under what form this government shall be exercised, and appoint the persons who are to take charge of it; I, on my part, will confer on them the faculties necessary for the fulfilment of their mission.' In the opinion of others God says: 'Society, for thy preservation and well-being, thou requirest a government; I confer upon thee the faculties necessary for the fulfilment of this object; choose thyself the form under which this government shall be exercised, and appoint the persons who are to take charge of it, transmit to them the faculties which I have communicated to thee.'"¹ The opinion that lets the people transmit their authority to the appointed magistrates, was adopted by Bellarmine and Suarez in their writings against King James; the other, permitting the people only to choose the persons whom God himself will clothe with authority, is embraced by several excellent authors of our day; as for instance, Cardinal Hergenröther, Fathers Taparelli and Liberatore. A practical difference between the one and the other is scarcely perceptible; the point in controversy is chiefly theoretical. Still it will not be without interest to weigh their respective intrinsic values.

At first sight, the one followed by Catholic authors of the day might seem to be in contradiction with Christian antiquity, because Bellarmine and Suarez aim to set forth no new doctrine, but to teach what had always and everywhere been believed in Christendom. This assertion is, in reality, true as far as the real point at issue is concerned in their controversy with King James; that is, the appointment of civil government, not by the immediate intervention of God, but with the co-operation of men; yet, it is to be denied that it holds also as to the manner in which they thought the people should concur in the setting up of authorities. As to this, it would be rather difficult to show a settled universal opinion among the ancient theologians. There are, on the other hand, very good intrinsic reasons, which strongly support the recent theory, and seem to prove the inadequacy of the old. One or the other we shall advance.

When the citizens, in the opinion of Bellarmine and Suarez,

¹ European Civilization, chap. li.

transmit their authority to the chosen magistrates, they do not act individually, but as a whole, or a body politic; they are then already a subject invested with power by the Author of nature, and as such perform a common action, which has the quality of a law or contract, binding forever both the government and the governed. This is expressly agreed to by the authors mentioned, and is one of the points by which they essentially differ from the advocates of the social contract. But therein a contradiction seems to be implied. For the multitude, as such, is either a fit subject for the exercise of authority, or it is not. If it is not a fit subject, authority is not vested in it; since forms do not take existence in an unfit substratum, nor is it compatible with God's wisdom to delegate power to persons unable to wield it. If, on the contrary, the multitude is fit for the exercise of authority, why is it not allowed to retain it, but is bound by a natural law to transmit it to magistrates permanently and irrevocably? Why should he, who, as a fit holder, possesses authority by a natural right, by the same law of nature be obliged to renounce it, and be forbidden to make use of it as he thinks proper? The dilemma is not easily to be solved. What part of the alternative do the illustrious writers choose? They are altogether for the unfitness of the multitude, for it is on this account that they think it bound to transmit its authority on appointed magistrates. But do they not contradict themselves, when they thus declare the people at the same time to be fit to receive authority as its primordial subject, and to be unfit to possess and exercise it as its proper holder? Do they not thus deny the principle appealed to in all their theological and philosophical discussions, and adhered to by themselves in this very question, that for the recognition of a form a subject well predisposed is necessary?

But, perhaps, it may be said that the people, though not fitted permanently to retain and to exercise power, are, nevertheless, able, at least temporarily, to receive and to transact it? May not thus any contradiction be avoided? We answer that they who are unable to exercise power, must simply be considered as unfit to hold it; and hence it is improper to say that authority is immediately conferred on them, and not on such as are for its use completely fitted. This will become more evident, when we search into the reason why the people are thought to be unfit for government. Their unfitness lies undoubtedly in the lack of unity. The very notions of multitude and unity imply contradiction. Everybody is aware that out of the many few are chosen, because it is else impossible to form such a ruling body as will, by the oneness and harmony of its organism, prove one energetic government. But unity is a quite essential qualification of the subject of supreme power. Hence we cannot well conceive that the multitude is pri-

marily and originally intrusted with authority, and deem it more proper to say that the people, by choosing governors or adjusting political constitutions, only set up the well-fitted and united subject, to which God himself directly communicates the formal constituent of society, governmental power. Let it not be said that, by democracy, the multitude really possesses supreme sway. For even in a republic the right of suffrage is not granted to all alike, but to those only who are thought to be able to make use of it in behalf of the public welfare; and not the multitude in any condition whatever, but the multitude reduced to a certain organization is the holder of sovereign power. A people not organized at all, a mere crowd of individuals, of whatever qualities, all with equal rights and powers, would not be a democratical state, but an anarchical confusion.

Another reason against the theory in question is, as Cardinal Hergenröther remarks,¹ that it does not cover all the ways in which states are constituted. It at most holds good when the forms of government are adopted and rulers appointed by the choice of the people. But, as we have shown above, this is by no means the only proximate origin of magistrates. Governments spring into existence also without any consent or contract on the part of the multitude by the course of human events. And this not only happened frequently, but, moreover, resulted in a quite convenient development of civil society. As the soul, the substantial form of man, is communicated to a body not fully developed, but still contained in its natural germ; and as it is then united with the body, it brings forth a perfect organism; so it is in the formation of political unions quite proper that first authority, the formal principle, be imparted to a subject prepared by social nature in the course of its evolution, and then the entire frame of society is built up. Yea, this way of forming a state is, in many regards, more natural than the opposite; for the production of the complete political organization is the most difficult work, and it is evident that it is effected rather under the influence and direction of authority, the formal constituent, than by the shapeless multitude. Certainly, in the foundation of the Church, Christ has chosen this way; He did not call the multitude of the faithful to beget the ecclesiastical government, but instituted the ecclesiastical authority to gather and unite the multitude of the faithful.

For good reasons, therefore, is it maintained that not the people but the government is the primordial holder of supreme power, and that consequently, also, when magistrates are chosen, men only designate those who are to rule, yet God confers on the rulers designated authority, as an emanation of His own sovereignty. It

¹ Katholische Kirche und Christlicher Staat, XIV., 8. Neue abgekürzte Ausgabe.

will not be unseasonable here to call the attention of the reader to the very words which the Sovereign Pontiff, Leo XIII., uses in explaining what part the people may take in the appointment of governments, since they seem quite to confirm the recent theory just expounded and defended. "It is," says he, "of importance to notice that they who are set over the state may, in certain cases, be chosen by the will and decision of the people, without any opposition or repugnance to Catholic doctrine. By this choice, however, the ruler is designated, but the rights of government are not conferred, and power is not given, but it is determined by whom it is to be wielded."

Even on this designation of the persons to be invested with power, the multitude acts as a secondary, and by no means as the principal cause. We must here, also, rise above that which is visible to a higher, divine principle, which directs human activity. The traces which lead us to it are quite apparent. Men associate, not merely by their free will, but chiefly by the tendency of nature. Yet society cannot exist without authority, and authority not without a determinate subject in which it is vested. Nature, therefore, will tend also to the determination of such a subject. Does it not do so when it produces men, however equal as to their essence, altogether unequal as to their individual qualities and circumstances, one dependent on the other, in his very existence or in the most vital points, one with higher, the other with lower endowments, when, granting freedom to all, it lets our acquirements and our actions differ nearly as widely as its own limits? Does it not by this inequality and mutual dependence of men sometimes so distinctly point out those who are to wield power, that there is no more room for free choice? And though it does not always go so far, it never leaves the appointment of a government simply to our freaks; it will always incline us to choose, among unequal men, those as rulers who are fittest to take charge of the public good, and it will give us no rest unless all obey its command. Now, is not God the author of nature and its inborn tendencies? Is it not, therefore, He who chiefly directs the setting up of authorities? Besides, civil society falls in a particular manner under the care of Divine Providence, since by it man is furnished with several means altogether necessary for the attainment of his destination. But what is to society more essential than authority, and more important than the vesting of authority in a fit holder? And is, moreover, as God is the first and immediate source of authority, the appointment of the persons who are to exercise it not also chiefly His work, so much so that nobody can perform that act unless ordered or commissioned by Him? There is hence no doubt that the designation of rulers is a particular object of

His care, and that when men, in whatever manner, co-operate in it, they act, notwithstanding their freedom, under His universal and supreme superintendence.

From this consideration the conclusion is drawn that the legitimate rulers are designated to hold their power, also, by God himself, not as though, according to King James's theory, men were not called in to concur in this appointment, but because the human agency is therein instrumental in the hands of God. In this sense governments are said by many Catholic writers to have been put in power, not by merely human but by divine right, since they receive authority directly from on high, and are destined to possess it by divine dispensation. Not all ancient authors have adopted this way of speaking. Still this at least was once a custom universal in Christendom, approved of by jurists as well as theologians, that those lawfully intrusted with supreme civil power were called rulers *by the grace of God*. That title embodied a great Christian idea, implanted again in the mind by Christian religion; it expressed the conviction of the sacred character of magistrates, of their appointment, not by the mere will of men, but chiefly by Divine Providence. It would, however, be wrong to think this appellation to be due only to kings and emperors, though they in particular were honored with it, for republics may be brought into being by the course of human events, the exigency of circumstances, and the consent of men, just as rightfully as monarchies, and hence republican no less than monarchical governments exist by the will and grace of God.

With this conclusion we have reached the end of our discussion; we have traced back civil authority to God as its true source; we have proved that, taken abstractly, it flows from His Divine Sovereignty, and considered concretely, obtains existence in determinate holders by the care of His supreme Providence. Proceeding from the simplest and plainest principles, we have thus developed the theory which Christian philosophers ever maintained, the Church of God inculcated in all ages, and Divine Revelation undoubtedly contains. For the doctrine of the divine origin of power is, in all its main features, found not only in the ecclesiastical documents, in the writings of the Fathers, the briefs and bulls of the Roman Pontiffs, but also in Holy Writ.¹ But we have explained also a system which is for many an abomination, because decried in the non-Catholic world as a destruction of freedom and a support of tyranny. We therefore, before concluding, have yet

¹ As to the divine origin of power, taken abstractly, see Proverbs viii., 15; Wisdom 6, 3; Romans xiii., 1; I. St. Peter ii., 13. As to the designation of the holders of power by Divine Providence, see Ecclesiasticus x., 4, 8, 17; xvii., 14; Job xxxiv., 30.

to show what bearing the theory expounded has on public life. This once being understood, all the objections raised against it and of late again circulated by the press will easily prove misconceptions or malicious inventions.

What, then, are its effects? What advantages has it for the rulers and for the subjects? It is plain at first sight that the holders of authority delegated by God are surrounded with the highest splendor and majesty possible. They stand before the people as ministers of God, invested, not with human, but with divine power, and issue orders and enact laws, not in their own name, but by authorization from on high. Their character is above that of governors set up by the will of men in proportion as God is higher than His creatures, and His wisdom and power is greater than that of all the nations of the earth. Still there is in this nothing of that deification of princes which we meet in heathen antiquity. The rulers remain mortal men, subject to human frailty; only the authority with which they are clothed is Divine, and this they have not of themselves, but of God; it is but for a time lent to them, as the light of the sun is thrown upon the moon. Authority of a Divine character, furthermore, enables governments to exercise control over the subjects with great energy and efficacy. For it works primarily, not on their bodies, though it allows coercion if necessary, but on their consciences; it binds their free wills with a tie that no passion, no egotistic tendency, however vehement, can shake off, and lays them under an obligation which, being valid in the sight of God, cannot be infringed without the heaviest of all penalties,—the loss of happiness. Thus it is sufficient to subject us to order, not only before the eyes of others, but also in secret; not only when we are weak and devoid of the means of resistance, but also when we have the physical power to defy its commands with impunity. What is merely human sovereignty, which, being but the power of compulsion, maintains a certain external order through the material force wielded by the stronger, if compared with this Divinely established rule, which, being moral and Divine, governs the will by the inviolable law of morality and justice?

Steadfastness and firmness is another important advantage which power derives from its Divine origin. Stability, we said in the previous article, is of indispensable necessity for the efficacy and success of a government, and we charged the modern systems with deficiency on the score that they rendered governmental power liable to endless changes. Yet never is the administration of public affairs set so far above the fluctuations of human mutability as when it is grounded on Divine right. No will of the predominant party, not even the people, is then powerful enough

to lessen or abolish the essential prerogatives of the rulers; for they were established by the eternal law of God. No political agitations, no freaks of the populace, no machinations of the ambitious will easily transfer power from one individual to another, from this to that body of holders; for its vesting must, according to the intention of the Supreme Sovereign, be regulated by laws according to the dictates of reason, and the possession of it once lawfully obtained, depending less on the will of man than on Divine Providence, has become an inviolable right. Every attempt, therefore, to outrage the persons of the rulers, or to deprive them of their power, or to plot against their administration, will be criminal; and the more will such acts be universally detested and abhorred, the deeper the conviction of the Divine origin of authority has been rooted.

Is not, however, this majesty, efficacy, and stability of power a temptation to abuse for its possessors? There is no reason for such misgivings. Conscious of having received their authority in trust, not for their own advantage, but for the public good, the rulers must know the people to be committed to their care, and not to their arbitrariness. If they nevertheless misuse their eminent position for their private interest or the gratification of their passions, it cannot escape them that they are guilty of an enormous crime, certain to be punished by the Supreme Judge in heaven. Oppressors cannot but hear in their conscience the threat uttered against them in the Book of Wisdom (vi., 4): "Power is given you by the Lord, and strength by the Most High, who will examine your works, and search out your thoughts: because, being ministers of this kingdom, you have not judged rightly, nor kept the law of justice, nor walked according to the will of God. Horribly and speedily will he appear to you, for a most severe judgment shall be for them that bear rule. For to him that is little, mercy is granted; but the mighty shall be mightily tormented." This fear of the Supreme Lord and Omniscient Judge will be more powerful with governors than that of the sovereign people, which may be deceived and kept down by the force of arms. The nation itself, when clothed with sovereignty, is restrained from tyranny by the responsibility under which it is to God no less than kings; for it, too, is bound by the Divine law, and has power, not of itself, but from the Creator. The theory expounded, therefore, does not prop the absoluteness of Oriental monarchs, or serve the lusts of princes, or yield to the fickleness of the dominant multitude; it combines strength with justice, the constant care for our well-being with sway.

Of no less importance are the advantages which from these views result for the people. As the Divine character of power

raises and upholds the governors, and yet deters them from misrule and despotism, so it most efficaciously induces the governed to obedience, and nevertheless protects their rights and liberty. The thought that authority is ordained of God, and that those who are invested with it are His ministers, forcibly commands submission, because it brings to our cognizance a Divine obligation to comply with the laws and orders issued. Yet at the same time it gives sweetness to obedience, because it shows what is enjoined on us to be the will and disposition of Him who, with infinite wisdom and bounty, intends but our happiness. In those circumstances in particular in which allegiance requires greater sacrifices on our part, at the time of public dangers and calamities, authority that is known to come from God and to be possessed rightfully will in general be obeyed, not with fear alone and reverence, but also with reliance, if not on the persons of the rulers, at least in God's Providence. A nation imbued with such ideas will, upon the whole, be law-abiding and quiet, and even under the most burdensome duties, when all legal means of redress are exhausted, not resort to violence, but recur to God, who has in His hands the hearts of kings and establishes governments as He pleases. Nowhere will less compulsion be necessary to enforce the laws, nowhere will peace, tranquillity, and order be productive of greater prosperity than where the power of the government is derived from the Source of all good.

Nor are, for this reason, the people stripped of their dignity and rights, or delivered up to the tyranny of princes. We might mention that obedience itself is highly dignified, if yielded not to human, but to Divine power. But now let us rather consider the nature of Divine authority, to see how little it tends to the oppression or degradation of the subjects. True, according to the opinion we defended, it abides in the organs fitted for its exercise, and not in the multitude. Yet for that it has not become for this reason a heavy burden. It exists in society as the power of seeing is in man, though directly seated in the eyes, and as the head is in the body, though distinct from all other members; it exists on account of society, because the latter cannot be at all without the former, and hence from the institution of the one by Nature the existence of the other necessarily follows; it exists for society, because its only end and purpose is the public welfare. Modern politicians boast of having made a great discovery in behalf of liberty when they proclaimed the principle that the government is for the people and not the people for the government. The axiom was no novelty; it is in no theory of power so necessarily implied as in the Catholic, and has, indeed, at all times been inculcated by Catholic writers. St. Thomas, the angelic doctor of the Middle

Ages, reminds the princes of it in very grave terms. "The kingdom," says he, "is not made for the king, but the king for the kingdom; for God has constituted kings to rule and govern, and to secure to every one the possession of his rights; such is the aim of their institution; but if kings, turning things to their own profit, should act otherwise, they are no longer kings, but tyrants."¹ Nay, in the opinion of ancient as well as modern theologians, it is so essential to authority to benefit and protect the people that laws enacted by it evidently in opposition to equity and to the common weal, are null and void, and can lay no claim to obedience.

Moreover, the theory of the Divine origin of authority affords all possible means to prevent oppression. It lays no hindrance to the clothing of power in several persons, or to the election of the magistrates by the people. It excludes no real improvement invented for a good and just administration; it admits of all forms of government, of the republican no less than the monarchical. What is of still greater importance and still better secures our liberty, are the limits it fixes to authority. According to it the state's sovereignty is not boundless and absolute, but altogether subject to a higher rule, the eternal and natural law, in conformity with which it must always act. There are prior to it other rights and duties in private life, in domestic and religious society, which it must protect, but cannot change or abolish. It is itself, in the great order of the rational creation, but a limited and subordinate sphere ordained only for the purpose of promoting temporal prosperity. Now this limitation not only sets us, in many regards, beyond the reach of the civil government, but also removes from it unbounded, all-absorbing absolutism, the chief cause of tyranny. When, therefore, modern philosophers and politicians denounce the Catholic theory as a support of oppressors, they entangle themselves in an evident self-contradiction. They assert that authority, to be safe from misuse, must be intrusted to many holders, who watch and counterbalance one another. Yet, at the same time, whilst on that account they extol modern institutions as bulwarks of freedom, and warn us against Catholic despotism, they concentrate in the civil sovereign all possible power, and give him control over all things, over policy, commerce, science, religion, without granting us the possibility of appealing to a higher authority. How is this consistent? Do they not accumulate while we divide power? Do they not render it altogether unlimited, whereas we carefully limit it and make it dependent on a higher rule? Where, therefore, is there danger of tyranny?

Let us refer the decision of this question to history. What

¹ *De Regimine Principum*, lib. iii., p. 11.

maxims were acted upon whenever a government turned out tyrannical? The rulers dared to outrage, by their policy, justice and morality, render religion subservient to political interests, encroach on the rights and the liberty of families and individuals. Of the subjects, too, many partook of their iniquity out of selfishness, betrayed the Church to the state, and cowardly gave up their primordial natural rights; for a sound and moral nation can by no dynasty, however bold and mighty, be for a long time degraded into slavery. It was, hence, the obliteration of the principles of the Catholic theory in both princes and subjects that made oppression possible; it was unbounded sway, usurped by the one and ceded by the other, that fostered and consolidated tyranny.

Another fact, if reflected on without prejudice, must strike every thoughtful mind and convince it of the truth we assert. The Catholic Church has always upheld the Divine origin of civil power, yet the distinction of this power from domestic and from unjust authority. Has she, therefore, been the friend of tyrants? She was the very one that put the greatest hindrance to their oppressive measures. When nobody ventured to resist the mighty who trampled on the individual and on the laws of justice, she, conscious of being intrusted with supernatural power, power independent of the state, rose fearlessly to rebuke the oppressor and to defend the oppressed, though frequently herself fettered, insulted, wounded. Not seldom, from her struggles with the haughty kings and emperors, the rays of liberty burst forth on whole nations. For instance, we may go back to the times of William Rufus and St. Anselm of Canterbury, of Henry II. and St. Thomas à Becket, of the Emperor Henry IV. and St. Gregory VII., of Frederick Barbarossa and Pope Alexander III., of Napoleon I. and Pius VII. Conversely, tyrants and governments wielded absolute power, always hostile to the Church; they all endeavored to render her subject to their laws or to destroy her. Either the one or the other was thought to be a necessary condition of their absolute rule. In fact, absolutism and oppression, even in matters of conscience, never grew ranker than after the time of the Reformation, when the spiritual power had been swallowed up by the temporal, when the state had been declared to be absolutely supreme, the source of all right, the all-ruling centre of human life. Liberty, then, we infer from all this, is on the side of the divinely established, well-limited power, and not on that of the absolute, all-powerful, atheistical state.

By these few remarks we think we have shown to evidence the great and wholesome consequences of the Catholic theory of civil power. It wonderfully combines power with liberty, obedience with personal dignity; it fits out the government to put order by its laws in the state, and at the same time ennobles the subjects and

protects their rights; it establishes irresistible sway over us, yet defines and balances it so that it is bound to maintain justice and to produce prosperity. It is for such excellence that a splendor of Divine wisdom shines forth from this scheme. Who could not see in this organization of society a Divine plan, a lustre of reason and a profusion of the bounty of God, as in the marvellous harmony of the universe we cannot but acknowledge a reflection of the divine intellect? For an order comprising so many things, so admirably reconciling freedom with necessity, so equal and just in all its relations, so firm as to its foundation, so effective and beneficent in its operations, cannot be the invention of a human mind.

THE PHILOSOPHY OF INTROSPECTION.

THE history of the past of mankind is the history of those radical changes in its life which are wrought by the march of time on one hand, and by the progress of civilization on the other. Of these changes, political, social and religious, the human race leaves an imprint behind in the art, science and literature of each period, and in nearly every domain of knowledge belonging to that period. New modes of thought obtain currency, new habits are acquired, inventions and discoveries are made, facilitating their diffusion; and all this very forcibly impresses upon observant minds the fact that life, after all, is but a continuous change, applied either to the individual or to society at large. In this way progress and civilization have become identified in the popular mind with the idea that they are simply synonyms of the term "change." We are born into this world, we live a little while in it, we die and pass away from it. The child is born and becomes an infant, the infant grows into manhood or womanhood, reaches a point of culmination, declines perhaps into old age, and then life ends. This is the brief history which tells the fate of all mortals; and what else is it but a record of continuous transformation? Change, ever-recurring change, appears, therefore, as the most marked characteristic of life; as a fact undisputed, because indisputable.

The theory of "change" applies, indeed, to life in all its phases, but there runs through life at the same time an undercurrent of an entirely different character. Between the narrow limits drawn by