

# The Papacy and Civil Power – Chapter II. The Pope and Civil Affairs



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The Pope and Civil Affairs.—Preparations to Make him Infallible.—The Bishop's Oath.—National Council of Baltimore.—Their Theory of Government.—Defense of the Ancient Rights of the Papacy.—Arraignment of Protestantism as Infidelity, and a Failure.—Popular and Monarchical Government.—Protestant Toleration Necessary to Popular Government.

IT has come to be an axiom among all the advocates of free government, that **“error ceases to be dangerous when reason is left free to combat it.”** But those who support the cause of imperialism maintain the opposite of this that the public mind and conscience are enlightened only in proportion as they are submissive to some superior governing power, sufficiently strong to hold them in obedience.

The contest between these opposing theories is one between intelligence and ignorance. In the one case, society is recognized as being entitled to govern itself by laws of its own enacting founded upon its own will. In the other, this right is entirely denied, and it is regarded as being fitted only for that condition of inferiority which shall reduce it to an unconsciousness of its degradation. The civil institutions of the United States are constructed upon the former of these theories. Wheresoever civil institutions have existed in obedience to the dictation of the papacy, they have been constructed upon the latter. Protestantism, with all its elevating tendencies, is the legitimate offspring of the one. Decrepitude, decay, and disruption have been the natural fruits of the other. These considerations must be kept in mind, in examining the claims now set up in behalf of the papacy, in order that we may have a clear view of what we are required to surrender, and understand the character of the millennial feast to which we are invited.

## **EFFORT AT PAPAL OMNIPOTENCE**

When Pope Pius IX., in 1867, convened all “the prelates of the Catholic world” in Rome, to witness the ceremony of canonizing saints to which their presence was not at all necessary – and assigned as one of the reasons for the convocation “the extreme peril which threatens *civil*, and, above all, sacred things,” thoughtful men – as well Roman Catholic laymen as Protestants – wondered why so much expense should be incurred, and so much labor

performed, for an object which could, of itself, confer no good upon Christianity or the Church. And when these same Roman Catholic laymen had their attention then called many of them for the first time to the now celebrated Encyclical and Syllabus of the pope, and saw their tendency to arrest the progress of the nations, and turn them back toward the Middle Ages, many of the most intelligent of them did not hesitate to express their surprise. Some of them put one construction, and some another, upon the language of the pope, while yet others, better informed of the motives of papal action, attempted, by imperfect translations and false construction, to give it a meaning wholly at variance with what is now conceded, on all hands, to have been his design. But when the late Vatican Council enacted the decree which made papal infallibility, for the first time, a dogma of religious faith, and threatened with anathema all who should refuse to recognize the pope as incapable of all error in matters of faith and morals, all further disguise was thrown aside, and the world was awakened to the fact that these measures were but the inauguration of a deliberately concerted effort to make the papacy a power so absorbing and omnipotent that all nations and peoples should be held by it in abject, passive, and humiliating subjugation.

It would be an unjust reflection upon the acknowledged intelligence and sagacity of the papal hierarchy in the United States to suppose that they did not understand, from the beginning, the end the pope had in view, and the object he desired to accomplish. Their relations to him, and their dependence upon him for their official positions and dignity, require that there shall be no concealment between them. The kind of obedience they pay him renders it necessary that they shall furnish him with the most undoubted assurance that they are always ready to execute whatsoever lie shall command, in the domain of faith and morals, without stopping to inquire what human laws or institutions are in the way, except so far as it may be necessary to contrive some method to evade or over-leap them. All this is required by the official oath taken by each of them. By it they create an allegiance to the pope considered higher and more binding than any earthly obligation. It obliges them to be "faithful and obedient" to him; to "defend and keep the Roman papacy and the *royalties* of St Peter;" to do whatsoever they can to "increase" the papal "privileges and authority," and to "persecute and oppose" all "heretics, schismatics, and rebels" who shall stand in the way of making "the rules of the holy fathers, the apostolic decrees, ordinances, or disposals, reservations, provisions, and mandates," the foundation upon which all human institutions shall rest.

These American prelates took the earliest occasion, after the appearance of the Syllabus, to show, not only that they fully comprehended its meaning, but that the pope's reliance upon their fidelity to him was not misplaced. In this extraordinary document it is asserted, with dogmatic brevity and terseness, that it does not appertain "to the civil power to define what are the rights and limits within which *the Church* may exercise authority;" that its authority must be decided upon by itself, that is, by the pope, and exercised "*without the permission and assent of the civil government;*" and that, "in the case of conflicting laws between the two powers," the laws of *the Church* must prevail over those of *the State*.

Here, every thing is plain nothing equivocal. The subordination of the State to the Church, and the substitution of the papal hierarchy for the people in enacting and enforcing such laws as the pope may think necessary for the Church, are distinctly and emphatically asserted. There is no room for misconstruction of the language. And it must be observed that the pope is speaking alone of civil "rights and limits," and the authority which "the Church may exercise" in reference to them; that is, over that class of *temporalities* holding the Church to be, in these respects, above the State, and having the right, as its superior, to command and enforce obedience. It requires but a moderate share of intelligence to see that the principle here asserted is in direct antagonism to the theory of American government, and that, if established, it would violate one of the cherished provisions of the Constitution of the United States and of the Constitution of every State in the Union. The American hierarchy understand this perfectly well. Whosoever else may shelter themselves behind the plea of ignorance, they can not. And yet this knowledge imposed no restraint whatever upon them, in the expression of their submissiveness and obedience to the pope. They considered themselves as owing their first and highest allegiance to him, as the representative of "the *royalties* of St. Peter," and did not hesitate to avow it: of all this, they have themselves furnished the most satisfactory evidence.

## **THE SECOND NATIONAL COUNCIL.**

The second National Council of the Roman Catholic Hierarchy of the United States met at Baltimore in October, 1866 nearly two years after the Encyclical and Syllabus were issued. It was composed of seven archbishops and forty bishops, besides a number of the superiors of religious orders, and was presided over by Archbishop Spalding, of Baltimore, as "apostolic delegate" representing the pope, and thus giving to the assembly as much weight and influence within its jurisdiction as if the pope had been personally present. In theory it represented the great body of the Roman Catholic laity in the United States; practically, it took no note of them or of their opinions. It was assembled for a special work to respond to the Encyclical and Syllabus; and it did it, to the "great comfort and consolation" of the pope. It would have been unnatural for him to have felt otherwise at thus seeing the ranks of the papal army closing up, and at knowing how well he had succeeded in inaugurating a conflict between the imperial dogmas of the papacy and the fundamental principles of American government.

## **CONFLICT WITH CIVIL INSTITUTIONS.**

In the pastoral letter issued by this Council, the relation of the Roman Catholic Church to the government and laws of this country is discussed. There is a tone of ecclesiastical authority and command employed by its authors which tends to show an impression existing in their minds that they were addressing an auditory not accustomed to question their authority or controvert their propositions. Hence, they proceed, without indirection, to lay it down as an axiom in the science of all government, not to be disputed, that the civil power is never absolute or independent. Inasmuch as "all power is of God," there must exist some delegated authority upon earth, which, representing God, must constitute the tribunal of last resort. Upon this

tribunal alone all absolute power is conferred, no matter what the form of government. If it be a monarchy, the king must be held in subjection to it; and if a democracy, the people must be taught that it is above them. With this as the beginning point of their theory, substantially expressed, though not in these words, they declare that obedience to the *civil* power of government "is not a submission to force which may not be resisted, nor merely the compliance with a condition for peace and security; but a religious duty founded on obedience to God, by whose authority the civil magistrate exercises his power." This power of the civil magistrate, being subordinate and delegated power, they insist, "must always be exercised according to God's law." And, therefore, "in prescribing any thing contrary to that law, *the civil power transcends its authority, and has no claim on the obedience of the citizen*" because it "never can be lawful to disobey God;" or, as a necessary and logical result, those to whom, as custodians of his power on earth, he has delegated the divine right to govern. Founding their theory of government upon this idea, they proceed to show how differently the principle operates in "the Catholic system" and in the Protestant system. In the latter, according to them, "the individual is the ultimate judge of what the law of God commands or forbids;" while in the former, "the Catholic has a guide in the Church, as a divine institution, which enables him to discriminate between what the law of God forbids or allows;" so that when the Church shall instruct him that any particular law of the State is contrary to God's law, he is thereby forbidden to pay obedience to it.

According to the Protestant system, in their opinion, the State is exposed to disorder and anarchy, because the authority by which it is governed has no warrant for its character as divine. The reverse they insist to be the case in the "Catholic system;" and, therefore, because it has this divine authority in the Church and not in itself, "the State is bound to recognize" the Roman Catholic Church as the sole depository of the delegated power to "decide what laws shall be obeyed and what disobeyed; for the obvious reason that the world, in order to obey God, must recognize that Church that is, the pope and his hierarchy "as *supreme* in its sphere of morals, no less than dogmatic teaching."

It requires no pause for reflection to see how directly a "Catholic system" of government, thus constructed, would conflict with the existing civil institutions of the United States. Nor do we need a prophet to tell us that the establishment of such a system here would be followed by their immediate destruction. To permit a church any church to decide upon the validity or invalidity of our laws after their enactment, or to dictate, beforehand, what laws should or should not be passed, would be to deprive the people of all the authority they have retained in their own hands, and to make such church the governing power, instead of them. Yet, understanding this perfectly well, and, evidently, contemplating the time when they might possibly be able to bring about this condition of affairs, these papal representatives directly assail a principle which has been universal in all our State governments, from their foundation; that which regulates by law the holding of real estate by churches and other corporations, and requires them to conform, in this temporal matter, to the statute-laws of the States. To this there could be no

reasonable or just objection, had they invoked the rightful power to change, alter, amend, or even to abrogate the obnoxious laws, for this would have been only the exercise of the admitted right of free discussion, secured as well to them as others. But they, manifestly, had no such idea in view, inasmuch as, according to them, that method of procedure belongs to the Protestant and not the "Catholic system" of government.

To exclude the impression that they design to look to any other authority than that of the papacy for the relief they seek, they take especial pains to say that they "are not as yet permitted legally to make the arrangements for the security of church property which are *in accordance with the canons and discipline of the Catholic Church!*" that is, that the canons and discipline of their Church, issued from the Vatican at Rome, by the pope and Roman curia, are not permitted to override and nullify the laws of the States! The plain import of this is, that all the laws of the States concerning the rights of the Roman Catholic Church, and regulating the manner in which it shall hold and enjoy property, have "no claim on the obedience" of the Roman Catholic citizen, because they are not "in accordance with the canons and discipline of the Catholic Church" and the papal decrees. Such a system of government, put into practical operation, would amount to this, that conformity to the "canons and discipline" of that Church would be the test of all laws, and none would be binding except those pronounced obligatory by the pope. The "divine right" of the pope to govern the people, through his hierarchy, would be fully recognized, and the right of self-government would be at an end.

The right of holding real estate and accumulating large wealth, after the manner of the Roman Catholic Church and monastic orders of Europe, the American hierarchy regard as of so much importance to the success of their ecclesiastical organization, that this Baltimore Council declared that to withhold it is to deprive their Church "of a necessary means of promoting the end for which she has been established." They declare that "she can not accept" the principles upon which the American laws are based "without departing from her practice from the beginning," because "they are the expression of a distrust of ecclesiastical power." And, to leave no doubt whatever about their meaning, they insist that the States have no more right to impose on their Church "a system of holding her temporalities, which is alien to her principles," than they have to "prescribe to her the doctrines she is to teach;" and they solemnly enter their "formal protest" against all such legislation, notwithstanding the laws they protest against in all the States, and embody a principle deliberately considered and approved by the American people.

## **PAPAL AUTHORITY PREFERRED**

It is incompatible, they say, "*with the full measure of ecclesiastical or religious liberty*" to deprive them of the right of holding whatsoever amount of real or other property they may acquire in the United States, by purchase, devise, or gift, and of *governing it by laws of the pope's* or their own enacting, independently of the laws of the States, to which all Protestant churches and people pay cheerful obedience; thus showing that they would have

each archbishop within his episcopate, and each bishop within his diocese, and each priest within his parish, a temporal prince, with the scepter of royalty in his hands, although he might not wear its crown upon his head.

One would expect to see, in a document of this kind, a statement of some serious grievance against which relief was sought, something that would at least excuse, if not justify, the attempt to introduce into our government a foreign element of authority above the people. But the only "practical results" complained of are, first, the taxation of their church property; and, second, an attempt made by the State of Missouri, after the end of the rebellion, "to make the exercise of the ecclesiastical ministry depend on a condition laid down by the *civil power*;" that is, by requiring them to conform to the laws of the State, in furnishing evidence of their loyalty to the Government. From the nature of these complaints, it would seem that they were only employed as a pretext, merely affording them an opportunity of making known to the pope how cheerfully they responded to the doctrines of his Encyclical and Syllabus, and with what confidence he might rely upon them in doing their share of the work necessary to arrest the progress and advancement upon which this country had entered.

Mr. Jefferson, in his opinion upon the constitutionality of the first bank of the United States, considered the principle of the English statutes of "mortmain" as among "the most ancient and fundamental laws of the several States." But these statutes have not been adopted generally, in all their rigor, in this country. The States are content to limit ecclesiastical and other corporations in the amount of their estates, and to subject them, in the ownership and enjoyment of property, to their general laws.

The intentions of men are frequently made known far more satisfactorily by their surroundings, the contemporaneous events with which they are identified, the parties to which they are attached, and their connection with other individuals, than by the language they use. By reference to these we are furnished with a rule of interpretation which does not often mislead, although it is not altogether infallible. Therefore, when it is considered that these prelates who assembled at Baltimore recognize, to the fullest possible extent, their obligation of obedience to the pope; and when it is remembered that the pope had, but a little while before, announced his views of the relations which should exist between the Roman Catholic Church and civil governments, the conclusion is unavoidable that they desire the adoption, in this country, of their theory of government, based upon their ideas of the "Catholic system." To assign to them any other motive, after the distinct and emphatic avowals they have made, would be an impeachment of their integrity and sincerity; which is not designed. It is supposed that they occupy ground cautiously and deliberately selected by them, and are fully prepared to take all the consequences which attach to their position. There is, at all events, no misunderstanding what they desire to accomplish. Nor should there be any misconception of the immense power they wield over multitudes of men in this country, in moving them backward or forward, to the right or left, as the pope shall direct.

(Chapter not yet finished.)

**Note from James:**

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